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# Report to the London Borough of Camden

**by Martin Elliott BSc FIPROW**

an Inspector appointed by the London Borough of Camden

Date: 16 May 2018

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

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## Abbreviations

|       |  |
|-------|--|
| ANPR  | Automatic number plate recognition                     |
| ATC   | Automatic traffic count                                |
| AQ    | Air Quality  |
| AQMA  | Air Quality Management Area                            |
| AW    | Andrew Webber  |
| BCAAC | Bloomsbury Conservation Area Advisory Committee        |
| BRAG  | Bloomsbury Residents' Action Group                     |
| CCC   | Camden Cycling Campaign                                |
| CLoS  | Cycling Level of Service                               |
| DC    | David Carter   |
| Defra | Department for the Environment, Food and Rural Affairs |
| DfT   | Department for Transport                               |
| DL    | David Laxen  |
| EIA   | Equality Impact Assessment                             |
| ETO   | Experimental Traffic Regulation Order                  |
| GLA   | Greater London Authority                               |
| GMRA  | Gordon Mansions Residents' Association                 |
| HGV   | Heavy Goods Vehicle                                    |
| HS2   | High Speed 2   |
| ILHL  | Imperial London Hotels Limited                         |
| JS    | Jason Strelitz   |
| LBC   | London Borough of Camden                               |
| LCDS  | London Cycling Design Standards                        |
| LLS   | London Living Streets                                  |
| LM    | Louise McBride   |
| LTDA  | Licensed Taxi Drivers Association                      |
| mph   | Miles per hour   |
| MTS   | Mayor's Transport Strategy                             |
| NPPF  | National Planning Policy Framework                     |
| PCL   | Pedestrian Comfort Level                               |
| PHE   | Public Health England                                  |
| PHV   | Private Hire Vehicle                                   |

|          |   |
|----------|---|
| PID      | Post inquiry document   |
| PIA      | Personal injury accident  |
| PoE      | Proof of Evidence   |
| PSED     | Public Sector Equality Duty   |
| RMT      | National Union of Rail, Maritime and Transport Workers, Taxi Branch     |
| RSRA/CRS | 54 Russell Square Residents Association/Commissioners of Russell Square |
| SoC      | Statement of case   |
| SS       | Simi Shah   |
| T-Charge | Emissions Surcharge   |
| TD       | Anthony Dichev  |
| TfL      | Transport for London  |
| UCLH     | University College London Hospitals                                     |
| UCL      | University College London   |
| ULEZ     | Ultra-Low Emissions Zone  |
| WEP      | West End Project  |

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

- The Order is proposed to be made under powers conferred by section 6 of the Road Traffic Regulation Act 1984 (the 1984 Act).
- The Order, if made, would remove westbound motor traffic from Torrington Place to Tavistock Place with a one way westbound cycle track on the south side of the corridor and a one way eastbound cycle track on the north side of the corridor.

**Summary of Recommendation: It is recommended that the Order is not made and that the Order is modified to provide for the movement of westbound vehicular traffic only.**

**1. Preliminary Matters**

- 1.1 I opened a public local inquiry in the Council Chamber at Camden Town Hall on 10 October 2017. The inquiry sat for thirteen days.
- 1.2 I carried out an unaccompanied site inspection of the route subject to the Order and surrounding area on the afternoon/evening of 9 October 2017. I carried out further unaccompanied site inspections on the evening of 11 October, when I specifically observed the environs of Tavistock Hotel including Woburn Place and Bedford Way in the context of access to the hotel by taxi. I carried out further site visits during the morning and lunchtime period of 25 October when I again observed the corridor and surrounding area and, in the evening, I observed the layout of the stepped tracks on Pancras Road and Royal College Street. I carried out a further site inspection on the afternoon of 30 October when I followed the itinerary provided by Tony Tugnutt on behalf of the Bloomsbury Conservation Area Advisory Committee (BCAAC) (24/2A/8)<sup>1</sup>. I did not carry out a further site inspection following the close of the inquiry as there were no further issues which required me to do so. None of the parties requested that I carried out a further site inspection.
- 1.3 At the inquiry the Council confirmed that all statutory requirements had been complied with. No representations were made to the effect that the Council had not complied with the statutory requirements in respect of the proposed Order. Bloomsbury Residents' Action Group (BRAG) state (ID4 18/2, PoE 2) that the Council failed to post a public notice in respect of the Experimental Traffic Regulation Order (ETO). This is not relevant to my consideration of the proposed Order.
- 1.4 This report contains the gist of the submissions made by the parties, my conclusions and recommendation. My report takes account of the evidence as given, together with points brought out through cross examination. The various statements of case and proofs of evidence are listed at the end of this report. However, the Council may wish to note that these may have been added to or otherwise amended at the inquiry. A bundle of Core Documents (CD 1-7) was submitted to the inquiry and during the inquiry a number of additional documents were handed in, these are also listed at the end of this report.
- 1.5 Towards the end of the Inquiry a statement of common ground between the Council and Imperial London Hotels Ltd (ILHL) was submitted (ID11). The statement was supported by the Camden Cycling Campaign (CCC). I

<sup>1</sup> Documents handed into and after the inquiry and core documents are identified at pages 92 to 99 of this report

have had regard to its content in considering the evidence and making my recommendation.

- 1.6 PoE 5 (ID4 18/2) submitted by BRAG refers to a request to the Council, and subsequent formal appeal to the Council and the Information Commissioner, for the data-set obtained through the consultation process carried out by the Council in respect of the trial scheme. Mr Smith advised that the Information Commissioner had upheld the decision of the Council not to provide the data. I consider the consultation exercise at paragraphs 8.3.1 to 8.3.7 below. However, although the data-set was not provided to BRAG there is nothing to suggest that BRAG have been prejudiced in making a case against the Order.
- 1.7 At the inquiry Ray Alleeson for the National Union of Rail, Maritime and Transport Workers, Taxi Branch (RMT) introduced new evidence. The Council responded to this new evidence by way of a response document (LBC4 A-C). The RMT were unable to respond to the Council's response document at the inquiry and Ray Alleeson indicated in post-inquiry correspondence that he wished to make further observations in respect of the response. The RMT subsequently made further representations in respect of casualties on Great Russell Street. This and the response of the Council were circulated to the parties and a number of responses were received. In making my recommendation I have had regard to the additional submissions.
- 1.8 Friends of Tavistock Square question why further submissions could be made following the close of the inquiry. However as noted above the RMT were unable to respond during the inquiry to the response of the Council. Without the opportunity to respond the RMT may have been prejudiced.

## **2. Representations and objections**

- 2.1 Following the notice of the proposal to make the Order nine responses were received by the Council. Six of the responses indicated that they object to the Order (Bedford Estates, Friends of Tavistock Square, Taxis and Private Hire (Transport for London) (TfL), BRAG, ILHL and one individual (Michael Gwinne), a further respondent indicated support for the Order (CCC), one expressed views both in support and against the Order (University College London Hospitals (UCLH) Property and Transport Management) and one expressed a view in appearing at any public inquiry but expressed no view in respect of the Order (Bloomsbury Association). A further three organisations (Licenced Taxi Drivers Association (LTDA), RMT, Tamar House RTM Company Ltd), and one individual (representing Guilford Court residents) objected to the Order and requested to appear at the inquiry but not in response to the notice of the proposed Order.
- 2.2 Evidence, both in support and in opposition to the Order was given to the inquiry with the relevant parties being identified in the Appearances at the end of this report.

## **3. The Order and Background information**

- 3.1 The Camden (Torrington Place to Tavistock Place) (Prescribed Routes, Waiting and Loading Restrictions and Loading Places) Traffic Order [2017] restricts motor vehicle movements along the Torrington Place/Tavistock Place corridor between Tottenham Court Road and the junction of Judd Street and Hunter Street. The corridor covers Torrington Place, Byng Place, the south-eastern arms of Gordon Square and Tavistock Square and Tavistock Place. Between Tottenham Court Road and Gower Street motor vehicles will only be able to proceed in a westerly direction and from Gower

Street to the Judd Street and Hunter Street junction only in an easterly direction. The Order also suspends and modifies the provision of existing Orders in respect of waiting and loading. Exemptions provide for vehicles being used for ambulance, fire brigade or police purposes to travel in the opposite direction to that identified above in an emergency situation.

- 3.2 In November 2015 the Council made an Experimental Traffic Regulation Order (ETO) in the same terms as the proposed permanent Order. Prior to November 2015 the layout of the corridor consisted of footways on the north and south sides of the carriageway, a segregated bidirectional cycle track adjacent to the northern footway and two lanes for two way general traffic. From November 2015 the ETO provided for a trial where west bound motor vehicular traffic was removed between Judd Street/Hunter Street and Gower Street and eastbound between Gower Street and Tottenham Court Road. The Council will be aware that the ETO continues the provision of westbound traffic only between Gower Street and Tottenham Court Road. Space was provided for cyclists to travel westbound on the south side of the corridor and the existing bi-directional cycle track on the north side of the corridor was converted to a one-way eastbound track.
- 3.3 The ETO has been extended by the Secretary of State for Transport until 30 April 2018 (ID9) having previously been extended to 1 November 2017.
- 3.4 The corridor is located within the Bloomsbury area of Camden, an area made up of residential properties, places of employment, local shops and tourist attractions. Torrington Place is the heart of one of the UK's largest hospital and university campuses with over 8,000 members of staff and an estimated 50,000 to 60,000 students based at UCLH and the University of London.
- 3.5 At the western end of the corridor the scheme interfaces with the eastern boundary of the West End Project (WEP). The WEP is a committed scheme replacing the existing one way system of Tottenham Court Road and Gower Street with two-way streets. Tottenham Court Road will operate as a bus only restriction between 8am and 7pm and protected cycle tracks will be placed on Gower Street. The WEP incorporates new and improved public spaces. Construction of the WEP is planned to commence in January 2018.
- 3.6 The scheme is also located close to the proposed Brunswick Square Project. This project is largely a public realm improvement scheme which will incorporate additional footway space and a new cycle track. A decision is yet to be made on whether the scheme will proceed.

#### **4. Case for London Borough of Camden**

##### ***Scheme need***

- 4.1 The previous layout did not provide sufficient capacity for the numbers of cyclists because the bidirectional track was narrower than the recommended minimum width. The layout did not provide a safe and attractive environment for the large number of pedestrians with areas where the footway is narrow and not comfortable for the numbers of pedestrians. Collision records before the trial indicate that some pedestrian/cyclist collisions were the result of pedestrians stepping out into the cycle track. The route suffered a poor collision record in respect of collisions between motor vehicle and both cyclists and pedestrians.
- 4.2 The ETO was introduced to address safety concerns and to improve provision for cyclists. Further, initial modelling of the WEP showed through

traffic displacing onto the corridor. The ETO was brought forward to reduce the impact on local residents.

### ***Policy Framework***

- 4.3 The Council identifies policies relevant to the implementation of the Order namely National policy, Mayoral plans and policies (regional/London wide) and Camden's approved plans and strategies (PoE LM Section 2). The statutory and policy context will need to be taken into account in making any decision and will guide the ultimate decision. There was little if any suggestion that the policy objectives had been mischaracterised and were essentially treated as given.
- 4.4 The message from Government is that we should seek to normalise walking and cycling as an integral part of the network. The Government aim is to make them natural choices for shorter journeys (and as part of longer journeys).
- 4.5 The Council notes, in the statutory and policy context, that ILHL emphasise the provisions of the Road Traffic Management Act 2004. Section 16 of the Act indicates that the duty under the Act is a qualified duty and the manner of exercising that duty is demonstrably wide. Nowhere does the Act command that priority must be given to motor traffic. The qualified duty under section 122 of the 1984 Act requires that a balance be struck. ILHL suggest that the public health benefits of walking and cycling are nothing to the point in the context of the 1984 Act. The Council disagrees, public health benefits of active travel lends support to the importance which should be attributed to active travel modes in that overall balance. It is relevant as to whether or not it is expedient to further the objectives for which the Order is made.
- 4.6 Mayoral and Local policies are generally to the same effect. The overall message is one of reducing dependency on motor vehicles and a clear emphasis on making active modes for travel more attractive to everyone.

### ***Consultation***

- 4.7 It is not obvious as to how the various complaints in respect of consultation assist in guiding any recommendation. Nevertheless the Council carried out extensive public consultation that went beyond the statutory requirements. Responses were informed by the trial which had been implemented. The Consultation Report is annexed to the Cabinet Report (CD6/2/C).
- 4.8 It is suggested that the consultation was not adequately publicised because some addresses did not receive leaflets. The steps taken to publicise and engage people are set out in pages 4-7 of the consultation report (CD6/2/C).
- 4.9 It is further complained that the questionnaire only asked for direct responses on the trial and pre-trial layout. Given that the ETO had an expiry date, and that to let the ETO lapse would mean reverting to the pre-trial layout, any focus had to be on the trial/pre-trial layout. However, respondents were asked to comment, which included identifying and giving views on alternatives which they did. It should be noted that out of over 15,000 respondents only 21 favoured a reversal of the trial to westbound only. 54 favoured two-way motor traffic with two single direction cycle lanes. The voices of ILHL, LTDA and BRAG seeking these alternatives are disproportionately loud in relation to those, including residents, who responded to the consultation and gave their views.



- 4.10 It is suggested that the consultation materials did not spell out negative aspects of the proposal. The objective was to set out the information in a clear way and furthermore this was consultation on an existing trial which people had experienced for several seasons. This could properly be expected to have formed a view as to whether they considered any negative impacts to arise.
- 4.11 Additionally a complaint is made that the consultation did not cover local needs for deliveries and collections, hospital access and journeys. Those providing delivery services were expressly identified and the majority were in favour of retaining the trial. The concerns expressed were set out in the report at Appendix C (CD6/2/C). Hospital patient concerns were also taken into account and concerted efforts were made to raise a response from the Ambulance and Fire Services even after formal consultation ended.
- 4.12 Lastly it is suggested that the Council took into account the views of people who were not resident in the immediate postcode area or resident in the Borough. Cyclists passing through may properly be expected to have a relevant view and such views should be accorded weight. Those who suggest that those passing through should be disqualified are asking the views of legitimate highway users to be ignored.
- 4.13 Inconsistent with this complaint is the view (aired principally by BRAG and LTDA) that those travelling to the specialist hospitals in the area should be accorded weight, the Council do not disagree. However, those respondents may well not be resident in the immediate area or Borough. LTDA also suggest that weight should be given to the views of those arriving at mainline stations, Heathrow or London City Airports and those with hotel and theatre bookings. A long way from all of them will be local residents. LTDA also suggest that the views of cyclists should be discounted because they can be expected to support the scheme. Yet LTDA does not apply that exclusion to the views of taxi drivers who might be expected to oppose the scheme. This inconsistency in approach has to be noticed to show that the Council's analysis was appropriate, consistent and fair.
- 4.14 As to the relevant postcodes it is noteworthy that out of those closest to the trial the sole postcode recording more resident responses against the trial than in favour produced the smallest number of respondents. This suggests that BRAG's position is less than representative of those in the postcode.

#### ***Impact on general motor traffic***

- 4.15 The volume of motorised traffic has reduced as a result of the trial layout by the removal of some 60% of the two-way flow. Through traffic is unable to use the corridor to gain access from Tottenham Court Road to Hunter Street and vice versa; the layout restricts access between these roads but does make the journey less direct. The layout has inevitably changed some traffic patterns and removing traffic from the corridor appears to have displaced traffic to Endsleigh Gardens. Some of the traffic has been reassigned to Euston Road and Gray's Inn Road.
- 4.16 There is conflicting anecdotal evidence in respect of congestion and journey times. The results of consultation carried out for the LTDA (ID4 14/2 RM11) showed mixed perceptions. With the natural volatility of road traffic in central London and the confounding effects of local road works and the like it is not possible to say that the trial has caused any unacceptable congestion. This is a busy and frequently congested urban area and the LTDA points to material which indicates that general congestion has been on the increase since 2015. As BRAG have outlined

there is no clear pattern of congestion but they still blame the trial. The BRAG video showing congestion on Judd Street revealed the 'men at work' road sign which might offer a clue as to the reasons for the conditions.

- 4.17 As regards journey times some routes will inevitably be longer or take longer. However, there is no clear pattern which is to show that it has been caused by the trial or that it is any way different from that which might be expected in central London. An analysis of journeys using the Google Maps App (ID6 section 2) indicates that extended journey times blamed on the trial probably had some other cause. The exercise caused Diana Scarrott to question times given in UCLH correspondence (ID4 18/2 PoE 8). Her timed runs took considerably less time and she postulated that the times provided by UCLH might have included preparation time.

### ***Impact on pedestrians***

- 4.18 The effects on walking are much as the ETO was designed to achieve (PoE LM p18 *et seq* and POE SS p31). The reduction in traffic flow and the separation of the cycle lane has made the pedestrian environment and amenity more attractive. The scheme has increased pedestrian comfort and further improvements can be made to Pedestrian Comfort Levels if made permanent. There is scope to increase footway widths and/or to relocate street furniture and the scheme allows flexibility to reallocate carriageway space to footways whilst maintaining the recommended width for the cycle lanes. There is also scope for footway improvements between and at junctions. This will improve the safety at junctions by reducing vehicular speeds and the crossing distance. Pedestrian countdown timers on traffic signals could also improve the pedestrian environment.
- 4.19 Collision data indicates that both serious and slight pedestrian casualties have reduced. The Council notes BRAG's alternative approach to accident figures (ID4 18/2 PoE 5) but advises that the usual approach is to review 3 (or 5) years as beyond that it is difficult to be confident that other factors are not skewing the data. The indications are nevertheless favourable and the environment is conducive to a reduced risk of collisions. If the trial were abandoned then it would be expected that the corridor would be less safe and less pleasant to walk.

### ***Impact on cycling***

- 4.20 The pre-trial layout was insufficient to cope with high flows of cyclists along the corridor. Draft collision data suggests an increase in accidents involving cyclists but severity has reduced. Given the increase in widths it appears that speed may sometimes have been a contributory factor; there is scope for further safety improvements at junctions such as raised entry treatments to reduce speeds. The removal of the bidirectional track has removed cyclist conflict and provisional data suggests that these collisions have reduced to zero. The Cycling Level of Service (CLoS) has more than doubled with greatest benefits being safety and comfort. Of the 15,000+ responses to the consultation some 25% voluntarily added a comment to the effect that the corridor felt safer and more pleasant to cycle and walk.

### ***Impact on public health***

- 4.21 The scheme is in line with the Camden Transport Strategy to promote modal shift towards active modes of travel through the improved environment for pedestrians and cyclists. Benefits to public health include improving air quality through reduction in car use with direct impact on health, promoting walking and cycling. These are associated with a range of benefits for physical and mental health, creating safer street

environments and contributing to meeting carbon emissions targets and the long term benefits of tackling climate change.

- 4.22 Even small increases in physical activity amongst those who are least active can bring health benefits and the health benefits of active travel have been consistently shown to outweigh the disbenefits of exposure to air pollution even where the air quality is poor. A safe environment for walkers and cyclists (and the perception of a safe environment) is important if modal shift is successfully encouraged.

### ***Air Quality***

- 4.23 It is not suggested that the trial/Order will solve all air quality issues in the area and Andrew Webber puts the relatively small contribution which the Order would make into context. It is common ground that air quality along the corridor will be bound to have improved. There has been a significant improvement of air quality along the corridor. Further improvements in air quality can be expected both within and outside the corridor as a result of National and Mayoral interventions such as the T-Charge and Ultra-Low Emission Zone (ULEZ), improvements to engine emissions and the forthcoming regime for newly registered taxis. The trial/Order is simply one of a number of initiatives which are collectively expected to contribute to reducing pollution. The redistribution of motor traffic can be expected to redistribute emissions but for the above reasons are expected to fall. It is accepted that there will be those who live along streets where traffic has been reassigned who will be affected, but improvements offered by active travel infrastructure for all abilities needs to be weighed as an important factor.

- 4.24 The reduction in pollution levels on the corridor and likely decrease in traffic arising from the scheme can be considered to meet objectives in the Council's Clean Air Action Plan.

- 4.25 In respect of the potential effects in Endsleigh Gardens the traffic model indicates that the net increase in motor traffic is not great but the model indicates a projected net increase with the 'reverse trial'. This alternative can be expected to concentrate additional trips back into the area on fewer roads.

### ***Modelling***

- 4.26 Systra has asked the model to gauge the effects of a decision to abandon the Trial. The modelling is recognised as being fit for purpose. Given the WEP is a commitment, the 'no trial' world will not be the same as the 'pre-trial' world and the models reflect that. John Russell was critical of that approach claiming that the modelling work should have showed the likely effects of instituting the trial compared with the pre-trial network (both with WEP). That is not resisted but the test is assessing what would happen if the ETO were to lapse. The prime comparator should be the point from which the assessor is starting which is with the trial in place. That is the decision to be made by the Cabinet. Systra has modelled a variety of permutations. For those wishing to assess the pre-trial (+WEP) against post-trial (+WEP) all that is required is to 'reverse' the colours and substituting increase/decrease with decrease/increase.

### ***Equalities impact***

- 4.27 The Council's duties under the Equality Act 2010 (the 2010 Act) are the public sector equality duty (PSED) under section 149 of the Act and the substantive duty not to discriminate when exercising a public function under section 29(6). The decision maker should also bear in mind the

United Nations Conventions on the Rights of Persons with disabilities identified in the Equalities Impact Assessment (EIA) (CD6/2/E, pages 5 and 6); these conventions are illuminated in considering the actual and potential benefits of the scheme.

- 4.28 The PSED under section 149 of the 2010 Act is a matter to which 'due regard' must be had. There will be cases where an authority makes a rational finding that, even having considered mitigation measures, adverse or negative impacts are potentially considerable but will nevertheless comply with its PSED. However, the PSED imposes no duty on the Council to avoid a proposal that has an overall negative impact. An example of the Court's approach to the PSED in the context of experimental orders is found in *Hamnett v Essex County Council [2014] 1 WLR 2562*.
- 4.29 BRAG and LTDA (and others) fall into error when they assert that because negative impacts are identified in the EIA, and the list of negative impacts is longer than the list of positive impacts, the proposal breaches the PSED. This ignores the Council's careful analysis of the impacts, the resulting identification of mitigation measures and the consequent attribution of weight. The EIA concluded that the positive impacts of the proposal outweighed the negative impacts. Even if it had not the Council would have had due regard to the needs defined in section 149. The PSED is a continuing duty and evidence to the inquiry indicate additional mitigation and the Council will continue to have due regard. ILHL is not exercising a public function for the purpose of section 149.
- 4.30 In respect of section 29(6) of the 2010 Act the Council in exercising its road traffic regulation functions is exercising a public function that is not a provision of a service. The Council must therefore not do anything that constitutes discrimination. Further, by section 29(7)(b), a duty to make reasonable adjustments in relation to disabled people, applies to the Council in exercising this public function.
- 4.31 Section 25(2) defines disability discrimination which falls within sections 13, 15, 19 and 21(2) of the 2010 Act. Section 25(1) defines age discrimination as discrimination within section 13 because of age and discrimination within section 19 where the protected characteristic is age.
- 4.32 It is not suggested that the Council in implementing the trial or taking the proposed Order forward has treated disabled or elderly persons less favourably than others. The objectors argue that it is the effects of the trial on the disabled and elderly that give rise to negative impacts. Sections 13 and 15 do not engage. Section 19 does not arise unless the Council puts, or would put, 'persons with whom B shares the characteristic' at a particular disadvantage when 'compared with' 'persons with whom B does not share it'. A group consisting of those disabled persons needing wheelchair or swivel seat access who are black cab users as opposed to disabled users of other cabs who do not need nearside access is not a group of persons sharing the protected characteristic of disability as compared with persons who are not disabled; section 19 could not apply to that group or members of it. That disposes LTDA and ILHL's case, which concerns black cabs only, in this particular regard. Section 19 does not arise for consideration if the trial or proposed order is a proportionate means of achieving a legitimate aim. The balance of benefits and disbenefits comes into play to which it is necessary to form a view of what is proportionate. The proposed order is a proportionate means of achieving the legitimate aims the scheme is designed to meet.
- 4.33 Section 21(2) provides that a person discriminates against a disabled person if they fail to comply with the first, second and third requirement

set out in section 20 as amended. For discrimination to potentially arise the trial/Order must affect disabled persons generally in comparison with persons who are not disabled. As with section 19 a sub group of disabled persons does not engage the duty. Any relevant effect must be a 'substantial disadvantage' in that it must amount to an 'unreasonably adverse experience when subjected to the detriment'. The Order, including the proposed mitigation set out in the EIA and in the evidence to the inquiry does not give rise to an 'unreasonably adverse' experience. Even if 'unreasonably' adverse the duty is then to take 'such steps as it is reasonable to have to take' to avoid the disadvantage or to 'adopt a reasonable alternative method of exercising the function'. Steps already taken as well as mitigation measures all comprise alternatives that are 'reasonable alternative methods' of exercising the Council's road traffic regulation functions.

- 4.34 As regards the duties of ILHL the owner and operator of the Tavistock Hotel providing services is subject to its own duties under sections 29(1) read with section 31(2)(6) and (7), 29(2) and 29(7)(b) of the 2010 Act (a duty not to discriminate). In relation to disabled persons to make reasonable adjustments in accordance with sections 21 and 20 as read with Schedule 2 paragraph 2. ILHL can be expected to comply with its own duties including reasonable steps to assist disabled visitors into and out of the Hotel and facilitating access to Hotel services.
- 4.35 Taxi drivers are service providers and have the same duties as ILHL and specific duties under section 165 (1)(4) and (5) of the 2010 Act. LTDA sought to emphasise that this statutory provision did not require a taxi driver to help a wheelchair using passenger into or out of a building. However, the evidence from Richard Massett described taxi drivers assisting such passengers into the building.
- 4.36 In conclusion the Council has had due regard to its PSED and has satisfied that procedural duty. As far as whether any persons are affected by the Order, focus is needed on person(s) with a protected characteristic as distinct from persons not having that characteristic. The Order with the proposed improvements and mitigation is a proportionate means of achieving the aims of the Council, including proportionate and reasonable access along the corridor. Even if the Order, with improvements and mitigation, involved a disabled person suffering an identifiable detriment in the exercise of the Council's traffic functions the Order would not cause 'disabled persons generally' to suffer any 'unreasonable adverse' experience so that no 'substantial detriment' would arise. Steps the Council is taking amount to a reasonable alternative method of exercising its traffic functions. On the evidence the Order is consistent with its duties and the Council has continuing duties when considering any recommendation.
- 4.37 The EIA showed positive and negative outcomes for a number of protected groups. Proposals for mitigation include incorporating some suggestions made in public consultation. The EIA notes feedback suggesting that the pre-trial narrow track excluded users with nonstandard cycles and less confident cyclists. The track was too narrow for trikes and hand cycles. The trial layout can encourage more cycling by people from protected groups, those with larger cycles and less confident cyclists. The Council notes feedback on the scheme and will continue to work on resolving the issues raised, including at the design stage, if the scheme is made permanent.

4.38 The EIA concluded that the positive impacts of the scheme on those with protected characteristics outweighed the negative impacts on those groups.

### **Alternatives**

- 4.39 Throughout the design process different design options have been considered. Assessment of the options resulted in the preferred option, the trial scheme.
- 4.40 BRAG have put forward an alternative of two-way traffic and with flow cycle lanes. This option would enhance motor vehicle access along the corridor but the alternative would not meet desirable minimum standards for footway, cycle lane and carriageway widths. The one-way cycle lanes would be narrower and next to two lanes of traffic with the margins between cyclists and vehicles being tight. This not only affects the ambience but also the risks of side-swipe collisions and injury. It would also reinstate the severance effect of two-way motor traffic and remove the prospect of making footway improvements. In respect of motor traffic movements, whilst a reduction of flows in Endsleigh Street and Gardens would be expected there would be reciprocal movements and trips would be attracted back from Gray's Inn Road and Euston Road.
- 4.41 LTDA preferred choice is to revert to the pre-trial conditions driven by the needs of protected groups and to secure access through the area to and from Euston Station. Reintroduction of two-way traffic would negate the benefits of one-way traffic and bring trips back to connecting roads.
- 4.42 LTDA's offers a partial two-way scheme as a fall back from its preferred choice to revert to pre-trial conditions. The partial scheme proposed would retain the benefits of the Order at each side of the central section of the corridor but would leave the central section as poorly affected as the BRAG alternative and leave a marked inconsistency along the corridor.
- 4.43 The main focus of the LTDA is on disabled and wheelchair users in particular. Richard Massett sought to persuade the inquiry that embarking or disembarking a wheelchair user from a black cab would take 7 minutes. He revealed that the 7 minutes started from the moment the black cab was hailed in the street. However, the video illustrating the process indicated that the operation would add perhaps 2 ½ minutes at a leisurely pace. It is suggested that the evidence of Richard Massett should be treated with considerable caution.
- 4.44 It has been suggested by ILHL that the one-way vehicular traffic should be reversed to a westbound direction only. It is common ground that this could deliver similar benefits to pedestrians and cyclists but there would be more traffic on the corridor. Modelling shows that the effect would also be to divert trips from Gray's Inn Road and Euston Road to the corridor and more trips eastbound through alternative routes such as Russell Square and Bernard Street. There would be increases in traffic along Byng Place and Torrington Place on the westbound approach to the Gower Street junction and the model indicates a net overall increase on Endsleigh Street/Gardens with the 'as is' (+WEP).
- 4.45 Although the reversal of the trial would enable taxis to face the most convenient way to the taxi rank outside the Tavistock Hotel ILHL failed to refer to the step at the hotel's own entrance. John Russell advised that the hotel had no need to ease the step because there was a concierge always on hand to assist all guests including wheelchair guests for whom a ramp would be produced. There is no compelling reason why the hotel and/or

taxi driver could not provide assistance to assist a wheelchair user alighting on Bedford Way. John Russell advised that wheelchair users are invited to contact the hotel to discuss travel arrangements. On departure the concierge could call a taxi and assist with luggage. A Private Hire Vehicle (PHV) with a rear ramp could alight or embark the vehicle against the kerb immediately behind the taxi rank. Mr Walduck says that taxis typically use Bedford Way in any event. Any black cab which has a nearside ramp can continue to use Bedford Way with other PHVs with a rear ramp using the space in front of the hotel or Bedford Way. Either way passengers could be dropped off within the recommended 50 metres which is less than the distance to the bus stops which the Hotel offers as an attraction for disabled guests.

4.46 It is noted that the reverse trial essentially replicates the waiting and loading restrictions and adjustments to parking inherent in the proposed Order. This rather side-lines ILHL's complaints on servicing provision and shows that ILHL share the Council's view as to the adequacy of provision in the proposed order.

4.47 If the trial were abandoned the corridor would revert to the previous two way layout thus losing the benefits for cyclists including those with protected characteristics and would not offer the same level of improvements

### ***Qualifying purpose***

4.48 The Council say that the Order is made for the qualifying purposes listed in the cabinet report (CD6/2 4.13); there is no obligation to satisfy all the objectives. The Council pray in aid those who proffer alternatives. ILHL must see at least one qualifying purpose in recommending a reverse trial which would essentially replicate the waiting and loading restrictions and parking adjustments in the Order. BRAG must also realise that their two-way alternative is too narrow for optimal lane widths and would have significant consequences for waiting and loading restrictions.

4.49 The Council needs some persuading that it would be possible to make the Order but modified to westbound vehicular traffic. This appears to go beyond the grey area between modification and a new order.

### ***Other matters***

#### *Design*

4.50 The Council notes the observations as to the physical details but the Order is a proposed traffic order which would facilitate a number of physical improvements. These improvements include physical improvements such as widening pavements, possibly stepped kerbs, removal of the median kerb and revised signal settings. Those items of detailed design are essentially for later if the Order is made. Whilst there is an expectation of stepped kerbs or other edge and boundary treatments the details will be subject to a further access audit, discussion and consultation.

#### *Funding*

4.51 In response to questions put to the Council as regards funding for the trial and permanent scheme the Council have prepared LBC 6. This advises that £1.38m was allocated to the Tavistock Place-Torrington Place scheme both for the experimental scheme and permanent scheme. £825,642 remains for future spend but the Council acknowledge that this is not sufficient to build the full scheme. If made permanent an application for additional funding would be made. There remains support from the

Walking and Cycling Commissioner and also from TfL. The Council will apply to TfL if they can evidence that other potential funding has been investigated and exhausted.

- 4.52 The Council estimate that the cost of any approved final scheme to be in the region of £1.25m although until more detailed design is undertaken a more precise figure is not possible.
- 4.53 The Council can confirm that if the Order is made permanent then the raised kerb separating the cycle lane on the north side of the corridor from the traffic lane will be removed and replaced with different demarcation likely to be stepped tracks. This cost is covered within the current remaining funds.
- 4.54 The Council makes the point that whilst additional funding is not secured at present they are confident that, working with TfL, a funding package could be put together to implement the scheme if made permanent. If made permanent then it would secure transformational improvements for cycling through full segregation and allowing connection to improvements planned to the west of Gower Street and the north south cycle superhighway to the east such that it would meet TfL's criteria.

### ***The balance***

- 4.55 The balance lies in favour of making the proposed Order and that it is expedient to do so. The Council recognise that there are disadvantages but point to many advantages ranging from a facility which is available to cyclists of all abilities, to encourage mode shift and a corridor with much enhanced overall amenity brought about by reducing motor traffic in the corridor by more than half.

## **5. Case for the supporters at the inquiry**

### ***Camden Cycling Campaign (CCC)***

- 5.1.1 CCC strongly supports Camden Council's proposal to implement a permanent scheme and does not repeat details of the Council's argument. Given the implementation of the scheme the impacts on traffic levels and air quality are not reliant on traffic modelling but can be directly measured.
- 5.1.2 There has been a significant reduction in motor vehicle numbers leading to a much quieter street and a more pleasant environment for walking and cycling. There have been improvements in air quality (reduction in NO<sub>2</sub>) along the corridor. Consultation results show support amongst all cohorts, except taxi drivers, with positive comments from pedestrians, cyclists, students and staff at local institutions. Claims as to a significant increase in journey times from the Hunter Street area to UCLH are noted but journey times on this route are generally not unreasonable.
- 5.1.3 The trial shows the route has an essential role in achieving modal shift although it is recognised that the data provided by the Council could have been more resilient. There has been a significant increase in the number of cyclists using the trial scheme. Over 1,000 cyclists use the corridor per hour at peak periods; this is more than the use by vehicles before the trial. Some of the additional people cycling will have decided to use their bikes because of the increased safety compared to heavily trafficked roads. There has been a significant increase in parents with young children, people with mobility impairments and cargo delivery bikes using the trial scheme.



- 5.1.4 Most residents are not car owners and suffer from traffic which brings no benefit to them. It is recognised that there has been an increase in motor vehicle numbers in a few of the neighbouring streets, including Judd Street, but CCC support Camden's desire to implement the Cycle Superhighway 6 and Brunswick Square schemes. Motor vehicle journeys may take longer and some traffic may be displaced to other streets but any consequent pollution or adverse environmental effects will be compensated as more people take up walking and cycling.
- 5.1.5 CCC supports a permanent scheme, with all the improvements shown on consultation plans. This will encourage people to choose sustainable methods of travel and will be a significant demonstration of the Council's order of road user priorities to encourage sustainable travel. The scheme strongly supports the Mayor's Healthy Streets Strategy and London Living Streets is fully behind the scheme. The scheme improves health and fitness whilst tackling congestion and pollution in London and improves the environment for local people and visitors. The Mayor's Draft Transport Strategy is supported and to achieve this strategy a network of safe direct and attractive routes needs to be created such as the Tavistock-Torrington corridor.
- 5.1.6 CCC notes proposals for modifications but consider that none of these are reasonable alternatives and all have serious disbenefits for vulnerable users. Reverting to the previous layout would be a retrograde step and would have negative implications for cycling and pedestrian schemes in Camden and across London. It would also breach local, London wide and national policy. Issues of traffic displacement should be dealt with through Camden's planned mitigation measures.
- 5.1.7 The corridor is a major desire line for cycling since the original two-way track was completed in 2005 carrying 900 cyclists per hour in peak hours before the trial. If reverting to the pre-trial status then large numbers will continue to use the route and others will divert to unsuitable routes with negative consequences for the safety of cyclists.
- 5.1.8 CCC contend that the alternative promoted by BRAG would have a number of disadvantages. It would throw away the benefits in terms of a more equitable distribution of road space and improvements to the streetscape. Motor traffic will be put back onto the corridor resulting in more pollution and risk of collision. It would also use substandard, dangerous cycle lanes with an inadequate width and would be impossible to engineer in a way that cyclists feel safe. It would not mitigate the effects of WEP.
- 5.1.9 In respect of the westbound alternative it would increase traffic on the extension to the east along Tavistock Place, Regent Square and Sidmouth Street. It would put more motor traffic back on the corridor and would generate more pollution and risk of collision. Designing safe junctions would be difficult and it would not mitigate the effects of WEP. It is contended that unknown consequences would only be identified with extensive research or another trial. CCC would however prefer a westbound scheme to the pre-trial layout.

### ***Walking and Cycling Commissioner, Transport for London***

- 5.2.1 The draft Mayor's Transport Strategy (MTS) puts people's health and quality of life at the heart of planning transport for the city. The Tavistock Place scheme represents an exemplar approach to redesigning our streets to enable more people to walk and cycle. It is also an exemplar of the Healthy Streets Approach which underpins the MTS. Active travel provides the easiest most affordable way to get more active and live healthier lives.

It will reduce air and noise pollution, help combat social isolation, ease congestion, make us safer and bring economic benefits.

- 5.2.2 Before the trial 43% of the road space was dedicated to vehicles yet only 16% of people were travelling in vehicles. The scheme has reduced the share for vehicles to 21% and for cyclists increased from 13% to 33% with 43% of people moving along the corridor on cycles. The reallocation of road space is more efficient.
- 5.2.3 The corridor suffers from a poor safety record. The changes have made people feel safer and reducing danger is also at the heart of the draft MTS. The scheme provides a safer and more attractive cycling facility with more capacity to accommodate existing and future cycling demands. There have been significant increases in cycling east to west on the corridor in the rush hour periods. Feedback indicates that some cyclists who previously avoided the route now use the cycle lanes for commuting, shopping and leisure trips including families with children, older people and those with disabilities.
- 5.2.4 Cleaning London's toxic air and reducing NO2 is a top priority the main source being motor traffic. Monitoring in the project area suggests improvements in air quality of between 9% and 20%.

#### ***Head of Sustainability, University of London***

- 5.3.1 The University has conducted two staff travel surveys, a survey specific to the proposed Order and a transport and movement survey as part of a master plan study for the Bloomsbury precinct. Having reviewed the evidence alongside documents from the Council there is a clear and strong position in support of the Order. The Order will have wide ranging positive effects on the experience of the students, staff and visitors to the University of London in Bloomsbury. Fears of any negative impacts that the traffic may have had on the operations of the University have not materialised.

#### ***University College London (UCL)***

- 5.4.1 UCL has a commitment to enable sustainable travel choices including increasing the numbers of staff and students who walk and cycle thereby reducing carbon emissions and improving health and wellbeing. The Order will assist by providing a safer route for cyclists and a more pleasant environment. The University also has a commitment to improve health and wellbeing of staff and students. The Order will help to reduce high levels of nitrous oxides and particulate matter by encouraging more walking and cycling. The improved air quality will be particularly beneficial in UCL's green spaces including Gordon and Woburn Squares.
- 5.4.2 UCL is proud of its status as a London University and notes that the Order contributes to local and city government goals on increased sustainable travel and action to reduce air pollution. UCL wishes to be an active partner in achieving these goals and therefore supports the Order.

#### ***London Living Streets (LLS)***

- 5.5.1 LLS is dedicated to making London one of the world's best cities for walking. LLS supports the Mayor of London's Health Streets Project and Policy 1.3 of the Camden Transport Strategy which puts pedestrians and cyclists at the top of the strategy.
- 5.5.2 The ETO shows the reality of the experiment to demonstrate that the scheme has had significant beneficial impact on air quality and collisions.

Pedestrian casualties during the trial have been reduced to zero. There has also been a significant improvement in air quality along the corridor. Once implemented the scheme will provide wider pavements, 'desire line' crossings at major junctions and raised entry crossings at minor junctions; this will make life easier for pedestrians and will encourage walking. Consultation responses indicate that 47% identified themselves as pedestrians and that they overwhelmingly supported the retention of the scheme.

- 5.5.3 The Order will make a significant contribution to four of LLS key issues, namely to walk to school, air pollution, pavement parking and crossings. A fifth key issue, a 20 mph limit, is already borough wide.
- 5.5.4 Reversion to the old scheme would amount to a declaration that we should disregard National, London and Local policy, the strategy of the Mayor, the priorities of the Council. It would also disregard the desires of thousands of individuals and organisations that responded positively in Camden's consultation. It would also fly in the face of the widely held view that the city should be for people and not vehicles. The case for making the Order is self-evident with the advantages to pedestrians, cyclists, local workers, local residents and businesses vastly outweighing the inconvenience to those who want to turn the clock back to days when people were considered less important than vehicles.

### ***Gordon Mansions Residents Association (GMRA)***

- 5.6.1 In preventing west bound traffic from the east of Gower Street into the western part of Torrington Place there has been considerable reduction in traffic and thus a reduction in pollution and noise in our streets. It has been much quieter and healthier for our residents and it has also benefitted the very large numbers of pedestrians and cyclists. The Order will prevent the 200% increase in traffic in Torrington Place when the WEP is completed. Although there were other aspects that GMRA has objected to (issues of access, setting-down and picking-up locations, being able to cross the road with two cycle lanes and delivery bays) the overriding reason for supporting the Order is to prevent an increase in traffic when the WEP is put in place. This clear benefit greatly outweighs the disadvantages.

## **6 Cases for objectors at the inquiry**

### ***Imperial London Hotels Limited***

- 6.1.1 It is ILHL's submission that, on the evidence before the inquiry, while there are aspects of the Order which address the qualifying purpose it is not clear that as a whole the Order would effect qualifying purposes. This is because of the lack of evidence as to the overall traffic effects and likely impact on amenity/air quality the effects of which are largely unknown. If it is found that the Order has been made for qualifying purposes then it is contended that it has limited advantages relating mainly to the accommodation of cyclists and pedestrians. The identifiable advantages are nevertheless outweighed by the disadvantages relating to motor traffic displacement and the likely consequential impact on amenity, safety and access in the area.
- 6.1.2 If it is determined that the Order has been made for qualifying purposes and has more than superficial advantages it nevertheless has disadvantages which outweigh those advantages but which could be overcome by a modification to westbound traffic only.

- 6.1.3 The fundamental importance on the evidence is illustrated by examining whether the opening statement of the Council that 'The benefits of the Order (as described by Officers and noted by supporters) are much the same as in the cabinet report' holds true.
- 6.1.4 For example it is claimed (ID4 LM PoE 3.10) that cycle traffic counts undertaken before and during the trial indicated a marked increase in cycle trips – up to 52%. However, in cross-examination, Louise McBride was obliged to withdraw the statement and could only say that it was likely that the same number of cyclists were using the corridor during the trial as before. The headline benefit was based on one day counts on a Tuesday in March 2015 and a Thursday in May 2016. Had the comparison been made based on a Tuesday in May then it would have shown a reduction in cyclists of 26%. In seeking to find a cause for the increase in cycle collisions along the corridor, Simi Shah, whilst relying on the 52% figure, made the point that there has been a significant increase in cycling east to west along the corridor in the morning and afternoon peaks.
- 6.1.5 The 52% increase was prayed in aid by John Strelitz to support the assertion that 'there is evidence that across important domains of health, improving air quality, encouraging physical activity and reducing emissions [the Trial] meets these goals'. Will Norman also observed that there had been significant increases in cycling east/west in the morning and afternoon rush hours. The point is that there has been no such 52% increase in cycling on the corridor. None of the witnesses sought to explain how this changed their evidence.
- 6.1.6 A second example of the evidence relied upon in reports to the Council without foundation is the evidence of Andrew Webber where he reports that the 8.7% and 21.44% reductions in NO<sub>2</sub> measured in the corridor were consistent with the reduced traffic levels monitored on the trial route since implementation. The reductions were hailed in the consultation exercise as significant improvements. In cross-examination of Andrew Webber it turned out that the figures were not annual mean concentrations and not adjusted for 'annualisation'. They took no account of seasonal influences and were accordingly compared inappropriately one with the other before and after or with the national objective. However, these significant improvements were relied upon without qualification and none of the witnesses sought to inform the inquiry as to how these necessary and intrinsic qualifications affected their evidence.
- 6.1.7 Thirdly in the evidence of Simi Shah (ID4 PoE SS 4.5/4.6) by reference to a single automatic traffic count (ATC) it is stated that the total amount of traffic had reduced [by 10%] in the area. On further interrogation (cross examination of Simi Shah/Note on Appendix 3 (ID4/2B)) the reduction was at best 7% and that traffic on the corridor had not reduced by 1% but had increased by 3%. In addition to these corrections only 32 of the 78 ATC sites were used and counts relied on a single day and not weekday average counts. 6 ATC counts in the corridor itself necessarily involved double counting the westbound reduction in traffic flows. In cross-examination Simi Shah accepted that whether the claimed 24 hour reduction was her adjusted one-day 7% or John Russell's average week of 5% the percentages were in a range of day to day variations and were inconclusive as to whether traffic flows had actually reduced following the trial.
- 6.1.8 There is a fundamental paucity of evidence to support the efficacy of the trial as a traffic scheme as a whole. No comparative exercise has been undertaken to compare traffic data from the 78 ATCs in 2015 with that from 2016 to determine the changes in traffic volumes on streets

attributable to the trial (ID4 9/2 ILHL 53 3.3). There is no queue data to compare how queues might have altered (ID4 9/2 ILHL 53 3.6). No journey time surveys have been undertaken to show how journey times have changed (ID4 9/2 ILHL 53 3.7) and no Automatic number plate recognition (ANPR) surveys to determine the volume of through traffic or how it has responded to the trial (ID4 9/2 ILHL 53 3.12). The conclusion of John Russell, as to the insufficient data collected before and during the trial for an assessment to be made of the impacts of the trial, have not been seriously challenged.

6.1.9 Figures 3.1 and 3.2 (ID4 9/2 ILHL 16) show a 415% increase in AM peak traffic in Endleigh Street more than 10 times the percentage increase sufficient to trigger an environmental assessment of road traffic effects when applying the Guidelines (ID4 9/2 ILHL 31). Simi Shah acknowledged that no such assessment had been carried out and that the Council had not assessed the traffic impacts of the trial in local streets to the corridor. This is a significant concession demonstrating that the Council has focussed on the corridor and waking up too late to an understanding of the impacts of the trial. Even when the impact has been considered the evidence has been shown to be defective.

6.1.10 The Council has tended to dismiss any proper assessment by reliance on the trial being in operation where the effects can be seen. However, the WEP is not in place such that the effects cannot be observed. There is also no substantial evidence of an assessment of the traffic effects of the trial. Further, the evidence relied upon is that before the inquiry including the traffic modelling which is necessary in the absence of the implementation of WEP and the Brunswick Square project. Invitations to look out the window to observe local traffic is not any basis for a determination on the merits of the Order.

*Whether the Order is made for a qualifying purpose*

6.1.11 ILHL acknowledge that aspects of the physical layout would serve as qualifying purposes set out in section 1 of the 1984 Act. ILHL does not take issue with the physical elements of the layout in the corridor which benefit cyclists and will have the potential to benefit pedestrians; they would serve qualifying purposes. However, it is submitted that the Act requires the decision maker to take a holistic approach. The examination as to whether the Order serves qualifying purposes must embrace the likely effects on the study area as a whole. This is implicitly acknowledged by the Council as they have seen it necessary to model its traffic effects in the Bloomsbury box. The limited extent of traffic modelling and the shortcomings of the data collection exercise, including the failure to collect data (ID4 9/2 ILHL 53 3.0-4.8) or to fully assess the impacts raises doubts as to whether the Order and its effects would serve qualifying purposes.

6.1.12 No evidence of any substance has been received from the Council as to the likely impacts of the displacement of traffic in the study area on safety or the amenities of people in the study area (ID4 9/2 ILHL 16 3.82-3.84) so as to determine whether the Order as a whole would serve a qualifying purpose.

6.1.13 Andrew Webber agreed that qualifying purposes in the 1984 Act included (f) for the preserving or improving the amenities of the area through which the road runs or (g) for the purposes of section 8 of the Environment Act 1995 (air quality). Further, that section 122 (2)(b) of the 1984 Act required consideration to the effect on the amenities of the locality affected and (bb) the National Air Quality Strategy. However, his evidence showed that, whilst air quality monitoring of the corridor had been set up, no

monitoring had been undertaken elsewhere in the study area. This questions the integrity of the Council's approach to the assessment of air quality with no attempt to measure the effects of the trial in the study area. This is despite being aware of the indications from the modelling of significant increases in traffic flow northbound along Gordon Street and in the Tavistock Square and Endsleigh Garden areas. The unchallenged evidence of David Laxen is that, in the absence of any pre-trial measurements, no proper assessment of air quality impact of the trial in the Bloomsbury Box as a whole has been undertaken.

6.1.14 There is also the doubtful efficacy of the traffic modelling and whether it demonstrates that the Order as a whole would serve a qualifying purpose. Whilst it is agreed that the model is fit for purpose it has only been used to provide forecast traffic volumes on streets following network interventions. No assessment of other impacts of the Order have been undertaken.

6.1.15 In the absence of any proper assessment of the impacts in the study area it is not demonstrated that the Order as a whole would serve qualifying purposes in section 1 of the 1984 Act.

*Whether the Order, if confirmed, would have advantages*

6.1.16 Section 122 of the 1984 Act imposes a duty on the traffic regulation authority, in making an Order, to ensure that it would secure expeditious, convenient and safe movement of 'vehicular and other traffic'. Whilst the focus may have been on cycle traffic and pedestrian movement the duty requires to have due regard to vehicular traffic. It is submitted that whether the Order has advantages or benefits is to be tested by reference to this duty.

6.1.17 Louise McBride claims a number of advantages including the contention that the Order conforms to national, mayoral and local policy. However there is no reference to such policies in the 1984 Act. The fact that there is a greater flow of westbound traffic impeded by the trial may be demonstrative that the expeditious, convenient and safe movement of motor traffic is not secured with the one-way eastbound layout. The acceptance of the Council that in an ideal scenario two-way working would be provided along the corridor implicitly underlines this statutory policy imperative set out in section 122. In this context policy T3 of the Camden Local Plan seeks to protect all existing and proposed transport facilities and links in the Borough without discrimination as to the traffic they accommodate.

6.1.18 Before considering the claimed advantages of the Order it should be noted that the evidence in the public domain (CD 6/1 3.1) indicates consideration of only two options; do nothing or experimental changes referring only to the trial. No other options were considered or rejected. However, the evidence of Simi Shah indicates that a number of options had been considered before arriving at the trial layout although she was unable to provide evidence of a pre-trial optioneering process and the decisions made.

6.1.19 The important point is that in the assessment of the advantages there is no substantial evidence that the trial was a preferred option or as a scheme with a competitive edge. It appears that the trial was promoted on the sole basis that the eastbound scheme would remove the greater volume of traffic with no assessment in the light of the duty under section 122 of the 1984 Act.

6.1.20 The advantages claimed by Louise Mc Bride require qualification:

LM 3.2: reducing the volume of traffic and introducing the two cycle lanes may have made the route more attractive to pedestrians. However, there have been no significant changes to pedestrian flows in the corridor and there are no physical improvements to footways. Nor has the Council addressed the impacts on pedestrians outside the corridor caused by the displacement of motor traffic.

LM 3.10: the claimed increase in cycle trips in peak hours is unfounded and there has been an increase in the number of collisions which is not understood and requires investigation.

LM 3.13: the contention that the volume of through traffic is reduced is not supported by evidence and there has been no assessment of the changed traffic patterns to determine whether the trial has traffic and transport advantages for the area as a whole. The modelling suggests significant disadvantages with the trial when compared to a westbound only alternative and there is no assessment of the traffic effects on the amenity of those who live in the study area.

LM 3.17: whether or not the corridor has a formal status as an emergency route it is identified in the Camden Transport Strategy as an emergency route. The trial remains a concern to the London Ambulance Service (PoE LM 4.11/ID4 9/2 ILHL 56) and appears to have been accepted reluctantly by the London Fire Brigade (ID4 9/2 ILHL 54).

LM 3.21: makes no reference to the alternative loading provision requiring movements across the path of oncoming cyclists or the accident data (ID4 9/2 ILHL 16, 7.19) showing 33% of personal injury accidents (PIAs) in the period 11/2015 and 10/2106 were caused by right turners.

LM 3.25: It is said that improvements to air quality more than offsets a reduction in air quality on other roads especially given the increased numbers of pedestrians and cyclists benefiting from better air quality on the corridor. However, it is accepted that there was no evidence that numbers of cyclists and pedestrians has increased. Further there is no measurable basis for this claimed offset.

LM 3.26: the assertion that the total amount of traffic is likely to have reduced is not supported by the evidence.

LM 3.27: if there is no evidence of an overall decrease in traffic in the area the trial cannot meet the objectives in the Camden Air Action Plan.

LM 3.28: claims that the increase in traffic volumes do not exceed levels modelled by a variance of greater than 5% is unsupported by evidence. The June 2015 model report (CD2/15) does not provide any model flows against which changes can be compared.

LM 3.30: the EIA is relied upon as conclusive evidence that the positive impacts outweigh the negative impacts taking into account mitigating steps. However, it is wrongly assumed that wheelchair visitors to the Tavistock Hotel would be able to use a side entrance from Bedford Way or Woburn Place; an assumption now dismissed by the Council.

6.1.21 Accordingly a number of claimed advantages of the trial have been abandoned or qualified in evidence. Further concessions made in the response document (ID6) are:

2.1-2.3: There could be longer journey times for routes that previously used the corridor to travel westbound.

5.3: The reliance on an overall reduction in motor traffic in the study area as evidence that air quality conditions will have improved is undermined by the acceptance of Simi Shah that the traffic counts show percentage changes within normal day to day fluctuations.

5.4: Air Quality (AQ) mesh units are emerging technology and some caution must be used in analysing their results.

5.6: The Council is looking at ways to reduce what is recognised as pollution on Endsleigh Gardens.

7.22: The Council did not challenge the ILHL queue surveys showing queues can be significant.

6.1.22 In summary while the trial can be said to have advantages for cyclists and possibly pedestrians it is apparent that scant consideration has been given to the traffic impacts on the study area as a whole or whether it would have an overall advantage. Although David Laxen accepted that it was likely that there had been an improvement in air quality on the corridor that is because westbound traffic has been removed. The removal of westbound or eastbound traffic would be likely to have that effect.

#### *Disadvantages*

6.1.23 In addressing any disadvantages the recommendation to Cabinet Members was 'on balance' and on the basis that the Order represented 'the best overall option' (CD6 4.18). The recommendation recognises that the Order had advantages and disadvantages and that there were other options for consideration in the balance. ILHL's case is that the trial westbound is one option. It is therefore relevant, in considering the merits, to have regard to alternatives. It is relevant that Simi Shah acknowledges (ID4 PoE SS 3.21 and 3.22) that the trial east or west would accommodate all traffic modes and conform to Camden's Transport Strategy.

6.1.24 Disadvantages identified in the Council's documents include:

- increased journey times/congestion by the exclusion of westbound traffic;
- the reassignment of traffic to other parts of the network including local roads;
- consequential 'not insignificant impacts' including increased traffic in particular on Endsleigh Street, Endsleigh Gardens and Gordon Street southbound;
- negative impacts on groups of people with protected characteristics;
- an increase in accidents involving cyclists on the corridor;
- significant queuing on Woburn Place at the junction with Tavistock Place and Bedford Way at the junction with Tavistock Square;
- displaced traffic adding to pollution levels.

6.1.25 A further disadvantage is that the Order is incomplete. It does not include any pedestrian improvements which is a primary purpose, nor the necessary safety infrastructure. It does not provide relief for the displaced traffic, for example a right turn off Euston Road into the station. Whether any 'improvements' would be permitted or funded by TfL is unknown. There is no certainty of the delivery of the scheme or that the improvements required can be carried out.



## *Air quality*

- 6.1.26 As regards air quality no proper assessment has been carried out on the likely impacts on polluting emissions. This is a serious disadvantage with significant implications for those who live and work in the Bloomsbury Box.
- 6.1.27 Cabinet members were told (CD6 4.13) that the Order was recommended for approval for purposes in section 1 of the 1984 Act for improving air quality in the Borough. At February 2017 the only air quality evidence was the before and after measurements which informed consultees in September 2016 that there had been significant improvements in air quality (CD6 9.5). The Council's Statement of Case (SoC) (ID2 7.2) simply says that improvements in air quality in the corridor more than offsets a reduction in air quality on a limited number of other local roads especially given the increased number of pedestrians and cyclists benefiting from better air quality when using the corridor. This is an inappropriate trade off and the evidence is that there has been no increase in the number of pedestrians and cyclist using the corridor.
- 6.1.28 It is also claimed that traffic in the area is likely to have reduced through modal shift. Simi Shah now acknowledges that there is no evidence to support the claim and any evidence of a reduction remains within the realm of everyday fluctuations.
- 6.1.29 The Bloomsbury Box lies within an Air Quality Management Area (AQMA) where the Council is under a duty to take steps to reduce air pollution. It might therefore be expected that careful consideration would be given to before and after air quality impacts of the trial. This is not demonstrated by the evidence and Andrew Webber acknowledged that an assessment had not been carried out because of the scale of the trial and because of the availability of existing monitoring. AQ mesh units in Judd Street and Endsleigh Gardens were placed in February 2017 due to concerns over displaced traffic. This confirms that the Council has not given heed to the likely impacts of the trial outside the corridor despite the strategic model (CD2/15) showing the prospect of the displacement of traffic prior to the trial.
- 6.1.30 In respect of air quality improvements in the corridor the Council relied on two monitoring stations and the use of AQ mesh monitoring units considered by David Laxen (ID4 9/2 ILHL 17) to be insufficiently reliable for the purpose and acknowledged by the Council (ID6 5.4) to be emerging technology. The data was not presented as annual mean concentrations and was not adjusted for seasonal variations.
- 6.1.31 Andrew Webber agreed that annual mean concentrations should have been used and that annualisation was important and should have been applied. The conclusion of David Laxen that it was inappropriate to compare the two periods 2015/2016 with each other was not challenged. Further, Andrew Webber accepted that the minimum measured background concentration at any of the monitoring sites was  $31\mu\text{g}/\text{m}^3$  around  $5\mu\text{g}/\text{m}^3$  higher than the concentration measured at the Tavistock Square monitor. Since the Tavistock Square monitor was at a roadside location its output ( $27\mu\text{g}/\text{m}^3$ ) could only be anomalous and indicative of the unreliability of AQ mesh monitors.
- 6.1.32 ILHL contend that while it is expected that air quality may have improved on the corridor the measure of that improvement is not quantifiable by any reliable evidence.

6.1.33 With regard to wider air quality impact in the study area, in the absence of any pre-trial measurements a conventional air quality assessment was not possible. Andrew Webber (ID4 PoE AW 3.9) engaged in an exercise comparing data for all sites across the borough with sites in and around the Bloomsbury Box (ID4 PoE AW 3.7 table 3). However, David Laxen explained (ID4 9/2 ILHL 52, 2.1 and figure 1, 2.3) that there was no apparent validity to the statement that reductions in levels are much higher than the reductions across the Borough. In response Andrew Webber sought to counter this conclusion by introducing extrapolated results for some monitoring sites and redrawing the study area showing a 24.23% reduction in NO<sub>2</sub>. This reduction was only achieved by leaving out of the study area CA4 on Euston Road whilst including CD9 also on Euston Road. David Laxen showed that including CA4 in the study area would reduce the figure of a 24.23% reduction of NO<sub>2</sub> to a reduction of 4.6%.

6.1.34 It is submitted that the attempt to prove that air quality in the study area had improved as a result of the trial was contrived and had to be given the failure to appreciate the need for an air quality assessment. ILHL also submit that the critique of David Laxen is detailed, authoritative, compelling and unchallenged and should weigh heavily in the balance against a recommendation in favour of confirmation of the Order.

#### *Taxi rank*

6.1.35 The eastbound traffic flow creates a taxi rank arrangement that is seriously disadvantageous to hotel guests and visitors that are in wheelchairs or are walking disabled. The layout requires disembarking in the outer limits of the westbound cycle track and carriageway. Quite apart from the difficulties presented to the disabled person it has the potential to cause serious disruption to traffic flow at a point relatively close to Woburn Place.

6.1.36 No proper consideration has been given to the issue in the EIA (CD6/2 App E). Although this recognises that access to the hotel for wheelchair users was effectively impossible via the taxi rank it assumed erroneously that there were side entrances to the hotel on Woburn Place and Bedford Way. No doubt a wheelchair user could endeavour to wheel the distance with luggage to the front entrance and the disabled ambulant could make the journey without a rest. However, the haphazard parking of taxis whilst competing for road space with other traffic only serves to underscore the serious disadvantages. The attempt to persuade John Russell that additional capacity could be provided by moving the white line on Bedford Way reinforces this reality.

6.1.37 The serious disadvantage of the Order is shown in sharper focus by the fact that this is unnecessary and can be avoided by the expeditious, convenient and safe access for the disabled being secured by reversing the motor traffic flow to westbound only.

#### *Traffic modelling*

6.1.38 ILHL does not dispute the description of modelling as an offline environment in which numerous design solutions can be tested and appraised with the aim of achieving the optimum balance of benefits and value for money (ID4 PoE TD 3.1). However, TfL were only asked to model an eastbound only traffic arrangement. John Russell has adopted the four stages of modelling (ID4 PoE TD s3) Base, Future Base, Do Something, Sensitivity approach.

6.1.39 It was not until August 2017, on receipt of ILHL 43 and 44 that the Systra modelling was disclosed. These exercises are shown in ILHL 55 and

assessed by John Russell (ID4 9/2 ILHL 16 5.30 1-10 and 5.35 1 to 6) and these paragraphs were substantially agreed by David Carter in cross examination.

- 6.1.40 ILHL 55 demonstrates that with the trial:
- Traffic volumes increase on Endsleigh Street, Endsleigh Gardens, Gower Street, Judd Street and Hunter Street;
  - There is an increase of westbound traffic on Euston Road;
  - The increase on Euston Road west of Judd Street is half that of east;
  - There are increases in traffic volumes on a number of streets west of Tottenham Court Road and that 75% of the displaced traffic will re-route along local roads with only 25% choosing to reroute onto strategic roads;
  - There are discrepancies between how the model is predicting that traffic will re-route and the Council's own traffic survey data.

Overall the modelling outputs indicate that the trial has a wide geographic spread impacting on local streets remote from as well as within the Bloomsbury area. It also indicates that traffic displaces onto other local streets and not onto strategic roads as claimed by the Council (ID4 PoE LM 3.13).

- 6.1.41 ILHL 55 demonstrates that with the reverse trial the observations of John Russell (ID4 9/2 ILHL 16 5.35) are true. The modelling indicates that the flow along Torrington/Tavistock Place would result in a smaller number of local streets suffering from increases in traffic; fewer than with the trial in place (ID4 9/2 ILHL 16 5.37, 5.43).
- 6.1.42 What the ILHL 55 model maps show were substantially agreed by David Carter and demonstrate that the trial has significant disadvantages regarding the displacement of traffic onto local streets in the Bloomsbury Box to the detriment of those who live and work there.

#### *Modifications*

- 6.1.43 The Inspector has discretion to recommend modifications to the Order. The 1984 Act does not refer to modifications. However, an ETO may be modified in certain circumstances under section 10 of the 1984 Act although that does not extend to additions. By analogy the power to recommend a modification cannot extend to making additions or effecting fundamental changes to the Order. Modifying the Order to remove the word eastbound and substitute westbound for eastbound does not involve an addition or fundamental change.
- 6.1.44 CD6/2/D at 2.1.2 states 'making the trial permanent i.e. by removing one direction of motor traffic from a large proportion of the Corridor, would generally increase the useable width potentially available for pedestrians and cyclists while still providing an adequate lane width for motor traffic in a single direction. This is applicable whether it is implemented in its current configuration or reversed'
- 6.1.45 The lack of fundamental change to westbound motor traffic is reinforced by CD6/2/D at 2.5.1. 'The proposal to reverse the direction of one-way motor traffic flow in the corridor...pose[s] no major geometric changes.' Simi Shah (ID4 PoE SS 3.22) states that a westbound or eastbound configuration is consistent with the Camden Transport Strategy. In cross-examination Louise McBride agreed that a westbound configuration would

comply with the Camden Transport Strategy and the Council do not suggest that this would conflict with any National, Mayoral or Local transport policies.

- 6.1.46 The Councils Statement of Case (ID2 8.7) states that a westbound configuration 'could achieve one objective of reducing traffic along the corridor<sup>2</sup>, but a comparative modelling exercise indicated a greater level of reassignment to more local roads.' The last comment must now be read in the light of ILHL 55 which contradicts this statement and which is largely agreed by David Carter. There is no evidence supporting Simi Shah (PoE SS 3.23) that the differential effects would create a materially less safe environment in the corridor.
- 6.1.47 The Order, modified to a westbound configuration, would not involve any addition, significant changes in the corridor or an addition to the Order. Changes would involve turning round traffic lights and some alterations to road markings.
- 6.1.48 If it is recommended to confirm the Order then the westbound configuration should form part of that recommendation. Evidence to the inquiry shows this as the optimum solution to traffic management, accommodating safe cycling, the majority flow of motor traffic and the potential for the widening of footways. Importantly it would accommodate the reasonable needs of wheelchair users and the ambulant disabled seeking access to the Tavistock Hotel via the taxi rank. In achieving the wider scheme objectives it would meet the objectives of section 122 of the 1984 Act by ensuring all traffic using the corridor can do so in an expeditious, convenient and safe manner whilst enabling reasonable access to premises, including the hotel, and loading bays to the south of the corridor.

#### *Conclusion*

- 6.1.49 For the above reasons and on the evidence, or lack of it, ILHL invite a recommendation not to confirm the Order but to undertake a traffic and air quality assessment of the impacts of one way motor traffic with cycleway traffic management as advised by John Russell and Duncan Laxen. In the alternative, should the Order be recommended for approval, it should be with the recommendation to permit westbound vehicular traffic only to accord with the statutory objective of achieving the expeditious, convenient and safe movement of all traffic along the corridor.

#### ***Licensed Taxi Drivers' Association***

- 6.2.1 The LTDA invites a recommendation to make the Order to, in order of preference, reinstate two way motor traffic whilst maintaining two separate single flow cycle lanes; reinstate two-way motor traffic between Woburn Place and Gordon Square West; reversing the motor traffic flow to westbound only. If none of these options are recommended then LTDA invites a recommendation not to make the Order.

#### *Law*

- 6.2.2 The Council has a duty under section 122 of the 1984 Act and the Act includes a function for controlling or regulating vehicular and other traffic (including pedestrians) under section 6 where, having regard to section 122 it appears expedient to make the Order for one or more purposes in section 1 and Schedule 1.

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<sup>2</sup> See also ID4 PoE SS 3.21

6.2.3

The Council refers to national, regional and local policy. As a matter of law there is no presumption that conformity with or furthering aims of policy should be approved. It is a matter of weight and discretion for the inspector.

- 6.2.4 The corridor is a key east-west route particularly for taxis and an important route giving access to Euston Station and a vital route to the medical facilities, hotels and tourist attractions in the area. The Council accept that the trial has resulted in longer journeys and higher taxi fares for those travelling through the corridor area. This is corroborated by objectors, including BRAG, and those who responded to the consultation. A significant amount of traffic has been displaced on local roads including Endsleigh Gardens eastbound, Endsleigh Place eastbound, Grafton Way westbound, Gower Place westbound, Tavistock Square and Tavistock Square West northbound and Judd Street (CD6/2/E pp14-15). This has had a negative impact on the quality of life of many people who live locally in terms of increased journey times, reduced air quality, noise and reduced access for emergency services.
- 6.2.5 The Council claim that significant increases in congestion can be attributed to works in the area; it is not credible to treat such works as exceptional. Balanced against increased congestion and journey times it is agreed that there has been roughly no increase in pedestrian use of the corridor and there may not even be an increase in cyclists. Despite this collisions have actually increased on a route with an already high number of collisions.
- 6.2.6 The pedestrianisation of Oxford Street and the impacts of HS2 will increase further demand for taxis and will exacerbate congestion in the area; these impacts have not been modelled and therefore not properly taken into account. The Council recognise that HS2 will have a 'significant impact on the surrounding road network during and after construction' but have not given this proper consideration. The corridor is an emergency route and emergency vehicles are able to travel west on the corridor. However, given the risks of an emergency vehicle having to travel wholly or partly in the cycle lane and the fact that the corridor is in the Camden Transport Strategy in order to avoid vertical traffic calming measures the undesirability is obvious.
- 6.2.7 Making of the Order will result in longer journeys and significant congestion on local roads. Objectors have expressed concerns as to the adverse effect on taxis and on the quality of life of those in the local area. The adverse effect on those who use motor transport is a significant disadvantage.

*Protected groups under the Equality Act 2010*

- 6.2.8 London black cabs are 100% disability compliant and therefore provide a key transport service for disabled people in London. The LTDA take the interests of disabled people very seriously. The Inspector is not confined to satisfying himself in relation to whether the Council has complied with the PSED under section 149 of the 2010 Act. The impact on protected groups under the 2010 Act is a matter to be weighed in the balance. Given the County's ageing population and a significantly disproportionate number of disabled Londoners (44% are over 65) those impacts should weigh heavy in the balance.
- 6.2.9 It is accepted that the Order benefits disabled people who currently cycle and those who do not but have the inclination to do so; all three alternative schemes proposed by the LTDA preserve many of these benefits. However, there are a significant number of people who cannot

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<sup>3</sup> The LTDA also rely on the evidence of John Russell in respect of congestion and traffic.

ride a bicycle. As agreed by Louise McBride regard should be given to the impact of the most disabled people.

6.2.10 The Council accept the trial has resulted in longer journeys and therefore higher taxi fares (CD6/2 p 12 4.19) and this is backed up by what its members have told the LTDA and evidence of Diana Scarrott. This disproportionately impacts on the most disabled because they more frequently have no option but to travel by motor vehicle including taxis and Dial-a-Ride. The elderly and disabled are more likely to have to visit the disproportionately large number of medical facilities in the area. Disabled people are more likely to be poorer than non-disabled people in London.

6.2.11 It is submitted that the EIA is flawed and the Council have underestimated the negative impacts on those with protected characteristics. Flaws include the Council's treatment of the taxi card data which ignored those disabled people not from Camden but who travel to and from the medical facilities in the area and those not from London who will most likely not be taxi card users. Further the grid which assumed attributed benefits was without foundation and did not undertake a corresponding exercise in respect of disadvantages. The grid does not give a full picture and is of limited assistance.

*Access to taxi rank outside the Tavistock Hotel*

6.2.12 As regards access to the taxi rank outside the Tavistock Hotel, because the disability features are located on the nearside of a black cab, an eastbound cab could not unload disabled passengers safely onto the kerb. It would be necessary to unload the disabled passenger into the westbound cycle lane directly into the flow of oncoming cyclists which takes time. The dangers of this approach to the vulnerable passenger, the black cab driver and cyclists and the potential to increase congestion are obvious. A taxi rank on the north side of the corridor on the opposite side of the road would deal with some of the difficulties but it is preferable for ranks to be outside the premises they serve. Passengers would have to cross the road potentially with heavy luggage.

*Drop off along the corridor*

6.2.13 It is accepted that taxis will be able to pick up and drop off along the corridor but the Council proposes that the black cab could wholly or partly mount the eastbound stepped cycle track. The risks to cyclists when a disabled passenger is being dropped off are obvious. The same risk applies where large vehicles would be loading or unloading. It is unclear how a stepped cycle track would impact on accessibility because the angle might mean that the step or ramp is mismatched with the angle of the kerb.

6.2.14 The Council have proposed an alternative drop off point turning right from the corridor onto Bedford Way to drop passengers on the nearside kerb. However, black cab drivers seek to drop passengers, particularly disabled passengers, at the door of their destination, notwithstanding any recommendation of the Council. Indeed black cab drivers may be unaware of the recommendation. The Council claim that if dropped off on Bedford Way a disabled passenger would be within 50 m of the entrance to the Hotel. The Guidelines for Inclusive Mobility (CD1/17) recommend rest points at least every 50 m for such individuals.

6.2.15 It is down to the judgement of the Inspector but LTDA asks to have regard to a number of factors:

- The tree and street furniture on the north nearside of Bedford Way making safe drop-off undesirable if not impossible;
- A reasonable driver would not park at the north of Bedford Way;
- A single yellow line runs from the north end of Bedford Way and consequently in the evening and at night cars may be parked causing a taxi to drop off further south;
- Long queues heading north on Bedford Way, or the potential for queues, would mean that a taxi could not drop off in a location where cars behind might be 'boxed in'. The drop off location is therefore likely to be further south. Even if a car could pass the reduced gap would act as a 'bottleneck' likely to increase congestion and would cause the cab driver to park further south;
- Given that a drop off on Bedford Way is recommended for guests of the Tavistock Hotel there is a higher chance that disabled passengers will have luggage therefore making journeys more difficult;
- Taxi drivers do not have a legal duty to accompany a passenger to the front door of their destination and this is not recommended given the risk of receiving a parking ticket and the potential congestion;
- Use of the side entrances to the Hotel are highly undesirable for reasons given by John Russell;
- No weight has been given to the potential changes to Bedford Way to facilitate safe and easy drop off. Although David Carter suggested that Bedford Way could be widened no funding has been allocated. Will Norman, on the board to consider such matters, had not heard of any such changes and no traffic counts have been carried out from which an informed judgement could be made as to the desirability of changes. It is also possible that the changes would be contrary to policies cited by the Council. In relation to the moving or removing of the traffic island on the junction LTDA relies on the evidence of John Russell and make the point that, to their knowledge, no funding has been allocated.
- The Council has failed to identify a precise location on the nearside of Bedford Way from which 50m could be measured. Even if there is a location where drop off would be safe and not cause congestion it is yet to be proved that this location is within 50 m of the hotel entrance.

#### *Air quality*

- 6.2.16 The Council has obligations to improve air quality across the whole Borough. However, the Council's priority in respect of air quality has been the corridor despite the fact that the Council predicted air quality on local and residential roads to deteriorate. The monitoring has made it impossible to measure accurately the impact of the trial across the whole area. The Council has also failed to take into account the imminent introduction of the future growth of ZEC black cabs thereby failing to take into account that a number of advantages of the alternative scheme/pre-trial layout could be provided or preserved at little or much reduced disadvantage.

#### *Mitigation*

- 6.2.17 To mitigate increased congestion levels and deteriorating air quality the Council has proposed a right hand turn from Euston Road into Melton Street. However, authorisation rests with TfL no doubt in discussion with HS2 Ltd. Mr Massett considered that this was 'unviable' and Mrs Shah



agreed it was 'very uncertain'. Even if deliverable, timescales are uncertain and removal of a traffic lane to facilitate the right turn would worsen congestion on Euston Road which is already congested as a result of traffic. This congestion is predicted to get worse as a result of HS2, closures on Judd Street and Brunswick Square. LTDA submit that little weight should be placed on this mitigation.

#### *Health*

- 6.2.18 The Council recognise that there has been no increase in pedestrians and that there has been no decrease in cyclists. The health benefits must therefore be weighted accordingly. Further, given the evidence of Duncan Laxen the health benefits identified by Mr Strelitz, relying on the evidence of Andrew Webber, must be treated with caution.

#### *Consultation*

- 6.2.19 Consultation by the Council showed support for the scheme. Given the concessions relating to the level of increase of cyclists, the effect this has on the interpretation of the safety data and the conclusions that can reasonably be drawn from the air quality monitoring, all matters emphasised in the consultation literature as benefits, the weight to be placed on the consultation should be significantly diminished.

#### *Modified/alternative schemes*

- 6.2.20 The Council has the power to make the Order with or without modifications or not to proceed at all. None of the modifications to the Order amount to a radically different proposal or substantial within the meaning of Regulation 14 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. The Council recognise that the westbound scheme 'poses no major geometric design changes' (CD6/2/D 2.5.1). Alternatively if further procedural steps need to be taken then that could be done for example during the time the ETO is in place. Further there is nothing to preclude the Inspector's discretion to take into account the merits of modified/alternative schemes as part of his judgement and ultimately recommend not to make the Order. LTDA invites the Inspector to make the Order with modifications in descending order of preference.

#### *Two-way motor traffic and two single flow cycle lanes*

- 6.2.21 This alternative reinstates two way motor traffic and single direction cycle lanes on either side of the road. The LTDA rely on evidence of BRAG.
- 6.2.22 Under this alternative cycle lanes would vary between 2.2 metres (60%), 2 metres (20%) and 1.7 metres (20%). It is recognised that for 40% of the corridor the guidelines for minimum widths for cycle lanes (2.2 metres - London Cycling Design Standards (LCDS)) is not met. This is nevertheless an improvement on the pre-trial widths and would therefore bring some safety and capacity benefits and enable more sustainable and active modes of transport as encouraged by policy. These objectives are also furthered by the increased safety, and perception of safety, brought about by single direction cycle lanes as opposed to bi-directional lanes. Encouraging modal shift would deliver health benefits especially as air quality continues to improve not least because of technological changes such as ZEC black cabs. A reduction in cycle lane widths will encourage cyclists to slow down and thereby improve safety and encourage a more diverse group of cyclist.
- 6.2.23 The recommended cycle lane width (and indirectly the CLoS) depends in part upon the volume of cycle traffic. The Council now acknowledge that there has been no increase in cycling as opposed to the original claim that

cycling had increased by 52%. The Council have significantly overestimated the number of cyclists and the degree to which the scheme will need to be future proofed (this being the basis of the recommended 2.5m width (CD6/D 2.3.1.)).

- 6.2.24 Additionally the Council have insisted upon the proposed cycle lane widths on the basis of traffic counts. Simi Shah concedes that this is misrepresentative of the situation on the ground because they do not take into account university holidays. It is not suggested that universities are vacant during vacation periods but a failure to make cycle traffic counts during vacation times gives a misleading impression of crucial matters: need and capacity. Representatives of some of the universities who attended the inquiry in support of the proposal indicated that attendance on campus dropped off during vacation periods. The University of London said the number of students were much less and UCL thought it was a 35% reduction and even more than that in relation to non-academic staff in humanities departments. Simi Shah did not regret that the data was misrepresentative because at certain times of the day during periods in the year there can be that level of cycling. This is not indicative of a balanced approach.
- 6.2.25 Recommended widths are not mandatory and need not be followed slavishly particularly in London where other road user interests have to be balanced. The Council have made significant overestimations and if there was a compelling case to slavishly follow the recommended widths at the expense of other traffic this is no longer sustainable.
- 6.2.26 In respect of footway widths, for around 20% of the corridor minimum standards are met. Otherwise widths would be around 1.7 or 1.8 metres. Whilst below recommended widths, in London it is not always possible to meet recommended widths. Louise McBride accepted that pedestrians would be safer than in the pre-trial arrangement due to single direction lanes which are more rational.
- 6.2.27 Traffic lanes under this alternative would be at least 2.75 metres and more in certain places; 20% of the corridor would comply with recommended widths. Whilst below recommended widths it is submitted, with the low 20 mph limit and the fact that the corridor is in central London, that this is an acceptable balance in the interests of all road users. David Carter acknowledged that the impact of these narrower motor lanes is immaterial.
- 6.2.28 Two way motor traffic and two single flow cycle lanes represents the best balance between all road users and is the most advantageous. Such a scheme furthers national, regional and local policy by increasing cycling capacity, cycling and pedestrian safety. This will promote more sustainable forms of traffic which should have environmental benefits by improving air quality and health. The scheme meets the concerns of many of the objectors and improves transport links such as to Euston Station, access to medical facilities and hotels and removes discrimination by permitting safe use of the taxi rank outside the Tavistock Hotel.

*Part two-way motor traffic*

- 6.2.29 A part two-way motor traffic scheme is the same as the trial scheme except that between Woburn Place and Gordon Square west it is proposed to be two-way motor traffic. In support the LTDA rely on the submissions in respect of the two-way alternative above which apply to an even greater extent. Not only are the cycle lanes single flow but for the vast majority the corridor will meet the desirable standard to accommodate current cycle

traffic flows and in terms of future-proofing. Similarly the vast majority of the footway will remain the same width but the Council will be able to carry out footway enlargements and street furniture rearrangement and thereby lead to substantially higher Pedestrian Comfort Level (PCL) scores. It is acknowledged that enlargements would not be possible in the two-way section of the corridor but in that section all pavements are above guidelines apart from one section, Tavistock North, which is 1.74 metres. This is a small section of total footway length along both sides of the corridor and would no longer be adjacent to a bi-directional cycle lane. This is preferable to the trial and represents a superior balance for all road users.

6.2.30 Motor traffic lanes even where two-way will meet minimum requirements and the traffic will not return to pre-trial levels as the route will not be the main east-west route between Gray's Inn Road and Tottenham Court Road. This alternative is traffic neutral in terms of strategic traffic reassignment compared with making the whole corridor one way eastbound or westbound.

6.2.31 LTDA note that Mr Munk for CCC claimed that this alternative was unacceptable because there was no specific provision for junctions. However, these junctions and in particular signalling at junctions can be fine-tuned in a similar way being proposed for the trial scheme. Mr Munk recognised that when compared to the pre-trial layout this alternative would increase safety and perceptions of safety, encourage modal shift thereby improving the environment, air quality and the health of Londoners all of which encourages cycling and walking.

6.2.32 Overall this alternative is preferable to the trial scheme and represents a superior balance for all road users.

#### *Westbound-only scheme*

6.2.33 If the Inspector is not inclined to recommend the above alternatives the LTDA invites the Inspector to make a recommendation for a west bound alternative only. This modification is preferred by the ILHL and the LTDA rely on the submissions of ILHL. It is preferable to the trial because it provides a much needed westbound route with better access to Euston Station and medical facilities. The displaced traffic is not as great as that caused by the trial scheme. Taxis would be able to unload disabled passengers on the nearside kerb of the Tavistock Hotel. Richard Massett and John Russell are in agreement that it would be safer for a taxi to pull into the rank travelling westbound rather than cutting across oncoming cycle traffic in an eastbound direction.

#### *Conclusion*

6.2.34 The LTDA invite the Inspector to make the proposed order with modifications in the order of preference set out above. Failing that to recommend not to make the Order.

#### ***Bloomsbury Resident's Action Group***

6.3.1 The trial has not met the Council's objectives to improve air quality and provide a safer environment for pedestrians and cyclists. The Council has succeeded in reducing traffic on the route simply by banning westbound traffic. The Council has stated that if the changes have been positive and that there has been support for the scheme then the Council could consider making the Order permanent. They have failed to demonstrate valid support.

*The Council has failed to demonstrate that air quality has improved*

- 6.3.2 The trial has caused a massive displacement of traffic on to surrounding streets creating long queues of stop start traffic and an increase in pollution. The Council's data published with the 2016 consultation document reflects the perception of greatly increased traffic and the increase in volume has led to unprecedented congestion. The Council accepts that there is an increase in pollution and has failed to demonstrate improved air quality in the area. No monitoring of air quality was set up in the streets absorbing the displaced traffic although monitors were belatedly set up in Judd Street and Endsleigh Gardens. However, as there was no pre-trial data this provides no information on traffic pollution. Monitoring has taken place in three places including Tavistock Place where air quality has improved and has been heralded as a success by the Council.
- 6.3.3 The failure of the Council to demonstrate improved air quality in the area has been clearly shown at the Inquiry. They have belatedly admitted that the trial has caused increased pollution on streets around the corridor. Mr Webber suggested that pedestrians should avoid Endsleigh Gardens even if that was their preferred route. No solution has been suggested for residents of Endsleigh Gardens who cannot avoid the pollution.
- 6.3.4 BRAG has provided evidence about pollution in surrounding streets and the Council accept that the trial has resulted in increased pollution around the corridor. The Council has made a decision for the corridor to be cleaner at the expense of other streets. Louise McBride said that the decision was on a professional basis and not a scientific process.

*Provision of a safer environment for the large numbers of pedestrians and cyclists*

- 6.3.5 The Council has failed to demonstrate that it has provided a safer environment for the large numbers of pedestrians and cyclists. Witness statements from BRAG make it clear that there are many cyclists and pedestrians who do not feel safe as a result of the trial. BRAG have sought to demonstrate that the ETO was not justified on safety grounds cited by the Council that the corridor suffered from a high casualty record. The ETO has not been shown to have either improved or worsened safety. The data indicates that the trial is less dangerous for pedestrians and more dangerous for cyclists. The increase in cycling accidents (from 7 to 11) cannot now be quantified or explained by an increase in cycling on the corridor. A longer view needs to be taken to draw sound statistical conclusions as we are dealing with very small numbers over a short period. The data available so far, especially in the absence of reliable journey numbers, does not demonstrate that the trial has been more or less safe than the pre-trial layout.

*Consultation*

- 6.3.6 The Council has failed to demonstrate valid support for the scheme and have relied upon formal consultation in 2016. The validity of the outcome is put into question as 86% of respondents were from outside the London Borough of Camden. Account should be taken of the true impact on those affected the most especially where there are good reasons for thinking that the consultation attracted supportive responses to those with little or no knowledge of the area. The consultation methodology and results are deeply flawed.

- 6.3.7 The consultation results were not remotely representative of the stakeholder groups. 71% of respondents were cyclists whereas 4% of the population are cyclists. Further, the views of respondents from outside the area, some possibly with little knowledge of the scheme, were given exactly the same weight to those who know the area and live with the impact of the trial. The fact that the Information Commissioner has ruled that the Council need not publish its data has no bearing on the argument that the methodology was flawed with the results skewed.
- 6.3.8 The consultation process was also flawed in respect of a failure to circulate notices to relevant parties in respect of the ETO and a failure to distribute consultation documents to all households. The consultation document was biased and flawed giving the impression that making the trial permanent would be better. The document contained misleading statements on safety and air quality and the confusing framing of questions.

#### *Adverse impacts*

- 6.3.9 The trial has created multiple adverse impacts with increased security risks with emergency vehicles being impeded; this is an area with a high terrorist risk and the trial has blocked or impeded several key emergency routes. This has been demonstrated by BRAG in the emergency route map, videos and the statement from the London Ambulance Station. The blocking of emergency routes is important to the 22,000+ residents and to those running hotels and hostels in the area. There is evidence of 6000 hotel beds and 6 million plus visitors to the British Museum.
- 6.3.10 Necessitated longer journeys increase the risk of accidents and pollution; this is not an area where security risks should be taken lightly.
- 6.3.11 Patient and health care staff journeys are delayed and cause extended and expensive journeys for people with impaired mobility. It is agreed that the exact increase in travel time will vary from day to day as congestion varies. It is a matter of fact, as pointed out by a witness, that journeys to UCH are now significantly longer in distance and time with increased taxi fares; many journeys are time critical meaning that someone could die if a journey were to be delayed. Another witness who attends hospital frequently, testified to journeys being more than doubled. Other witnesses testified to journeys to hospital being four times longer, taxi fares costing four times more, to longer journeys and being delayed in an emergency ambulance.
- 6.3.12 The sustainability of the community is also threatened making the practicalities of daily life for residents and local businesses more difficult and stressful. Evidence from business owners is that they have found journeys and deliveries seriously impeded. Witnesses also pointed out the difficulties for people living on the corridor in respect of loading and unloading and picking up and dropping off passengers.

#### *Alternatives*

- 6.3.13 Alternatives have not been adequately considered. There is sufficient width between the junction of Tavistock Place and Judd Street through to the junction of Torrington Place and Gower Street to accommodate two new single directional cycle lanes and two-way motor traffic. This option conforms to, and in parts exceeds national standards. For 20% of the route the minimum width requirements set out in national standards are met or slightly exceeded. For 20% of the route minimum standards are met for pavements and traffic lanes and the ideal standard for cycle lanes is also met. For 60% ideal widths for pavements and cycle tracks are met

and in parts exceeded. Although criticised by the Council they apply its rules about lane widths flexibly. Whilst they maintain that the rules should be adhered to for the corridor they can be ignored for the forthcoming cycle super highway on Judd Street where a width of 8.55 metres will not allow for two 2.2 metres cycle lanes and two vehicle lanes of 3 metres. Presumably some of the lanes will be narrower than those on the corridor.

- 6.3.14 Ideal widths are desirable but in an historic city this cannot be achieved without compromise. The Council's compromise is on the health and quality of life of local people. The compromise is for wide pavements and cycle lanes and to remove one lane of vehicular traffic with consequential displaced vehicles increasing congestion and pollution in residential streets. This is at the expense of the health and quality of life of thousands of people.
- 6.3.15 The pre-trial layout is tried and tested and is a solution, enhanced by wider cycle lanes, which would accommodate all road users and avoid the widespread impact of the trial. A westbound only route would also be an improvement on the eastbound route because it would displace less traffic on to local streets and provide a much needed westbound route. The blocking of the road in Brunswick Square would make the need for a westbound route more necessary.
- 6.3.16 BRAG maintain that two vehicle lanes and two unidirectional cycle lanes on the corridor would be the ideal.

#### *Conclusion*

- 6.3.17 Evidence from the Council includes many promises of changes and improvements to the trial. However, as pointed out at the inquiry, the trial should be judged on the trial itself as it is now and not how it might be.
- 6.3.18 This is a residential area, with 22,000 people on the electoral roll and possibly well over 30,000 people living in the area, where people need to run ordinary lives. The Council has not taken seriously the impact of the trial on the local community. The reason for the ongoing objection is the perception that ordinary people do not matter. One witness referred to the Council's apparent view that the increase in traffic and pollution is a 'price worth paying'. That is a matter for the inquiry to decide.
- 6.3.19 The trial has not met its objectives and any positive benefits are positively outweighed by the multiple and widespread adverse effects; the alternative proposed layout is viable.

#### ***Bloomsbury Conservation Area Advisory Committee***

- 6.4.1 The proposal will be visually very disruptive in an area of long established and high quality character. The fact that the area has been subject to the attentions of highly respected historians (24/A/9) is a strong indicator of its historical and architectural significance. The value of the townscape and historic value of Bloomsbury must be recognised in accordance with relevant legislation and the National Planning Policy Framework (NPPF). The route will sever the southern sides of two important squares, Tavistock and Gordon Squares, with the conservation area also being visually severed. The physical manifestation of the scheme will be harmful and disruptive of the setting of listed buildings both along the corridor and adjacent thereto and to the historic gardens. The negative visual impact of the scheme would be self-evident especially in winter months when flashing warning lights on cyclists would have a marked effect on an historic area of subdued lighting with little light pollution.

- 6.4.2 The proposal will also involve speeding cyclists immediately adjacent to pedestrian pavements which will be an intimidating sight for pedestrians and would be seriously disruptive to the relative calm and tranquillity of the area. It would be potentially dangerous to pedestrians. Calls for new legislation relating to deaths caused by cyclists recognises this fact as does the introduction by the Royal Parks Agency of a 10 mph speed limit. Such a speed limit on the corridor would negate the need to accommodate overtaking and thus the rationale for the scheme.
- 6.4.3 Other parties have covered procedural issues and BCAAC adopts this evidence, particularly that of BRAG. The proposal has caused considerable disruption to a residential community and detrimental impacts on the high quality heritage assets far outweigh the claimed benefits of the scheme. If it is recommended that the trial becomes permanent then consideration should be given to a 10 mph speed limit for cycles to lessen the visual and physical detrimental impacts on pedestrian safety and environmental amenity.
- 6.4.4 BCAAC refer to the statutory duties under section 72(1) of the Listed Building Act 1990<sup>4</sup> and the requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Reference is also made to the Conservation Area Designation, Appraisal and Management Historic England Advice Note 1 in particular paragraphs 26 and 29 of section 2 'Managing Change in Conservation Areas'. BCAAC claims that it is self-evident that the Council is under a clear obligation or duty to take heritage matters into account, whether as planning or highway authority. The Council have not only failed to give the appropriate weight to heritage issues but have not taken them into account at all. BCAAC strongly endorse Historic England's approach in its guidance 'Heritage At Risk in Conservation Areas'. Had this approach been taken it is likely that BCAAC would have supported the scheme.

### ***Friends of Tavistock Square***

- 6.5.1 The consultation was considered inadequate and the Friends of Tavistock Square were unaware of the scheme until the notice of the commencement of the scheme was issued. The surveys concentrate on the positive aspects of the scheme and the consultation did not cover the needs for deliveries, collections, hospital access and journeys.
- 6.5.2 The Council did not consider the wider implications of the scheme and did not fully model the traffic impact on surrounding streets. No air quality survey was carried out so that a comparison could be made after the trial; NO2 levels have increased particularly in Endsleigh Street. There is evidence of significant increases in the traffic load on Endsleigh Street and Gardens. The Council have merely indicated that mitigation measures will be applied but the report to the Council does not mention what and when this will be.
- 6.5.3 The Council's response in respect of disability, the elderly and infirm is inadequate. It does not cover wheelchair users or physically infirm people on the ground. The presumption is in favour of people who pass through the neighbourhood rather than local residents. The report relies on letters of support from interests outside the neighbourhood which should not be relied upon. On the matter of dropping off disabled people the Council offers an outdated and non-inclusive solution. There are no solutions on

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<sup>4</sup> Planning (Listed Buildings and Conservation Areas) Act 1990

the implications or responses from the hospitals and ambulances, patient transport and dial a ride services.

- 6.5.4 The cycling lobby forms the bulk of the support and are not in favour of any mitigation for the residents. This evidences that the scheme is a bike super highway and issues relating to pollution and benefits to pedestrians is a side issue.
- 6.5.5 The report to cabinet is silent on the views of the fire brigade and police and London taxi services are considered as a lobby rather than a public transport service. The report does not cover economic considerations, in particular hotel businesses, which contribute greatly to employment and the local economy. Neither does the report consider the local character of the area in terms of town planning and benefits to residents. This is an historic neighbourhood not suited to a cycling route.
- 6.5.6 The report purports to improving road safety and amenity for pedestrians. However, it has created confusion and lack of clarity with a resultant increase in the number of casualties and near misses which do not get reported and has an adverse effect on residents. The report also refers to pedestrian flows and the narrowness of pavements; this is only applicable to the pavement on the south side of Tavistock Square where it is 1.7 metres. The main issue for pedestrians is the surface and not the width. Surface improvements would help people in wheelchairs and pushchairs.
- 6.5.7 Friends of Tavistock Square ask for a broader study and consultation to ensure the right balance is struck and until then the scheme should be abandoned; the original layout should be restored. A system of localised traffic in line with a shared use ethos where priority is given to locals with reduced speeds for cyclists and vehicles should be considered.

***Tamar House RTM Company Ltd, 13 Tavistock Place Freehold Limited and Residents of 11 Tavistock Place***

- 6.6.1 The comments relate to three buildings on Tavistock Place containing 60 flats but probably apply to other residential buildings along the corridor, hotels and other businesses. There is great inconvenience by the ban on loading and unloading with a resultant increase in costs for services. There are difficulties in picking up and dropping off for cars with particular difficulties for people with disabilities. Residents cannot use Dial-a-Ride or other door to door services and the problems are not restricted to the elderly and disabled. Many residents do not have cars and tourists stay in hotels needing taxis to take heavy luggage. Whilst it may be legal to pick-up/drop-off on the south side of the street cyclists will challenge parking on the cycle track. Taxis are reluctant to cross the orcas for fear of confrontation with cyclists. The loading bay on Herbrand Street is too small and often occupied by lorries for long periods or by ambulances.
- 6.6.2 It is agreed that there is a greater need for better cycle tracks and air quality. It is difficult to assess whether the scheme has delivered this and the displacement effects although it is recognised that the corridor is quieter and less polluted. However, inconveniences for people living or doing business on the corridor have not been recognised.
- 6.6.3 To mitigate any effects it is proposed that outside peak times parking to load and unload should be allowed on both sides of Tavistock Place for a defined period. Signage should make it clear that pick-up/drop-off and loading and unloading is allowed. There should be more efficient space segregation as the present barriers wastes 0.5 metres of road width.



Orcas should be removed and there should be a 20 mph speed limit for all vehicles including cyclists.

***Individual - Michael Gwinnell***

- 6.7.1 The objection raises issues as to increased journey times, a lack of consideration for people with disabilities who need to use a car and increased congestion. Objections are also raised in respect of the failure to provide alternative westbound routes and the unjustified prohibition on a right turn from Tavistock Place into Judd Street which should be removed from the Order if approved.
- 6.7.2 The benefits to cyclists and residents are obvious but the consultation procedure was flawed and undue weight should not be given to preferences expressed in favour of an eastbound proposal; more careful scrutiny is required of the Council's case against reversing the route. The knock on traffic effects on other streets are unacceptable and if an eastbound proposal is maintained then an alternative westbound route should be provided, for example by making Montague Place one way westbound.

***54 Russell Square Residents Association/Commissioners of Russell Square (RSRA/CRS)***

- 6.8.1 As pensioners living in Russell Square a taxi journey to a restaurant in Goodge Street now takes twice as long and costs twice as much. A neighbour has also experienced delays caused by traffic congestion in the Euston Road area when a taxi took her to hospital. This has been caused because the only westerly route has been closed by the scheme.
- 6.8.2 Mr Marchant reports on traffic congestion around Russell Square from Tavistock Square along Bedford Way and Woburn Place. Mr Marchant identifies the timing of the lights at the junctions of Bedford Way and Woburn Place with Tavistock Square as the cause. The point is made that the main traffic demand is north to south and traffic light durations are not correctly balanced with the cycle track on Woburn Place also reducing capacity at the junction. The result is a build-up of polluting traffic which did not happen before the changes. The queuing time on Bedford Way and Woburn Place has a pronounced effect on many residents and hotel guests around 2,000 in number. The changes to Torrington Place and the pollution are now affecting the potential of some 4.5 million people visiting the British Museum. Russell Square is also the pride of Camden where many people go for pleasure. These conditions cause noise and nuisance and are injurious to health.
- 6.8.3 It is suggested that traffic could remain one way but in a westerly direction there being an easterly route via Goodge Street etc. This would help reduce traffic entering Russell Square from Guilford Street and allow access to the other side of Tottenham Court Road. Lights at Woburn Place and Bedford Way should provide a greater duration for traffic wishing to travel north and south. Further, the left turn cycle lanes at Woburn Place and Bedford way should be reduced in width to give northerly traffic more capacity.

***Individual - Richard Walker***

- 6.9.1 The Council does not comply with central government regulations and advice in respect of tactile paving at pedestrian crossings and in particular at pedestrian crossing refuges. Camden are failing in its duty to hundreds of thousands of pedestrians, citing lack of funding, yet are promoting a scheme at a cost of £1.1 m for the benefit of a few thousand cyclists.

Pedestrian refuges on Tavistock Place do not have the required tactile paving. A survey should be carried out of all pedestrian crossings before embarking on any new traffic schemes.

- 6.9.2 Traffic data is inadequate with no data for any routes where displaced traffic may have transferred to. Journey time surveys should have been carried out and there is no evaluation or monitoring framework, cost benefit analysis or collision data. The trial also included dangerous steel bollards which were a hazard to road users. The Council did not take action for months suggesting that the design team are not up to the mark and that safety is overlooked. Mr Walker also refers to misleading signage indicating a no left turn at Herbrand Street and the stop line at the junction of Tavistock/Judd Street.

### ***Unite the Union London and Eastern Cab Section (Unite)***

- 6.10.1 Unite cab section does not have any opposition to segregated cycle lanes or schemes to improve cyclist and pedestrian safety. There should be more provision for cyclists and pedestrians who should be part of an integrated transport strategy. However, the proposed scheme does not fall into this category of traffic management or transport infrastructure needs. The scheme has been put in place to appease concerns in respect of proposals for Tottenham Court Road.
- 6.10.2 Since the introduction of the scheme taxi drivers are experiencing more congestion in the area of Centre Point and Oxford Street as traffic is pushed south. The situation will be made worse if the proposals for Tottenham Court Road go ahead. The Torrington to Tavistock Experimental Order has without doubt caused major congestion problems in the local area. Residents have complained about the lack of consultation and the taxi trade is disappointed that the Council have not consulted with it regarding proposals for the WEP.
- 6.10.3 The result has been catastrophic for the area with local residents struggling to get to and from home and hotel guests are experiencing difficulties as they try and visit London. People going to and from Euston and King's Cross St Pancras stations are finding journey times increased to the point of missing trains or having to rearrange travel plans.
- 6.10.4 Taxi drivers working Euston Station have complained about chronic levels of traffic when trying to reach the station and are struggling to cope with demand.
- 6.10.5 In 2018 as a consequence of HS2 works there will be fewer taxi rank spaces. Euston is currently short of taxi rank spaces. The taxi trade has asked for on street taxi rank spaces most likely in Endsleigh Gardens. The Council has turned down the request because of a potential for more congestion in Endsleigh Gardens. Unite consider that there will be less congestion with a taxi rank than that experienced with the current scheme. It is suggested that the Council should reconsider the return to two way working. The Council should consider the needs of passengers using Euston Station many of which do business, bring business or work in the Camden area.
- 6.10.6 Unite cab section dispute the validity of TfL's traffic modelling as it is believed that the data is out of date. It is requested that new data is gathered and the Torrington Place to Tavistock Place Experimental Traffic Order be reversed at least until such data is processed and the ULEZ policy has been implemented.

### ***Bedford Estates***

- 6.11.1 It is the view of the board that it has never been as difficult to drive within, in and out of the Estate and in particular travelling east to west. Traffic congestion and the impact on air quality has never been worse. The Estate welcomes changes to Tottenham Court Road and Gower Street but has concerns over the impact on the Estate. The ETO has illustrated that the plan is ill conceived and has a further detrimental impact on east to west traffic. The preferred option is east to west traffic and two way cycles or a secondary preference being two way traffic and cycles.
- 6.11.2 Changes of this nature including other projects should be phased in order to understand the impacts. The implementation of the Order should be delayed until the effects of the WEP are understood and until such time Tavistock Place should return to one way westbound. The Council should commit to additional air quality tests in five other locations and take time to evaluate the impact of the WEP.
- 6.11.3 The built environment of Bloomsbury is an eclectic mix which is loved by people across the world. There are concerns that the scheme is not working as intended and the Estate hopes that a sensible compromise can be reached to ensure the future prosperity and health of Bloomsbury.

***Guilford Court Freehold and as an individual resident of Camden living in Guilford Street - Mark Nash***

- 6.12.1 The issues of concern for residents in Guilford Street are the increased traffic congestion on Guilford Street with resultant increase in pollution. Further, the dramatic increase in travel times particularly along Russell Square and Woburn Place as the result of the closure of Gordon Square to westbound traffic. It is considered that the Council has not taken sufficient notice of the impact of the scheme beyond the trial area.
- 6.12.2 As a resident Mr Nash approves the efforts to improve cycling but observes that the scheme already had a cycle lane which he used for 5 years when it worked reasonably well. Mr Nash is not convinced that the additional road space allocated to cycles outweighs the increased travel times.
- 6.12.3 Mr Nash is acutely aware of the disadvantages of the scheme where taxi and car journeys westbound are increased by a good 5 minutes. The distance to get to the west of Tottenham Court Road into Howland Street is more or less doubled. It is difficult to estimate times to exit the Bloomsbury Box but Mr Nash is in no doubt that the trial is responsible for the increased travel times. It is expected that the Council would have made an Environmental Impact Assessment of the scheme including the carbon footprint. Idling and slow moving traffic results in increased pollution and fuel consumption. Mr Nash has been diagnosed with asthma which coincided with the new traffic scheme in Gordon Square/Tavistock Place. Whilst it cannot be claimed that the increase in traffic caused the condition it is clearly an aggravating factor. Whilst the Greater London Council is developing projects to reduce pollution this does not appear to be a priority for the Council.

***Confederation of Passenger Transport***

- 6.13.1 The bus and coach industry welcomes balanced proposals where there is an overall net benefit without placing a substantial disadvantage on any one party and will enhance the environment and air quality in the capital making it more attractive and appealing to Londoners and visitors alike.
- 6.13.2 The proposal presents a number of issues which outweigh the benefits. Those of particular significance are the essential need for layover facilities for coaches in Bedford Place, Malet Street and Montague Place. As a result

of the prohibition on certain turns journeys to these bays are longer with the increased likelihood of congestion resulting in increased emissions and poorer air quality. Access to the Tavistock Hotel has been restricted and customers usually with baggage have to walk further as there is no kerbside access to the main hotel. Access to groups on coaches and minibuses to properties along the corridor is restricted as a result of the parallel cycle lanes restricting access to the side roads. The long term impact of the WEP on the coach industry is yet to be fully realised.

***National Union of Rail, Maritime Transport Workers (RMT), Taxi Branch***

- 6.14.1 The RMT are not opposed to schemes such as that at Tavistock Place. Segregating vulnerable road users is a logical and desirable policy. However an alternative scheme should have been sought to address the needs of all road users in the community. This scheme has had a detrimental effect by displacing pollution, congestion and accidents within the Bloomsbury area. There has been an overall traffic increase of 320% on Endsleigh Gardens. At Great Russell Street there has been an 81%<sup>5</sup> increase in traffic where the British Museum has 6.5 million visitors a year. There has been a 600%<sup>6</sup> increase in accidents. The closure at North Gordon Square has no effect on traffic, the pinch point is the traffic lights. Accidents at the Gordon Street/Euston Road junction have increased by 122%.
- 6.14.2 Whilst the scheme has reduced westbound traffic along the corridor there has been a huge increase in vehicles travelling east (76%). Impending HS2 works may result in further traffic increases with resulting increase in journey times.
- 6.14.3 Reference is made to sections 16 and 17 of The Traffic Management Act 2004. The RMT makes the point that traffic movements have not improved but seem to have got worse. It is contended that the Council are failing their Network Management Duty as demonstrated by traffic increases on surrounding roads up to 320%.
- 6.14.4 London's Licenced Taxi Drivers are experiencing increased journey times to and from UCH and other NHS buildings in the area and the role taxis play has not been taken into consideration by the Council. Taxis are not the only hospital transport service to experience delays.
- 6.14.5 As regards air pollution, whilst there is an obvious decrease in air pollution on the corridor, where monitors have been installed, the Council has neglected to monitor in areas in roads where traffic displacement was predicted. Had monitors been installed they would have data showing pollution in the area surrounding the trial. Pollution has been displaced onto nearby residential roads.
- 6.14.6 Complaints have been made to Branch about the Scheme in particular in respect of the speed of cyclists. The Strava 'Challenge APP' gives opportunities for cyclists to race against themselves and the leader board/community. Evidence of cyclists racing through the corridor can be seen via the Strava App with no fewer than 3,000 cyclists racing against times on this route. Cycling accidents have increased and the Council acknowledge that cyclist's speeds are a contributory factor in the rise of accidents. Observations by Members have also shown some alarming examples of bad cycling. Although there is a desire to give cyclists more

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<sup>5</sup> The response by the RMT [PID 1] now puts this figure at 68%

<sup>6</sup> Now given as 400%

width the evidence suggests the opposite is required. Minimum widths of 1.5 metres should be adopted to prevent accidents and overtaking. The Council claim that the CLoS assessment areas which have benefitted are safety and comfort. However, data shows that cycling accidents have increased casting doubt on the CLoS claim. RMT consider that all aspects of the CLoS score can be increased by keeping westbound traffic.

- 6.14.7 The RMT consider that the section of corridor between Woburn Place and Judd Street should not have been subject to alterations; there was adequate provision and no accidents. The desire to meet the recommendations of the LCDS is noted but the Council were blinded by an intent to reallocate road space to cyclists without a full study as to whether this was necessary. Between Gower Street and Woburn Place there is ample space for two-way segregated traffic whilst allowing motor vehicles westbound. The only pinch point is at the Tavistock Hotel where a practical solution could be found.
- 6.14.8 The RMT believes that alternative options within the scheme could have been introduced. The Council say that the need to widen pavements south of Tavistock Square prevents them allowing westbound traffic. However, the RMT considers that there is ample space to allow westbound traffic whilst providing a width improvement. The Council have not taken any pedestrian counts to verify their position. There are many options to improve the pedestrian experience including good signposting to encourage use of the squares and pedestrian walkways; why were countdown timers not introduced to improve safety. Along the corridor there is ample width to accommodate pedestrian flow.
- 6.14.9 The Council have not seriously taken into consideration the effects of HS2 although the Council were aware of the Phase 1 Environmental Statement. There were clear indications of road closures including Euston Road and Endsleigh Gardens and increases in NO2 emissions including on Euston Road and Gray's Inn Road.
- 6.14.10 The ETO was based on the speculative assumption resulting from traffic modelling which hasn't taken into account local traffic conditions specific to the location such as a major rail terminal, a flagship hospital, a major university and NHS practices and Hotels. The Council have failed to carry out the research and pre-planning. There are other alternatives that have not been explored and if the trial layout were to remain the serious concerns would not be addressed.

## **7 Written Representations**

### ***University College London Hospitals***

- 7.1.1 UCLH are concerned about additional journey times from the Gray's Inn Road and Queen Square hospitals to UCH. Although there is no data for previous years UCLH advises that journeys between to UCH and Queens Square used to take 20 minutes before the introduction of the trial. The current situation for journeys to UCH is, on average, 52 minutes from the National Hospital for Neurology (112 journeys), 35 minutes from the Royal National Throat Nose and Ear Hospital (19 journeys) 35 minutes and from the Royal London Hospital for Integrated Medicine 47 minutes (35 journeys).
- 7.1.2 There is continued support from staff that cycle to and from work. UCLH wishes to see good provision for cyclists but need a solution that does not cause delay and stress for patients.

## ***Ranks Liaison Officer – Transport for London – Taxi and private Hire***

- 7.2.1 The Scheme pushes vehicles towards Euston Road at a time when HS2 works are due to take place. Concerns are raised as to the congestion these vehicles may cause. On an average day there are 185,000 passenger carrying taxi journeys in London plus 154,000 passenger carrying minicab journeys and about 34,000 passenger carrying by chauffeur/executive divers. Given the proximity of three of London's major train stations advice is sought as to what measures will be put in place for vehicles including Taxis and PHVs to travel through Camden without impacting on journey times and fares.

***[Name redacted]***

- 7.3.1 There has been serious congestion arising from the ETO. Journey times for motor vehicles travelling east to west have increased sometimes 30 minutes or more. Alternative routes avoiding the ETO area are also congested. It is understood that taxi/minicab passengers have missed their trains from Euston, Kings Cross and St Pancras International. Tourists and other visitors have no idea as to the extra time required to reach their destinations.

***[Name redacted]***

- 7.4.1 The scheme has caused traffic congestion and generated atmospheric pollution. [Redacted] are of advanced years and are now unable to reach their home without considerable delays and increased cost. Residents in Tavistock Court are suffering the detrimental effects of additional traffic avoiding the chaos. This has led to the increased risk of accidents and a marked deterioration in quality of health because of higher levels of pollution. The previous scheme worked well and the current scheme is not tenable.

***[Name redacted]***

- 7.5.1 The trial layout is confusing and dangerous for pedestrians. There have been many near miss collisions with cyclists which do not appear in the statistics. Two-way vehicle traffic would be far more preferable at the minor expense of slightly narrowing the cycle lanes and this would assist road users particularly emergency services, taxis and delivery vehicles. Noise and air pollution from traffic displaced into adjacent residential streets has increased greatly. The Council appear to play down this increase in traffic and pollution as a price worth paying. This part of Bloomsbury is a mixed area with a large residential component and one group (transient cyclists) should not be prioritised to the detriment of pedestrians and residents.

## **8 Inspector's Conclusions**

- 8.1 My conclusions are based on a full consideration of the evidence presented at the inquiry and all the submissions and representations. The reference to earlier paragraphs, where appropriate, is given in square brackets [].

### ***Main Issues***

- 8.2.1 The main issues are whether the Order, if made, is for a qualifying purpose as set out in Schedule 1 and section 1 of the 1984 Act and whether any disadvantages which would arise as a result of the Order would be outweighed by the advantages which would be conferred by it.

- 8.2.2 Whilst there is no scope to consider a completely different proposal it is open to me to make recommendations for the modification of the proposed order.
- 8.2.3 Section 122 of the 1984 Act requires the Council to 'exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in subsection (2)) 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'.

## **Reasons**

### **Background issues**

#### *Consultation*

- 8.3.1 BRAG (ID4 18/2 PoE2) and others [6.2.19, 6.5.1] make representations in respect of the consultation exercise carried out by the Council relating to the ETO. The Council have noted the various complaints and have made submissions in this respect [4.7 to 4.14]. I do not consider that the complaints in respect of the consultation process are material to my recommendation. My recommendation must be on the basis of the evidence before me measured against the relevant criteria. Nevertheless I consider it appropriate to make some observations as to the weight to be given to the results of the consultation.
- 8.3.2 I note the number of respondents who favoured a reverse trial to westbound vehicle traffic and those who favoured a two-way motor traffic with two single-direction cycle lanes [4.9]. However, the consultation questionnaire, given that it sought views on whether to retain the trial layout or revert to the pre-trial layout, only provides two options on which to comment. Whilst the questionnaire invites additional comments there are no indications as to other options that might be available. In the absence of any indications as to alternative options the Council may wish to note that I do not consider it appropriate to place any significant weight on those who commented further. Clearly there are those who have expressed a view but the absence of further comments in the majority of responses does not mean that they do not have a view on other alternatives. I do not therefore accept that it can be concluded from the consultation responses that the voices of ILHL, LTDA and BRAG are disproportionately loud [4.9].
- 8.3.3 It has been suggested [4.12] that the Council took into account the views of people who were not resident in the immediate WC postcodes or not resident in the Council's area. The corridor is a public highway and open to use by the public; this will include those from within and outside the immediate postcode area and the Council's area. It is therefore appropriate to consider the views of all respondents and in making my recommendation it is appropriate to consider all the advantages and disbenefits arising from the trial/Order.
- 8.3.4 The Council refers to the position of the LTDA that the views of cyclists should be discounted because they would be expected to support the scheme [4.13]. Whilst it is likely that cyclists will support a scheme which aims to improve facilities for cycling, although as identified below [8.5.6] some cyclists do not agree that the trial/Order benefits cyclists, their views in support should not be discounted.
- 8.3.5 Notwithstanding the above, given the evidence and submissions to the inquiry in respect of levels of cycling and the effect this has on the

interpretation of the safety data and the air quality, all matters set out in the consultation information, some caution should be exercised in respect of the weight to be given in the questionnaire responses. Nevertheless, it is likely that any responses in the questionnaires will have also been made on the basis of the effects of the trial.

- 8.3.6 In respect of those responses 79% of the total number of respondents were in favour of retaining the current layout with 21% against, 1%<sup>7</sup> expressed no opinion (ID4 PoE LM 4.5). In terms of those respondents identified as residents in the Borough 73% supported keeping the trial layout and of those within postcode areas closest to the Corridor 56% of respondents were supportive although 68% of respondents from WC1B did not support the retention. The consultation therefore indicates support for the trial although support by those close to the corridor is limited.
- 8.3.7 BRAG (ID4 18/2 PoE 2 App. 2) raises the issue of a lack of neutrality on assessing the evidence of the trial. In this respect I revert to my comments above [8.3.1].

#### *Design issues*

- 8.3.8 Both BCAAC and Richard Walker raise concerns as to the physical attributes of the trial [6.4.1 & 6.9.1]. As noted by the Council the Order if made will facilitate a number of improvements [4.50]. The making of the Order does not by itself allow physical changes to the corridor to be made. Any improvements to be made will be subject to more detailed design and the Council will be aware that any works should be compliant with national and local policies including those relating to the effect on the conservation area [6.4.1 & 6.4.4]. The Council make the point that whilst there is an expectation that stepped kerbs or other edge and boundary treatments would follow the making of the Order this would be subject to a further access audit, discussion and consultation as necessary [4.50]. The Council should note the concerns raised by Debbie Radcliffe (ID4 18/2 PoE 5 2B) in respect of stepped tracks.
- 8.3.9 In response to queries regarding the funding of improvements the Council have produced a response document [LBC6]. From this it appears that funding is currently available for the removal of the kerb between the eastbound cycle lane and traffic lane. It is suggested that the cycle lane may be replaced with a stepped track [4.53] although the Council may wish to note the concerns raised above [8.3.8]. However, in order to carry out further improvements including those to footways the Council will need to secure funding [4.51]. I note the continued support from TfL [4.51] although, whilst the Council are confident that funding will be made available, there is no certainty that this will provide for all the improvements along the corridor.
- 8.3.10 Bearing in mind the above, whilst there is funding available for some works along the corridor there is some doubt as to additional funding for improvement works. Given the support of TfL it is perhaps more likely than not that further funding will be made available. However, whilst there is some uncertainty as to additional funding this means that less weight should be given to the additional proposed improvements in making my recommendation.

#### *Effects on conservation area*

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<sup>7</sup> The Council will note that the totals exceed 100% but this appears to have resulted from the rounding up/down of the figures.



8.3.11 BCAAC contend that the Order will have an adverse effect on the historic value of the Bloomsbury conservation area [6.4.1, 6.4.3]. Whilst I recognise the high quality character of the area the pre-trial layout included a bi-directional cycleway on the north side of the corridor and two-way vehicular traffic. Should the Order be made permanent and the trial layout maintained, subject to any improvements which will be subject to further design [4.50], there will be one way vehicular traffic and two one-way cycle tracks to the north and south. Whilst I consider traffic levels below, the removal of one lane of traffic will reduce the severing effect of the corridor. As regards the visual intrusion of cyclists, given the levels of cycling use [8.5.4], I do not consider that there is any greater intrusion over the pre-trial layout which focused the cycling on the north side of the corridor adjacent to the footway. For the same reasons I do not consider that cycling will be any more disruptive than the pre-trial layout. I address the issue of pedestrian safety in connection with cycle use below [8.4.5].

### ***Impacts on pedestrians***

- 8.4.1 It is suggested by the Council that the reduction in traffic flow and the separation of the two cycle lanes into two separate lanes is likely to have made the pedestrian environment and amenity more attractive (ID4 PoE SS 4.15). ILHL acknowledge that the Order has advantages for pedestrians [6.1.22].
- 8.4.2 The Council has carried out a Pedestrian Comfort Level (PCL) assessment. This is an assessment tool developed by TfL (ID4 PoE SS 4.18) and ILHL agree with the Council on the use of the tool (ID 11). It is also agreed that at a number of locations the existing footways fail to provide an adequate level of pedestrian comfort (ID 11). I was not provided with any evidence which suggests that the tool is inappropriate for the assessment or that the outcome of the assessment is incorrect. The Council suggest that improving footways and removing street furniture could improve comfort levels for pedestrians further and will help increase walking as a means of getting around (ID4 PoE SS 4.26). Of the six footways assessed two failed to provide adequate footway comfort levels. An additional 1.3 metres of additional clear width is required to allow for comfortable pedestrian movement on the northern side of Torrington Place between Malet Street and Gower Street (ID4 PoE SS 4.25).
- 8.4.3 Notwithstanding the above, the reduction of motor traffic and the separation of the cycle lanes along the corridor will have, in my view, made the pedestrian environment and amenity more attractive. As noted by Simi Shah (ID4 PoE SS 4.27) the trial layout with cycle lanes on each side of the road is more intuitive and makes it easier to cross the road. The feedback from the trial is that many pedestrians have found it easier to cross the road (ID4 PoE LM 3.8). I am nevertheless mindful that whilst many members of the public have found it easier to cross the road a small number of pedestrians are less comfortable interacting with cyclists on each side of the road (ID4 PoE SS 4.28). The Council will however note the support for the trial by London Living Streets [5.5.2] and the Walking and Cycling Commissioner for TfL [5.2.1] in respect of pedestrians.
- 8.4.4 BCAAC comment [6.4.2] that pedestrians find speeding cyclists intimidating and potentially dangerous to pedestrians; a speed limit of 10 mph should be introduced [6.4.3]. BRAG observe (ID4 18/2 PoE 5 1, 12(c)) that many pedestrians find that crossing the corridor is confusing. Reference is made to near misses with cyclists [6.5.6]. The RMT also refer to cyclists racing using the Strava app [6.14.6] (ID4 7/2) although the

point made by CCC in cross-examination of Ray Allesson is that many of those with times recorded on Strava are undertaking normal journeys and are just recording those journeys. As such whilst some cyclists may use the Strava app to compare their speeds with others the figures quoted by the RMT do not necessarily represent 'racing' cyclists.

- 8.4.5 Whilst some may feel intimidated and/or are confused with the layout the collision data indicates that accidents involving pedestrians have been reduced since the implementation of the trial. In the 14 months during the trial pedestrian casualties have been reduced to 2, a more than 75% reduction when compared with the 14 months prior to the trial (ID4 PoE SS 4.8); the table at 4.7 indicates that there were 9 pedestrian casualties in the 14 months pre-trial. In the three years prior to the trial there were 17 collisions between vehicles and pedestrians. In the 14 months during the trial only two were recorded. There have been no collisions between pedestrians and cyclists during the trial (ID4 PoE SS 4.16) although it should be noted that given that only one such incident was recorded in the three years prior to the trial this is not a significant reduction. With this in mind there is nothing to indicate that the trial poses a risk to pedestrians from cyclists or vehicles or that a speed limit for cycles, if one could be applied, would have any additional benefits.
- 8.4.6 BRAG (ID4 18/2 PoE 5, 12 (c)) are surprised that there was only one incident involving a pedestrian in the year after the trial started (the Council puts this at 2 in the 14 months during the trial (ID4 PoE SS 4.8)). However, there is nothing to suggest that the data is incomplete (ID4 18/2 PoE 5, 12(c)) for the period although the Council are aware that collision data is normally reviewed over a three year period (ID4 PoE SS 4.5) and that 14 months data is a relatively small sample size (ID4 PoE SS 4.6). BRAG suggest that there was prior to the trial a downward trend in pedestrian accidents (ID4 18/2 PoE5, 6). However, the Council will note that this conclusion is based on the data from table 1 (ID4 18/2 PoE 5) dating from 1999. I concur with the view of the Council that it is normal to review 3 (or sometimes 5) year's data due to the potential for other factors to skew the results [4.19]. I nevertheless accept, given the fluctuations, that it is difficult to conclude that there has been a significant decrease in pedestrian accidents. However, as suggested by the Council [4.19], the implications are favourable and with further improvements which may be facilitated by the Order, and the reduction of motor vehicles, the risk of accidents involving pedestrians will reduce.
- 8.4.7 ILHL make the point [6.1.2] that no evidence of substance has been received that the impacts on pedestrians in the study area outside the corridor have not been assessed. BRAG (ID4 18/2 PoE 15) includes a statement from two individuals to the effect that the displacement of traffic into adjacent residential streets has had a harmful effect on pedestrians, and residents, due to noise and air pollution. The point is also made that pedestrians now have to cross jammed streets. I consider the issue of traffic, safety in the wider area and air quality below [8.6.1-8.6.30, 8.7.1-8.7.15, 8.9.1-8.9.9].
- 8.4.8 Overall the Order will improve the pedestrian environment on the corridor and will enable improvements to be carried out. There is nothing to indicate that the Order will have an adverse impact on pedestrian safety. I accept that some may find the layout intimidating but the layout is more intuitive and will facilitate the crossing of the road.

### ***Impact on Cycling***

- 8.5.1 The 'Scheme Rationale' (ID4 PoE LM 1.8) states that the trial was, amongst other reasons, introduced to address safety concerns along the corridor and to improve provision for cyclists.
- 8.5.2 TfL's London Cycling Design Standards, Cycle Lanes and Tracks (2015) (LCDS) (CD 2/12) provides minimum cycle lane widths based on the volume of usage. Cycle counts undertaken by the Council categorised the level of use as medium flow (ID4 PoE SS 2.11). Medium flow equates to two way traffic having a flow of between 300 to 1,000 cyclists during peak hour and between 2,000 and 8,000 over a 24 hour period. It is common ground between the Council and ILHL (ID11) and agreed by CCC [1.5] that the level of use is categorised as medium flow. To accommodate this volume on a bi-directional track, the track should be a minimum width of 3 metres and consequently the bi-directional cycle track does not meet minimum standards as to width. The LCDS indicates that a single direction cycle track should be a minimum width of 2.2 metres and to future proof the scheme against aspirations for growth and to make it attractive for users a width of 2.5+ metres is desirable; for a bi-directional track 4.0+ metres. The pre-trial width of the bi-directional cycleway varied between 1.96 and 2.64 metres and therefore did not meet the recommended standards.
- 8.5.3 To assess the effects of the trial layout the Council have carried out an assessment using the TfL Cycling Level of Service (Clos) guidance. The assessment indicates that the CLoS score has, with the implementation of the trial more than doubled [4.20], the most notable areas of improvement being safety and rider comfort. Nevertheless the Council acknowledge that there has been an increase in the number of collisions albeit that the severity has decreased (ID4 PoE SS 4.31). There have been no recorded collisions between cyclists and other cyclists during the trial although during the three years prior to the trial there was one recorded collision (ID4 PoE SS 4.32). It is reasonable to expect that the removal of the bi-directional cycle track should have improved safety although the figures do not suggest any significant benefit.
- 8.5.4 In considering the increase in the number of collisions involving cyclists the Council refer to a 52% increase in cycle trips during peak hours. However, the cycle traffic survey data takes no account of seasonal variation (ID4 ILHL 16 4.13) and compares figures from one weekday in March with a different weekday in May. In the circumstances it is difficult to place reliance on a figure of 52% as to the increase in cycling use of the corridor. In cross examination Louise McBride accepted that at best it could be concluded that cycle use had not decreased. In the absence of reliable data it is only possible to conclude that the cycle use of the corridor has not decreased. Given the above it is difficult to conclude that the increase in collisions involving cyclists is as a result of an increase in use by cyclists. However, the Council may wish to note the observation of BRAG (ID4 18/2 PoE 5, 12(a)) that the difference is not large enough to say that there has been a change in the underlying accident risk. In respect of the assertion by BRAG of a downward trend in accident risk I refer to the above [8.4.6].
- 8.5.5 The RMT note the suggestion of the Council that speed has been the reason for the increase in cycling accidents [6.14.6]. However, whilst there has been an increase in cycling casualties none were serious and the figures do not indicate a significant increase or suggest that speed was a contributory factor. It is acknowledged that wider cycle lanes will encourage some riders to travel faster than others but the single direction cycle lanes with their increased width has removed any conflict between

cyclists travelling in opposite directions and has made it easier to overtake. This will have made the route safer for cyclists.

- 8.5.6 I note the evidence from BRAG that some cyclists do not feel safer using the trial layout and wish to retain the scheme. The Council will wish to note the observations of four cyclists (ID4 18/2 PoE 5) three of which gave evidence to the inquiry in the context of this evidence (Debbie Radcliffe, Trevor Shonfield and Mark Foley). The statements raise concerns in respect of the trial layout as to the inconsistencies in widths, signage, signals, incidents of cycling against the flow of cycle traffic, the speed of cyclists and the feeling of being unsafe where the cycle track is enclosed.
- 8.5.7 In contrast the evidence on behalf of CCC is that the pre-trial layout was inadequate, in particular in respect of widths, configuration and the positioning on the carriageway causing dangerous confusion at junctions (ID4 3/2/2 and 3/2/4). The evidence of Isabell Clement (ID4 3/2/9) is that the pre-trial layout was too narrow for non-standard cycles to be able to cycle safely and excluded disabled cyclists but also parent and freight cyclists as well. CCC also assert that there has been a significant increase in the number of cyclists using the cycle tracks including parents with young children, people with mobility impairments and cargo delivery bikes [5.1.3]; this should be seen in the context of the evidence that there has been no decrease in cycle use. Helena Azzam (ID4 3/2/10) described how the pre-trial layout was too narrow for her recumbent mobility trike with her trike often overlapping the oncoming track and being very close to oncoming cycle traffic making her feel vulnerable. She now feels much safer and does not feel she is holding others up. Mr Chico described how the trial layout had made his daily commute vastly safer. The CCC have also provided statements in support of the trial layout (ID4 3/2/7) and Tabitha Tanqueray (ID4 3/2/12) highlighted the importance of the route to the cyclists travelling into Camden. The Council may also wish to note the evidence of Dr Rachel Aldred (ID4 3/2/3) as to the importance of schemes such as that on the corridor.
- 8.5.8 Looking at the evidence overall, the pre-trial bi-directional layout provided an insufficient width for the levels of cycling. Given the levels of cycling the pre-trial width falls short of the LCDS whereas the trial layout will help to accommodate the levels of cycling using the corridor. The trial layout removes confusion at junctions and better accommodates other 'non-standard' cycles. The pre-trial layout creates a risk of head-on collisions between cyclists although the collision data does not suggest that this was a significant issue. Nevertheless the one way flow will remove such a risk although, noting the evidence of Debbie Radcliffe [8.5.6], there is a possibility of a collision if a cyclist uses the cycle track in the wrong direction.
- 8.5.9 I accept that some may prefer the pre-trial layout but there is evidence of support for the cycle lane provision which will be provided by the Order from cyclists and local businesses and organisations (CCC (ID4 3/2/7), TfL [5.2.1, 5.2.2], University of London [5.3.1], UCL [5.4.2], LLS [5.5.4]) in respect of the cycling provision. In my view the current layout which will be made permanent if the Order is made provides significant benefits for cyclists. However, the Council should have regard to the concerns raised by BRAG (ID4 PoE 5 B 10) in any final design. The Council acknowledges that any improvements will be subject to further design considerations and consultation [4.50].

### ***Impact on motor traffic***

- 8.6.1 The removal of westbound vehicular traffic along the corridor has, as expected, resulted in the reduction of vehicular traffic along the corridor itself of some 60% [4.15]. The Council acknowledge that general motor traffic will be displaced to some streets close to the corridor specifically those that offer a viable westbound alternative (ID4 PoE SS 4.47). There has been some local redistribution of traffic from the corridor and Gordon Square northbound having a more general reassignment to Endsleigh Gardens and Endsleigh Place (ID4 PoE SS 4.47). It also acknowledges anecdotal evidence that the trial layout has resulted in increased journey times (ID4 PoE SS 3.16).
- 8.6.2 The Council have carried out traffic flow surveys along the corridor and the surrounding streets (ID4 PoE SS 4.45) and have revised the data (Note on Appendix 3 traffic flows (ID4/2B)). The data shows that daily motor traffic in the area has reduced on average by 7%, (ILHL consider the figure to be 5% [6.1.7]) but when the effects on the corridor are excluded there has been an increase of daily traffic in the wider area of 3%. The Council contend (ID4/2B 1.5) that whilst the figures in appendix 3 (ID4 PoE SS) have been amended the traffic flows have reduced following the trial. However, Simi Shah acknowledged in cross-examination that whether the reduction in traffic was 7% or 5% this was in the range of what might be expected to be day to day fluctuations on the network. In view of this I consider that the traffic counts are inconclusive as to whether the traffic in the area has actually reduced.
- 8.6.3 The Council do not specifically state that a reduction in traffic amounts to a benefit of the scheme. However, it is the Council's case (ID2 SoC 9.2) that the scheme sets to create a shift from the reliance on motor vehicles to more sustainable transport in response to key aspirations in line with national policy, London Mayoral and local policies. In my view the evidence in respect of the overall traffic levels in the area does not support a modal shift noting that cycle traffic has at best not decreased [8.5.4].
- 8.6.4 The Council will be aware of the evidence to the inquiry as to congestion and increased journey times. The Council may wish to note in particular the evidence of BRAG (ID4 18/2 PoE 4, 8, 9 and 10, ID2 18/1). These raise a variety of concerns in respect of congestion and travel times and the effect which this has on individuals and local businesses. These concerns were expressed by various individuals with some feeling and were made in response to the effects of the trial. In my view some weight should be given to their assertions as to the adverse effects. BRAG (ID4 18/2 PoE 14) also provided video evidence of congested traffic on Judd Street.
- 8.6.5 John Camacho pointed to a journey between the Neurological Hospital and the UCH which took 10 minutes before the trial but can now take as long as 45 minutes. Diana Scarrott states that almost as soon as the trial started the governors of UCLH Trust, of which she was one, became aware of staff comments as to delays to east-west journeys between UCLH sites. Nicky Coates did not experience congestion on Judd Street/Hunter Street before the trial and Karen Hennessy states that since the trial started Hunter Street was like living on a main road. Peter Storfer, having regular appointments at UCLH suggests that since the trial 75% of trips have been delayed. Elizabeth Paul indicates that since the trial a taxi journey, which used to cost £10, can now cost £40 and Miss Evans also refers to increased taxi fares. Fiona Dealey referred to the 'very serious gridlock' caused by the trial and to the effect this has had on those who live and work in the area.

- 8.6.6 LTDA refer to increased journey times and make the point that the corridor was a key east to west route for taxis which gives access to Euston Station and provides a vital route to the many medical facilities, hotels and tourist attractions in the area [6.2.4]. LTDA point out that the Council accept the trial has increased journey times and therefore taxi fares [6.2.4]. LTDA also refer to other evidence of increased journey times [6.2.4] and in particular those identified by its members and BRAG and identified in the consultation report (CD6/2/C p28) [6.2.4]. However, the Council make the point that the data from the LTDA consultation exercise [4.16] shows mixed perceptions as to the effect of the trial on traffic in neighbouring roads. The Friends of Tavistock Square [6.5.2], Michael Gwinnell [6.7.1/2], 54 Russell Square Residents Association [6.8.1], Unite [6.10.1/3/4], Bedford Estates [6.11.1], Mark Nash as an individual and representing Guilford Court Freehold [6.12.1/3], Confederation of Passenger Transport [6.13.2], RMT [6.14.1/4], TfL (taxi and private hire) [7.2.1], James Murray [7.3.1] and Eric Davies [7.4.1] all identify issues of congestion and increased journey times which has impacted on the quality of life or commercial operations.
- 8.6.7 In their written submissions in response to the notice of the proposed order UCLH refer to delays in journeys between hospitals [7.1.1]. An appended letter dated 26 May 2017 (also found at ID4 18/2 PoE 8 p4) identifies current journey times from the National Hospital for Neurology and Neurosurgery, the Royal National Throat Nose and Ear Hospital and the Royal London Hospital for Integrated Medicine to the UCH. The times are 52 minutes, 35 minutes and 47 minutes respectively. Diana Scarrott, a former Chair of Governors at UCLH from April 2016 to September 2017, made reference to the submissions of UCLH (ID4 18/2 PoE 8) but accepted in cross-examination that the times provided by UCLH should be treated with caution having herself carried out trial runs of the journeys which took less time than quoted. She suspected that the times quoted might include preparation for the journey. In the absence of any direct evidence and further details as to how UCLH have gathered the data it is difficult to put any significant weight on this evidence. Diana Scarrott nevertheless contended that journey times and distances had increased in journeys between the hospital sites.
- 8.6.8 In contrast the view of the University of London [5.3.1] is that the negative impacts which the traffic may have had on operations of the University have not materialised. CCC note the evidence of BRAG as to congestion on Judd Street (ID4 PoE 3/2/5) but make the point that although on occasion this road is congested it is not often congested. The point is also made that without a full study of traffic on the street it is not possible to determine the true situation. Professor George Coulouris (ID4 PoE 3/2/6) claims, using data obtained and used by google, that journeys between the Brunswick Centre and UCH and similar journeys originating in areas to the east of the scheme are only moderately longer than would be the case without the trial. Most journeys are identified as below 10 minutes with the longest estimated time being 16 minutes. Whilst these journey times do not appear to be unreasonable the Council may wish to note that no estimates have been provided for journey times prior to the implementation of the trial. It is therefore not possible to make any pre-trial comparisons.
- 8.6.9 In response to evidence on increased journey times the Council has also undertaken some analysis using journey time data from Google Maps (ID6 2.3-2.4). Table 2.1 records journey times from Google maps between both the National Hospital for Neurology and Neurosurgery and the Royal National Throat, Nose and Ear Hospital to UCLH on Beaumont Place. The Council assert that the recorded journey times are lower than those quoted

by BRAG (ID4 18/2 PoE 8) but accept that there are variations. The Council does not consider that the journey times have increased to an unreasonable amount due to the trial. As proffered by the Council, the extended journey times identified in the table possibly had some other cause [4.16]. However, the Council will wish to note that this analysis is not based on any recorded journey times prior to the implementation of the trial such that comparisons can be made.

- 8.6.10 ILHL have carried out a further analysis of the traffic data (ID4 ILHL 16 4.16 – 4.35) and have reached a conclusion that there was no overall reduction in traffic in the study area. This is consistent with the 7% reduction in traffic in the area [8.6.2] which is what might be expected with day to day fluctuations. It is also concluded (ID4 ILHL 16 4.34) 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 (ID4/2B) which shows an increase in motor traffic along these routes. LTDA and RMT brought my attention to the figures for displaced traffic [6.2.4 & 6.14.1/3] (CD6/2/E pp14-15) 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.
- 8.6.11 ILHL have also carried out queue surveys (ID4 ILHL 16 4.36 – 4.40) which show the queues of traffic on Woburn Place, Bedford Way, Endsleigh Street and Endsleigh Gardens. It is understood (ID4 ILHL 16 4.38) that queues of the length and duration were not usual prior to the trial. However, the Council will note that there is no comparable survey carried out pre-trial.
- 8.6.12 The point is made (ID4 ILHL 16 4.39-4.40) that at the junctions of Woburn Place and Bedford Way with Tavistock Place there is now only one northbound lane whereas pre-trial there were two. However, northbound traffic at these locations has largely remained the same. Consequently there has been a significant reduction in capacity at these junctions which has led to an apparent increase in queue lengths and journey times. RSRA/CRS make the point [6.8.2] that the timing of the lights at the junctions of Bedford Way and Woburn Place with Tavistock Square as being the cause of congestion around Russell Square. It is also suggested that the left turn cycle lanes at Bedford Way and Woburn Place should be reduced to provide additional capacity for northbound vehicles.
- 8.6.13 In the event that the Order is made permanent the Council may wish to consider the configuration of these, and other junctions in order to eliminate or reduce queues; John Russell indicated that he expected that the design and configuration of all, or most, junctions would be revisited along with signal settings. Nevertheless the reduction in capacity is likely to have caused an increase in queue lengths and therefore congestion.
- 8.6.14 The evidence before me indicates that the area around the corridor is subject to periods of congestion. As the Council note this is a busy and frequently congested area and that general congestion has been on the rise since 2015 [4.16]. The issue to be considered is whether the congestion is a result of the trial or in consequence of other factors. Whilst BRAG have provided video evidence of congestion, and other difficulties, they provide no indication as to the cause.
- 8.6.15 ILHL make an important point [6.1.8] that there is 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.

- 8.6.16 In the absence of such data some weight has to be given to the anecdotal evidence which shows that, since the trial, congestion has increased. However, this does not necessarily mean that any increase is as a result of the trial and given the fact that the area is busy and frequently congested it is quite possible that there are other reasons for the congestion. The Council suggests that works in the area will have contributed to the congestion and impacted on the traffic counts (ID4 PoE SS 4.48). Nevertheless the Council do accept that the trial has resulted in rerouting some traffic onto Endsleigh Gardens as this provides an alternative westbound route for access to Euston Road (ID4 PoE LM 3.16). It is also accepted by the Council that it is difficult to tease out any confounding effects from an extensive series of road closures (ID4 PoE LM 3.16) and difficult to assess the longer term impact of motor traffic on Endsleigh Gardens and Endsleigh Place in consequence of the Gordon Square closure for HS2 (ID4 PoE SS 4.53).
- 8.6.17 I agree with ILHL that to look out the window [6.1.10] is not a basis for determining the merits of the Order. However, the Council make the point that in the weeks during which the inquiry was held there was no untoward queuing of traffic on Judd Street. The evidence of BRAG (ID4 18/2 PoE 14) should be seen in the light of those observations and whilst it is clear that on occasions Judd Street is congested there are other times that the route will be flowing freely. This does not suggest a clear pattern which might be attributed to the trial; there may be other unidentifiable reasons behind the congestion.
- 8.6.18 Having regard to all of the above the evidence suggests that 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. The Council acknowledges the displacement of traffic and given the anecdotal evidence it is likely that this has resulted in congestion in the area. However, the absence of more extensive traffic data makes it difficult to determine the extent of any adverse effect the trial has had. Simi Shah acknowledged that no environmental assessment of the effects of road traffic had been carried out. As pointed out by ILHL a 415% increase in AM peak traffic in Endsleigh Street should have triggered the need for such an assessment when applying the guidance contained in 'Guidelines for the Environmental Assessment of Road Traffic' (ID4 ILHL 31).
- 8.6.19 In my view the increased congestion and travel times, with the resultant adverse effects, amount to a disbenefit which in part is likely to be attributable to the trial and must be put in the overall balance.
- Mitigation*
- 8.6.20 I note that discussions are ongoing with HS2 and TfL as to a right turn lane from Euston Road into Melton Street to provide access to the taxi rank for Euston Station (ID4 PoE SS 4.53); this is to minimise the impact of the closure of Gordon Square on Endsleigh Gardens and Endsleigh Place. However, in cross examination Simi Shah acknowledged that it was uncertain that any such provision could be made. She also noted that there was some doubt as to the location of the taxi rank which in my view introduces further uncertainty as to the effectiveness of any right turn lane. Richard Massett said that this option was unviable. In view of the uncertainty as to the right turn lane I am unable to give this mitigation any weight.



- 8.6.21 The corridor is identified as an emergency route although this designation has no formal status (ID4 PoE LM 5.9). The emergency services were consulted on the introduction of the trial which was supported by the Metropolitan Police. The London Fire Brigade have provided information to the Council indicating that, whilst they have been impacted by the trial, the response times in the Bloomsbury Ward have decreased since the implementation of the trial from 4 minutes 39 to 4 minutes 28 seconds in 2017. I do not consider that this is a significant reduction and no evidence is before me as to any reasons for this reduction. I am however conscious of the Email correspondence from an Officer at the Euston Fire Station (9/2/ILHL53) which indicates that the trial layout has impacted on attendance times.
- 8.6.22 The Council report (ID4 PoE SS 4.51) that there has been an adverse impact on the London Ambulance Service as they used the corridor in a westbound direction to take patients to the Hospitals near Tottenham Court Road. The consultation response from the London Ambulance Service (9/2/ILHL56) also indicates that the trial has caused delays in responding to incidents due to the need to travel increased distances and additional traffic. However, Simi Shah informed the inquiry that following discussions with the area commander that the London Ambulance Service have responded to the changes and have found other ways through the area. There is nothing before me to indicate that the impact on journeys and response to incidents is significant.
- 8.6.23 The Order provides that in response to an emergency the emergency services may travel in a westbound direction although it is suggested by the Council (ID4 PoE SS 4.52) that this would be subject to the adherence to the emergency services own regulations and would be a matter of judgement for the driver on each callout.
- 8.6.24 I note the evidence from BRAG as to emergency vehicles being hindered by congestion (ID4 18/2 PoE 7). However, overall whilst the Order would appear to have an impact on emergency response times there is nothing to indicate that any such impact is serious. It is of note that the London Ambulance Service have not made an objection or representation to the Order which would suggest that they do not have serious concerns. I agree with the Council that Richard Massett (ID4 14/2 para 17) is wrong to compare non-emergency journey times between hospitals with emergency response times and then say that emergency response times fall short. There is also nothing to suggest that in a major emergency incident, noting the suggestion that this is a high security risk area [6.3.9], that the emergency services would be delayed in consequence of the Order.

*Pick up and drop off along the corridor*

- 8.6.25 I note that comments have been received in relation to the picking up and dropping off of passengers on the corridor (ID4 PoE SS 4.55). BRAG (ID4 18/2 PoE 9, 2.4) refers to the reluctance of taxi drivers to enter the west bound cycle track to pick up or drop off on the south side of Tavistock Place. One resident of Tamar House, who attends frequent hospital appointments, can no longer be picked up on the south side of the corridor. They are now picked up on Woburn Place and dropped off on Herbrand Street. The point is made (ID4 18/2 POE 9, 2.4 (d)) that people arriving in wheelchairs have to be dropped off in the same way whereas in the past they could be dropped off outside Tamar House by taxi with the deployment of the ramp onto the pavement; this will only be applicable to black cabs. On the north side of the corridor it is contended that the difficulty is worse because it is not possible to get to the kerb.
- 8.6.26 Whilst there may be some reluctance to pick up and drop off along the corridor the route is not an urban clearway and there are no restrictions in this respect. It is possible that the median kerb to the cycle lane on the north side of the corridor gives an impression that such activities are restricted. As noted [4.50] the final design of the road layout will be subject to further consideration and this will include the removal of the median kerb [4.50]. This will remove the need for eastbound vehicles to enter the westbound cycle track to pass any vehicle which is picking up and dropping off on the north side of the corridor (ID4 18/2 PoE 9, 2.4 (e)). However, the Order does have an adverse impact in relation to dropping off and picking up along the southern side of the corridor by those using black cabs requiring the deployment of the appropriate facilities. I address the issues relating to black cabs at paragraphs 8.12.1 to 8.12.12 below.

*Parking and loading*

- 8.6.27 Access to parking bays on side streets in the corridor have been retained although the Council do note that routes to and from these bays may be more circuitous due to the one way restriction (ID4 PoE SS 4.54). Three resident parking bays have been lost and replaced by loading facilities. There is nothing to suggest that this amounts to a significant loss.
- 8.6.28 The trial has removed loading provision on the southern kerbside of the corridor aside from a dedicated loading bay on Torrington Place outside Planet Organic; this is to accommodate the large number of daily deliveries to the business. There was no loading provision on the north side of the corridor prior to the trial and this has been continued. Loading facilities already existed prior to the trial on side streets. The trial has provided an additional loading bay on Herbrand Street and a stretch of double yellow line (without parking restrictions) has been provided on Huntley Street. The Council have calculated that that no business on the corridor is located more than 65 metres from some kerbside loading provision (ID4 PoE SS 4.59).
- 8.6.29 The statement of Mr Walduck for ILHL (ID4 ILHL 18) indicates that it is now impractical to provide a delivery service to and from staff hostels. BRAG have provided a number of statements from individuals and local businesses which outline the difficulties in loading/unloading (ID4 18/2 PoE 10). It is contended that the loading bays at the top of Herbrand Street are too short and are often occupied by ambulances due to there being insufficient ambulance bays. Similar points are made by Tamar House RTM Co Ltd who also allude to increased delivery costs and increases in quotes from service providers due to parking and access provision [6.6.1]. The

Friends of Tavistock Square also refer to the consultation not fully covering the local needs for deliveries [6.5.1].

- 8.6.30 In my view the Order has the effect of reducing the loading provision on the corridor although some additional provision is made on side streets. This does appear to have caused difficulties for residents and some local businesses and whilst I do not consider that there is a major impact, mindful of the additional provision, this does amount to a disbenefit. The Council may wish to consider the sufficiency of the loading bays on Herbrand Street [8.6.29].

### ***Safety in the wider area***

- 8.7.1 BRAG (ID4 18/2 PoE 5) suggest that the trial has caused problems for cyclists in the surrounding streets having to deal with displaced traffic. BRAG also contend (ID4 18/2 PoE 15) that attention should be given to the pedestrian experience in surrounding streets. RMT also suggest that there has been an increase in accidents in the area [6.14.1].
- 8.7.2 ID6 includes an analysis of collision data for Judd Street and Hunter Street. Although Mr Walker raised concerns as to the average number of collisions per 12 month period (ID6 4.31) the figures show a reduction in collisions involving pedestrians and cyclists (the Council now identify a 35% and 14% reduction respectively (ID6 4.34). There have been no 'serious' collisions during the trial period when compared to the 36 months prior to the trial when there were two.
- 8.7.3 The Council have carried out further collision analysis for the area bounded by Euston Road, Gray's Inn Road, New Oxford Street/High Holborn/Holborn and Tottenham Court Road (ID4 4.17-4.26). The Council point out that the TfL data has only been validated to September/October 2016 and that there are compatibility issues with the data due to the introduction of a new input database by the Metropolitan Police in November 2016 (ID6 4.18). However, the Council have concluded that, even taking into account these caveats, the data indicates that serious and slight collisions have reduced in the area. The data suggests that the 12 month average prior to the trial was 120 whereas since the implementation of the trial the figure is 118; I do not consider that this is a significant difference.
- 8.7.4 In respect of pedestrians and cyclists in the wider area the collision data indicates a reduction in pedestrian casualties from a 1 month pre-trial average of 36 to 30 during the trial, in respect of cyclists reducing from 45 to 39 (ID4 4.24, 4.25). Again whilst there is a reduction in collisions this is not a significant difference and overall the data does not suggest that the trial has impacted on safety in the wider area.
- 8.7.5 ILHL have analysed the Personal Injury Accident (PIA) data for the study area (ID4 ILHL 16 table 7.3). This indicates that during the four years prior to the trial there were an average of 255 PIAs per year and during the first year of the trial 255 PIAs were recorded. This in my view supports the evidence gathered by the Council which suggests that the trial has had no influence on safety in the wider area. The PIA records also indicate that the Trial has made a negligible change to cycle safety in the area but that there has been a noticeable reduction in pedestrian accidents (ID4 ILHL16, 7.6).
- 8.7.6 In respect of the concerns of the RMT relating to collisions at the Gordon Street/Euston Road junction and on Great Russell Street [6.14.1] the Council have analysed the Crashmap data (LBC4 A-C). For Gordon Street/Euston Road junction this shows that the yearly average for

collisions has increased from 3.3 to 5.5. This equates to a 67% increase and not the 122% suggested by the RMT.

- 8.7.7 In respect of Great Russell Street the RMT contend that had Great Russell Street not been subjected to a 68% increase in traffic then the pedestrian accident rate would not have increased by 400% (PID 4).
- 8.7.8 As regards the changes to traffic levels on Great Russell Street the RMT appears to have based the figure for an increase on the 'All Day' figures from the Council's revised appendix 3 which does show an increase of 68% in traffic on Great Russell Street. The revised Appendix 3 (ID4/2B) indicates an increase in westbound traffic of 66% which is to be expected given that the trial has restricted westbound movements through the area. There has been a reduction of 45% in eastbound traffic and as suggested by ILHL (PID 4 1.8) this may have arisen as a consequence of eastbound traffic diverting along the trial corridor. ILHL have carried out a further analysis (PID 4 1.5-1.6) and have concluded that westbound traffic has increased by around 2,100 vehicles a day, eastbound traffic has decreased by 2,440 vehicle a day and that overall traffic volumes have decreased by 300 vehicles per day. This broadly agrees with the analysis carried out by the Council which shows an increase westbound, a decrease eastbound and overall no significant change in traffic levels.
- 8.7.9 In terms of collisions I agree with the analysis at table 3.1 of the Council's response (PID 2) which shows that the average number of collisions by severity pre-trial and during the trial have remained the same although serious collisions have reduced to zero. As regards pedestrian casualties pre-trial compared to during the trial table 3.2 (PID 2) shows that pedestrian collisions have increased by 262%; the RMT provide alternative figures showing a 415% increase in casualties. Collisions involving cyclists have reduced by 61% although the RMT based on their figures put this at a 13% reduction.
- 8.7.10 ILHL have carried out a further analysis (PID 4 1.9 to 1.18) based on figures provided by TfL (ILHL 46) for the time period 1 November 2011 to 30 October 2016. The Council will be aware that this data has been validated and I consider that some weight should be placed on the analysis. The Council will wish to note the conclusion that there has been an increase of 300%<sup>8</sup> in the annual pedestrian casualty rate. ILHL have also considered figure 1.1 (PID 4) and in reviewing the data, note that RMT does not include one pedestrian casualty recorded on 27/2/14. It is concluded that the inclusion of this casualty results in an increase of 275% in the annual casualty rate rather than the 400% suggested by RMT. In respect of collisions involving cyclists ILHL conclude that this has remained the same.
- 8.7.11 Having regard to the various analyses the evidence indicates an increase in pedestrian casualties following the implementation of the trial of between 262% and 400%. In respect of this latter percentage I concur with ILHL that this figure should now be 275% and the increase in pedestrian casualties is between 262% and 300% and this is dependent on how the data is analysed. Although the percentage increases suggest the increase in pedestrian casualties as being high they represent only a small number of casualties. The Council suggest that there is no evidence that the trial has led to an increase in collisions involving pedestrians on Great Russell Street (ID6 3.6). Nevertheless, it is clear that since the implementation of

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<sup>8</sup> This analysis includes Great Russell Street including Bloomsbury Square (northern side) and Bloomsbury Place hence the difference between the figures shown by the Council.

the trial there has been an increase in casualties. Whilst overall traffic levels along Great Russell Street have not changed significantly there has been a significant change in traffic patterns with an increase in westbound traffic and a decrease in eastbound traffic. It is difficult to conclude that the change to the traffic pattern has caused the increase in pedestrian casualties but the increase is unexplained. This increase should be considered in the context that in the corridor collisions involving pedestrians have reduced since the implementation of the trial [4.29].

- 8.7.12 I note the point made by the Council that Great Russell Street is 600m south of the corridor. However, Great Russell Street provides a westbound route and the evidence is that westbound traffic has increased following the trial. I do not consider that in the circumstances the distance from the Corridor has any bearing on whether the trial has impacted on safety along Great Russell Street.
- 8.7.13 As regards the effect on cycling this shows that casualties on Great Russell Street have reduced or at least remained the same. However, the Council do not make any argument that any reduction is as a result of the trial and there is nothing before me from which I can reach such a conclusion.
- 8.7.14 RMT make the point in their response to the Council that it is unacceptable, using the actual figures, that an annual casualty decrease of 0.3 for cyclists is worth a pedestrian casualty increase of 4.7 (PID 2 3.5). However, in making my recommendation I have to consider the advantages against the disbenefits. Bearing in mind the above I do not consider that any increase is significant and the increase in pedestrian casualties is unexplained.
- 8.7.15 Looking at the evidence as a whole it does not suggest that safety in the wider area has been reduced as a consequence of the trial.

### ***Traffic modelling***

- 8.8.1 The Council has used the modelling to gauge the likely effects of any decision to abandon the trial [4.26]. It makes the point that the test is one of assessing what would happen if a decision is made to allow the trial to lapse [4.26]. However, as set out in the main issues I am required to consider whether the disadvantages of the Order outweigh the advantages. I therefore consider the approach of ILHL is more appropriate and the outcome of this analysis is set out in ID4 ILHL 55. This analysis includes the WEP and I agree that the assessment could be achieved by 'reversing' the colours in figures 3 and 4 (ID4 PoE DC p18). I nevertheless accept that the Council has concerns as to the effect of abandoning the trial and reverting to the pre-trial arrangement.
- 8.8.2 The modelling work is founded on TfL's established ONE (Operational Network Evaluation) Model. The model used is considered 'fit for purpose' by Systra (ID4 PoE DC 4.2.15) and by TfL. ILHL also accept that the model is fit for purpose subject to certain reservations (ID4 ILHL 53 5.6 – 5.8). The model plot at ILHL 43 shows no change in westbound traffic on Great Russell Street, shows an increase in westbound traffic on Euston Road between Judd Street and Gray's Inn Road and shows no change in northbound traffic on Judd Street. It is suggested (ID4 ILHL 53 5.7) that this does not reflect what is suggested by traffic surveys carried out by the Council. Having reviewed the traffic survey data (App 3 ID4/2B and ID4 ILHL 16 table 3.1) I concur with these findings and note that the model does not replicate what has happened in real life. These differences, although in my view not substantial, have not been explained.

- 8.8.3 Unite suggest that the model is based on data gathered pre Cycle Superhighway works, and other major schemes, and should be scrapped (ID4 PoE p8). The Council will note the evidence of Tony Dichev which sets out the methodology (ID4 PoE TD 3.1-3.20) and the four stages of modelling namely Base, Future Base, Do Something and Sensitivity. The Base model, developed for 2016, represents the current situation of the network with the Future Base including all strategically significant schemes for implementation up to that point. Notwithstanding the above the Council made the point, in cross-examination of Peter Rose, that qualified engineers on behalf of the Council and ILHL had both agreed that the model was fit for purpose. Although Peter Rose still disagreed he provided no evidence in support of his proposition. In my view some weight should be given to the evidence of qualified engineers as to the fitness of the model notwithstanding the fact that John Russell for ILHL had some reservations.
- 8.8.4 The Council will note the submissions of the LTDA in respect of the effects of pedestrianisation of Oxford Street and HS2 works, the effects of which have not been modelled [6.2.6]. David Carter acknowledged in cross-examination that the pedestrianisation of Oxford Street had not been included in the modelling exercise. In respect of the effect of HS2 works David Carter outlined that the effects of works are unknown. In my view whilst there may be concerns as to the effect of pedestrianisation of Oxford Street there is no evidence that this will add to the congestion of the area around the corridor. In respect of HS2 the effects are unknown and will need to be monitored and it is possible that this results in further congestion. However, in making my recommendation I need to consider the benefits and disbenefits arising from the Order.
- 8.8.5 Returning to the outcome of the analysis by John Russell in respect of the trial compared with the pre-trial layout I have considered the effects as identified (ID4 ILHL16 5.30). The Council will be aware that the conclusions reached by Mr Russell were largely accepted by David Carter under cross-examination. The modelling shows an increase in traffic volumes on Endsleigh Street, Endsleigh Gardens, Judd Street (although the initial section north from Tavistock Place shows a decrease) and Hunter Street. There is an increase in traffic northbound on Gray's Inn Road and westbound on Euston Road to the east of Judd Street. To the west of Judd Street there is an increase in westbound traffic on Euston Road but this is half the increase than on the section between Gray's Inn Road and Judd Street. There is an increase in traffic volumes on a number of streets west of Tottenham Court Road. Northbound flows on Bedford Way and Tavistock Square (southwest) are largely unchanged.
- 8.8.6 ILHL make the point (ID4 ILHL16 5.30 (10)) that there is a predicted decrease of more than 400 vehicles per hour westbound on Gordon Square (south east). In contrast there is an increase in traffic volumes of around 100 vehicles per hour on Euston Road, 200 vehicles per hour on Endsleigh Gardens and 100 Vehicles per hour on Russell Square. This does suggest that around 75% of the displaced traffic will use local roads with only 25% rerouting to strategic roads. This is contrary to the intention of the Council (ID4 PoE LM 3.13) which was to avoid attracting through traffic onto local roads.
- 8.8.7 In my view the modelling demonstrates the displacement of traffic onto local roads in the Bloomsbury Box. This reflects the anecdotal evidence to the inquiry that the trial has caused congestion which has increased journey times, increased travel costs and had an adverse effect on local businesses.

## **Air Quality**

- 8.9.1 The Council do not argue that the trial will solve air quality issues but that it will help as a step in the right direction [4.23]. The corridor falls within an AQMA and this requires the Council to take action to reduce and monitor pollution levels across the Borough (ID4 PoE AW 1.2). Of concern to those objecting to the Order is the reduction in air quality arising from the increased congestion which is claimed arises from the implementation of the trial.
- 8.9.2 For the initial monitoring the Council installed, on 1 July 2015, two AQ mesh units, one on Tavistock Place the other on Gordon Square. The results from the monitors show reductions in NO<sub>2</sub> levels since the introduction of the trial of 21.44% and 8.97% respectively. However, the Council acknowledge (ID6 5.4) that AQ mesh monitors are emerging technology and that some level of caution must be used when analysing the 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. Additionally Andrew Webber accepted the view of David Laxen (ID4 ILHL 17 5.5) that the minimum background level of NO<sub>2</sub> in 2016 was 31 µg/m<sup>3</sup> which was around 5 µg/m<sup>3</sup> higher than the concentration measured at Tavistock Place. Further, that, given the monitor is at a roadside location, this result could only be anomalous. It was accepted that the reading was low, unexpected and unexplained.
- 8.9.3 Given the above whilst it is expected that levels on the corridor should have reduced, as appears to be common ground, I concur with the view of ILHL that it is difficult to quantify the level of improvement in air quality on the corridor [6.1.32].
- 8.9.4 In addition to the monitors on the corridor the Council, following the implementation of the trial, installed additional AQ mesh monitors on Judd Street and Endsleigh Gardens. The conclusion of Andrew Webber (ID4 PoE AW 4.7) is that air quality levels have not been adversely affected by displaced traffic but that pollution levels are higher than expected. Andrew Webber accepts that without monitoring data being available before the scheme along Endsleigh Gardens it is difficult to quantify the impact of the scheme along this route. He acknowledges that the increase could be as a result of displaced traffic (ID4 PoE AW 4.8). In my view the same is applicable in respect of Judd Street and I agree that it is difficult to quantify the impact of the scheme on air quality in these roads. The Council will be aware of the anecdotal evidence (ID4 18/2 PoE 4) as to an increase in pollution from vehicles on Judd Street and Hunter Street.
- 8.9.5 I note the point (ID4 PoE AW 4.8) that the improved walking infrastructure along the corridor should ensure that the number of walkers and cyclists exposed to higher pollution levels on Endsleigh Gardens is reduced as the scheme is more attractive to them. It is also asserted that increases in pollution on roads outside the corridor is more than offset by the improvements in air quality along the corridor. However, as noted above, the level of improvement in air quality in the corridor is difficult to quantify and the degree of benefit to those using the corridor is therefore also difficult to quantify. Furthermore, whilst there may be improvements along the corridor it is not possible to reach a conclusion that this offsets the increase in pollution levels on other roads. It cannot also be presumed that because the Corridor is more attractive that pedestrians and cyclists will use the corridor in preference to other routes. There is no evidence that use of the corridor by pedestrians and cyclists have increased in

number. In any event this ignores the impact on residents living in the affected roads.

- 8.9.6 I am aware of the criticisms in the gathering and analysis of the air quality data [6.1.26 – 6.1.34, 6.2.16, 6.3.2, 6.5.2, 6.14.5] the contribution made by the trial towards improving air quality in the area and the extent of any reduction. I do not propose to examine the detail in this report. However, it should be noted that the evidence of Andrew Webber is that air pollution levels in the scheme's area have reduced by more than the Camden average since 2010 some of which may be attributed to the scheme (ID4 PoE AW 5.6). Further, in closing [4.23] the Council pointed to the relatively small contribution the trial has made. The Council do not make a case that the trial has had any significant improvement in air quality in the area and acknowledge that other interventions will result in further improvements in air quality [4.23].
- 8.9.7 Both the evidence of Andrew Webber and David Laxen indicates that NO2 levels in the Camden area are reducing and that this is, amongst other factors, in consequence of improvements in vehicle emissions. Given the ongoing reduction in NO2 levels and in the absence of more detailed monitoring it is difficult to reach a conclusion that the trial has resulted in an improvement in air quality in the area as a whole. As noted above the monitoring along the corridor is insufficient to quantify any improvement in air quality [8.9.3]. In addition the Council acknowledges that the pollution levels in Endsleigh Gardens are higher than expected and the Council acknowledge (ID6 5.6) that they are looking at ways to reduce pollution levels on this route.
- 8.9.8 Looking at the evidence as a whole the air quality in the corridor is likely to have been improved. However, whilst the trial may have resulted in improved air quality in the surrounding area, and that is by no means clear, there is nothing to suggest that any improvement is significant. The Council will be aware of their own conclusions that any improvement would be relatively small. Furthermore, in the absence of detailed monitoring before the trial it is difficult to draw any conclusions as to the impact of the trial on the air quality in the surrounding roads where traffic has been displaced and on residents who live in properties on these roads. Nevertheless the Council acknowledge that the redistribution of motor traffic can be expected to redistribute emissions and therefore increase pollution [4.23]. I am also conscious of the objections to the Order which raise particular concerns in respect of air quality (ID4 18/2 PoE 4) [6.5.2, 6.8.2, 6.11.1, 6.12.1, 6.12.3, 6.13.1, 6.14.1, 6.14.5, 7.4.1]. Some weight should be given to these objections which should be put into the overall balance when considering the advantages and disbenefits.
- 8.9.9 Given the acknowledgement of the Council and the evidence from the objectors it is likely that roads adjacent to the corridor where traffic has been displaced will suffer from increased pollution. As such this amounts to a disbenefit but in the absence of detailed monitoring it is difficult to quantify the extent of any disbenefit.

### ***Health benefits***

- 8.10.1 The evidence of Jason Strelitz points to studies which found that mode shift to active travel results in reductions of all-cause mortality, respiratory disease, cardiovascular disease, cancer, adverse birth outcomes, activity restriction days and productivity loss (ID4 PoE JS 5.1). The benefits of active travel in urban areas outweigh the disbenefits of poor air quality in all but the highest concentrations which are not found in London. Even small increases in physical activity can bring great health benefits (ID4 PoE



JS 4.4). A safe environment for walkers and cyclists is important if modal shift is to be encouraged (ID4 PoE JS 6.1); 25% of respondents to the consultation added a comment that the corridor felt safer and a more pleasant place to cycle and walk (ID4 PoE JS 6.6). Jason Strelitz also contends that policies that focus on modal shift play an important role in achieving long term emission targets in respect of carbon.

- 8.10.2 The health and other benefits of modal shift is not disputed and it also does not appear to be disputed that there are health benefits, other than in extreme circumstances not found in London, from active travel. However, the evidence to support any modal shift is limited. 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. Nevertheless, anecdotal evidence from CCC suggests that there has been an increase [5.1.3]. Whilst vehicle traffic has reduced along the Corridor, as would be expected by the removal of one lane for vehicular traffic, the reviewed traffic data (ID4/2B) indicates that daily motor traffic has increased by an average of 7% although when excluding traffic along the corridor there has been an overall increase in daily traffic of 3% in the wider area. The evidence from the Council does not support a modal shift from motor vehicles to walking and cycling. In the absence of evidence as to a modal shift it is difficult to conclude that the Order will have additional health benefits. Nevertheless, there will be health benefits to those who regularly engage in active travel along the corridor.
- 8.10.3 Jason Strelitz also relies on the air quality data which in his view shows an improvement along the corridor. However, the Council may wish to note my previous observations [8.9.3]. Whilst it is likely that air quality will have improved the extent of that improvement is less certain and this diminishes the weight which can be given to the argument that the improvement in air quality is of significant benefit to all road users. Jason Strelitz accepts that there is potential for displacement effects arising from displaced traffic. However, he contends that from a public health perspective it is important to consider whether the positive impacts of the trial most directly outweighs the adverse impacts of any displacement. Further, how the trial contributes to an overall strategy which should see all areas benefit from less polluting traffic (ID4 PoE JS 9.2). Whilst there will be health benefits to those using the corridor there is no evidence to show that the trial has resulted in a modal shift such that there will be wider health benefits.

### ***Duties under the Equality Act 2010***

- 8.11.1 The Council is aware of its Public Sector Equality Duty (PSED) under section 149 of the 2010 Act. This is addressed in Appendix A to the Cabinet Report of 22 February 2017 and identified in the Equality Impact Assessment (CD 6/2 App E). Section 149 requires a public authority to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation. Further, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. In having due regard it is not necessary for any provision to be enhanced or that there should be a similar level of provision. Where there are disbenefits then these need to be considered in the overall benefits of the scheme. I was referred to *Hamnet v Essex County Council [2014] 1 WLR 2562* [4.28] which sets out the approach to the PSED and where there are competing interests these have to be balanced. It does not require any particular outcome rather it imposes a procedural duty to have regard to the various matters.

- 8.11.2 The Council make the point that the PSED is a continuing duty [4.29] and I concur with this view. I also note the point [4.29] that ILHL has no function under the PSED as ILHL does not exercise public functions as suggested by John Russell (ID4 PoE JR 6.2); Public authorities and public functions to which the PSED applies are set out at section 150 of the 2010 Act.
- 8.11.3 BRAG suggest (ID4 18/2 PoE 9) by reference to section 149 that the Council has, by admitting negative impacts on groups of people with protected characteristics, caused discrimination in contravention of the Act. However, whilst there are negative impacts the correct approach to the PSED is as set out above [8.11.1]. The Council also suggest that the LTDA fall into error in respect of the PSED [4.29]. However, in closing the LTDA clearly acknowledge the correct approach that the impact on protected groups is a matter to be weighed in the balance [6.2.8].
- 8.11.4 The Council acknowledge that in exercising its road traffic regulation functions it is exercising a public function [4.30] and therefore must not do anything which constitutes discrimination (Section 29(6) of the 2010 Act). I agree with the Council that it is not suggested in opposition that the Order has treated disabled or elderly persons less favourably [4.32]. In respect of section 19 of the 2010 Act (indirect discrimination (age, disability)) this does not arise if the Order is a proportionate means of achieving a legitimate aim. Nevertheless, as accepted by the Council any disbenefits need to be put into the balance [4.32]. As regards the issue of black cabs, which I address below, those requiring wheelchair access who are black cab users as opposed to other disabled users of other types of cab who do not need the 'unique' (ID4, 14/2 para 9) nearside access are not a group of persons sharing the protected characteristic of disability when compared with persons who are not disabled. Section 19 does not therefore engage.
- 8.11.5 The Council recognise in the EIA that there may be some negative impacts on protected groups including young and older people, disabled people and pregnant women in particular. The Council have concluded that in the light of proposed mitigation measures the positive impacts of the proposal outweigh the negative impact [4.38].
- 8.11.6 As regards positive benefits the Council consider that the trial layout improves the environment for users with larger cycles and less confident cyclists and encourages more people with protected characteristics, such as disabled and older people, to cycle [4.37].
- 8.11.7 I note the submission of LTDA (ID4 14/2 RM1 extract from 'Travel in London: Understanding our Diverse Communities (TfL) (p224) that in terms of disabled Londoners only 9% are contemplating or intending to start cycling compared to 73% who have never thought about cycling or have decided not to. Whilst this does not suggest a potential for a significant increase in cycling by those with disabilities the trial layout provides an opportunity for such cyclists to use the corridor without the concerns as identified by Helena Azzam (ID4 3/2/10). CCC also contend that the trial layout has resulted in an increase in use by cyclists with disabilities although no figures have been provided. The evidence of Louise McBride (PoE LM 5.6) is that in 2014 approximately 15% of disabled people actively cycled for transport.
- 8.11.8 As regards the contention that a significant number of disabled people would not or cannot cycle [6.2.9] I have no figures as to how many of the 133,000 wheelchair users over the age of 5 would not or could not cycle. It is likely that a proportion will not be able to do so. In any event, as

noted above [8.11.7], I do not consider that there is potential for a significant increase in cycling by those with disabilities.

- 8.11.9 The Council recognise that the Trial/Order has increased journey times for motor vehicles [6.2.10] and I agree with the LTDA that this will include hospital transport and taxis making westbound journeys; there will also be a consequent increase in taxi fares. Louise McBride accepted that there was a disproportionate adverse impact on those with protected characteristics and potentially the poorest among that group. The Council is also aware that longer journey times affect people who share protected characteristics more than those who do not (CD6/2 p31).
- 8.11.10 The LTDA make the point that the Council's treatment of the taxicard data meant that it ignored those disabled people not from Camden but who use the medical facilities in the area [6.2.11]. The Council may wish to note that the EIA only identifies taxicard journeys in respect of residents in Camden although there are some 1.25m taxicard journeys per year made by London residents. Some 62% of taxicard journeys are for hospital appointments (RM3 p5) and therefore any increase in journey time is likely to affect a significant number of those using the taxicard scheme. Those using the taxicard scheme have long-term mobility problems or severe sight impairment and have difficulty in using mainstream public transport. However, I do not consider that the figures in relation to the taxicard scheme mean that the EIA is flawed. Louise McBride stated that the figures on taxicard use was contextual and in any event the Council acknowledge that there has been an increase in journey times (ID4 PoE SS 3.16).
- 8.11.11 I note the point of LTDA that the grid contained in the EIA assumes benefits for certain groups [6.2.11]. In cross-examination Louise McBride said that the table assumes positives for those particular groups but did not include negative comments because none had been received from those particular groups. I agree that the grid does not give a full picture of the likely disadvantages for certain groups. Whilst the Council did not receive negative comments from particular groups that does not mean that there are no disadvantages. In making my recommendation I have had regard to the evidence before me; the EIA is of limited assistance.
- 8.11.12 Evidence from BRAG (ID4 18/2 PoE 8 and 9) which addresses issues on mobility and problems for hospital patients indicates that journey times have increased along with taxi fares when accessing the various hospitals in the area. The increased journey times have resulted in being late for appointments for essential medical care. The evidence points to difficulties in attending the hospitals in the area, the reliance on cars or taxis for those visits and associated problems with picking up and dropping off along the corridor. It is also stated that the Meals on Wheels and Dial-A Ride services have suffered from the effects of the traffic congestion. RMT also report on taxi drivers experiencing longer journey times to and from the various NHS establishments in the area [6.14.4]. UCLH also raises concerns about additional journey times between hospitals [7.1.1].
- 8.11.13 I have already considered increased journey times and concluded that the trial has had an impact on journey times in the area; there is consequently a resultant increase in taxi fares [8.6.18]. This will have a disproportionate adverse effect on those with protected characteristics and in particular those who need to attend the numerous medical facilities in the area. However, whilst some of that increase may have resulted from the trial it is not possible to conclude that all increased journey times are a result of the trial. Nevertheless the evidence is that those with protected

characteristics are now experiencing difficulties in accessing the various medical establishments in the area; difficulties which were not experienced before the Trial. Difficulties also arise with the picking up and dropping off along the corridor [8.6.26] although the removal of the existing median kerb between the northern cycle lane and the traffic lane will improve access.

- 8.11.14 In terms of mitigation (ID4 PoE LM 3.34) the Council will investigate ways to improve the delineation of space for cyclists and pedestrians on Byng Place, improving visibility for cyclists and pedestrians on zebra crossings along the corridor. They will also investigate making it easier to distinguish between the pavement and the road if future measures such as raising the road to the level of the pavement were introduced. The Council will also investigate alternatives to the rubber blocks (orcas) which visually impaired people could trip over. However, in the absence of detailed proposals, and bearing in mind my observations in respect of funding [8.3.9], it is difficult to give these measures significant weight. Nevertheless it is likely that some improvements will be carried out which will provide an element of mitigation.
- 8.11.15 Overall, there are some disbenefits in respect of those with protected characteristics and this needs to be put into the balance. I note the submissions of the Council in respect of sections 20 and 21 of the 2010 Act. Whilst there are disbenefits there is nothing to suggest that these are substantial or are unreasonably adverse such that the making of the Order amounts to discrimination [4.33].

### **Taxi Rank**

- 8.12.1 The eastbound only movement of vehicles presents issues for the dropping off/picking up of wheelchair users outside the Tavistock Hotel by London black cabs; the disability features of a London black cab are positioned on the nearside of the cab [6.2.12]. Consequently any disabled passenger in a black cab needing the disability features of a black cab will need to be offloaded into the westbound cycle way [6.2.12]. This scenario does not arise where wheelchair users are being dropped off by other PHVs where these have a rear ramp.
- 8.12.2 I note the evidence of Richard Massett that the time taken to deploy the appropriate facilities was in the region of 7 minutes from the time when the black cab had been hailed in the street (ID4 14/2 p 9 para 8). In contrast the Council suggested that a ramp could be deployed in 2½ minutes [4.43]. There appears to be a marked contrast between the times taken and I note the point that the video showing the deployment of the ramp was filmed in a controlled environment and it is probable that the operative would be well versed in the procedures. However, I am not persuaded by the suggestion of Richard Massett that drivers would not be sure how the equipment worked. Given the drivers' responsibilities to passengers it is to be expected that drivers would be reasonably conversant with procedure for deployment.
- 8.12.3 In either case the deployment of the ramp into the westbound cycle track and potentially into the carriageway creates a safety risk for the passenger, the cab driver and cyclists and has the potential to cause congestion along the corridor [6.1.36]. The evidence of John Russell is (ID4 ILHL 16 6.13) that there have been a number of near misses witnessed by the hotel with taxis pulling into the taxi rank against the flow of oncoming cyclists and with taxi doors opening into the cycle lane which has have caused near misses known as 'car dooring'.

- 8.12.4 In relation to the prospect of a taxi rank or taxi drop off on the north side of the corridor this would deal with the deployment difficulties although this option does present difficulties with passengers, possibly with luggage, having to cross the corridor to gain access to the hotel. Nevertheless, LTDA make the point that it is unclear as to how the stepped cycle track (ID4 PoE SS 3.9) would impact on accessibility [6.2.13]. The Council may wish to note this concern. However, as noted above [4.50], the making of the Order would facilitate a number of physical improvements but this will follow a further access audit, discussion and consultation where necessary.
- 8.12.5 A further issue [6.2.13] is the risk to cyclists travelling in the cycle track on the north side of the corridor; this situation would arise in the event of the removal of the median kerb. In consideration of the scenario of pulling into the taxi rank outside the Tavistock Hotel in a westbound only vehicular traffic scenario John Russell described how a taxi would slow down and indicate and how brake lights would be visible such that a cyclist would be aware of what was happening. Whilst there is a risk from taxis pulling up to the kerb on the north side of the corridor the actions of the taxi driver would be evident and there is nothing before me to indicate that the risk is significant.
- 8.12.6 The Council has considered alternative pick up and drop off points on Bedford Way and Woburn Place for Hotel guests requiring the deployment of ramps (ID6 3.9).
- 8.12.7 In respect of Bedford Way the Council will wish to note the submissions of the LTDA [6.2.15] and for these reasons the use of Bedford Way would not be ideal. A further issue is that passengers will still need to access the front of the Hotel as there is no suitable access to the Hotel reception area along Bedford Way. The EIA (CD6/2E) wrongly assumed that there were side entrances to the hotel which could be used. In this respect the Council say (ID6 3.9) that if dropped off in Bedford Way this would be within 50 metres of the Hotel entrance; this is the distance recommended in the Guidelines for Inclusive Mobility (CD1/17). Although the distance is questioned [6.2.15], from my site visits I would agree that it would be possible to drop off within 50 metres of the Hotel entrance albeit with some of the difficulties identified by the LTDA. Nevertheless, as accepted by the Council (ID6 doc 3.9) this is a relative inconvenience which must be put in the balance.
- 8.12.8 I note the assertion of the Council that the evidence of Mr Walduck (Director of ILHL) indicates that taxis typically do use Bedford Way [4.45]. Mr Walduck says (ID4 9/2 ILHL18) that on several occasions wheelchair users have been dropped off there. However, it is qualified that this is because of the difficulties arising with the deployment of facilities at the Hotel entrance. Whilst his evidence suggests that it is possible to drop off wheelchair users at this point it does not necessarily mean that the location is suitable. However, bearing in mind my comments above this still amounts to a disadvantage to wheelchair users.
- 8.12.9 The Council suggest that there is no compelling reason why the Tavistock Hotel and any taxi driver could not provide assistance to a wheelchair user alighting from or embarking into a taxi stopped in Bedford Way [4.45]. Whilst there is no reason why this could not be done, and the evidence of John Russell is that wheelchair users are invited to discuss arrangements with the Hotel when booking [4.45], this does nevertheless amount to a disadvantage given that further steps need to be taken by wheelchair users arriving at the Hotel by black cab. The Council are aware that under section 165 of the Equality Act 2010 taxi drivers are required to, amongst

other things, assist wheelchair users in getting into and out of a taxi. However, whilst taxi drivers will seek to drop off passengers at the door of their destination there is no requirement for them to escort the passenger from where they are dropped off to their required destination.

- 8.12.10 In respect of dropping off at Woburn Place, Mr Russell made the point in cross-examination that a safe drop off point would be greater than 50 metres from the entrance to the hotel and that there are no side entrances. Louise McBride also acknowledged in cross-examination that any drop off on Woburn Place would be more than 50 metres from the hotel entrance although did not consider this option unreasonable. Given the distances the use of Woburn Place to drop off a wheelchair user when accessing the Hotel would in my view amount to an unreasonable disadvantage.
- 8.12.11 The Council make the point (ID6 3.10) that in the event of the Order being made permanent then black cab drivers would know that it was difficult to drop off a passenger in a wheelchair at the front of the Tavistock Hotel. Whilst the Council may try and communicate this message it should be noted that black cab drivers would seek to drop off passengers at the door of their destination [6.2.14]. It is also likely that some black cab drivers will be unaware of the recommendation of the Council and attempt to drop off outside the Hotel with its associated difficulties [6.2.14]. As such I give this suggestion little weight in mitigating the disadvantages of using Bedford Way. I do note the video provided by LTDA (ID4 14/2 RM2) which shows a taxi driver dropping off a passenger on Herbrand Street. This might suggest that some taxi drivers are unaware of other drop off points. However, bearing in mind that some taxis already drop off on Bedford Way [8.12.8], I consider it more likely that the route to the Tavistock Hotel would be that identified in Appendix 1 (ID3) with a drop off point on Bedford Way. Given the above I find it difficult to give the video any weight in terms of the difficulties associated with dropping off at the Tavistock Hotel.
- 8.12.12 Having regard to the above the trial layout presents difficulties for black cab passengers using the taxi rank outside the Tavistock Hotel and requiring the deployment of the disability features. Whilst such passengers could be dropped off on Bedford Way this amounts to an inconvenience. These disadvantages need to be put in the balance. In respect of the 2010 Act I refer to my observations above [8.11.15] which are equally applicable to the issues relating to the taxi rank.

### ***National, Mayoral and local policies and guidance***

- 8.13.1 The Council have identified national and mayoral policies and local policy and guidance (ID4 PoE LM 2.1 to 2.37). It is claimed that the Trial furthers the aims and objectives of the Council's approved plans and strategies and aligns with national and mayoral plans and policies relating to transport, health, the environment and urban planning (ID4 PoE LM 2.2).
- 8.13.2 I accept that the 1984 Act makes no reference to such policies [6.1.17]. I also agree that there is no presumption that proposals conforming with policy should be approved [6.2.3]. Nevertheless I am required to consider the advantages against the disbenefits of the Order. In my view conforming to relevant policies adds weight to the advantages of the scheme. As noted by the Council [4.3] there was little, if any, suggestion that Louise McBride had mischaracterised the drive of the policy objectives.
- 8.13.3 The main thrust of the policy and guidance cited is the promotion of cycling and walking and the development of sustainable environments and in my

view the policies and guidance underpin the implementation of the trial. However, given the concessions as to the levels of cycling, traffic volumes in the wider area and the lack of analysis of air quality before and after the implementation of the trial, and the anecdotal evidence of increased congestion and air pollution, I find it difficult to place much reliance on the policy and guidance in support of the Order. I would nevertheless accept that along the corridor the Order if made will facilitate an improvement in facilities for pedestrians and cyclists and therefore there is a degree of compliance with the various policies and guidance. Bearing in mind the above I give little weight to the policies and guidance in making my recommendation.

***Whether the Order, if made, is for a qualifying purpose***

- 8.14.1 The Order is proposed to be made under section 6 of the 1984 Act which provides for an Order to be made for any purpose under Schedule 1 of the Act or for any purpose set out in section 1 of the Act. The Council submit that, having regard to section 122 of the 1984 Act, it is expedient to make the Order on the following grounds referred to in section 1 of the Act (CD6/2 4.13):
- (a) for avoiding danger to persons or other traffic using the road;
  - (b) for facilitating the passage on the road or any other road of any class of traffic (including cyclists and pedestrians);
  - (c) for preventing vehicular traffic using the corridor, or using it in a manner which is unsuitable having regard to the existing character of the road;
  - (d) for preserving the character of the road in a case where it is specially suitable for use by persons on foot;
  - (e) for preserving or improving the amenities of the area through which the road runs; and
  - (f) for improving air quality in the Borough by, among other measures, implementing the Council's Clean Air Action Plan.
- 8.14.2 ILHL submit that whether the Order has advantages or benefits is to be tested by reference to the statutory duties under section 122 of the 1984 Act [6.1.16]. In my view, the duties under section 122 are not absolute in that it is to be applied as far as reasonably practicable having regard to matters set out in section 122(2). It is therefore necessary to put the benefits and disbenefits of the Order in the balance against this duty.
- 8.14.3 Having regard to the evidence to the inquiry and the various grounds set out in section 1 of the 1984 Act I take the view that the Order will prevent vehicular traffic from using the corridor (westbound along the majority of the corridor) and will facilitate the passage of cyclists by the provision of cycle lanes to widths set out in guidance. The removal of traffic and the provision of two cycle tracks as opposed to two-way vehicular traffic and a bi-directional cycle track will also provide a safer environment and reduce the danger to cyclists. The Council will note that it is common ground with ILHL (ID11 6.1) that one-way vehicular traffic is safer for pedestrians and that the trial may have been a factor in pedestrian/vehicle collisions. It is also agreed (ID11 7.1) that the implementation of two single direction cycle tracks should have increased safety for cyclists. The Order will, subject to the available funding, enable improvements to be made to the

pedestrian and cycling amenities. The Order therefore is made for qualifying purposes as set out in section 1 of the 1984 Act. The Council are aware that it is not necessary to satisfy all the qualifying purposes for the Order to be made [4.48].

- 8.14.4 The RMT make reference to the Transport Management Act 2004 (the 2004 Act) [6.14.3]. Section 16 places a duty on local traffic authorities to secure the expeditious movement of traffic on their roads and roads of nearby authorities and to secure the more efficient use of the road network and to avoid, eliminate or reduce traffic congestion. However, as noted by the council [4.5] this is a qualified duty in that it should be applied so far as reasonably practicable having regard to other obligations, policies and objectives. I would also concur that the duty is wide and does not give priority to motor traffic [4.5] and the expression traffic will encompass pedestrians and cyclists. Again, it is necessary to put the benefits and disbenefits of the Order in the balance against this duty.
- 8.14.5 The RMT also refer to section 17 of the 2004 Act [6.14.3] which requires that the authority shall make such arrangements as they consider appropriate for planning and carrying out the action to be taken in performing the network management duty. No evidence has been put before me that the Council has not made arrangements as set out in the section and I do not consider that this is a matter material to my recommendation.

### ***Alternative proposals***

- 8.15.1 Alternative proposals have been put forward. These are the reversal of vehicular traffic along the corridor (ILHL [6.1.23], Bedford Estates [6.11.2]) and the restoration of two-way motor traffic (LTDA [6.2.21] and BRAG [6.3.13]). Although the LTDA's preferred option is the restoration of two-way motor traffic they put forward a second preference of a part two way motor traffic scheme [6.2.29]. This would be the same as the existing trial except that between Woburn Place and Gordon Square West there would be two-way motor traffic. If these alternatives are not recommended then the LTDA supports the alternative preferred by ILHL namely a west bound alternative only [6.2.33]. Similarly whilst BRAG prefer the restoration of two-way vehicular traffic they accept that the reversal of traffic would be an improvement on the current eastbound route [6.3.15]. The RMT are of the opinion that the section of the corridor between Woburn Place and Judd Street should not have been subject to any changes [6.14.7]. Further, that between Woburn Place and Gower Street there is ample space for a two-way segregated cycle track whilst allowing westbound vehicular traffic [6.14.7]. The Friends of Tavistock Square propose a system of localised traffic in line with a shared surface ethos [6.5.7].
- 8.15.2 As noted above [8.2.2] it is open to me to recommend that the Order be made with modifications although it is not an option to consider a completely different order. Section 10 of the 1984 Act indicates that ETOs may be modified although the power does not extend to additions to the ETO. ILHL suggest [6.1.43] that by analogy it is not possible to make additions to the proposed Order or make a fundamental change to the Order. However, it is argued that to modify the Order to provide for westbound traffic only is not a fundamental change [6.1.43]. LTDA also submit [6.2.20] that none of the proposed modifications amount to a radically different proposal. It is further submitted that none of the modifications constitute a substantial change within the meaning of, regulation 14 of the Local Authorities' Traffic Orders (Procedure) (England



and Wales) Regulations 1996 [6.2.20]. I agree that regulation 14 does not preclude the making of modifications to the Order although any substantial change requires further procedural steps to be taken (14(4)).

- 8.15.3 The Council should note the submissions of ILHL [6.1.42] that to provide for westbound only traffic would not amount to any addition to the Order [6.1.43] nor would it involve any significant physical changes in the corridor [6.1.46]. I concur with that view. However, the reversal of the direction of travel for vehicles, or reintroduction of two-way, or part two-way, vehicular traffic would in my view amount to a substantial change in the Order.
- 8.15.4 Bearing in mind the above it is open to me to recommend, having regard to the various advantages and disadvantages, that the Order is made, or not made, or is made subject to modifications which will require the Council to take further procedural steps.

*Westbound vehicular traffic only*

- 8.15.5 This alternative would provide for westbound vehicular traffic whilst maintaining the west and east bound cycle tracks to the north and south of the corridor. It is accepted by the Council that this could deliver similar benefits to pedestrians and cyclists [4.44]. The evidence of Simi Shah (ID4 PoE SS 3.21) is that the removal of one direction of motor traffic from the corridor would increase the width potentially available for pedestrians and cyclists along the corridor; this would be applicable whether the scheme is implemented in a westbound or eastbound configuration. She further states that this type of proposal would be consistent with Camden's Transport Strategy (ID4 PoE SS 3.22).
- 8.15.6 It is acknowledged that, pre-trial, the westbound carriageway carried higher motor traffic flows. Having regard to ILHL 55 this output, not unexpectedly, shows that the westbound alternative would result in a large decrease in eastbound traffic. There are small decreases in westbound traffic along the corridor although, as pointed out by David Carter in cross-examination, there are sections of the corridor where there are small increases. This includes the section between Hunter Street and Herbrand Street. There is largely no change to traffic volumes on streets west of Tottenham Court Road. There are decreases in traffic along Judd Street except for the most northerly section where there is a small increase. There are also decreases in traffic on Guilford Street, Gordon Street, Gower Street and southbound on Hunter Street. Increases are predicted along Bernard Street and northbound on Hunter Street. Increases are also predicted eastbound along Euston Road between Tottenham Court Road and Judd Street which suggests rerouting of some traffic onto the strategic network.
- 8.15.7 In respect of Endsleigh Gardens the model (ID4 ILHL 55) indicates a net overall increase in traffic volumes although as pointed out by John Russell (ID4 ILHL16 5.36) the increase in westbound traffic is counter-intuitive given that the corridor would accommodate westbound traffic. The Council will observe that under the reversal of the flow westbound traffic will be able to use the corridor and turn northwards on Gordon Square and Gordon Street (ID4 PoE DC 4.5.16).
- 8.15.8 CCC raise concerns (ID4 PoE 3/2/2) that the reversal of the direction of vehicular traffic would increase the amount of motor traffic turning across the cycle track into Gordon Street. Figures 5 and 6 (ID4 PoE DC p21) do show an increase in traffic on Gordon Street and this will involve traffic turning across the cycle track. However, ILHL 55 which shows the reverse

trial against no trial indicates that traffic turning north from the corridor is reduced. As noted above, it is against a no trial situation that any comparison needs to be made [8.9.1].

- 8.15.9 CCC also make the point (ID4 PoE 3/2/2) that increasing motor traffic along the corridor will increase pollution and create a barrier to walking and cycling. In terms of air quality along the corridor whilst there has been an improvement in air quality the extent of any is difficult to quantify [8.9.3]. The increase in traffic may result in an increase in air pollution along the corridor but the traffic levels will be lower than with the two-way pre-trial arrangement. There is nothing before me to suggest that pollution levels will increase to such an extent so as to amount to a significant disbenefit. I also note the point that walking and cycling rates tend to decrease as motor traffic increases and vice versa (ID4 PoE 3/2/2). However, the Council now acknowledge that the trial has had no effect on cycle use of the corridor and that there have been no significant changes to pedestrian flows. Any increase in motor traffic would seem unlikely to have any effect on levels of cycling or walking. As noted above, the Council acknowledge [4.44] that the reversal of the vehicle flow would have similar benefits to pedestrians and cyclists. The westbound configuration would not prevent footway and cycle track improvements from being made along the corridor. The Council may wish to note the concerns of CCC [5.1.9] as to the design of safe junctions and the Council are aware that the design of any layout will require further consideration [4.50].
- 8.15.10 In my view, the reversal of the traffic flow along the corridor would result in an overall increase in vehicular traffic in the corridor itself. However, the level of increase does not suggest to me that there would be a significant detriment to pedestrians and cyclists. Levels of motor vehicle use in the surrounding streets would be expected to increase as the route would provide an additional westbound route. The Council will wish to note the assertion of LTDA [6.2.33] that a westbound route will provide better access to Euston Station and medical facilities in the area. Whilst there are increases in traffic on local streets there is a smaller geographic spread of those impacts and fewer local streets suffer adverse impacts. The reversal of the traffic flow on the corridor does not appear to have any different effect on the traffic flows along Endsleigh Street or Endsleigh Gardens when compared with the Trial/Order layout.
- 8.15.11 John Russell makes the point (ID4 ILHL16 7.13 – 7.25) that the Trial/Order configuration forces delivery vehicles accessing loading bays to turn right across the flow of westbound cyclists thus creating a conflict. The point is made that the single largest causation factor for cycle/vehicle accidents on the corridor is eastbound vehicles turning right across westbound cyclists. It is concluded that with a westbound motor traffic configuration the volume of right turning traffic would be significantly reduced which would be to the benefit of road safety for cyclists.
- 8.15.12 Having regard to the accident data analysis (ID4 ILHL16 7.4) and cross examination of John Russell, whilst around a third of accidents involved right turners, a third involved left turners and a third involved straight ahead collisions. Although the trial configuration might result in more delivery vehicles turning right across the westbound cycle track it does not appear to present a significant issue in respect of conflict with cyclists. It was also established that in the event of a reversal of vehicular traffic movements from east to west then the number of right turn conflicts would broadly be the same. Overall there is nothing before me to indicate that a westbound configuration would offer any additional benefits over the

eastbound configuration in respect of conflict between cyclists and right turning vehicles, including delivery vehicles.

- 8.15.13 The Council will note that a westbound configuration would enable disabled passengers in black cabs, including wheelchair users, to be dropped off and picked up outside the Tavistock Hotel using the facilities deployed from the nearside of the cab. I note the suggestion of LTDA that it is safer for a taxi to pull up to the taxi rank travelling in the same direction as the cycle traffic [6.2.33]. This appears to be a reasonable proposition although there is nothing before me to suggest that pulling into the taxi rank against the flow of cycle traffic is not safe.
- 8.15.14 The Council will also note the concerns of GMRA in respect of an increase in traffic along Torrington Place to the east of Gower Street [5.6.1]. CCC also suggest that the westbound configuration would not mitigate the effects of WEP [5.1.9]. However, none of the modelling exercises relating to a reverse configuration, which take into account WEP, show an increase in traffic between Gower Street and Tottenham Court Road or any other significant adverse effects.
- 8.15.15 Overall, a westbound configuration for motor traffic could deliver similar benefits to pedestrians and cyclists. Whilst motor traffic volumes will increase along the corridor there is nothing to suggest that, given the potential to improve the width available for pedestrians and cyclists, this would amount to a significant adverse impact on road safety and air quality. The traffic modelling suggests that whilst there will be an increase in westbound vehicular traffic the geographic spread of the traffic impacts is smaller with fewer local streets suffering from an increase in traffic. The westbound configuration would provide a much needed westbound route and would facilitate access to Euston Station and the various medical facilities in the area. Additionally it would address issues in relation to access to the Tavistock Hotel for black cabs. It is accepted by the Council that this alternative would be consistent with Camden's Transport Strategy and there is nothing to suggest that it does not comply with other National, Mayoral or Local policies.

*Two way vehicular traffic and with flow cycle tracks*

- 8.15.16 This alternative is promoted by BRAG (ID4 18/2 PoE 11) and LTDA rely on the evidence presented by BRAG in their proof of evidence [6.2.21]. BRAG argue that based on existing national standards the minimum width to accommodate two one-way cycle lanes, two pavements and two-way traffic is 11.5 metres with the preferred width being 13.5 metres. It is contended that along the corridor this minimum width is met or exceeded (ID4 18/2 PoE 11 section 2).
- 8.15.17 The Council sets out the design standards in respect of footways, cycle lane and traffic lane widths (ID4 PoE SS 2.9-2.16). These are agreed by ILHL (ID11) and CCC [1.5]. The pre-trial widths (ID4 PoE SS 1.6, 2.1, 2.2 and 2.8) are also agreed. These widths are consistent with measurements taken by BRAG (ID4 18/2 PoE 11 2.2) although the Council will be aware that the measurements have been taken in different locations.
- 8.15.18 BRAG make the point that the Department for Transport (DfT) Manual for Streets does not state a minimum width for pavements although suggests that the consensus is that 1.5 metres is acceptable. However, as set out in the DfT Adjacent and Shared Use Facilities for Pedestrians and Cyclists (2004) (CD1/16) the recommended minimum for a footway adjacent to a carriageway should be an unobstructed 2 metre width. DfT's Inclusive Mobility (2005) indicates that a 2 metre clear width should be regarded as

the minimum under normal circumstances. The Council refers to TfL's Pedestrian Comfort Level (2010) guidance (CD2/8), which takes into account DfT guidance and recommends a width of 2.9 metres. Camden's Streetscape Design Manual recommends a width of 3 metres.

- 8.15.19 Notwithstanding the TfL guidance and Camden's Streetscape Design Manual the Council conclude that sections 1, 2 and 3<sup>9</sup> of the pre-trial layout (ID4 PoE SS table at 2.1) do not meet the DfT minimum unobstructed width (PoE SS 2.10). The point is made that street furniture is generally set back from the kerb edge by 450mm (ID4 PoE SS 2.10) and therefore any width needs to take this into account.
- 8.15.20 Both BRAG (ID4 18/2 PoE 11) and LTDA [6.2.26] make the point that under the two-way vehicle proposal some 20% of the footways along the corridor meet the required minimum standards. However, this leaves a significant proportion of the corridor where minimum standards are not met. The proposal would therefore prevent improvements to the footways and therefore the pedestrian environment. It is nevertheless accepted that pedestrians would be safer when compared to the pre-trial layout.
- 8.15.21 In respect of cycle lane widths, as noted above [8.5.2] the LCDS provides dimensions for cycle lane widths based on the volume of use. The level of use is categorised as medium flow [8.5.2]. As such the LCDS indicates that a single direction cycle lane should be a minimum of 2.2 metres wide. To future proof against aspirations for growth in cycling it is suggested that a width of 2.5 metres is desirable (ID4 PoE SS 2.11). The Council will note that the assessment by BRAG (ID4 18/2 POE11) is based on an understanding of the Council's own preferred width of 2 metres for a unidirectional cycle lane. However, in the current circumstances as set out in the LCDS a width of 2.2 metres is appropriate. A width of 2.5 metres+ would be desirable to accommodate any further growth in cycling; this equates to a situation where cycle flow is high or very high as set out in the LCDS.
- 8.15.22 I note the point of LTDA that the Council now acknowledge that there has been no increase in cycling as opposed to the original claim of a 52% increase [6.2.23]. However the recommended width as stated in the LCDS is 2.2 metres is based on the current levels of cycling and not based on an assertion that cycling has increased by 52%. As regards future proofing, whilst the Council identify a width of 2.5 metres+ as being desirable, the Council do not appear to suggest that a width of 2.5 metres+ should be provided. I have no evidence before me to suggest that cycle levels will increase to a high or very high level so as to justify a greater width to accommodate future cycling levels.
- 8.15.23 LTDA also points out that the proposed cycle lane widths are based on cycle traffic counts which are misrepresentative [6.2.24]. I would accept that at times the situation on the ground will change as regards the number of university staff and students [6.2.24]. This may have an effect on the levels of cycling on the corridor. However, the width provided should be sufficient to accommodate the higher levels of use when most staff and students are present. I do not consider that the cycle traffic counts amount to a significant overestimation although there now appears no justification as to a 52% increase in cycling along the corridor.
- 8.15.24 As regards traffic lane widths the DfT Design Manual for Roads and Bridges, Highway Link Design (2002) (CD1/18) indicates that 3.65 metres

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<sup>9</sup> Sections 1 to 6 are identified at appendix 1 to the PoE of Simi Shah

is the standard general traffic lane width (ID4 PoE SS 2.14). However, the practice in Camden is to use a width of 3.25 metres wherever possible allowing sufficient width for two large HGVs to pass. BRAG (PoE 11 2.1(c)) state that a width of 2.75 metres is accepted and refer to the LCDS which states that where the proportion of HGV and PSV traffic is less than 10% then, subject to the carriageway geometry and speed and volume of traffic lanes this may be reduced to between 2.5 and 2.9 metres. However, the LCDS goes on to state that traffic lanes adjacent to cycle or bus lanes should be a minimum of 3.0 metres (ID4 PoE SS 2.14). This is the situation in respect of the corridor and therefore a width of at least 3 metres is appropriate.

- 8.15.25 The Council refer to the London Fire Brigade Fire Safety Guidance Note (ID4 PoE SS Appendix 2) which states a minimum road width of 3.7 metres although this is a kerb to kerb width. However, discussions between the Council and the fire service reveal that a lane narrower than 3.1 metres could potentially make it difficult to pass along the road safely (ID4 PoE SS 2.15). In order to maintain safe access for the fire service a width of 3.1 metres should therefore be provided.
- 8.15.26 BRAG (ID4 18/2 PoE 11) contend that for 20% of the corridor the minimum standards for traffic lanes are met and LTDA make the point that the traffic lanes will be at least 2.75 metres [6.2.27]. However, a width of 2.75 metres falls below the width recommended in the LCDS where the traffic lanes are adjacent to a cycle lane. It should also be noted that a width of 2.75 metres is significantly narrower than the 3.65 metres specified in the DfT design Manual [8.15.24]. The Council will note Appendix 3 (ID4) which shows various scenarios involving different vehicles. At a lane width of 2.75 metres the margins between the opposing lanes and the adjacent cycle lanes are very small in all circumstances. A width of 2.75 metres could result in head-on or side-swipe collisions between motor traffic and increase the possibility of vehicles encroaching on the nearside cycle track with resultant side-swipe collisions with cyclists. The risk would be increased by the narrower 2m cycle track width proposed by BRAG (CD 6/2/D 2.4.2). In my view a 2.75 metres carriageway width is insufficient for the safe movement of traffic, regardless of the 20 mph speed limit and the need to balance the interests of road users [6.2.27]. The recommended width to accommodate vehicular traffic, in the circumstances, should be at least 3.0 metres. Any further reduction in width is likely to be queried by the road safety audit process (ID6 6.13).
- 8.15.27 I note the point [6.2.27] that David Carter has confirmed that the traffic impact of narrower motor traffic lanes are immaterial. However, David Carter makes this point (ID4 ILHL 16 4.5.5) in the context of forecasting any traffic diversion impacts.
- 8.15.28 The Council will note the concerns of CCC as to the disadvantages of this alternative which include concerns as to an increase in traffic onto the corridor and substandard and dangerous cycle lanes [5.1.8].
- 8.15.29 BRAG suggest that the approach of the Council is inconsistent as the WEP results in the narrowing of footways on Gower Street (ID4 18/2 PoE 12). The Council acknowledge that it is necessary to narrow footways on Gower Street but this is for the sake of the wider scheme objectives (ID6 6.9). It is noted that the narrowing of footways on Gower Street will result in a lowering of the PCL but the Council have had regard to the footfall on this section of Gower Street and the overall scheme objective. In my view each scheme should be considered on its merits and there appears to be

some justification as to why the footways on Gower Street should be narrowed.

- 8.15.30 In respect of the corridor the objective is to address concerns associated with the pre-trial layout (ID4 PoE LM 1.5). To provide facilities which do not meet recommended standards will mean that the objectives will not be realised. I recognise that the recommended standards carry no legal obligation (ID4 18/2 PoE 12, 2(c)) however, some weight should be given to standards promoted by DfT and TfL. I also appreciate that the corridor is in a pre-existing historic London street (ID4 18/2 PoE 12, 2(e)) and that the scheme is adapting a confined space. Any proposals must therefore strike a balance between the advantages and disbenefits.
- 8.15.31 Having regard to the above the reinstatement of two-way traffic along the corridor will address concerns in respect of traffic congestion and air quality on adjacent roads. However, the Council will appreciate that, with the restoration of westbound traffic, the overall traffic levels on the corridor will increase. It will also improve transport links and the reintroduction of westbound traffic will facilitate the use of the taxi rank outside the Tavistock Hotel. It is accepted that the desired widths may be achieved on some sections of the corridor. However, there is insufficient width to provide for two-way vehicular traffic along the corridor as a whole to accord with the recommended widths and enable improvements for pedestrians and cyclists to be made. It is common ground between the Council and ILHL (ID11 4.1, 4.2) and agreed by CCC [1.5] that the geometry of the corridor does not enable two-way traffic and that to incorporate the cycle lanes it is necessary to remove a lane of motorised traffic.

## *Part two-way traffic*

- 8.15.32 This is the second preferred option of LTDA where the alternative is exactly as the trial layout except that between Woburn Place and Gordon Square West it is proposed that there will be two-way traffic on sections 3 and 4.
- 8.15.33 LTDA submit that other than the section between Woburn Place and Gordon Square West, the scheme can be implemented with the proposed improvements to pedestrian and cycling facilities [6.2.29]. In respect of the proposed two-way section LTDA acknowledge that the footway along the northern side of section 3 is only 1.74 metres and therefore below the recommended width [6.2.29]. As pointed out by Simi Shah in cross-examination the footway along this section has lamp columns and street furniture thus narrowing the available width further.
- 8.15.34 As regards vehicular traffic lanes, whilst the pre-trial widths were able to accommodate two-way traffic this does not take into account the need to widen the footway and accommodate the cycle tracks in accordance with the recommended widths.
- 8.15.35 In my view whilst it would be possible to accommodate two way traffic along this section it would not be possible to do so in accordance with the recommended widths and such an alternative would prevent improvements being made for pedestrians and cyclists. I note that Mr Munk acknowledged that when compared to the pre-trial layout this alternative had certain benefits [6.2.31]. However, he did not support this alternative and had issues with the provision at junctions [6.2.31]. In respect of this latter point the Order does not provide for changes to the layout which will be subject to further consideration [4.50].
- 8.15.36 In terms of the impact on traffic, the modelling carried out by David Carter (ID4 PoE DC figures 7 and 8) indicates that traffic would not return to pre-trial levels as the corridor could not be used as a two-way through route. However, the part two-way scheme would attract traffic back from Gray's Inn Road and Euston Road into the local area and clearly result in an increase in traffic along the corridor between Woburn Place and Gordon Square West. There would be a reduction in vehicular traffic on Endsleigh Street and Endsleigh Gardens although there would be a reciprocal increase in traffic on Gordon Square West.
- 8.15.37 Overall, the part two way scheme will not permit improvements to be carried out to the two way section for pedestrians or cyclists to accord with recommended widths. Additionally the alternative will encourage traffic back to local roads and although reduce traffic on Endsleigh Street and Endsleigh Gardens this traffic will be displaced to Gordon Square West. However, there are benefits as part westbound motor traffic will facilitate access to the Tavistock Hotel for those requiring the deployment of black cab facilities. The part two-way alternative may facilitate access to Euston Station and medical facilities in the area but there is nothing before me to indicate that the benefits are significant. I am mindful of the fact that in any event whilst traffic is diverted from Endsleigh Street and Endsleigh Gardens this traffic will be displaced onto Gordon Square West. As regards air quality there is nothing to indicate that this alternative will have any positive effect on local roads given that traffic will, to some extent, be diverted from Gray's Inn Road and Euston Road onto local roads.

*Retention of pre-trial layout between Woburn Place and Judd Street and two way vehicle lanes between Woburn Place and Gower Street with two-way segregated cycle lane*

- 8.15.38 The RMT argue that in respect of the section from Woburn Place to Judd Street there was adequate provision for cyclists and that, apart from at junctions, there were no accidents [6.14.7]. However, to revert to the pre-trial layout would mean that it would not be possible to achieve the minimum recommended widths for a cycle track. In accordance with the guidance (LCDS) this should be 3 metres where the bi-directional flow is rated as medium, the current width being between 1.96 and 2.44 metres. Further, it would not be possible to provide the recommended widths for traffic lanes to allow for safe passage or allow for improvements to be made for the safety and comfort of pedestrians and cyclists. The Council also make the point (ID6 6.6) that TfL, who would fund any improvements, will check any designs against their standards (LCDS) and that funding is granted for the design to be delivered.
- 8.15.39 In respect of two way vehicular traffic and a two-way segregated cycle track between Woburn Place and Gower Street, the cycle lane, in parts 1.96 metres wide, is of an insufficient width for the flow levels. Improvements cannot be made without removing one traffic lane or reducing the footway width which in parts already falls below the recommended widths.

#### *Shared surface*

- 8.15.40 The proposal by the Friends of Tavistock Square is to give priority to locals with reduced speed for cyclists and vehicles [6.5.7]. However, I agree with the Council (ID6 6.17) that the levels of cycle and vehicular traffic are too high for a number of sections to work as a shared space. The Council refer to consultation responses which raised concerns regarding the lack of delineation between cyclists and pedestrians near Byng Place. Given the above I do not consider it appropriate for further shared space along the corridor.

#### **Overall Conclusions**

- 8.16.1 Having regard to all of the above, the Order will provide the potential to make improvements to pedestrian and cycling facilities on the corridor. Motor vehicle traffic along the corridor has been reduced and it is likely that the air quality along the corridor has improved although the extent of that improvement is unclear. In terms of safety, whilst pedestrian casualties along the corridor have reduced there has been an increase in cycling casualties which is unexplained but cannot be attributed to an increase in cycle use; the Council acknowledge that at best the cycle use has not decreased. However, the layout of the cycle lanes removes the confusion at junctions, reduces the risk of head-on collisions, will help to accommodate the levels of use and will accommodate non-standard cycles.
- 8.16.2 In terms of the effect of the Order on traffic, the Council accepts that the trial layout has displaced general motor traffic and that journey times have increased as a result of the trial layout. Evidence to the inquiry is that since the implementation of the trial journey times and congestion has increased. This has had an adverse impact on those who live and work in the area. Evidence also indicates that journey times to the various medical facilities in the area have increased causing inconvenience to patients. However, the lack of traffic data makes it difficult to determine the extent of any adverse impact or the efficacy of the trial. Nevertheless the evidence suggests that the increased congestion, travel times and cost is likely in part to be attributable to the trial and amounts to a disbenefit of the Order.



- 8.16.3 There has been an impact on attendance times for the fire and ambulance service although there is nothing to indicate that the adverse effect is significant. As regards pick up and drop off along the corridor, the Order will not prevent such activities. Whilst loading provision has been removed, and this has presented difficulties for residents and local businesses I do not consider that the adverse impact is significant. Nevertheless this will amount to a disbenefit.
- 8.16.4 Although concerns have been raised as to road safety in the area surrounding the Corridor there is nothing to suggest that the trial has had any adverse effect. I note that there has been an increase in pedestrian casualties on Great Russell Street and, whilst this increase is unexplained, I do not consider the increase to be significant.
- 8.16.5 As regards air quality, not unexpectedly, this has improved on the corridor although the extent of that improvement is unclear. In respect of the wider area the Council do not argue that the trial has improved air quality. They suggest that the trial may have contributed to an overall improvement in air quality. In the absence of detailed monitoring it is difficult to draw any conclusions as to the effect of the trial. However, anecdotal evidence is that air quality in roads surrounding the corridor has decreased and the Council acknowledge that the redistribution of traffic is likely to result in an increase in pollution. This amounts to a disbenefit of the Order although the extent of this is largely unknown.
- 8.16.6 Whilst there are health benefits for those who walk and cycle along the corridor there is no evidence of a modal shift such that there are wider health benefits. The Council accepts that there is a potential for displacement effects arising from displaced traffic and this may have adverse health impacts. However, bearing in mind my comments above these effects are largely unknown.
- 8.16.7 In respect of National, Mayoral and Local policies, given the concessions made by the Council I find it difficult to give these much weight although given the potential for improvements for pedestrians and cyclists there is a degree of compliance.
- 8.16.8 The Order has disadvantages in respect of the taxi rank outside the Tavistock Hotel and whilst there is an alternative drop off point on Bedford Way this is by no means ideal. These disbenefits are not confined to the taxi rank outside the Tavistock Hotel but elsewhere on the south side of the corridor.
- 8.16.9 Taking into account all factors, including duties under section 122 of the 1984 Act and the Traffic Management Act of 2004, the Order whilst having some advantages also has disadvantages. In my view, although finely balanced, these disadvantages outweigh the advantages that will arise from making the Order permanent. As such the Order should not be made.
- 8.16.10 In view of my conclusion the Council may wish to consider the alternative proposals. I have assessed the various alternatives and have concluded that other than a westbound configuration for vehicular traffic one-way the corridor is of insufficient width to accommodate two-way vehicular traffic and to enable improvements to be implemented in respect of pedestrian and cycling facilities. Whilst the two way alternatives will facilitate vehicular movements in a westerly direction there will be an overall increase in traffic on the corridor and in respect of a part two-way alternative an increase in traffic on roads adjacent to the corridor.

8.16.11 In respect of a westbound configuration for motor traffic such a proposal could deliver similar benefits to pedestrians and cyclists and whilst there will be a resultant increase in vehicular traffic, the geographic spread of traffic has a lesser impact. A westbound configuration would provide a much needed westbound route and would address issues relating to access to the Tavistock Hotel for black cabs. This alternative would be consistent with Camden's Transport Strategy and there is nothing to suggest that it does not comply with other National, Mayoral or Local policies. An Order for a westbound configuration would be for a qualifying purpose under the 1984 Act. The Council will also note that ILHL [6.1.48] considers that this alternative would meet the objectives of section 122 of the 1984 Act. There are disbenefits to the westbound configuration including the effects on Endsleigh Gardens and Endsleigh Street. However, when taking into account all factors the disbenefits do not, on balance, outweigh the advantages.

## **9 Other Matters**

9.1 Richard Walker raises concerns in respect of tactile paving, misleading signage and lack of action by the Council in respect of steel bollards [6.9.1 & 6.9.2]. These are not matters for my consideration.

## **10 Recommendation**

10.1 Having regard to these and all other matters raised at the inquiry and in the written representations I recommend that The Camden (Torrington Place to Tavistock Place) (Prescribed Routes, Waiting and Loading Restrictions and Loading Places) Traffic Order [2017] is not made.

10.2 Noting my conclusions above [8.16.11] I recommend that the Council consider the modification of the Order so as to provide for westbound only vehicular traffic whilst retaining the provision for separate west bound and east bound cycle lanes. As noted above such a modification would require further steps to be taken under regulation 14 (4) of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. If the Council takes a view that the Order cannot be modified then it is open to the Council to make a further Order to provide for the westbound configuration.

*Martin Elliott*

Inspector

**London Borough of Camden:**

|                                       |   |
|---------------------------------------|---|
| David Smith (Assisted by Jane Oldham) | Of Counsel, instructed the London Borough of Camden                   |
| who called                            |   |
| Louise McBride                        | Head of Transport Strategy, London Borough of Camden                  |
| Simi Shah                             | Design Team Manager, London Borough of Camden                         |
| Tony Dichev                           | Lead Modelling Specialist OMV Team, Transport for London              |
| David Carter                          | Market Director, SYSTRA Limited                                       |
| Adam Webber                           | Senior Sustainability Officer (Air Quality), London Borough of Camden |
| Jason Strelitz                        | Deputy Director for Public Health, London Borough of Camden           |

**Camden Cycling Campaign in support of the Order:**

|  |  |
|--|--|
| John Chamberlain (Assisted by Jean Dollimore, Richenda Walford and Professor George Coulouris) | Camden Cycling Campaign  |
| who called   |  |
| Simon Munk   | Infrastructure Campaigner, London Cycling Campaign                         |
| Matthew Chico  | Local Resident   |
| Tabitha Tanqueray  | Cycle Islington  |
| Jean Dollimore   | Camden Cycling Campaign  |
| Dr Rachel Aldred   | Reader in Transport, University of Westminster                             |
| Richenda Walford   | Camden Cycling Campaign  |
| Professor George Coulouris   | Camden Cycling Campaign  |
| Jeremy Till  | Pro Vice-Chancellor, Central Saint Martins, University of the Arts, London |
| Gareth Maeer   | Safer Bloomsbury   |
| Isabell Clement  | Wheels for Wellbeing   |
| Helena Azzam   | Local Resident   |

**Also in support of the Order:**

|                 |  |
|-----------------|--|
| Will Norman     | Walking and Cycling Commissioner, Transport for London |
| John Bailey     | Head of Sustainability, University of London           |
| Andrea Sella    | University College London                              |
| John Hartley    | London Living Streets                                  |
| Clive Henderson | Gordon Mansions Residents Association                  |

**Imperial London Hotels Limited in opposition to the Order:**

|                        |  |
|------------------------|--|
| Tim Comyn              | Of Counsel, Instructed by Farrer & Co          |
| who called             |  |
| Professor Duncan Laxen | Managing Director, Air Quality Consultants Ltd |
| John Russell           | Technical Director, Motion                     |

## **Licenced Taxi Drivers' Association in opposition to the Order:**

Charles Forrest  
who called  
Richard Massett

Of Counsel, instructed by LTDA

## **Bloomsbury Residents' Action Group in opposition to the Order:**

Nicky Coates  
who also called  
Bob McIntyre  
Mark Foley  
Aled Rees  
Debbie Radcliffe  
Trevor Shonfeld  
Peter Storfer

Chairman of Gower Street Hotel Association

Co-chair of the University College London  
Hospital Patient Policy Advisory Group

John Camacho  
Diana Scarrott

Solicitor appointed by Court of Protection  
Former Chair of Governors, University College  
London Hospital Trust

Fiona Dealey  
Chris McDermott

Local business owner  
Camden resident

## **Also in opposition to the Order:**

Tony Tugnut  
Keyvan Lankarani  
Dr Peter Riach

Bloomsbury Conservation Area Advisory  
Committee  
Friends of Tavistock Square  
Tamar House RTM Company Ltd, 13 Tavistock  
Place Freehold Limited and Residents of 11  
Tavistock Place

Michael Gwinnell  
David Marchant

Individual  
54 Russell Square Residents  
Association/Commissioners of Russell Square

Richard Walker  
Peter Rose  
Simon Elmore  
Mark Nash

Individual  
Unite, London and Eastern Cab Section  
Bedford Estates  
Representing Guilford Court Freehold and as an  
individual resident of Camden living in Guilford  
Street

Andy Warrender  
Ray Alleeson

Confederation of Passenger Transport  
RMT, Ranks and Highways Officer, National Union  
of Rail, Maritime Transport Workers, Taxi Branch

## **Documents submitted since Proofs of Evidence**

|                                   |   |                                       |
|-----------------------------------|---|---------------------------------------|
| ID4/1A-6A                         | London Borough of Camden  | Witnesses' Summary Proofs of Evidence |
| ID6                               | London Borough of Camden  | LBC Response Document (Revised)       |
| <b>Day 1 – Tuesday 10 October</b> |   |                                       |
| ID7                               | Notes for Opening on behalf of Officers of London Borough of Camden |                                       |
| 26/1                              | Bedford Estates   | Statement of Case                     |

|                                     |                            |   |
|-------------------------------------|----------------------------|---|
| 9/2/ILHL52                          | Imperial London Hotels Ltd | Air quality response note by Professor Laxen dated October 2017   |
| 9/2/ILHL53                          | Imperial London Hotels Ltd | Email to LBC from the London Fire Brigade 8 December 2015   |
| <b>Day 2 – Wednesday 11 October</b> |                            |   |
| 24/2A-1                             | Bloomsbury CAAC            | Appendix 1 Heritage Assets - Plan   |
| <b>Day 3 – Thursday 12 October</b>  |                            |   |
| 27/1                                | Richard Walker             | Statement of Case   |
| ID4/1A                              | LB Camden - Louise McBride | Webcast of Committee Meeting  |
| 18/3                                | BRAG                       | Highlighted extract (pages 14 and 15) from Consultation - We Are Camden – Citizen Space   |
| <b>Day 5 – Tuesday 17 October</b>   |                            |   |
| 6/2/A                               | London Living Streets      | Email of support from David Harrison  |
| 3/3                                 | Camden Cycling Campaign    | Introduction to Witness Testimony   |
| 3/2/11/A                            | Camden Cycling Campaign    | Vignettes from cyclists from Tabitha Tanqueray  |
| <b>Day 6 – Wednesday 18 October</b> |                            |   |
| 9/2/ILHL54                          | Imperial London Hotels Ltd | Technical Note 08: Transport Response Document, John Russell 17 October 2017  |
| ID4/5A                              | LB Camden – Adam Webber    | Note on air quality monitoring figures  |
| 3/2/1/A                             | Camden Cycling Campaign    | Figure 2 Table submitted by Jean Dollimore  |
| <b>Day 7 – Thursday 19 October</b>  |                            |   |
| 9/2/ILHL55                          | Imperial London Hotels Ltd | Systra plans showing the model with the northbound flares added (for the reverse trial) on the Bedford Way and Woburn Place junctions with Tavistock Square   |
| 9/2/ILHL56                          | Imperial London Hotels Ltd | London Ambulance Service’s consultation response to the Experimental Traffic Order  |
| 9/2/ILHL57                          | Imperial London Hotels Ltd | Air Quality Note: Results for sites in the Trial Area and Elsewhere , Duncan Laxen  |
| ID4/2B                              | London Borough of Camden   | Updated Appendix 3 to Simi Shah’s PoE   |
| LBC1                                | London Borough of Camden   | Info Note: The Camden (Torrington Place to Tavistock Place)(Prescribed Routes, Waiting and Loading Restrictions and Loading Places) Traffic Order (2017) Public Inquiry – One Model Validation                                    |
| LBC2                                | London Borough of Camden   | Info Note: The Camden (Torrington Place to Tavistock Place)(Prescribed Routes, Waiting and Loading Restrictions and Loading Places) Traffic Order (2017) Public Inquiry – Trial and Reverse Trial – Bloomsbury Vehicle Kilometres |
| <b>Day 8 - Monday 23 October</b>    |                            |   |

|                                      |   |  |
|--------------------------------------|---|--|
| 24/2A/2&3                            | Bloomsbury CAAC   | Appendices 2 – Extract from Conservation Area Designation, Appraisal and Management Historic England Advice Note 1         |
| 24/2A/2&3                            | Bloomsbury CAAC   | Appendices 3 Extract from the Listed Buildings Act of 1990   |
| 20/1/V.2                             | 54 Russell Square Residents Association/Commissioners of Russell Square | Updated Statement of Case  |
| <b>Day 9 – Tuesday 24 October</b>    |   |  |
| LBC3                                 | London Borough of Camden  | 4 x photographs  |
| 24/2A/4                              | Bloomsbury CAAC   | Extract from NPPF – 12. Conserving and enhancing the historic environment  |
| 24/2A/5                              | Bloomsbury CAAC   | Conservation Area Designation, Appraisal and Management Historic England Advice Note 1- 3. Appraisal of Conservation Areas |
| 24/2A/6                              | Bloomsbury CAAC   | Historic England – The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning: 3                |
| 14/2/A                               | Licensed Taxi Drivers' Association                                      | Summary Proof of Evidence  |
| <b>Day 10 – Wednesday 25 October</b> |   |  |
| 26/2                                 | Bedford Estates   | Presentation from Simon Elmer, Steward   |
| 24/2A/7                              | Bloomsbury CAAC   | Plan of the stepped cycle track  |
| 24/2A/8                              | Bloomsbury CAAC   | Itinerary for Inspector's site visits  |
| <b>Day 11 – Thursday 26 October</b>  |   |  |
| 1/2                                  | Guilford Street Residents   | Presentation from Mark Nash  |
| <b>Monday 30 October</b>             |   |  |
| 18/4/1-15                            | BRAG  | Witness statements for each Proofs of Evidence 1 - 15  |
| 24/2A/9                              | Bloomsbury CAAC   | Further information about Bloomsbury   |
| <b>Day 12 – Tuesday 31 October</b>   |   |  |
| 7/3                                  | National Union of Rail, Maritime Transport Workers Taxi Branch (RMT)    | Presentation and exhibits from Mr Alleeson   |
| <b>Day 13 – Thursday 2 November</b>  |   |  |
| LBC5                                 | London Borough of Camden  | TfL Parking information  |
| ID9                                  | London Borough of Camden  | DfT letter 23 October 2017 to LBC approving continuation of Traffic Order  |
| 27/2                                 | Richard Walker  | Photographic evidence  |
| ID10                                 | Closing Submissions   | From BRAG, BCAAC, LTDA , ILHL, GMRA, CCC and LBC   |
| LBC4 - A-C                           | London Borough of Camden  | Responses to Mr Alleeson's updated evidence  |

|       |                          |  |
|-------|--------------------------|--|
| ID6/A | London Borough of Camden | Council's response document revised page 23 – paragraph 4.34 |
| LBC6  | London Borough of Camden | Response document on funding                                 |
| ID11  | LBL/ILHL                 | Statement of Common Ground                                   |

| <b>DOCUMENTS SUBMITTED POST INQUIRY</b> |  |
|---|--|
| PID 1                                   | Response by RMT  |
| PID 2                                   | Camden Council's Response to RMT additional evidence (post inquiry)          |
| PID 3                                   | Response by RMT to the Council's response                                    |
| PID 4                                   | ILHL, Technical Note 10a: review of RMT Additional Evidence, 1 February 2018 |
| PID 5                                   | Friends of Tavistock Square, Response to RMT, 30 January 2018                |
| PID 6                                   | Friends of Tavistock Square, Response to RMT, 27 January 2018                |

**CORE DOCUMENT LIST**

| <b>CD 1</b> | <b>NATIONAL POLICY AND GUIDANCE</b>  |
|-------------|--|
| CD1/1       | Working Together to Promote Active Travel A briefing for local authorities (Public Health England 2016)  |
| CD1/2       | Healthy People, Healthy Places Programme: Everybody active, every day: a framework to embed physical activity into daily life (Public Health England October 2014) |
| CD1/3       | Obesity and the environment briefing: increasing physical activity and active travel (Public Health England November 2013)   |
| CD1/4       | Air Quality Plan for nitrogen dioxide (NO <sub>2</sub> ) in UK (Department for Environment, Food & Rural Affairs, Department for Transport, July 2017)             |
| CD1/5       | Cycling and walking Investment Strategy (Department for Transport, April 2017)   |
| CD1/6       | Working together to promote active travel: a briefing for local authorities (Public Health England, May 2016)  |
| CD1/7       | The Public Health Outcomes Framework (Public Health England, February 2017)  |
| CD1/8       | NICE Public Health Guidance PH8 (2008) Physical activity and the environment   |
| CD1/9       | Faculty of Public Health (2013). Built environment & physical activity. A briefing statement   |
| CD1/10      | Department of Health (2011) Start active, stay active – A report on physical activity from the four home countries' Chief Medical Officers                         |
| CD1/11      | Department of Health (2010) Annual Report of the Chief Medical Officer, 2009   |
| CD1/12      | The Draft National Cycling Delivery Plan (Department for Transport October 2014)   |
| CD1/13      | Local Cycling and Walking Infrastructure Plans (Department for Transport April 2017)   |
| CD1/15      | DEFRA, Air Quality and Social Deprivation in the UK: an environmental inequalities analysis. 2006.   |
| CD1/16      | The Department for Transport's (DfT) Adjacent and Shared Use Facilities for Pedestrians and Cyclists (2004) guidance   |
| CD1/17      | The Department For Transport's Inclusive Mobility (2005)   |
| CD1/18      | The Department For Transport's document Design Manual for Road and Bridges, Highway Link Design (2002)   |
| CD1/19      | Equalities Act 2010  |



|        |                                  |
|--------|----------------------------------|
| CD1/20 | The Infrastructure Act 2015      |
| CD1/21 | The Traffic Management Act 2004  |
| CD1/22 | Road Traffic Regulation Act 1984 |

| <b>CD 2 REGIONAL/LONDON POLICY AND GUIDANCE</b> |  |
|---|--|
| CD2/1   | Mayor's Transport Strategy (Draft for Public Consultation – June 2017)   |
| CD2/2   | Mayor's Environment Strategy (Draft for Public Consultation – August 2017)   |
| CD2/3   | Healthy Streets for London (Transport for London, 2017)  |
| CD2/4   | A City for all Londoners (Greater London Authority, October 2016)  |
| CD2/5   | Mayor's Transport Strategy (Greater London Authority, April 2010)  |
| CD2/6   | The Mayor's Vision for Cycling in London (Greater London Authority, March 2013)                                      |
| CD2/7   | Travel in London Reports 1-90, Transport for London  |
| CD2/8   | Pedestrian Comfort Level Guidance (Transport for London 2010)  |
| CD2/9   | London Cycle Design Standards Chapter 2 CLoS extract (Transport for London December 2014, as amended September 2016) |
| CD2/10  | Strategic Cycling Analysis (Transport for London February 2017)  |
| CD2/11  | Pedestrian Comfort Level Guidance (Transport for London 2010)  |
| CD2/12  | London Cycle Design Standards Chapter 4 (2016)   |
| CD/13   | Jacobs Ultra Low Emission Zone   |
| CD/14   | Transport for London Have Your Say on Changes to Central London Ultra Low Emission Zone                              |
| CD/15   | Transport for London Operational Modelling and Visualisation   |

| <b>CD 3 LOCAL POLICY AND GUIDANCE</b> |  |
|---------------------------------------|--|
| CD3/1                                 | Camden Transport Strategy (London Borough of Camden, August 2011)                              |
| CD3/2                                 | The Camden Plan (London Borough of Camden, 2012)   |
| CD3/3                                 | Camden's Joint Health and Wellbeing Strategy (The London Borough of Camden, NHS, January 2016) |
| CD3/4                                 | Camden's Clean Air Action Plan (the London Borough of Camden, 2016-2018)                       |

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| CD3/5 | The Local Plan (London Borough of Camden July 2017)  |
| CD3/6 | Camden Council (2011). Bloomsbury Conservation Area Appraisal and Management Strategy                            |
| CD3/7 | Green Action for Change. Camden's Environmental Sustainability Plan (2011 – 2020), fifth review. (February 2017) |
| CD3/8 | Camden's Streetscape Design Manual   |

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| <b>CD 4      MAP OF CORRIDOR</b> |  |
| CD4/1                            | Map showing the trial scheme along the Tavistock/Torrington Corridor |

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| <b>CD 5      OTHER DOCUMENTS</b> |   |
| CD5/1                            | TfL Roads Task Force Report (July 2013) Technical Note 21. What is air quality on the road network and how does this vary by road type, location and time of day? |
| CD5/2                            | Annual Report And Accounts 2015-2016 University College London NHS  |
| CD5/3                            | Letter from Transport for London to London Borough of Camden dated 4 November 2015  |
| CD5/4                            | International Cycling Infrastructure Best Practice Study  |

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| <b>CD6      SCHEME DOCUMENTS</b> |   |
| CD6/1                            | London Borough Camden, Officer's Report to the Cabinet Member for Regeneration, Transport and Planning, 1 July 2015     |
| CD6/2                            | London Borough of Camden, Officers' Report to Cabinet, 22 February 2017 (with appendices)                               |
| CD6/3                            | London Borough of Camden Information Leaflet, October 2015  |
| CD6/4                            | Location and effect of Proposed Traffic Order: Maps 1 – 4, 11 May 2017  |
| CD6/5                            | Plan 1: Torrington Tavistock Trial Location, August 2017  |
| CD6/6                            | Plan 2: West End Project Location, August 2017  |
| CD6/7                            | Plan 3: North South Cycle Super Highway Location, August 2017   |
| CD6/8                            | Plan 4: Brunswick Square Scheme Location, August 2017   |
| CD6/9                            | Consultation: Torrington Place/Tavistock Place route: Proposed improvements for walking and cycling (12 September 2016) |
| CD6/10                           | Letter from LBC to Farrer & Co. dated 16 November 2016  |
| CD6/11                           | Endsleigh Gardens monitoring 10 February – 3 August 2017  |
| CD6/12                           | Judd Street monitoring 10 February – 3 August 2017  |
| CD6/13                           | Tavistock Place and Gordon Square monitoring 16 September –   |

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|        | 03 August 2017   |
| CD6/14 | Initial Air Quality data analysis Gordon Square and Tavistock Place      |
| CD6/15 | Updated Air Quality data analysis Gordon Square and Tavistock Place      |
| CD6/16 | Email and attachments from Alexis Bielich to John Russell dated 11.09.17 |

| <b>CD7 INQUIRY DOCUMENTS</b> |   |
|------------------------------|---|
| ID1                          | Inspector's Pre-Inquiry Note  |
| ID2                          | <b>Statements of Case</b>   |
|                              | London Borough of Camden  |
|                              | 1/1 - Guilford Court Residents  |
|                              | 3/1 - Camden Cycling Campaign, including London Cycling Campaign  |
|                              | 4/1 - Unite the Union   |
|                              | 5/1 - University of London  |
|                              | 6/1 - Living Streets Camden   |
|                              | 7/1 - National Union of Rail, Maritime Transport Workers Taxi Branch (RMT)                              |
|                              | 9/1 - Imperial London Hotels Limited (ILHL)   |
|                              | 10/1 - Michael Gwinnell   |
|                              | 11/1 - Bloomsbury Association   |
|                              | 12/1 - Tamar House RTM Company Ltd, 13 Tavistock Place Freehold Ltd and Residents of 11 Tavistock Place |
|                              | 14/1 - Licensed Taxi Drivers' Association (LTDA)  |
|                              | 15/1 - Friends of Tavistock Square  |
|                              | 16/1 - Gordon Mansions Residents Association  |
|                              | 17/1 - Confederation of Passenger Transport   |
|                              | 18/1 - BRAG - Bloomsbury Residents' Action Group  |
|                              | 20/1 - 54 Russell Square Residents Assn / Commissioners of Russell Square                               |
|                              | 21/1 - University College London (UCL)  |
|                              | 22/1 - Dr Evelyn Abberton and Professor Adrian Fourcin  |
|                              | 23/1 - Transport for London   |
| ID3                          | Inspector's Note of the Pre-Inquiry Meeting   |
| ID4                          | <b>Proofs of Evidence</b>   |
|                              | Camden Council 6 No. proofs   |
|                              | 3/2 - Camden Cycling Campaign Proofs of Evidence with appendices (x 11)                                 |
|                              | 4/1 - Unite the Union   |
|                              | 5/2 - University of London - PoE and Appendix   |
|                              | 6/2 - London Living Streets - PoE and Appendices 1 - 6  |
|                              | 7/2 - National Union of Rail, Maritime Transport Workers Taxi Branch (RMT)                              |
|                              | 9/2 - Imperial London Hotels Limited (ILHL) - Statements and  |

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|      | appendices   |
|      | 14/2 - Licensed Taxi Drivers' Association (LTDA)                                       |
|      | 15/2 - Friends of Tavistock Square   |
|      | 16/2 - Gordon Mansions Residents Association – PoE and appendices A - F                |
|      | 17/2 - The Confederation of Passenger Transport UK                                     |
|      | 18/2 - Bloomsbury Residents Action Group – PoEs(1 - 15) and 2 x sets of video evidence |
|      | 20/1 54 Russell Square Residents Assn / Commissioners of Russell Square                |
|      | 21/2 - University College London (UCL)   |
|      | 24/2 - Bloomsbury Conservation Area Advisory Group                                     |
| ID5  | Inquiry Programme  |
| ID6  | Council's Revised Response Document  |
| ID7  | Notes for Opening on behalf of Officers of London Borough of Camden                    |
| ID8  | Rolling list of further evidence submitted at Inquiry                                  |
| ID9  | DfT letter to LBC 23 October 2017 approving continuation of Traffic Order              |
| ID10 | Closing Submissions from the Council, Supporters and Objectors                         |
| ID11 | Statement of Common Ground between LBC and ILHL  |