

THE CAMDEN (TORRINGTON PLACE TO TAVISTOCK PLACE) PRESCRIBED  
ROUTES, WAITING AND LOADING RESTRICTIONS AND  
LOADING PLACES) TRAFFIC ORDER [2017]

---

CLOSING SUBMISSIONS OF IMPERIAL LONDON HOTELS LIMITED

---

INTRODUCTION

1. As indicated in paragraph 3 of the Imperial London Hotels Limited (ILHL) Statement of Case, ILHL adopts the Inspector's identification of the main issues for his determination, namely:
  - whether or not the Order is made for a qualifying purpose(s); and
  - whether any disadvantages which would arise as a result of the Order would be outweighed by the advantages (if any) which would be conferred by it, were it to be made by the London Borough of Camden (LBC).
  
2. The purpose of the inquiry, accordingly, has been to establish whether there is evidence to prove:
  - that the Order has been made for a qualifying purpose;
  - whether the Order, if confirmed, would have advantages;
  - whether disadvantages would arise as a result of the Order being confirmed; and
  - whether the advantages of the Order would be outweighed by its disadvantages.

3. It is ILHL's submission that on the evidence before the inquiry that while there are aspects of the Order that address qualifying purposes it is not clear that the Order considered as a whole, if made, would effect qualifying purposes given the lack of evidence before the inquiry as to its overall traffic effects and likely impacts on amenity / air quality.
4. If the inspector were, nevertheless, to find that the Order was made for qualifying purposes, ILHL contend that it has limited advantages only, relating mainly to the accommodation of cyclists and pedestrians in the Corridor. The traffic and amenity impacts of the Order in the study area are largely unknown.
5. Those advantages of the Order that are capable of identification, are demonstrably outweighed by its disadvantages relating to its likely traffic displacement effects on motor traffic re-routeing and its likely consequential adverse impacts on amenity, safety and access in and around the study area.
6. If contrary to ILHL's submissions, it is determined that the Order has been made for qualifying purposes and has more than superficial advantages, it nevertheless has disadvantages which, when weighed in the balance, outweigh those advantages, but which could be overcome by a modification being made to Order to permit westbound only traffic in the Corridor.

## THE EVIDENCE

7. The evidence received in the inquiry has taken a number of forms, written, pictorial and verbal; and has included expert and live witness evidence. ILHL submit that, as a matter of law, it is on this evidence, received in the inquiry, that the Inspector's recommendation should be founded.
  
8. The fundamental importance that ILHL places here, on the evidence received in the inquiry, is illustrated by examining whether the statement that LBC made in opening (ID7) their case that:  
"The benefits of the Order (as described by Officers and noted by supporters) are much the same as those presented in the Cabinet report"  
  
holds true in the light of that evidence.
  
9. For example LM 3.10, discussing effects on cycling, claimed that cycle counts undertaken before and during the Trial indicated that the Trial had resulted in a marked increase in cycle trips - up to 52% during peak hours.<sup>1</sup> And consultees were told about this 'significant increase' in the September 2016 consultation (CD6/9: 2.Cyclists).
  
10. A year on, in October 2017, LM xx when asked about this apparent headline benefit of the Trial, was obliged to withdraw it. It turned out that it was based on the comparison of a one day count on a Tuesday in May 2015 with a one day count on a Thursday in May 2016. As JR explained, had the comparison been with the Tuesday in May 2016, the exercise would have demonstrated a reduction in cyclists of 26%. In

---

<sup>1</sup> Consultees had been told this in September 2016

the result LM, recognising the insupportable selectivity of her comparative single day counting exercise, could only say that it was likely that the same number of cyclists were using the corridor during the Trial as before its implementation.

11. It might be argued that this error, now found out, has no wider implications as regards the evidence before the inquiry. However, that can be seen not to be the case. SS 4.9, in seeking to find a cause for the increase in cycle collisions along the corridor with the Trial in place and relying on the 52% figure, said “It should be noted” that there has been a significant increase in cycling east-west along the Corridor in the morning and afternoon peaks.
12. And JS 2.14, 6.5 and 9.1, prayed in aid the 52% increase in cycling, in part, to support his assertion that “there is evidence that across important domains of health, improving air quality, encouraging physical activity improving safety and reducing emissions it [the Trial] meets these goals.”
13. Further, Will Norman “London’s Walking and Cycling Commissioner, appointed by the Mayor of London, Sadiq Khan” in commending the Trial on behalf of TFL,<sup>2</sup> said boldly: “There have been significant increases in cycling east /west along the route in the morning and afternoon rush hours (up to 52%).”

---

<sup>2</sup> TFL letter 08 September 2017

14. The short point is that there has been no such 52% increase in cycling in the Corridor during the Trial; and despite the consultees and others being mis-lead in 2016 and up until the inquiry, none of these witnesses has sought to explain how his or her evidence is changed by this revelation.
  
15. A second example of the evidence relied on by officers in reports to LBC Cabinet proving to be without proper foundation upon examination is seen in AW 4.5, where AW reported 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 along the trial route since implementation.’ These reductions, which were hailed as headline “improvements” in the Consultation exercise (CD 6/9: 5 Air Quality - “significant improvements in air quality following implementation of the trial of between 9% and 20%),” turned out on examination (AW xx) not to be annual mean concentrations; were not, therefore, adjusted for ‘annualisation;’ took no account of seasonal influences; and were, accordingly, inappropriately compared one with the other before and after or with the national objective. (DL 5.3, MW xx).
  
16. And yet these claimed “significant improvements” were relied on without qualification by the same suspects: LM 3.29 - to say that the monitoring and consultation exercise undertaken has met “criteria;” JS 3.2.7 – to say that air quality monitoring in the area shows improvements in NO<sub>2</sub> of between 9% and 21%; and that (3.2.9): “The evidence from the scheme is that air quality has improved along the Corridor;” and that “This is a significant benefit to all road users;

drivers, cyclists and pedestrians...” in the Corridor; and Will Norman / TFL<sup>3</sup> to say:

“Cleaning up London’s toxic air and reducing Nitrogen dioxide (NO<sub>2</sub>) is a top priority for the Mayor. The main source of NO<sub>2</sub> is motor traffic. Monitoring information at three sites in the project area (Gordon Square, Russell Square and Tavistock Place) where nitrogen dioxide emission have been measured indicates significant improvements in air quality, following implementation of the trial of between 9% and 20%.”

17. Despite now knowing that these percentages are not annual mean concentrations; were not adjusted for ‘annualisation;’ took no account of seasonal influences; and were, accordingly, inappropriately compared one with the other before and after or with the national objective, none of these witnesses has sought to inform the inquiry how these necessary and intrinsic<sup>4</sup> qualifications regarding the numbers affect his or her evidence one way or the other.
  
18. A third example, in this instance, of the selectivity of the evidence relied on by LBC to underpin claimed benefits of the Trial, is found in SS 4.5 (tables) / 4.6. There, by reference to a single day ATC count, the reader was told that “since the implementation of the trial layout the total amount of motor traffic had reduced [by 10%] in the area.” It turned out, in fact, that (SS xx / Note on “Appendix 3” traffic flows (ID...)) on an accurate interrogation of the selected traffic count data (SS Appendix 3) first, the reduction was only at best -7% in daily motor traffic; and secondly, the traffic in the area excluding traffic along the Corridor had not reduced by -1% but had increased by 3%.

---

<sup>3</sup>Ibid

<sup>4</sup> Intrinsic to the efficacy of any reliance to be placed on the figures as probative of any Trial effects.

19. In addition to these corrections, as can be seen in SS Appendix 3, only 32 of the 78 ATCs sites were used in this analysis, and the counts relied on were single day counts (SS xx 'snapshot') and not weekday average counts.<sup>5</sup> Further, the inclusion of 6 ATC counts in the Corridor itself necessarily involved double counting the westbound reduction in traffic flows (SS xx). In the result, SS xx agreed that whether her claimed 24 hr reduction was her adjusted one day -7%<sup>6</sup> or JR's average week -5%, the percentages were within a range of what might be expected of day to day variations in traffic flows on the network, and were inconclusive as to whether traffic flows in the area had actually reduced following the Trial.

20. Over and above these examples of claimed 'benefits' of the Trial in officer reports to the Cabinet (CD 6 and Appendices), in the consultation document (CD6/9) and in the LBC proofs, proving on examination to be unsupported by any evidence, it has become apparent that there is a fundamental paucity of evidence to support the efficacy of the Trial as a traffic scheme as a whole. In his 'Response' (ILHL 53) JR has recorded these facts:

- 3.3: no comparative exercise has been undertaken to compare the traffic data collected at the 78 ATCs in 2015 with that collected in 2016 to determine 'what the changes in traffic volumes on streets attributable to the Trial might be.'
- 3.6: there is no surveyed traffic queue data to show how queues might have altered (magnitude and location) during the Trial compared to before the Trial.

---

<sup>5</sup> As would ordinarily be used by transport consultants to try and smooth out day to day fluctuations in traffic volumes on a network. ILHL 53:3.1

<sup>6</sup> SS Note of "Appendix 3" traffic flows.

- 3.7: no journey time surveys have been undertaken either before the Trial was implemented or during the Trial to show how journey times might have altered before and during the Trial.
  - 3.12: no ANPR surveys or equivalent have been conducted before or during the Trial with the result that there is no observed data to determine the volume of 'through traffic' on the Corridor or how, it has responded to the Trial.
21. His conclusion (ILHL 53: 3.14), as a professional transport consultant with 25 years of experience, that there has been insufficient data collected before the Trial was implemented and during the Trial, for an assessment to be made of what the traffic impacts of the Trial might be, has not been seriously challenged in the inquiry.
22. When it was pointed out to SS xx that Figures 3.1 and 3.2 in ILHL 16: 3.77 taken from CD2/15 were showing a 415% increase in AM peak traffic in Endsleigh Street, more than 10 times the % increase sufficient to trigger an environmental assessment of road traffic effects applying the Guidelines (ILHL 31), she acknowledged that no such assessment had been carried out; and, specifically, that LBC had not assessed the traffic impacts of the Trial in local streets to the Corridor.
23. It is submitted that this was a significant concession demonstrating that throughout, LBC has proceeded with tunnel vision, focusing essentially on the Corridor and waking up too late to an understanding that the impacts of the Trial needed to be assessed, as regards their effects on traffic, transport and amenity / air quality in the study area as a whole. And even where LBC has endeavoured to understand how the Trial may



have impacted the Corridor, the evidence they have relied on has been shown to be defective as seen in paragraphs 9-19 above.

24. There has been a tendency by LBC in the inquiry, to dismiss this absence of any proper assessment of the traffic impacts of the Trial in the study area, by a reliance on the fact of the Trial being in place in the Corridor, and its impacts, accordingly, being said to be capable of being seen for themselves. Such a reliance is disingenuous. First, the West End Project traffic alterations<sup>7</sup> are not in place on the ground such that the Trial effects cannot be observed in that network context (hence the reliance on modelling). Secondly, there is no substantial evidence of an actual assessment of the traffic effects of the Trial in place in front of the inquiry in any event. Thirdly, the evidence to be relied on in the inquiry is that placed before it, including the traffic modelling considered necessary in the absence of the implementation of the WEP and the Brunswick Square Project. Invitations to look out the window and make snapshot observations of local traffic are not any basis for a determination as to the merits of the Order scheme. Were that the case there would be no purpose in holding this inquiry and receiving the technical and live witness evidence that ILHL, LBC and other parties have presented, as to the likely impacts of the Order.

#### WHETHER OR NOT THE ORDER IS MADE FOR A QUALIFYING PURPOSE

25. The effect of the Order, if made, would be to implement the Trial layout on a permanent basis.

---

<sup>7</sup> Nor the Brunswick Square Project

26. ILHL acknowledge that aspects of the physical layout of the Trial, in particular, the two cycleways and the single lane carriageway, would serve qualifying purposes set out in S.1 of the Road Traffic Regulation Act 1984. They would restrict the movement of motor traffic and facilitate the passage of cycle traffic on the Corridor; and it is agreed that one way working of motor traffic is generally safer than two way. (Statement of Common Ground). It is also agreed that the dimensions of the cycle ways and the carriageway are appropriate to achieve these purposes (Ibid).<sup>8</sup>
27. In this regard, ILHL does not take issue with the physical elements of the layout in the Corridor which benefit cyclists and may have the potential to benefit pedestrians<sup>9</sup> in the Corridor (ILHL 50 1.3-1.6); they would serve qualifying purposes under the RTRA.
28. However, it is submitted that in determining whether the Order would serve qualifying purposes in the RTRA, the Act requires the decision maker to take a holistic view of the Order and its likely impacts on traffic and transport including the amenities of the study area.<sup>10</sup> The examination as to whether the Order would serve qualifying purposes within the study area, the Bloomsbury Box, must embrace its likely impacts on the study area as a whole, wherein its effects are experienced, and not just in the Corridor. This is implicitly acknowledged by LBC in so far as the authority have seen it necessary,

---

<sup>8</sup> Statement of Common Ground

<sup>9</sup> The implementation of the Order would not involve any physical improvements to the footway in the Corridor or elsewhere.

<sup>10</sup> See the references in s.1 (1) RTRA to (a) 'any other road,' (b) 'any building on or near the road,' (c) 'any other road,' (d) 'adjoining property,' (f) 'the amenities of the area through which the road runs,' and (g) 'the purposes [of the National Air quality Strategy];' and also in s.122 to (2) (bb) 'the effect on the amenities of any locality affected and (bb) 'the strategy [National Air Quality Strategy].'

prior to and from the inception of the scheme in 2015 and thereafter, to attempt to model its traffic effects in the Bloomsbury Box, if only in terms of changes in banded volumes of traffic, against what JR has called a 'reference case' that assumes a base do-nothing world incorporating the implementation of the West End Project and the Brunswick Square Project.

29. The limited extent of the traffic modelling undertaken, however, and the shortcomings of the data collection exercise, including the failure to collect data (ILHL 53: 3.0-4.8) or to fully assess the traffic impacts of the scheme (SS x / JR x), raise significant doubts, on the evidence received in the inquiry, as to whether the Order and its effects on the study area, considered as a whole, would serve qualifying purposes under the Act.
30. As an illustration of this, no evidence of any substance has been received in the inquiry from the LBC as to the likely impacts of the displacement of traffic in the study area brought about by the Trial / Order on safety and or on the amenities of people who make their home there, or on those of the people who work there, or on sensitive groups including children, the elderly and disabled, or indeed, on people walking or cycling in the study area outside the Corridor (ILHL 16: 3.82-3.84). While it is recognised by LBC that the Order will cause such traffic displacement (as with the Trial), no assessment has been made of its likely impacts so as to determine whether the Order, as a whole, would in fact serve qualifying purposes in s.1 RTRA.

31. A compelling example of this failure of LBC to investigate or assess properly the effects of the Trial in the study area is provided in the evidence of Adam Webber purporting to address the likely air quality impacts of the Order. While he (AW xx) appeared not to be entirely sure of his role in the inquiry, he agreed that qualifying purposes in section 1 RTRA included “(f) for preserving or improving the amenities of the area through which the road runs or (g) for the purposes of section 87 of the Environment Act 1995 (air quality);” and that s.122 (2) (b) RTRA required consideration to be given to ‘the effect on the amenities of any locality affected’ and (bb) to the National Air Quality Strategy. (Underlining added)
32. Nevertheless, his evidence showed that while, prior to the implementation of the Trial, two air quality monitoring sites had been set up in July 2015 in the Corridor each using AQ mesh units, no ‘before’ air quality monitoring of the Trial had been undertaken elsewhere in the study area.
33. These facts prompt an inquiry as to the integrity, if any, of the Borough’s approach to the assessment of the air quality effects of the Trial / Order. Why were the AQ mesh units set up in Gordon Square and Tavistock Place in the Corridor in 2015? The answer provided by DL x is that, in conventional air quality assessments, it is appropriate to carry out ‘before’ and ‘after’ measurements. LBC would appear to have understood this assessment requirement in July 2015 but, again, only

to apply it on a Corridor centric basis;<sup>11</sup> with no attempt made to measure ‘before’ and ‘after,’ the wider air quality effects of the Trial / Order in the study area; despite knowing that the strategic modelling undertaken by TfL in June 2015 (CD2/15: Figure 3, 4, 17 and 18), indicated significant increases in traffic flows with the Trial “northbound along Gordon Street and in the Tavistock Square and Endsleigh Gardens areas.”

34. It would appear not to have occurred to LBC until sometime in February 2017 that the wider air quality impacts of the Trial in the study area, including the preservation of the amenities of the ‘area’ (S.1 (1)(f)), were relevant to the issue whether the Order was made for a qualifying purpose. Only then were two additional AQ mesh units installed in Judd Street and Endsleigh Gardens respectively. Even so, as explained by Professor Laxen in his unchallenged evidence to the inquiry, in the absence of any pre-Trial measurements in these locations, no proper assessment of the air quality impacts of the Trial in the Bloomsbury Box as a whole has been undertaken.<sup>12</sup>
35. Of further relevance to the determination of the issue, whether the Order would be made for qualifying purposes, is the doubtful efficacy of the traffic modelling work that has been carried out by TfL and Systra; in particular, whether it actually demonstrates that the Order, appraised as a whole, would serve any qualifying purposes. While JR, having been shown the late validation exercise (ID...), is satisfied that

---

<sup>11</sup> Note, in this context, the advice to Cllr Phil Jones in July 2015 ((CD6/1:4.2) that “Removing westbound traffic would also make the corridor a more pleasant environment for pedestrians, with improved air quality and streets that are easier to cross.”

<sup>12</sup> In the event the Judd street measurements proved problematic.

the Systra model is fit for purpose, importantly, he explains the limitations of the modelling work undertaken in ILHL 53: 2.1. It has been used only to “provide forecast traffic volumes [by banding] on streets following network interventions.” No modelling or other assessment of the impacts of the Order on community severance, safety, fear or intimidation, or noise arising from the model forecast changes in traffic volumes in the study area has been undertaken by LBC or its consultants. In particular, the model has not been used to identify the changes in through traffic on local streets and their impacts in the Bloomsbury Box; nor has it been used to identify changes in route choice made by local traffic. DS has sought to suggest through xx of lay witnesses for BRAG, that traffic seen ‘rat running’ through the study area is all local traffic. As noted by JR xx, however, in the absence of any assessment by LBC of the composition of the traffic diverted from the Corridor as a result of the Trial and which is now passing along other streets in the Bloomsbury Box, the component of that traffic constituting through traffic and that constituting local traffic is unknown.

36. In conclusion, in the absence in the inquiry of the presentation of any proper assessment of the impacts of changes in road traffic brought about by the Trial in the study area supported by substantial evidence, it is submitted that it is not demonstrated, on the balance of probabilities that the Order, considered as a whole, would serve qualifying purposes in S.1 RTRA.

## WHETHER THE ORDER, IF CONFIRMED, WOULD HAVE ADVANTAGES

37. 'Advantages' or 'benefits' of Traffic Regulation Orders are not referred to in the RTRA.
38. Section 122 RTRA imposes a duty on the traffic regulation authority:  
"so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in subsection (2)<sup>13</sup> below) 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"
39. This duty relates specifically to the requirement, in making the Order, to ensure that it would secure the expeditious, convenient and safe movement of 'vehicular and other traffic.' And while the predominant focus of evidence given in the inquiry may have been on cycle traffic and pedestrian movement (more or less exclusively in the Corridor), the duty embraces the requirement to have regard also to the likely impacts of the Order on vehicular traffic in terms of its expeditious, convenient and safe movement. ILHL submits, accordingly, that, whether the Order has advantages or benefits, is to be tested by reference to whether there is evidence of substance to show that, by its confirmation, LBC would discharge this statutory duty placed upon the authority.

---

<sup>13</sup> The matters referred to (as relevant) are:

- (a) the desirability of securing and maintaining reasonable access to premises;
- (b) the effect on the amenities of any locality affected...
- (bb) the strategy prepared under s.80 of the Environment Act 1995 (national air quality strategy);
- (c) ...
- (d) any other matters appearing to the ...local authority to be relevant.

40. In her evidence LM claims a number of advantages that would be brought about by the Order being confirmed. These include her (LM 2.12 – 2.37) contention that the Order conforms to national, mayoral and local transport policy relating to the promotion of cycling and walking. There is, however, no reference to such policies in the RTRA, or to their being relevant to the making of a Road Traffic Regulation Order.<sup>14</sup> The duty in s.122 RTRA to secure the expeditious, convenient and safe movement of vehicular and other traffic, constitutes the policy of the Act that is to be applied in exercising the statutory discretion whether to make an Order or not; and the statutory duty requires consideration to be given to the interests of all traffic, including vehicular and other traffic, in the application of that policy to the making of any RTRO. To illustrate the point, the fact that there is a greater flow of motor traffic travelling westbound along the Corridor impeded by the Trial may be demonstrative of the expeditious, convenient and safe movement of motor traffic not being secured with the one-way eastbound layout.
41. The acceptance by LBC that “in an ideal scenario two-way working would be provided for all modes along the corridor” (CD6/2 Appendix D 2.1.1 / SS 3.1/ SS xx) implicitly (if inadvertently) underlines this statutory policy imperative that the Order should secure the expeditious, convenient and safe movement of all traffic in the study area including motor traffic.<sup>15</sup> And it is to be noted, in this context, that Policy T3 of the Camden Local Plan (CD3/5) seeks to protect all existing

---

<sup>14</sup> LM xx relied on s.122 (2) (d) as permitting reliance on these transport policies as being relevant to the making of an Order. However, no authority has been produced to support that reliance.

<sup>15</sup> As LM 2.14 (a) acknowledges, motorised road transport has a role in supporting the economy.



and proposed transport facilities and links in the Borough without discrimination as to the traffic they accommodate.

42. Before turning then to consider the claimed advantages of the Order that have been canvassed in the inquiry, it is appropriate to reflect on how the Trial came to be. The documentary evidence in the public domain, specifically the officer report of the 1 July 2015 (CD 6/1: 3.1), indicates that only two 'Options' had been considered – 'Option 1 – Do nothing' and 'Option 2 – experimental changes.' The reference to 'experimental changes' referred only to the Trial layout as seen in paragraph 3.3 of the report. There were no other options presented to Phil Jones and he made that clear expressly in his 'Decision Sheet' (CD6/1) – "There were no alternative options considered or rejected by the Cabinet Member when making the decision."
43. JR 3.49-3.50, in seeking to understand the reference to a 'feasibility study' mentioned in CD6/2 Appendix D, requested from LBC information as to what had been involved and received two plans in IHLH 26 that were said to be the options considered. They differ only insofar as they show eastbound and westbound traffic on the corridor to be separated at different points. They showed that, consistent with the July 2015 report (CD6/1), only a single do-something option had been considered.
44. Nevertheless, in section 3 of her proof of evidence, SS stated that a number of 'Options' had been considered 'before arriving at the trial layout' and that 'Decisions' in respect of them had been made. However, when asked whether she could provide any documentary

evidence relating to this alleged pre-Trial optioneering process and the decisions made she said she could not.

45. The important point here, relevant to the assessment of the ‘advantages’ of the Order (if any) that would make the Trial permanent, is that there is no substantial evidence before the inquiry that the Trial had emerged as a preferred option or as a scheme with a competitive edge following a thorough-going framework assessment of all other options by reference to a common set of criteria.<sup>16</sup> The reality would appear to be that the Trial eastbound only was promoted in 2015 on the sole basis that, while eastbound or westbound only would remove motor traffic from the Corridor, eastbound only would remove the greater volume of traffic. And no proper assessment seems to have been made as to the implications of that choice in the light of the duty placed upon LBC by s.122 RTRA.

46. In addressing claimed advantages in LM section 3, the “Effects of the Scheme,” LM makes a number of observations which require qualification:

- LM3.2: reducing the volume of traffic and introducing the 2 cycle lanes may have made the ‘route’ (Corridor) more attractive to pedestrians. However, there have been no significant changes to pedestrian flows in the Corridor and the Order makes no physical improvements to footways.<sup>17</sup> Nor has LBC anywhere addressed the likely impacts of the Order on pedestrians in the study area outside the Corridor caused by the displacement of motor traffic.

---

<sup>16</sup> It was confirmed in an email from Michael Smith of LBC to Farrers dated 6 October 2017 that “a formal assessment framework was not completed.”

<sup>17</sup> The paper dealing with the funding of future ‘improvements’ in the Corridor has yet to be produced by LBC.

- LM 3.10: As noted above, LM's claimed 52% 'marked increase' in cycle trips in peak hours has turned out to be unfounded in fact. In addition there has been an increase in the number of collisions involving cyclists which is not currently understood; and requires urgent investigation (JR x).
- LM 3.13: LM says the intention of the Trial has been to avoid attracting 'through traffic,' including more strategic traffic from the TFL Road Traffic Network (Euston Road) onto the more local road network. However, in xx she accepted that she was not able to define what she meant by 'through traffic' in the Bloomsbury Box and agreed that there is no evidence before the inquiry as to the composition of the traffic using the Corridor before or after the Trial, or whether it included / includes 'through traffic.' In the absence of any such evidence or indeed any definition as to what LBC understand to be 'through traffic,' her contention that the volume of motorised 'through traffic' has reduced as a result of the Trial layout is not supported by any evidence. While it can be accepted that traffic has reduced in the Corridor as a result of the Trial, it has not reduced in the study area.<sup>18</sup> As LM 3.16 accepts, one-way working has inevitably changed some traffic patterns in that area; but no assessment of the impacts of those changed traffic patterns has been undertaken by LBC to determine whether the Order has traffic and transport advantages for the study area as a whole. The modelling undertaken, which is discussed below, would indicate that the Trial may have significant disadvantages when compared with an alternative westbound only layout. As

---

<sup>18</sup> Paragraph 18 above.

LM acknowledges, witness evidence from those who live and work in the area suggests that the Trial layout has led to an increase in journey times for motor vehicles at some times. Again, no assessment of this impact on traffic and transport or the amenities of those who live in the study area, has been undertaken by LBC.

- LM3.17: LM identifies the Corridor as an ‘emergency route’ but then seeks to play down this attribution by observing that ‘this designation has no formal status.’ Whether it has formal status or not, in LM 3.1 it is identified as emergency route in the CTS (CD3/1) Fig. 2.12, the identification being ‘informed by’ the locations of fire, police and ambulance stations, hospitals and key/frequent call-out destinations. And the Trial layout remains a concern to the London Ambulance Service (LM 4.11 / ILHL56) and seems only to have been reluctantly accepted by the London Fire Brigade as a *fait accompli* (ILHL54).
- LM 3.21: LM refers to alternative loading provision being on side streets along the corridor but makes no mention of this requiring right turning movements by eastbound motor traffic across the path of on-coming cyclists or of the accident data in ILHL 15: 7.19 showing that 33% of the PIAs on the Corridor in the period 11/2015 – 10/2016 were caused by right turning vehicles.
- LM 3.25: LM xx agreed that Air Quality issues were the province of AW. Air Quality issues are addressed below. But in so far as LM says that “the improvements to air quality in the Corridor more than offset a reduction in air quality on other local roads, especially given the increased numbers of pedestrians and cyclists

benefitting from better air quality along the Corridor,” first, she (LM xx) has accepted that there was no evidence that the number of pedestrians or cyclists had increased in the Corridor with the Trial; and secondly, neither she nor AW has provided any scientific or otherwise measurable basis for this claimed ‘offset.’

- LM 3.26: In addition, LM’s statement that ‘the total amount of traffic in the area is likely to have reduced’ is not supported by the available evidence.<sup>19</sup>
- LM.27: It must follow that since there is no evidence of “an overall decrease in the amount of traffic in the area” the Trial scheme cannot be considered to meet the objectives set out in the Camden Air Action Plan.
- LM 3.28 claim that the increase in traffic volumes do not exceed levels modelled by TfL by a variance of greater than 5% was wholly unsupported in evidence. In LM xx indicated that this was demonstrated by SS Apx 3; however, that document refers only to ATC counts. The TfL June 2015 model report CD2/15 does not provide any model flows against which changes in traffic volumes can be compared.
- LM 3.30: LM relies on the EIA (CD6/2 Appendix E) as conclusive that ‘the positive impacts of the scheme outweigh the negative impacts, taking account the mitigating steps referred to in the EIA.’ However, in striking that balance she appears not to have been aware that the EIA (CD6/2 Appendix E p32 N14) wrongly assumed that wheelchair visitors to the Tavistock Hotel would be able to use “a side entrance” to the hotel accessible from Bedford

---

<sup>19</sup> Paragraph 18 above.

Way or Woburn Place; an assumption now dismissed by LBC in their Response 3.9 (CD...)

47. It has been seen in the inquiry, accordingly, that a number of the claimed advantages of the Trial have either had to have been abandoned or qualified in LBC's evidence. And further concessions have been made by LBC in the LBC 'Response' (ID6) detracting from the claimed advantages of the Trial as follows:

- 2.1-2.3: it is accepted that there could well 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 overall will have improved is now undermined by SS xx acceptance that the traffic counts (32 ATCs) show only % changes within normal day to day traffic flow fluctuations;<sup>20</sup>
- 5.4: it is now accepted that AQ mesh units are still emerging technology and that 'some level of caution must be used when analysing their results;'
- 5.6: and LBC is looking at ways to reduce what is now recognised as pollution on Endsleigh Gardens;
- 7.22: LBC did not challenge the ILHL queue surveys (LIHL 4.36-4.40) showing that queues on Woburn Place on its northbound approach to its junction with Tavistock Square can be significant and similarly for Bedford Way on its northbound approach to its

---

<sup>20</sup> Paragraph 6 above.

junction with Tavistock Square. This is also borne out by the evidence given by the BRAG witnesses.

48. In summary, while the Trial scheme can be said to have advantages for cyclists and possibly pedestrians in the Corridor, it is apparent that LBC has given scant if any consideration to the traffic impacts of the Order on the study area as a whole and or whether it would have any overall advantage for that area in which its traffic and air quality impacts would be experienced.

49. And while DL xx accepted that it was likely that there had been an improvement in the Corridor in terms of air quality brought about by the Trial that is because the westbound flow of traffic had been removed and is now finding other routes westbound through the Bloomsbury Box. The removal of traffic in the Corridor, be it westbound or eastbound would be likely to have that air quality effect in the Corridor.

#### WHETHER DISADVANTAGES WOULD ARISE AS A RESULT OF THE ORDER BEING CONFIRMED;

50. In addressing the issue whether the Order has disadvantages, a useful starting point is the indication to Cabinet Members in the Officer's report 22/02/2017 (CD6: 4.18) that his recommendation was made 'on balance,' and on the basis that, in the officer's view, the Order represented "the best overall option."<sup>21</sup>

---

<sup>21</sup> These qualifications have been adopted in the LM and SS proofs.

51. The recommendation was an express recognition by him that the Order had advantages and disadvantages and, also, that there were other options to be considered in striking that balance. It is ILHL's case, accepted by LM xx and SS xx that the Trial westbound only is one such option to be considered.
52. It is ILHL's contention, accordingly, that in considering whether the Order has disadvantages, it is plainly relevant to consider its merits having regard, inter alia, to the merits of alternative traffic schemes or 'options' that would address the scheme objectives. And in this context it is relevant to note SS 3.21 and 3.22 which acknowledge that the Trial, with an eastbound or westbound only motor traffic configuration would provide requisite accommodation within the Corridor for all traffic modes and would conform to Camden's Transport Strategy.<sup>22</sup>
53. Disadvantages of the Order scheme are identified in the officer's report and elsewhere in LBC documents including the LBC Statement of Case and Response. These include:
- increased journey times / congestion by reason of the exclusion of westbound traffic from the Corridor;
  - the reassignment of traffic from the corridor to other parts of the network including local roads;
  - consequential 'not insignificant impacts' including increased traffic flows, in particular, on Endsleigh Street and Endsleigh Gardens and Gordon Street southbound;
  - negative impacts on some groups of people with protected characteristics;

---

<sup>22</sup> See also LM xx.



- an increase in accidents involving cyclists in the Corridor (ILHL 16:7.7-10, Table 7.3);
- significant queueing on Woburn Place at junction with Tavistock Place and on Bedford Way at its junction with Tavistock Square;
- displaced traffic may be adding to pollution levels.

54. Other significant disadvantages of the Order have emerged in the evidence relating to air quality, the taxi rank in front of the Tavistock Hotel and traffic modelling as discussed below.

#### Air Quality

55. As regards the issue of air quality, ILHL contends, first, that the evidence before the inquiry demonstrates conclusively that no proper assessment has been made of the likely impacts of the Order on polluting emissions in the study area; and secondly, that this is a serious disadvantage of the Order with significant, possibly damaging, implications for the health of those who live and work in the Bloomsbury Box.

56. In the officer's report to the Cabinet CD 6: 4.13 members were told that the Order was recommended for approval for purposes in s.1 RTRA including for improving air quality in the borough. Appendix F to the report (CD6: Appendix F), however, contained no information concerning the exercise now found in that AW's proof of evidence. At February 2017, the only air quality evidence available was the before and after measurements obtained from the two AQ mesh units that had been relied on to inform consultees in September 2016 that there had been "significant improvements in air quality following the implementation of the Trial" (CD6/9:5 / AW xx).

57. The air quality case was then next made in the LBC Statement of Case 7.2 (ID2) where reference was made to the two AQ mesh units on the Corridor and the two additional monitors installed in Endsleigh Gardens and Judd Street ‘after the introduction of the Scheme.’ No reference was made in this document produced some weeks before the inquiry to the exercise undertaken by AW in his proof. It was simply said:

“it is considered that the improvements to air quality in the corridor more than offset a reduction in air quality on a limited number of other local roads, especially given the increased number of pedestrians and cyclists benefitting from better air quality using the corridor.”<sup>23</sup>  
(Underlining added)

58. Quite apart from this being, on the face of it, a wholly inappropriate trade-off – others (unquantified) using and living in local streets should suffer worse air quality in the interests of cyclists and pedestrians in the Corridor, the evidence before the inquiry has shown that there has been no increase in the number of pedestrians or cyclists in the Corridor with the introduction of the Trial.

59. To reinforce, what has now turned out to be, a baseless argument, LBC further stated in their Statement of Case 7.14 that:

“It should also be noted that through the enhanced cycling facilities and the promotion of modal shift away from using the Corridor the total amount of traffic in the area is likely to have reduced.”

60. SS xx on the analysis of her corrected selective single day Appendix 3 counts,<sup>24</sup> now acknowledges that there is no substantive evidence that the total amount of traffic in the area has reduced; and that such

---

<sup>23</sup> A further erroneous reference to the discredited 52%.

<sup>24</sup> These being only 32 of the 78 ATCs

evidence as there is of a reduction based on the 32 one day counts (SS - 7% / JR -5%) remains within the realms of everyday fluctuations in traffic volumes.

61. As AW 1.1-1.4 has told the inquiry, the Bloomsbury Box lies within an Air Quality Management Area wherein LBC is under a duty to take steps to reduce air pollution; and emissions from road transport account for just under 50% of Camden's NO<sub>2</sub>.
62. In these circumstances, it might reasonably be expected that LBC would have given careful consideration to the before and after air quality impacts of the Trial. Not only is the study area in an AQMA, as noted above, whether an Order would be supportive of the objectives of the National Air Quality strategy is a s.1 RTRA purpose.
63. AW's evidence does not demonstrate that careful consideration has been given to the before and after air quality impacts of the Trial on the Bloomsbury Box and those who live and work and move around in it.
64. First, AW xx questioned on paragraph 4.1 of DL's proof ILHL 17, acknowledged that LBC had not carried out an air quality assessment of the impacts of the Trial for two reasons; first, because of the scale of the Trial and secondly, because of the availability of existing monitoring.
65. As regards the monitoring undertaken, AW xx indicated that the placing of AQ mesh units in Judd Street and Endsleigh Gardens in February 2017 had come about because of "concerns we had for potential displacement of traffic." This evidence effectively confirmed that LBC had given no heed to the likely air quality impacts of the Trial outside the Corridor until February this year, despite the TfL strategic model of June 2015 (CD2/15) showing the prospect of the displacement of traffic prior to the implementation of the trial.
66. AW xx indicated that as regards improved air quality effects in the Corridor, LBC relied on the monitoring in the Corridor. This involved: the use of:

- the use of two monitoring stations only;
- the use of AQ mesh monitoring units considered by DL 5.2 (ILHL17) to be insufficiently reliable for the purpose and acknowledged by LBC Response 5.4 to be “emerging technology;”<sup>25</sup>
- the data gathered “-9” and – 21%” not constituting or presented as ‘annual mean concentrations’ (i.e. taking no account of ‘annualisation’); and
- not adjusted to take account of ‘seasonal influences.’

67. AW xx agreed that annual mean concentrations should have been used and that ‘annualisation’ was important, and that ‘it should have been applied.’ In ILHL’s submission, his evidence in this regard only supported DL 5.1-5.4 (ILHL17) conclusion that it was inappropriate, in the circumstances, to compare the two periods 2015/2016 with each other; a conclusion that was not challenged by LBC.

68. Over and above these considerations relating to the inadequacy of the air quality monitoring of the Trial in the Corridor, AW xx also acknowledged and accepted what DL 5.5 (ILHL17) revealed, namely that the minimum measured background concentration in 2016 at any of the monitoring sites was 31 ug/m<sup>3</sup>; around 5 ug/m<sup>3</sup> higher than the concentration measured at the Tavistock Place AQ mesh monitor. And that since the Tavistock Place monitor was located at a roadside location its output (27 ug/m<sup>3</sup>) could only be anomalous and indicative of the unreliability of AQ mesh monitor used for the purpose. AW xx accepted that it was a low reading and was both unexpected and unexplained.

69. ILHL contend that while it can be expected that air quality may have improved in the Corridor with the removal of westbound traffic, the measure of that improvement is not capable of quantification by reference to any reliable evidence produced by LBC.

---

<sup>25</sup> The paragraph goes on to say that “As a result our air quality evaluation of the Trial is not just based on AQ Mesh monitoring data....”

70. With regard to the wider air quality impacts of the Trial in the study area, as noted above, belatedly in February 2017 LBC appreciated that these impacts were relevant to the efficacy of the Order. However, in the absence of any 'before' measurements, a conventional air quality assessment as described by DL x, adhering to the UKLAQMA guidance document that "all consultants follow," could not be undertaken. As a result AW 3.9 engaged in what purported to be a comparative exercise comparing data for all sites monitored across the Borough between 2010 and 2016 (-5.5%) with that referable to sites in and around the Bloomsbury Box (AW 3.7 Table 3).
71. DL addresses this exercise in ILHL 52 and explains in 2.1 by reference to his blue trial area in Figure 1 that (2.3) "there is no apparent validity to Mr Webber's statement that "the reductions in levels are...much higher than the reductions that have been seen overall across the Borough."
72. AW's "Note on air quality monitoring figures" sought to counter this conclusion drawn from the available data by introducing extrapolated results for some monitoring site and redrawing the study area endeavouring to demonstrate that the Trial sites showed a -24.23% NO<sub>2</sub> Change to be compared with 'Elsewhere in Camden' and 'All Sites.' However, this minus figure was only achieved by leaving out of the study area site CA4 on the Euston Road whilst including Euston Road CD9. As DL x showed including CA4 in the study area as he had done would reduce AW's -24.23% NO<sub>2</sub> to -4.6%.
73. ILHL submit that AW's attempt to prove that air quality had improved in the Study area as a result of the Trial was contrived and had to be so in the circumstances where LBC had failed to appreciate the need for an air quality assessment of the impacts of the Trial in the study area, or, even, that 'before' air quality measurements needed to be made in that area.
74. ILHL also submit that DL's critique of LBC air quality evidence is not only detailed but also authoritative and compelling; and the fact that it was not challenged by LBC should weigh heavily in balance against a recommendation in favour of a confirmation of the Order.

75. It is, accordingly, a significant disadvantage of the Order that its air quality impacts in the study area on the health and amenity of those who live and work there and pass through its streets including Endsleigh Gardens and Tavistock Square, have not been properly assessed and are largely unknown.

#### Taxi rank

76. The eastbound only motor traffic regime creates and perpetuates a taxi rank arrangement outside the Tavistock Hotel that is seriously disadvantageous to hotel guests and visitors that are in wheelchairs or walking disabled. Taxis provided for these persons to embark and disembark on the passenger side of the vehicle via a ramp for the wheelchair and a step for the ambulant disabled. Outside the hotel this means those persons embarking or disembarking the taxi in the outer limits of the westbound cycle way and in the carriageway. No doubt leaving a taxi in a wheelchair, most probably with luggage outside a hotel is a lengthy and difficult exercise at the best of times; but made worse in this case by the pavement not being available as a refuge. No doubt the taxi driver would do his best and the concierge would be on hand, but the hostile environment into which the wheelchair user and ambulant disabled must enter not only to get into and out of the taxi but also to get round the open door of the vehicle in the face of on-coming cyclists is indicative of this arrangement being a significant disadvantage of the Order. Quite apart from the difficulties presented to the disabled person, it has to ever present potential to cause serious disruption to traffic flow along the Corridor at a point that is relatively close to its junction with Woburn Place.
77. No proper consideration was given to this state of affairs in the EIA (CD6/2: Appendix E) before the Order was made. While it recognised 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 that could be used on Woburn Place and Bedford Way.

78. No doubt a wheelchair user could endeavour to wheel the distance with luggage to the front door and the disabled ambulant could make the journey without a rest; but such posited solutions, involving as they must, haphazard parking of taxis in these streets for significant dwell times competing for road space with other traffic, only serve to underscore this serious disadvantage of the Order. And the attempt made in the xx of JR to persuade him by reference to a photograph that additional capacity could be provided by the simple expedient of moving the central white line in Bedford Way where there was a cycle way protected by a kerbed island in the carriageway with a traffic light and pole located within it to enable left turns on to the Corridor, reinforced this reality.
79. It can be expected that the LTDA will have more to say in closing regarding the assault course presented to the disabled by the inaccessibility of the taxi rank to meet their needs and the distances they would need to traverse to get to the hotel entrance with the Order in place; but it is clear that it is a significant disadvantage of the Order which is shown into even sharper focus by the fact that it is unnecessary and can be avoided by the expeditious, convenient and safe access for the disabled being secured by reversing the motor traffic flow in the Corridor such that it is westbound only.

#### Traffic modelling

80. TD 3.1 describes 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.
81. ILHL would not dispute that description but notes that TfL were only asked by LBC to model an eastbound only traffic arrangement in the Corridor despite having the capacity to model a number of options to address the objectives sought to be met relating to accommodating the likely traffic effects of the WEP.
82. In his section TD refers to the four stages of modelling:
- Base

- Future Base
- Do Something
- Sensitivity

83. JR adopting that approach from the outset, has endeavoured over two years to understand how LBC has, if at all, sought to follow this conventional approach in arriving at the Order which has been made. However, it was not until he received ILHL 43 and 44 in August 2017 that the Systra modelling Do Something Eastbound only against Future Base and Do Something Westbound only against Future Base were disclosed.

84. Those exercises are now shown on ILHL 55 and were, effectively, assessed in JR 5.30: 1 to 10 and 5.35: 1 to 6. These paragraphs of JR's proof were put to David Carter in xx and were substantially agreed. They demonstrate that ILHL 55 shows, among other things, 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 east of Judd Street;
- the increase on Euston Road west of Judd Street is half that east;
- there are increases in traffic volumes on a number of streets west of Tottenham Court Road; and that 75% of the traffic displaced by the Trial will re-route along local roads with only 25% choosing to re-route on strategic roads; and
- there are discrepancies between how the model is predicting that traffic will re-route and the Council's own traffic survey data.

But overall the Systra modelling outputs indicate that the Trial has a very wide geographical spread impacting on local streets remote from as well as within the Bloomsbury Area. It also indicates that the majority of the traffic displaced by the Trial displaces onto other local streets and not onto strategic roads as the Council claimed it would in its Statement of Case and as LM 3.13 said was intended.



85. ILHL 55 also demonstrates that with the Trial reversed westbound only, the observations in JR 5.35 are true (DC xx) including strategic re-routing of traffic. The modelling indicates that reversing the flow of traffic along Torrington Place / Tavistock Place so that is westbound only, would result in a smaller number of local streets suffering from material increases in traffic volumes; fewer than with the Trial in place (JR 5.37, 5.43).
86. It is not proposed to rehearse JR's cogent and compelling evidence in detail as to what the ILHL 55 model maps demonstrate but his conclusions were substantially agreed by DC xx and they demonstrate that the Trial has significant disadvantages as regards the displacement of motor traffic onto local streets in the Bloomsbury Box to the detriment of those who live and work there; and those persons are witness to those effects as the Inquiry has heard from BRAG and others.
87. Another disadvantage of the Order emerged in the inquiry, namely, that it is incomplete. It does not include any pedestrian improvements in the Corridor nor necessary safety infrastructure that is becoming apparent as being necessary. Nor does it provide for the relief of the effects of traffic displacement by, for example, providing a right turn off Euston Road into the station. Whether any of these additional works referred to as "improvements" in the inquiry (LM 4.14 Judd Street, Tavistock Place, SS 2.9 improving facilities for pedestrians, LBC Response 4.10 further safety works have been through a design process), would be permitted by TfL or are funded is unknown.

#### WHETHER THE ADVANTAGES OF THE ORDER WOULD BE OUTWEIGHED BY ITS DISADVANTAGES.

88. When these model predictions are coupled with LBC's failure to carry out an effective assessment of the traffic and air quality impacts of the Trial in the Bloomsbury Box and the restrictions placed on the disabled in seeking access to the Tavistock Hotel by restricting one-way traffic eastbound only, it is clear that the Order has significant disadvantages

that outweigh its advantages; and particularly so where it has been shown by evidence that those disadvantages would be wholly removed without any loss of advantage, were the motor traffic flow on the corridor to be reversed to flow westbound only.

89. In summary, while the Order has some advantages in particular for the accommodation of cyclists and pedestrians in the Corridor, its traffic and air quality impacts in the study area have not been assessed and are substantially unknown; and it has significant disadvantages in terms of not providing reasonable access to the hotel for disabled guests and visitors. It also has given rise to more cycle accidents, evidence by accidents caused by collisions with right turning traffic crossing oncoming cyclists; a traffic movement made necessary not only to reach the relocated loading bays south of the Corridor but also the Taxi rank. It is shown on all the evidence before the inquiry, both expert and lay, that these disadvantages demonstrably outweigh any advantages that the Order may have such that it should not be confirmed; and the inhabitants of the Bloomsbury Box and those who use the corridor by cycle, on foot and in motor vehicles should be given the opportunity of engaging in a full and proper assessment of the impacts of making the Corridor one way for motorised traffic with cycle ways; and assessment that has yet to be undertaken.

## MODIFICATION

90. In the pre-inquiry meeting note the Inspector indicated, correctly in law in ILHL's view, that he had a discretion to recommend modifications to the Order.
91. There is no reference in the RTRA to modifications of an Order. However, an ETO may be modified in certain circumstances under Section 10 of the Act; but the power does not extend to making additions to the ETO (S.10 (3)). ILHL accept, by analogy with this power, that the power of the Inspector to recommend a modification of the Order cannot extend to changing the Order by making additions to it or effecting a fundamental change to the Order in terms of its proposed

highway layout – in this case, a single carriageway between two cycleways.

92. Modifying the Order to remove the word eastbound and to substitute westbound for eastbound would not involve any such addition or fundamental change on all the evidence.
93. As stated in CD6/2 Appendix D 2.1.2:  
“making the trial permanent i.e. by removing one direction of motor traffic from a large proportion of the Corridor, would generally increase the usable 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.” (Underling added).<sup>26</sup>  
The change from eastbound to westbound only would be a matter of the implementation of the Order and no more.
94. The lack of any fundamental change to the Oder and the works it would involve, that would be caused by the single lane of traffic moving in a westbound only direction is reinforced by CD 6 Appendix D 2.5.1:  
“The proposal to reverse the direction of one way motor traffic flow in the corridor...pose[s] no major geometric design changes...”
95. And SS 3.22 states that this “type of proposal” (i.e. the Trial implemented in a westbound or eastbound only configuration for motor traffic) “is consistent with Camden’s Transport Strategy...” LM xx also agreed that the Trial implemented with a westbound only configuration, would comply with the Camden Transport Strategy; and nowhere in the LBC evidence, is it said it would conflict with any National, Mayoral or Local transport policies by reason of the changed direction of motor traffic flow. This is unsurprising since it would provide a multi-mode transport facility not materially different from that put in place by the Trial.

---

<sup>26</sup> This statement is repeated in SS 3.21.

96. The LBC Statement of Case 8.7 states that westbound only:  
“could achieve one objective of reducing traffic along the corridor,<sup>27</sup>  
but a comparative modelling exercise indicated a greater level of  
reassignment to more local roads.”  
This last ‘but’ comment, which could only be a reference to the Systra  
modelling work, must now be read in the light of JR’s analysis of ILHL  
55 (formerly ILHL 34 and 44) referred to above which contradicts this  
statement and which is largely agreed by DC xx. There is no evidence  
supporting SS 3.23 that its differential effects, compared with  
eastbound only, would create a materially less safe environment in the  
Corridor
97. In summary, the Order modified to provide for motor traffic to pass  
westbound only along the Corridor would not involve any addition to  
the Order, only a change as regards its implementation. Neither would  
it involve any significant physical changes in the Corridor; the changes  
would include mostly the turning round of traffic lights and some  
alterations to road markings in the main; operational changes that are  
commonly undertaken from time to time as part of road network  
management (JR x).
98. If, accordingly, contrary to ILHL’s submission, it is recommended that  
the Order should be confirmed, this modification should form part of  
that recommendation. On the evidence before the inquiry it has  
emerged as the optimum solution to traffic management in the  
Corridor best accommodating safe cycling, the majority flow of motor  
traffic using the Corridor and the potential for widening footways and  
facilitating crossings for the safe and comfortable passage of  
pedestrian traffic along it. In addition, and importantly, it would  
accommodate the reasonable needs of wheelchair users and the  
ambulant disabled seeking access to the hotel via the public taxi rank  
on the south of Tavistock Square.
99. In achieving these and the wider scheme objectives sought to be  
addressed in meeting and accommodating the traffic impacts in the  
Corridor brought about by the WEP, it would meet the s.122 RTRA

---

<sup>27</sup> See also SS 3.21

statutory policy objective of ensuring that all traffic using the Corridor would be able to 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

100. The resolution of the Cabinet on the 22/02/2017 included the determination to hold this public inquiry “to further examine the merits of the scheme” so as to enable the Cabinet to “look again at the scheme considering the results of the inquiry.” For the reasons set out above and on the evidence before the inquiry and lack of it, ILHL invite the inspector to recommend to the Cabinet not to confirm the Order but to undertake a traffic and air quality assessment of the impacts of a one way motor traffic with cycleways traffic management configuration in the Corridor as advised by JR and DL.
  
101. In the alternative, if the Order should be recommended for approval, it should be so with the recommendation that it should be amended to permit its implementation with westbound motor traffic only to accord with the statutory objective of achieving the expeditious, convenient and safe movement of all traffic along the Corridor.

Tim Comyn  
Francis Taylor Building  
Temple  
London EC4Y 7BY  
02/11/2017