

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

Ref: DPI/X5210/17/8

CLOSING SUBMISSIONS ON BEHALF OF THE
LICENSED TAXI DRIVERS' ASSOCIATION

Introduction

1. These closing submissions are made on behalf of the Licensed Taxi Driver Association (“**the LTDA**”) for the purposes of the public inquiry convened to hear representations for and against the proposed Camden (Torrington Place to Tavistock Square)(Prescribed Routes, Waiting and Loading Restrictions and Loading Places) Traffic Order [2017] (“**the proposed order**”).
2. The main issue is, as the inspector has noted¹, whether or not the disadvantages which would arise as a result of the proposed order would be outweighed by the advantages.
3. The proposed order is being promoted *inter alia* by officers of the London Borough of Camden (in keeping with the nomenclature employed throughout the inquiry they will be referred to in these closing submissions as “**the council**”).
4. The proposed order has the effect of making permanent the trial scheme.
5. The LTDA invites the inspector to recommend in his report that the proposed order be made with the following modifications (in decreasing order of preference):

¹ Inspector’s note of the pre-inquiry meeting (CD7-3, p2, §12)

- a. reinstating two-way motor traffic throughout the corridor whilst maintaining the two separate single flow cycle lanes (one on each side of the road);
 - b. reinstating two-way motor traffic for part of the corridor only (between Woburn Place and Gordon Square West);
 - c. reversing the flow of motor traffic so that it flows one way westbound-only.
6. If the inspector is not inclined to recommend any of those modifications, the LTDA respectfully invites the inspector not to make the proposed order.
 7. These closing submissions will first address the main issues in the inquiry (congestion, impact on protected groups, air quality (“AQ”) etc.) before then going on to make submissions in respect of the merits of the modified schemes supported by the LTDA (some of which are also supported by other objectors)

Law

8. The Council, as traffic authority, has a duty under s.122 of the 1984 Act to exercise its functions under that Act 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. In performing this duty the council must have regard to a number of factors listed in that section².
9. A function under the 1984 Act includes the making of the proposed order for controlling or regulating vehicular and other traffic (including pedestrians). The proposed order may be made under s.6 of the 1984 Act³ where, having regard to s.122 of the 1984 Act, it appears to the council to be expedient to make it for one or more of the purposes or with respect to any of the matters set out in s.1⁴ and sched. 1 of the 1984 Act⁵

² CD1-22, p206

³ CD1-22, p10

⁴ CD1-22, p2. For the council’s stated purposes see Report of Cabinet Member for Regeneration, Transport and Planning, 22 February 2017 (CD6/2, p10, §4.13)

⁵ CD1-22 p236

10. The council has cited national, regional and local policy and submits that the proposed order furthers the objectives contained therein. As a matter of law there is no presumption that proposals in conformity with or furthering the aims of policy should be approved. It is a matter of weight and discretion for the inspector.

Congestion and displacement of motor traffic along the corridor⁶

11. The corridor was a key east-west route, particularly for taxis, and was the only such route located between Euston Road and the Strand. It was consequently an important route giving access to Euston railway station from the south and the east and was a vital route to, from and between the many medical facilities, hotels and tourist attractions in and around the trial area.

12. It is accepted by the council that the trial scheme has resulted in longer journeys and therefore higher taxi fares for those travelling through the corridor area⁷. This is corroborated by what its members have told the LTDA, by many objectors at this inquiry (such as those from BRAG) and those who responded to the consultation.⁸ All of these people have highlighted the very long journey times it takes to travel relatively modest distances and the impact this has had on daily life in the area.

13. Since the trial scheme has been in place there has been significant increases in motor traffic numbers caused by displaced motor traffic on many of the local roads including: Endsleigh Gardens eastbound (increase of 554%), Endsleigh Place eastbound (467%), Grafton Way westbound (361%), Gower Place westbound (267%), Tavistock Square (325%), Tavistock Square West northbound (400%) and also increases on Judd Street.⁹ This has had a negative impact on the quality of life of the many people who live locally in terms increased journey times, reduced AQ, noise and reduced access for emergency services etc.

⁶ In addition to the below, the LTDA rely on the evidence of Mr Russell for the ILHL in respect of congestion and traffic

⁷ Mrs McBride in response cross-examination by the LTDA

⁸ CD6-2-c p28

⁹ CD6-2-E, pp14-15

14. The council has claimed that these significant increases in congestion can be attributed in part to surrounding construction and road works. Even if this is true, it is not credible to treat such works as an exceptional circumstance given the number and duration of road works in central London generally (the works on Gordon Square are planned to last until 2024¹⁰) and the likelihood of further expansion and improvement by the many universities (and their student accommodation), medical facilities and other institutions in the surrounding area (the vast majority of the current construction works are related such institutions¹¹).
15. Balanced against the increased congestion and journey times, it is agreed that there has been roughly no increase in pedestrians using the corridor and there may not even have been an increase in the number of cyclists using the corridor. The council claimed in its consultation material and in its written evidence to this inquiry (which has been relied upon by many of the proposed order's other supporters) that cycling along the corridor had increased 52%. However the council has since conceded, due to other data and the effects of seasonal variation, that it can now only claim that there has been no decrease of cyclists using the corridor¹². Despite this, collisions have actually increased (albeit with less severity) on what was a route with an already high number of collisions¹³.
16. Mr Massett gave evidence to the effect that, in his view, the pedestrianisation of Oxford Street and the impacts of the HS2 works (neither of the effects of which have been modelled by Mr Carter and therefore properly taken into account by the council) would increase further the demand for taxis in the area and more generally exacerbate the congestion in the area. Mr Massett stated that he expected Oxford Street to begin to be pedestrianised/substantially pedestrianised as early as the end of next year (albeit starting from the west). In respect of HS2 the council recognise but do not seem to have properly taken into account that it will have a "*significant impact on the surrounding road network during and after construction*"¹⁴

¹⁰ §4.53 of Mrs Shah's proof

¹¹ Appendix 4 to Mrs Shah proof

¹² Mrs McBride during cross-examination by Mr Comyn

¹³ CD6-2-C, p4

¹⁴ CD6-2-D, §3.7.2

17. The corridor is an emergency route¹⁵ as informed by locations of fire, police and ambulance stations and key/frequent call-out destinations¹⁶. Neither the experimental order nor the proposed order prevents emergency vehicles from travelling westbound along the corridor¹⁷. However, given the inherent safety risks of an emergency vehicle having to travel wholly or partly in the cycle lane (especially if stepped tracks are put in) and the fact that the corridor is in the Camden Transport Strategy in order to avoid the introduction of vertical traffic calming measures in place, the undesirability of emergency vehicles having to resort to mounting any stepped tracks in order to navigate its way down the corridor is obvious.

18. It is submitted by the LTDA that, as shown during the trial period and taking into account future interventions such as the construction and operation of HS2 and the pedestrianisation of Oxford Street (neither of which have been modelled), making the proposed order would result in longer journeys and significant congestion on those local roads least suited to accommodating it. The adverse effect on the ability of taxis to provide a key transport service and on the quality of life of those in the local area has been expressed by objectors at this inquiry. The council has a duty to balance the interests of all road users and it is submitted that the adverse effect to those who use motor transport including taxis is a significant disadvantage of making the proposed order.

Protected groups under the Equality Act 2010

19. As explained by Mr Massett, London black cabs are 100% disability compliant. Features include: brightly coloured grab handles, extra-wide opening doors, fold up seats, sufficient internal space to manoeuvre a wheelchair, an intermediate step, fold out ramp and ramp extension, wheelchair securing straps, swivel seat etc. Black cabs therefore provide a key transport service for disabled people (particularly the most disabled people including the blind and those in wheelchairs) in London and the LTDA take the interests of those people very seriously.

¹⁵ Camden Transport Route, figure 2.2 (CD3-1)

¹⁶ §1.3 and §5.9 of Louise McBride's proof

¹⁷ §4.52 of Mrs Shah's proof

20. As accepted by Mrs McBride the inspector is not confined in his report to satisfying himself in relation to the narrow issue of whether the council has complied with the Public Sector Equality duty under s.149 of the Equality Act 2010¹⁸ (“**the 2010 Act**”) to “*have regard*” to the matters contained therein. The impacts on the “protected groups” under the 2010 Act is a matter to be weighed in the balance of whether the disadvantages of the proposed order outweigh the advantages and, given this country’s ageing population (age is a protected characteristic and a significantly disproportionate number of disabled Londoners- 44%- are over 65¹⁹), the LTDA submits that those impacts should weigh particularly heavily in this balance.
21. It is accepted that the proposed order benefits those disabled people who currently cycle and those disabled people who do not but nevertheless have the physical ability and inclination do so. This is a good thing and all three of the LTDA’s preferred modified schemes preserve many of these benefits (see below).
22. However, not only is there is a significant number of disabled people who most likely cannot or would not ride a bicycle²⁰, but in the LTDA’s submission and as accepted by Mrs McBride during cross-examination, to comply with the s.149 duty in substance regard must be had to the impacts on some of the most disabled in our society rather than just taking a simple or more substantial majority of disabled people (many of whom are perfectly ambulant).
23. It is accepted by the council that the trial scheme has resulted in longer journeys and therefore higher taxi fares for those travelling through the corridor²¹. This is backed up by what its members have told the LTDA and the evidence of Mrs Diana Scarrott in relation to the length and complexity of the journey to UCLH (notwithstanding the fact that her two test runs were actually only around 10 minutes).

¹⁸ CD1-19 p138

¹⁹ RM1, p201

²⁰ 133,000 people are wheelchair users to different extents in London alone not including under 5s (RM1, p206) Even among disabled Londoners more widely, the large majority of whom do not use a wheelchair, just 9% are contemplating or preparing to start cycling compared as compared with 73% who have never thought about cycling or have thought about it but decided not to (RM1, p224).

²¹ Report of Cabinet Member for Regeneration, Transport and Planning, 22 February 2017 (CD6/2, p12, §4.19)

24. This disproportionately impacts on the most disabled people (who are also more likely to be elderly) in three ways: first because the most disabled/elderly more frequently have no other option but to travel by motor vehicle including taxis and Dial-a-Ride; second because it is accepted that there are a disproportionately large number of medical facilities in the trial area²² and the disabled/elderly are more likely to have to visit those medical facilities for appointments and operations; and third because disabled people are more likely to be poorer than non-disabled people in London²³. Mrs McBride on behalf of the council recognised that there was a disproportionate adverse impact on those with protected characteristics including potentially the poorest among that group.
25. It is also submitted that the Equality Impact Assessment (“EIA”) was flawed in a number of respects which caused the council to underestimate the negative impact of the trial scheme on those with protected characteristics.
26. One such flaw was the council’s treatment of the taxicard data which meant it only took into account 3,965 taxicard journeys²⁴ of a possible 1.25m per year²⁵. This meant it ignored those disabled people not from Camden but who travel to and between many of the medical facilities in the trial area²⁶ as well as those disabled people not from London (and who therefore would most likely not be taxicard users) who have travelled into or through Camden for the purposes of a medical appointment. The needs of the most disabled who use the taxicard system are also balanced against bus improvements which Mrs McBride agreed had nothing to do with the trial scheme and could be delivered or not delivered regardless of it.
27. Another flaw was the grid used within the EIA to allegedly summarise the impacts of the trial scheme on those with protected characteristics²⁷. Mrs McBride agreed that, in

²² E.g. University College London Hospital, Great Ormond Street, Royal National Orthopedic Hospital, Macmillan Cancer Centre, National Hospital for Neurology and Neurosurgery. Disabled/elderly respondents to the consultation stated that this was affecting journeys including to and between medical institutions resulting in late or missed appointments (CD6-2-C, p32, §3 and also see in EIA at CD6-2-E, p24)

²³ 41% of disabled Londoners have an annual household income of less than £10,000 compared with just 15% of non-disabled Londoners and 28% of disabled Londoners have an annual income of between £10,000-£19,999 compared with just 18% of non-disabled Londoners (RM1, 208)

²⁴ CD6-2-E, p10

²⁵ RM3, p5

²⁶ The most common journey at 62% is to and from hospital appointments (RM3, p6)

²⁷ CD6-2-E, p40-42

the way that the grid assumed and attributed benefits arising from the scheme to certain groups (e.g. based on race, gender, sexuality etc.)- first without any foundation and second, insofar as there was any merit in making such assumptions, without undertaking a corresponding exercise in respect of disadvantages of the scheme for those groups- the grid does not give the full picture and would be of limited assistance to the inspector in assessing the advantages and disadvantages of making the proposed order in respect of the impact on those with protected characteristics.

Access to taxi rank outside the Tavistock Hotel

28. As explained by Mr Massett, the London black cab's disability features such as the fold out ramp and swivel seat are located on the nearside of the cab and this will also be the case with the new Zero Emission Capable black cabs ("**ZEC black cabs**").
29. Consequently a black cab driving eastbound and wishing to use the taxi rank could not unload disabled passengers safely onto the curb from that rank. Instead it would have to unload the disabled passenger into the south (westbound) cycle lane .
30. Given the extra-wide opening cab door, the extended ramp (which extends even further than the door) and the time it takes to unload a disabled passenger in a wheelchair²⁸ directly into the flow of oncoming cyclists, the dangers of this approach to the vulnerable passenger, black cab driver and cyclists and its potential for increasing cycle congestion are obvious. They have been explained in detail by Mr Russell giving evidence on behalf of the ILHL and therefore do not need to be repeated here.
31. In relation to the prospect of a taxi rank on the north side of the corridor (i.e. on the opposite side of the road to the Tavistock Hotel), Mr Massett stated that although this would deal with some of the difficulties set out above, in his opinion it is preferable to have it on the south side because it is the clear intention for ranks to be outside the

²⁸ According to Mr Massett who has timed the pick up and drop off himself in a real life situation, the whole process (from hailing the cab to completion) takes around 7 minutes either way. Other evidence adduced by the council, in a non-real life situation and without regard to hailing the cab and paying the fare etc., shows a lower time limit. Even if one relies on the council's time limit as shown by its video the threat to the safety all those involved is clear

premises they serve. Otherwise, if the taxi rank were on the south side, passengers would have to cross the road potentially with heavy luggage.

Drop off along the corridor

32. It is accepted that under the proposed order taxis will be permitted to drop of and pick up passengers along the corridor.
33. With respect to disabled passengers the council proposes that a black cab could wholly or partly mount the north (eastbound) stepped cycle track in order to drop off on the north footway²⁹.
34. The risks to the safety of cyclists travelling on the north cycle lane whilst the black cab turns into that cycle lane and stays there to drop off the disabled passenger are obvious. The same risk, incidentally, applies to cyclists where large vehicles would be loading and unloading whilst on the cycle lanes as is also being suggested by the council³⁰.
35. Moreover it is as yet unclear how the stepped cycle track would impact on accessibility especially where the black cab would be partly on the stepped cycle track and partly on the road. This is because in such a case the angle of the black cab might be such that the intermediate step or ramp would be ‘mismatched’ with the angle of the kerb making it very difficult to safely load or unload a disabled passenger.

Bedford Way

36. It was proposed by the council that an alternative to dropping off passengers in the taxi rank outside the Tavistock Hotel was instead for the taxi, driving eastbound along the corridor, to turn right onto Bedford Way and drop passengers on the nearside kerb on Bedford Way.

²⁹ §3.12 of response document

³⁰ Mrs Shah in response to BRAG’s cross examination

37. First, the comments of Mr Massett should be borne in mind, those being that in reality black cab drivers would seek to drop a passenger off, particularly a disabled passenger, at the door of their destination as part of the black cab's door-to-door service notwithstanding any recommendation of the council. Indeed many black cab drivers might be unaware of the council's recommendation. The result could be the dangerous unloading of a disabled passenger such as those in wheelchairs into the south westbound cycle lane as explained by Mr Russell giving evidence for the ILHL.
38. In relation to the Bedford Way proposal, the Guidelines for Inclusive Mobility³¹ recommend that there be rest points at least every 50m for individuals with mobility problems who use a walking stick. The council claim that disabled passengers who use a walking stick would be within 50m of the entrance to the Tavistock Hotel if dropped off on Bedford Way.
39. This question will come down to a judgment by the inspector (having now visited the site on a number of occasions) and, informing that judgment, the LTDA respectfully invites the inspector to have regard to the following:
- a. the tree and street furniture at the north nearside of Bedford Way making safe drop off there highly undesirable if not impossible;
 - b. the fact that a reasonable driver would not park at the very north of Bedford Way just round the corner of a junction;
 - c. as stated by Mr Massett, a single yellow line runs from the north end of Bedford Way down south until the parking spaces. Consequently in the evening and at night cars may be parked on the nearside of Bedford Way causing a taxi to drop off further south than it perhaps otherwise would;
 - d. the long queues of cars heading northbound on Bedford Way³², or the potential for such queues which a London black cab driver would very likely be aware of, would mean that a taxi could not drop off in a location where there is any prospect that cars behind it would be 'boxed in' unable to

³¹ CD1/17

³² See Mr Russell's traffic queue statistics at 4.36 of his proof which provides that queues exceed 100m for 72% of the time and run to a maximum distance of 165m. Mr Carter agrees that queues are "*significant*" on Bedford Way (§7.22 of council's response document)

overtake³³. This drop off location is likely to be further south on Bedford Way where the road widens. Even if a car behind could physically drive between a parked taxi and the queue of traffic going northbound, the reduced gap would act as a ‘bottleneck’ likely to increase congestions and this prospect is something which would cause the reasonable (black cab) driver to park further south down Bedford Way;

- e. given the fact that drop off on Bedford Way is recommended for guests of Tavistock hotel, the higher chance that disabled passengers will have luggage thereby making journeys of whatever length more difficult;
- f. the fact that taxi drivers do not have a legal duty to accompany a passenger disabled or otherwise to the front door of his or her destination and, in any event, Mr Massett’s evidence that he would not recommend doing so in these circumstances given the risk of receiving a parking ticket and the safety and congestion issues raised above;
- g. use of either of the side entrances to the Tavistock Hotel is highly undesirable for the reasons given by Mr Russell and which need not be repeated here;
- h. little to no weight should be placed on potential changes to Bedford Way to facilitate safe and easy drop off. Mr Carter giving evidence on behalf of the council stated that the road on Bedford Way could be widened at the expense of pavements and the cycle lane to make dropping taxis off on the nearside safer and to reduce the prospect of congestion. No funding has been allocated for this and Will Norman, London’s Walking and Cycling Commissioner and on the board considering such matters, had never heard of such changes. Moreover no traffic counts have yet been collected from which an informed judgment can be made by anyone in the council in respect of the desirability of widening the roadway at the expense of pavements and/or cycle lanes. It is possible that such changes would be contrary to many of the same national, regional and local policies cited by the council in this inquiry. In relation to moving or removing the island in the middle of the junction the LTDA relies on the evidence of Mr Russell and again no funding has been allocated for this to the LTDA’s knowledge;

³³ Especially given the amount of time it takes to unload a mobility impaired passenger and the evidence of Mr Marchant of 54 Russell Square Residents Association in relation to the current traffic signalling at Bedford Way which means relatively few vehicles can exit during a green light (he said it was around 7). It is recognised that this is capable of being fine-tuned in the future but again this is subject to TfL (the signal authority) approval

- i. as far as the LTDA is aware the council has still failed to identify a precise location on the nearside of Bedford Way from which 50m could be measured. Mrs McBride was relying on what she had been told by the council's engineers but this was taken no further. Therefore even if there is a location where drop off is safe and not likely to cause congestion at the top of Bedford Way, it is yet to be proved that that location is within 50m of the entrance to Tavistock Hotel- again this will come down to the inspector's judgment having visited the corridor.

Air quality³⁴

40. The council's legal obligations in respect of AQ³⁵, as well as one of its own stated purposes for making order³⁶, all relate to improving AQ across the *whole* borough.
41. It is clear from the consultation material and evidence of the council's witnesses, however, that AQ along the corridor alone has been the priority. Despite the fact that deterioration in the AQ on local and residential roads was predicted to be caused by the trial scheme³⁷ and despite the 197 comments (many from taxi drivers) voicing concerns over deteriorating AQ during the pre-consultation phase (23 November 2015 to 11 September 2016)³⁸, AQ monitoring has not been installed in a number of important locations and was not installed on Endsleigh Gardens, Judd Street and Coram Street until February 2017. This has made it impossible to measure accurately the true impact of the trial scheme across the whole area.

³⁴ In addition to the below the LTDA rely on the evidence of Professor Laxen on behalf of IHLH in respect of e.g. the doubtful existence or at least the definite exaggeration of the AQ improvements suggested to have been caused by the trial scheme, the unreliability of the council's monitoring units, the absence of an AQ assessment, the extent of and reliability of the conclusions which can be reasonably drawn from the council's data, the wider Camden and London AQ context etc.

³⁵ The council's responsibility under the Environment Act 1995 to take steps to reduce air pollution applies to the whole borough, the obligation to monitor and take action to reduce AQ levels under the designated in 2000 of the borough as an Air Quality Management Area applies to the whole borough, and a key objective of the Camden Transport Strategy is to improve AQ and mitigate carbon change across the whole borough

³⁶ Report of Cabinet Member for Regeneration, Transport and Planning, 22 February 2017 (CD6/2, p10, §4.13)

³⁷ §325 of Mrs Shah's proof

³⁸ CD6-2-B, p7

42. Part of the justification for inviting pre-consultation feedback was to address concerns arising from the trial scheme³⁹ and a number of modifications to the trial scheme were made in response⁴⁰, however, on the crucial issue of AQ the improvement of which the council itself cites as a purpose for making the proposed order permanent, neither Mrs McBride nor Mr Webber during cross-examination by the LTDA was able to provide any good reason, especially in light of its AQ predictions, why the council had been so slow to respond.
43. It is also clear that the council in taking decisions connected with the introduction and promotion of the trial scheme failed *in substance* to take into account the imminent introduction and the future growth of ZEC black cabs. The standard ZEC black cab⁴¹ will be capable of driving over 70 miles per day (out of the average total daily miles of 120) and can be recharged in 20-30 minutes for merely £6-10 at any one of the rapid charge points to be introduced (TfL target is for there to be 300 by end of 2020 some of which will reserved for taxis only. Even if a black cab driver is forced to make use of the engine, the engine is a 1.2 litre petrol engine (as opposed to diesel) which will comply with the more rigorous standards of the Mayor's ULEZ.
44. All black cabs will be ZEC by 2032 and it is TfL's target that there be 9,000 (out of a total of around 21,000-22,000 black cabs) ZEC black cabs on London's streets by the end of 2020. Due to the mandatory black cab lifespan of 15 years and scrappage schemes giving financial benefits to those drivers trading in their taxis which are 10 years or older, it will be the most polluting of the current fleet of diesel taxis which will be replaced first by the ZEC taxis
45. Mr Webber, despite his own description of his job which he says involves consideration of policy⁴², knew very little in relation to even the most basic information about ZEC black cabs or its regulatory framework. Often he could not even offer an informed guess in answer to questions such as with respect to how many miles a ZEC black cab could operate on the battery (i.e. the key issue of the extent to

³⁹ CF6-2-B, p1, §2

⁴⁰ See list at CD6-2-B, p10

⁴¹ There are also plans for a black cab manufactured by Nissan which will be 100% zero emission (evidence of Mr Massett)

⁴² In response to cross-examination by Mr Comyn

which pollution from taxis will be reduced). He also stated on at least one occasion that he had not known certain matters not just at this inquiry but also when the trial was being developed. There was reference to some of the ZEC black cab information put to him by me being taken into account as part of the “*background*” but he could not elaborate on what he meant by this or point to anything, documentary or otherwise, which might suggest previous knowledge of or acquaintance with the facts which he might since have forgotten.

46. It is submitted that the council did not take ZEC black cabs into account in substance thereby failing to take into account that a number of advantages of the alternative scheme/pre trial layout (e.g. access to Euston Station and removal of the disproportionately adverse impact on those with protected characteristics) could be provided or preserved at little or at a much reduced disadvantage (e.g. in relation to AQ and health).

Mitigation

47. As a way of mitigating the increased congestion levels and deteriorating AQ levels on local roads the council has proposed a right hand turn on Euston Road turning onto Melton Street (which is also where the taxi rank servicing Euston railway station is located). However, authorisation for such a turning rests with TfL, no doubt also in discussions with HS2 Ltd. This led Mr Massett, who has been chairman of the London Cab Ranks Committee for around 30 years and been involved in detailed discussions in relation to HS2, to say that such an option was “*unviable*” and Mrs Shah agreed that it was “*very uncertain*”.

48. Moreover even if it can be delivered, the council cannot say when it would be delivered and removal of a motor traffic lane to facilitate the right turn would worsen congestion on Euston Road which is already congested partly as a result of traffic displaced from the trial scheme. The congestion on Euston Road is also predicted to get worse in the future in any event as a result of the construction and operation of HS2, closures on Judd Street and Brunswick Square.⁴³

⁴³ CD6-2-E, p32

49. The LTDA submit that very little to no weight should be placed on this mitigation being put forward by the council.

Health

50. It is recognised by the council that there has been no increase in pedestrians and now submitted only that there has been no decrease in cyclists since the trial was introduced. The purported health benefits of the trial scheme advanced by Mr Strelitz therefore must be weighed accordingly.

51. Likewise given the evidence of Professor Laxen for ILHL in relation to AQ, the health benefits which Mr Strelitz points to as being caused by the trial scheme, relying on the evidence of Mr Webber, must also be treated with the utmost caution.

Consultation

52. The results from the council's consultation questionnaire showed support for the trial scheme and the proposed order.

53. In light of the council's concessions in relation to the level of increase of cyclists using the corridor, the effect this has on the interpretation of safety data, and in relation to the extent of the monitoring, reliability of the monitoring, and the conclusions (or lack of conclusions) which can reasonably be drawn from the results of the council's AQ monitoring- all matters which were emphasised in the consultation literature as benefits brought about by the trial scheme- the weight to be placed on the results of that consultation in our submission should be significantly diminished.

Modified/alternative schemes

54. It is agreed that the council has the power to make of the proposed order as is (i.e. confirm the trial scheme) or to make it with modifications or not proceed with the order. It is on that basis that the inspector makes his recommendations.

55. It is submitted that none of the modifications to the proposed order amounts to a radically different proposal. Each is a variation of what is being proposed and the westbound only scheme would cause no design changes and, in respect of the part two-way scheme, the council has also recognised that it “*poses no major geometric design changes*”⁴⁴. None is substantial within the meaning of regulation 14 of the Local Authorities’ Traffic Orders (Procedure) (England And Wales) Regulations 1996 and therefore the procedural consequences of them for making the proposed order are non-existent.

56. Alternatively if further procedural steps need to be taken in light of the council following a recommendation by the inspector in favour of any of the modifications proposed then that can be done e.g. during the time for which the rest of the experimental order (as very recently extended) is in place.

57. Further or alternatively, there is nothing to preclude or limit the inspector’s discretion to take into account the merits of modified/alternative schemes as part of his judgment in relation to whether the disadvantages of the trial scheme outweigh the advantages and ultimately to recommend not making the order on that basis alone or in combination with other reasons.

58. The LTDA invites the inspector to make the order with the modifications described below (in descending order of preference).

Two-way motor traffic and two single flow cycle lanes scheme⁴⁵

59. This alternative proposal consists of reinstating two-way motor traffic along the corridor and introducing single-direction cycle lanes on either side of the road

60. Under this alternative the widths of the cycle lanes would vary between 2.2m (c.60% of the corridor), 2m (c.20%) and 1.7m (c.20%). It is recognised that, as a

⁴⁴ CD6-2-D, §2.5.1

⁴⁵ This modified scheme is also supported by BRAG and BRAG’s proof of evidence 11 describing the scheme and BRAG’s evidence during the inquiry is relied upon

consequence, for 40% of the corridor the guidelines for minimum cycle lane widths (2.2m, LCDS Cycle Lanes and Tracks (2015) for medium flow cycle lanes) would not be met.

61. However this is nevertheless an improvement on the widths of the pre-trial cycle lanes⁴⁶ and therefore it would bring some safety and capacity benefits thereby enabling more sustainable and active modes of transport as encouraged by policy. Those objectives are also, as recognised by the council, furthered by the increased safety and perceptions of safety (for both cyclists and pedestrians who are said to now find the layout more intuitive) brought about by single direction cycle lanes as opposed to the bi-directional cycle lanes previously in place.
62. Encouraging a modal shift towards more sustainable forms of transport would also deliver personal health benefits especially as AQ in the borough continues to improve (regardless of whether the proposed order is made or not), not least because of technological changes such as ZEC black cabs.
63. Also, as stated by Mr Massett, reduction in the widths the cycle lanes in the trial scheme will encourage or force cyclists to slow down which will improve safety and encourage a more diverse group of cyclists (as opposed to the current more committed and fearless cyclists) which the council recognises is desirable.
64. Furthermore the recommended cycle lane width (and, indirectly, a cycle lane's Cycling Level of Service score) depends in part upon the volume of cycle traffic using it. The council has abandoned its claim that there has been a 52% increase in cycling in favour of now saying merely that there has been "no decrease" in the number of cyclists using the corridor. Not only does this mean that they have significantly overestimated the number of cyclists using the corridor, but also overestimated the degree to which the scheme will need to be 'future proofed' (this is the basis for the recommended 2.5m cycle lane width⁴⁷)

⁴⁶ There was previously a 2.3m wide two-way bi-directional cycle lane (Mrs Shah's proof at §1.6 (a))

⁴⁷ CD6-2-D, §2.3.1

65. Additionally, the council has insisted upon its proposed cycle lane widths (as well as calculating the trial scheme's CloS score) on the basis of cycle traffic counts which Mrs Shah now concedes are “*misrepresentative*” of the situation on the ground throughout the year because they do not take into account university holidays.
66. At no point was it being suggested that universities are empty during vacation periods. The point being made, and accepted by Mrs Shah, was that, given the number of universities in close proximity to the corridor⁴⁸ (many just metres away), and given the number of people who attend each of those universities⁴⁹, and given that students and staff are at least as likely to cycle as the general London population⁵⁰, and given the length of the vacation periods typical of such institutions⁵¹, a failure to make cycle traffic counts during those vacation times gave a misleading impression of matters crucial to the proposal: need and capacity.
67. The opportunity was taken to ask representatives of some of the universities who attended the inquiry in support of the scheme the extent to which attendance of students and staff (both academic and non academic) on campus dropped off during vacation periods. Understandably they could only offer approximate judgments and no more was being asked of them. They all said that attendance on campus dropped off during vacation periods and in respect of the University of London (to which many of the universities belong as constituent colleges) the number of students on campus during holidays was said to be “*much less*” and in respect of UCL it was a 35% reduction and even more than that in relation to non academic staff in humanities departments.
68. Mrs Shah stated that she did not regret the fact the data relied upon was misrepresentative because at certain points of the day during certain periods in the

⁴⁸ Including but not necessarily limited to UCL which includes the Institute of Education, School of Slavonic and Eastern European Studies, Slade School of Fine Art, UCL Eastman Dental Institute, UCL School of Pharmacy, Birkbeck, SOAS, London School of Hygiene and Tropical Medicine, New College of the Humanities University of Law, RADA, University of London buildings e.g. University of London student union and Senate House building

⁴⁹ c.50,000 students and staff at UCL alone

⁵⁰ The fact that 95% of students and 95% of university staff (higher than any other respondent group) supported the proposed order (see CD6-2-C, p13) indicates that the true proportion of students and university staff cycling is almost certainly higher than the general population

⁵¹ UCL in 2014/15 had 141 days of vacation (excluding 14 days for reading week). No doubt some institutions may have shorter vacation periods.

year there can be said to be that level of cyclists along the corridor. It is submitted that this is not indicative of a balanced approach by the council.

69. Recommended cycle lane widths are not mandatory and need not be followed slavishly, especially in central London and where the interests of other road users have to be balanced. In respect of the volume of cyclists using the corridor since the trial scheme began and their consistency of use across the year the council have made significant overestimations. If there ever was a compelling case to slavishly follow the recommended cycle widths at the expense of other road users particularly motor traffic, it is no longer sustainable.

70. In respect of footways under this alternative, for around 20% if the corridor minimum standards are met. Otherwise they would be around 1.7m or 1.8m in width (excluding the width of the curb). It is accepted that this is below the recommended widths contained in guidance, however, in inner London it is not always possible to meet such widths and in reality it is common to find pavements below what is recommended. It was also accepted by Mrs McBride, that pedestrians would be safer than the pre-trial layout due to the single direction cycle lanes which are more rational for pedestrians than bi-directional cycle lanes.

71. In respect of the traffic lanes under this alternative, they would be at least 2.75m in width and more in certain places (for 20% of the corridor they would comply with recommended widths). It is acknowledged that these lanes for the most part are below the recommended widths, however, with low speed limit of 20mph and the fact that this corridor in central London it is submitted that this is acceptable balancing the interests of all road users. Mr Carter has also confirmed that the traffic impact of these narrower motor traffic lanes is immaterial⁵²

72. It is submitted by the LTDA that these modifications represent the best balance between all different road users to which the council owes its duties and is the most advantageous option. The LTDA submits that this alternative scheme furthers national, regional and local policy by increasing cycling capacity, improving cyclist

⁵² Carter proof at §4.5.5

and pedestrian safety, and that this will promote more sustainable forms of travel which should have environmental benefits in further improving AQ and health benefits by encouraging a modal shift towards cycling.

73. In addition it also meets the concerns of many of those objecting to this proposed order in that it reduces traffic and therefore improves AQ on those local roads which have seen the most dramatic increases⁵³, it improves access to key transport links such as Euston Station, improves access to medical facilities (thereby removing the disproportionate impact on the disabled and/or elderly and pregnant women⁵⁴), improves access to the many hotels and also removes the discrimination against disabled people by permitting safe use of the taxi rank outside Tavistock hotel and safe alighting on the near side.

Part two-way motor traffic scheme

74. This alternative proposal is exactly the same as the trial scheme except that, between Woburn Place and Gordon Square West it is proposed that there be two way motor traffic.

75. Therefore in support of this alternative the LTDA relies on the above submissions (which apply to an even greater extent) i.e. furthering the objectives of national, regional and local policies in respect of increased safety, modal shift and encouraging sustainable transport, improvements in AQ and health benefits of greater exercise.

76. Under this alternative not only is the cycle lanes single flow (the benefits of which are set out above), but for the vast majority of the corridor it will meet the council's desirable standard width both in terms of accommodating current cycle traffic flows and in terms of 'future proofing' the scheme in order to encourage use by a greater number of cyclists and to ensure their safety if they do.

⁵³ Mr Carter's proof at figures 7 & 8 on p23

⁵⁴ The EIA recognizes the high proportion of older mothers and/or those who give birth via caesarean in Camden and therefore the "*need for good hospital access and access for emergency services*" (CD6-2-E, p11)

77. Similarly under this alternative not only will the vast majority of the corridor footway remain the same width, but the council will still be able to undertake its planned footway enlargements and street furniture rearrangements as well thereby leading to substantially higher Pedestrian Comfort Level scores. It is accepted that the enlargements will not be possible in respect of the section of the corridor which would be open to two-way motor traffic, but in that section all of the pavements are currently above guidelines with the exception of one section (Tavistock North) which is 1.74m.⁵⁵ This is a small section of the total footway length along both sides of the corridor and, as submitted above, it would no longer be adjacent to a bi-directional cycle lane.
78. Motor traffic lanes, even where two-way, would meet minimum requirements⁵⁶. Moreover under this alternative traffic would not return to the pre-trial levels as the corridor would still not be the main East-West route between Gray's Inn Road and Tottenham Court Road which it once was. It is important to note that this alternative is also considered neutral in terms of strategic traffic reassignment compared with making the whole corridor one way eastbound or westbound⁵⁷.
79. It was stated by Mr Munk on behalf of the CCC that this alternative was unacceptable because there was no specific provision for the junctions. However, it is submitted that these junctions, and in particular the signalling at the junctions, can be fine-tuned in a similar way to that being proposed for the trial scheme (e.g. different signalling times for motor vehicles and cycles). Although he clearly did not support this alternative scheme, Mr Munk recognised that compared to the pre-trial layout this alternative would increase safety and perceptions of safety for all, encourage modal shift, thereby improving the environment, AQ and the health of Londoners all of which encourages further uptake of cycling and walking.
80. The above submissions in relation to the alternative meeting the objectors' concerns (e.g. improved congestion and AQ on local roads⁵⁸, access to Euston Station, access

⁵⁵ See footway tables on p7 of Mrs Shah's proof

⁵⁶ §3.9 of Mrs Shah's proof

⁵⁷ CD6-2-D, §3.4.1 & §5.2

⁵⁸ See Carter proof

to medical facilities, near side disabled taxi access to the Tavistock Hotel taxi rank etc.) are also relied upon.

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

Westbound-only scheme

82. If the inspector is not inclined to recommend the alternatives above, the LTDA respectfully invites him to recommend the westbound-only alternative.

83. This modification is preferred by the ILHL and its merits need not therefore be repeated in detail by the LTDA in these closing submissions but, in short, it is preferable to the trial scheme because it would provide a much needed westbound route located between Euston Road and the Strand, it would provide better access to Euston Station and the medical facilities in the area etc. and the spread of displaced traffic which would result from it is not as great as that caused by the trial scheme (see evidence of Mr Russell and what he described as the ‘ripple effect’).

84. Taxis would also be able to unload disabled passenger including those in wheelchairs on the nearside curb outside the Tavistock Hotel and Mr Massett and Mr Russell are in agreement that it would be safer for a taxi to pull into the taxi rank travelling westbound than if travelling eastbound (and therefore cutting across oncoming cycle traffic)

85. The LTDA support and rely on that submitted by the ILHL in respect of the westbound only scheme.

Conclusion

86. For the reasons set out above the LTDA invite the inspector to make the proposed order with the following modifications (in descending order of preference):

- a. two-way motor traffic and two single flow cycle lanes scheme;

- b. part two-way motor traffic scheme;
- c. westbound-only scheme.

87. Failing that the LTDA invites the inspector not to recommend making the proposed order because the disadvantages of doing so outweigh the advantages taking into account those modified schemes.

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2 November 2017