

**128 – Residents at UN – their win is for the City and Councillors - Not at
their expense.**



- **The Aarhus Convention’s Compliance Committee report that is now settled has wide ranging implications at UK Government, Scottish Government and in every council outside Edinburgh.**
- **But it’s most serious implications perhaps lie within the City Chamber on the High Street and the Council Executive Offices at Waverley Court.**

The ruling, in a case partly sparked by the suppression of scientific data in the Edinburgh Tram project, is already focussing minds and driving the first signs of a change in attitude within the Council.

Because it confirms that this data belongs to all those citizens and is not the private property of whichever official happens to be in charge of a department, and theirs to do with as *they* see fit.

However it also raise questions about the *way* the in which data has been hidden, suppressed and disguised, or not quite revealed, if not omitted, and not only in public documents.

These facts have *not* been present in reports to *Councillors*; despite these reports being intended to advise them in successive, crucial debates, in which vital decisions upon the future of the project have been made.

In truth, Councillors themselves ought to be leading this fight for openness and transparency, and not leaving it to residents to undertake the lengthy and stressful efforts to bring this issue to public awareness, and protect the democratic process and it's ability to ensure the accountability and transparency of projects such as the Edinburgh Tram project.

The Air quality data was not only withheld from the *residents* attempting to highlight the dangers of the flaws in the project itself but also from *Councillors* in more than one crucial debate over the project's future.

The accuracy of financial data has been questionable over and over again.

The resident's case has never been about criticising 'trams' in themselves.

Trams like many other things can be good *or* bad, and while tram systems, and other light and heavy rails systems are often good, they are not inevitably so, especially if their wider implications are not properly considered, evaluated and properly weighed in the balance, along with the advantages.

The case in Geneva has been about highlighting how these 'wider implications' or 'wider issues' have *not* been properly considered, evaluated and weighed in the balance but have been deferred, as issues to be dealt with later.

In the case of moving traffic pollution from commercial streets to residential streets, residents have argued that there is no 'fix' possible: - predicted increases in traffic with the Tram indicate that the use of residential streets to carry commercial traffic must result in poorer health for residents. When the results of air quality measurements taken by the Council were seen as potentially damaging to the decision to proceed with the traffic displacement, they decided to stop releasing it. When questioned in Geneva, the Council's reason for deciding to stop releasing this environmental data was that it "was proving not to be helpful or useful."

The Aarhus Compliance Committee has found that this was not justified and has ruled that the UK has contravened this important environmental legislation.

Subsequent releases under Freedom of Information from the City of Edinburgh Council have shown that the officers were concerned about the potentially damaging impact of releasing this data on decisions being taken by Councillors on the future of the Tram project.

When Councillors as the elected representatives debate and decide upon the issues before them advised by reports that fail to completely present the disadvantages of the prevailing view, alongside the perceived advantages, the debate is rendered meaningless and Justice is no longer blind, but blinded.

In Councils across the UK, and Government Departments in Westminster, Holyrood and Cardiff this ruling has implications for policy in providing data, information and explanations to allow the ordinary person to understand it.

In Edinburgh the questions raised are wider and the responses need to be more profound.

Dr Ashley Lloyd, Chairman of the Council sponsored Workshops process for dealing with traffic impacts in residential areas, ordered by Councillors but in effect ignored by their officers, said: "Throughout the Tram project we have seen a failure of the Council to spell out in clear terms what it expects the impacts of this project to be on the people who live in Edinburgh, from simple questions such as 'what are the new traffic routes for buses, lorries and cars through the city' to the impact on city finances where we are, ironically, already experiencing cuts in the schools transport budget. "

"These are complex issues and key to safe decision-making is access to all the data."

“ In our case all we have argued is that the Council should assess and monitor the environmental and health impacts of diverting traffic from commercial streets to residential ones and make that analysis available to Councillors, as it is ultimately Councillors that take responsibility for decisions. ”

“In this case, Council officials decided to keep that information to themselves, meaning that residents were not well informed about their environment and, crucially, Councillors were not able to debate the environment and health impacts of a scheme that they were under pressure to commit to. ”

“Since the links between traffic pollution and health are well established and the Council is charged with looking after the health of residents, this deliberate omission requires a better explanation than those offered by the Council at the UN meeting in Geneva.”

Allan Alstead another resident who has expressed doubts about the tram project and has worked on the Workshops process, said:

“Everything has taken second place to the tram project for years, and officials are now so keen to get the tram running that they appear to be prepared to go to any lengths to achieve this.”

“When the whole project was first planned there should have been an assessment of the impact on traffic flow. As it is clear the traffic will have to go somewhere and this should have been made public.”

“Time and time again residents have asked for these plans and a map of traffic routes to be revealed but nothing has been forthcoming, instead we see more

and more development plans go ahead in isolation, seemingly without any regard for the bigger picture."

"We must assume from their silence that the Council actually had, and still have, no idea of what would happen to traffic when the tram project is completed."

"This smacks of the incompetence and disgraceful planning failures within the Council, which have become so familiar, by officials who have misled not only their Councillors but also the Scottish Parliament."

END--Journalists can use existing contact details for the two people quoted.