

## The truth, the Whole Truth and Nothing but the truth--?.

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This is the text of a correction requested by Lesley Hinds following our reporting via Twitter of events within a Council Committee meeting, the Transport and Environment Committee, earlier this week, around 10:00am on Tuesday the 19<sup>th</sup> March 2013.

The substance of the request is that Councillor Hinds has quite justifiably asked that we correct an aspect of the reports we tweeted on the day. This is her request:

*"The point (...) was the deputation were informed about the legal advice the Councillors had been given and they might not be heard. This advice is related to TROs. All I wanted was the facts to be reported. "*

The fact is that, as she says the deputation was informed that deputations on TRO's might not be heard because of legal advice and this information was given at that time, some weeks before the actual meeting, as Cllr Hinds says..

Although this looks straightforward and if we gave the impression that we were pretending in some way to be surprised then we do apologise...unreservedly.

The fact is however that we were genuinely surprised by a number of aspects both around and within that meeting and it is important to bear with a little 'definition of terms' before getting to the explanation as to why this was.

The single reason for the continuing battle to have, as we see it, an extremely grave problem that affects virtually the whole of Edinburgh, and not merely the few streets in which, and around which, we live.

This problem seems to be systematically avoided by Edinburgh Council even though their own views are that it is in fact one of grave concern and utmost seriousness.

For over one hundred years now, or pretty close to it, a central thrust of public planning has been to separate heavily trafficked through routes from residential streets.

This was true even when traffic was mostly horse drawn and became very much more acute when the effects of traffic created pollution began to be properly realised.

So special roads such as motorways and main trunk roads have not been built near people's houses as a rule.

The main through routes in Edinburgh have followed this rule and while not every residential street can be isolated from all heavy traffic all the time, the general aim has been to reduce traffic in residential streets by forcing it onto main through routes.

Until around the start of this century and the initial planning of the Tram project

In the main study undertaking called the STAG 2003 which pulled together all the predictions and projections the reports stated 139,500 households, close to 300,000 people, well over half the city would have worse air quality through increased congestion in their streets because of, specifically, the tram project.

The report was quite clear that if the tram wasn't built then these hundred thousand plus homes would not get increased pollution from traffic, and along with that noise, dirt a bit more danger and all the rest of the things too much traffic brings to a neighbourhood.

It is important to be clear that this massive increase in affected homes was not 'something to do with some aspects of the tram project' but was a direct and avoidable consequence of proceeding with a project that specifically that needed large main roads, to be virtually cleared.

At this point the normal expectation was that the council would do a full 'Health and environmental study of impacts' triggered by this alarming indicator in their own report.

This didn't happen and has never been done.

Why this happened will only ever be satisfactorily explained by a thorough Judge Led 'Leveson style' public enquiry but it may be something to do with confusion amongst the council and individual councillors and executives about 'whose job it was' to look out for this stuff.

The Council having delegated project management to TIE, their 'arms length company' TIE were allowed to disregard whole areas of the project that were 'away from the actual track bed' and these were labelled wider issues.

At any rate the STAG 2003 report had in effect been an enormous alarm bell going off but everyone seems to have just turned over and gone back to sleep.

Now the various effects are becoming clearer and clearer at the previous meeting to this months, in January the Council report had two facts buried within the appendices, 1) that traffic levels measured in millions of kilometre miles travelled within the city were down by 5% on the year while pollution was up 14%!

As with the previous 2003 this alarming fact seems to have provoked no visible reaction from the Council in any shape or form, or from any councillor.

At the March meeting of the T&E committee there were two issues covered by TROs which the residents group believe will both simply add yet more traffic to enormous increases that have already been funnelled away from major 'old' through routes and into side streets, mainly residential ones just physically incapable of handling these increases.

It's the inefficiency that explains the apparent paradox of MORE pollution from LESS traffic; idling and gridlocked vehicles create more pollution than smoothly travelling ones because, for one reason they're in the road outside the home for less time on a proper road.

One TRO, the one about which we had been warned might not be heard was the TRO regarding the Charlotte Square development.

The other was T-TRO, the first 'T' standing for 'temporary' and was in respect of the Traffic order needed to accommodate the giant Spiegel tent being erected across George Street, entirely blocking the street during the Fringe Festival in order to provide a facility capable of providing 800 people with an outdoor bar to service the audiences attending shows in the recently redeveloped Assembly Rooms.

Local traders and businesses wished to question the need for a tent of this size as they felt it had adversely affected their businesses at what is a generally recognised time of great difficulty for many retailers in the first place.

They felt last year the audiences drinking between shows had not been there to shop, but the presence of the tent, and the disruption to traffic around and about a wider area had also deterred non-show goers from going to the street to shop at their businesses.

The residents interest was because in blocking George Street and affecting various nearby routes this TTRO would also create yet more traffic in the residential streets always seemingly expected to take whatever levels of mainly unmonitored traffic all the separate TROs inevitably create.

What in fact happened was that as Cllr Hinds has pointed out it was known Councillors might not hear the TRO deputation for 'Legal reasons'.

What possible Legal reasons can over ride a simple and straightforward discussion of fact and observable or demonstrable effects has never been fully explained by an Council lawyer.

1)----- However in this case the 'might not' became a 'will not' only between 5.00pm and 6.00pm on the evening of the day before the 10.00am meeting, not quite the last minute in reality but speaking practically as close to it as makes no difference.

Last minute decisions such as this one, applying opaque 'rules' to deputations have been a feature of the way the council has managed this process for years, although it's important to make clear Cllr Hinds was not involved before last May's election.

2)-----On the day and in the meeting a City centre ward Councillor Joanna Mowat raises a query along the lines that she ' regrets that she agrees that we should not hear the Moray feu with regard to the TRO, but TTROs of the type disputed by local traders is surely a special case?"

3)----- At this Cllr Hinds consulted Mark Turley a snior employed executive who said that the advice applies to all TROs temporary or not, but leaves the chamber to clarify the position with advice from legal services.

4)----- After a while Mr Turley returns and says that in fact T-TROs are different from TROs, and the advice is that deputations addressing issues concerning TROs should still not be heard and it *may* be unwise to hear ones concerned with T-TROs --- but that to do so or not is to be a choice for the committee.

5) The traders begin to speak and a councillor interjects that the NTBCC (New Town and Broughton Community Council) are happy with the SpiegelTent.

6) At this point one of the residents group Ashley Lloyd speaks up to ask whether residents can also speak to this T-TRO as they are affected by it like the Traders group, and to possibly find out what basis the councillor had for making that the statement that the NTBCC are happy with the tent.

7) Cllr Hinds say they cannot. This isn't exactly supported by the facts reported back by Mr Turley and by the fact that traders and others have spoken about it.

8) Neither of the two City Ward Councillors make any statement or raise any questions about this. Nor do either of them themselves raise what is the main cause for concern the issue of displaced traffic and the pollution it is not merely transferring from old main through routes into new 'main through routes' which are also residential streets, but is being very significantly increased.

That is the explanation for the intensity of feeling within the resident's group, and the sense of unfairness arising from repeated examples of similar treatment, with the consequent feeling over 4 years that for whatever reason the council seem determined to ignore any and every attempt to gain straightforward answers to what are simple questions.

The apology to Cllr Hinds is that if any misunderstanding was created by our reporting it was the result of genuine and inadvertent confusion, hopefully this has set that record straight.

It is not down to Cllr Hinds to apologise for any confusion arising from the council nor for the underlying fact of the matter that we still remain confused why, when the effects of numerous TROs are creating such clear and present danger in the form of very large pollution increases, discussion of them remains within the gift of lawyers and open debate a prohibited activity.