

The Lord McCluskey



17th March 2010

The City of Edinburgh Council
c/o Dundas & Wilson
Saltire Court
20 Castle Terrace
Edinburgh EH1 2EN

Dear Sirs,

Your ref: TRO/09/60A

On my own behalf, and on behalf of a number of neighbours in Lansdowne Crescent and Grosvenor Crescent, Edinburgh, I object in the strongest possible terms to the proposals contained in the Traffic Regulation Order 1 (TRO1), insofar as they relate to the regulation of traffic in, or otherwise affect, West Maitland Street, Shandwick Place and Princes Street, Edinburgh, and in or affecting the area lying to the North of those streets, being the area bounded by Magdala Crescent, Douglas Crescent, Rothesay Place, Drumsheugh Gardens, Queensferry Street, Randolph Crescent, Great Stuart Street and the Moray feu, including Doune Terrace and Heriot Row.

The essence of the objection is that these proposals will create a series of 'rat runs' through the 18th and 19th century classic, and still largely domestic, streets that are the glory of Edinburgh and make it unique in the cities of the United Kingdom. The proposals would inevitably divert very substantial flows of traffic through the areas specified to the detriment of the architectural and living environment of the whole area. They will add to the creeping destruction of the features that make Edinburgh a wonderful city to live in or visit. Few cities in the UK can boast a comparable architectural heritage, including a well-inhabited area right in the centre of the city. It is difficult to imagine a West European country that would plan such cultural vandalism as the City of Edinburgh now intends to subject us to.

These proposals are obviously ancillary to the Edinburgh Tram project. That Tram project is seen almost universally as a crass, badly thought out, poorly planned scheme that commands no public approval or respect. The TRO itself is designed and drafted largely by the same people who thought up the inane, absurd Tram project and the TTRO that is current in place. Few Edinburgh citizens have any respect for or confidence in the judgment of these people.

Furthermore, the effect of the proposed TRO 1 is to impinge very dramatically on the living environment, the safety and the health of the people who live in or otherwise use the areas affected by the diverted traffic. Pollution

will inevitably increase and road safety will be further endangered. Therefore, because the TRO inevitably favours the enhancement of some rights (largely those of road and private car users) at the expense of others, there are issues of the clash of rights. Such issues inevitably come within the provisions of Article 6 of the Convention for the Protection of Human Rights and Freedoms (the ECHR), provisions of which have the force of law by virtue of the Human Rights Act 1998 and the Scotland Act 1998. The resolution of the clash of rights cannot be made by a body that is not "an independent and impartial tribunal established by law". Issue - affecting rights - arising out of the current proposals are not to be determined by a body that is impartial or independent.

Furthermore, the jurisprudence of the Convention makes it clear that people likely to be affected have a right to present evidence and argument bearing upon the issues raised by the TRO, including the impact thereof upon their rights. No such opportunity appears to have been given; nor is it apparently intended that such opportunity will be accorded to me or to others to present evidence, arguments and alternative solutions to an independent and impartial tribunal, with power to decide the issues raised.

There are alternatives both in terms of traffic management and regulation that must be considered and evaluated. There are alternative schemes for directing and controlling traffic that would reduce the adverse effects of any closure of streets to all or to some classes of traffic. These schemes have not been considered. The principles that lie behind the current TRO proposals are seriously questionable and ought to be examined by an independent and impartial tribunal. The principles and reasoning that should lie behind the proposals in TRO 1 must also be disclosed and subjected to careful scrutiny by such a tribunal.

The objections here outlined are serious and must be properly and urgently considered by you and by a body that meets the standards required by Article 6 (above). The City Council does NOT meet those standards, not least because of its financial, political and forensic interests in the Tram project, and its design inputs both to the project and to the TRO.

I should be obliged if you would let me know as soon as may be how these concerns are to be met and what opportunities are to be presented to objectors to present their objections to a body/tribunal that meets the requirements of said Article 6.

Yours faithfully,

(John McCluskey)