

Response ID ANON-PA1N-7G3V-Q

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Evidence

Questions about you:In order for the evidence to be analysed and taken forward by the Inquiry we will need some further information about you and / or your organisation. Please note that all evidence submitted to the Inquiry may be published at any point during the Inquiry or when the Inquiry Report is issued. If you are responding as an organisation your full details will be published. If you are responding as an individual your name will be published, but your address will only be published if the Inquiry considers this to be relevant to the evidence submitted.

Organisation Name (if applicable):

N/A

Surname:

Ditchburn

Forename:

Ted

Postal Address:

[REDACTED]

Postcode:

[REDACTED]

Phone:

[REDACTED]

Email:

[REDACTED]

Are you responding as an organisation or an individual?

Individual

Does your evidence relate to a particular period of time?

Yes

If yes, what period?:

2009 to date

Does your evidence relate to a particular event or activity?

Yes

If yes, please explain what the event / activity was.:

The particular event/activity is the way in which the council appears to have been captured by the tram project to the extent that, over a period of time, the project has become seen by councillors and executives alike as beyond the normal criticism of open debate.

The reasons for this appear to be linked to the way the financial aspects went so catastrophically wrong, but whatever the reasons the effects have been that the council (in particular it's TI&E committee--since renamed the T&E committee) has relied on councillors; the 4 non-executives on TIE Ltd in particular, who then reported back to the TIE committee, who seemed to abandon oversight and any role as the *critical friend* to the executives on the Board of the arms length company, and instead became the mouthpiece for it.

Carrying decisions back from the company to the committee that the councillors voted upon largely uncritically, with that key committee resolution then being accepted by the full council.

In effect the executives of the *arms length company*, who themselves were acting quite rightly, like any executives trying to manage a project forward in a development company, captured the non-execs who were supposed to exercise the civic oversight and in doing so effectively (though I don't believe it was done as any sort of overt conspiracy at all) removed that dimension of needing to view decisions from other perspectives than the ordinary one of a commercial company struggling to get a very difficult to completion.

The specific example that shows this *deformation* best was the closing down of ordinary democratic debate in the elected chamber by use of warnings of possible outcomes for councillors, from lawyers employed by TIE Ltd.

Thus lawyers from the company supposedly owned by the council prevented the council from openly debating the problems the project was experiencing..even at a time when, as the unfurling events showed, the company was already suffering a catastrophic cashflow and losing any chance of completing the project.

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Throughout this period the phrase *on time and on budget* became very familiar ..despite the fact that the management knew that without massive increases in the budget the project could never be on time.

However, in addition to the well publicised financial failures of contract and management there was also the unacknowledged aspect of the air pollution effects on the city as whole from the tram project, which were not, as was always said in council literature , press releases and publicity, beneficial.

But were as predicted in the STAG 2003 report actually worse in over 64% of the streets across the entire city.

In effect Councillors were frightened to discuss this in debate because they were told in advice from TIE lawyers they could be personally liable for very large amounts of cash if it were judged they had damaged commercial confidentiality.

This, at a time when the company already knew that the no completed project could be built despite the using up of the entire available budgeted cash of £545M.

The specific issue that most concerns me is that in suppressing debate the associated problem of air pollution issues, which themselves have further financial aspects, beyond any moral and ethical ones, were also in effect were 'off the books' in a financial sense. real health costs and outcomes would follow but by being denied were also unquantified in any way.

We are particularly interested in:• How you found out about what was happening, and how informed you were throughout the project• What did you think would happen• What actually happened• What were the effects if any, on you (or your organisation) at the time of the project• What if any, were the on-going or longer-term effects on you (or your organisation). Please write your evidence here.

We are particularly interested in:

HOW I FOUND OUT about what was happening?

IN 2008/9 I received official letters in which I was told of increased traffic that would come through the street near my home because of the effects of traffic displacement due to *tram works* under a temporary RTO.

At this point I was an ordinary (ie barely interested) member of the public whose only knowledge about the project was the council wanted to build a tram and they were going to...I did not feel against or for it, in any way.

The temporary traffic increase mentioned was, I felt was 'one of those things.'

This attitude only changed when a neighbour told me at first the traffic increases were not temporary, despite what the council notices had said. I argued against him at first and the first time I remember feeling 'this isn't right' was when I received a reply from an office of the council, after having to press for a satisfactory answer, that the traffic increases were not *temporary* ---the RTO enabling them was temporary, but it would be replaced after the works by a permanent RTO cementing the traffic displacement in place.

I didn't think this was the kind of thing I expected from any public authority and certainly not a local council.

The increasing use of lawyers to curb democratic debate was also very alarming

In sept 2010 I wrote this:

*In recent weeks the council didn't attend a meeting called by Lothian Health Board because of'Legal reasons'

A motion put to the council by resident's councillors was hacked to pieces at the last moment and all the main points removed 'for Legal Reasons'.

The city's air quality experts cannot speak because of'Legal Reasons'

Now Residents are to be prevented from speaking about the issues again because of'Legal reasons'; and their democratically elected councillors have their vote taken from them because of 'Legal Reasons'

The last seems to be because in the past they have, as one put it, "expressed clear views on the TRO and thereby (unwittingly) debarred ourselves from taking part in the vote".

But in a number of decision making meetings previously haven't all members expressed clear views whether for or against both in debate and in the way they vote?

How can the simply expressing views on an issue in the City debar councillors from then voting?

How can any councillor ever express an honest view, or relay the views of constituents, under this kind of use of 'Legal Reasons'??*

HOW INFORMED WAS I? I rapidly became very informed.

After the above answer left me starting to feel the council were being less than open.

I had believed the wording of the notices meant the traffic levels when the tram began would revert to the status quo pre tram-works: to find out the real state of affairs and the way in which it was being managed, was a great shock and it was that *lie* as I saw it that kickstarted me into becoming more actively interested

and in starting to really read up on it all.

This brought me into contact with neighbours, [REDACTED] and others and with them I began to research the project myself.

It was while doing this I read up on the Stag 2003 report and realised that the project could not be described as a Green project on any grounds, and on the contrary was predicted to raise pollution not reduce it as everyone had been led to believe and indeed because the council have never admitted the contents of the report...(which although published is hardly likely to be read by many ordinary people....) most people still believe today.

My own experience has since been gained by attending many meetings of the Council and committee, and in other formal or informal contacts with councillors and executives..including [REDACTED]

And reading a great deal on the project.

The effects on me are that like everyone in the city..or a majority as predicted in STAG 2003..we are seeing increased traffic.

That traffic is increasing (and so pollution, and other bad outcomes arising from it..noise, increased danger of accidents, general degradation to the lived environment) has been denied without open debate, by suppression of data and the report contents, and selective presentation of facts, has greatly reduced my own faith in the way democracy works in the city.

The health effects of PM2.5 pollution and Nitrogen Dioxide are becoming well known Public health England produced a report in 2014 that used statistics to try and indicate the effects of the present levels. In Edinburgh the effects include some 205 deaths every year,early death, in which traffic created pollution plays a part.

The Institute of occupational medicine estimate air pollution deaths, mainly pollution created by traffic, will be responsible over the next century for 3 times the number of *lost life years* than the deaths from passive smoking and physical road traffic accidents combined.

The Stag 2003 report and these other statistics are not necessarily grounds for abandoning the tram project at any point, or undoing it now. Advances are made and changes can happen and then predictions will also change. Costs and benefits, and advantages and disadvantages need to be balanced.

However these reports and the facts and predictions they contain are necessary grounds for not describing the project as a green project. It is carbon neutral at best..not carbon positive, or carbon negative, and it raises pollution across the city.

There is no other remaining sense in which it can, or ever could, be described as Green project.

Of course had it been described as a pollution creating project in the initial phase it may not have been built at all.

However that isn't a justification for then maintaining it is defensible to label it a green project without any basis in all public facing documents and statements, including those made in advance of public consultations.

This kind of wilful blindness that now exists across the council is to my mind the most alarming effect of this project because from this so much else can, and is flowing.

At every stage to date, everything I have said (always culled from council or government sources) has happened and the assurances and promises given by the council have not happened.

The video (link to see it... <http://bit.ly/1M7EEL5>) explaining why the council's treatment of legitimate questions highlights one egregious problem that has created distrust requires no scientific knowledge to understand the basic point, but this point was denied by the Council's Head of Scientific Services and his opinion influenced councillors. It is not the only one.

This link (<http://bit.ly/1N5yAzy>) connects to emails obtained under Fol legislation in which the Head of Scientific Services discussed this issue of the basis of measurement used and admits that if he were to measure as the ordinary people, the residents, suggest then the street could already be showing an exceedance at that time.

There are complicated issues of science at certain stages in this matter but the way the more straightforward issues are dealt with leaves no confidence that other less complex ones will be dealt with differently.

It would be wrong to say this whole thing has been a nightmare..and wrong to say I feel there is some kind of overt, or covert, deep seated conspiracy; I do not believe that.

I do believe that because the various political parties are all conflicted now by the parts they have played in the gestation and then management and implementation of the project that there is not a real opposition within the chamber, and to a degree all parties have fell to a position, that sits largely unchallenged, that it's better to keep ploughing on than stop..because to stop is to somehow admit defeat.

The executives have also been drawn into this mindset and their executive summaries, often at odds with the detail in the reports they summarise, help keep councillors moving the way everyone wants to keep moving.

Even this year the talk is of pushing on... and a publicised £60M cash shortfall that is having admittedly serious effects on the city and services provided, exactly matches the amounts being paid for the last few years to meet the interest and repayments on the loan taken out to finish the project.

My biggest concern is the tram project is creating problems as were predicted in STAG 2003, and will create more of them if the project is pushed forward, these are very likely to have greater financial impacts on the city as well as health impacts which carry further potential financial costs which have not been openly admitted let alone openly debated. This leaves aside the moral issue of potential health and mortality impacts resulting from a prediction in the main foundation report on the project (Stag 2003) that has been effectively denied and left unacknowledged.

The focus on air pollution effects of traffic has been pursued not only because it is a serious, known problem that has been denied by Edinburgh Council but also because the pollutant levels act as metric to check/validate other effects and outcomes..for example noise. Edinburgh Council refuses to measure traffic noise despite this too being accepted as major cause of ill health and mortality.

My motivation is to have Edinburgh Council just admit these are real and serious issues that were predicted in the report BUT, for whatever reason, were ignored. But ought not to be ignored any longer especially when further extensions to the scheme are being discussed as broadly desirable. If ordinary people decide the outcomes from the extensions are worth whatever benefits are described then that would be the correct working of civic accountability. But realying on the traditional balance between executive and legislative is

Do you have any documents which you think it would be useful for the Inquiry to see?

Yes

Details of documents:

1) Detail page of Stag 2003 report that shows the predicted increase across the entire city of air pollution AS A RESULT of building the tram as envisaged, 2) Public Health England document on air pollution mortality figures--Edinburgh on page 20 3) This document is the Defra website FAQ for air quality experts (local council and other scientists) it spells out what we say in the credibility gap video..this advice was changed, ie inserted, as a direct result of representations as to the effects of parked cars on air pollution estimates...yet has never been mentioned by any council employee, executive as being so...not particularly the last two lines of paragraph 2 4) This is a polemical document..just 4 paragraphs... taken from the 'Urban Air Quality' conference in Edinburgh in 2010 that highlighted the concerns of professionals in the air quality sector about the failures of engagement by councils even then..... the attribution is given..the polemical interpretations are my own 5) This slide (ignore my typing above) details the relative seriousness of mortality effects of RTas v passive smoking and v the deaths (lost life years) expected from JUST PM2.5 pollution...THIS pollution is not measured seriously in Edinburgh at all...

Upload documents:

page stag 2003 air pollution table.pdf was uploaded

Upload documents:

www.hpa_.org estimating local mortality burdens - particulate air pollution.pdf was uploaded

Upload documents:

Fall-off-with-distance-FAQ_Final_LATEST.pdf was uploaded

Upload documents:

1- Statements from air quality experts at UAQ conference.pdf was uploaded

Upload documents:

Institute for occupational medicine comparisons slide.pdf was uploaded

Are you content for the Edinburgh Tram Inquiry team to contact you again in relation to this evidence?*

Yes