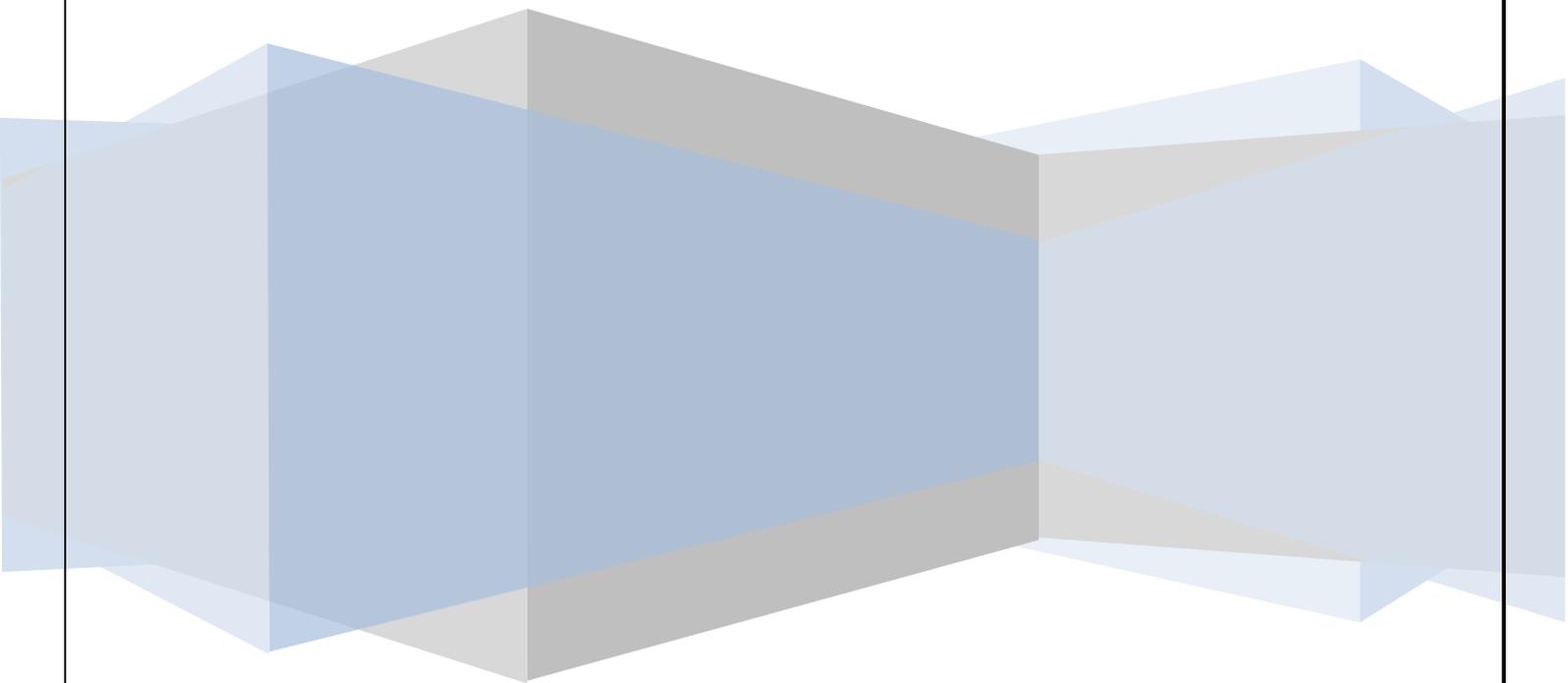


**PRESENTATION -
HOUSE OF COMMONS
TfL BILL COMMITTEE**

**CONCERNING CLAUSE 5
TfL BILL**

Jocelyn Mary Bell



**Thank you for the opportunity to present my petition to the Private Bill Committee ~
I appreciate it very much. My points will be evidence based.**

My own concerns regarding Clause 5 are documented in my petition – they pertain to public health and wellbeing impacts across a range of causal factors, of which all are implicated by Clause 5.

I also have specific concerns for family members because we have a family history of asthma – although I did not suffer from it until neuro-immune & lung damage in 2006.

I also have concerns with respect to the nature of developments which may ensue from this Bill and the manner in which they may be implemented.

- the increasing lack of affordable homes also being a key point in this context.**

I have a strong background in working with the public sector – including advising on legislation.

**I am an Expert Patient, a Member of the Royal Society of Public Health,
Senior Associate of the Royal Society of Medicine and the Chair of SHA London.**

With the evidence I have prepared - the fundamental questions I have sought to address are :

- 1. Why seek to block effective public scrutiny and accountability where the affairs of a public body are concerned?**
- 2. Can we trust TfL to act responsibly i.e. in line with other pertinent legislation relating to the issues in my petition if Clause 5 is enacted?**
- 3. Can we trust any developer with whom TfL may choose to do business to act responsibly – particularly when much of this arrangement will be under cover from public scrutiny and based upon past track record?**
- 4. Can we trust both parties to act in the public interest if Clause 5 is enacted?**

Firstly, key causal pollutants which are in part resultant from large scale construction works and resultant traffic congestion which are strongly implicated in Clause 5 ~

Nitrogen dioxide / NO₂ /NO_x

PM10s & P2.5

- both of which increase where there is a concentration of construction works
Personal example: The Shard > Guys & St Thos

Other substances - including asbestos which will be explored further by another witness

These environmental risks and impacts are described in the Earls Court & West Kensington Opportunity Area Risk Assessment: P37 - 48

There is also important additional evidence to offer:

- **Clean Air London offers many key points of reference**

NB. Founder & Director Simon Birkett sends his apologies – he is currently on holiday

CAL is a voluntary organisation which campaigns to achieve urgently and sustainably full compliance with World Health Organisation (WHO) guidelines for air quality throughout London and elsewhere - See more at: <http://cleanair.london/sources/oxford-street-has-breached-nitrogen-dioxide-hourly-limit-value-for-2015/#sthash.4JP22RsJ.dpuf>

On the website Mr Birkett says:

Traffic is a major cause of air pollution in London, which in turn causes thousands of premature deaths per year, and many thousands more illnesses, chronic illness and disability. For this reason, traffic measures are also measures to deal with air pollution –concerns about air pollution, particularly NO₂ and diesel exhaust, have risen exponentially. Leading scientists say that many roads in central London will tend to have the highest NO₂ concentrations in the world.

Evidence:

By 4th Jan 2015 Oxford Street has already breached nitrogen dioxide hourly limit value for 2015 – Putney High St by 5th and Brixton close behind. This is a London-wide problem. See more at: <http://cleanair.london>

Brixton Road annual mean of 149 ug/ per cubic metre when max is 40.

Meanwhile DEFRA is attempting to scrap monitoring which will mean the Mayor's ~ULEZ is not monitored either...

Ref to the relevant PDF demonstrates the 'vital statistics' which would be disappeared
<http://cleanair.london/legal/defra-condemned-for-proposals-scraping-local-air-pollution-monitoring/>

Public Health England website:

Public Health Outcomes Framework

Data 3.01 - Fraction of mortality attributable to particulate air pollution

England 5.1

London av 6.6: ranges 7.7 Westminster, 7.2 H&F down to 5.6 Bromley

Annual pollution maps compiled by The London Air Organisation at Kings College London provide another point of reference – also including basic explanations as to why some people are more sensitive to air pollution than others. It also states that those who are not impacted with serious manifestations at a young age are subject to long term affects. Those who have sustained lung damage for whichever reason are also adversely affected. All of these groups are advised to remain indoors when the Air Quality Health Index reaches 7+

See more at: <http://cleanair.london/sources/oxford-street-has-breached-nitrogen-dioxide-hourly-limit-value-for-2015/#sthash.4JP22RsJ.dpuf>

Diesel is particularly toxic – and more so when traffic is queuing – which is exacerbated by construction works – an example being the works next to Victoria station.

London Councils have issued instructions to drivers not to 'dally' – <http://www.londoncouncils.gov.uk/policylobbying/environment/climatechange/heathairquality.htm>

London cab drivers say they much regret the enforcement of diesel engines in their vehicles by the Mayor. They report the level of construction works in London as being real problem in forcing them to stand still with their engines running,

THE WHO – World Health Organisation

http://www.iarc.fr/en/media-centre/iarcnews/pdf/pr221_E.pdf

N° 221

17 October 2013

IARC: Outdoor air pollution a leading environmental cause of cancer deaths

Lyon/Geneva, 17 October 2013

– The specialized cancer agency of the World Health Organization, the International Agency for Research on Cancer (IARC), announced today that it has classified outdoor air pollution as carcinogenic to humans (Group 1).

After thoroughly reviewing the latest available scientific literature, the world’s leading experts convened by the IARC Monographs Programme concluded that there is sufficient evidence that exposure to outdoor air pollution causes lung cancer (Group 1).

They also noted a positive association with an increased risk of bladder cancer.

Particulate matter, a major component of outdoor air pollution, was evaluated separately and was also classified as carcinogenic to humans (Group 1).

The Environmental Audit Committee

This report on air pollution released in November slammed Government and has no plaudits for the Mayor – 5 years of wasted opportunity to prevent needless early deaths - this includes the avoidance of building schools in areas of high traffic congestion

- See more at: <http://cleanair.london/indoor-air-quality/eac-report-on-air-pollution-slams-government-and-has-no-plaudits-for-mayor/#sthash.0f14cg72.dpuf>

Please also note Nicky Gavron AM blogging on health – notably with reference to respiratory and carcinogenic concerns for children and young people. This is of particular concern to me with respect to young family members who reside in London – specifically because we have a history of asthma in the family.

Kings College Research lead Jonathan Grigg, professor of paediatric respiratory and environmental medicine at Queen Mary, has complained that “there is a tremendous [political] inertia which frustrates me enormously; by the time anything happens their lungs will have been damaged and they will not have obtained their maximum growth potential. In 10 years they will have suffered all the effects we now see coming through increased vulnerability to a range of respiratory disorders in childhood and goodness knows what that leads to in terms of vulnerability to disease in later life.”

All children have a right to grow up in an environment where they can thrive and grow ~

The UN Convention on the Rights of the Child

Article 6 survival and development

Every child has the right to life. Governments must do all they can to ensure that children survive and grow up healthy

Article 24

Every child has the right to the best possible health. Governments must provide good quality health care, clean water, nutritious food and a clean environment so that children can stay healthy.

Article 27

Every child has the right to a standard of living that is good enough to meet their physical, social and mental needs. Governments must help families who cannot afford to provide this

Article 31

Every child has the right to relax, play and join in a wide range of cultural and artistic activities

I have included reference to the Care Act 2014 to demonstrate the difficulties in providing adequate services for those whose health has deteriorated through age or infirmity

Patients with respiratory crisis fall into Category Red 1 – the most serious, or Category Red 2 when at an earlier stage of attack. Usually these patients require swift attention.

London Ambulance Service Consultation event 9th Dec - reported significant spikes in code red as well as purple surges, including a slowing down in response rates e.g. a 55% target response rate in NW London.

The week following Dec 16 – (BBC website clip supplied) LAS reported 11,008 call outs for the most seriously ill and injured, Last week Jan 5th - was LAS's busiest ever.

Hospitals are increasingly reporting Major Incidents – (over capacity) - including Croydon last week. We hear of patient being left waiting for an ambulance for up to 10 hours ~ with well document evidence of queues of vehicles being held at A&Es until there is space for the patient to be admitted.

Paramedic teams across the country are being asked to help London Ambulance Service (LAS) because it is struggling to cope with increased demand – now fire engines and police cars are being deployed and Boris Johnson has asked the public to call taxis

There are many reasons for this but with specific reference to the implications of Clause 5 – issues of air quality and traffic congestion apply – in terms of patient numbers and ambulance access. On 9th December LAS cited increasing traffic congestion as being a contributory factor with delays. Senior staff stated they had raised this as a problem with the Mayor who ‘had *puffed out his cheeks and sucked his pen*’ in response when asked how it could be reduced...

LAS board meeting July ‘ 14

Theo De Pencier worries about the impact of poor air quality in London on staff health

Simon Birkett of CAL says:

‘The Mayor has taken a succession of backward steps on his proposed Ultra Low Emission Zone (ULEZ) since announcing it two years ago. The gap between what the Mayor says and what he needs to do and actually does has never been wider.’

Please note Stephen Knight AM (LD) press release 5th Jan taking the same view

We should note that that the Mayor – whoever they are – is also Chair of TfL.

These environmental impacts are cited in the Earls Cr report I authored and to which I will now indicate key points of reference ~

KEY RISKS P70

IMPACT TABLES P 64 – 66

Examples:

1. P15

The wider business impact as detailed by Karim Halwagi, then CEO AEO on P 15 with the loss of billions to the economy. My youngest son on occasion worked at EC1 and 2 providing specialist technical support to music concerts and exhibitions.

2. P14

Reported intimidation of small business owners by Capco (documented by the journalist Dave Hill) – some of whom personally asked me for help when their health began to suffer. *See P14 EC&WK OA Risk Assessment as an example*

3. P16

Loss of housing and a lack of affordable/social housing properties is already becoming endemic in the capital. In terms of a personal example, my eldest son was able to purchase a property in London before prices escalated, but my youngest son and his partner who are expecting their first child are unable to purchase suitable accommodation as they would wish – even with help from the family and having established careers which contribute to London, they are being forced to look further afield. Whether purchasing or renting, the cost of housing in the capital makes this scenario increasingly true for many young Londoners.

4. P24

Loss of cultural resources have a deleterious impact on the wellbeing of residents and communities.

5. P30 - 36

Transport interference due to road congestion and infrastructure overload :

Residents

Commuters

Emergency services

School run

Shoppers/deliveries

Meeting schedules

Visitors

6. P37 - 43

Public Health & Environmental Impacts:

Acute

Mental health

Intermediate healthcare

Primary healthcare

Resultant from > Demolitions, vibrations, emissions, congestion, noise, light spill

Also risks to pedestrian and highway safety.

P38 Construction pollutants

P39 Flood risk and climate change

P40 Biodiversity loss – also impacts on human health

P41 Air pollutants

P42 Client Earth

P45 – 46 Backdrop

P48 Clause 5 TfL Bill

Lack of a public enquiry

P50 – 56 GLA Response

Warning against JV etc

Cross party condemnation – other than the Conservative group.

P63 Parliament

Mental health stresses

Reference to the website of the well respected mental health charity MIND webs illustrates the positive/negative health implications of access to suitable and affordable housing accommodation

In August – Andy Bell, Centre for Mental Health (no relation) – called on housing associations to help demonstrate the link between housing and good mental health.

There is plenty of evidence to highlight the negative links between poor housing and mental ill health:

- Around 62% of homeless people have a mental health problem and many of those struggle with debts, housing insecurity and unemployment (1).
- Children living in poor housing are more likely to have behavioural problems including aggression, hyperactivity and impulsivity (2).
- Children who've been in temporary accommodation for more than a year are three times as likely to have mental health problems, including depression and anxiety (3).
- 15% of male and 19% of female sentenced prisoners were not in permanent accommodation before going into custody (4).
- 40% of children in youth custody have been homeless or sought formal housing support (5).

Detailed examples pertaining to access to and retention of suitable dwellings issue will be raised by other petitioners and witnesses.

With respect to planning and housing impacts on health I would like to cite the work of Dr Hugh Ellis of the Town & Country Planning Assoc – who with a little more notice would have joined us today.

Dr Ellis leads the Planning and Climate Change Coalition and amongst other notable work co-authored Planning out Poverty report (2013) and no works on the TUPA-led European project on spatial planning and energy (SPECIAL).

He states: the Government set out a radical reform agenda across the planning and health sectors in England, including a requirement on planners to work with public health organisations, and a new public health responsibility for local authorities

He recommends reference to:

Reuniting health with planning: healthier homes, healthier communities' (published in July 2012) handbook

The handbook aims to keep the importance of integrated working, specifically between planning and health, on the agenda. Using case studies from around England, it explores how places are using this time of change to push forward their intention to integrate their work across both sectors.

Dr Ellis also authored: Reuniting Health with Planning; Planning out Poverty

http://www.tcpa.org.uk/data/files/PCC_Guide_April_2012.pdf

Climate change implications involve health impacts with respect to flooding and air quality and local authorities and other bodies have a duty to pay due regard to this.

Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

National Planning Policy Framework Department for Communities Local Government, March 2012, paragraph 93

The Climate Change Act 2008 introduced a statutory target of reducing carbon dioxide emissions to at least 80% below 1990 levels by 2050, with an interim target of 34% by 2020. Government departments have prepared carbon budgets to indicate how greenhouse gas emissions will be reduced across the government estate and in sectors where departments take a policy lead. The Act also created a framework for climate change adaptation. The national Climate Change Risk Assessment was published in January 2012, development of a National Adaptation Programme is under way, with planning and the built environment as one of its key sectors or themes. The Climate Change Act also sets out a reporting power, requiring compulsory reporting of climate change impacts and adaptation plans for certain public bodies and organisations.

P6

Local planning authorities are bound by the legal duty in Section 19 of the 2004 Planning and Compulsory Purchase Act, as amended by the 2008 Planning Act, to ensure that, taken as a whole, plan policy contributes to the mitigation of and adaptation to climate change. This powerful outcome-focused duty on local planning clearly signals the priority to be given to climate change in plan-making.

In discharging this duty, local authorities should consider Section 10, Paragraph 94 of the National Planning Policy Framework and ensure that policies and decisions are in line with the objectives and provisions of the Climate Change Act 2008 (Section 1) and support the National Adaptation Programme

Action on climate change should be an integral part of the culture of plan-making and should be embedded and integrated in policy preparation

In the case of Earls Court it is completely unclear as to whether the local authorities involved made the necessary efforts to ensure compliance with this duty

http://www.tcpa.org.uk/data/files/PCC_Guide_April_2012.pdf

Given the Earls Court example and the plethora of high cost property developments springing up across the capital, cited by journalists such as Peter Yorke and Simon Jenkin – as well as Jonathan Prynn in the Evening Standard, this does not bode well.

As we have seen, TfL have a range of obligations which do not seem to have been met within their partnership work with Capco.

The allowance of Clause 5 will allow TfL to deal whichever developer they choose on whichever part of their land they choose, completely or largely untrammelled by public scrutiny – which I would also say risks a betrayal of their Code of Conduct – as it certainly has led them to do so in the case of Earls Court.

The Earls Ct & West Kensington Opportunity Area Masterplan was developed with TfL and the Mayor backing each other up..... the Mayor being at the helm of both.

Throw hidden unaccountability into the pot and we can see what has happened in the case of Earls Court when that is actually rather than hypothetically taking place – making use of TfL's involvement in the Earls Ct Masterplan as a point of practice case study is only rational in the circumstances.

We can now go on to see where TfL itself has responsibility for the health and wellbeing of Londoners.

GLA Documents as points of ref:

Improving the Health of Londoners – forward Sir Peter Hendy

Improving air quality, reducing death and injury on our roads and making sure that there is adequate transport provision to serve hospitals, clinics and GP surgeries are just some examples of our work in this area

The role of transport in health – Action Plan

Key obligations – long with local authorities - which also particularly relate to risks of secret, unaccountable deals with unscrupulous developers and chaotic planning which will undermine TfL's own health objectives :

Main health impacts that can be improved by effective transport :

Physical activity

Obesity
Heart disease
Stroke
Depression
Type 2 diabetes

Air quality

Cardiovascular disease
Respiratory diseases

Road traffic collisions

Physical injuries
Psychological trauma

Noise

Mental health
Blood pressure
Child development

Access and severance

Mental wellbeing
Personal resilience
Stress
Social isolation

Air quality

Page 10/32

Nitrogen dioxide (NO2) and particulate matter (PM10 & P2.5) on-street monitoring

Reducing noise

Page 50

Whole Street Approach

Page 8

Mental wellbeing Personal resilience
Stress Social isolation

TfL Planning Obligations July 2014

TfL is responsible for advising on the transport implications for all proposed major applications to the Mayor

- (a) securing Planning Permission;
- (b) starting construction;
- (c) pre-letting, selling, letting buildings;
- (d) completing construction; and
- (e) occupation

– where Clause 5 is concerned they will be advising on their own plans which is surely a conflict of interest?

NB. PDFs and email documenting the origins of Earls Court Properties LP Ltd

Mourant/Saltgate/Liberty/Capvesto/EC PROPERTIES LP LIMITED

Registered Office: 22-24 Seale Street St Helier Jersey JE2 3QG

Registration: 108459

Registration date: 28-Jun-2011

Kwoks Bros are of course entwined in this too – one of whom has just been imprisoned for major fraud.

Mayoral Community Infrastructure Levy 2012 – a means of securing £300m

From reference to this document and from the content of discussions with senior members of TfL staff it is clear this route is being pursued for the purposes of what is perceived to be financial expedience – however why does the ‘secret’ minority partner model as laid down in Clause 5 offer more advantage – and at such risk and potential cost and loss to Londoners? Why is TfL leaving itself open to exploitation by unscrupulous developers?

Objectivity, Honesty, Accountability, Leadership – and Openness

Openness

Employees should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands it.

Accountability

Employees are ultimately accountable for their decisions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

The conduct of employees is central to how TfL conducts its business

TfL's Commitment – to conduct business according to ethical values of the highest integrity behaviour and business practice. TfL will work with others in the spirit of mutual co-operation and will develop relationships based on honesty, fairness and mutual trust.

alsoRealise the delivery of services in line with its ethical values and vision

Employees should ask ~

Is it within the spirit of the Code?

Is it deceitful or misleading?

This list of legal obligations, reference to Earls Court & W Ken OA case study and the origins of the TfL partnership with Capco provide us with evidence of demonstrable conflicts of interest.

Additional reference to the GLA Act 1999 and amendments 2007 – demonstrate this further....

GLA Act

2007

Relevant clauses –

The GLA Act 2007 shows that the Mayor is responsible for reducing health inequalities of Londoners – however this is patently not being honoured

General Determinants:

(a) standards of housing, transport services or public safety,

(b) employment prospects, earning capacity and any other matters that affect levels of prosperity,

(c) the degree of ease or difficulty with which persons have access to public services,

- and any other matters that are determinants of life expectancy or the state of health of persons generally, other than genetic or biological factors

Development Control

31 2A

Mayor of London may direct that he is to be the local planning authority for the purposes of determining the application.

Section 2A: supplementary provisions

5b the hazardous substances authority for the purposes of determining the connected application (in the case of an application falling within subsection (6) (c)

Part 8 Environmental Functions

Climate change and energy

40The general power of the Authority: duty to have regard

(2)In subsection (4) (exercise of powers: duty to have regard to effect on certain matters) after paragraph (b) insert—

“(c) climate change, and the consequences of climate change.”.

- **to contribute towards the mitigation of, or adaptation to, climate change, in the United Kingdom,”;**

for the purposes of this section—

(a)“climate change” means changes in climate which are, or which might reasonably be thought to be, the result of human activity altering the composition of the global atmosphere and which are in addition to natural climate variability; and

(b) “changes in climate” includes a reference to changes in climate which are reasonably expected, or might reasonably be expected, to happen or which are reasonably thought to be happening or to have recently happened.

The strategy must include the Mayor's proposals and policies relating to each of the following—

(a) Minimising emissions of carbon dioxide and other significant greenhouse substances from the use of energy in Greater London for the purposes of surface transport,

(b) minimising emissions of carbon dioxide and other significant greenhouse substances from the use of energy in Greater London for purposes other than those of transportation,

Greater London Authority Act 1999

1999 CHAPTER 29

PART II

GENERAL FUNCTIONS AND PROCEDURE

The general and subsidiary powers of the Authority

The general power of the Authority.

Section 30

Pertains to

promoting economic development and wealth creation in Greater London;

promoting social development in Greater London; and

promoting the improvement of the environment in Greater London

In determining whether or how to exercise the power conferred by subsection (1) above, the Authority shall have regard to the effect which the proposed exercise of the power would have on—

the health of persons in Greater London; and

the achievement of sustainable development in the United Kingdom

In particular:

(6) In subsection (5)(a) above, the reference to promoting improvements in health includes

a reference to mitigating any detriment to health which would otherwise be occasioned by the exercise of the power

Furthermore

Housing Strategy - Adopted October 2014

<https://www.london.gov.uk/priorities/housing-land/draft-london-housing-strategy>

Cites:

London has the highest rates of overcrowding in the country, with 255,000, or eight per cent, of all households lacking one or more bedrooms.

After declining for several years, the number of households placed in temporary accommodation by London boroughs (see Figure 7) is increasing. Although low in historic terms, it is up by 14 per cent in the last three years. There has also been a twelve per cent rise in the use of bed and breakfast accommodation in the past year.

The number of people seen sleeping rough in the capital rose by 13 per cent between 2011/12 to 2012/13, Overcrowding rates are far higher in rented housing, with 14 per cent of social renting households and 13 per cent of private renting households overcrowded, compared to just three per cent of owner occupied households.

Thus it really does seem that a focus on properties for the already affluent is counter to the health & wellbeing needs of a sizeable proportion of Londoners.

In November 2014 the London Health Commission report was launched by City Hall.

This the main plan for the future of London's Health in tandem with The 5 Year Plan by NHS England.

The LH Commission examined 5 broad themes and made recommendations under each. Of particular relevance to the matter of Clause 5 is:

Healthy lives and reducing health inequalities

This theme is examining what more can be done to support and engage people in managing their own health and care and to reduce health inequalities, drawing on good practice from the UK and overseas.

It is also examining how other public services (such as transport, housing, education, social care and planning) can support better health and care. Finally, it is looking at the role of business, the voluntary sector and employers generally in supporting people's health.

I note the plans to appoint Public Health England personnel to work with TfL on spatial planning and other matters pertaining – even so, how can Londoners be empowered when faced with a clause which actively works in secret away from the public eye and in largely unaccountable fashion?

We have seen the evidence about the negative impact the Earls Court Masterplan has already had on the local population in W5 & W6 – which is only set to worsen – and local residents and elected representatives will speak more on that.

More of this around London will be a disaster – and also undermine the chances of the LHC report succeeding.

In conclusion

Building and construction works clearly have a place – and indeed there is an urgent need for housing which meets the needs of Londoners with income under circa £80k pa, but this needs to be properly managed in line with public health – including compliance with air quality, transport congestion and climate change legislation and the planning of affordable and well planned housing to create sustainable and healthy communities.

TfL have a part to play in keeping Londoners healthy and safe... indeed, as we have seen they are legally obliged to do so,

- However the secret nature of Clause 5 puts this at considerable risk and should not become part of this legislation.**

Jocelyn Mary Bell 13.1.15.