



19th May, 2021

Dear Councillor Campbell, dear Elizabeth, dear Leadership Team

Today the Environmental Law Foundation (ELF) have, on our behalf, sent a pre-action protocol letter concerning your decision of 17th March, 2021 not to re-instate the cycle lanes on High Street Kensington.

You will recall that last year you removed a safety scheme after approximately seven weeks of a trial designed to be for up to 18 months, and which had not even been fully built before its removal. This you purportedly decided under a “special urgency” procedure in December, 2020. As this was unlawful, we wrote to you on 23rd December, 2020, with our [first pre-action protocol letter](#).

In response to this you said you would reconsider the decision to interrupt the trial, and said you would do so on 17th March.

As you know we wrote to you the day before your meeting, setting out very [serious and obvious problems](#) with the report you were to consider, and flagging the closed-mind decision path you appeared to be taking.

Our concerns were confirmed at the meeting of 17th March, the conduct and content of which reinforced such issues. As predicted, you elected to try the “kick the can down the longest road we can find” option, presented in your report as Option 3.

Subsequent behaviour only serves to confirm our concerns. While the world outside our borough gets to work on making their streets safer and healthier, we have a gating item of *a post-Covid post return of international tourism traffic study*, which may enter some sort of urban dictionary as code for continuing to do nothing.

We last spoke in the first week of February – in fact the only time we have spoken. Neither you, nor any other of the leadership team have been in touch with us following your decision not to re-instate the cycle lanes. You are well aware of our central role in this discussion, having brought together support from over 80 highly relevant stakeholders. But so obviously empty is your wish to act that you have not been in contact.

You mentioned, as we predicted, that rather than re-instate a much-needed safety scheme you would look for an “academic partner” for a future study, and that you would ask Imperial College, again as we predicted. This was, and is, a transparent attempt to use a highly regarded organisation as cover for your continued inaction.

You will be aware of their statement of 12th May:

“We continue to support the campaign for a safe cycle route on Kensington High Street. We know that a safe and joined-up cycle route between South Kensington and our west London campuses is critically important to our student and staff community”

You will also be aware that you are doing nothing about this.

You may also have read their research published on 9th April, 2021, that showed (as indeed in the case of High Street Kensington itself) there was no evidence that cycle lanes had worsened traffic congestion in London. But equally you may well not have read that, as it is not obvious that you have genuine interest in this topic. For example, we invited you repeatedly to a panel discussion with Imperial College, Imperial Transition to Zero Pollution and ourselves earlier in the year, but never got a reply.

You will further be aware that High Street Kensington continues to be a dangerous gap in London’s infrastructure. Connecting to Hammersmith and Fulham at one end, where the temporary scheme is due to be upgraded, it will then stop abruptly. Thousands, daily, will then move from a safe environment to an unsafe environment. Then, at the Eastern end of the road they will be able to continue in a safe environment once they exit our borough. This of course applies whether people are transiting through, or starting or ending their journey along this route.

As you also know, there is no safe practicable alternative route. You have not suggested one. Collisions continue to occur both here and on sites such as Holland Park Avenue where you have also blocked safe infrastructure. The promised protected lanes on Queens Gate and Chelsea Bridge Road remain unbuilt, the plans for a protected route on Chelsea Embankment remain pending, the plans for Sloane Street go ahead without consideration for those wishing to travel by bike, and we expect much of the “Quietways” that cover all of 9km of c. 207km of borough road to fail an evaluation under current LCDS and LTN 1/20 standards. It is clear that you have no serious intention regarding provision for those wishing to travel by bike.

In the face of obvious bias, unfair process and inaction on vital safety infrastructure we are left with no option other than to re-commence judicial review proceedings.

The pre-action protocol letter sets out seven grounds of the unlawfulness of your actions. We won’t rehearse them all here. However, it will be obvious that unlawfully interrupting a trial when you did not have the data or evidence to do so does not somehow become lawful with the passing of time, not least because as you had removed it, it was then not possible to collect the data and evidence needed.

Despite all of this, we would be happy to work with you to re-instate the scheme, and work with other obvious partners in this such as Transport for London and other stakeholders we have listed before in parallel to evaluate the scheme and consider the appropriate form of a permanent scheme.

Some have said that perhaps only a death will cause you to act. But let us look at Notting Hill Gate, a hostile environment for those on foot or bike, and where Eilidh Cairns was tragically killed in 2009. You have also blocked a safe cycle route here.

We can only hope that there will be no more such tragedies before you act.

Yours

Better Streets for Kensington and Chelsea

www.betterstreets4kc.org.uk

Cc

Sadiq Khan, Mayor of London
Transport for London
Rt Hon Grant Shapps, Secretary of State for Transport
Department for Transport