

Subject:	Valley Gardens Preferred Preliminary Green Space design		
Date of Meeting:	27th June 2017		
Report of:	Executive Director – Economy, Environment & Culture		
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Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 Enhancing Valley Gardens has been an objective of Brighton & Hove City Council for a number of years. The longstanding recognition of the need to improve Valley Gardens is reflected in a number of core strategic documents. These include past and current Local Transport Plans [LTPs] and the approved City Plan Part 1. In 2014, the role of the corridor was further emphasised when it was designated as one of four Priority Development Areas in the Coast to Capital Local Enterprise Partnership's [LEP's] Strategic Economic Plan, which sets out its ambitions, investments and proposals for realising sustainable economic growth by 2021.
- 1.2 The City Council's Open Spaces Strategy highlights the importance of urban green space and the challenges faced by recreational areas including pressures on maintenance resources. These challenges are further complicated by the complex layout of the transport network creating a series of barriers for the use of the green space as set out in The Valley Gardens Business Case (2014). Poor pedestrian and cycle connectivity throughout the gardens leaves the space underutilised. The current environment is in a poor condition with evident stunted tree growth and soil compaction further restricting the biological potential for this area and contributing to flood risk.
- 1.3 The Valley Gardens green space design seeks to address key challenges and to unlock its potential to create a 'Gateway to the City'. The key design principles for the public realm and green space is to encourage people's use and enjoyment of the area; to facilitate better and safer movement for walking & cycling; to provide high impact, low maintenance features which can facilitate a range of events, while contributing to improvements in air quality, community safety, and flood risk management.
- 1.4 The preliminary highway design for the Valley Gardens project was approved at November 2016, Environment, Transport and Sustainability Committee. This report focuses on the green space area of Valley Gardens and provides the Committee with an overview of the project history and an update on the development of the green space design. The report includes key

recommendations for the Committee to consider including the approval of the preferred Preliminary Green Space design.

2. RECOMMENDATIONS:

- 2.1 That the Environment, Transport & Sustainability Committee approves the Preliminary Green Space Design for Valley Gardens (Phase 1 & 2), as presented in Appendix 1 and authorises officers to progress to the Detailed Green Space Design stage, including initiating the associated planning application process.
- 2.2 That the Environment, Transport and Sustainability Committee approve the instigation of the procedure to exchange highway to appropriate green space to support the proposed preliminary design as explained in Section 7.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 This report focuses on the green space area of Valley Gardens shown in Appendix 1. The term 'green space' is used for the gardens area within the Valley Gardens project. This area consists of a series of both soft and hard landscaped features throughout the focus area.
- 3.2 The Valley Gardens design brief for Phase 1 & 2 was established by the council's former Transport Committee in July 2012. Early concept designs were developed and considered at Committee in 2013. In October 2014 the Environment, Transport & Sustainability [ETS] Committee approved the refined Highway Design which included a change from two lanes to one lane of general traffic in each direction on the east side of the scheme, thus retaining the Elm trees along Grand Parade.
- 3.3 The Valley Gardens Concept Scheme formed the basis of the Business Case that was submitted to the LEP in mid-2014. It was successful in securing £8m of Government Local Growth Fund [LGF] from the Coast to Capital Local Enterprise Partnership [LEP] when it was considered and approved by the LEP area's Local Transport Body in early 2015.
- 3.4 In June 2015 an Independent Review was initiated to further analyse the traffic operation of the highway network proposed by the Valley Gardens scheme including the revised layout of traffic lanes on the Eastern Corridor. As a result additional transport modelling was carried out to provide officers and councillors with an indication of how the road network would operate following the introduction of the proposed, preferred scheme. ETS Members were briefed with a visual model of the proposed scheme and how the traffic would flow that included a number of movements and journey times through the Valley Gardens area and beyond. The analysis predicted an acceptable marginal increase of a few seconds in overall, average journey time for all general traffic routes through the scheme area including a slight increase for buses that generated a specific area network review to improve the performance of critical bus junctions important to the operation of the scheme. The results of this modelling was shared with transport operators and outlined in November 2016 to the Environment, Transport and Sustainability Committee and as a result the preferred scheme was approved and permission granted to progress to the detailed highway design phase.

- 3.5 Following the approval of the preliminary highway design the focus moved to the development of the green space design which commenced with an updated brief to better reflect the current maintenance pressures and key design principles.
- 3.6 The Valley Gardens Phase 1&2 green space currently consists of three gardens; Victoria Gardens South, Victoria North and St Peter's Gardens which are separated by complex highway junctions covering an area of nearly 11,000 square meters. The area is largely grassed with some planting in Victoria Gardens North and interspersed by trees. Annual Events are held in the green space including some of the larger ones forming part of Brighton Festival Fringe including the Ladyboys event on Victoria South and The Warren on St Peter's.
- 3.7 In December 2016 the preliminary green space design brief was developed in coordination with other Council departments including; Cityparks, Events, Property & Design. This brief identified the key design requirements as set out in Section 1.3 and was issued to the appointed Landscape Architects, Untitled Practice.
- 3.8 The proposed design introduces a number of paths and cycle routes both north-south and east –west to link key destinations or places. The north-south footways provide a continuous route between St Peter's Place and Church Street/ Edward Street junction, broken only by one formal pedestrian crossing point at the North Road junction.
- 3.9 The preferred design indicates a series of spaces proposed to facilitate the range of small and medium size public events identified within the Valley Gardens Event Plan, Appendix 2. When not in use by events these spaces act as public meeting and resting areas. The Richmond Terrace junction will see the greatest change with the junction no longer in use for general traffic. This area will be reclaimed as a 'square' with the potential for event space and access for emergency vehicles, maintenance and events related traffic only. Further exploratory work will continue during the detailed design phase to provide electrical supplies where possible.
- 3.10 Larger events such as the Ladyboys and The Warren can be accommodated within the proposed layout however it is proposed that future events using the space should demonstrate, in their Events Management Plan, how they will adhere to the 'Tree Protection Specification' as set out in Appendix 3. In adhering to the Tree Protection Specification future damage to the existing and proposed trees will be minimised. It is ultimately proposed that future work on a Strategic Citywide Events Strategy is carried out to ensure large scale events can be suitably accommodated across the City.
- 3.11 Valley Gardens is home to some of the City's National Elm Tree Collection. The proposed design both enhances the setting for these trees and enables better protection for them. Additional trees are proposed to off-set the ongoing effects of Dutch Elm Disease (DED) and further diversify the tree species helping to address specific challenges such as Ash die back, identified as a key challenge within the Council's Open Space Strategy.

- 3.12 The majority of the green space is proposed as grassed area created for public enjoyment and flexible for a range of uses. It is proposed to improve the condition of the soil structure and grass to reduce the risk of unplanned flooding, and increase loading and wearing capacity for small and medium size events. It is proposed the grass area is complemented by perennial garden areas along the east and west to increase biodiversity and assist in reducing the impacts of Air Quality.
- 3.13 In 2014-2015, £18,000 was allocated to the refurbishment of The Mazda Fountain. This fountain features within the proposed design and resources have been allocated towards the future running and maintenance costs from the Property Services reactive and planned maintenance budgets. It is estimated the ongoing running costs are in the region of £10,000 annually with an additional £27,000 for planned maintenance and upkeep over the next five years. A petition to 'save the Mazda fountain' was taken to Full Council on the 26th March 2015, and referred to at Environment, Transport and Sustainability Committee in July 2015. The petition, signed by 1055 people, requested that the fountain remain in its current position.
- 3.14 Water Surface modelling is currently being conducted to inform both Highway Drainage Plans and the development of the Sustainable Urban Drainage Systems (SUDS). This feature will be incorporated within the Technical design phase and will be developed to be both effective and low maintenance.
- 3.15 The preferred preliminary design is subjected to site investigations and further detailed design work. The design may also be modified to respond to any planning requirements. Any significant changes will be reported back to Environment, Transport and Sustainability Committee.
- 3.16 Further work as part of the detailed design stage will include; identifying surface materials, street furniture, lighting and SUDS locations in addition to the development of a 5 year Maintenance and Management plan which will be funded through the project's capital costs for the first 5 years.
- 3.17 The key project milestones are included in Appendix 4. If approval is granted to progress with the green space detailed design this will continue throughout the summer with Planning Committee towards the end of the summer. It is proposed that both the final highway and green space detailed design will be presented at Environment, Transport and Sustainability Committee in autumn 2017 with an estimated construction start in March 2018.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 Scalability was considered during the development of the Business Case. This included scaling-up to include the implementation of Phase 3 of the Valley Gardens project providing a continuous project along the A23 from the A259 Grand Parade junction to The Level. Although funding for Phase 3 has been approved in principle by the Government, it has not yet been fully approved as it requires the further submission of a full Business Case to the LEP/LTB. Any funding bid and then decision would be likely to be made once significant progress is made with Valley Gardens Phases 1&2.

- 4.2 The green space design has evolved and developed but remains focused on achieving the objectives set out in the Business Case while responding to current funding challenges.
- 4.3 Any significant design changes required as part of the green space technical design stage will be reported to Committee however if this is required there is likely to be an additional delay to the project timelines and generate pressure from the main funding body, the Local Enterprise Partnership (LEP).
- 4.4 A 'do nothing' option is likely to result in the City Council repaying the ringfenced £2.8 million already received from the LEP. The remaining amount of the £8m (£5.2m) would also be expected to no longer be available to the City Council. The further £6 million agreed in principle for Phase 3 of Valley Gardens would also be likely to be retracted.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Substantial community engagement and consultation has been carried out to develop the concept designs for Valley Gardens through various workshops and targeted community and stakeholder engagement. Appendix 5 identifies a number of these carried out since the commencement of the project.
- 5.2 The Council's Open Spaces Strategy identifies a number of potential opportunities to engage with partnerships and local communities including the potential to develop a parks Volunteering programme.
- 5.3 Appendix 6 provides the Communication plan for the Phases 1 & 2 of the Valley Gardens Scheme at key stages of the project. Using a range of media and targeted meetings, the council intends to continuously engage with interested parties. It is intended that this strategy will be developed further as the project progresses. It is intended to use posters throughout the gardens to promote the scheme and to provide project updates as the project progresses.

6. CONCLUSION

- 6.1 The Valley Gardens green space preliminary design presents the preferred layout for the Valley Gardens green space area and has been developed to meet the key objectives as set out within the report.
- 6.2 In order to progress the Valley Gardens green space design to detailed design phase it is recommended that the Committee approve the presented preliminary design and grant approval to apply for the associated planning application which will be presented at a future Planning Committee.
- 6.3 Furthermore to support the design and ongoing maintenance of the Valley Gardens area it is recommended that the processes for the exchange of highway and green space and the appropriation of green space are initiated.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The approved capital budget for the Valley Gardens project from 2015/16 onwards is £9.787m, funded from Local Growth Fund grant (£8.000m), Local Transport Plan (LTP) capital programme (£1.373m) and Section 106 and other external contributions (£0.414m). The cost of design fees associated with the recommendations in this report will be funded from the approved capital budget.
- 7.2 Any variation between project costs and the approved budget will be reported as part of the council's budget monitoring process and any budget re-profile will require Policy, Resources and Growth Committee approval. Additionally, any profiling adjustment will need to be reported to the Local Enterprise Partnership.
- 7.3 The Local Enterprise Partnership have approved Local Growth Fund grant of £8.000m towards the capital costs of the project, which is subject to compliance with grant conditions based on the original scheme business case. £2.800m of the total £8.000m Local Growth Funding has been received to date and is ring-fenced for this project. In the event that the project does not proceed, this funding will be repaid to the Local Enterprise Partnership.

Finance Officer Consulted: Gemma Jackson

Date: 31/05/17

Legal Implications:

- 7.4 In order to implement the design of the Valley Gardens project an exchange of land has to take place between the highway and the green space. Under the proposed design 5747 square metres of highway is to become green space and 309 square metres of green space is to become highway. The Council is both the highway authority and the owner of the green space.
- The Council as highway authority has the power under section 256 Highways Act 1980 to exchange highway land and land adjoining or lying near the highway for the purpose of straightening or otherwise adjusting the boundaries of the highway. Once the exchange is completed the land which formed part of the highway will be freed from the public right of way over the land. The Council therefore has the power to exchange highway and green space in Valley Gardens.

Under section 256 equivalent areas of land do not have to be exchanged and a highway authority can transfer to an adjoining land owner a greater or lesser area of land than it receives back. The proposed exchange must be advertised and any objections referred to the magistrates court.

Section 122 Local Government Act 1972 allows the Council to appropriate for any purpose for which the Council are authorised to acquire land by agreement any land which belongs to the Council and is no longer required for the purpose for which it is held immediately before the appropriation. In the case of the appropriation of open space land section 122 (2A) provides that the proposed appropriation must be advertised and any objections considered. The green space falls within the definition of open space land.

Approving the recommendation to instigate the procedure for the exchange of highway and green space and the appropriation of the green space will demonstrate that the Council is complying with the requirements of the Highways Act and the Local Government Act.

Lawyer Consulted: Stephanie Stammers

Date: 31 May 2017

Equalities Implications:

- 7.5 The developed design will be in line with industry best practice guidance to ensure all proposals are accessible to all members of society. The overall aim of the Valley Gardens proposal is to make the movement and place functions of Valley Gardens as inclusive as possible by redressing current environmental conditions that discourage use by all groups, and is arguably especially unpleasant for older and younger people.

Sustainability Implications:

- 7.6 The Phase 1 & 2 Valley Gardens proposals will include measures that will improve sustainability in a number of ways within the corridor. The measures outlined in this report will promote, encourage and provide for, greater use of sustainable transport, and particularly overcome some of the current barriers to greater levels of walking, cycling. The measures also contribute to the objectives of the Brighton & Lewes Downs Biosphere. The proposed scheme will seek to reduce the impacts of poor Air Quality and include measures that will help improve the green space sustainable urban drainage systems.

Any Other Significant Implications:

- 7.7 The Corporate / Citywide implications; The project directly supports the objectives of the Local Enterprise Partnership's Strategic Economic Plan, the City Plan and Local Transport Plan, Conservation Area and Enhancement Plan, Biosphere, Air Quality Management Area, Seafront Strategy, One Planet Living, Public Space Public Life, the London Road SPD and the LR2 study.

SUPPORTING DOCUMENTATION

Appendices:

1. Valley Gardens Preferred Preliminary Green Space Design
2. Valley Gardens Events Plan
3. Tree Protection Specification
4. Key Project Milestones
5. Previous Community Stakeholder workshops
6. Communication Plan

Documents in Members' Rooms

1. None

Background Documents

1. Green space design brief issued January 2017
2. Tree Survey and Arbs Report
3. Valley Gardens Phase 1& 2 Committee Report November 29th 2016
4. Valley Gardens Phase 1& 2 Committee Reports (2014-2015)
5. Valley Gardens (Phase 1& 2) Business Case – 2014 3.
6. Brighton and Lewes Downs Biosphere Project
7. Open Spaces Strategy (2017- 2027)