

Subject:	Valley Gardens Phase 1&2 Experimental Traffic Regulation Order		
Date of Meeting:	16 November 2021		
Report of:	Executive Director – Economy, Environment & Culture		
Contact Officer:	Name:	Tracy Beverley	Tel: 01273 29 3813
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Ward(s) affected:	All		

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

- 1.1 The key principles of the Valley Gardens proposal are to simplify the existing highway network making the journey through Valley Gardens less complicated, more legible and safer for all users. Creating an improved public realm and green space area will unlock its potential as a 'Gateway to the City', designed to encourage greater use and enjoyment of the area. Designs will facilitate better movement for walking & cycling; 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.
- 1.2 The preliminary highway design for the Valley Gardens, Phase 1&2 project was approved at the November 2016, Environment, Transport and Sustainability Committee (ETS). The associated preliminary greenspace design was approved at ETS in June 2017. The greenspace Planning Application, BH2017/02583, was submitted to the council in July and Planning Permission was granted at Planning Committee on the 8th November 2017 and the Detailed Design was approved at ETS on the 27th November 2017.
- 1.3 The majority of the Valley Gardens Scheme was constructed between September 2018 and September 2020. In order to support the scheme three Traffic Regulation Orders were advertised to enable legal enforcement in line with Network Management requirements. This report provides an overview of the Traffic Regulation Order consultation responses and makes recommendations based on these responses.

2. RECOMMENDATIONS:

- 2.1 That the Committee, having taken account of all duly made representations and comments, agree that the provisions of the Brighton & Hove (Valley Gardens) Bus Gates and Traffic Management Experimental Order 2020(TRO-9-2020) be made permanent.

- 2.2 That the Committee, having taken account of all duly made representations and comments agree that the provisions of the Brighton & Hove (St Peters Place - Valley Gardens) Bus Gates Experimental Order 2020 (TRO-20-2020) be made permanent.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 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 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.
- 3.2 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 early in 2015.
- 3.3 The planning application required to support the greenspace design was submitted in July 2017. As part of this process a range of specialists were consulted including; the Archaeological Society, Sussex Police, Conservation Advisory Group, Arboriculturists, and internal officers from; Sustainability, Environmental Health, Heritage, City Parks and Transport teams. At the 8th November 2017 Planning Committee planning permission was granted.
- 3.4 The Detailed Design was approved at November 27th 2018 Environment, Transport and Sustainability Committee. At this committee an outline of the construction and Traffic Regulation order process was provided. The main construction contract was let to the Principal Contractor Dyer & Butler Ltd and construction commenced on the 3rd September 2018 and ended in September 2020.
- 3.5 In order to support the scheme delivery, Brighton & Hove Various Controlled Parking Zones Consolidation Order 2018 Amendment Order No. 201(TRO—37a-2019) and Brighton & Hove (Valley Gardens) Traffic Management Order 201 (TRO-37b-2019) were advertised to enable legal enforcement of the traffic flows in line with network management duties. The Orders were advertised on the 29th November for a period of 21 days. Details of the advertised Orders can be seen in appendix 1.
- 3.6 The council received one objection to TRO-37-2019 TRO relating to the prohibition of the right turn onto Grand Parade from Kingswood Street this objection was later retracted with an agreement that the right hand ban would be monitored and the order was made.
- 3.7 Experimental Traffic Regulation Order ETRO-9-2020 was advertised on the 02 July 2020 and was open for consultation until the 2 January 2021, see Appendix 2 to view the advertised Notice. There were 8 representations 3 of which were in support of the TRO and 5 were objections. Details of the objections are listed in Appendix 4 along with officers' comments.

- 3.8 Three out of the five objections were related to the lack of clarity around the bus gates, one related to the levels of additional congestion along Grand Parade having been switched from York Place and one supported the scheme in general and the need for enforcement but suggested amendments to the locations of the cameras to facilitate better access to the North Laines.
- 3.9 A further ETRO-20-2020 was advertised for St Peters Place bus lane; this consultation started on the 25 July 2020 and ended on the 25 March 2021. There was one objection for this ETRO. The notice can be seen in appendix 3 and the objection can be seen in appendix 4.
- 3.10 Objections of 5 or fewer to an individual Traffic Regulation Order are no longer required to be reported to Committee; however, as a commitment was made at Nov 27 ETS Committee prior to the delegation change officers are reporting this.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The majority of the objections appear to be relating to the level of signage for users and not against enforcement to protect the public transport corridor. Other objections relate to access of North Laines or displacement of congestion. Officers will continue to monitor the traffic movements within Valley Gardens as part of the post scheme implementation.
- 4.2 It is noted that support for the Traffic Regulation Order has been received by three respondents to the advertised TROs as well as requests to extend enforcement to create Bus Lanes along the west of the gardens.
- 4.3 In making the Experimental Traffic Regulation Orders (ETROs) permanent the fundamental principles of the scheme design are supported. The scheme design provides north and southbound general traffic lanes on the eastern side of the Gardens and creates a new two-way public transport corridor with priority features for bus, taxi and coach operators on the western side of the Gardens.
- 4.4 The scheme allows private vehicles limited access to the public transport corridor. Better pedestrian and cycle links are proposed on both highway and greenspace areas. Simplified junctions and new signal equipment have been installed alongside new and extended grassed, planted and hardscape areas within the Gardens.
- 4.5 Monitoring will continue post scheme implementation; this has been delayed due to COVID. This monitoring will enable officers to continue to advise on the operation of the scheme as part of the wider transport network.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Each of the ETROs were advertised and open for comment for a minimum of six month as detailed in Section 3 of the report.
- 5.2 A post scheme questionnaire is currently being analysed to demine if and how the scheme has affected their travel behaviours, the results of this survey will be published alongside traffic monitoring data when available.

6. CONCLUSION

- 6.1 The ETROs were advertised following due process and representations considered. However, officers recommend that the provisions of the ETRO's are made permanent as set out in the recommendations in Section 2.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 There are no direct financial implications from the recommendations of this report. Costs associated with monitoring and signage will be contained within existing budgets and any significant variation to budget will be reported as part of the council's monthly budget monitoring process.

Finance Officer Consulted: John Lack

Date: 03/11/21

Legal Implications:

- 7.2 A traffic authority has power to make an experimental traffic order (ETRO) under section 9 of the Road Traffic Regulation Act 1984. An ETRO is similar to a permanent traffic regulation order in that it imposes traffic and parking restrictions and can contain any provision which could be contained in an ordinary traffic regulation order. An ETRO can only stay in force for a maximum of 18 months while the effects of the traffic and parking restrictions are monitored and assessed (and any changes made if necessary). The traffic authority can then decide whether or not to continue the ETRO on a permanent basis.

Lawyer Consulted: Hilary Woodward

Date: 2/11/21

Sustainability Implications:

- 7.2 The advertised TRO's support the overall Valley Gardens scheme which is designed to improve the transport network for sustainable travel modes such as pedestrians, cyclists, and public transport. In supporting this scheme the Council are working towards its Carbon reduction commitments.

Brexit Implications:

- 7.3 None identified

Any Other Significant Implications:

- 7.4 None Identified

Crime & Disorder Implications:

- 7.5 None Identified

Risk and Opportunity Management Implications:

- 7.6 None Identified

Public Health Implications:

- 7.8 The recommendations set out in this report support the ongoing operation of the Valley Gardens Scheme. This scheme has been implemented to improve sustainable forms of transport including walking and cycling and therefore promoting active travel.

Corporate / Citywide Implications:

- 7.9 The recommendations support the ongoing operation of the Valley Gardens scheme which contributes to a number of the Council Plan outcomes such as improving healthier lives and also to become a 'sustainable city'.

SUPPORTING DOCUMENTATION

Appendices:

1. Traffic Regulation Order Notice TRO-37-2019
2. Traffic Regulation Order Notice TRO-9-2020
3. Traffic Regulation Order Notice TRO-20-2020
4. All TRO Comments and Responses

Background Documents

1. Valley Gardens Detailed Design, 28 November 2017, Environment, Transport & Sustainability Committee Report.

