

Brighton & Hove City Council

Environment, Transport & Sustainability Committee

Agenda Item 73

Subject: Madeira Drive, Active Travel Fund ETRO-10-2021

Date of meeting: 18 January 2022

Report of: Executive Director, Economy, Environment & Culture

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Ward(s) affected: East Brighton, Queen's Park

For general release

1. Purpose of the report and policy context

- 1.1 This report outlines the consultation results for the Madeira Drive Experimental Traffic Regulation Order-10-2021 (ETRO-10-2021) implemented as part of the Phase 2 Active Travel Fund works programme.
- 1.2 Madeira Drive was closed with limited access, managed by stewards, as an emergency measure during the height of the pandemic when large volumes of pedestrians and cyclists used the seafront and social distancing was extremely difficult. Through a series of consultations, the area was partially reopened to retain the benefits of a full closure while also providing access for disabled users, businesses and access to parking spaces.
- 1.3 The Madeira Drive scheme was one of many measures funded by the Department for Transport's Active Travel Fund. This fund was designed to encourage more people to walk and cycle through reallocation of road space. Tranche 1 of the Emergency Active Travel Fund included pop-up cycle lanes, road closures, widened footways and temporary cycle parking. Tranche 2 of the Active Travel Fund included more permanent measures to support walking and cycling.
- 1.4 The Madeira Drive scheme helps to support better walking and cycling networks working towards delivering the Council's carbon reduction targets. The scheme outputs are aligned with national strategies such as the Department for Transport's 'Gear Change' vision released in July 2020, setting out the national ambition to make walking and cycling the natural choice for short journeys, or as part of a longer journey. The Madeira Drive scheme has been designed in accordance with the Local Transport Note 1/20 (LTN 1/20) which sets out a step change in how Local Authorities must deliver cycling improvements.

1.5 This report provides an overview of the consultation process for the Madeira Drive scheme and sets out recommendations in relation to the ETRO-10-2021 consultation.

2. Recommendations

2.1 That the Committee, having taken account of all duly made comments and representations, agrees that the provisions of ETRO-10-2021 be made permanent.

3. Context and background information

3.1 Madeira Drive was closed to motor vehicles using Local Highway Authority emergency powers on the grounds of public safety. The closure was implemented on 16 April 2020 between the Aquarium Roundabout and the top of Dukes Mound. The Madeira Drive closure was implemented in the early stages of the pandemic to provide the space required to support social distancing for increasing volumes of pedestrians and cyclists using the seafront for their daily exercise.

3.2 The initial phase of closure for Madeira Drive was carried out under ETRO-17-2020 and was advertised from 31 July 2020, a further ETRO 17a-2020 was advertised to provide better access and reinstate parking specifically for Blue Badge holders. Consultation ended for these ETRO's in March 2021.

3.3 Comments received on ETRO-17-2020 and ETRO-17a-2020 can be seen in Appendix A. Of the 154 objections the key recurring themes included full road closure (34% - 53 objections), events not being able to continue (21% - 32 objections) and lack of Blue Badge access (14% - 22 objections). Further public consultation showed that out of 2,356 respondents over 60% did not support a continued full closure.

3.4 In liaison with stakeholders and as a direct response to the results of the consultation, a design solution was identified and agreed at the 29th September, Environment Transport & Sustainability Committee. The design solution re-opened Madeira Drive to one-way access eastbound from the Palace Pier roundabout and introduced a two-way cycle route on the carriageway rationalising parking and creating wider pavements.

3.5 The implemented scheme provides 1200m of new two-way cycle lane with average widths of 4.25m; the removal of the promenade cycle lane offers approximately 2000 m² extra space for pedestrians. Localised footway widening on the northern footway, including 600m² outside the Colonnade, is now being utilised by businesses to extend their outdoor eating license. Over 70 % of Pay and Display parking bays have been maintained and the number of Blue Badge bays have almost doubled from 14 to 28. The narrower carriageway has also facilitated the introduction of a new 20mph speed limit.

3.6 The approved scheme was delivered under Experimental TRO-10-2021 (ETRO-10-2021) (details of ETRO are in Appendix B) and was officially

opened in May 2021. The ETRO consultation period ended 29 November 2021. A further TRO for a 20mph speed limit was advertised separately with no objections and this has now been sealed.

- 3.7 ETRO-10-2021 received 94 responses in total these can be seen in Appendix C. Of the 94 responses 54% were in support, 51 representations, and 46% were objections, 43 representations. Of the objections, the key recurring themes were lack of motorcycle facilities (56% - 24 objections), reversion to full road closure (14% - 6 objections) and reduction in parking (9% - 4 objections).
- 3.8 The new layout has been in place for over six months now and initial monitoring, July – November, shows a 36% increase in cycling from 2019 and a 15% increase from 2020. The numbers of pedestrians using the area on a neutral weekday is 3,216 and parking beat surveys conducted during weekend & weekdays demonstrates that none of the allocated parking bays were over capacity indicating sufficient allocation of parking for all vehicle types. Monitoring data can be seen in Appendix D.

4. Analysis and consideration of alternative options

- 4.1 The Eastern Seafront Masterplan will look at the whole of the eastern seafront and will support the Madeira Terraces – Phase One restoration Planning submission. This planning application will be submitted in the summer. This may consider further changes to the highway layout to support the wider seafront development.
- 4.2 Madeira Drive was closed to all motor vehicles with the exception of blue badge users; however, this was unpopular. The current scheme attempts to balance the needs of all users rather than reducing access.
- 4.3 Returning the road back to its original configuration will remove the opportunities that the revised layout has offered by increasing space for walking and cycling. The esplanade that has been used by solely by pedestrians would return to a segregated cycle and pedestrian route.

5. Community engagement and consultation

- 5.1 Madeira Drive ETRO-10-2021 was advertised on 1 April 2021 and came into force on 29 May 2021. The deadline for comments was 29 November 2021. The notice was advertised in the Brighton Argus on the advertised date and plans and the ETRO were available to view online.
- 5.2 Initial consultation following the closure of Madeira Drive in April 2020 received 2,356 comments. Of these comments 60% did not support a full closure. Direct consultation with business owners and disability groups informed a proposal to partially reopen Madeira Drive, this was approved at committee in September 2020. The new plans to open Madeira Drive were developed during a series of fortnightly Active Travel Stakeholder group meetings. Plans were also discussed at a series of site meetings with

disability user groups, business owners and Active Travel representatives. Plans were circulated more widely to a wide range of representatives at the initial stages of design, during the detail design and just prior to construction.

6. Conclusion

- 6.1 The ETRO was advertised following due process and representations considered. Officers recommend that the provisions of ETRO-10-2021 are made permanent as set out in the recommendations in Section 2.
- 6.2 The majority of representations were in support of the scheme, of those objections received 56% were related to motorcycle parking and therefore not necessarily relevant to the overall scheme layout and the principles of the scheme development.

7. Financial implications

- 7.1 The initial estimate for lost parking income as reported at the Environment, Transport and Sustainability Committee on 29th September 2020 highlighted £1.3m per annum for full closure of Madeira Drive and £0.330m per annum for the proposed Experimental Traffic Regulation Order assuming parking was maintained at 70-80%.
- 7.2 Madeira Drive previously held 299 parking bays but following the development of the scheme and Experimental TRO-10-2021 now holds 228 bays which equates to 76% of the original total. The estimated lost parking income of this reduction made permanent would be in the region of £0.360m per annum from 2022/23 after taking account of fees & charges uplifts.
- 7.3 This £0.360m lost income will become a pressure to the service unless alternative funding can be identified, or budgeted income surpluses and expenditure reductions are identified in other parking areas. Any significant variations to budget will be reported as part of the council's monthly budget monitoring process.

Name of finance officer consulted: John Lack Date consulted: 05/01/22

8. Legal implications

- 8.1 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.

Name of lawyer consulted: Hilary Woodward Date consulted 17/12/21

9. Equalities implications

- 9.1 Statutory guidance from Department for Transport (DfT) updated in February 2021 reiterates that the public sector equality duty continues to apply as Local Authorities make changes to their road networks in response to Covid-19. The Council must ensure that elements of a scheme do not discriminate, directly or indirectly, and must consider their duty to make reasonable adjustments anticipating the needs of those with protected characteristics. The guidance emphasizes that groups representing disabled people and others with protected characteristics should be consulted at an early stage of scheme development and accessibility requirements apply to both temporary and permanent measures.
- 9.2 DfT's Local Transport Note 1.20 (LTN1/20) which sets the standards for cycling design, and which Local Authorities receiving the Active Travel Fund Tranche 2 funding must abide by, states: (4.5.11): Local authorities are bound by the Equality Act 2010 in discharging their functions, which includes managing their 167 road networks. Designers should provide infrastructure that is accessible to all, and the dimensions and other features set out in this guidance should help ensure that their designs comply with the Public Sector Equality Duty.
- 9.3 The council carried out a full EqIA into its Covid-19 Transport Changes in June 2020.

10. Sustainability implications

The Madeira Drive, Active Travel Fund ETRO-10-2021s is designed to encourage more people to walk and cycle through reallocation of road space. By encouraging sustainable travel modes such as walking and cycling this scheme helps the council to work towards Carbon reduction commitments.

11. Other Implications

Public health implications:

- 11.1 Enabling greater uptake of active travel across the City will provide both short and long term benefits to the mental and physical health of our residents. This approach supports the implementation of the Brighton & Hove Health and Wellbeing Strategy.

Supporting Documentation

Appendices

1. Appendix A – ETRO-17-2020 and ETRO-17a-2020 Full Summary of Responses
2. Appendix B – Notice of ETRO-10-2021
3. Appendix C – ETRO-10-2021 Full Summary of Responses

4. Appendix D – Summary of monitoring
1. **Background documents**
1. ETS Committee Meeting 29 September 2020