





Brighton & Hove
City Council

Environment, Transport & Sustainability Committee

Title:	Environment, Transport & Sustainability Committee
Date:	14 March 2017
Time:	4.00pm
Venue	Council Chamber, Hove Town Hall, Norton Road, Hove, BN3 3BQ
Members:	Councillors: Mitchell (Chair), Horan (Deputy Chair), Janio (Opposition Spokesperson), Greenbaum (Group Spokesperson), Atkinson, Deane, Miller, Robins, G Theobald and Wares
Contact:	John Peel Democratic Services Officer 01273 291058 john.peel@brighton-hove.gov.uk
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Democratic Services: Environment, Transport & Sustainability Committee

Lawyer	Executive Director	Councillor Mitchell <i>Chair</i>	Democratic Services Officer
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OFFICERS

Councillor Horan <i>Deputy Chair</i>
Councillor Robins
Councillor Atkinson

Councillor Miller
Councillor G Theobald
Councillor Wares
Councillor Janio <i>Opposition Spokesperson</i>
Councillor Greenbaum <i>Group Spokesperson</i>
Councillor Deane

OFFICERS

Public Speaker	Public Speaker
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Press

Public Seating



Public Seating



AGENDA

PART ONE

Page

68 PROCEDURAL BUSINESS

- (a) **Declarations of Substitutes:** Where councillors are unable to attend a meeting, a substitute Member from the same political group may attend, speak and vote in their place for that meeting.
- (b) **Declarations of Interest:**
 - (a) Disclosable pecuniary interests;
 - (b) Any other interests required to be registered under the local code;
 - (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

- (c) **Exclusion of Press and Public:** To consider whether, in view of the nature of the business to be transacted or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

Note: Any item appearing in Part Two of the agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the press and public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls and on-line in the Constitution at part 7.1.

69 MINUTES

1 - 16

To consider the minutes of the meeting held on 17 January 2017

Contact Officer: John Peel

Tel: 01273 291058

70 CHAIRS COMMUNICATIONS

71 CALL OVER

- (a) Items (74 – 81) will be read out at the meeting and Members invited to reserve the items for consideration.
- (b) Those items not reserved will be taken as having been received and the reports' recommendations agreed.

72 PUBLIC INVOLVEMENT

17 - 24

To consider the following matters raised by members of the public:

- (a) **Petitions:** To receive any petitions presented by members of the public;
 - (i) Hove Station Footbridge
 - (ii) Hanover & Elm Grove controlled parking zone proposals
- (b) **Written Questions:** To receive any questions submitted by the due date of 12 noon on the 7 March 2017;
- (c) **Deputations:** To receive any deputations submitted by the due date of 12 noon on the 7 March 2017.
 - (i) Road Safety on Francis Street
 - (ii) Old Shoreham Road Toilets

73 MEMBER INVOLVEMENT

25 - 28

To consider the following matters raised by Members:

- (a) **Petitions:** To receive any petitions;
- (b) **Written Questions:** To consider any written questions;
- (c) **Letters:** To consider any letters;
 - (i) Application for a Definitive Map Modification Order, The Paddock, Roedean- Councillor Mears
 - (ii) Hanover & Elm Grove parking- Councillor Page
- (d) **Notices of Motion:** to consider any Notices of Motion referred from Full Council or submitted directly to the Committee.

ENVIRONMENT & SUSTAINABILITY MATTERS

74 HEALTH AND SAFETY SERVICE PLAN 2017-18 29 - 36

Report of the Executive Director Neighbourhoods, Communities and Housing

Contact Officer: Roy Pickard

Tel: 01273 292145

Ward Affected: All Wards

75 OFFICIAL FEED AND FOOD CONTROLS SERVICE PLAN 2017/18 37 - 62

Report of the Executive Director Neighbourhoods, Communities and Housing

Contact Officer: Nick Wilmot

Tel: 01273 292157

Ward Affected: All Wards

TRANSPORT & PUBLIC REALM MATTERS

76 2017/18 LOCAL TRANSPORT PLAN CAPITAL PROGRAMME 63 - 76

Report of the Executive Director, Economy, Environment & Culture

Contact Officer: Andrew Renaut

Tel: 01273 292477

Ward Affected: All Wards

77 BRIGHTON & HOVE BIKE SHARE - TRO REPRESENTATIONS 77 - 110

Report of the Executive Director, Economy, Environment & Culture

Contact Officer: Abby Hone

Tel: 01273 290390

Ward Affected: Brunswick & Adelaide; Central Hove; East Brighton; Goldsmid; Hanover & Elm Grove; Hollingdean & Stanmer; Moulsecoomb & Bevendean; Preston Park; Queen's Park; Regency; Rottingdean Coastal; St Peter's & North Laine

78 HANOVER & ELM GROVE / CRAVEN VALE RESIDENT PARKING SCHEME CONSULTATIONS 111 - 146

Report of the Executive Director, Economy, Environment & Culture

Contact Officer: Charles Field

Tel: 01273 293329

Ward Affected: East Brighton; Hanover & Elm Grove; Queen's Park

79 WEST HOVE RESIDENT PARKING SCHEME CONSULTATION 147 - 162

Report of the Executive Director, Economy, Environment & Culture

Contact Officer: Charles Field

Tel: 01273 293329

Ward Affected: Wish

80 PARKING PROPOSALS WITHIN THE EVENT DAY PARKING SCHEMES 163 - 176

Report of the Executive Director, Economy, Environment & Culture

Contact Officer: Charles Field

Tel: 01273 293329

Ward Affected: Hollingdean & Stanmer;
Moulsecoomb & Bevendean

81 APPLICATION FOR A DEFINITIVE MAP MODIFICATION ORDER, THE PADDOCK, ROEDEAN 177 - 276

Report of the Executive Lead Strategy, Governance & Law

Contact Officer: Stephanie Stammers

Ward Affected: Rottingdean Coastal

82 ITEMS REFERRED FOR FULL COUNCIL

To consider items to be submitted to the 6 April 2017 Council meeting for information.

In accordance with Procedure Rule 24.3a, the Committee may determine that any item is to be included in its report to Council. In addition, any Group may specify one further item to be included by notifying the Chief Executive no later than 10am on the eighth working day before the Council meeting at which the report is to be made, or if the Committee meeting take place after this deadline, immediately at the conclusion of the Committee meeting

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For further details and general enquiries about this meeting contact John Peel, (01273 291058, email john.peel@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

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Date of Publication - Monday, 6 March 2017

BRIGHTON & HOVE CITY COUNCIL
ENVIRONMENT, TRANSPORT & SUSTAINABILITY COMMITTEE

4.00pm 17 JANUARY 2017

COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD, HOVE, BN3 3BQ

MINUTES

Present: Councillor Mitchell (Chair) Horan (Deputy Chair), Janio (Opposition Spokesperson), Greenbaum (Group Spokesperson), Atkinson, Deane, Miller, Nemeth, Robins and Wares

PART ONE

56 PROCEDURAL BUSINESS

56(a) Declarations of substitutes

56.1 Councillor Nemeth was present as substitute for Councillor Geoffrey Theobald.

56(b) Declarations of interest

56.2 Councillor Janio read the following statement:

“I have applied for and been granted a dispensation under the Council’s Code of Conduct for Members para 3.5 to take part and vote on item 63 of the Environment, Transport and Sustainability Committee on 17th January 2017. This relates to the item on fees and charges in respect of which I have a declarable interest because my wife has a Traders Permit”.

56(c) Exclusion of press and public

56.3 In accordance with section 100A of the Local Government Act 1972 (“the Act”), the Committee considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the business to be transacted or the nature of proceedings, that if members of the press and public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100(I) of the Act).

56.4 **RESOLVED-** That the press and public not be excluded.

57 MINUTES

57.1 **RESOLVED-** That the minutes of the previous meeting held on 29 November 2016 be approved and signed as the correct record.

58 CHAIRS COMMUNICATIONS

58.1 The Chair provided the following communications:

"I have just one communication to make which is in light of the great HLF grant of £3.8 million for Stanmer Park. I really want to thank everybody, all Members from every party that have worked together on the bid as well as a lot of the good work that came from officers. As the project progresses, update reports will come to this Committee but I think we now stand to see some huge improvements at Stanmer and it's a wonderful opportunity".

59 CALL OVER

59.1 All items on the agenda were reserved for discussion.

60 PUBLIC INVOLVEMENT**(a) Petitions****(i) Need for residents parking in the Harrington Road area**

60.1 The Committee considered a petition signed by 73 people requesting consultation with residents in the Harrington Road area on the introduction of controlled parking zone.

60.2 The Chair provided the following response:

"Thank you for your petition.

Officers are currently working on parking scheme consultations in the Hanover & Elm Grove area, Craven Vale area and West Hove area with the Hove Park area to follow soon.

As residents of a number of roads across the Harrington Road area have signed the petition, we will look to include this area within the parking scheme priority timetable. This would be alongside the relevant adjoining section of Surrenden Road although concerns about displacement further up that road would need to be addressed.

The current parking scheme priority timetable runs up to 2018 (for completion of schemes) and officers will be presenting a report to this Committee later in the year on an updated timetable based on requests such as this."

60.3 **RESOLVED-** That the petition be noted.

(ii) 1 hour parking in Longridge Avenue Saltdean

60.4 The Committee considered a petition signed by 390 people requesting removal of the taxi designation on the 3 spaces between the Spanish Lady Pub and the A259 and restricting parking on the 11 spaces already designated by white markings from Lynwood Ave to the A259 to 1hr parking between 9am and 6pm Monday to, and including Saturday.

60.5 The Chair provided the following response:

“Thank you for your petition.

The taxi rank in Longridge Avenue is advisory only which means those spaces are shared with general traffic and there has been no sign relating to a rank in place for nearly a year.

This arrangement seems to be working well as we have received no complaints about difficulties parking in this location or access for taxis.

In regard to restricting parking, due to budget considerations, we are having to be very careful with the cost of any non-essential changes outside of controlled parking zones with the exception of disabled bay requests.

Parking changes across the City, that require the advertising of a Traffic Regulation Order, are prioritised and funded in accordance with the work plan agreed by this Committee.

But what we will do is keep your request on file and in case circumstances in the area change with regard to road use and funding, we will have that ready for consideration.”

60.6 Councillor Miller moved a motion to call for an officer report on the matter.

60.7 The Chair put the motion to the vote which failed.

60.8 **RESOLVED-** That the Committee note the petition.

(iii) Yellow lines Court Ord Road

60.9 The Committee considered a petition signed by 10 people requesting extension of double yellow lines on Court Ord Road to come in and out of Falmer Road to resolved parking issues.

60.10 The petitioner was not present however, the Chair read the following response out at the meeting:

“It is felt that the current length meets the Road safety requirements but officers are willing to monitor this and consider this further. The main concern from officers about extending this restriction further would be the loss of parking although a traffic order would allow for comments from residents on this proposal.

In terms of how any further change to the Traffic Order that has now been implemented could be funded officers are exploring the possibility of using any existing or future developer contributions that are secured from nearby developments for this proposal, such as the planning application recently approved in Falmer Road.”

60.11 **RESOLVED-** That the petition be noted.

(iv) Tennis facilities

60.12 The Committee considered a petition signed by 1930 people requesting the council engage all user groups of tennis facilities in the city before deciding future funding arrangements.

60.13 The Chair provided the following response:

“As I think is generally understood, as the council’s General Fund budget reduces and as the demands on our caring services, such as Children’s’ and Adults Social Care and Homelessness significantly increase, this is leading to less money for the services that we would like to continue to provide but do not receive any specific ring-fenced funding for – such as parks and open spaces maintenance and sports subsidies.

The existing budget, the second smallest in the council, is already less than adequate and a sustainable way ahead to protect and hopefully improve these facilities for the future has to be found.

So, across a whole range of council services we are looking at doing things differently and in terms of our decreasing ability to maintain sports subsidies the best place to start was to talk directly to the clubs, players and their governing bodies giving the full financial picture for each sport including the shortfalls. These discussions have been taking place for over a year.

In relation to tennis, these discussions last month have produced an outline proposal from the Brighton and Hove Tennis League that would enable greater control over the running of the courts by those who use the facilities, including looking at how the retention of revenue raised from tennis can potentially be kept by the League or the clubs themselves.

There are areas that need to be clarified within this proposal and officers; the League and the Lawn Tennis Association are meeting to ensure that there is enough detail in the proposal for tennis players in the city to know what it means for them before again meeting with the tennis clubs to get their feed-back on it. This will then be presented to councillors on this committee to decide whether it can be accepted.

This has to be a careful and collaborative process and is not something that can be achieved overnight.

Officers are also exploring whether there is any opportunity to use planning gain money available for the area around Hove Park to draw in additional external funding. We have recently used this approach very successfully at Hove Recreation Ground Rugby Pitches and the Velodrome at Preston Park.

It is not practical for officers to discuss these proposals with every single individual user of the Councils sports facilities. For tennis facilities we are aiming to discuss them with representatives of all of the clubs using facilities, any coaches booking the facilities and the sport’s governing body. I am aware that concerns have been raised about a club at Hove Park that was not being involved and I can assure you they are now being kept informed and invited to meetings of the Cities clubs.

Officers and the LTA will be meeting with the Brighton and Hove Tennis League in the first week of February to review a more detailed proposal prior to sharing it with clubs.

And so this is an ongoing collaborative process and I appreciate that it is difficult for us to reach out to every single player and have individual conversations but I can assure you that we will do all we can to make sure that a proposal, when it is arrived at, I will do my utmost to make sure all tennis players are aware of it.”

60.14 **RESOLVED-** That the petition be noted.

61 ITEMS REFERRED FROM COUNCIL

(a) Petitions

(i) Zebra or pelican crossing, Lovers Walk across A23/Preston Road

61.1 The Committee considered a petition referred from the meeting of Full Council held on 15 December 2016 and signed by 204 people requesting a pedestrian crossing at the point where Lovers Walk meets the road and across into Preston Park.

61.2 The Chair provided the following response:

“In October 2016 the 2016/2017 Pedestrian Priority list was approved with 57 locations the top 11 are being considered for improvements or additional funding this financial year.

Within this priority list a location on Preston Road near Rookery Road was included and is currently listed as number 26. As this Petition relates to a location within 350 meters of this current request officers recommend these requests are considered together and therefore when the priority list is revised location number 26 will read “Crossing request to be considered on Preston Road between Lovers Walk and Rookery Close”. When looking at the requested locations the existing crossing facilities including the pedestrian islands and the Pelican Crossing 100m to the north of Lovers walk will be considered.

If Preston Road is considered a priority location as part of the pedestrian crossing methodology the final location of the crossing will be determined after detailed inspection by Highway Engineers. As part of this process the ‘type’ of facility is considered on a case by case basis by Highway Engineers considering existing highway layout, road conditions and likely frequency of use.”

61.3 **RESOLVED-** That the petition be noted.

62 MEMBER INVOLVEMENT

62.1 No items were received from Members.

63 FEES AND CHARGES 2017/18

63.1 The Committee considered a report of the Executive Director, Economy, Environment & Culture and the Executive Director, Neighbourhoods, Community & Housing that set out the proposed 2017/18 fees and charges for the service areas covered by the Environment, Transport and Sustainability Committee in accordance with corporate regulations and policy.

63.2 The Executive Director, Economy, Environment & Culture explained that a proposed officer amendment to the report had been circulated to Members. The amendment was in relation to paragraph 3.11 that concerned highway fees and specifically Temporary Event Advertising signs and sought to clarify where the council was proposing to charge for public event signage. The Executive Director, Economy, Environment & Culture explained that the charge was only proposed for signage for advertising purposes and would not be applied to any reasonable directional signage used to direct people to the location of a public event in the city. Furthermore, charities would be entitled to a 50% reduction in the fee. The officer amendment to paragraph 3.11 is set out in bold italics with relevant deletions below:

City Transport

3.11 Highways (Appendix 3)

The majority of fees and charges will increase in line with the corporate rate of inflation with the following exceptions.

- Fees relating to Section 50 Opening Charges and Works on the Highway (installation of ramps) have been reviewed and amended to reflect the cost of associated inspections and officer time. The proposed fees have therefore been set to ensure cost recovery.
- It is proposed to introduce a new fee for Temporary Event Advertising Signs. Brighton and Hove is a very popular city for a range of events, for which many organisations wish to advertise on the public highway ~~or need to provide temporary directional signage to the event location~~. There are specific requirements that must be met with regard to advertising and signing on the highway, which involves an officer assessing the application and sites for signage and authorising each location. The introduction of a new fee will allow the council to recover the costs for providing essential highway approval for these temporary advertisements and signage. It is estimated that an initial fee of £10 per sign for the first 50 reducing to £5 for any further signs will cover the cost of administering this process. ~~As the process is the same irrespective of type or size of the event, this fee will apply to all type of events, including charity events.~~ **However, a 50% discount will be offered to charities.**

The Brighton and Hove Traffic Management Permit scheme was introduced on 30th March 2015 as a way to manage activities in the public highway and to minimise disruption from street and road works. To meet the additional cost of introducing and operating a permit scheme, the Traffic Management Act 2004 gives permit authorities the power to charge a fee in respect of certain activities. Fees have been set at levels that are expected to reasonably cover the cost of the scheme and are reviewed on an annual basis. It is proposed that fees will be maintained at existing rates in the 2017-18 financial year. A schedule of fees is available on the council website.

- 63.3 Councillor Deane thanked officers for a detailed report and asked for clarity on the 50% increase in wasp nest removal.
- 63.4 The Environmental Health Manager explained that this was a new service introduced in 2016/17 and was not meeting cost recovery at its current fee.
- 63.5 Councillor Atkinson thanked officers for a comprehensive report. Councillor Atkinson welcomed sports booking fees remaining at the same level whilst discussions took place on the future of parks. Councillor Atkinson noted that most fees would only rise at the rate of corporate inflation which was a fair approach. Revised charges for parking appeared to be a sensible mixture of discouraging non-resident parking and promoting underused car parks and parking charges were one method of reducing congestion and air pollution. Councillor Atkinson stated that in relation to sustainable transport goals in the city, he hoped local bus operators would think carefully before raising their prices.

- 63.6 Councillor Janio asked for further clarification on the proposed increase to Temporary Event Advertising Signs specifically the proposed policy for those signs that provided directions and those advertising events.
- 63.7 The Chair stated that the officer amendment circulated clarified the policy and removed all references to directional signs and made the position of charities clear.
- 63.8 Councillor Miller noted that High Street car park had a proposed charge of £2,080 for an annual season ticket and asked for clarification as to why this was significantly higher than the main car parks such as Regency Street and Trafalgar Street. Furthermore, Councillor Miller noted that there was no three hour tariff and asked if residents and visitors would have to pay for four hours even if they stayed little over two hours.
- 63.9 The Assistant Director- City Transport answered that High Street car park was very busy and in the central area and the differential between that and other car parks reflected market rates. In relation to the query raised on two hour tariffs, the Assistant Director- City Transport confirmed that a stay longer than two hours and up to four hours would be charged at the four hour tariff price.
- 63.10 Councillor Greenbaum welcomed the report stating that the parking tariff management struck a fair balance. Councillor Greenbaum asked why all off-street parking did not increase at 2% and why second permits in households had not been introduced.
- 63.11 The Parking Strategy and Contracts Manager stated that the increases were considered in the context of traffic management and any increases were related to demand. The Parking Strategy and Contracts Manager clarified that second permits had not been considered due to several complications particularly in relation to students and which member of the household paid the higher charge.
- 63.12 Councillor Janio requested assurance that there would be no misinterpretation over what constituted advertising signs and directional signs.
- 63.13 The Chair provided her assurance to Councillor Janio on the matter.
- 63.14 Councillor Wares stated that he was supportive of the fees and charges proposed for allotments, sports clubs, flyer licensing, trading standards, commercial, trade and green waste and environmental health. Councillor Wares stated that he was concerned about the highways element of the report and it appeared to him that the case put forward for rises relating to congestion and pollution were a smokescreen for opportunistic rises. Councillor Wares referred to the fact there were no increases in off-street parking charges aside from one location which was opposite the i360. Councillor Wares noted that the Council needed the i360 to be a success and such proposals may deter visitors to the attraction. Councillor Wares added that increases to the price of permits for sole traders, small businesses, doctors, teachers and carers could not, in his view, possibly be to manage demand or congestion. Councillor Wares also believed there should be no increases to apply for a disabled bay.
- 63.15 On behalf of the Conservative Group, Councillor Wares moved the following motion to add recommendation 2.1 d), e) and f) as shown in bold italics below:

- d) Recommends to Policy, Resources & Growth Committee that on-street parking charges be frozen at current rates.***
- e) Recommends to Policy, Resources & Growth Committee that parking permits of all types be frozen at current rates.***
- f) Recommends to Policy, Resources & Growth Committee that disabled bay application fees and individual bays be frozen at current rates.***

63.16 Councillor Miller formally seconded the motion.

63.17 On behalf of the Conservative Group, Councillor Miller moved a motion to add a recommendation 2.1 g) as shown in bold italics below:

- g) Recommends to Policy, Resources & Growth Committee that at Rottingdean Marine Cliffs, Rottingdean West Street car parks and Rottingdean High Street seafront pay and display; a free one hour tariff be introduced***

63.18 Introducing the amendment, Councillor Miller stated that the three Rottingdean Coastal ward councillors had met with local traders that morning and they had asked for the proposal to be made. Councillor Miller explained that whilst Rottingdean High Street did have high levels of air pollution; many residents were elderly and had to travel by car. Local business had suffered in recent years and several had shut or were about to close due to parking charges and the fact that all villages in the surrounding area had free parking. There would also be a negative impact to the council through business rates lost.

63.19 Councillor Wares formally seconded the motion.

63.20 Councillor Greenbaum stated that whilst she was sympathetic to Councillor Miller's amendment, it was necessary to think more progressively particularly in relation to air quality and a free one hour tariff was not the solution to such issues.

63.21 The Legal Officer advised that in the event any of the proposed motions were agreed, additional wording would be required at the end of 2.1 a) to reflect the Committees recommendation to Policy, Resources & Growth Committee.

63.22 The Chair put the officer amendment to the vote which was carried.

63.23 The Chair put 2.1 d) of the Conservative Group motion to the vote which failed.

63.24 The Chair put 2.1 e) of the Conservative Group motion to the vote which failed.

63.25 The Chair put 2.1 f) of the Conservative Group motion to the vote which was carried.

63.26 The Chair put 2.1 g) of the Conservative Group motion to the vote which failed.

63.27 The Chair then put the recommendations, as amended, to the vote which was carried.

63.28 RESOLVED- That Committee:

- a) Approves the proposed fees and charges for 2017/18 as set out within the report and its appendices save for as set out in d) below.
- b) Delegates authority to the Executive Director of Economy, Environment & Culture to increase any charges for fees as notified and set by central Government during the year.
- c) Approves the introduction of a 50% discount on the cost of parking suspensions for charities and local community events with an estimated attendance of less than 15,000 and not already covered by an exemption such as Pride and Armed Forces Day.
- d) Recommends to Policy, Resources & Growth Committee that disabled bay application fees and individual bays be frozen at current rates.

64 PRESTON VILLAGE & BALFOUR ROAD AREA RESIDENT PARKING SCHEME CONSULTATIONS

- 64.1 The Committee considered a report of the Executive Director, Economy, Environment & Culture that set out the outcome of the recent public consultation undertaken for a proposed parking scheme in the Balfour Road area and Preston Village area and requested permission to proceed.
- 64.2 Councillor Miller stated that he felt individuals rather than households should be able to respond to the consultation as there may be a difference of views.
- 64.3 The Parking Infrastructure Manager stated that one purpose of such an approach was that the council could only guarantee one permit per household at the outset of any scheme consultation. Furthermore, it would be unfair for a five person household to have a more significant representation to a consultation than a single person household when both households would have the same parking capability in the area.
- 64.4 Councillor Wares asked if there would be any impact from the three local schools as this issue had previously been raised and was not mentioned in the report.
- 64.5 The Parking Infrastructure Manager clarified that should the scheme be approved, the schools would be eligible for one permit for every six members of staff and some schools in the area had off-street parking which would be taken into account. In addition each school would also be entitled to two business permits.
- 64.6 Councillor Wares asked if officers were satisfied that there would be sufficient spaces for residents, teachers and school staff.
- 64.7 The Parking Infrastructure Manager responded that it was always difficult to determine a precise capacity for a proposed controlled parking zone as it would depend on take-up once the scheme was operational. Furthermore, there would be a limit of twenty permits per school and a pay and display system was under consideration for the top end of Balfour Road where there were less residential properties.

- 64.8 Councillor Nemeth asked officers if they had any view as to why the consultation results indicated a preference for a full scheme rather than a light touch scheme.
- 64.9 The Parking Infrastructure Manager clarified that this could be due to several reasons including a view on how the nearby Fiveways scheme had worked or that a full scheme was preferable as there was increased enforcement.
- 64.10 Councillor Janio asked if there was any statutory guidance requiring that households were consulted rather than individuals.
- 64.11 The Parking Infrastructure Manager replied that this was reflected in the local Highways consultation policy.
- 64.12 The Legal Officer supplemented that if reviewed by the courts, the council's consultation approach would be deemed over and above what was necessary. The council, through its own policies, had introduced an additional stage of consulting with householders that was not required by legislation. The Legal Officer added that there was also a second stage to the consultation in the advertising of the necessary Traffic Order to which any individual could make objection or support and those representations were returned to the committee for consideration.
- 64.13 **RESOLVED-** That the Committee approves:
- (a) That a new resident parking scheme (Monday to Friday 9am-8pm) be considered within the Preston Village area (Appendix B) and that this proposal be progressed to the final design with the Traffic Order advertised to allow further comment.
 - (b) That an extension to the Area F resident parking scheme (Monday to Sunday 9am-8pm) be considered within the Balfour Road area (Appendix A) and that this proposal be progressed to the final design with the Traffic Order advertised to allow further comment.
 - (c) That an order should be placed for any required pay and display equipment to ensure implementation of the new proposed parking scheme (if agreed at a further committee meeting) is undertaken as programmed.

65 BRIGHTON AND HOVE PERMIT SCHEME END OF YEAR REPORT

- 65.1 The Committee considered a report of the Executive Director, Economy, Environment & Culture that sought approval to publish the end of year report detailing performance of the Brighton & Hove road and street works permit scheme against nationally set Key Performance Indicators (KPI's).
- 65.2 Councillor Janio noted that the eventual introduction of the scheme had begun with a Conservative Group Notice of Motion and he was pleased that the Permit Scheme had been a success and established more order on the transport network. Councillor Janio noted several discrepancies in the document that he believed required further input before the document was formally published.

65.3 The Chair moved a motion to amend recommendation 2.2 as shown in bold italics below:

2.2 That the Environment, Transport and Sustainability Committee approves the publishing of the attached end of year report on the Councils web pages ***following consultation with the lead spokespersons.***

65.4 The motion was carried.

65.5 Councillor Atkinson welcomed the report that had reduced disruption on the transport network in Brighton & Hove.

65.6 Councillor Wares welcomed the report that had made a significant difference in his ward as to how work had been planned and communicated.

65.7 Councillor Deane echoed the praise made by other members of the committee and that the scheme represented effective cross-party working.

65.8 **RESOVLED-**

1) That the Environment, Transport and Sustainability Committee approves the publishing of the attached end of year report including sending a copy to the Department for Transport.

2) That the Environment, Transport and Sustainability Committee approves the publishing of the attached end of year report on the Councils web pages following consultation with the lead spokespersons.

66 **THE BIG CONVERSATION - AN OPEN SPACES STRATEGY FOR BRIGHTON & HOVE**

66.1 The Committee considered a report of the Executive Director, Economy, Environment & Culture that set out a review of the future provision and maintenance of parks and open spaces in the city together with the results of over 3500 responses to "The Big Conversation", the public consultation on the future of parks and open spaces. The review and consultation results informed the Open Spaces Strategy recommended for approval.

66.2 Councillor Janio stated that the policy was very sensible and in accordance with his political party's manifesto. Councillor Janio thanked officers for the amount of work that had been put into the report but expressed his concern that there was a slight disconnect between the report and appendix that set out the Strategy. Councillor Janio stated that because of his concern regarding a loss of democratic oversight, he would be moving an amendment to ensure that the public had further opportunity to comment on any policies as this was likely the first occasion they had seen proposals for the future of parks and open spaces.

66.3 On behalf of the Conservative Group, Councillor Janio moved a motion to amend recommendation 2.1 as shown in bold italics below:

- 2.1 That the Committee approves the Open Spaces Strategy attached in Appendix 1 ***on the condition that the actions listed in the Strategy will return to this Committee for final approval and will have been consulted on with stakeholders.***

- 66.4 Councillor Wares formally seconded the motion.
- 66.5 Councillor Nemeth asked how any tennis club strategy would link in with the Playing Pitch Strategy.
- 66.6 The Assistant Director- City Environmental Management answered that the council were keen on establishing a formal partnership with local clubs and associations and any changes arising from a future implementation plan would be consulted upon with clubs, the Lawn Tennis Association (LTA) and the Brighton & Hove League before being brought before committee for decision.
- 66.7 Councillor Wares asked for clarification that the proposed amendment would not lead to a contradiction in recommendations 2.4, 2.5 and 2.1.
- 66.8 The Assistant Director- City Environmental Management clarified that the Playing Pitch Strategy was recommend to Members for approval as following discussions with the Football Association, an approved Playing Pitch Strategy was a fundamental requirement in any applications for grant funding. The Play Area report listed at recommendation 2.4 for noting was important as there was value for Members to be aware of the current play area conditions alongside the short-term, mid-term and long-term outlook for the facilities and the implications for the council. Implementation Plans for play areas would be brought back to committee following relevant consultation for consideration.
- 66.9 The Head of Sport & Leisure added that in relation to the Playing Pitch Strategy, this had been undertaken in line with the strict requirements of Sport England and had been signed off by the governing bodies of the steering group and Sport England. The document was important for pitches across the city and it was a requirement for cities with a population of 250,000 and above to have a Playing Pitch Strategy.
- 66.10 Councillor Robins noted that the large reduction of those on the waiting list for an allotment had been due to the Allotment Strategy which had not been mentioned in the report. Furthermore, the report noted that 77% had never used or visited an allotment site but had not addressed the fact that allotment sites were not on public land. Councillor Robins asked what the difference was between an open and closed church yard.
- 66.11 The Assistant Director- City Environmental Management stated the figures provided were just a snapshot and increased and decreased year round. The difference between open and closed church yards was complex but in essence related to a church yard that ceased to have additional burial space. The Diocese could then hand these over to the local authority for maintenance but there was no obligation on the part of the Diocese to provide the funding to do so.

- 66.12 Councillor Miller welcomed the report and asked whether the costs detailed in relation to the life expectancy of play equipment and estimated costs of replacement were index linked.
- 66.13 The Assistant Director- City Environmental Management responded that the figures were not index linked and the report was a snapshot of an assessment of play equipment carried out in September 2016.
- 66.14 Councillor Atkinson thanked officers for producing a substantial and important piece of work adding that the Strategy was forward thinking in the context of ongoing challenging financial circumstances. Councillor Atkinson stated that he was excited by the opportunity to bid for the Parklife Football Hubs National Programme to fund the introduction of 3G football pitches. Councillor Atkinson noted that Mile Oak Wanderers were an excellent example of a local community organisation in his ward area, were desperate for more playable pitches and were positive about a partnership arrangement with the council. Councillor Atkinson noted his concern that raising sponsorship for specific parks may be more challenging in less affluent areas. Councillor Atkinson supplemented that he found the establishment of a Parks Foundation to be a positive idea
- 66.15 Councillor Deane thanked officers for a comprehensive and informative report. Councillor Deane stated her agreement with Councillor Robins that the Allotment Strategy had been the key driver in reducing allotment waiting lists rather than a lessening in demand. Councillor Deane noted that 74% of respondents to the consultation had stated a preference for more natural play equipment adding that there had perhaps been a lack of foresight in introducing the playbuilder equipment without an allowance for a ring-fenced maintenance fund.
- 66.16 Councillor Greenbaum stated that officers had produced an excellent report for the future of parks and green spaces in the economic circumstances. Councillor Greenbaum stated that the scale of proposed government cuts to maintain green spaces was a tragedy. Councillor Greenbaum asked for reassurance that volunteers would be provided appropriate resources to undertake work and clarification on any known health risks associated with 3G turf.
- 66.17 The Chair stated that she was aware that international studies had been carried out on potential health risks associated with 3G turf and she would ensure that an evaluation report would be included with any report on the matter submitted to the committee.
- 66.18 The Assistant Director- City Environmental Management stated that the Park Ranger service was ideally placed to lead on volunteering and the consultation had demonstrated a willingness of people to engage and work with the council. The Assistant Director- City Environmental Management added that there had been a number of studies carried out on the safety of 3G turf pitches that addressed the concerns raised and he would circulate this subsequent to the meeting.
- 66.19 Councillor Janio stated that officers had produced a fantastic report and he found the idea of a parks foundation or trust to be very positive. Councillor Janio asked if he could be involved in the creation of the Tree Strategy that was identified in the report as he was a trustee of the Woodland Trust and could provide useful input.

66.20 The Chair stated that she would very much support Councillor Janio's input into any review of the Tree Strategy.

66.21 Councillor Wares commended officers for an excellent report. In reference to the motion put forward, Councillor Wares noted that whilst there were 3,000 responses to the consultation which meant it was one of the city's most engaging, this represented just over 1% of the total population of Brighton & Hove and it was important that the public had a second opportunity to contribute as detailed proposals were considered. Councillor Wares noted the detail in relation to anti-social behaviour, safety and crime and asked whether the Chief Constable had been consulted as part of the process as they could provide a useful viewpoint on the proposals. Councillor Wares asked if there was an omission or mistake made as nowhere within the document was there mention of the risk or management of travelling families and proposals on permitted stopping places.

66.22 The Chair explained that council policy in relation to travelling communities was enshrined in the Traveller Strategy agreed by the Committee and she was not aware of any proposal for permitted stopping places. The Chair confirmed that Sussex Police were one of the consultees.

66.23 The Chair put the Conservative Group motion to the vote which passed.

66.24 The Chair put the recommendations as amended to the vote which passed.

66.25 **RESOLVED-**

- 1) That the Committee approves the Open Spaces Strategy attached in Appendix 1 on the condition that the actions listed in the Strategy will return to the Committee for final approval and will have been consulted on with stakeholders.
- 2) That the Committee approves the priority actions listed in the Executive Summary included in the Open Spaces Strategy attached in Appendix 1.
- 3) That the Committee notes the results of "The Big Conversation" consultation for which a summary report is attached in Appendix 2.
- 4) That the Committee approves the Playing Pitch Strategy as circulated to Members and made available on the council's website for which the Executive Summary is attached in Appendix 3.
- 5) That the Committee notes the Play Area Report in Appendix 4.
- 6) That the Committee notes that further reports on the detailed implementation plan and timetable will be brought to future committees for Members consideration.

67 ITEMS REFERRED FOR FULL COUNCIL

67.1 No items were referred to Full Council for information.

The meeting concluded at 6.25pm

Signed

Chair

Dated this

day of

Subject: Petitions
Date of Meeting: 14 March 2017
Report of: Monitoring Officer
Contact Officer: Name: John Peel Tel: 29-1058
E-mail: john.peel@brighton-hove.gov.uk
Wards Affected: Various

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To receive any petitions submitted directly to Democratic Services or any e-Petition submitted via the council's website.

2. RECOMMENDATIONS:

- 2.2 That the Committee responds to the petition either by noting it or writing to the petition organiser setting out the Council's views, or where it is considered more appropriate, calls for an officer report on the matter which may give consideration to a range of options, including the following:
- taking the action requested in the petition
 - considering the petition at a council meeting
 - holding an inquiry into the matter
 - undertaking research into the matter
 - holding a public meeting
 - holding a consultation
 - holding a meeting with petitioners
 - calling a referendum

3. PETITIONS

3. (i) Hove Station Footbridge- Mike Gibson

To receive the following petition signed by 550 people

"We the undersigned members/supporters of Hove Station Neighbourhood Forum and local residents urge Brighton & Hove Council to:

- improve the standard of cleanliness of the footbridge*
- identify and implement any short term measures which will improve the appearance of the footbridge*
- establish the most appropriate longer term action needed- either major refurbishment or replacement with lift provision*

- *secure funding from a combination public sector sources and the developer contributions generated by successive major redevelopment projects which will be starting in the vicinity of the bridge next year”*

3. (i) Hanover & Elm Grove controlled parking zone proposals- Ian Berry

To receive the following petition signed by 106 people

“We the undersigned being residents of the "top triangle" request as part of the proposed CPZ consideration be given allowing for some pavement parking as is currently common practice here & in other councils, with compliance to at least meet minimum recommendations. This will help ease the considerable disruption the current proposal will cause to residents due to the substantial loss of available parking and the known high ownership of cars in the area. We understand that part of any costs incurred in allowing this can be offset by the extra revenue generated by the additional permits sold. Although we also note that the current pavement structure appears to withstand the extra loading from being parked on it with almost no damage”.

DEPUTATIONS FROM MEMBERS OF THE PUBLIC

A period of not more than fifteen minutes shall be allowed at each ordinary meeting of the Council for the hearing of depositions from members of the public. Each deposition may be heard for a maximum of five minutes.

Depositions received:

(i) Deputation: Road Safety on Francis Street

1. Pedestrians forced to walk in path of incoming traffic as walkways are blocked by blue badge holders and loading / unloading vehicles and poorly placed road furniture like cycle stands and street lamps.
2. Residents in Corola Court who have garages cannot get their cars out of their garages because blue badge holders park in front of their garage doors. There are no retractable bollards to stop this from happening.
3. The bollards we do have are only attached to about 5 inches of surrounding brick pavement and have no foundation so just fall over, even possible with a sharp kick. I have checked other bollards in the city and many are actually bolted to a lower foundation for strength, also many of the shared space areas utilise retractable bollards (for example Sainsbury's on Ann Street).
4. Overall as shared spaces go in Brighton and Hove there is a noticeable quality difference to what Hyde have presented and what is presented in the rest of the city.
5. The shutters on the market side get repeatedly hit by reversing vehicles, this damages them, so many claims have been made on the insurance that now the premium has gone up. There are no retractable bollards to stop vehicles hitting the shutters when the market is not using the loading bays.
6. There are no signs asking drivers to respect that they are in a residential area.
7. There was no "Access Only" traffic regulation order agreed during planning to stop Francis Street being used as a rat run to escape the bottle neck on Trafalgar Street.
8. There is insufficient signage at the head of the road to warn drivers that this is a residential area and to drive with caution.
9. There is a disabled bay at the Ditchling Road end that forces pedestrians to walk in the path of speeding vehicles.

Supported by:
Ross Harper (Lead Spokesperson)
Sarah Williams
George Butler
Claire Wellsted
Richie Harwood
Lily Asquith
Alex Lambeth
Gareth Brown
James Murray

Nicola Tatum
Eva Berry-Lelkesova
Ben Naylor

(ii) Deputation: Old Shoreham Road Toilets

The Old Shoreham Road Cemetery is a ground that accommodates a variety of faiths. These include Coptic Christians, Muslims, Non-Orthodox Jews and B' hais. In addition, there are War graves and a Woodland area.

Three years ago, the toilets on the North side of the Old Shoreham Road were vandalised and have subsequently been closed without repair.

The result is that both disabled and elderly mourners find it impossible to attend funerals of their loved ones or friends,

The toilets on the south side are available but this involves crossing a dual carriageway (which does not have a zebra crossing or timed traffic lights,) plus disabled and elderly people usually need the toilet as matter of urgency., therefore the distance renders them useless.

I am the President of Brighton and Hove Progressive Synagogue and am the sole carer for my disabled husband. Part of my Synagogue duty is to attend funerals of congregants, however due to no toilet facilities (for the last three years) I have been unable to attend any of these. My husband is also denied the opportunity to pay his respect to lost friends.

When we have a funeral, we have to advise mourners there are no toilet facilities.

To date I have met with Paul Holloway (Head of Life Events) Nick Taylor (Councillor for Withdean) and have been advised that due to cost cutting the toilet cannot be repaired.

The positive news is that Councillor Dawn Barnett is confident the problem of vandalism has now been resolved.

The building which houses the toilet is still intact and the Council Graveyard workers now store their equipment in them.

All we require is one toilet that is suitable for all genders and disabilities.

As the toilets on the South side are already serviced by Wettons the on cost to the council can only be minimal.

We find it hard to believe that reinstating one toilet would be prohibitively costly and request you revise your previous decision.

Brighton and Hove Council prides itself on its inclusive attitude, yet by not reinstating a toilet on the North side of the cemetery you are discriminating against the most vulnerable in our society (disabled and the elderly) in a very unfair way and insensitive manner.

We hope you will reconsider this issue.

Supported by:

Sandra Walker

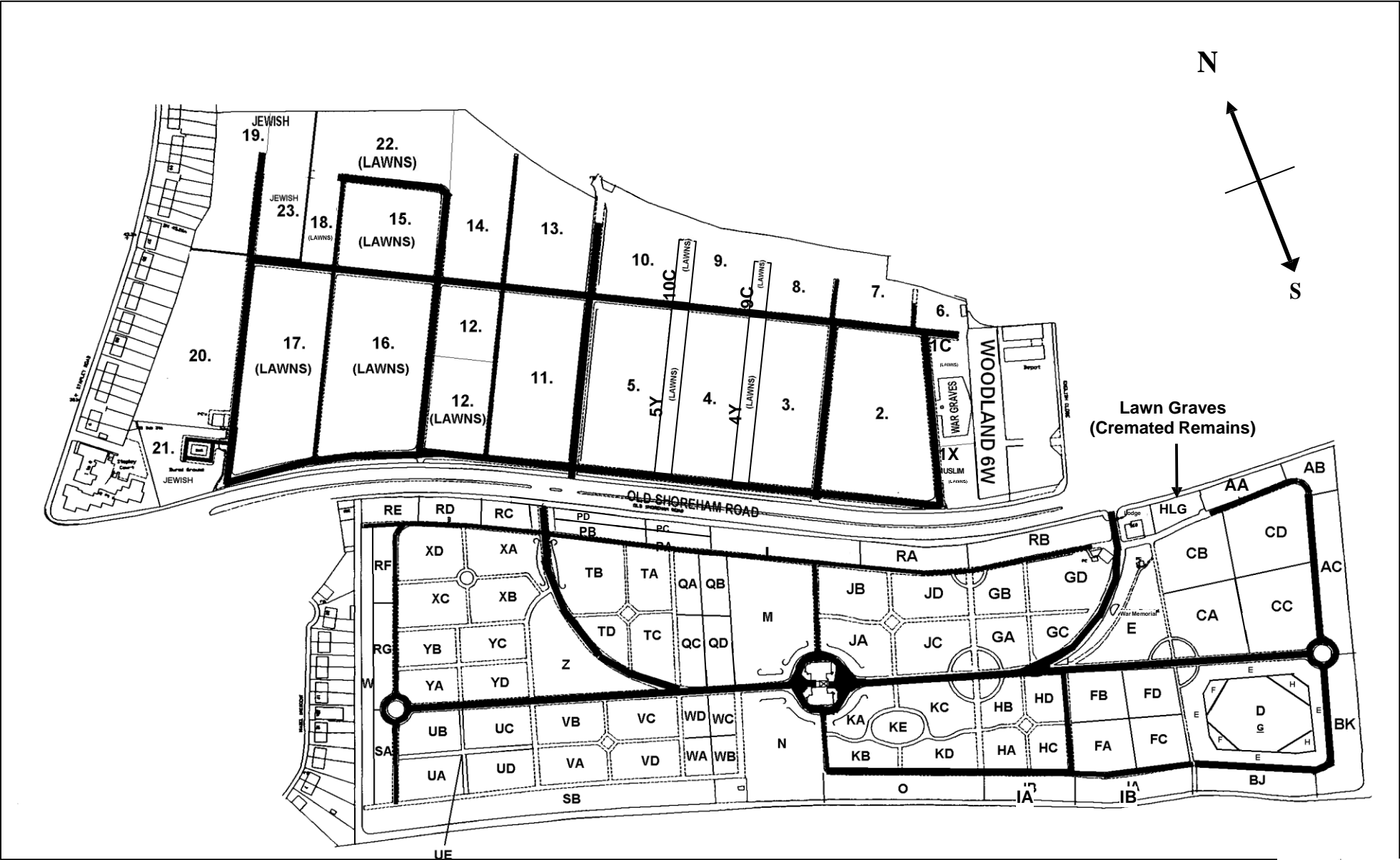
Clifford Walker

Myra Bianco

Peter Bennett-Speck

Karen Katz

Note: Supporting information to the deputation above is detailed in appendix 1



Councillor Mary Mears

**Brighton & Hove City Council
Hove Town Hall
Norton Road
Hove BN3 3BQ**

The Chief Executive
Brighton & Hove City Council
Hove Town Hall
Hove
BN3 3BQ

Date: 01 March 2017

Our Ref:

Your Ref:

Phone: (01273) 294370

e-mail: mary.mears@brighton-hove.gov.uk

By email:

Dear Chief Executive

Re: Item 81 - Application for a Definitive Map Modification Order, The Paddock, Roedean

I should be grateful if this letter can be included on the agenda for the next Environment, Transport & Sustainability Committee meeting.

I am writing in support of Roedean Residents for their Application for Definitive Map Modification Order.

I first became a Councillor on the old Brighton Borough Council, for Marine Ward in 1992, which took in Roedean. And I am very aware of the history of the issue regarding the path going back many years.

In the past on advice from the Ramblers Association to the Roedean Residents Association, they obtained official forms to complete confirming they had used the footpath over the past 20 years. 12 were sent together with their official application and maps showing the line of the footpath to the BHCC legal department who assigned the case to an officer (name is known).

Official notices were pinned at three points along the footpath stating the intent. Roedean Residents Association appointed a lead resident to represent them, this proved difficult with lack of replies to any correspondence, but after a year the officer finally told him they had prepared a report which would be sent to committee. When asked when there was no reply.

Councillor Mary Mears
Ward Councillor for Rottingdean Coastal
Tel: 01273 294370
Blackberry 07795 336001
Email: mary.mears@brighton-hove.gov.uk

Roedean Residents Association have the necessary documents such as maps with photos of the Concrete Steps leading down to the coast road. If as stated there was no right of way, then it would be reasonable to ask why concrete steps were built in the first place if they were not leading to a path?

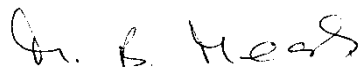
As to the diagonal path, it must be remembered that the Paddock site is vacant and people walk across it.

All the properties bordering the footpath 2,4,6,8,10,12,14,18,20, have exits onto the footpath, these properties were built many years ago..

I would also request to speak to my letter at committee.

Kind regards.

Mary

A handwritten signature in black ink, appearing to read 'M. B. Mears'.

Councillor Mary Mears

Councillor Mary Mears
Ward Councillor for Rottingdean Coastal
Tel: 01273 294370
Blackberry 07795 336001
Email: mary.mears@brighton-hove.gov.uk

Councillor Dick Page

**Brighton & Hove City Council
Hove Town Hall
Norton Road
Hove BN3 3BQ**

The Chief Executive
Brighton & Hove City Council
Hove Town Hall
Hove
BN3 3BQ

Date: 01 March 2017
Our Ref:
Your Ref:
Phone: (01273) 291834
e-mail: dick.page@brighton-hove.gov.uk

Dear Geoff

I am submitting the following letter under Council Procedure Rule 23.3 to be included on the agenda for the Environment, Transport & Sustainability Committee meeting of 14th March 2017.

As a HEG ward councillor I am aware of the huge efforts of officers and residents to work together on Parking Scheme proposals over the last two years or more, which reflect the preferences and needs of diverse neighbourhoods across the whole ward. This has been a thorough consultation of c.7,500 households, involving more than 1,000 initial volunteer surveys thanks to our Local Action Team, and with a final “turnout” of nearly 37% - in a ward with low vehicle ownership.

I fully support proposal (a) for a Full Scheme – a “wedge” up the whole western side of the ward – and will continue to explain and support this with practical suggestions in response to residents’ questions and concerns.

However I cannot support proposal (c) – a Light Touch scheme for the whole of the remainder of the ward. Several coherent neighbourhoods have for specific local reasons either expressed a strong preference against any scheme on a high turnout, or have shown no clear preference on a much lower turnout. This area (for it is one), of a viable size to remain with unrestricted parking, is high up a big hill and relatively distant from the city centre, so residents there have spoken – in the full knowledge that they may experience displacement parking once neighbouring schemes are in place. They have judged this on balance to be a risk worth taking, alongside other considerations. Whilst it could be argued that this is an unwise choice, if our Council’s policy of responding to residents’ wishes over Parking Schemes – rather than imposing them – means anything, we should proceed with a Light Touch scheme only in a defined area which has perhaps reluctantly, but clearly, opted for one. This is bounded by and includes Bonchurch Road, Shanklin Road, Hartington Terrace, Totland Road (or the road parallel to it) and that section of Elm Grove.

Should residents in the resulting unrestricted “third” of the ward approach me in future about changing their mind, I will explain that we have carefully considered the preferences of different neighbourhoods in this big consultation exercise, and that it may not be efficient or effective for the Council to revisit arrangements for some years to come.

Your agreement to such a defined alternative Light Touch scheme will not only enhance trust in the Council for respecting consultation results and residents’ preferences, it will also protect our reputation against claims of imposing CPZs to generate the maximum income from motorists.

Unfortunately due to an important health treatment I am in Bristol on the day your Committee meets, but I will support any representations my colleague Cllr Gibson makes to you in person.

Yours sincerely

Cllr. Dick Page

Hanover & Elm Grove ward councillor

Subject:	Health and Safety Service Plan 2017-18		
Date of Meeting:	14 March 2017		
Report of:	Executive Director Neighbourhoods, Communities and Housing		
Contact Officer:	Name:	Roy Pickard	Tel: 292145
	Email:	roy.pickard@brighton-hove.gcsx.gov.uk	
Ward(s) affected:	All		

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

- 1.1 The Health & Safety Service Plan is required under the National Local Authority Enforcement Code, issued by the Health and Safety Executive, under Section 18 of the Health and Safety at Work etc Act 1974.
- 1.2 This work is very important to a city like Brighton & Hove with its leisure and tourist industry, its night time economy and its retail businesses. It keeps the city's workers, residents and visitors safe and healthy and enhances the city's reputation as an attractive place to work, live and visit.
- 1.3 Recent years' activities were determined by reducing service budget, the local public health agenda and the 'better regulation' agenda. Deregulation impacted on health and safety following Lord Young's review of health and safety, Common Sense - Common Safety, the Löfstedt review recommending reducing the burden of unnecessary regulation on businesses and the HSE's National Local Authority (LA) Enforcement Code which provided a principle based framework that recognised the respective roles of business and the regulator in the management of risk.

2. RECOMMENDATIONS:

- 2.1 That the Committee approves the proposed Health & Safety Service Plan 2017/2018 at Appendix 1.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Health and safety legislation in Great Britain is enforced by HSE or one of over 380 Local Authorities (LA), depending on the main activity carried out at any particular premises. In general, Local Authorities are the main enforcing authority for retail, wholesale distribution and warehousing, hotel and catering premises, offices, and the consumer/leisure industries. In Brighton and Hove this is approximately 8,000 businesses.

- 3.2 Each LA is an enforcing authority in its own right and must make adequate provision for enforcement. The LA National Enforcement Code introduced in May 2013 sets out the principles that each LA should follow to ensure a consistent, proportionate and targeted approach to regulation based on risk.
- 3.3 Local Authorities use a number of intervention approaches to regulate and influence businesses in the management of health and safety risks including:
Provision of advice and guidance to individual businesses or groups
proactive interventions, including inspection and reactive interventions, e.g. to investigate an accident or complaint.
- 3.4 LA inspectors may use enforcement powers, including formal enforcement notices, to address occupational health and safety risks and secure compliance with the law. Prosecution action may be appropriate to hold duty holders to account for failures to safeguard health and safety.
- 3.5 The Health & Safety Annual Service Plan is a statutory document required under guidance issued by the Health and Safety Executive (HSE), National Local Authority Enforcement Code. This Code requires Local Authorities to make adequate arrangements for providing a health and safety service that includes an enforcement role.
- 3.6 There have been a number of national health and safety reviews over the last five years. Consequently, Central Government thinking on how Local Authorities should approach enforcement of health and safety has changed. Regulators are to achieve their objectives in a way that minimises the burdens on business. Local Authorities are to embed a risk-based, proportionate, targeted and flexible approach to regulatory inspection and enforcement. This approach will ensure that regulators are efficient and effective in their work, without imposing unnecessary burdens on those they regulate.
- 3.7 To ensure local transparency and accountability, it is a requirement that the Health & Safety Service Plan is submitted to the relevant member forum for approval

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 5.1 The Service Plan is a statutory requirement. LAC 67/2(rev 4) and The National Local Authority Enforcement Code provides direction to Local Authorities on meeting statutory requirements.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 None

6. CONCLUSION

- 7.1 This report details how the Council intends to comply with its statutory duties.
- 7.2 Whilst the primary responsibility for managing health and safety risks lies with the business who creates the risk, health and safety regulators have an important role in ensuring the effective and proportionate management of risks, supporting

business, protecting their communities and contributing to a wider public health agenda

8. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 8.1 The costs associated with the implementation of the proposed Health and Safety Service Plan will be met from current council revenue budgets for Environmental Health.

Finance Officer Consulted: Monica Brooks

Date: 23/01/17

Legal Implications:

- 8.2 Section 18(4) of the Health & Safety at Work etc. Act 1974 imposes a duty on every local authority to make adequate arrangements for the enforcement within their area of the relevant statutory provisions for which they are responsible, and to perform those duties in accordance with guidance issued by the HSE. The Health & Safety Service Plan proposed for approval will assist the council in discharging its section 18 duties.

Lawyer Consulted: Elizabeth Culbert

Date: 27/01/17

Equalities Implications:

- 8.3 Where business considers that they operate in a lower risk sector and have been unreasonably subject to a proactive health and safety inspection by an LA they can complain to the Independent Regulatory Challenge Panel whose members have the competence and experience to assess regulatory matters.

Sustainability Implications:

- 8.4 Unacceptable risk, fatalities and major injuries would reduce development of the city, tourism and benefits to local people, in addition to private and family lives.

Any Other Significant Implications:

- 8.5 The service plan protects public health by improving standards in work places reducing sickness and ill health. The public and visitors to the city are also protected from accidents and incidents that can lead to injury.
- 8.6 A safe and healthy workforce benefits the local economy and develops the city's tourism.

Crime & Disorder Implications:

- 8.7 The reduction in preventative work may lead to an increase in poorly performing business resulting in more enforcement action,

Risk and Opportunity Management Implications

- 8.8 Proportionate decision making is required by the Council's Enforcement Policy, HSE's Enforcement Policy Statement and Enforcement Management Model

Public Health Implications:

- 8.9 Health and safety at work enforcement complements accident protection work like road safety and home safety. E.g. the health and safety team work with adult social care regarding reducing falls in care homes.

Corporate / Citywide Implications:

- 8.10 Inspectors take a risk based approach to intervention planning for both local & national priorities

SUPPORTING DOCUMENTATION

Appendices:

1. Health & Safety Service Plan 2017/2018

Documents in Members' Rooms

1. None

Background Documents

1. Health & Safety at Work etc Act 1974
2. Reducing administrative burdens: Effective inspection and enforcement – Philip Hampton - March 2005
3. Health & Safety Executive strategy 'be part of the solution'
4. Local Authority Circular (LAC 67/2 (rev4)
5. Common sense, Common Safety - Professor Ragnar E Lofstedt October 2010
6. Lord Young Report - Department of work and pensions. Good Health & Safety, Good for Everyone March 2011
7. Local Government Group2 (LGG) and HSE published joint guidance - "Reducing Proactive Inspections
8. Reclaiming Health & Safety for all. An Independent review of health & safety legislation. Professor Ragnar E Lofstedt. November 2011
9. The LA National Enforcement Code

Service Plan 2017-18

Directorate:	Neighbourhoods, Communities and Housing Directorate	Service:	Regulatory Services - Health And Safety Team
Responsible Officer:	Roy Pickard		

Corporate Plan - Priorities	
1	Economy and housing
2	Children and young people
3	Health and wellbeing
4	Community safety & resilience
5	Environmental sustainability

Corporate Plan - Purpose and Ambition (Modernising the Council)	
6	Strong civic leadership
7	Value for money
8	Quality public services
9	Protect the vulnerable
10	A high performing workforce

Service Objectives for 2015/16	
1	To comply with the National Local Authority Enforcement Code
2	
3	
4	
5	
6	

Key Service deliverables

Service Objective 1:					
Directorate Objective number	Action/deliverable	Due Date	Accountable Lead Officer	Internal /External partners involved	Measure of Success
	Proactive inspection of high risk activities in those sectors specified by HSE or where intelligence suggests risks are not being effectively managed.	31 st March 2018	Roy Pickard	HSE Fire Brigade Planning Building Control	Inspection of high risk activities in those sectors where intelligence suggests that risks are not being effectively managed.

Service Objective 2:					
Directorate Objective number	Action/deliverable	Due Date	Accountable Lead Officer	Internal /External partners involved	Measure of Success
	To investigate 150 RIDDOR accident notifications.	31 st March 2018	Roy Pickard	HSE Police Fire Brigade Planning Building Control Fall Prevention Team.	150 RIDDOR notifications investigated.

Service Objective 3:					
Directorate Objective number	Action/deliverable	Due Date	Accountable Lead Officer	Internal /External partners involved	Measure of Success
	To investigate 200 complaints of poor working practices/conditions.	31 st March 2018	Roy Pickard	HSE Police Fire Brigade Planning Building Control	200 complaints investigated.

Subject:		Official Feed and Food Controls Service Plan 2017/18	
Date of Meeting:		14th March 2017	
Report of:		Executive Directo Neighbourhoods Communities & Housing	
Contact Officer:	Name:	Nick Wilmot	Tel: 29-2157
	Email:	nick.wilmot@brighton-hove.gov.uk	
Ward(s) affected:		All	

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

- 1.1 To agree the Official Feed and Food Controls Service Plan previously known as Food Law Enforcement Service Plan required by the Food Standards Agency.

2. RECOMMENDATIONS:

- 2.1 That the committee agrees the Official Feed and Food Controls Service Plan 2017/2018 set out in the appendix to the report.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The Food Standards Agency's Framework Agreement on Local Authority Food Law Enforcement requires the production and publication of a service plan. Every local authority is required to develop an annual food enforcement service plan, which provides the basis on which local authorities are monitored and audited by the Food Standards Agency.
- 3.2 To ensure local transparency and accountability, it is a requirement that the Official Feed and Food Controls Service Plan is submitted to the relevant member forum for approval.
- 3.3 The attached plan (Appendix A) is an integral part of the organisation of Regulatory Services within Public Health.
- 3.4 In accordance with the Standard outlined in the Framework Agreement the food service is a mix of enforcement, intelligence based work, investigation and education. Key performance targets are completion of 98% of programmed food safety interventions and 90% of service requests responded to within 5 days.
- 3.5 In addition, areas of current good practice, and opportunities for further improvement, have been identified, both in Food Safety and Food Standards, in section 6.3 of the Service Plan. The targeting of resources to these areas of

work aims to provide a balanced mix of services, which is most likely to benefit the business sector, consumers and other stakeholders. The service will continue to focus enforcement action on the poorer performing businesses.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The plan and activities detailed within it are legally required to comply with the Food Law Code of Practice.

5. COMMUNITY ENGAGEMENT AND CONSULTATION

- 5.1 The planning process is governed by the national Food Safety Framework Agreement and so follows the same format each year. In past years draft plans have been circulated to the Brighton & Hove Food Partnership, the Brighton & Hove Citizens panel and Regulatory Services Peer Review.

6. CONCLUSION

- 6.1 That the committee agrees the Official Feed and Food Controls Service Plan 2017/2018 set out in the appendix to this report.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The costs associated with implementing and enforcing the proposed Official Feed and Food Control Service Plan 2017/18 will be met from the Food Safety revenue budget within Regulatory Services. The proposed 2017/18 budget for the Food Safety service is £526,350, as agreed by Budget Council on 23rd February 2017.

Finance Officer Consulted: Monica Brooks

Legal Implications:

- 7.2 The Food Standards Agency places a requirement on local authorities to develop and submit a service plan. Local authorities are audited and assessed by the Food Standards Agency on the basis of their food law enforcement service as provided for in their Service Plans. The Food Safety Act 1990 (Code of Practice) places a requirement on local authorities to operate an inspection rating scheme, which determines frequency of intervention of food premises. The Official Feed and Food Controls Service Plan 2017/18 identifies the planned number of interventions for that period.

Lawyer consulted: Elizabeth Culbert

Date 27/01/17

Equalities Implications:

- 7.3 An Equalities Impact Assessment has been undertaken. See 2.4.5 of appendix 1 for profile of the ethnicity of food business proprietors where notified during

the year 2015/2016. The service is mindful of the greater assistance food business operators require where their first language is not English. Written information, translation and interpreting services are employed where necessary to assist businesses to comply with regulatory requirements.

Any Other Significant Implications:

Public Health Implications:

- 7.4 The Food and Feed Service Plan is seen as key to protecting public health in the City. It is in line with the stated outcome to 'reduce health inequalities and long standing public health issues' as part of the priority of tackling inequalities which states that 'we will continue with high profile enforcement of food and health and safety rules, maintaining our excellent record of environmental health improvements.'

SUPPORTING DOCUMENTATION

Appendices:

1. Draft Official Feed and Food Controls Service Plan 2017/2018

Documents in Members' Rooms

1. None

Background Documents

1. None

**Brighton & Hove City Council Official Feed and Food Controls Service Plan
2017/2018**

1. Service Aims and Objectives

1.1 Aims and Objectives

- 1.1.1 The food service function of Brighton & Hove City Council is enforced by Environmental Health and Trading Standards staff within Regulatory Services. Following the retirement of the Head of Regulatory Services in 2015 temporary acting-up management arrangements were in place through 2016/17. The lead officers for Food Safety and Food Standards were part of these joint acting up arrangements. Permanent arrangements for overall management responsibilities will be confirmed during 2017/18.
- 1.1.2 Regulatory Services comes within the new Directorate of Neighbourhoods, Community & Housing.
- 1.1.3 Environmental Health & Licensing staff are primarily concerned with protecting and improving public health across the city. Within this service food safety officers work to ensure that food prepared and sold from local establishments is safe. This is achieved by carrying out a programme of interventions at food businesses, sampling and responding to service requests. Wherever practicable links are formed with the business community and all relevant professional groups with the objective of increasing and promoting food safety awareness.
- 1.1.4 The overall objective of the service is to provide a comprehensive food safety service to benefit consumers and the business community, with a considered balance between enforcement, investigation, advice and education.
- 1.1.5 Trading Standards officers aim to provide a comprehensive range of enforcement and advisory services to the community within a statutory framework. It's goal is to contribute, in conjunction with other agencies, to the development of a safe, fair and equitable trading environment for all consumers and businesses, by means of advice, information, education and enforcement.

The core aims being to ensure: -

- Accurate food information for consumers.
 - That compositional standard of food is maintained.
 - That food and feed are free from unsafe contaminants

The objectives being: -

- To carry out risk-based and intelligence led activities;
- To undertake screen testing and food sampling to reflect identified areas of concern;

- To respond appropriately to food complaints and initiate proportionate action;
- Respond to trader requests in a timely manner; and
- To educate the public on compositional and labelling issues to improve eating habits.

1.2 Links to Corporate Objectives and Plans

1.2.1 Brighton & Hove City Council's Corporate Plan for 2015-19 is to provide strong civic leadership for the wellbeing and aspiration of Brighton and Hove. The Council will be successful if it is judged to have delivered:

- **A good life** – ensuring a city for all ages, inclusive of everyone and protecting the most vulnerable
- **A well run city** – keeping the city safe, clean, moving and connected
- **A vibrant economy** – promoting a world class economy with a local workforce to match
- **A modern council** – providing open civic leadership and effective public services

1.2.2 The Official Feed and Food Control Service Plan has strong links with all of these aims.

1.2.3 The service has a published Enforcement Policy. This policy is a cornerstone for fair and open enforcement.

1.2.4 The service continually monitors business opinion through satisfaction surveys. The findings help to ensure that the service meets the requirements of local businesses, residents and visitors and provides a service the city deserves.

2. Background

2.1 Profile of the Local Authority

2.1.1 Brighton & Hove is a unitary authority on the south coast of England. It is approximately 50 miles from London. Bounded by the English Channel to the south and the South Downs to the north, it covers an eight-mile stretch of seafront and extends inland for approximately five miles.

2.1.2 Demographic information is available from online Brighton & Hove Connected <http://www.bhconnected.org.uk/>. The total estimated resident population in 2015 being 278,120.

Resident Population by Ethnic Group 2011 Census

White British, Irish, mixed and other	243,512
Asian or Asian British	11,278
Black or Black British	4,188

Oxford Consultants for Social Inclusion's (OCSI) Community Insight report of November 2015 reports that 4.9% of households have no member of the family with English as the main language.

- 2.1.3 Tourism plays a major part in the local economy. The Economic Impact of Tourism Brighton & Hove 2013 produced by Tourism South East estimated that £830M worth of direct sales were generated for local businesses by visitors to the city in that year.

2.2 Organisational Structure

- 2.2.1 Brighton & Hove City Council is a unitary authority that operates a committee system model. Responsibility for the food safety and standards services is delegates to the Environment Transport & Sustainability Committee.

2.3 Scope of the Feed and Food Service

- 2.3.1 A specialist Food Safety Team within Environmental Health carries out the food safety function. The work of the team includes:-
- Inspecting food premises:-
 - The investigation of food safety complaints;
 - Food poisoning investigations when linked to a premises;
 - Investigating infectious disease notifications;
 - Microbiological food sampling;
 - Food safety training;
 - Responding to requests for advice;
 - Initiatives relating to working with the community and businesses;
 - Taking appropriate steps to publicise and act upon national food alerts;
 - Publicising the food hygiene standards of local businesses;
 - Promoting healthy catering initiatives within local food businesses.
- 2.3.2 The food standards function is carried out by Trading Standards Officers. The work of the team includes the following: -
- Risk based enforcement activity – including inspections
 - Complaint investigation;
 - Food analysis and investigation;
 - Service Requests from businesses;
 - Education programmes;
 - Reacting to Food Alerts.
- 2.3.3 Food Standards work is undertaken in conjunction with work on other areas of Trading Standards law. For instance, a programmed food visit will also include giving advice about other matters such as prices, business names and weights and measures. In this way, a comprehensive visit is under taken so as to minimise any inconvenience caused to the general day-to-day running of the business.
- 2.3.4 Both Trading Standards and Environmental Heath officers have responsibility for enforcing relevant legislation in respect of imported products of animal origin and non animal origin. The food safety team deal with microbiological issues

and Trading Standards, compositional standards and also contaminants which includes mycotoxins and chemicals. Trading Standards have responsibility for the enforcement of regulations pertaining to allergen information relating to food

2.4 Demands on the Feed and Food Service

Food Safety

2.4.1 As at December 2016 there were 3300 food businesses registered. These premises are broken down into the following profile:-

8	Primary Producers
52	Manufacturers/Processors
3	Packers
4	Importers/Exporters
31	Distributors/Transporters
609	Retailers
2591	Restaurants and other Caterers
2	Manufacturers Selling Mainly by Retail
3300	TOTAL

2.4.2 Five food businesses are approved under Regulation (EC) 853/2004 for specific dairy, fish and meat products processing.

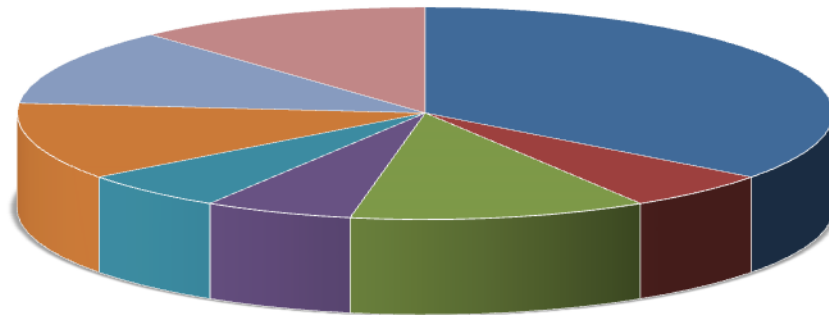
2.4.3 The nature of the city causes a considerable seasonal variation in the department's workload. Some businesses only open during spring, summer or school holidays, the intervention programme has to be tailored to meet these service needs. There is a dramatic increase in the number of visitors in the spring and summer and this increases the volume of requests for service, enquiries and other reactive work. Outdoor events such as music events, festivals, specialist markets, farmers' markets, open-air concerts and funfairs also add to the seasonality of the workload.

2.4.4 Premises data is captured on Uniform and therefore the premises profile is the same but as the risk assessment is based on the LGR scheme the individual premises have a different inspection frequency for Food Standards. As of the January 2017, 2811 premises were considered to have an 'inspectable risk' for Food Standards work. It has been noted that there is a high turnover of new premises requiring food standards advice.

Access to services

2.4.5 As part of the drive for continued improvement and dialogue with businesses, all establishments are requested to complete feedback questionnaires following inspections. The questionnaires request information on the ethnic origins of the business owners, 67% of those who gave an answer between April 2015 and February 2016 identified themselves as White British. The ethnicity of the remaining businesses identified as below.

Ethnicity of Food Businesses Where Notified 2015/2016



- 35.1% White Other
- 5.9% Asian or Asian British - Pakistani
- 11.8% Asian British-Other
- 5.9% Mixed Asian & White
- 5.9% Mixed - Black African & White
- 11.8% Any other mixed background
- 11.8% Arab
- 11.8% Any other ethnic group

2.4.6 In addition to having a number of key food safety advice leaflets in a variety of languages, the service has the capacity to have any leaflet, letter or other document translated as required. Wherever possible, opportunities are taken to provide information about services to ethnic communities. Where necessary, interpreters accompany officers on planned interventions.

2.4.7 Access to the service is provided by:

- Visiting either Bartholomew House Customer Services Centre, open hours 8:45am to 4:30pm weekdays or Hove Town Hall, opening hours 10:00am to 4:30pm;
- Self-help points across the city including all the main council offices, libraries, leisure centres and some schools;
- General telephone calls to the Call Contact Centre on (01273) 292161;
- Advice can also be accessed via the council's website, www.brighton-hove.gov.uk;
- Email to ehl.food@brighton-hove.gov.uk.

2.4.8 Food Standards complaints are usually received by Citizens Advice Consumer Service. There is a referral protocol regarding food issues requiring enquiries to be sent to Trading Standards within 24 hours.

2.4.9 The food safety team operates a hotline where businesses and consumers can obtain immediate advice from a food safety officer, during office hours. Senior food competent staff provide cover for an out of hour's service to respond to food safety emergencies and incidents.

2.4.10 New food businesses registering with the service are provided with access to a wide range of online documents, hard copies can be provided on request to assist compliance with food legislation.

2.5 Regulation Policy

2.5.1 The Council has a Corporate Enforcement Policy in line with the national Regulators Compliance Code for Enforcers. The enforcement policy is grounded in better regulation principles of proportionality, accountability, consistency, transparency and targeting.

2.5.2 Any breaches of food law noted in businesses where Brighton & Hove City Council has an interest, either as proprietor or responsibility for structural repair, are brought to the attention of the Chief Executive without delay.

3 Service Delivery

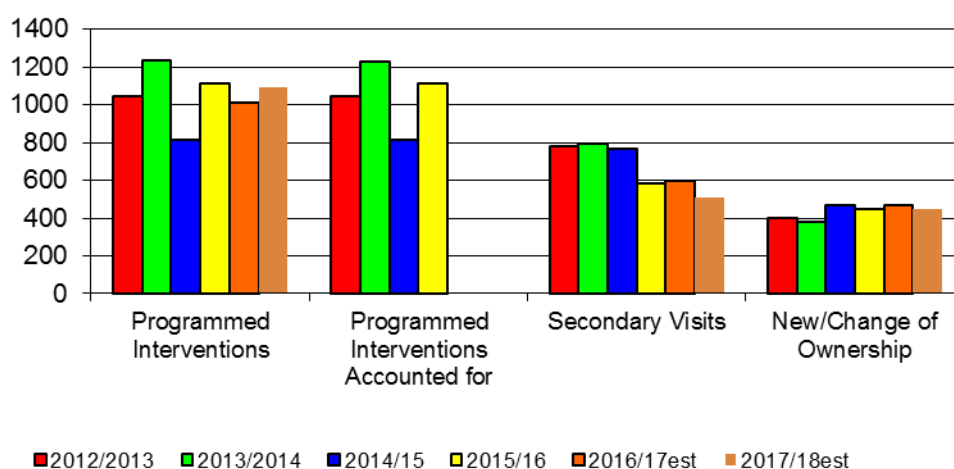
3.1 Interventions at Food and Feedingstuffs Establishments

Food Safety

3.1.1 This section details the planned risk based food safety intervention programme for 2017/2018. The level of achievement in food safety intervention based activity over the past four years is shown in the chart below and Table 3.1.1 along with estimates for completion of the current year and 2017/2018.

3.1.2 Inspection intervals are calculated on a risk-based approach. The service sets a target of 98% compliance with the annual programme. The target takes account of possible service or operational problems such as a turnover of staff at the end of the year, emergencies or difficulties contacting seasonal businesses or home caterers.

Chart of Intervention-Based Activity 2012-2018



See

tables 3.1.1 and 3.1.3 for further details.

Year	12/13	13/14	14/15	15/16	16/17est	17/18est
Programmed Interventions	1043	1232	815	1116	1008	1090
Accounted for	1043	1230	811	1113		
Target %	98 A-D	98 A-D	98 A-D	98 A-D	98 A-D	98 A-D
Achieved%	100 A-D	99.8 A-D	99.5 A-D	99.7%		

Table 3.1.1 Achievement of Planned Food Safety Inspection/Intervention Programme 2012-18.

- 3.1.3 The Food Safety Code of Practice contains a mechanism for risk rating each businesses based on factors such as:- if unwrapped high risk-food is handled, prepared or cooked; size of the business; any high-risk operations undertaken; number of customers; vulnerability of the customers to food-borne illness; standards of hygiene; condition of the structure and confidence in management. By scoring all of these factors an overall risk rating of A to E is arrived at. Category A premises are the highest risk and E the lowest.
- 3.1.4 Category E businesses present a minimal risk due to the limited types of food they handle and/or they cater for a limited number of people. The service operates an alternative enforcement strategy to maintain surveillance of these low risk businesses. This strategy enables the service to provide greater focus on higher risk category A to D establishments. Data on the number of interventions undertaken since 2012 and estimates for 2016/17 and 2017/18 can be seen in table 3.1.2.
- 3.1.5 The alternative surveillance of low-risk businesses follows a structured documented procedure: postal questionnaires, sample inspections to check the validity of the information gained and follow up inspections.

Year	12/13	13/14	14/15	15/16	16/17est	17/18est
Questionnaires	66	191	201	255	229	170
Visit	77	20	37	40	60	188

Table 3.1.2.Premises dealt with under alternative strategy or inspected.

3.1.6 Planned food safety interventions programme for the year 2017/2018 as estimated at 1st January 2017 being:-

Risk Category of Premises	Number of Interventions Due
A	7
B	84
C	348
D	651
Total	1090

Low-risk premises due for intervention	358
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3.1.7 A further target is to ensure that at least 95% of food establishments are 'broadly compliant', with a Food Hygiene Rating Score (FHRS) of three or more.

3.1.8 As at January 2017 the level of broadly compliant establishments rated in the FHRS scheme stood at 96%. This level of compliance protects public health, the local economy and reputation of the council as a responsible regulator.

3.1.9 **Secondary Interventions** - The main purpose of secondary interventions is to monitor food businesses that fail to comply with significant statutory food safety requirements, or where directly required by Regulation. Failure could include:-

- Failure to comply with a single requirement that compromises food safety, public health or prejudices consumers;
- Failure to comply with a number of requirements that, taken together, indicate ineffective management; or
- Service of a Hygiene Emergency Prohibition Notice or Order.

3.3.10 When considering both the need for and timing of a secondary intervention, consideration is given to the seriousness of any failing, history of the business, confidence in management and the likely effectiveness of this action when compared to any other enforcement option.

3.1.13 Safeguard measures associated with the FHRS permits any food business that does not attain the top rating to request a rescore once any necessary issues have been resolved. Any revisit is unannounced.

3.1.14 In late 2016 the service took part in a pilot project co-ordinated by the Food Standards Agency which permitted local authorities to charge for such revisits. During the period of the pilot the number of requests made for such visits remain at a similar level. Subsequently the

Environment Transport & Sustainability Committee decided to introduce a charge of £145 per visit.

3.1.15 Other secondary interventions are categorised as those that are not primary interventions but include:-

- Additional interventions of establishments that are subject to product-specific food hygiene regulations;
- Sampling visits;
- Visits to check on the progress of measures required after a previous intervention;
- Visits to investigate food and food premises complaints;
- Visits to discuss implementation of Hazard Analysis of Critical Control Points based system;
- Visits involving training of food handlers;
- Inspections of premises to assess a licence.

3.1.16 **Interventions at New Businesses/Change of Ownership** - Where the service becomes aware that ownership of a food business has changed or a new business has commenced, it aims to undertake an intervention within 28 days of the business starting trading.

3.1.17 The purpose of the intervention is to establish the scope of the business, gather and record information, determine if food sampling or swabbing is necessary, identify food safety breaches, determine relevant enforcement action to be taken by the food service, communicate this to the business and determine a risk rating score. Based on the last five years' data, it is predicted that there will be 450 new businesses or changes of ownership in 2017/2018.

3.1.18 **Monitoring of Vacant Premises** – The service aims to inspect all new food businesses within 28 days of opening. Food safety law does not require prior approval.

Year	12/13	13/14	14/15	15/16	16/17est	17/18est
Secondary inspections	777	797	766	647	600	510
New Premises or Change in Ownership	389	383	470	450	470	450

Table 3.1.3 Estimate for 2016/2017 and 2017/18 based on data since 2012.

3.1.19 It is estimated that the number of staff required to carry out the programme of inspections plus other visits is 7.25 full time equivalents. Resources required to undertake secondary visits generated by complaints, enquiries or to undertake sampling are included in the appropriate part of this plan.

Food Standards and Food Hygiene

3.1.20 The LGR system requires high-risk premises to be visited each year, medium risk every two years and the low risk every five years. This means that all 153 high risk, 50% of the 950 medium risk and 20% of

the 1700 low risk premises should be visited each year. The service is proposing to move to the FSA risk rating scheme in 2017/18 which may result in a variation of figures going forward. This scheme will align us with Food safety colleagues and allow us to have an accurate risk rating for feed premises.

- 3.1.21 The target for 2016-17 was to visit 153 high-risk and 475 medium risk premises liable to inspection. Similar targets will remain in place for 2017/18.
- 3.1.22 There is no commitment to visit low risk premises but in 2016-17, 205 low risk premises were visited up to 10th Jan 2017 as a result of project work, complaints and other routine inspections.
- 3.1.23 Approximately 5% of inspections require a follow-up visit. Officers do not work exclusively on the food function. Follow up visits will be made to all premises when a non-compliance is detected and formal action is contemplated.
- 3.1.24 One full time and one part time posts make up the Food Standards Team. This equates to 1.6 FTE. About 95% of their time is spent on the food and feed function.
- 3.1.25 **New Businesses** – Trading Standards Officers aim to assess new food businesses within 56 days.
- 3.1.26 **High Risk Premises** - Premises with good management control, no history of contraventions or complaints will be subject to a minimum intervention approach and will only be inspected if they change their product range or complaints are received.
- 3.1.27 **Poorer performing High Risk Premises** -These premises will be inspected every year but may be the subject of additional interventions depending on their compliance. Nationally and locally most food fraud has concerned misdescribed alcoholic drink of unknown provenance.
- 3.1.28 **Medium Risk Premises** -These premises will receive an intervention at two yearly intervals. These interventions will alternate between comprehensive inspections, and a mix of sampling visits, complaint visits or other monitoring or surveillance. At least 50% of the premises liable to an inspection will be subject to a comprehensive visit. Where medium risk rated premises have a Primary authority relationship with a local TS service, or if they are part of a national chain, these premises will be re rated to low risk. This will allow officers more time to support independent and new businesses.
- 3.1.29 **Low Risk Premises** - A programme of interventions will be based on the intelligence received about the individual premises or where the business requests support/advice.

3.1.30 **Feed Hygiene** – The service participates in the National Trading Standards feed programme. We will undertake inspections of premises identified by the national team as requiring a visit. This equates to approximately 12 visits per annum.

3.2 Feed and Food Complaints

Food Safety

3.2.1 It is the policy of this authority to respond promptly to all requests for advice from business. It is the target of the service to respond to 90% of planning application consultations within 10 working days, and all other demand driven work within 5 days.

Year	11/12	12/13	13/14	14/15	15/16
Within target %	97.3	96.2	95.4	96.8	97.2

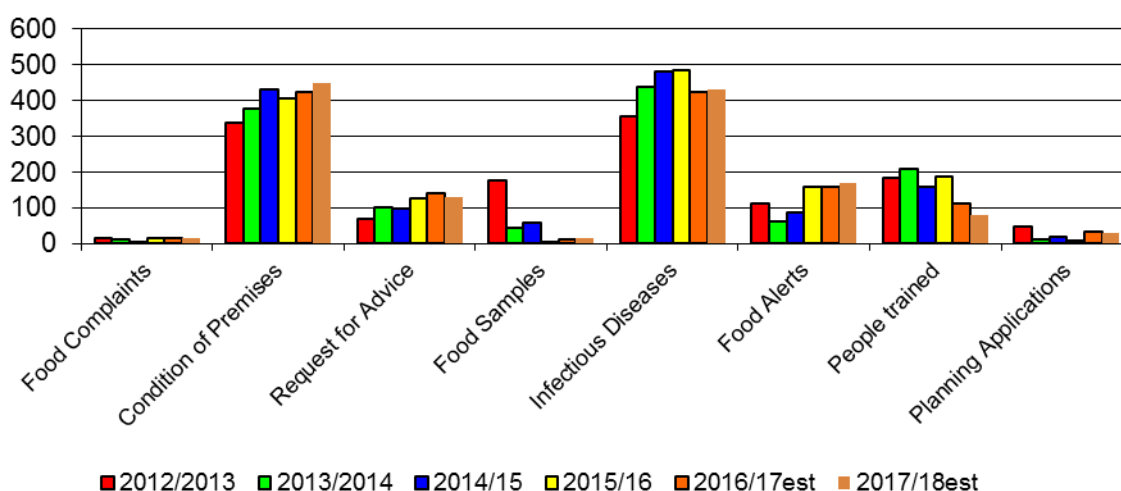
Table 3.2 Percentage of Demand Driven Work within Target Response Time

3.2.2 All food complaints received are investigated in accordance with the council's Enforcement Policy and documented procedures. See below for a chart showing the pattern of demand driven work since April 2012 and estimates for the current year and 2017/2018. The source figures for this chart are contained in tables within the relevant part of the plan.

Year	12/13	13/14	14/15	15/16	16/17est	17/18est
Food Complaints	15	12	2	20	15	15
Condition of Premises	338	377	430	406	425	450

Table 3.2.1 Estimate of complaints for current year and 2017/2018 based on data from 2012 onwards.

Chart of Demand Driven Work 2012-2018



See tables 3.2.1, 3.4.1, 3.4.3, 3.5.1, 3.6 and 3.8 for the source of data.

3.2.3 It is estimated that 1.65 Full Time Equivalent officers will be required to meet this level of service requests.

Food Standards

- 3.2.4 It is the policy of this authority to respond promptly to all food complaints and to carry out enquiries in accordance with the complaints procedure. The following figures show a final estimate for 2016/17 as the report is generated before the end of the calculated year.

Year	12/13	13/14	14/15	15/16 est	16/17est
Number of Complaints	130	100	106	133	125

3.3 Home Authority Principle and Primary Authority Principle

- 3.3.1 Brighton & Hove City Council fully supports the Home Authority principle, and has entered into 10 informal arrangements with businesses whose operational activity extends outside of the city. Currently there are no primary authority food businesses in the city.

3.4 Advice to Businesses

Food Safety

- 3.4.1 Advice is given during inspections, by hotline, website, newsletter and as part of the planning application process. During 2016 the service introduced an e-data base enabling group emails to be sent to over 1200 food businesses in the city. A newsletter is now sent electronically to this group twice a year.

- 3.4.2 Table 3.4.1 gives the number of planning applications viewed by food safety officers and the number of requests for advice from businesses. Such focussed guidance includes advice on the construction, development and structural alterations to food establishments.

Year	12/13	13/14	14/15	15/16	16/17est	17/18est
No of Requests	68	101	98	125	140	130
Planning Applications	48	12	19	7	32	30

Table3.4.1 Requests received since 2011 and estimates for the current year and 2016/2017

- 3.4.3 It is estimated that 0.5 Full Time Equivalent Officer is required to meet this estimated demand.

Food Standards

- 3.4.4 The level of requests for advice has remained reasonably consistent over several years. The following figures show an estimate for 2016/17 as the report is generated before the end of the calculated year.

Level of Service Requests					
Year	12/13	13/14	14/15	15/16	16/17 est

No of Requests	137	153	149	190	150
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3.5 Feed and Food Sampling

Food Safety

- 3.5.1 A formal arrangement is in place with Public Health England's (PHE) Food Water & Environment laboratory based at Porton Down for the analysis of samples that require microbiological examination.
- 3.5.2 The service participates in national microbiological sampling initiatives coordinated PHE and regional sampling programmes across Hampshire, Kent, Surrey and Sussex. Samples of food and swabs of food-contact surfaces may also taken as part of routine work and when investigating specific issues at food premises.
- 3.5.3 The two national food sampling programmes for 2016/2017 were:-
- Study 58 – Swabbing contact surfaces in catering premises.
 - Study 59 – Sauces at Catering Premises
- As at the time of drafting this plan the subjects for study 58 had yet to be agreed.

Year	12/13	13/14	14/15	15/16	16/17est	17/18est
No. of samples	175	44	57	6	20	20

Table 3.4.3 Food Safety Samples Submitted 2012-2016 & estimate for the current year and 2017/2018.

- 3.5.4 Arrangements are in place with the PHE laboratory at Porton Down for the analysis of samples that require microbiological examination.

Food standards

- 3.5.5 The Public Analyst contract was awarded to Public Analyst Scientific Services (PASS) in 2013. The current allocation of budget for sampling analysis is £4,900. The focus of the contract remains composition, labelling and chemical contamination. Officers are currently reviewing this contract which is due to expire in April 2017.
- 3.5.6 Inspections, investigations and advice for 2016/17 equated to approximately 1.6FTE.
- 3.5.7 A budget of £ 4,900 was allocated in 16/17 to facilitate the contract with the appointed Public Analyst for the purposes of food analysis. Sampling programmes are informed by FSA initiatives, TSSE regional and local intelligence however there has been a significant reduction in available funding from the FSA for sampling work in 2016/17 and going forward in 2017/18.

Food Sampling Work undertaken in 2016/17

	PROJECT
	Wine and Spirit sampling
	Mono sodium Glutamate
	Dioxins
	Complaints/Officer Initiatives

3.5.8 National initiatives are fully funded and take account of potential problems requiring further investigation. The cost for the regional and local projects will be set to allow for contingencies, such as complaints and reacting to food alerts.

3.5.9 During 2016/17 Trading standards have also carried out work funded by the FSA on animal feed which ties in to the Official Feed and Food Controls. The FSA following the lead of the European Food Standards Agency and the Food and Veterinary Office are also pushing controls on imported food and are asking coastal Local authorities to check what is coming in through marinas and small ports. This work will be funded again in 2017-18 but funding is likely to be reduced.

3.5.10 New regulations governing the labelling of food and whether they contain allergens, came into force in 2014. Officers have undertaken work to inform businesses of their obligations under these regulations, by holding business surgeries and providing guidance in the twice yearly Food Safety newsletter as well as during routine visits and via mail shots. This will continue in 2017/18 prioritising advice to small independent traders.

3.5.11 **Control and Investigation of Outbreaks and Food-related Infectious Disease** - Specific infectious diseases are notifiable to the local authority. The department investigates these cases in an attempt to identify the cause of illness and any practical measures to control potential outbreaks. See below for the number of cases investigated from 2012 to 2016 and an estimate of the numbers expected for the current year and 2017/2018. Investigations of outbreaks must commence as soon as practical. In individual notifications, the investigation has to commence within 5 days. It is estimated that 0.6 FTE officer will be required to meet this level of complaints.

Year	12/13	13/14	14/15	15/16	16/17est	17/18est
No. of reports	357	439	480	485	425	430

Table 3.5.1 Notifications for 2016/2017 & 2017/2018 based on data from 2012 onwards.

3.5.12 The number of notifications included in table 3.5.1 has been corrected to discount those illnesses not associated with food such as mumps, measles and hepatitis.

Year	12/13	13/14	14/15	15/16	16/17est	17/18est
Campylobacter	174	226	293	267	275	250
Salmonella	29	42	11	20	35	25

Table 3.5.2 Estimate of Number of specific notifications for 2016/2017 & 2017/2018

3.5.13 Food-borne illness can be contracted as a result of a number of reasons including poor food handling in the home or foreign travel. Usually it is therefore difficult to attribute any increase or reduction to one source.

3.5.14 However, in June 2016 a local nursing home was affected by a national E.Coli 0157PT34 food poisoning outbreak linked to salad leaves. The outbreak affected 158 nationally including 18 staff and residents at the local nursing home. This added to an increase of confirmed E.Coli cases to 63 so far in 2016/17.

3.6 Feed/Food Safety Incidents

3.6.1 An out of hours emergency service is staffed by senior staff who are suitably authorised to carry out the full range of food safety functions including responding to emergency food safety incidents.

3.6.2 Information regarding national food safety alerts, such as product recalls from the FSA, is received during office hours via the national alert system.

3.6.3 The Environmental Health Manager (Food Safety) and senior staff within the Food Safety Team are registered on the rapid alert system to receive food alerts through a text message scheme direct to their mobile phones. The information contained in the food incidents is distributed and acted on as deemed necessary.

Year	12/13	13/14	14/15	15/16	16/17est	17/18est
Food Alerts	113	60	86	158	160	170

Table 3.6 Food Alerts for the current year and 2017/18 based on data from 2012 onwards.

3.7 Liaison with Other Organisations

Food Safety

3.7.1 There are a number of arrangements in place with other professions and local authorities to promote consistency, provide joint projects and develop services: -

- The Food Safety team sends a representative to Sussex Food Liaison Group which develops common approaches to regulation across Sussex.
- An Environmental Health Officer attends the Chartered Institute of Environmental Health's Sussex Food Study Group which develops joint procedures and practices.

- An officer attends the regular liaison meetings with Children's Services and school caterers.
- District Control of Infection Committee, Community Consultant in Disease Control reviews procedures and agrees communicable disease outbreak and food poisoning control measures.
- The authority is a member of the Brighton & Hove Food Partnership. The partnership includes representatives from local businesses and community groups, community workers and members of the Sustainability Commission. The Partnership raises awareness of food producers in supporting health, the economy and the environment increasing access to nutritious, safe, affordable food and providing a network for information exchange.
- A liaison arrangement is in place with Sussex Career Services and local schools to enable teachers and students from Brighton & Hove to gain work experience.

This work is accounted for in the reactive work estimate of resources required.

Food Standards

3.7.2 The team works closely with 18 other Trading Standards Services in the southeast that together make up Trading Standards South East (TSSE). Activities include liaison on all trading standards issues, co-ordinated activities, sampling and advice projects and sharing of information via the TSSE intranet. As well as this officers use the national knowledge hub which allows access to trading standards services nationally. The team also work directly with the FSA and receive food alerts which identify problem products which we can move quickly to remove from the food chain at a local level. Officers also use this forum to receive advice and intelligence regarding the feed function.

3.8 Feed and Food Safety and Standards Promotional Work, and Other Non-Official Controls Interventions

- 3.8.1 The city Health and Wellbeing Board's strategy focuses on priority areas where it can make the greatest impact. The strategy includes healthy weight and good nutrition. The Food Safety Team work with Brighton & Hove Food partnership promoting healthy menu options via the Healthy Choice Award in a diverse range of settings targeting health inequality: nurseries, breakfast clubs and after-school clubs and care homes. This was relaunched in 2015 with the introduction of the Healthy Choice Award GOLD for settings that also work towards sustainability criteria.
- 3.8.2 A Project Officer works within the Food Safety Team to develop and co-ordinate the Healthy Choice Award. The award prioritises the preparation of meals using fresh ingredients, the use of healthier

ingredients and cooking methods and adequate opportunities for customers to make healthier choices if they wish.

- 3.8.3 The programme also supports the Public Health Sugar Smart City campaign. Sugar Smart City aims to motivate settings such as schools, food outlets and retailers to take action and help residents reduce their sugar intake. Food outlets are being asked to make 'Sugar Smart Commitments' such as to promote free tap water for customers, offer a range of low and no sugar soft drinks, or to develop lower sugar dessert or children's menu options. Outlets are also being asked to volunteer to put a 10p levy on non-alcoholic soft drinks they sell which contain added sugar. This money will be paid into the Children's Health Fund to support projects that aim to improve children's health and food education.
- 3.8.4 The food safety training activity by number of people trained on the CIEH Level 2 Award Food Safety in Catering course is given below in table 3.8. This is a full day course aimed at food handlers.
- 3.8.5 The service aim is to organise 12 food hygiene training courses per year. However, as can be seen in table 3.8 below the current estimate is that there will be a 40% fall in the numbers trained in 2016/17 compared to the previous year. Although there could be a number of reasons for this it is thought that the greater use of online courses is the main impact. It is envisaged that the numbers trained will continue to fall in 2017/18.

Year	2012/13	2013/14	2014/15	2015/16	2016/17est	2017/18est
Trained	184	208	160	187	110	80

Table 3.8 Total Training Undertaken since 2012

- 3.8.6 The service took part in Food Safety Week during June 2016 by organising displays in Customer Service Centres at Bartholomew House, Hove Town Hall, Brighton Town Hall and Hove Library.

4. Resources

4.1 Financial Allocation

Food Safety

- 4.1.1 The net 2016/17 budget for the Food Safety Service for was £589,750. The budget for 2017/18 has yet to be set. As with all other services provided by Brighton & Hove City Council Regulatory Services is subject to a four year savings plan ending in 2019/20. This plan currently has no savings allocated against the Food Safety service budget for 2017/18.

Food Standards

- 4.1.2 It is difficult to detail the time spent on the food standards function as it is carried out during a comprehensive inspection. Time monitoring is not currently used to apportion time to the food function. Cost of the food standards function in 2015/16 was as follows based on the percentage of time officers spend on the food function outlined above and below:

Staffing Inspection, complaints and advice	
Management/Support	£ 3,200
Food Team	£42,170
Total	£45,370

Purchases	£ 500
Analysis	£ 4,500
Total	£ 5,000
Total	£ 54,370

The budget has not yet been set for 2017/18 but similar funding levels are envisaged.

4.2 Staffing Allocation

Food Safety

- 4.2.1 Establishment of the Food Safety Team for the year 2017/2018 is 11.04 full time equivalent field officers plus two full time equivalent administrative support staff and management, broken down as follows:-
 2 x Senior Environmental Health Officers
 3.8 x Environmental Health Officers
 4.24 x Senior Technical Officers
 1 x Food Nutrition Project Officer

- 4.2.2 As detailed in 3.1.18, 3.2.3, 3.4.3, 3.5.11 and 3.8.2 of this plan it is estimated that 11 full time equivalents are required to fulfil the given objectives. This is inline with the allocated resources.

- 4.2.3 Also see 4.1.1 and 6.2 for staffing allocation beyond 2018.

Food Standards

- 4.2.4 The Inspection and Sampling Team is responsible for Food Standards Inspection. The proportion of time allocated to this function in 2016/17 was estimated as follows:-

Support	0.05
Management	0.05
Food Staff	1.6
Total	1.7 FTE

4.3 Staff Development Plan

- 4.3.1 The Authority has a structured appraisal and development system. During staff appraisals, individual training needs and any gaps in competence are identified. The information is used to produce individual training and development plans for each officer for the coming year.
- 4.3.2 All food safety field officers hold relevant qualifications to comply with the requirements of the Food Safety Code of Practice. In addition to the annual appraisal system ongoing professional development is monitored and managed through officer self assessment, management monitoring, regular 1-2-1's and the quality assurance system detailed in 5.1.1 below.

5.0 Quality Assessment

5.1 Quality Assessment and Internal Monitoring

Food Safety

- 5.1.1 The service has a documented procedure relating to food safety duties. Internal audits are carried out to ensure compliance with these procedures. The service is accredited to ISO 9001 and externally audited by the British Standards Institute. Staff performance is reviewed, monitored and managed through the appraisal system, monthly 1-2-1 and review by the departmental management team.
- 5.1.2 The service actively seeks the views of businesses by giving out post-inspection questionnaires to traders inspected. From February to November 2016, 122 questionnaires were returned. The key findings of these returns were:-
- 99.2% of respondents either agreed or strongly agreed that their business had been treated fairly.
 - 100% of respondents understood the purpose of the visit to their premises.
 - 99.2% found the information given to them by the visiting officer easy or very easy to understand.

Food Standards

- 5.1.3 We aim to continually improve the level of service provided. Procedures are implemented and reviewed where necessary to incorporate identified improvements.

6. Review

6.1 Review Against the Service Plan.

Food Safety

- 6.1.1 In addition to the quality checks detailed in 5.1, performance is reviewed against the Service Plan by comparing the number of interventions achieved against the number programmed. Monthly statistical reports are produced so that performance can be closely monitored and managed through the year. Any problems are promptly identified and resolved through management reviews, team meetings and monthly one to ones between field staff and their line manager.
- 6.1.2 Official Food and Food Controls Service Plans are produced and reviewed on an annual basis by management review and consideration by elected members through the committee structure and Full Council.
- 6.1.3 In the year 2015/2016, 99.7% of the due food safety interventions were accounted for. This included interventions carried out and businesses that ceased trading before they could receive their planned intervention. 450 interventions were undertaken of new businesses or premises that had changed ownership.
- 6.1.4 At January 2017, 96% of the food businesses in the city were deemed to be 'broadly compliant', or better ie a FHRS of three or better.
- 6.1.5 From April 2015 to March 2016 23 Hygiene Improvement Notices were served and five successful prosecutions were undertaken.

Food Standards

- 6.1.6 Service reviews are carried out on a monthly basis to check that the inspection programme is on target and to ensure that projects are being completed in the agreed timescale.
- 6.1.7 The Service Reviews indicate that the service is on target to achieve the interventions programme.
- 6.1.8 During staff one-to-one's each officer's performance is monitored, to identify good performance and any areas of improvement.
- 6.1.9 Complaints are responded to within the stated timescales.

6.2 Identification of Any Variation from the Service Plan

Food Safety

6.2.1 Reviewing the final outcome of 2015/2016 against last year's plan shows two areas of variation:

- There was a significant rise in the number of food hazard alerts received. The 2015/16 plan predicted 75 would be received based on the previous five years. In fact 158 were received. This was due to a greater number of alerts regarding food allergies.
- The number of food samples taken fell due to greater prioritisation of inspection and complaint investigation work.

6.2.2 In addition to the variations noted during 2015/16 further issues and patterns arose during 2016/17 that should be noted:

- It is estimated that the service's involvement with the national E.Coli 0157 PT34 outbreak in June 2016 was equivalent to one full time officer for six weeks. Although this diverted resources away from enforcement activities there should be sufficient time left in the year to recover.
- Due to increased availability of online food safety training the numbers of people attending courses has dropped significantly. Last year's plan estimated that 175 individuals would be trained this estimate has now been revised to 110.
- Following a pilot project undertaken at the end of 2016 the food safety service is now charging £145 per rescore visit made under the Food Hygiene Rating Scheme. See 3.1.13 for further details.

Food Standards

6.2.3 There was no significant variation from the plan.

6.3 Areas of Improvement

Food Safety

6.3.1 As a result of publishing the food safety standards through the Food Hygiene Rating Scheme standards generally are continuing to improve year on year. Table 6.1 demonstrates the improvement which has been built on the local Scores on the Doors scheme since migration to the national scheme in March 2012.

FHRS rating	Jan 2013	Jan 2014	Dec 2014	Jan 2016	Jan 2017
0	3	4	5	5	1
1	113	95	74	85	72
2	92	83	89	51	36
3	265	266	226	202	239
4	589	638	660	617	603
5	1377	1469	1604	1736	1765
Total	2624	2555	2851	2696	2716

Table 6.1. Number of food businesses in each FHRS Rating

- 6.3.2 The number of Broadly Compliant businesses has continued to increase and currently stands at 96% of all food business.
- 6.3.3 In July 2015 the service underwent an external audit from by the Food Standards Agency. The audited identified a number of minor improvements in the overall arrangements and controls for incidents. An action plan has been agreed in relation to these points.
- 6.3.4 A database of food businesses emails enables the newsletter, advice and guidance to be sent simultaneously to 1200 businesses.
- 6.3.5 In January 2016 the food service underwent an audit as part of a Sussex wide Inter Authority Audit. The audit report concluded:

“Brighton & Hove City Council’s implementation of the Food Hygiene Rating Scheme appears to be very good throughout, following all the major principles detailed in the Brand Standard. In particular, the Service should be congratulated for its vigorous ongoing consistency and monitoring procedures related to the scheme, which has been enthusiastic adopted by all staff.”

Food Standards

- 6.3.6 Advancements have been made in the delivery of food law enforcement. There are many examples of joined up working and co-operation where co-ordinated sampling programmes and officer training feature highly. However, there are still areas for improvement. They are as follows:
- Targeting beer, wines and spirits misdiscription and traceability, this work links in with the Licensing Authority function and Alcohol Project Board.
 - Developing the access to on-line business advice.
 - Better publicity for the healthy eating education message.
 - Developing links with schools

- Increasing and maintaining the competency and professional development of food officers.
- Establishing consumer concerns and reflecting this in local activity.

Subject:	2017/18 Local Transport Plan Capital Programme		
Date of Meeting:	14 March 2017 – Environment, Transport & Sustainability Committee		
	23 March 2017 – Policy, Resources & Growth Committee		
Report of:	Executive Director – Economy, Environment & Culture		
Contact Officer:	Name:	Andrew Renaut	Tel: 01273- 292477
	Email:	andrew.renaut@brighton-hove.gov.uk	
Ward(s) affected:	All		

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

- 1.1 The city council secures capital funding for transport schemes through the government's Local Transport Plan [LTP] process. The council approved the use of capital funding for approved and new Transport schemes projects for 2017/18 on 23 February 2017 as part of the overall budget, which included £6.635m worth of new capital investment in Transport from Government sources. Further indicative allocations for the following three years (2018/19 to 2020/21) were also included within the 10-year budget planning approach.
- 1.2 The LTP is a statutory document and the council's fourth LTP [LTP4] was approved by the council in March 2015. The LTP4 consists of a long-term Strategy to 2030, and a short term 4-year Delivery Plan. Maintaining, managing and improving the city's transport and highway infrastructure, which is one of the city's largest assets with an estimated value of nearly £1.7 billion, is an essential part of the council's investment which helps support and provide access to the many activities that are important to the city's residents and local communities and its wider, sub-regional economic role within the Greater Brighton City Region.
- 1.3 The proposed, detailed programme for 2017/18 allocates funding received from the Government for transport and highway purposes across a number of areas including capital renewal (maintenance); capital repairs (potholes); asset management; and integrated transport projects and programmes. The amount of funding is based on government estimates of how much investment is required. The content of the proposed LTP capital programme enables the pro-active allocation of funding to projects or programmes that will deliver long-term benefits to the city and its residents through the renewal of, or construction of new, transport infrastructure which is the responsibility of the council as the Local Highway Authority. It is based on a number of factors, which include taking account of:-

- recent or past decisions made by this or other council committees, often following public consultation, to deliver transport projects and programmes;
- the prioritisation of allocations to projects or programmes identified in investment or action plans which are required to deliver the aims and objectives of approved, council strategies or plans following public consultation;
- decisions made by committees in response to the receipt of petitions, deputations or Notices of Motion;
- requests for improvements from ward councillors or residents which are prioritised according to need or significance, based on committee-approved policies or assessment criteria, if available;
- engagement and discussion with The Connected City's Transport Partnership;
- and technical or statistical data, surveys or evidence which indicate that a significant problem exists and requires capital investment to correct it.

- 1.4 The proposed LTP capital programme therefore includes commitments to schemes that are already approved, ongoing programmes of works and new projects. The programme focuses on ensuring the highway network is maintained and renewed to a high standard; improving safety; increasing choices for some journeys by providing for, and encouraging, the use of sustainable transport; and creating a more attractive public realm.
- 1.5 Investment in short-term, reactive repairs are made to the transport network in response to relatively minor problems identified by officers or residents, and these are carried out from within existing revenue budgets, which are allocated separately within each financial year via the delegated authority assigned to the Executive Director of Economy, Environment & Culture.

2. RECOMMENDATIONS:

That the Environment, Transport & Sustainability Committee:

- 2.1 Recommends to request that Policy, Resources & Growth Committee agrees the 2017/18 Local Transport Plan capital programme budget allocation of £6.635 million to projects and programmes, as set out in Appendix 2 of this report; and
- 2.2 Notes the indicative allocation of future LTP budgets to projects and programmes for 2018/18 and 2019/20 of at least £5.169 million in each year to fund the Local Transport Plan 4-year Delivery Plan, as set out in paragraph 7.1 of this report.

That the Policy, Resources & Growth Committee:

- 2.1 Agrees the 2017/18 Local Transport Plan capital programme budget allocation of £6.635 million to projects and programmes, as set out in Appendix 2 of this report; and
- 2.2 Notes the indicative allocation of future LTP budgets to projects and programmes for 2018/19 and 2019/20 of at least £5.169 million in each year to fund the Local Transport Plan 4-year Delivery Plan, as set out in paragraph 7.1 of this report.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The capital funding secured through the LTP process and invested through its strategies and delivery plans has contributed towards enhancing local neighbourhoods and environments and the strengthening the city's role as a transport hub and centre for economic activity within the wider Greater Brighton City Region. Schemes include those within the city centre, such as Valley Gardens, and the seafront, including rebuilding and regenerating the city's historic 'arches' (which are highway structures supporting the promenade and A259). More localised investment in neighbourhoods has included bus stops, pedestrian crossings, cycle facilities and Rights of Way improvements.
- 3.2 In addition, LTP budgets have been used to help secure and deliver significant levels of capital funding from other sources for many different projects. These include Government funding rounds, and applications to secure funding allocated to the Coast to Capital [CtoC] Local Enterprise Partnership [LEP] as part of the Local Growth Fund. These projects include the BikeShare project and the 3-year Intelligent Transport Systems [ITS] (Phase 1) Package to improve the movement and flow of people and vehicles across and around the city.
- 3.3 The overall 2017/18 capital programme is made up of a number of different funding streams that include three 'new' funding streams this year, in addition to the two traditional LTP block allocations for Maintenance and Integrated Transport. These new funds are:-
- **'Incentive' Funding [IF]** – additional funding allocated to councils that demonstrate: approval of a highway infrastructure asset management strategy; input of stakeholders into the process; collaborative working with construction partners; standard specifications; joint contracts and collaboration with other local authorities (see paragraph 3.11 below);
 - **Pothole Action Fund [PAF]** – for minor road surface repairs, or to prevent potholes forming;
 - **National Productivity Investment Fund [NPIF]** - additional funding which aims to reduce congestion at key locations, upgrade or improve maintenance of local highways assets across England and to improve access to employment, housing and economic generation to boost productivity.
- 3.4 The proposed allocation of funds to schemes (set out in Appendix 2) has been based on two main factors - 1) the progress made on completing or continuing spend on 2015/16 projects and programmes; 2) the agreed contributions or commitments to begin new projects/programmes in 2016/17; and 3) success in securing, or being allocated, additional funding from external sources e.g DfT and LEP (Local Growth Fund) [LGF].
- 3.5 The content of the programme is described briefly below, and is consistent with the principles established within the LTP4 Delivery Plan – maintaining the network, managing movement, and improving streets and infrastructure. When required, all projects will be fully co-ordinated with other council schemes and works by other agencies (gas, water etc) to minimise disruption and ensure efficient use of funds.

CAPITAL RENEWAL (MAINTENANCE) FUNDING

- 3.6 The proposed programme of just over £3.8m for this area of work amounts to about 60% of the total available LTP, IF and PAF capital allocations for 2017/18. This capital funding is focused on maintaining links and routes and reflects the continued and growing need to renew highway infrastructure in order to ensure that it has a longer life and therefore minimises the need for ongoing/short-term repairs to potholes that are funded from reduced revenue budgets. It also broadly reflects the government's estimation of spending in this area, based on its current formula for calculating LTP allocations.
- 3.7 The programme includes almost £1.5m for road re-construction. Priority consideration will continue to be given to repair damage that has occurred to key routes to address the effects of high traffic volumes and recent and continuing extreme winter weather conditions. Sections of roads where the surface requires immediate, major repairs or renewal will be identified based on recent surveys. A further £0.300m will help improve the condition of footways across the city, with a focus on well-used corridors, and £0.250m has been allocated to increase the investment in addressing significant problems associated with damaged highway drainage that causes surface water flooding on roads and pavements. Priority locations will include the Principal (A class) Roads.
- 3.8 Significant works to assess and strengthen highway structures across the city will also continue (requiring almost £2.4m) to ensure they remain in a safe condition and are fit for purpose. The significant amount of investment that is specifically required in order to renew and maintain structures which are a critical, but ageing, part of the seafront's infrastructure accords with the principles of the council's Seafront Investment Plan. The programme includes a local contribution of nearly £2.0m towards the £14.0m junction/strengthening works to the Former West Street Shelter Hall structure which supports the A259 King's Road. Nearly £1.0m of this will be funded using the council's NPIF allocation from the Government, as the project is considered to be a high priority and fulfils the broad criteria associated with this new fund. The majority of the funding required has been secured via a successful bid to the Government's Highways Maintenance Challenge Fund.
- 3.9 The development of funding applications and further schemes for the renewal of the city's seafront structures within the central area, as prioritised by this committee in November 2015, is underway. A bid has therefore been made to the LEP's newly created Feasibility Fund for additional LGF money to help develop designs for further phases.
- 3.10 £0.300m has been allocated to assist in reducing the ongoing maintenance requirements for the £10m-plus worth of street lighting in the city. Surveys and condition assessments identify areas/corridors that require street lighting column replacement. The recently approved 'Invest to Save' initiative will include an ongoing programme to upgrade lighting with more efficient lanterns/lamps to help accelerate reductions in electricity and maintenance costs, and achieve the city's carbon emission targets. Initial works are planned in the east of the city.
- 3.11 A government requirement for all Highway Authorities to identify and account for their infrastructure (often referred to as assets) by preparing a Highway Asset

Management Strategy [HAMS] will be continued during 2017/18. £0.131m has been allocated to fulfil this requirement and the completed HAMS will form the basis of a comprehensive inventory. This will be used to prepare medium and long-term programmes of works to maintain the highway to required standards, based on its current condition. The council's self-assessment of its progress has been submitted to the Government and is considered to warrant a Band 2 grading which will secure additional (incentive) funding for works.

INTEGRATED TRANSPORT FUNDING

Connecting people with destinations, activities and services

- 3.12 Ensuring that transport investment is targeted in locations that will help support the wider needs of the city is critical to helping deliver a broad range of improved service outcomes. These locations can include important local facilities and/or more significant destinations that help draw people and investment to the city from a wider area.
- 3.13 £0.120m worth of proposed investment in 2017/18 will include improving the safety and environment around, and on routes to, schools and increasing the transport options available to reach centres of economic activity and employment can assist in reducing congestion. Measures include those that will assist in encouraging sustainable, travel behaviour change, such as workplace and school travel planning.
- 3.14 Local shopping centres are a focus for many communities/visitors and provide a variety of facilities and services that can help to reduce the need to make a number of separate journeys. Enabling these locations to be more accessible and attractive to everybody and function safely and practically e.g deliveries and servicing, provides the opportunity for them to thrive as part of the local economy. Work to develop proposals for the Boundary Road/Station Road corridor in Portslade will be undertaken beyond 2017/18 as part of the LTP 4-year Delivery Plan, following its prioritisation by committee in November 2015.
- 3.15 Local parks and open spaces provide excellent opportunities for people of all ages to improve their quality of life in terms of relaxation, fresh air or exercise. Improving access to those locations will enable them to be reached safely and sustainably, or address local perceptions of danger or severance, and therefore be used more regularly. Improving Rights of Way [RoW] in line with the statutory RoW Improvement Plan, including those that provide improved links with the South Downs National Park remain a priority.
- 3.16 £0.070m worth of investment is proposed in interchange facilities, where people can transfer between different forms of transport on their journey/visit. This includes the final contribution to help deliver the city's new BikeShare project. A previously approved, but unspent allocation for cycle parking at rail stations, including Hove, Portslade, London Road and Moulsecoomb, will be spent in 2017/18 but is dependent upon more significant progress being made by the lead partner, Southern Rail. More rapid progress is expected to be made on developing proposals for the 'Gateway to the Sea' project, between Brighton Station and the Seafront, which includes the Clock Tower junction.

Improving neighbourhoods

- 3.17 Continued investment is required in targeted road safety engineering schemes to maximise casualty reduction, in line with the positive results achieved recently in reducing the number of people killed or seriously injured. £0.280m is proposed to be invested in locations where driver speeds still exceed speed limits in 20 mph areas; and 'high risk' sites, which will be confirmed after an assessment of collision and injury data that include 2016.
- 3.18 Tackling pollution levels in the city's Air Quality Management Areas remains a high priority and an allocation is proposed to deliver a minor traffic management scheme in Rottingdean Village to help reduce harmful emissions in the High Street. Walking and cycling are the best forms of 'low carbon' transport and the activity involved also provides additional personal health benefits for individuals and can help reduce pollution if they replace some car journeys. Increasing the mobility of local residents with 'dropped' kerbs and level surfaces, alongside clear wayfinding signing for visitors, are important ways to increase the attractiveness and convenience of these types of journeys in the city, especially over short distances. A total of nearly £0.280m is planned to be spent specifically in these areas in 2017/18. Other projects also include investment in measures to enable and increase active and healthy travel.

Managing links and improving routes

- 3.19 Ensuring the efficient movement of people and vehicles across and along key transport corridors helps to keep the city moving. Work will continue on the detailed design and then construction will start (early 2018) on the agreed Valley Gardens (Phases 1 & 2) scheme. Work to develop proposals for the Church Road corridor in Hove remains planned to be undertaken beyond 2017/18.
- 3.20 Continued investment in the use of technology to manage the city's transport network city's will include the final contribution to 3-year, LGF-funded Intelligent Transport Systems [ITS] Package (Phase 1) which will help modernise and optimise traffic signal-controlled junctions and pedestrian crossings and improve driver information. This will include the Old Shoreham Road/Sackville Road/Nevill Road junction. The expansion of the city's electric vehicle charging point network will help respond to the growing demands for this infrastructure by widening choice and also reducing carbon emissions. A further phase on investment is planned but significant progress will be dependent on a further successful bid to the LEP's LGF.

Minor works

- 3.21 Minor investment is required in 2017/18 for some schemes after the main construction works have been completed in 2016/17 e.g safety audits and additional remedial works, and to allow some initial scoping and preliminary work on new schemes. Data collection will also be undertaken to assist in monitoring and assessing the wider effects of some schemes/projects.

Future transport capital programme investment

- 3.22 In approving its 2017/18 budget, the council has also confirmed that it expects to receive capital allocations from the government of approximately £5.169m in both 2018/19 and 2019/20 through the LTP process. These sums will enable the ongoing development and delivery of certain schemes or initiatives within the current 4-year Delivery Plan period, and will be dependent upon future budget decisions made by the council, and the committee is recommended to note them.

OTHER SOURCES OF FUNDING

- 3.23 The LTP process is one of many funding sources that are used to deliver transport schemes. The council has recently been successful with its bid for the Government's Access Fund which will support sustainable and accessible travel projects to help overcome barriers to jobs and economic activity in 2017/18.
- 3.24 Investment in local transport is also secured through the planning process via legal (Section 106) agreements. For example, funds from the redevelopment of the Royal Sussex County Hospital will fund measures in the Eastern Road corridor. Other sums previously secured for making bus stops and pedestrian routes accessible and level will be used in 2017/18 to continue these important work programmes across the city near development sites. Opportunities will also be taken to invest in secure, on-street motorcycle parking where possible.
- 3.25 The council has also successfully secured funding for major and significant transport schemes by bidding for Local Growth Fund [LGF] money, which is administered by the CtoC LEP. This funding will help support the retention and delivery of jobs and housing in the city and the Greater Brighton City Region. In future years, the LTP capital programme will also need to reflect new or successful bids for funding, and any capital funding required to deliver the strategic transport priorities that may emerge through the Government's Devolution process.
- 3.26 Funding has already been secured from 2015/16 onwards for the Valley Gardens project (Phases 1 & 2), BikeShare and the ITS (Phase 1) Package. Future bids have been made for projects that could start between 2017/18 and 2020/21 as those funding opportunities arise, including Valley Gardens (Phase 3) and Seafront Highway Structures.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The proposed 2017/18 LTP capital programme is consistent with the Strategy and the principles of the Delivery Plan in the approved LTP4, and the proposed allocation of capital investment will help contribute to meeting local transport and wider policy objectives and outcomes.
- 4.2 The programme includes commitments to financial contributions to projects and programmes that have helped secured much larger sums of capital funding from other sources for the council to invest in its transport network. Maintaining these commitments is essential to deliver those projects and should help support the consideration of the council's case for any similar bids in the future.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 There has been no direct engagement or consultation on the proposed, detailed 2017/18 programme. Engagement and consultation took place in 2014/15 prior to the approval of the LTP4 document in March 2015. The ET&S Committee considered and approved a number of new projects and priorities to be progressed as part of the LTP capital programme/Delivery Plan in November 2015, and further bids for LGF from the LEP have been submitted which are consistent with agreed objectives and priorities.
- 5.2 As outlined in paragraph 1.3 of this report, many individual projects and programmes have been, or will be, the subject of consultation with local communities and ward councillors. Alongside the Maintenance programme, the delivery of Integrated Transport will be considered by the council's Highway & Traffic Manager in terms of minimising the potential effects of works on the overall operation and management of the transport network in Brighton & Hove.
- 5.3 Multi-agency working remains key to helping achieve improvements in service outcomes and overall performance across the city through scheme development and transport investment. Improving transport infrastructure and services ensures that the council and its partners can meet the varying needs of the city, especially at a time when achieving sustainable economic, environmental and social outcomes, through value for money investment, are high priorities.

6. CONCLUSION

- 6.1 The decision of the committee to approve the allocation of the 2017/18 LTP capital programme to projects and programmes will provide a clear indication of proposed plans for capital investment in transport using the LTP budget, and other sources of funding such as the LGF. It therefore enable works to be continued or started, which will continue to support the council's, city's and wider stakeholders' objectives.

7. FINANCIAL & OTHER IMPLICATIONS:

- 7.1 The 2017/18 capital programme was approved at Budget Council in February 2017 and this report sets out the proposed use of the £6.635m worth of funding within the Transport capital programme. The 2017/18 LTP capital programme is funded by Department of Transport grants and takes into account additional funding secured.

Funding Source	£'000s		
	2017/18	2018/19	2019/20
LTP Integrated Transport Block	3,059	3,059	3,059
LTP Highway Maintenance Block	2,332	2,110	2,110
Total LTP Grant Funding	5,391	5,169	5,169
Incentive Funding	131	196	
Pothole Action Fund	135	*	*
National Productivity Investment Fund	978	*	*
Total Transport Funding Available	6,635	5,365	5,169

**Allocations not announced/confirmed.*

- 7.2 Future years' capital programmes will require Policy, Resources & Growth Committee approval.

Finance Officer Consulted: Rob Allen

Date: 24/02/17

Legal Implications:

- 7.3 The LTP is a statutory requirement and was adopted by Full Council in March 2015. There are no direct legal implications associated with approving the 2017/18 LTP capital programme and noting future indicative allocations, which are consistent with the 4-year Delivery Plan set out within the LTP4. A number of sums reflect contributions to existing or future LGF projects which are (or if successful will be) subject to formal Funding Agreements with the Coast to Capital LEP. Any relevant legal implications will be considered when individual schemes are brought forward for implementation.

Lawyer Consulted: Elizabeth Culbert

Date: 26/02/17

Equalities Implications:

- 7.4 In developing specific projects and programmes within the 2017/18 LTP capital programme, the needs of those people and communities who are identified as having 'protected characteristics' (those against which discrimination is unlawful) as defined by the Equality Act 2010 will be prioritised from the outset, and wherever possible their needs will be incorporated into designs in order to overcome barriers to movement that may be experienced. In doing so, this will ensure that the transport network is made accessible to all, irrespective of any protected characteristic. Improvements to local areas and strategic transport routes will enhance the provision and choice for people, especially those with mobility difficulties, or other disabilities. Road safety schemes improve conditions for vulnerable road users. This type of investment will also help support some of the recommendations of the council's Fairness Commission.

Sustainability Implications:

- 7.5 LTP funding enables the council to meet environmental objectives set out in the LTP4 Strategy and the council's Sustainability Action Plan, such as a shift towards greater use of sustainable transport and reducing carbon emissions.

Any Other Significant Implications:

- 7.6 The 2017/18 LTP capital programme helps deliver the objectives of the LTP as a strategic document for the city, and transport and travel have a significant role in supporting and helping achieve the city's and council's wider objectives across a number of service departments. Additional, wider implications associated with the proposed investment are therefore set out in Appendix 2 of this report.

SUPPORTING DOCUMENTATION

Appendices:

1. Other Significant Implications
2. Proposed 2017/18 and Future Years LTP capital programme allocations

Documents in Members' Rooms

1. None

Background Documents

1. Report to Budget Council – February 2017
2. Report to Environment, Transport & Sustainability Committee (LTP Future Priorities) – November 2015
3. Report to Full Council meeting (Approval of LTP4) – March 2015
4. Brighton & Hove City Council's Fourth Local Transport Plan [LTP4] – March 2015

Other Significant Implications

Crime & Disorder Implications:

- 1.1 There are no direct implications arising from the proposed 2017/18 LTP capital programme. However, the LTP4 has a particular focus on improving road safety and personal security and, wherever possible, its projects and programmes will seek to reflect and deliver the aims of the council's Community Safety and Crime Reduction Strategy 2014-17, especially in helping to deliver measures that improve the physical environment, ensure communities are stronger, and help people feel safer. This can include work to design, improve, manage and maintain public spaces and streets so that people feel safe. The positive use of spaces is encouraged to ensure that crime and antisocial behaviour are discouraged.

Risk and Opportunity Management Implications:

- 1.2 The design of most transport schemes are safety audited to ensure they comply with current design standards. Regular monitoring and reporting throughout the year of the LTP capital programme and its projects will minimise the risk of not fully spending the approved investment programme. Maintenance of the seafront as an asset to the city is identified within the council's Strategic Risk Register because it includes the transport routes and highway structures that form support it. Investment in it therefore forms part of the proposed 2017/18 capital programme. Investment in scheduled maintenance of roads, pavements and cycleways provides safer infrastructure for all users and reduces the need for expensive reactive repairs.

Public Health Implications:

- 1.3 Transport and travel are critical to delivering the city's public health objectives as they contribute significantly to some of today's greatest challenges to public health, including road traffic injuries, physical inactivity, the adverse effect of traffic on social cohesiveness and the impact on outdoor air and noise pollution. Improving people's and communities' health and well-being is a key objective of the LTP4, and the LTP capital programme allows continued investment in transport improvements that provide for and promote active travel, such as walking and cycling. This investment also helps to improve air quality by reducing harmful emissions therefore delivering objectives and actions set out in the council's Air Quality Action Plan, such as providing for electric vehicles and enabling greater use of alternatives to the car for some journeys. Creating less dangerous and more attractive environments, such as road safety and public realm schemes, will improve individual and community health and quality of life.

Corporate / Citywide Implications:

- 1.4 The LTP includes principles and objectives that will help support the city's planned economic growth, social development and environmental enhancement. The annual capital programme plays an important role in delivering the council's Corporate Plan; the City Plan Part 1 policies (especially Policy CP9 on Sustainable Transport) and the schemes/projects identified within its associated Infrastructure Delivery Plan. The LTP will also reflect the current and emerging priorities and policies of the council, city, and other partners and stakeholders as established in other key strategies and policy documents such as the LEP's 2014

Strategic Economic Plan; the Greater Brighton City Region's Devolution Prospectus; the updated Sustainable Community Strategy; and the vision and outcomes set out in the 2014-2019 South Downs National Park Partnership Management Plan.

PROPOSED 2017/18 AND FUTURE YEARS' LTP CAPITAL PROGRAMME ALLOCATIONS

Project/ Scheme	Description (please see Footnote below for explanation of symbols)	2017/18 Proposed Allocation (£'000s)	2018/19 Indicative future allocation	2019/20 Indicative future allocation
CAPITAL RENEWAL/MAINTENANCE SCHEMES				
Maintaining links and routes to improve.....				
Surfaces	Roads #	1420	tbc	tbc
	Pavement/Footways	300	tbc	tbc
Drainage	Replacement of failed gullies/soakaways	250	tbc	tbc
Street Lighting	Replacement of connections and columns – 'Invest to Save' project	300	300	300
Bridges & Structures	A259 King's Road Arches (east of BA i360)	30	0	0
	A259 King's Road Arches (Phase 4) – preliminary investigation and design	200	150	tbc
	Former West Street Shelter Hall (A259)	1000 ⁺	250*	250*
	Marine Parade retaining wall (Duke's Mound)	70	100	0
	Other locations	100	tbc	tbc
Highway Asset Management	Surveys, update inventory and finalise strategy evidence	131	50	50
CAPITAL RENEWAL/MAINTENANCE SUB-TOTAL		3,801	2,110	2,110
NATIONAL PRODUCTIVITY INVESTMENT FUND [NPIF]				
Boosting productivity by.....				
Investing in the Seafront	Former West Street Shelter Hall (A259)	978	tbc	tbc
NPIF SUB-TOTAL		978	tbc	tbc
INTEGRATED TRANSPORT SCHEMES				
Connecting people with.....				
Education, Training & Learning	Safer Routes to Schools	100	tbc	tbc
	School Travel Plan Measures	20	tbc	tbc
SUB-TOTAL		120		
Workplaces & job opportunities	Business Travel Plan Measures - matched funding with businesses***	20	20	20
	Personalised Travel Planning***	20	10	10
SUB-TOTAL		40		
Shopping areas	Boundary Road/Station Road - Portslade	0	tbc	tbc
SUB-TOTAL		0		
Parks, open spaces & the National Park	Rights of Way – incl. access to SDNP	50	tbc	tbc
SUB-TOTAL		50		
Interchanges	Brighton Station Gateway (south)	15	0	0
	BikeShare project**	20	0	0
	Accessible bus-stops	35	tbc	tbc
SUB-TOTAL		70		
Improving neighbourhoods with.....				
Road Safety	20mph limits – speed reduction measures.	80	tbc	tbc
	High risk sites	200	tbc	tbc
SUB-TOTAL		280		
.....continued				

Project/ Scheme	Description (please see Footnote below for explanation of symbols)	2017/18 Proposed Allocation (£'000s)	2018/19 Indicative future allocation	2019/20 Indicative future allocation
Air quality improvement	Rottingdean High Street AQMA	40	0	0
Active travel measures	Pedestrian crossings – freestanding sites	115	tbc	tbc
	Walking network – incl. dropped kerbs and handrails	84	tbc	tbc
	Cycle facilities	40	40	40
	Cycle network***	0	40	40
SUB-TOTAL		279		
Managing links and routes with.....				
Technology & Travel Information	Intelligent Transport Systems [ITS] project-Phase 1**	100	0	0
	Intelligent Transport Systems [ITS] project-Phase 2****	52	100	300
	Electric vehicle charging points	55	55	55
SUB-TOTAL		207		
Strategic/corridor improvements	A270 Elm Grove traffic signals - upgrade	250	0	0
	Valley Gardens – Phases 1 & 2**	160	792	57
	Valley Gardens – Phase 3	200	tbc	tbc
	Church Road, Hove	0	tbc	tbc
SUB-TOTAL		610		
Connecting people and neighbourhoods with, and improving the				
City Centre & Seafront	'Gateway to the Sea' – engagement and concept design	150	tbc	tbc
SUB-TOTAL		150		
Minor works	Scheme completion & scoping/Monitoring	50	tbc	tbc
SUB-TOTAL		50		
INTEGRATED TRANSPORT SUB-TOTAL		1,856	3,059	3,059
GRAND TOTALS		6,635	5,169	5,169
Funded From				
LTP Integrated Transport Block Grant Allocation		3,059	3,059	3,059
LTP Maintenance Block Grant Allocation		2,332	2,110	2,110
Highway Maintenance Incentive Fund (HAMS)		131	196	308
Pothole Action Fund		135	tbc	tbc
National Productivity Investment Fund [NPIF]		978	tbc	tbc

Footnote

- includes Pothole Action Fund allocation (£135,000).

+ - see NPIF allocation (£978,000) also.

* - committed contribution to successful bid to the DfT's Highways Maintenance Challenge Fund.

** - local contribution, committed to approved LEP Local Growth Fund [LGF] scheme.

*** - committed contribution to successful bid to the DfT-funded 'Unlocking Growth with Active Travel' Access Fund project.

**** - local contribution, committed to support bid for LEP Local Growth Fund [LGF] allocation.

tbc - project/programme will require/receive continued funding to deliver existing/ongoing commitments (sums to be confirmed, or unknown).

NOTES –

In many cases, costs indicated above are preliminary estimates. Expenditure on schemes may need to be increased, reduced or deferred during a financial year as information becomes available. Some works are also subject to network co-ordination with other projects, developers and utility companies, contractor availability and weather conditions.

Subject:	Bike Share (TRO Objections)		
Date of Meeting:	14 March 2017		
Report of:	Executive Director Environment, Economy and Culture		
Contact Officer:	Name:	Abby Hone	Tel: 29-0390
	Email:	abby.hone@brighton-hove.gov.uk	
Ward(s) affected:	Brunswick & Adelaide, Central Hove, East Brighton, Goldsmid, Hanover & Elm Grove, Hollingdean & Stanmer, Hove Park, Moulsecoomb & Bevendean, Preston Park, Queen's Park, Regency, Rottingdean Coastal, St Peter's & North Laine		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT & POLICY CONTEXT

- 1.1 The purpose of this report is to consider comments and objections received in relation to proposed Traffic Regulation Orders (TRO) associated with sites identified for the Brighton & Hove Bike Share Scheme.
- 1.2 The current Traffic Regulation Orders authorise the installation of Bike Share docking points (hubs) in:
 - Abbey Road (together with re-provision of car parking elsewhere in Abbey Road and Great College Street);
 - Brunswick Place;
 - Eaton Road;
 - George Street (Hove);
 - Edward Street;
 - Montague Place;
 - Rock Street;
 - Shaftesbury Place;
 - Station Approach;
 - St George's Road;
 - St James's Street;
 - Whitecross Street.
- 1.3 Location plans are provided in Appendix A.
- 1.4 The report also documents a statutory consultation process undertaken for sites located in public open spaces to enable land to be leased to the Bike Share Operator.
- 1.5 All other provisional sites are provided for background, though it should be noted that these are subject to agreement with the Operator and private land owners where applicable. The purpose of this report is however to seek agreement for

those sites where Traffic Regulation Orders or Open Spaces Notices have been required.

2. RECOMMENDATIONS:

- 2.1 That, having taken account of all duly made representations and objections, Committee Members approve as advertised the following order:

Brighton & Hove Various Controlled Parking Zones Consolidation Order 2015 Amendment Order No.* 201* (ref: TRO-29-2016)

- 2.2 That, having taken account of all duly made representations and objections, Committee Members approve the leasing of public open space to the Bike Share Operator.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 A report seeking approval for the tendering of a concession agreement for the provision of a Bike Share Scheme for the city was first approved by Environment, Transport & Sustainability Committee on 24 November 2015. A subsequent report seeking approval of the extension of this contract to allow for a 'mobilisation period' of a maximum of seven months was approved by the Committee on 11 October 2016.
- 3.2 The winning bidder (the Operator), Hourbike Ltd, was subsequently appointed in December 2016.
- 3.3 The scheme area has been based on the public cycle hire Business Case completed for the council by SDG consultants in 2014. This took account of a range of factors to determine an area of the city where the first roll out of a cycle hire scheme could be successful based on a range of demographic information. This included consideration of factors such as population density, car ownership and trip attractors.
- 3.4 The identification of sites within the scheme area has used previous work undertaken for the council by JMP consultancy (2009). This has been modified where appropriate to reflect the number of locations (50) and bikes (430) identified within the Business Case as well as to provide an appropriate hub density. The aim is generally for hubs to be within at least 500m of each other, though in parts of the city, particularly the city centre, the density of hubs will be higher.
- 3.5 A full list of the 50 provisional sites is provided at Appendix B. This list has been made available on the council's website following requests from residents. However, it should be noted that all are subject to agreement with the Operator and detailed design of hub locations. Sites on private land will also be subject to agreement between the Operator and landowner.
- 3.6 Specific site considerations have included the prominence and accessibility of a site as well as the impact on car parking and pedestrians. Efforts have been made to minimise the loss of car parking and consequently only nine of the 50 sites will result in a loss of permanent parking and for one of these (Abbey Road)

parking will be re-provided in close proximity. The proposed George Street location will also result in the removal of parking, though this is located within the restricted area meaning that parking is currently only accessible during evenings and on Sundays.

- 3.7 Of the locations resulting in a loss of parking, four spaces are in Controlled Parking Zone N (central Hove) (excluding spaces in George Street) and two in Zone Y (north central Brighton). Both of these zones are currently subject to a waiting list for permits. There is no waiting list for permits in the other zones affected.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 Potential sites outside of the area identified within the Business Case have not been considered further at this stage. This is in order to maximise the financial sustainability of the scheme which is essential for its long-term success. Expansion to other parts of the city could be considered once usage within the initial scheme area has been established.
- 4.2 Where appropriate, footway locations have been considered before on-carriageway options. The location of Bike Share hubs on the footway or sites off the public highway needs to be carefully considered to ensure that pedestrian access, including for those with disabilities, is not impeded. Officers have also assessed the most appropriate hub locations which would be convenient for users (and therefore most likely to be well used). As such, the loss of parking in a small number of locations has been unavoidable.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Letters were sent to residents and traders in the vicinity of each site during August/ September 2016 informing them of the Bike Share proposals. Ward Members were also informed by email. Comments were invited within 21 days of receipt of the letter.
- 5.2 Meetings were held with residents or businesses at four of the locations.
- 5.3 Table 1 summarises the number of responses received either supporting or opposing the proposals in each location. It also indicates whether the design was subsequently amended prior to the Traffic Regulation Order being advertised.
- 5.4 The apparently low response rate is to be expected for schemes of this nature and reflects the scale of the proposals. It is also reasonable to expect that those content with the proposals would be less likely to reply to the consultation.
- 5.5 Objections centred on the loss of parking which officers have sought to address. Additional concerns were raised in respect of the Whitecross Street proposal. These were repeated at the Traffic Regulation Order consultation stage and are considered further below.

Table 1: Summary of Initial Consultation

Location	Addresses Informed	Support	Objections	General	Subsequent Amendments to Proposal
Abbey Road	22	1	0	0	
Brunswick Place	Loading bay notice	0	2	0	
Eaton Road	135	0	3	2	
Edward Street	0	0	0	0	
George Street	31	0	3	2	Moved from northern to southern end. Site selected to minimise impact on shop frontage.
Montague Place	49	0	1	1	
Sussex Square/ Rock Street	81	2	2	0	Location moved to Rock Street. Confirmed hub size would have resulted in greater loss of parking than envisaged at Sussex Square.
Shaftesbury Place	22	0	2	0	Location revised with agreement of Ditchling Rise Area Residents' Association (DRARA).
Station Approach	44	1	1	0	
St George's Road	83	0	3	1	
St James's Street	16	0	0	0	
Whitecross Street	24	0	2	0	

5.6 Following the informal consultation, the Traffic Regulation Orders were advertised on Friday 20 January 2017 for a period of 21 days. The consultation period ended on Friday 10 February 2017.

5.7 The Traffic Regulation Orders received 6 objections and 2 general representations in support from Bicycles and Brighton & Hove Friends of the Earth. The reasons for objections are included in Table 2 along with the officer response.

Table 2: Summary of TRO Responses

Comment	Number	Officer Response
Eaton Road (1 Response)		
Support for scheme but opposed to loss of parking in this location-taxi rank should be used instead.	1	<p>The proposed hub will partly be located in an area of carriageway not used for car parking, therefore limiting the reduction in this location to one space.</p> <p>The taxi rank has been reported by residents to be underutilised. It has not been considered further for a Bike Share location. Were there sufficient support to do so, the demand for the rank and its size could be</p>

		reviewed independently of the Bike Share scheme process.
Shaftesbury Place (2 Response)		
Proposed site would obstruct street food business	1	This site was selected in discussion with Ditchling Rise Area Residents' Association (DRARA) as an alternative to the originally proposed location (informal consultation). Previously this location had two unused disabled parking bays which were also removed at the request of DRARA. It is considered that the commercial operation could continue and off-street parking arrangements would be unchanged from the historic situation.
Site would not be well used in this location.	1	Sites have been identified in accordance with the Business Case (see Section 3 above). Usage of all sites will be monitored by the Operator.
Access denied to premises	1	The footprint of the proposed bike share hub would be no greater than the historic parking arrangement and access to businesses is retained
St Georges' Road (2 Responses)		
Loss of parking	2	As noted in Sections 3 and 4 above, every effort has been made to minimise the loss of parking as a result of the scheme as a whole and at specific locations.
The facility would not be for use by residents as those who cycle have their own bikes. The facility will result in potential disturbance for residents.	1	Based on experience elsewhere and the Business Case for the scheme, the expectation is that the scheme will benefit residents as well as visitors and employees in the city. This is particularly the case in central areas where many residents do not have facilities to store their own bikes. There is no reason to suspect that the Bike Share locations will result in greater disturbance for residents than existing parking or cycle parking. Any issues with individual sites and levels of usage will be monitored and where necessary alternative locations considered.
Whitecross Street (2 Responses)		
Unacceptable impact on visually impaired users, particularly in respect of crossing.	1	The proposed hub is located in place of car parking, not marked crossing points. It would be located on and accessed from the carriageway not the footway. In this respect it is no different to existing cycle access arrangements.
Trafalgar Street/ Whitecross Street experience congestion, including vehicles queuing at car park entrance. Hub will create further congestion.	2	The hub is in place of car parking and there is no reason to expect it will add to further congestion. On the contrary, the scheme would provide an alternative option to private car use.
Large vehicles loading on Whitecross Street present a hazard to road users and would be a danger to future hub users.	2	No loading areas or carriageway space not currently designated for car parking will be removed. The situation will therefore remain unchanged.
Hubs will add to street clutter.	2	Planning and Conservation officers are being consulted as appropriate. The contract will provide for maintenance

		of the hub locations.
Loss of car parking.	2	As noted in Sections 3 and 4 above, every effort has been made to minimise the loss of parking as a result of the scheme as a whole and at specific locations.
Site assessments have not been undertaken at a representative time and images presented are misleading.	1	Site visits have been completed at various times. Any images presented in site assessment material are intended to illustrate the location as opposed to be representative of traffic conditions at any one time.
Alternative locations have not been given adequate consideration.	2	Station Street and an area of land adjacent to Trafalgar Street car park were investigated as alternatives at the suggestion of objectors. These were considered to risk greater conflict between cyclists and pedestrians. The available footprint and underground services also meant that the sites faced technical constraints. More broadly, amendments to sites have been progressed where they are feasible from a design perspective (see Table 1). There is also a need to consider the prominence of hub sites and the location of these as part of the wider Bike Share network.
General		
Support for the scheme, including request that all proposed sites be progressed.	2	
The Business Case is not sound.	2	The Business Case has undergone a rigorous assessment by the Capital to Coast LEP as a pre-requisite for the granting of funding for the scheme.
Equalities implications have not been considered.	2	An Equalities Impact Assessment has been prepared (see paragraph 7.4).

- 5.8 An additional representation was received in respect of the Montague Place location. This concerned an alternative location to minimise parking loss. Clarification has been provided by officers and this has not been recorded as a formal objection.
- 5.9 Open Spaces notices were advertised for sites on public open space on 10 February with the closing period for comments being the 3 March. At the time of writing, no representations have been received.

6. CONCLUSION

- 6.1 Having taken into account the results of the consultation and alternative solutions/proposals where feasible as detailed above, officers recommend the Traffic Regulation Orders be approved as advertised and the Bike Share hubs implemented as planned.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The capital costs associated to the recommendations in the report will be funded from the approved budget for the Bike Share/Hire Scheme. The Bike Share/Hire Scheme capital project is funded from £1.160 million Local Growth Fund grant and £0.290m Local Transport Plan funding.
- 7.2 It is estimated that the loss of parking income associated to the recommendations will be approximately £0.024m per year. This will be monitored as part of the budget monitoring process, and any recurring impact could be incorporated in future years budgets when detail on loss of income becomes more robust and can be accurately forecast.

Finance Officer Consulted: Gemma Jackson

Date: 15/2/17

Legal Implications:

- 7.3 The Council regulates traffic by means of orders made under the Road Traffic Regulation Act 1984. The procedure for advertising a proposed TRO is contained in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 which require public notice of orders to be given and allow any person to object to the making of an order. Any unresolved objections to an order must be considered by the Environment, Transport & Sustainability Committee before it can be made.

Under the Open Spaces Act 1906 the Council holds and administers open space in trust for the enjoyment of the public as an open space and for no other purpose. The purpose of advertising the proposals for the installation of the Bike Share hubs on open space land was to enable the public to respond to the proposals and to enable the Council to consider the objections before taking any decision.

It is not considered that any adverse human rights implications arise from the report.

Lawyer Consulted: Stephanie Stammers

Date: 16.02.17

Equalities Implications:

- 7.4 The needs of all road users have been considered in the siting of locations and an Equalities Impact Assessment has been completed. Considerations have included the impact on wheelchair users and pedestrians with visual impairments of footway locations. This is provided at Appendix 3.

Sustainability Implications:

- 7.5 The measures outlined in this report will promote and encourage greater use of sustainable transport and, in particular, overcome current barriers to cycling. The scheme will also seek to enhance health by encouraging active travel amongst local people.

Crime & Disorder Implications:

- 7.6 None foreseen.

Risk and Opportunity Management Implications:

- 7.7 Sites have been identified by reference to the Business Case. The risk of hubs not being well used is minimised by selecting appropriate and prominent locations. Use of the scheme and individual hub sites will be monitored by the operator and sites reviewed as required across the lifetime of the scheme.

Public Health Implications:

- 7.8 In providing public cycle hire facilities, the proposal improves the attractiveness and convenience of cycling. It is therefore an important part in encouraging higher levels of cycling which in turn has positive public health implications.

Corporate / Citywide Implications:

- 7.9 The proposals detailed within this report are consistent with the Council's priorities outlined within the Corporate Plan 2015-2019. Specifically, the proposals will support local businesses by providing opportunities for additional customers to arrive by bicycle. They will also support efforts to improve the health and well-being of the city's residents and improving the sustainability of its transport infrastructure.

SUPPORTING DOCUMENTATION

Appendices:

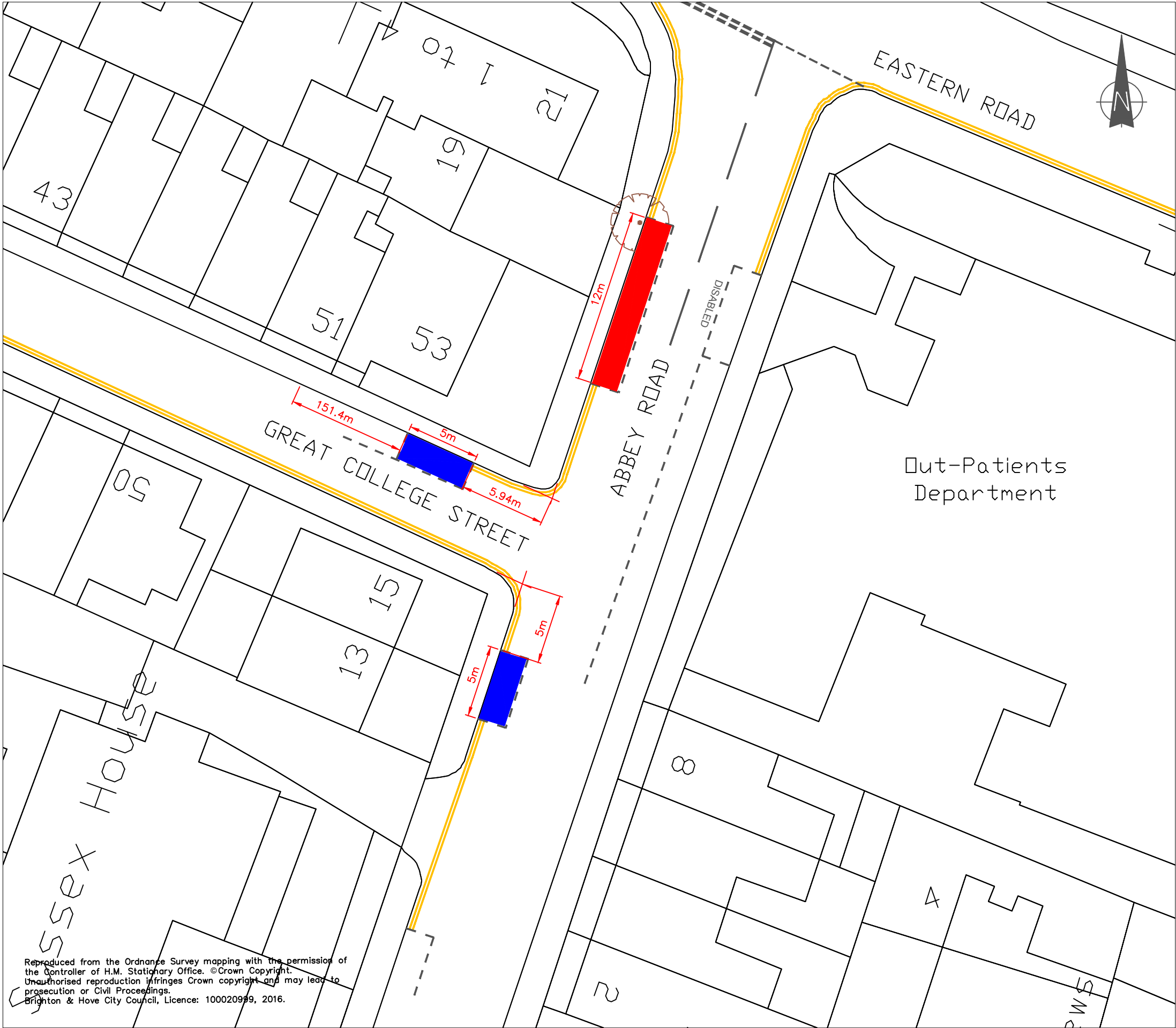
1. Appendix 1 Cycle Parking Plans
2. Appendix 2 Provisional Sites List
3. Appendix 3 Equalities Impact Assessment

Documents in Members' Rooms

1. None

Background Documents

1. None



KEY



Proposed location of bike share hub



Re-provided shared permit and pay and display parking bay

Rev	Revision details	Date
Status: (tick <input checked="" type="checkbox"/> as appropriate)		
INFORMATION	<input checked="" type="checkbox"/>	SURVEY <input type="checkbox"/> FEASIBILITY <input type="checkbox"/>
DESIGN	<input type="checkbox"/>	TENDER <input type="checkbox"/> WORKING DRAWINGS <input type="checkbox"/>
AS-BUILT	<input type="checkbox"/>	

	Signed	Date
Drawn:	-	-
Designed:	-	-
Checked:		
Approved:		
File/Acad ref:	S:\	



Brighton & Hove
City Council

Project Name

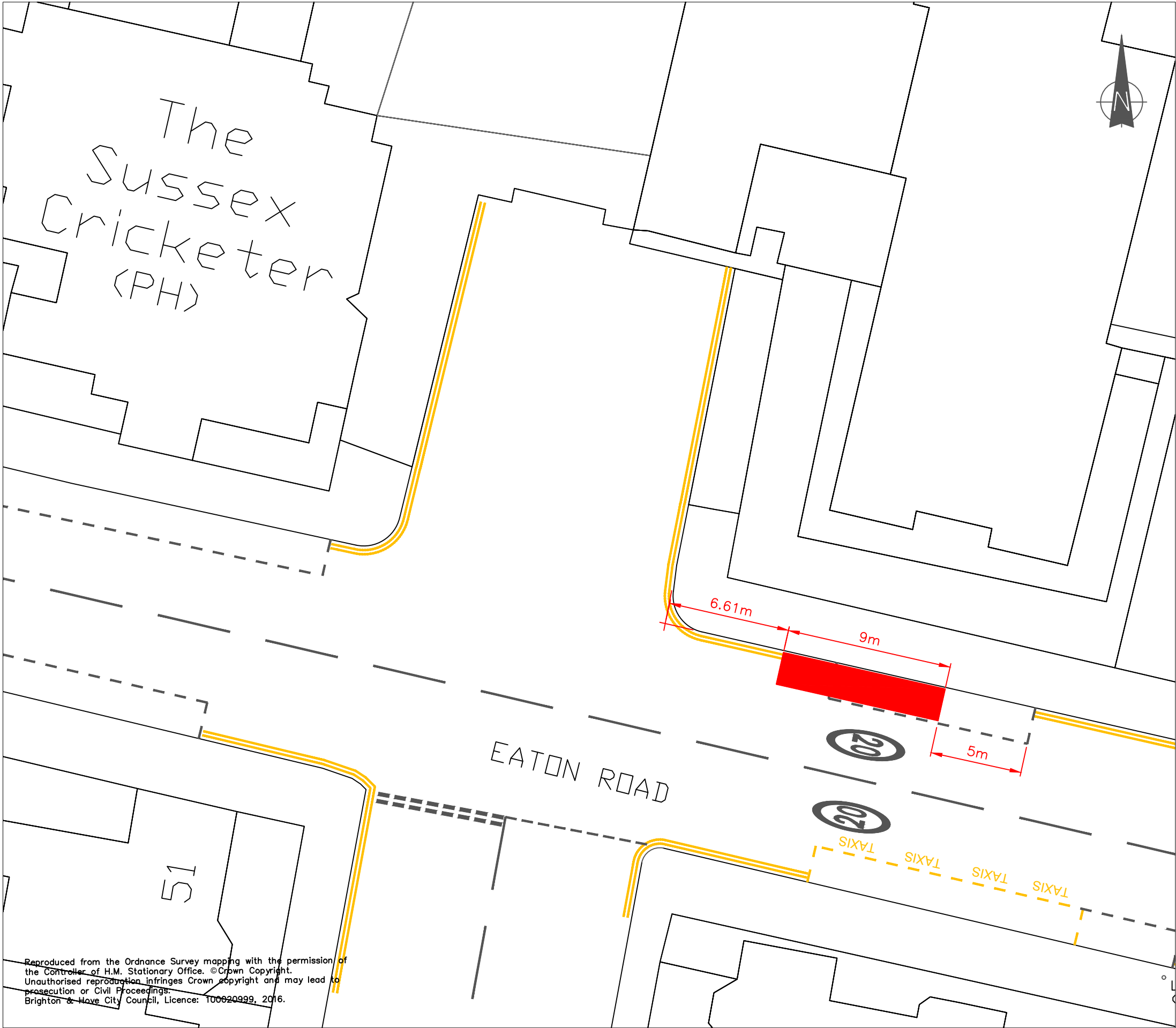
BIKE SHARE

Drawing Title

ROYAL SUSSEX
COUNTY HOSPITAL

Drawing No 4TR133/33	Scale NTS	Rev -
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KEY



Proposed location
of bike share hub

Rev	Revision details	Date
Status: (tick ✓ as appropriate)		
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DESIGN	<input type="checkbox"/>	TENDER <input type="checkbox"/> WORKING DRAWINGS <input type="checkbox"/>
AS-BUILT	<input type="checkbox"/>	

	Signed	Date
Drawn:	-	-
Designed:	-	-
Checked:		
Approved:		
File/Acad ref:	S:\	



Brighton & Hove
City Council

Project Name

BIKE SHARE

Drawing Title

SUSSEX COUNTY
CRICKET GROUND

Drawing No 4TR133/19	Scale NTS	Rev -
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KEY



Proposed location
of bike share hub

Rev	Revision details	Date
Status: (tick ✓ as appropriate)		
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DESIGN	<input type="checkbox"/>	TENDER <input type="checkbox"/> WORKING DRAWINGS <input type="checkbox"/>
AS-BUILT	<input type="checkbox"/>	

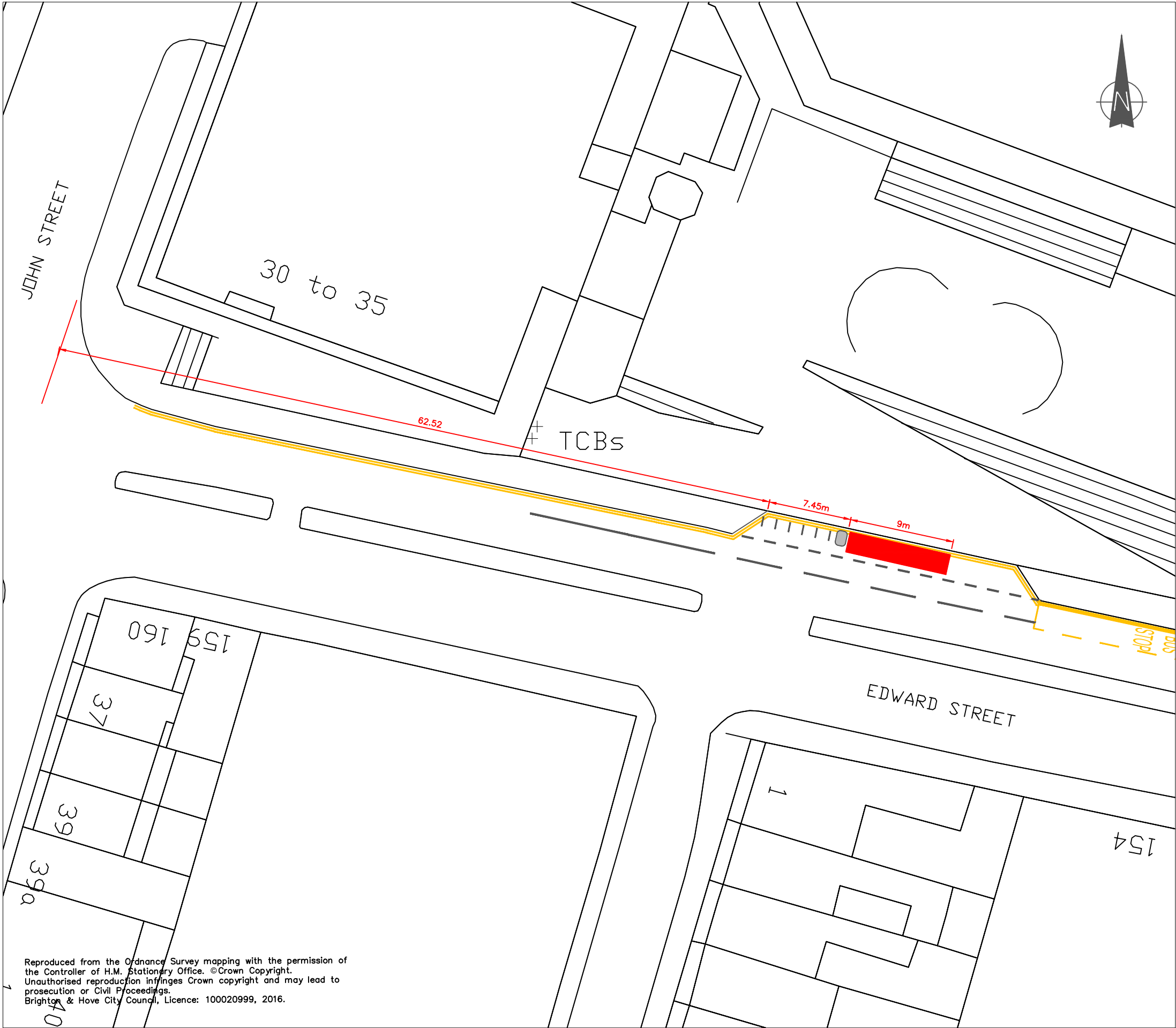
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Drawn:	-	-
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Approved:		
File/Acad ref:	S:\	



Project Name
BIKE SHARE

Drawing Title
EDWARD STREET

Drawing No 4TR133/30	Scale NTS	Rev -
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KEY

 Proposed location of bike share hub

Rev	Revision details	Date
Status: (tick ✓ as appropriate)		
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Approved:		
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Brighton & Hove
City Council

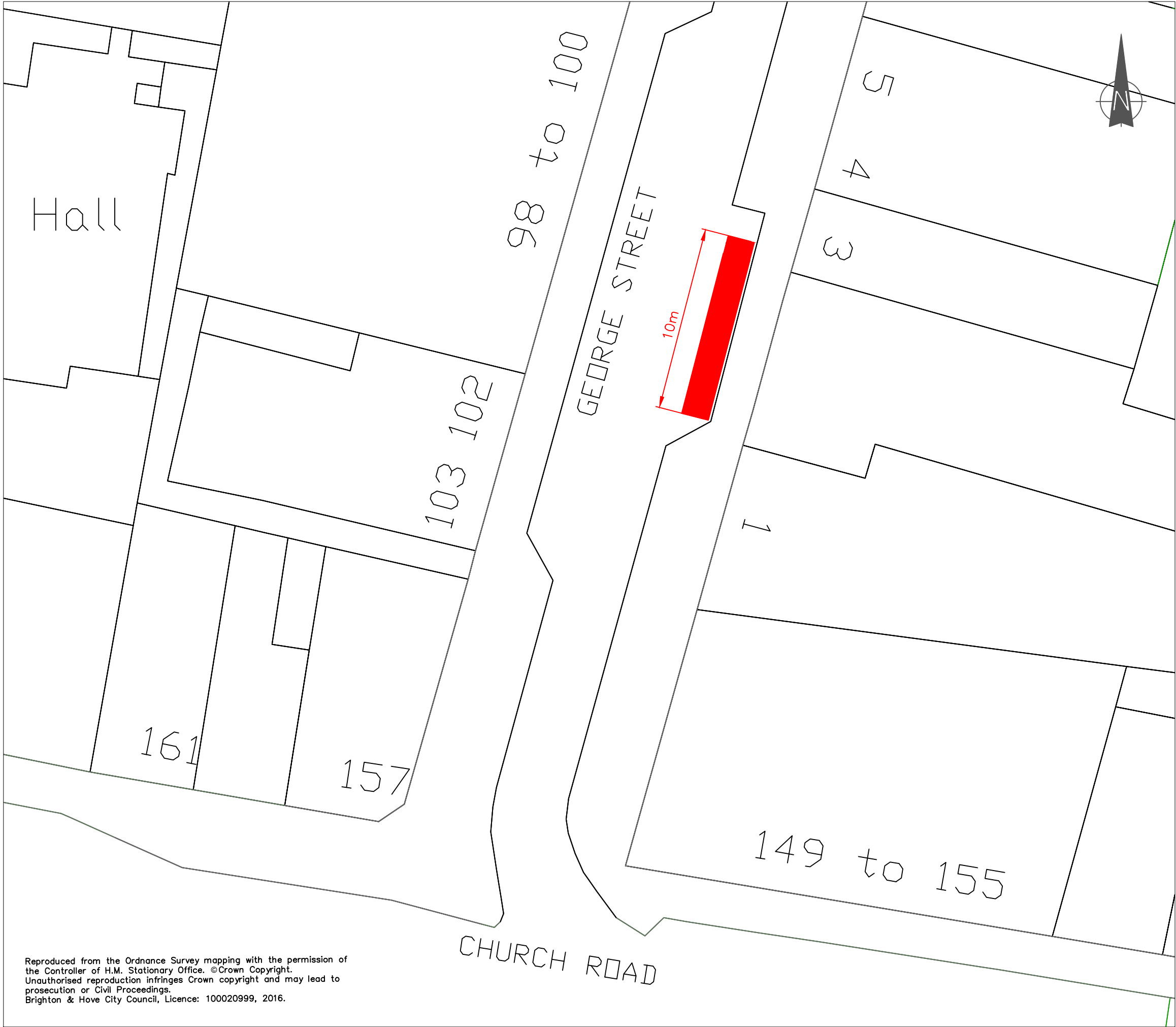
Project Name

BIKE SHARE

Drawing Title

GEORGE STREET

Drawing No 4TR133/44	Scale NTS	Rev A
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KEY



Proposed location
of bike share hub

Rev	Revision details	Date
Status: (tick ✓ as appropriate)		
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DESIGN	<input type="checkbox"/>	TENDER <input type="checkbox"/> WORKING DRAWINGS <input type="checkbox"/>
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Brighton & Hove
City Council

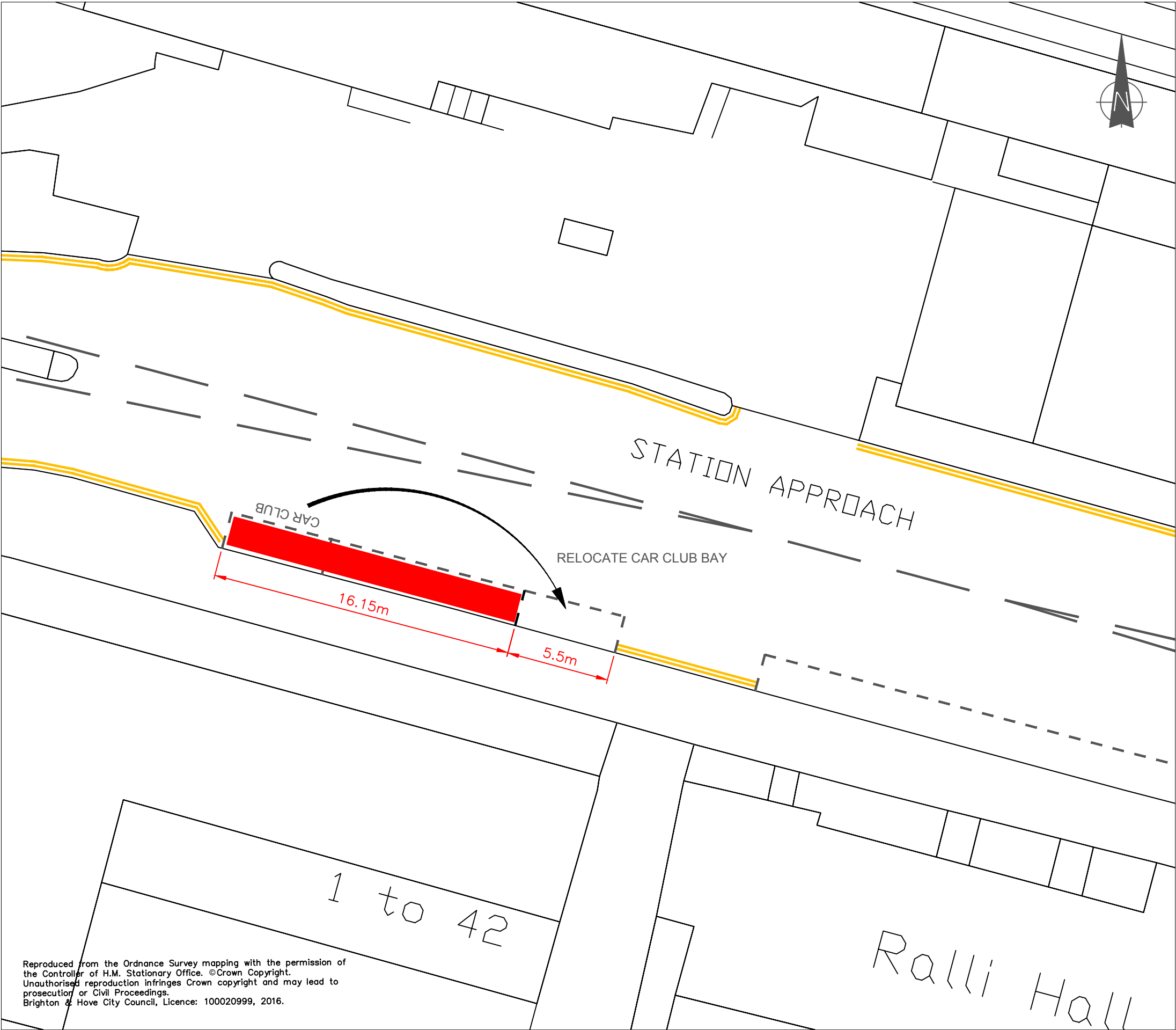
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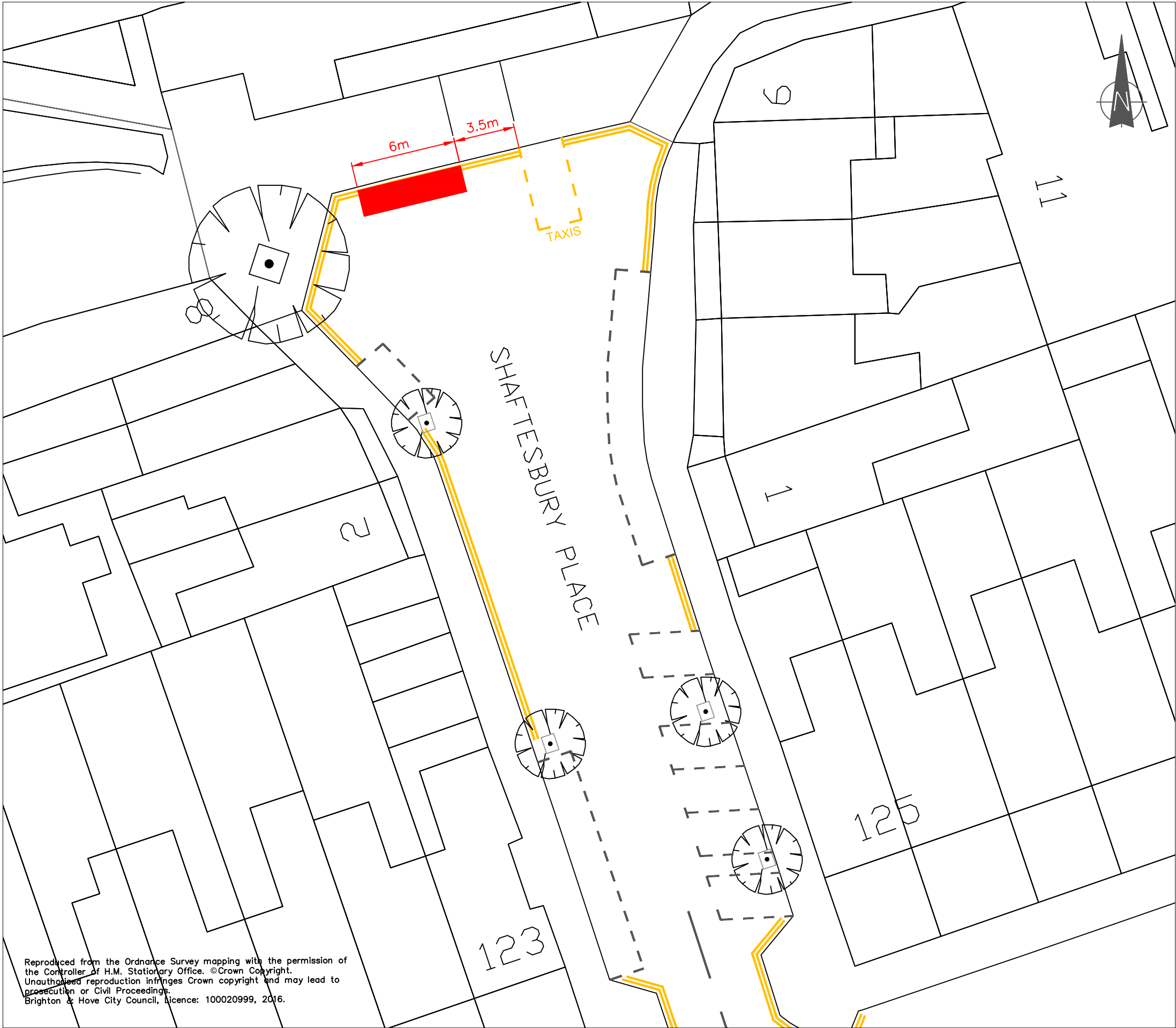
Drawing Title

HOVE STATION

Drawing No 4TR133/20	Scale NTS	Rev -
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KEY



Proposed location
of bike share hub

Rev	Revision details	Date
Status: (tick ✓ as appropriate)		
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Brighton & Hove
City Council

Project Name

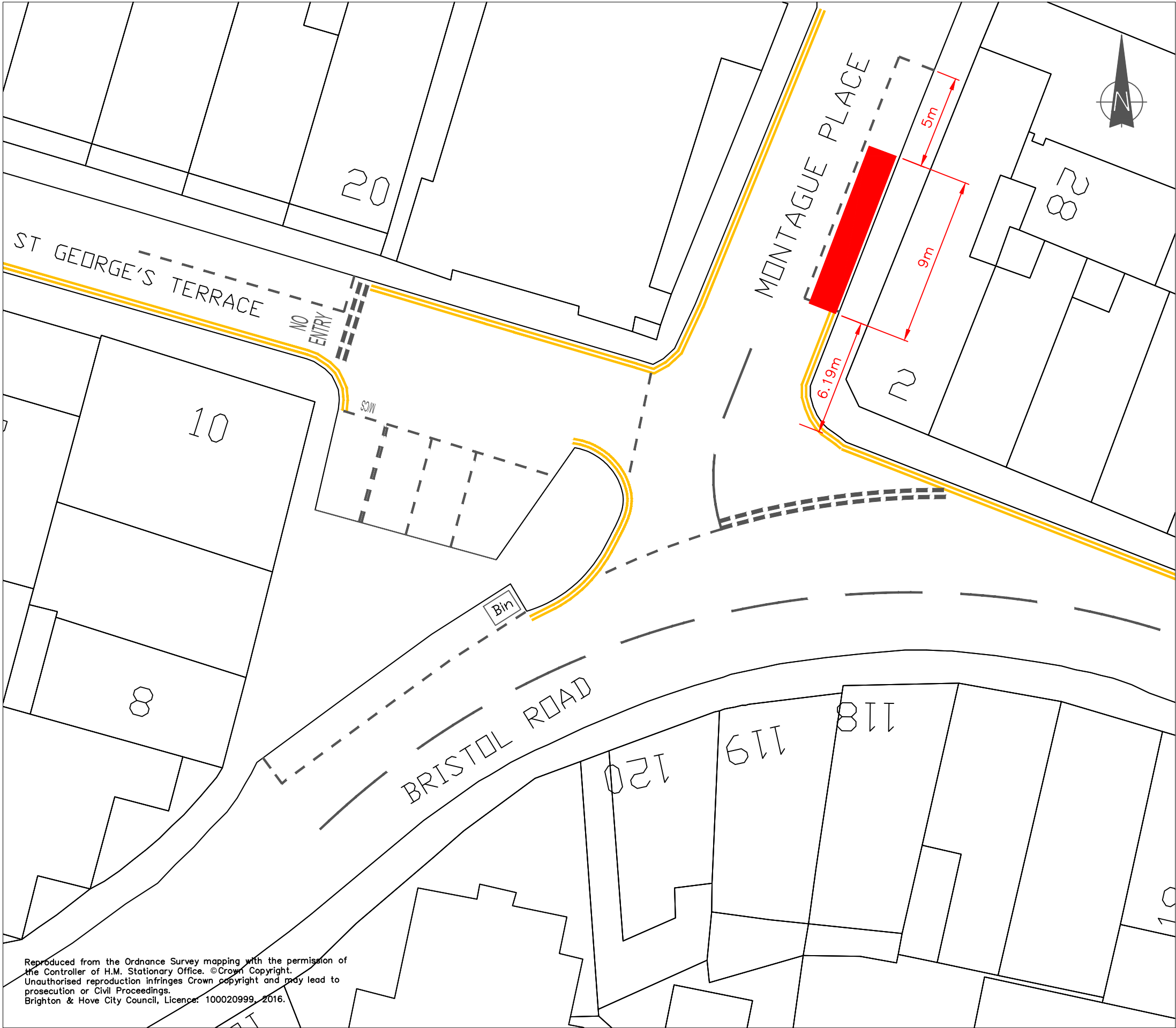
BIKE SHARE

Drawing Title

LONDON ROAD STATION

Drawing No 4TR133/23	Scale NTS	Rev -
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KEY



Proposed location
of bike share hub

Rev	Revision details	Date
Status: (tick ✓ as appropriate)		
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DESIGN	<input type="checkbox"/>	TENDER <input type="checkbox"/> WORKING DRAWINGS <input type="checkbox"/>
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Brighton & Hove
City Council

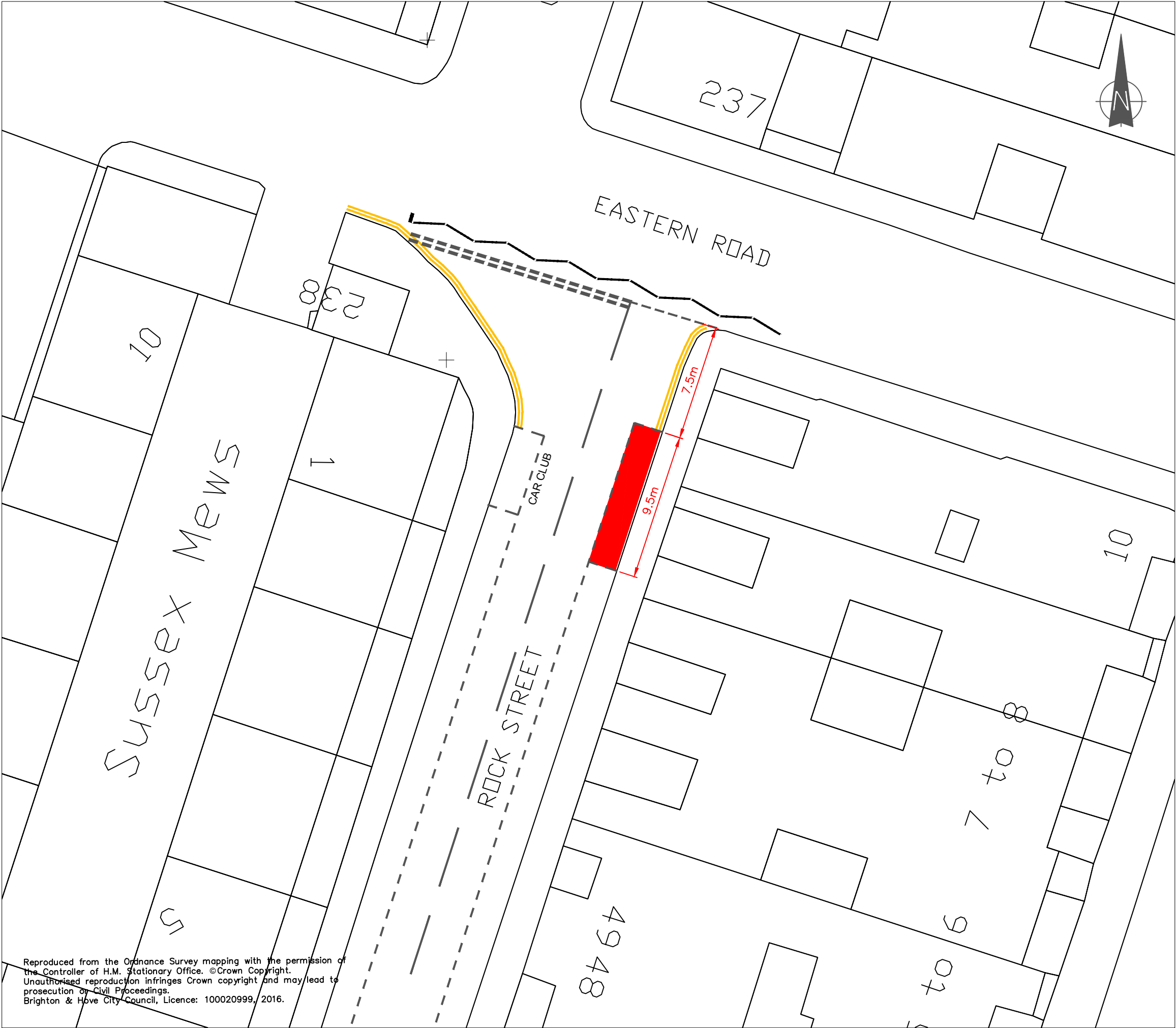
Project Name

BIKE SHARE

Drawing Title

ST. GEORGE'S ROAD (WEST)

Drawing No 4TR133/48	Scale NTS	Rev -
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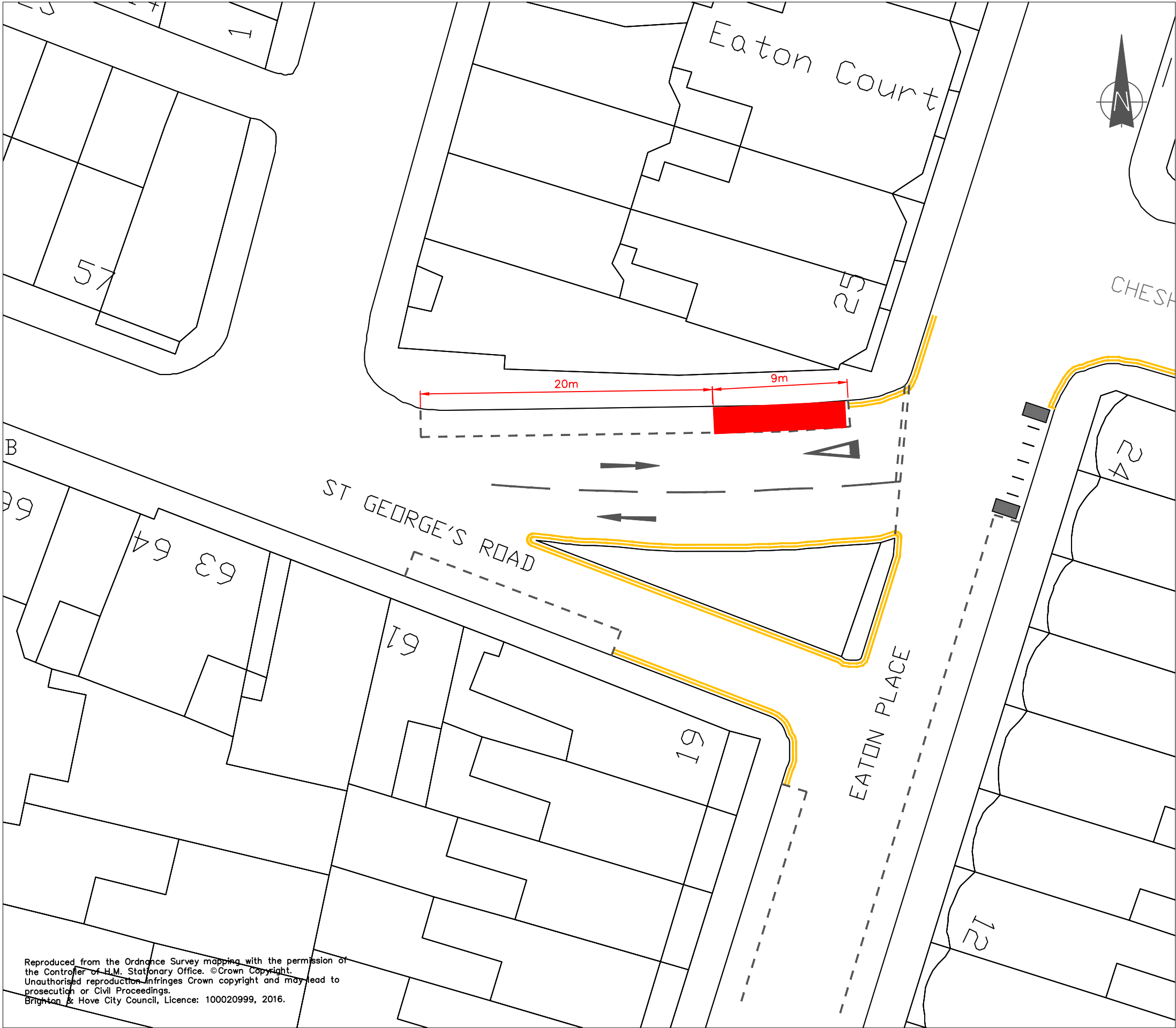
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Proposed location of bike share hub

Rev	Revision details	Date
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Designed:	-	-
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Approved:		
File/Acad ref:	S:\	



Project Name		
BIKE SHARE		
Drawing Title		
ROCK STREET		
Drawing No 4TR133/42	Scale NTS	Rev A



KEY



Proposed location
of bike share hub

Rev	Revision details	Date
Status: (tick <input checked="" type="checkbox"/> as appropriate)		
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DESIGN	<input type="checkbox"/>	TENDER <input type="checkbox"/> WORKING DRAWINGS <input type="checkbox"/>
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File/Acad ref:	S:\	



Project Name

BIKE SHARE

Drawing Title

ST. GEORGE'S ROAD (EAST)


Drawing No
4TR133/31

Scale
NTS

Rev
-

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KEY

 Indicative location of bike share hub

Rev	Revision details	Date
Status: (tick <input checked="" type="checkbox"/> as appropriate)		
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Brighton & Hove
City Council

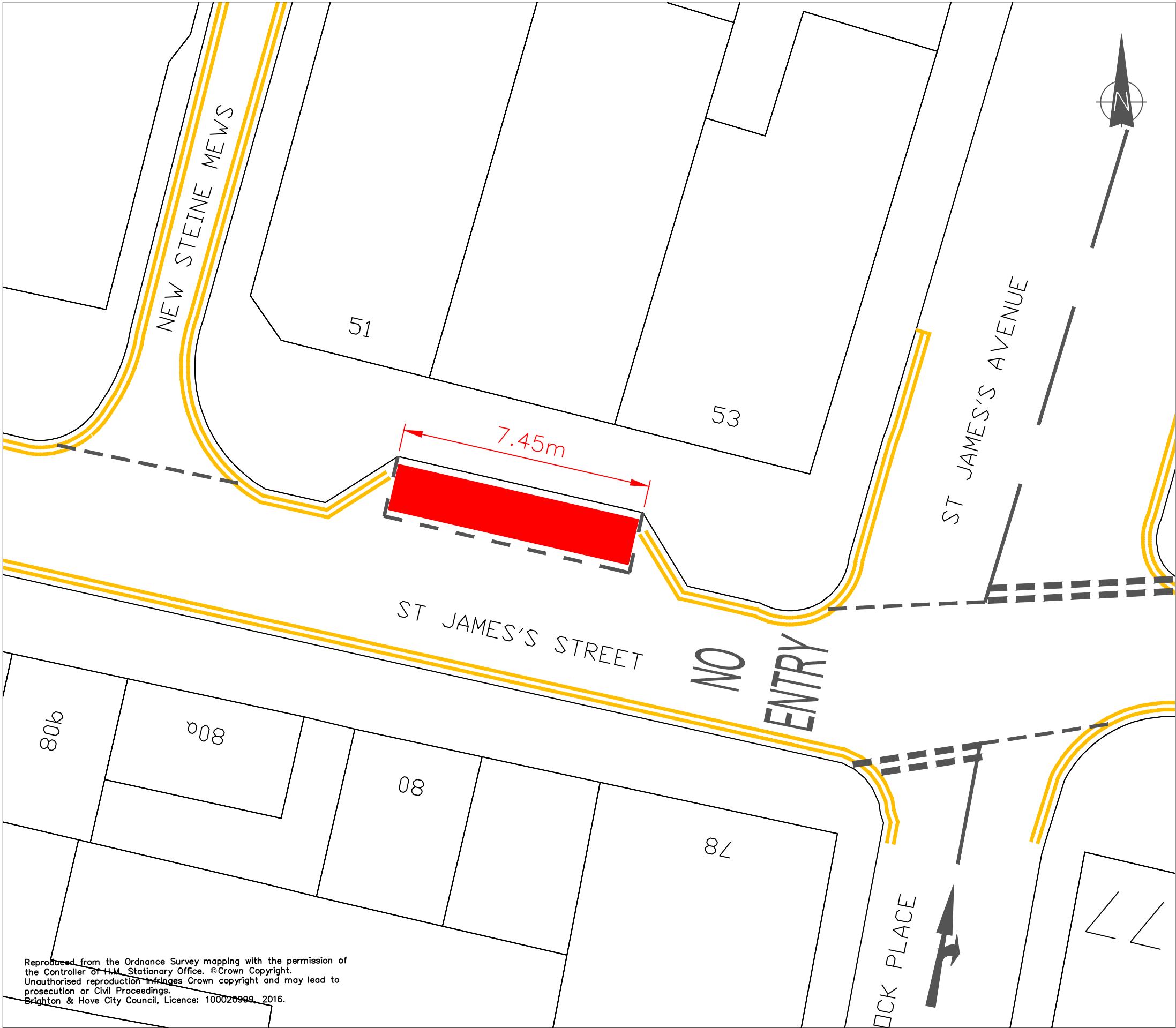
Project Name

BIKE SHARE

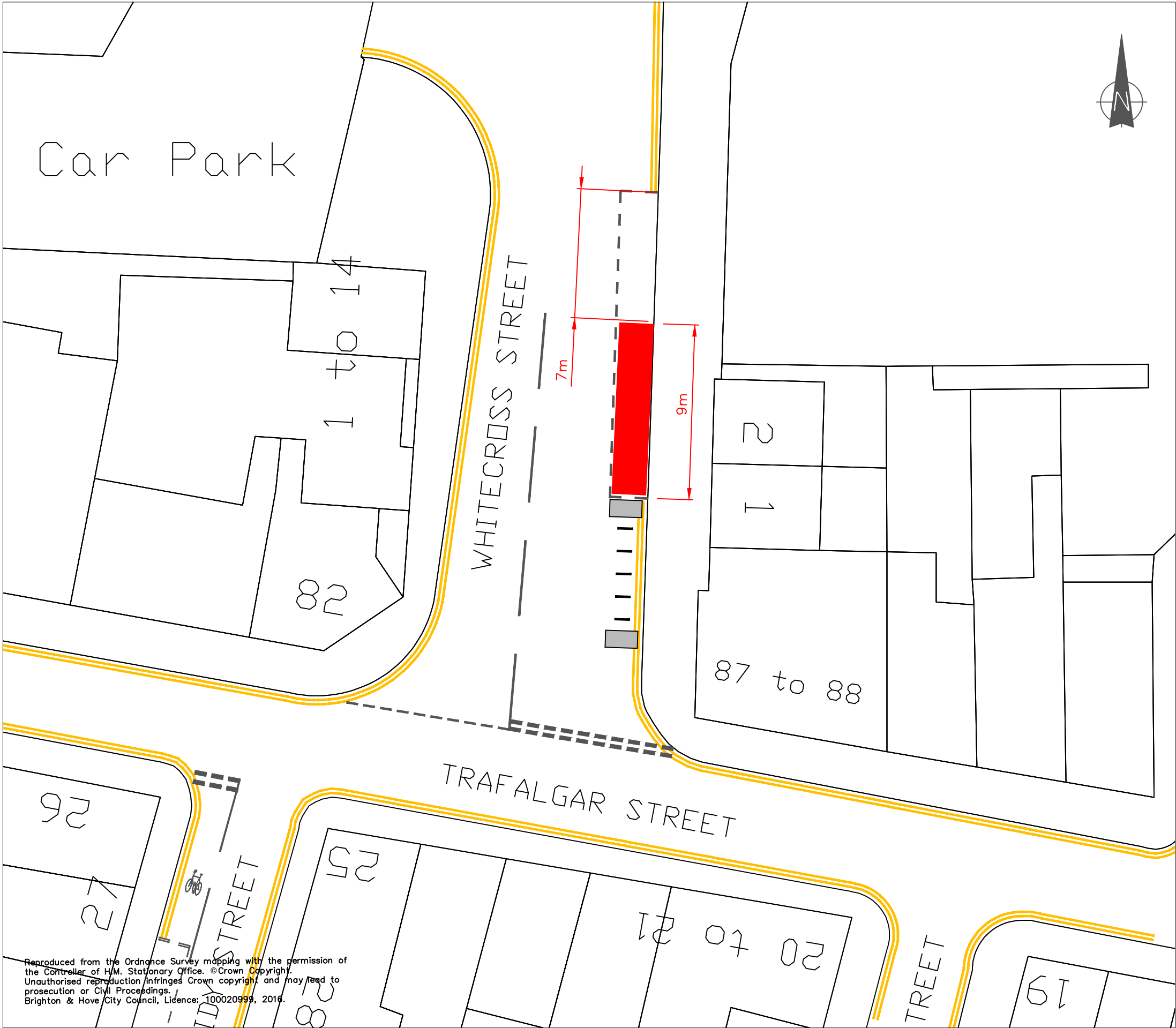
Drawing Title

SITE NO. 47
ST. JAMES' STREET

Drawing No 4TR133/47	Scale NTS	Rev -
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KEY



Proposed location of bike share hub

Rev	Revision details	Date
Status: (tick ✓ as appropriate)		
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DESIGN	<input type="checkbox"/>	TENDER <input type="checkbox"/> WORKING DRAWINGS <input type="checkbox"/>
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Checked:		
Approved:		
File/Acad ref:	S:\	



Brighton & Hove
City Council

Project Name

BIKE SHARE

Drawing Title

WHITECROSS STREET

Drawing No 4TR133/05	Scale NTS	Rev -
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Appendix B: List of Provisional Bike Share Sites

The below summarises the provisional 50 locations where it is proposed Bike Share hubs will be sited. This list is provided for information only and all sites remain subject to agreement with the Operator and third party landowners where applicable and detailed design.

Sites which are the subject of the current report (requiring TROs and Open Space Notices) are highlighted.

	TRO site
	Opens space notice advertised

1	Brighton Station (south)
2	Brighton Station (north)
3	New England Street
4	London Road
5	Whitecross Street
6	TBC
7	Church Street
8	Castle Square
9	Brighton Town Hall
10	Brighton Pier
11	Clock Tower
12	Churchill Square
13	Brighton Centre
14	Promenade opposite Brighton Centre
15	West Pier/ i360
16	Peace Statue
17	Brunswick Place
18	Palmeira Square
19	Eaton Road- Sussex County Cricket Club
20	Station Approach- Hove Station
21	Hove Town Hall
22	Preston Park
23	Shaftesbury Place- London Road Station
24	University of Brighton- Mithras House
25	University of Brighton - Cockcroft
26	University of Sussex
27	AMEX Community Stadium
28	University of Brighton - Falmer
29	The Level (South)
30	Edward Street
31	St George's Road / Eaton Place
32	Madeira Drive- Yellowwave
33	Royal Sussex County Hospital
34	Black Rock

35	Brighton Marina
36	Vernon Terrace
37	Western Road
38	Lewes Road south of Elm Grove
39	Lewes Road central (Triangle)
40	Queen's Park/ Pepper Pot
41	Dyke Road Park
42	Rock Street
43	Hove Lawns- Lawns Café
44	George Street (Hove)
45	Stanmer Park (NB: Open spaces notice required but site to be confirmed. Open Spaces Notices to be advertised at a later date as required)
46	St James's Street
47	Montague Place
48	Moulsecoomb Way
49	Hove Park
50	The Level (north)

Short Equality Impact and Outcome Assessment (EIA) Template - 2015

EIAs make services better for everyone and support value for money by getting services right first time.

EIAs enable us to consider all the information about a service, policy or strategy from an equalities perspective and then action plan to get the best outcomes for staff and service-users¹. They analyse how all our work as a council might impact differently on different groups². They help us make good decisions and evidence how we have reached these decisions³.

See end notes for full guidance. Either hover the mouse over the end note link (eg: ID No.⁹) or use the hyperlinks ('Ctrl' key and left click).

For further support or advice please contact the Communities, Equality and Third Sector Team on ext 2301.

1. Equality Impact and Outcomes Assessment (EIA) Template

First, consider whether you need to complete an EIA, or if there is another way to evidence assessment of impacts, or that an EIA is not needed⁴.

Title of EIA⁵	Brighton & Hove Bike Share	ID No.⁶	EEC01
Team/Department⁷	Transport Projects		
Focus of EIA⁸	<p>The Council has been awarded £1.16million worth of Local Growth Fund grant from the Coast to Capital (C2C) Local Enterprise Partnership's (LEP's) Local Transport Body with the Council providing match funding to the amount of £290,000. All LEP funding must be spent on capital expenditure i.e. infrastructure for the scheme, such as for bikes or hubs, with this infrastructure remaining under the ownership of the Council. More details on the funding breakdown are provided in the specification.</p> <p>This will be a concessionary contract, with no access to Council funds after the initial funding has been spent. The operator must cover their own operating costs with the aim that there will also be a profit sharing arrangement between the Council and the operator during the contract based on revenues received.</p> <p>The Council has the following overall aims for the Bike Share Scheme:</p>		

- The Bike Share Scheme should be inviting, easy and comfortable to use by a wide range of people. It will be designed to actively encourage new cyclists of all backgrounds and abilities.
- The Bike Share Scheme is required to meet the needs of residents, workers and visitors to Brighton and Hove by providing a reliable attractive alternative to less sustainable and inactive travel modes.
- The Bike Share Scheme should be innovative and able to adapt to respond to the latest developments in bike sharing technology, such as electric assist bikes, over the length of the Contract.
- The Bike Share Scheme should be flexible to meet changing demand in the local area.
- The Bike Share Scheme should be designed to maximise use of its bicycles to 'normalise' cycling as a viable form of transport for as many people as possible.
- The Bike Share Scheme should incorporate light-touch infrastructure capitalising on new technologies and systems available to locate bicycles.

Key features of the scheme are:

- Technologically advanced – in terms of infrastructure and administrative systems used.
- Flexibility – in being able to react to evolving demands and a large number of variables in a scheme such as this.
- Integration – with other transport modes within the city.
- Inclusivity – providing for a diverse range of users.
- Sustainability – in financial, environmental and social terms.

A minimum of 430 bikes and 50 hubs must be provided as part of the initial roll-out of this contract. The winning operator must have some experience of operating a bike share scheme and is allowed to sub-contract out different elements of the scheme if appropriate. It is hoped that the operator will engage with and utilise the local economy – for example through the use of local labour.

The Equality Act requires the city council to demonstrate that any negative impacts (which may include discrimination) associated with the scheme are a proportionate means of achieving legitimate aims. The Bike Share scheme's legitimate aims are highlighted above and place emphasis on the health, safety, sustainability and welfare of individuals living, working and visiting the city.

	<p>Potential impacts have been assessed in relation to (potential) users of the scheme and people in areas surrounding the proposed hubs.</p> <p>A number of benefits have been cited in the business case for the scheme and a Benefits Realisation Plan will be used to track how the scheme realises those benefits over the duration of the scheme contract. Benefits include:</p> <ul style="list-style-type: none"> • Increase in the number of jobs • Access to employment • Supporting major developments and pre-app. stage • Tourism economy • Encourage travel by modes other than the private car (positive impact on air quality) • Enhanced accessibility to cycling for residents in scheme area • High VFM return upon investment • Journey Time reductions/reliability and resilience • Identity/sense of place supporting overall cultural/aesthetic of Brighton & Hove • Increases in levels of physical activity

Assessment of overall impacts and any further recommendations⁹

For clarity all disproportionate impacts on specific groups are highlighted in the single section below.

Overall impacts and notes:

The Council's Corporate Priorities

The four strands of the council's purpose are:

- A good life: Ensuring a city for all ages, inclusive of everyone and protecting the most vulnerable.
- A well run city: Keeping the city safe, clean, moving and connected.
- A vibrant economy: Promoting a world class economy with a local workforce to match.
- A modern council: Providing open civic leadership and effective public services

The council's purpose is to provide strong civic leadership for the wellbeing and aspiration of the city.

The current Local Transport Plan outlines three key ways in which the council will help keep the city moving:

- Maintaining and renewing the transport network and its infrastructure to increase resilience
- Managing movement on the transport network, changing travel behaviour and information people's travel choices in dynamic ways to increase efficiency and sustainability.
- Improving sustainable and accessible transport infrastructure, connections, information and options to link people with places and communities, and provide a safer and more attractive environment.

LTP 4 also promotes Equality and Opportunity by setting out objectives for creating sustainable and fairer neighbourhoods. More detailed information is available on the Brighton & Hove City Council [website](#)

The Brighton & Hove Bike Share scheme provides another transport option for residents, visitors and commuters in Brighton & Hove. Cycling is a clean and efficient mode of transport for a busy and congested city.

The scheme Operator for the Bike Share scheme will ensure compliance with the Equality Act 2010 and other Equalities and Diversity related criteria. HourBike's inclusivity statement referenced specific measures to address inclusivity including:

- Tariffs aimed at a wide range of customers
- Personal Travel Planning
- Payment methods open to all

- Working with the CCG for inactive users
- Off hiring out of the network (enabling users to collect/leave a bike in an area not currently included in defined Operational area)

The EIA is considered a 'living document' and can be revised over the duration of the bike share scheme to consider and where reasonable address specific issues raised in relation to particular user groups, particularly disabled users, considering a range of impairment types.

Potential issues	Mitigating actions
<ul style="list-style-type: none"> • All ability bicycles not available for mobility impaired users • Affordability for lower income households • Bike Share hubs/stations not available in all areas of the city • Blind and visually impaired people's awareness of bike share cycle hub facilities (on and off-carriageway) 	<ul style="list-style-type: none"> • This may not be possible for initial roll-out, however the ITT requested information on inclusivity and welcomes proposals for how the scheme can be developed to include greater all-ability capacity in the bicycle fleet. • The annual membership can be paid monthly as well as annually, in order to spread the financial load. • Discounts will be given for students and other concessionary groups • Hourbike aim to work with third sector organisations such as Brighton Housing Trust and Seaside homes to facilitate access to the scheme for their tenants • A casual pay-as-you-go tariff will only require a minimum of £2 to rent a bike. The "bonus" badge tariff mechanism for renting bikes that are out of hubs means that this cost can be reduced with the £1 credit given. • The initial area was informed by an independent study produced as part of the business case for the scheme. Locations will be reviewed as the scheme develops and it is hoped that further extensions to the Bike Share scheme can be achieved in future if the scheme is successful and funding permits. <p>The rationale for the choice of hub sites derived from initial Bike Share feasibility work undertaken in 2009 (JMP, 2009) which shortlisted potential locations. The scheme area has since been informed by the Brighton & Hove Bike Share business case (SDG, 2014) which considered a range of factors including destinations,</p>

population density and local car ownership.

The shortlisting of sites followed on from this initial work. The approach taken is for hubs to be located within at least 500m of each other. In certain locations such as the city centre, there will be a higher concentration of hubs owing to the higher density of destinations (employment, retail and attractions) as well as resident population.

The identification of specific sites within these locations then took account of a range of considerations including available space, impact on car parking and prominence of the location.

Brighton & Hove's Streetscape Design Guidelines makes recommendations to:

- 'consider tonal contrasts between the item of street furniture and wider street-scene so as not to create hazards for visually impaired people'
- 'always consider how street furniture can be detected by visually impaired people' and
- 'consider the character and use of the specific street or space you are working in'

(pp12-.13 [Streetscape Design Guidelines](#))

The guidelines also recommend 'DDA compliant tapping rails [...] be provided on each cycle stand at each end of a bank of stands. (p.21)

All reasonable efforts will be made to :

- locate bike share scheme infrastructure in the carriageway or in the same line as existing street furniture zones.
- retain a minimum remaining 1.5m footway width leaving sufficient space free from obstruction for vulnerable road

- Bike Share scheme user awareness of visual/hearing impaired street users while using Bike Share scheme

users.

- avoid marked crossing points and widely used desire lines and tactile areas

The Council encourages all road users to [Share the Roads](#). We will strongly encourage the Operator to promote similar messaging in the Bike Share scheme to foster good practice/behaviour by bike share scheme users. For example, using a bicycle bell when manoeuvring can assist visually impaired people to know that a person riding a bicycle is approaching. BHCC will also encourage the Operator to refer scheme members Brighton & Hove City Council's 'cycling safely' webpage: <http://www.brighton-hove.gov.uk/content/parking-and-travel/travel-transport-and-road-safety/cycling-safely>

In the years 2017-19 the bike share scheme Operator, HourBike, will also be cross-promoting access to adult cycle training through the city Council's Access fund from Department for Transport.

Individual hubs and the scheme overall will be monitored for the duration of the contract and the EIA is a living document which can be amended to reflect any unintended and unanticipated impacts to which the Operator or Brighton & Hove City Council can respond.

RNIB has been made aware of the scheme in conjunction with council officers from BHCC transport and Equalities. The council's approach and mitigating actions have been outlined and no further scheme recommendations have been outlined from RNIB representatives.

Actions planned¹⁰

As per above and:

- The appointed Operator will be encouraged to communicate effectively on how to access the scheme (to reach the city's protected characteristic groups via organisations such as Community Works)
- The appointed Operator will be encouraged to consider feasibility of accessible bikes in future development of the scheme.
- The appointed Operator will be encouraged to promote messages similar to the council's [Share the Roads](#) campaign to foster good practice/behaviour by bike share scheme users, especially in relation to people with mobility issues, blind/partially sighted people and other road users.
- The appointed Operator in conjunction with BHCC officers will apply cited guidance to each bike hub location.
- All proposed sites requiring Traffic Regulation Orders and in public open spaces have been subject to statutory public consultation processes. All provisional sites have been made available on the council's website.

EIA sign-off: (for the EIA to be final an email must sent from the relevant people agreeing it or this section must be signed)

Lead Equality Impact Assessment officer: Abby Hone

Date: 14/02/17

Communities, Equality Team and Third Sector officer: Sarah Tighe-Ford

Date: 16 Feb17

Guidance end-notes

¹ The following principles, drawn from case law, explain what we must do to fulfil our duties under the Equality Act:

- **Knowledge:** everyone working for the council must be aware of our equality duties and apply them appropriately in their work.
- **Timeliness:** the duty applies at the time of considering policy options and/or before a final decision is taken – not afterwards.
- **Real Consideration:** the duty must be an integral and rigorous part of your decision-making and influence the process.
- **Sufficient Information:** you must assess what information you have and what is needed to give proper consideration.
- **No delegation:** the council is responsible for ensuring that any contracted services which provide services on our behalf can comply with the duty, are required in contracts to comply with it, and do comply in practice. It is a duty that cannot be delegated.
- **Review:** the equality duty is a continuing duty. It applies when a policy is developed/agreed, and when it is implemented/reviewed.
- **Proper Record Keeping:** to show that we have fulfilled our duties we must keep records of the process and the impacts identified.

NB: Filling out this EIA in itself does not meet the requirements of the equality duty. All the requirements above must be fulfilled or the EIA (and any decision based on it) may be open to challenge. Properly used, an EIA can be a tool to help us comply with our equality duty and as a record that to demonstrate that we have done so.

² Our duties in the Equality Act 2010

As a council, we have a legal duty (under the Equality Act 2010) to show that we have identified and considered the impact and potential impact of our activities on all people with 'protected characteristics' (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage and civil partnership).

This applies to policies, services (including commissioned services), and our employees. The level of detail of this consideration will depend on what you are assessing, who it might affect, those groups' vulnerability, and how serious any potential impacts might be. We use this EIA template to complete this process and evidence our consideration.

The following are the duties in the Act. You must give 'due regard' (pay conscious attention) to the need to:

- **avoid, reduce or minimise negative impact** (if you identify unlawful discrimination, including victimisation and harassment, you must stop the action and take advice immediately).
- **promote equality of opportunity.** This means the need to:
 - Remove or minimise disadvantages suffered by equality groups
 - Take steps to meet the needs of equality groups
 - Encourage equality groups to participate in public life or any other activity where participation is disproportionately low
 - Consider if there is a need to treat disabled people differently, including more favourable treatment where necessary
- **foster good relations between people who share a protected characteristic and those who do not.** This means:
 - Tackle prejudice
 - Promote understanding

³ EIAs are always proportionate to:

- The size of the service or scope of the policy/strategy
- The resources involved
- The numbers of people affected
- The size of the likely impact
- The vulnerability of the people affected

The greater the potential adverse impact of the proposed policy on a protected group (e.g. disabled people), the more vulnerable the group in the context being considered, the more thorough and demanding the process required by the Act will be.

⁴ **When to complete an EIA:**

- When planning or developing a new service, policy or strategy
- When reviewing an existing service, policy or strategy
- When ending or substantially changing a service, policy or strategy
- When there is an important change in the service, policy or strategy, or in the city (eg: a change in population), or at a national level (eg: a change of legislation)

Assessment of equality impact can be evidenced as part of the process of reviewing or needs assessment or strategy development or consultation or planning. It does not have to be on this template, but must be documented. Wherever possible, build the EIA into your usual planning/review processes.

Do you need to complete an EIA? Consider:

- Is the policy, decision or service likely to be relevant to any people because of their protected characteristics?
- How many people is it likely to affect?
- How significant are its impacts?
- Does it relate to an area where there are known inequalities?
- How vulnerable are the people (potentially) affected?

If there are potential impacts on people but you decide not to complete an EIA it is usually sensible to document why.

⁵ **Title of EIA:** This should clearly explain what service / policy / strategy / change you are assessing

⁶ **ID no:** The unique reference for this EIA. If in doubt contact Clair ext: 1343

⁷ **Team/Department:** Main team responsible for the policy, practice, service or function being assessed

⁸ **Focus of EIA:** A member of the public should have a good understanding of the policy or service and any proposals after reading this section. Please use plain English and write any acronyms in full first time - eg: 'Equality Impact Assessment (EIA)'

This section should explain what you are assessing:

- What are the main aims or purpose of the policy, practice, service or function?
- Who implements, carries out or delivers the policy, practice, service or function? Please state where this is more than one person/team/body and where other organisations deliver under procurement or partnership arrangements.
- How does it fit with other services?
- Who is affected by the policy, practice, service or function, or by how it is delivered? Who are the external and internal service-users, groups, or communities?
- What outcomes do you want to achieve, why and for whom? Eg: what do you want to provide, what changes or improvements, and what should the benefits be?
- What do existing or previous inspections of the policy, practice, service or function tell you?
- What is the reason for the proposal or change (financial, service, legal etc)? The Act requires us to make these clear.

⁹ **Assessment of overall impacts and any further recommendations**

- Make a frank and realistic assessment of the overall extent to which the negative impacts can be reduced or avoided by the mitigating measures. Explain what positive impacts will result from the actions and how you can make the most of these.
- Countervailing considerations: These may include the reasons behind the formulation of the policy, the benefits it is expected to deliver, budget reductions, the need to avert a graver crisis by introducing a policy now and not later, and so on. The weight of these factors in favour of implementing the policy must then be measured against the weight of any evidence as to the potential negative equality impacts of the policy,
- Are there any further recommendations? Is further engagement needed? Is more research or monitoring needed? Does there need to be a change in the proposal itself?

¹⁰ **Action Planning:** The Equality Duty is an ongoing duty: policies must be kept under review, continuing to give 'due regard' to the duty. If an assessment of a broad proposal leads to more specific proposals, then further equality assessment and consultation are needed.

Subject:	Hanover & Elm Grove and Craven Vale resident parking scheme consultation		
Date of Meeting:	14th March 2017		
Report of:	Executive Director of Economy, Environment & Culture		
Contact Officer:	Name:	Charles Field	Tel: 29-3329
	Email:	Charles.field@brighton-hove.gov.uk	
Ward(s) affected:	Hanover & Elm Grove, Queens Park & East Brighton		

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

- 1.1 The purpose of this report is to consider the outcome of the recent public consultation undertaken for a proposed parking scheme in the Hanover & Elm Grove area and Craven Vale area. The consultations asked residents, business and services whether they would like to be considered for a resident parking scheme and if so the hours and days of operation. Permission to proceed with the initial consultation was agreed at the Environment, Transport & Sustainability Committee meeting on 19th January 2016.

2. RECOMMENDATIONS:

- 2.1 That the Committee approves:

- (a) That a new resident parking scheme (Monday to Sunday 9am-8pm) be considered within the area South of Elm Grove (including the southern section of Elm Grove) and for those streets in the North West section (Appendix G) and that this proposal be progressed to the final design with the Traffic Order advertised to allow further comment.
- (b) That a new resident parking scheme (Monday to Sunday 9am-8pm) be considered within the Craven Vale area (Appendix G) and that this proposal be progressed to the final design with the Traffic Order advertised to allow further comment.
- (c) That a new resident parking scheme (Monday to Sunday 11am-12 Noon & 6pm-7pm) be considered within the remainder of the roads (Appendix G) and that this proposal be progressed to the final design with the Traffic Order advertised to allow further comment.
- (d) That an order should be placed for any required pay and display equipment to ensure implementation of the new proposed parking scheme (if agreed at a further committee meeting) is undertaken as programmed.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 As part of the Parking Scheme Timetable report presented to the Environment, Transport & Sustainability Committee Meeting in October 2015 it was agreed to consult residents in the Hanover & Elm Grove and Craven Vale area) to determine whether they would like to be consulted on a full detailed design for a resident parking scheme. Permission to proceed with the initial consultation outlining the consultation area and hour and day options was agreed at the Environment, Transport & Sustainability Committee meeting on 19th January 2016.
- 3.2 In April / May 2016 a letter was sent to all property addresses in the Hanover & Elm Grove / Craven Vale area.
- 3.3 At the Environment, Transport & Sustainability Committee on 28th June 2016 a report was presented addressing responses to an initial consultation in the Hanover & Elm Grove and Craven Vale area. The consultation asked residents, businesses and services whether they would like to be consulted on a full detailed design for a resident parking scheme and the hours and days of operation.
- 3.4 The Committee agreed that detailed design proposals for a resident parking scheme as a 9am-8pm or light touch (two periods during the day) and either Monday to Sunday or Monday to Friday be consulted upon in the whole area apart from the Craven Vale area.
- 3.5 Within the Craven Vale area it was agreed that a detailed design proposal for a resident parking scheme as a 9am-8pm (Monday to Sunday or Monday to Friday) parking scheme or an extension to Area U (light touch scheme) be consulted upon.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The main alternative option is doing nothing which would mean the proposals would not be taken forward. There is also the option to take forward different types and areas of parking schemes.
- 4.2 However, it is the recommendation of officers that these proposals are taken forward for the reasons outlined within the report.

5. COMMUNITY ENGAGEMENT & CONSULTATION

Hanover & Elm Grove Area Results

- 5.1 59.9% of respondents were in favour of a Residents' Parking Scheme in the area based on a high response rate of 36.9%. Appendix C shows a road by road yes / no result from the responses in the whole area.
- 5.2 52.3% of respondents preferred a full scheme 9am-8pm. Appendix D shows a road by road result from the responses about a full or light touch scheme option in the whole area. As the plan shows there is a clear divide from respondents wanting a full scheme (9am-8pm) and a light touch scheme (two periods during the day). Where respondents

have indicated they don't want a scheme the majority have further outlined that they would prefer the option which provides less restrictions.

- 5.3 56.5% of respondents preferred a Monday to Friday scheme. Appendix E shows a road by road result from the responses to the question about a five day or seven day scheme in the whole area.
- 5.4 Full results are outlined in Appendix A.
- 5.5 An open text box within the questionnaire enabled respondents to add comments. These comments were grouped together and themed as follows:

Comments made	Number of times mentioned
Not enough residents parking spaces in this scheme/ will need more than one permit	207
In favour because of current parking difficulties/ general positive comments	190
No need for a scheme/ Unnecessary	188
Don't want to pay for parking	187
Don't want parking to be restricted to one side of the street only	113
This is a money making exercise	94
General negative comments	85
Concerns about the proposed hours of operation	67
Concerned about the cost of visitor parking	66
Have concerns about displacement	62
Will stop long term/ overnight parking eg caravans and left vehicles	62

- 5.6 In terms of the issues raised about resident parking space availability officers have been reviewing the situation in response to concerns which are outlined as follows;

- **Parking on One Side of the road & emergency vehicle access**

During the 2010 Hanover & Elm Grove parking consultation, the Fire Service submitted a full and detailed written response stating objection to any proposals resulting in a carriageway width below 3.1 metres. During this consultation, it was again necessary to restrict parking to one side within a number of roads to ensure access for Emergency Vehicles was not compromised. It has also been necessary to consider some of the narrower roads to be made 'one way' with staggered parking restricted to one side of the road, however, it has been possible to identify roads that can accommodate parking both sides – subject to being restricted to 'one way' traffic.

- **Roads subject to Investigation for additional parking provision**

Cobden Road(North side 45 degree echelon parking investigation)

Further investigation with the assistance of The Road Safety Team found the carriageway width allowed 45 degree echelon parking on the north side and a parallel design on the south side, however the traffic flow would need to be restricted to 'one way' in order to formalise this arrangement. Whilst there are concerns with regard to the width of the footway in some areas, residents have parked to this arrangement and expressed a preference for this to remain and existing build outs within Cobden Road create a feel for an echelon arrangement. By retaining this arrangement, parking provision increases by approximately fifteen spaces.

Milton Road (North side 45 degree echelon investigation)

Vehicles have historically parked parallel to the kerb and concerns over the possible obstruction to the footway from vehicles overhanging the footway have been raised. There would be a negligible gain of approximately four spaces so officers are not recommending this proposal.

Howard Road (North side 45 degree echelon investigation)

Vehicles have historically parked parallel to the kerb and concerns over the possible obstruction to the footway from vehicles overhanging the footway have been raised. There would be a negligible gain of approximately two spaces due to vehicle crossovers so officers are not recommending this proposal.

Hampden Road (North side 45 degree investigation)

Vehicles have historically parked parallel to the kerb and concerns over the possible obstruction to the footway from vehicles overhanging the footway have been raised. There are also historical physical measures at both junctions which serve a contraflow cycle arrangement which may dissuade cyclists from using in future should the carriageway be narrowed to such a point. Therefore, officers are not recommending to implement this proposal.

- 5.7 Officers will also look at reducing the amount of shared permit / paid parking bays in the full scheme proposal as part of the proposed Traffic Regulation Order. This is following comments made by a number of residents who have outlined they would like more permit only parking particularly in roads where parking is limited to one side of the road.
- 5.8 As part of the parking scheme proposals, if taken forward, officers are actively looking at recommending an electric vehicle bay in the Cobden Road area as this did come up a number of times during the consultation.
- 5.9 If the whole area is agreed to proceed then officers will also consider parking restrictions outside the parking scheme such as yellow lines and limited waiting bays in Tenentry Down Road and yellow lines in Bear Road. This would be included in the Traffic Regulation orders being advertised which will allow for further comments.

Craven Vale Area Results

- 5.10 65.8% of respondents were in favour of a Residents' Parking Scheme in the area based on a 28% response rate. Appendix F shows the result road by road.

5.11 59.2% of respondents preferred a full scheme 9am-8pm while 53.8% of respondents wanted a Monday to Sunday scheme.

5.12 The full results are outlined in Appendix B.

6. CONCLUSION

Hanover & Elm Grove proposals

6.1 Taking into account these results and comments it is recommended to propose a new resident parking scheme (Monday to Sunday 9am-8pm) into the area south of Elm Grove and for the streets in the North West Section of the consultation area which would be a single new parking scheme area (Appendix G)

6.2 It is appreciated some roads were against the proposals or a different type of scheme but to ensure a parking scheme is geographically viable it is proposed to go ahead with the whole boundary area as overall the respondents were in favour of a scheme.

6.3 In terms of the remainder of the area after taking into account the results and comments it is proposed to recommend a new light touch scheme for two periods during the day (Monday to Sunday). It is proposed that the hours of these parking schemes would be 11am-12 Noon and 6pm-7pm. Residents, services and businesses would have the opportunity to comment on these hours as part of the advertised Traffic Regulation Order.

6.4 It is recognised that some roads voted against the proposals or a different type of parking scheme but to ensure a parking scheme has a geographically viable boundary and due to concerns regarding vehicle displacement it is proposed to proceed with the whole area. Officers are recommending a Monday to Sunday scheme as there are concerns that if this was a Monday to Friday scheme it could lead to significant displacement at weekends as other schemes nearby including the proposal South of Elm Grove and for the streets in the North West Section are seven days.

6.5 Council officers are also mindful of previous experience from a number of other parking schemes where areas not considered for a resident parking scheme have then come forward with serious concerns about vehicle displacement and the need for a parking scheme consultation. There is also the consideration that 59.9% of respondents across the whole area were in favour of a Residents' Parking Scheme.

Craven Vale proposals

6.6 It has been recommended to take into account these results and propose a new resident parking scheme (Monday to Sunday 9am-8pm) into the Craven Vale area (Appendix G).

6.7 Officers have discussed the Craven Vale results with the East Brighton Ward Councillors in this area who have voiced their support for this way forward.

Overall

- 6.8 It is recommended by officers that all these proposals are advertised as a Traffic Regulation Order allowing further comments to be made from residents both within and outside the new proposed scheme. All comments will be reported back to a further Environment, Transport & Sustainability Committee meeting.
- 6.9 As part of the consultation process, regard has been given to the free movement of traffic and access to premises since traffic flow and access are issues that have generated requests from residents and in part a need for the measures being proposed. The provision of alternative off-street parking spaces has also been considered by officers when designing the schemes but there are no opportunities to go forward with any off street spaces due to the existing geographical layout of the area and existing parking provisions in the area.
- 6.10 Any yellow lines or other parking restrictions that are considered appropriate outside of the proposed parking schemes will also be investigated and advertised alongside the parking scheme traffic order.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The costs associated with the report recommendations will be allocated to the capital programme and funded from unsupported borrowing with repayments made over a period of seven years. The detailed financial implications of the proposed scheme will be included in a future committee report once the final design of the scheme has been ascertained.

Finance Officer Consulted :Gemma Jackson

Date: 23/02/2017

Legal Implications:

- 7.2 Under the Traffic Management Act 2004, the Council as the local highway authority is under a duty to manage the road network with a view to achieving as far as reasonably practicable the expeditious movement of traffic. In performing this duty the Council may take any action it considers will contribute to securing the more efficient use of its road network or the avoidance, elimination or reduction of road congestion or other disruption to the movement of traffic on its road network.

The Council has the power under the Road Traffic Regulation Act 1984 to designate by order parking places on a road for use by such persons or vehicles authorised for the purpose by a permit from the Council.

The recommendations detailed in this report will help to demonstrate that the Council is complying with its statutory duty

Lawyer Consulted: Stephanie Stammers

Date:23.02.17

Equalities Implications:

- 7.3 The proposed measures will be of benefit to many road users.

Sustainability Implications:

- 7.4 Any new motorcycle bays and the on-street pedal cycle bays will encourage more sustainable methods of transport.

Any Other Significant Implications:

- 7.5 Any legal disabled bays will provide parking for the holders of blue badges wanting to use the local facilities.

SUPPORTING DOCUMENTATION

Appendices:

Appendix A – Hanover and Elm Grove (H&EG) consultation report
Appendix B – Craven Vale consultation report
Appendix C – Plan showing Road by road result – Yes / No (H&EG)
Appendix D – Plan showing Road by road result – Light / Full scheme (H&EG)
Appendix E – Plan showing Road by road result – Five / Seven day (H&EG)
Appendix F – Plan showing Craven Vale – road by road
Appendix G – Plan showing recommended proposals.

Background Documents

1. Item 82 – Environment, Transport & Sustainability Committee Meeting Report – 15th March 2016
2. Item 13 - Environment, Transport & Sustainability Committee Meeting Report – 28th June 2016

Appendix A - Hanover and Elm Grove Residents Parking Scheme Consultation Report

Background

Parking pressures for local residents, businesses and visitors have increased following the introduction of parking zones to neighbouring areas. Vehicles parking on pavements, double yellow lines and close to junctions cause difficulties for pedestrians and hinder the flow of traffic and access for emergency service vehicles.

The council, in discussion with local interest groups, has now prepared proposals for a parking scheme in the area and wants to hear from residents and businesses. Options of either a full scheme (operating from 9 am to 8 pm) or a light touch scheme (operating for two one hour periods within a day – usually AM and PM) are being offered.

The option for both full and light touch schemes are Monday to Friday or Monday to Sunday, which highlights if there are issues with parking at the weekend.

Headline Findings

This consultation achieved a 36.9% response rate.

- 59.9% of respondents would like the area to be considered for a residents parking scheme.
- 52.3% of respondents favoured a Full scheme (9am to 8pm)
- 56.5% of respondents favoured a Monday to Sunday Scheme.

Methodology

Brighton and Hove City Council Land and Property Gazeteer was used to provide 7704 property addresses in the proposed scheme boundary for the Hanover and Elm Grove Area. An information leaflet, detailed maps, a questionnaire and a prepaid envelope for reply was sent to each address. Respondents were also invited to complete the survey online via the council's Consultation Portal should they wish to. 2204 (77.4%) of responses were received by mail and 642 (22.6%) online. The consultation was advertised on the council's website, via social media and by a press-release to local media. Plans could be viewed at an unstaffed exhibition at the: Customer Service Centre, Hove Town Hall: Thursday 1 December to Friday 13 January - from 10am to 4.30pm, Monday to Friday.

A staffed drop in session was held at St Joseph's Hall, Milton Road on Tuesday 13 December between 1pm and 8pm.

Results

2845 valid responses¹ were received from within the proposed scheme boundary giving a response rate of 36.9%.

Q1 Would you like your area to be considered for a residents parking scheme?

Response Base = 2813

Yes		No		Total
Number	%	Number	%	
1686	59.9	1127	40.1	2813

Results on a street by street basis were as follows:

Street	Number properties mailed	Number responses	Response rate % ²	Yes		No	
				Number	%	Number	%
Agnes Street	23	14	60.9	11	78.6	3	21.4
Albion Hill	126	66	52.4	54	81.8	12	18.2
Arnold Street	73	42	57.5	11	26.2	31	73.8
Baxter Street	37	25	67.6	6	24.0	19	76.0
Beaufort Terrace	10	9	90.0	5	55.6	4	44.4
Belgrave Street	54	33	61.1	26	78.8	7	21.2
Bembridge Street	28	13	42.9	9	69.2	4	30.8
Bentham Road	93	46	49.5	26	56.5	20	43.5
Bernard Place	2	2	100.0	0	0.0	2	100.0
Bernard Road	102	43	42.2	25	58.1	18	41.9
Billam Terrace	16	3	18.8	2	66.7	1	33.3
Bonchurch Road	199	76	38.2	42	55.3	34	44.7
Brading Road	141	49	34.8	28	57.1	21	42.9
Carisbrooke Road	36	19	52.8	11	57.9	8	42.1
Carlyle Street	80	50	62.5	14	28.0	36	72.0
Clayton Road	59	15	25.4	2	13.3	13	86.7
Cobden Road	82	49	59.8	37	75.5	12	24.5

¹ 276 responses were removed from the analysis for the following reasons: 138 were duplicate cases, 99 were from outside the area, 33 gave no address and 6 gave addresses that did not exist.

² For Q1

Street	Number properties mailed	Number responses	Response rate % ²	Yes		No	
				Number	%	Number	%
Coleman Street	96	48	50.0	38	79.2	10	20.8
Coronation Street	20	5	25.0	4	80.0	1	20.0
Cromwell Street	19	8	42.1	1	12.5	7	87.5
De Montfort Road	67	34	50.7	24	70.6	10	29.4
Down Terrace	93	33	35.5	16	48.5	17	51.5
Elm Grove	373	109	29.2	41	37.6	68	62.4
Ewart Street	108	54	50.0	38	70.4	16	29.6
Fairlight Place	14	1	7.1	1	100.0	0	0.0
Finsbury Road	98	30	30.6	20	66.7	10	33.3
Firle Road	64	14	21.9	7	50.0	7	50.0
Franklin Road	106	27	25.5	16	59.3	11	40.7
Franklin Street	45	17	37.8	9	52.9	8	47.1
Freshfield Road	122	61	50.0	36	59.0	25	41.0
Freshfield Street	63	39	61.9	19	48.7	20	51.3
Gladstone Place	148	42	28.4	29	69.0	13	31.0
Gladstone Terrace	73	14	19.2	11	78.6	3	21.4
Glynde Road	44	10	22.7	5	50.0	5	50.0
Grant Street	21	14	66.7	8	57.1	6	42.9
Grove Street	55	27	49.1	22	81.5	5	18.5
Hallett Road	62	12	19.4	6	50.0	6	50.0
Hampden Road	56	33	58.9	18	54.5	15	45.5
Hanover Crescent	49	9	18.4	1	11.1	8	88.9
Hanover Mews	17	6	35.3	5	83.3	1	16.7
Hanover Place	6	1	16.7	1	100.0	0	0.0
Hanover Street	117	60	51.3	48	80.0	12	20.0
Hanover Terrace	109	58	53.2	43	74.1	15	25.9
Hartington Place	18	13	72.2	11	84.6	2	15.4
Hartington Road	317	99	31.2	38	38.4	61	61.6
Hartington Terrace	33	32	97.0	25	78.1	7	21.9
Hastings Road	30	8	26.7	4	50.0	4	50.0
Holland Street	57	32	56.1	25	78.1	7	21.9

Street	Number properties mailed	Number responses	Response rate % ²	Yes		No	
				Number	%	Number	%
Howard Road	39	18	46.2	12	66.7	6	33.3
Islingword Place	69	34	49.3	25	73.5	9	26.5
Islingword Road	281	76	27.0	54	71.1	22	28.9
Islingword Street	91	44	48.4	28	63.6	16	36.4
Jackson Street	5	1	20.0	0	0.0	1	100.0
Jersey Street	56	33	58.9	27	81.8	6	18.2
Lewes Road	154	12	7.8	6	50.0	6	50.0
Lincoln Cottages	17	8	47.1	6	75.0	2	25.0
Lincoln Street	90	51	56.7	31	60.8	20	39.2
Luther Mews	6	4	66.7	1	25.0	3	75.0
Luther Street	47	28	59.6	10	35.7	18	64.3
Lynton Street	56	28	50.0	11	39.3	17	60.7
Malthouse Lane	6	0	0.0	0	0.0	0	0
May Road	48	14	29.2	3	21.4	11	78.6
Melbourne Street	88	21	23.9	15	71.4	6	28.6
Milton Road	26	9	34.6	7	77.8	2	22.2
Montreal Road	43	24	55.8	22	91.7	2	8.3
Newark Place	26	7	26.9	4	57.1	3	42.9
Newhaven Street	48	5	10.4	2	40.0	3	60.0
Newmarket Road	154	26	16.9	19	73.1	7	26.9
Newmarket Terrace	7	2	28.6	2	100.0	0	0.0
Normanton Street	24	9	37.5	8	88.9	1	11.1
Pankhurst Avenue	221	77	34.8	36	46.8	41	53.2
Pevensey Road	27	3	11.1	2	66.7	1	33.3
Phoenix Place	12	1	8.3	0	0.0	1	100.0
Phoenix Rise	59	3	5.1	1	33.3	2	66.7
Picton Street	34	13	38.2	9	69.2	4	30.8
Plumpton Road	18	6	33.3	3	50.0	3	50.0
Quebec Street	53	35	66.0	26	74.3	9	25.7
Queens Park Rise	52	24	46.1	11	45.8	13	54.2
Queens Park Road	292	76	26.0	42	55.3	34	44.7

Street	Number properties mailed	Number responses	Response rate % ²	Yes		No	
				Number	%	Number	%
Ryde Road	49	24	49.0	8	33.3	16	66.7
Sandown Road	88	37	42	19	51.4	18	48.6
Scotland Street	56	34	60.7	25	73.5	9	26.5
Seville Street	43	22	51.2	19	86.4	3	13.6
Shanklin Road	176	62	35.2	35	56.5	27	43.5
Southampton Street	76	42	44.7	34	81.0	8	19.0
Southover Place	2	0	0.0	0	0.0	0	0.0
Southover Street	441	51	11.6	32	62.7	19	37.3
St Helens Road	31	12	38.7	5	41.7	7	58.3
St Leonards Road	17	4	23.5	2	50.0	2	50.0
St Martins Place	44	7	15.9	7	100.0	0	0.0
Tamplin Terrace	8	3	37.5	2	66.7	1	33.3
Toronto Terrace	82	45	54.9	30	66.7	15	33.3
Totland Road	92	35	38.0	17	48.6	18	51.4
Upper Wellington Road	52	17	32.7	12	70.6	5	29.4
Washington Street	92	41	44.6	34	82.9	7	17.1
Wellington Road	250	52	20.8	33	63.5	19	36.5
Wellington Street	1	1	100.0	0	0.0	1	100.0
Whichelo Place	80	43	53.8	24	55.8	19	44.2
Whippingham Road	177	57	32.2	27	47.4	30	52.6
Whippingham Street	37	28	75.7	19	67.9	9	32.1
Total	7704	2813	36.5	1686	59.9	1127	40.1

Q2 If a scheme were to go ahead which option would you prefer?

Response Base = 2650

Full scheme 9am to 8pm		Light touch scheme (two periods during the day 10am-11am and 2pm-3pm for example)		Total
Number	%	Number	%	
1385	52.3	1265	47.7	2650

Q3 If a scheme were introduced would you prefer?

Response Base = 2646

Monday to Sunday		Monday to Friday		
Number	%	Number	%	
1495	56.5	1151	43.5	2646

Q4 Respondents were asked whether they are a resident, a business owner or manager or work in the area. (Respondents could tick more than one option).

	Number of responses
Resident	2758
Business owner or manager	203
Work in the area	230
Other (includes chiropodist, professional carer, Air BNB host, for people in area, have clients coming to my home,)	48

Q5 How many cars in your household?

No. of cars	Number of responses
0	486
1	1777
2	466
3	44
4 or more	8

Q6a What type of business do you own or manage in the area?

What type of business?	Number of responses
Retail outlet	20
Office-based	54
Other includes: Beauty consultant, builder, cake making business, carpenter, gardener, holiday lets, financial adviser, counsellor, childminder, dance school, dog walker, driving instructor, electrician, home-based, mobile cycle repair, mobile mechanic, musician, piano teacher, pilates instructor, recording studio, public house, funeral director, handyman, yoga studio	192
Total responses	266

Q6b How many vehicles are directly associated with your business?

No. of vehicles	Number of responses
0	58
1	139
2	30
3	5
4 or more	27

Q7 Any further comments?

An open text box enabled respondents to add comments. These comments were grouped together and themed as follows:³ There were also 93 site specific comments eg relating to siting of motorcycle bays. These have all been passed to the Project Manager for the proposed scheme. The top ten types of comments are listed in the following table:

Comments made	Number of times mentioned
Not enough residents parking spaces in this scheme/ will need more than one permit	207
In favour because of current parking difficulties/ general positive comments	190
No need for a scheme/ Unnecessary	188
Don't want to pay for parking	187
Don't want parking to be restricted to one side of the street only	113
This is a money making exercise	94
General negative comments	85
Concerns about the proposed hours of operation	67
Concerned about the cost of visitor parking	66
Have concerns about displacement	62
Will stop long term/ overnight parking eg caravans and left vehicles	62

³ Figures show the amount of times a themed comment was mentioned.

Demographic Information

Gender

Gender	Number	%
Male	1105	47.7
Female	1206	52.1
Other	6	0.3
Total	2317	100

Do you identify as the gender you were assigned at birth?	Number	%
Yes	2116	98.4
No	34	1.6
Total	2150	100

Age

Age	Number	%
18-24	112	5.3
25-34	307	14.4
35-44	583	27.4
45-54	544	25.5
55-64	313	14.7
65-74	168	7.9
75+	104	4.9
Total	2131	100

Disability

Disability	Number	%
Yes, a little	176	8.0
Yes, a lot	159	7.2
No	1873	84.8
Total	2208	100

Of those who answered “yes”, disabilities were as follows:

Please state the type of impairment which applies to you.	Number
Physical impairment	184
Sensory impairment	28
Learning disability/ difficulty	15
Long-standing illness	135
Mental health condition	46
Development condition	4
Autistic Spectrum	7
Other	24

Ethnicity		Number	%
White	White English/ Welsh/ Scottish/ Northern Irish/ British	1959	85.2
	White Irish	44	1.9
	Gypsy or Irish Traveller	3	0.1
	Any other white background	137	6.0
Asian or Asian British	Bangladeshi	13	0.6
	Indian	17	0.7
	Pakistani	1	0
	Chinese	9	0.4
	Any other Asian background	15	0.7
Black or Black British	African	11	0.5
	Caribbean	11	0.5
	Any other Black background	2	0.1
Mixed	Asian & White	19	0.8
	Black African & White	3	0.1
	Black Caribbean & White	7	0.3
	Any other mixed background	35	1.5
Any other ethnic group	Arab	5	0.2
	Any other ethnic group	8	0.3
Total		2299	100

Sexual Orientation	Number	%
Bisexual	61	2.9
Gay Man	104	4.9
Heterosexual/ straight	1828	85.5
Lesbian/ Gay Woman	84	3.9
Other	62	2.9
Total	2139	100

Religious Belief	Number	%
I have no particular religion or belief	1132	52.4
Buddhist	41	1.9
Christian	523	24.2
Hindu	7	0.3
Jain	0	0
Jewish	17	0.8
Muslim	17	0.8
Pagan	14	0.6
Sikh	5	0.2
Agnostic	53	2.5
Atheist	269	12.4
Other	36	1.7
Other philosophical belief	48	2.2
Total	2162	100

Are you a carer	Number	%
Yes	155	6.9
No	2083	93.1
Total	2238	100

If yes, do you care for a:	Number
Parent	63
Partner or Spouse	38
Child with special needs	26
Friend	12
Other family member	24
Other	3

Armed Forces	Yes		No	
	Number	%	Number	%
Are you currently serving in the UK armed forces?	7	0.3	2062	99.7
Have you ever served in the UK armed forces?	68	3.3	2014	96.7
Are you a member of a current or former serviceman or woman's immediate family/ household?	44	1.7	2011	97.9

Appendix

276 responses were removed from the analysis as they fell into the following categories:

- Duplicates (only one responses per household was included)
- Responses from residents outside the area
- Responses where no address was given
- Addresses given do not exist on the Land and Property Gazetteer

262 of these answered the question “Would you like your area to be considered for a residents parking scheme?” as follows:

Reason why these cases have been removed from main report	In favour of parking scheme		Not in favour of parking scheme		Total
	Number	%	Number	%	
Duplicates	60	47.6	66	52.4	126
Outside the area	10	10.2	88	89.8	98
No address given	20	62.5	12	37.5	32
Address does not exist	6	100.0	0	0.0	6
Total	96	36.6	166	63.4	262

NB: 63 out of the 98 responses from those who live outside the area have responded that they are not in favour of a resident parking scheme and all have concerns that if a scheme were introduced this would adversely affect businesses (and schools).

Appendix B - Craven Vale Residents Parking Scheme Consultation Report

Background

Parking pressures for local residents, businesses and visitors have increased following the introduction of parking schemes in neighbouring areas. Vehicles parking on pavements, double yellow lines and close to junctions cause difficulties for pedestrians and hinder the flow of traffic and access for emergency service vehicles.

The council prepared proposals for a parking scheme in the area and wants to hear the views of residents and businesses in the Craven Vale area. Options of either a full scheme (operating from 9am to 8pm) or a light touch scheme (operating for two one hour periods within a day – usually am and pm) are being offered.

The option for both full and light touch schemes are Monday to Friday or Monday to Sunday, which highlights if there are issues with parking at the weekend.

Headline Findings

Methodology

Brighton and Hove City Council Land and Property Gazeteer was used to provide 394 property addresses in the proposed scheme boundary for the Craven Vale Area. An information leaflet, detailed maps, a questionnaire and a prepaid envelope for reply was sent to each address. Respondents were also invited to complete the survey online via the council's Consultation Portal should they wish to. 94.6% of responses were received by mail and 5.4% on line. The consultation was advertised on the council's website, via social media and by a press-release to local media.

Plans could be viewed at an unstaffed exhibition at the: Customer Service Centre, Hove Town Hall: Thursday 1 December to Friday 13 January - from 10am to 4.30pm, Monday to Friday.

A drop in session was held at the Vale Community Centre, Hadlow Close on Thursday 15 December between 1pm and 8pm.

Results

111 valid responses¹ were received from within the proposed scheme boundary giving a response rate of 28%.

¹ 5 responses were removed from the analysis for the following reasons: 4 were duplicate cases and 1 was from outside the area.

Q1 Would you like your area to be considered for a residents parking scheme?

Response Base² 111

Yes		No		Total
Number	%	Number	%	
73	65.8	38	34.2	111

Results on a street by street basis were as follows:

Street	Number properties mailed	Number responses	Response rate %	Yes		No	
				Number	%	Number	%
Craven Road	126	33	26.2	22	66.7	11	33.3
Hadlow Close	31	8	25.8	2	25.0	6	75.0
Monument View	16	5	31.3	3	60.0	2	40.0
Parham Close	21	4	19.0	4	100	0	0
Queensway	102	28	27.5	21	75.0	7	25.0
Southwater Close	24	7	29.2	6	85.7	1	14.3
Sutherland Road	3	1	33.3	1	100	0	0
The Causeway	49	16	32.7	6	37.5	10	62.5
Tilgate Close	22	9	40.9	8	88.9	1	11.1
Total	394	111	28.2	73	65.8	38	34.2

Q2 If a scheme were to go ahead which option would you prefer? (Response Base 103)

Full scheme 9am to 8pm		Light touch scheme (two periods during the day 10am-11am and 2pm-3pm for example)		Total
Number	%	Number	%	
61	59.2	42	40.8	103

Q3 If a scheme were introduced would you prefer? (Response Base 104)

Monday to Sunday		Monday to Friday		
Number	%	Number	%	

² Response base = the number of respondents who answered this question

56	53.8	48	43.2	104
----	------	----	------	-----

Q4 Respondents were asked whether they are a resident, a business owner or manager or work in the area (Respondents could tick more than one option).

	Number of responses
Resident	111
Business owner or manager	0
Work in the area	1
Other (includes care for people in area, use facilities in area)	0

Q5 How many cars in your household? (Response base 110)

No. of cars	Number of responses
0	21
1	69
2	18
3	2
4 or more	0
Total	110

Q6a What type of business do you own or manage in the area?

What type of business?	Number of responses
Retail outlet	0
Office-based	0
Other: taxi driver	10

Q6b How many vehicles are directly associated with your business?

No. of vehicles	Number of responses
0	0
1	1
2	0
3	0
4 or more	0
Total	1

Q7 Any further comments?

An open text box enabled respondents to add comments. These comments were grouped together and themed as follows:³

Comments made	Number of times mentioned
In favour because of current parking difficulties/ general positive comments	15
No need for a scheme/ Unnecessary	11
Don't want to pay for parking	7
Need scheme as soon as possible/ too long to wait	6
Not enough residents parking spaces in this scheme/ will need more than one permit	5
Enforce current illegal parking	5
Concerns about disabled parking	4
General negative comments	4
Need other traffic calming solutions	3
This is a money making exercise	3
Will stop long term commuter/ business parking	3
Scheme won't solve parking after 8pm	3
Have concerns about displacement	2
Not enough visitor permits	2
Don't want Double yellow lines across driveways	1
Schemes nearby have caused the problems	1

³ Figures show the amount of times a themed comment was mentioned.

Demographic Information

Gender (Response base 94)	Number	%
Male	46	48.9
Female	48	51.1
Total	94	100

Gender identification (Response base 85)

Do you identify as the gender you were assigned at birth?	Number	%
Yes	82	96.5
No	3	3.5
Total	85	100

Age (Response base 84)	Number	%
18-24	0	0
25-34	9	10.7
35-44	17	20.2
45-54	20	23.8
55-64	18	21.4
65-74	11	13.1
75+	9	10.7
Total	84	100

Disability (Response base 86)	Number	%
Yes, a little	10	11.6
Yes, a lot	29	33.7
No	47	54.7
Total	86	100

Of those who answered “yes”, disabilities were as follows:

Please state the type of impairment which applies to you.	Number
Physical impairment	20
Sensory impairment	5
Learning disability/ difficulty	1
Long-standing illness	24
Mental health condition	11
Development condition	1
Autistic Spectrum	1
Other	2

Ethnic Origin (Response base 92)		Number	%
White	White English/ Welsh/ Scottish/ Northern Irish/ British	73	79.3
	Irish	2	2.2
	Gypsy or Irish Traveller	0	0
	Any other white background	9	9.8
Asian or Asian British	Bangladeshi	1	1.1
	Indian	0	0
	Pakistani	0	0
	Chinese	0	0
	Any other Asian background	1	1.1
Black or Black British	African	1	1.1
	Caribbean	0	0
	Any other Black background	0	0
Mixed	Asian & White	0	0
	Black African & White	1	1.1
	Black Caribbean & White	0	0
	Any other mixed background	1	1.1
Any other ethnic group	Arab	0	0
	Any other ethnic group	0	0
Total		92	100

Sexual Orientation (Response base 78)	Number	%
Bisexual	3	3.8
Gay Man	8	10.3
Heterosexual/ straight	63	80.8
Lesbian/ Gay Woman	4	5.1
Total	78	100

Religious Belief	Number	%
I have no particular religion or belief	30	34.9
Buddhist	1	1.2
Christian	39	45.3
Hindu	0	0
Jain	0	0
Jewish	1	1.2
Muslim	3	3.5
Pagan	0	0
Sikh	0	0
Agnostic	2	2.3
Atheist	3	3.5
Other	6	7.0
Other philosophical belief	1	1.2
Total	86	100

Are you a carer (Response base 87)	Number	%
Yes	9	10.3
No	78	89.7
Total	87	100

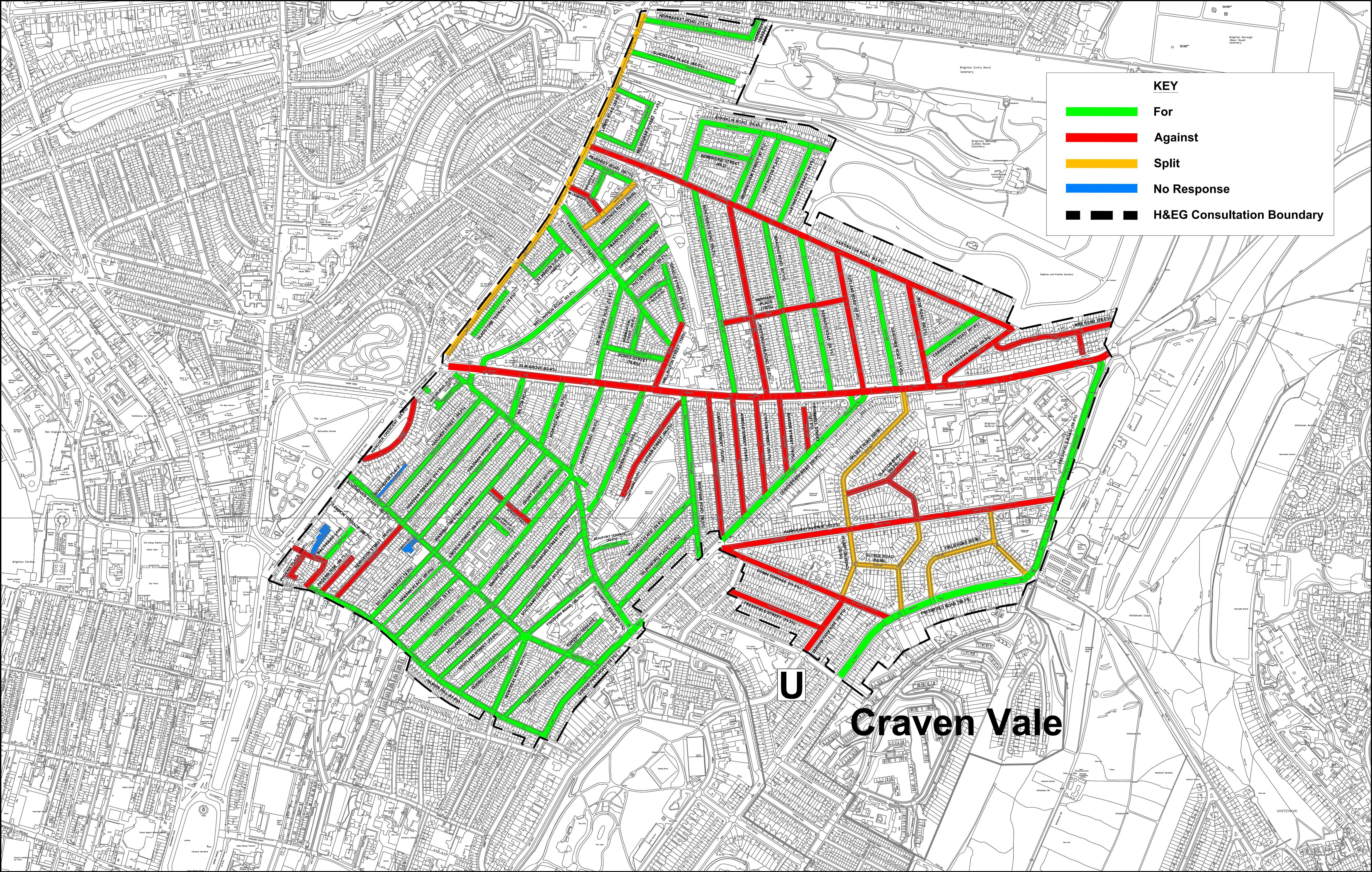
If yes, do you care for a:	Number
Parent	4
Partner or Spouse	1
Child with special needs	2
Friend	0
Other family member	1
Other	0


Armed Forces	Yes		No	
	Number	%	Number	%
Are you currently serving in the UK armed forces?	1	1.3	78	98.7
Have you ever served in the UK armed forces?	8	9.8	74	90.2
Are you a member of a current or former serviceman or woman's immediate family/ household?	3	3.8	76	96.2

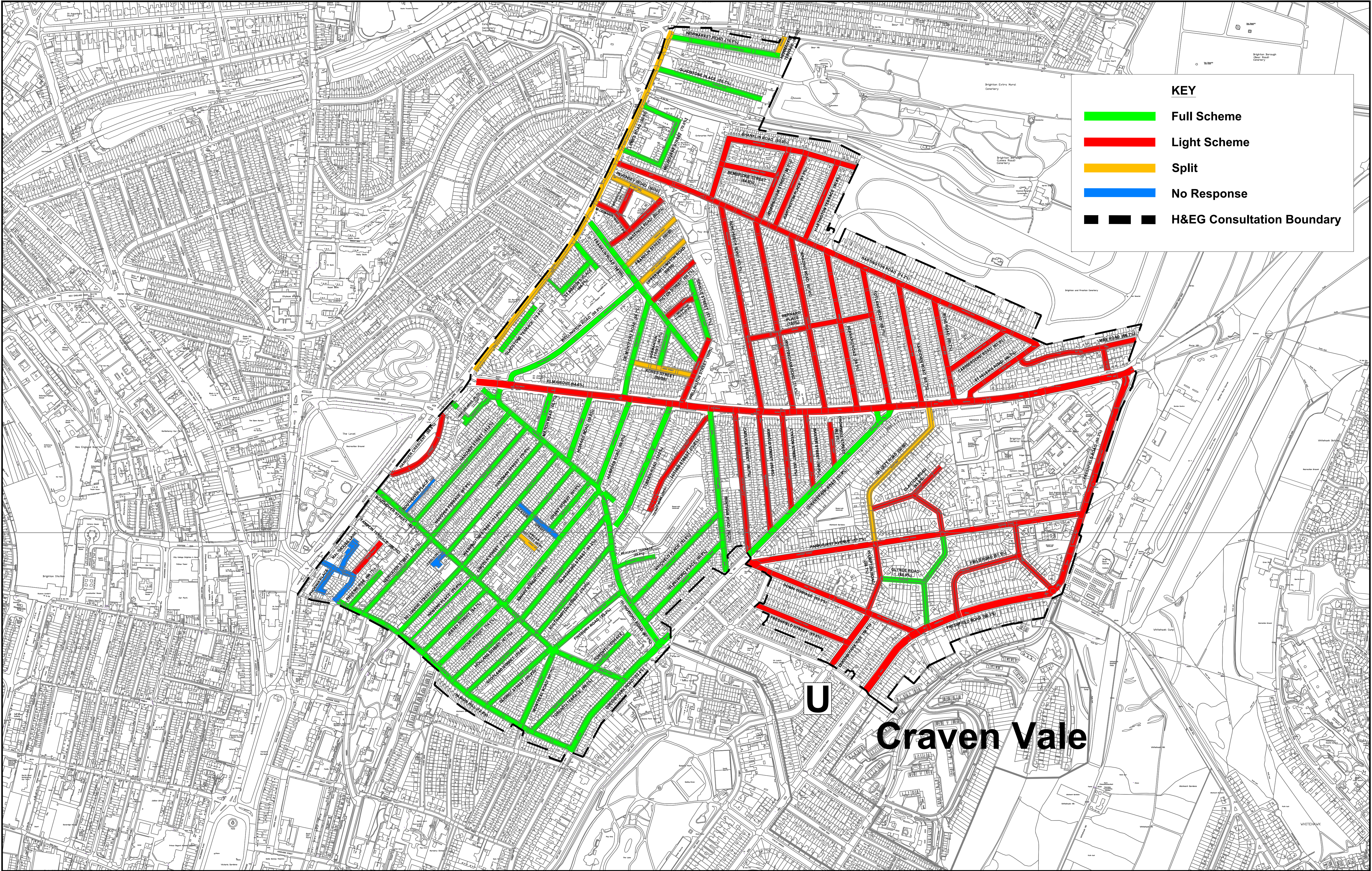
5 responses were removed from the analysis as they fell into the following categories:


- Duplicates (only one responses per household was included)
- Responses from residents outside the area
- Responses where no address was given

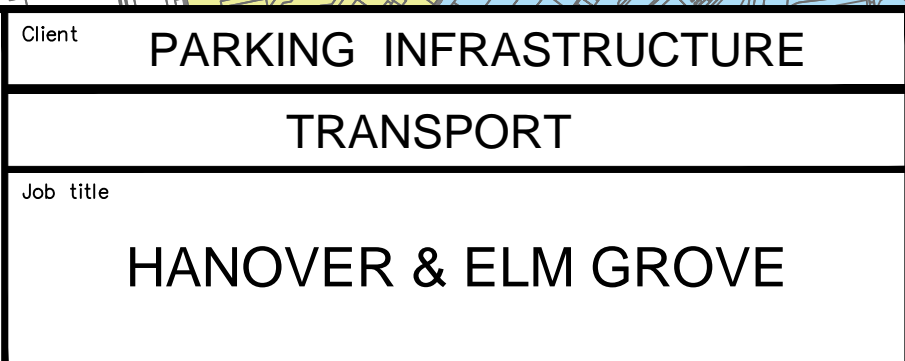
Why removed from main report	In favour of parking scheme		Not in favour of parking scheme		Total
	Number	%	Number	%	
Duplicates	1	100	0	0	4
Outside the area	1	25	3	75	1
No address given	0	0	0	0	0
Total	2	20	3	80	5



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							Job title	HANOVER & ELM GROVE				Drawing status	-	Drawing Number	--		Rev

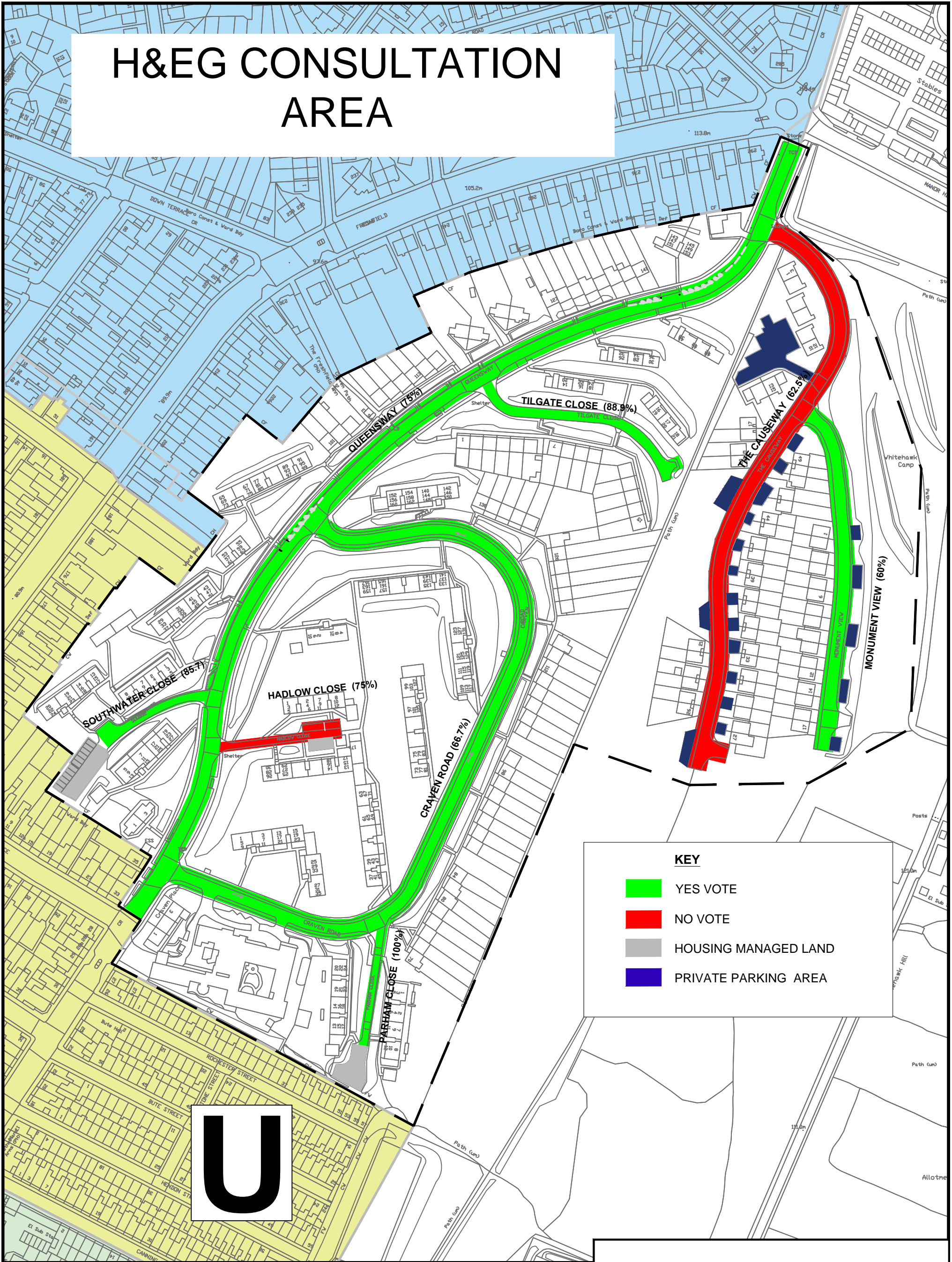


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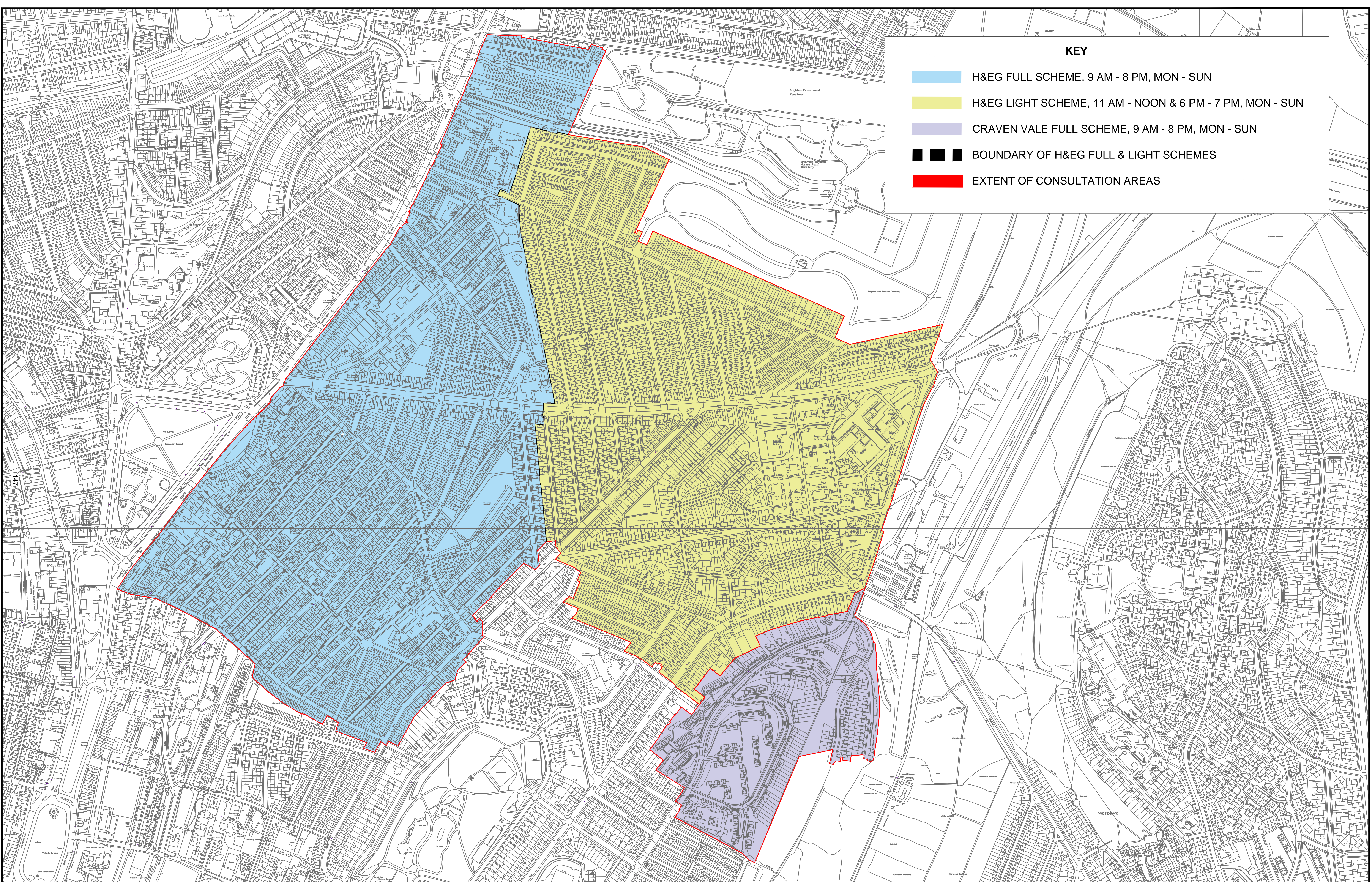


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H&EG CONSULTATION AREA



© Crown Copyright. Licence: 100020999. Brighton & Hove City Council, 2015	Project : CRAVEN VALE	Scale : xxx	 Brighton & Hove City Council
		Date : xxx	
	Title : PARKING CONSULTATION	Drawn : xxx	
		Drawing Number : B&H/xxx	




H&EG FULL SCHEME, 9 AM - 8 PM, MON - SUN

H&EG LIGHT SCHEME, 11 AM - NOON & 6 PM - 7 PM, MON - SUN

CRAVEN VALE FULL SCHEME, 9 AM - 8 PM, MON - SUN

BOUNDARY OF H&EG FULL & LIGHT SCHEMES

EXTENT OF CONSULTATION AREAS

							Client	PARKING INFRASTRUCTURE	Drawing Title	--		Scale	Original drg. size	Date
							TRANSPORT	NTS				A1	-	
							Job title	HANOVER/ELM GROVE & CRAVEN VALE				Drawn	-	Checked
												Drawing status	Drawing Number	Rev
												-	--	-

Subject:	West Hove area – initial resident parking scheme consultation		
Date of Meeting:	14th March 2017		
Report of:	Executive Director of Environment, Economy & Culture		
Contact Officer:	Name:	Charles Field	Tel: 29-3329
	Email:	Charles.field@brighton-hove.gov.uk	
Ward(s) affected:	Wish		

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

- 1.1 The purpose of this report is to address responses to an initial consultation in the West Hove area. The consultation asked residents, businesses and services whether they would like to be consulted on a full detailed design for a resident parking scheme and the hours and days of operation. Permission to proceed with the initial consultation was agreed at the Environment, Transport & Sustainability Committee meeting on 15th March 2016.

2. RECOMMENDATIONS:

- 2.1 That the Committee approves that a detailed design proposal for a resident parking scheme as a light touch (two periods during the day which are proposed to be 11am -12 Noon and 6pm - 7pm) and Monday to Sunday be consulted upon in the whole consultation area as detailed at Appendix A.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 As part of the Parking Scheme Timetable report presented to the Environment, Transport & Sustainability Committee Meeting in October 2015 it was agreed to consult residents in the West Hove area to determine whether they would like to be consulted on a full detailed design for a resident parking scheme. Permission to proceed with the initial consultation outlining the consultation area and hour / day options was agreed at the Environment, Transport & Sustainability Committee meeting on 15th March 2016.
- 3.2 In November 2016 a letter was sent to all property addresses in the West Hove area.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The main alternative option is doing nothing which would mean the proposals would not be taken forward.
- 4.2 However, it is the recommendation of officers that these proposals are proceeded with for the reasons outlined within the report.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Brighton & Hove City Council Land and Property Gazeteer was used to provide 2494 property addresses in the proposed scheme boundary for the West Hove Area. An information leaflet, map, a questionnaire and a prepaid envelope for reply was sent to each address.
- 5.2 Respondents were also invited to complete the survey online via the council's Consultation Portal should they wish to. 93.9% responses received were by mail and 6.1% on line.

Headline figures

- 5.3 1103 valid responses were received from within the proposed scheme boundary giving a high response rate of 44.23%.
- 5.4 Overall, 67.4% of respondents wanted a residents parking scheme, and to see a detailed design to consider while 32.6% of respondents did not want a parking scheme in their area.
- 5.5 22.2% of respondents wanted a 9am-8pm residents parking scheme while 78% wanted 2 periods during the day (light touch scheme).
- 5.6 47.2% of respondents wanted a Monday to Sunday scheme while 52.8% wanted Monday to Friday.
- 5.7 Analysis took place of all the responses received from respondents and the full results analysis of the consultation is outlined in detail in Appendix B. A plan showing the results road by road is outlined in Appendix C.

6. CONCLUSION

- 6.1 It is the recommendation of officers that the Council proceeds to the next stage of consultation to the whole area as 67.4% in favour of seeing a detailed design.
- 6.2 It is recommended that a detailed design proposal for a resident parking scheme as a light touch (two periods during the day) and Monday to Sunday be consulted upon in the whole area. The hours of operation are proposed to be 11am-12 Noon and 6pm-7pm and residents will have the opportunity to comment on these hours during the detailed design consultation period.
- 6.3 The reason for a seven day scheme is that it is felt if a five day scheme was introduced it would lead to vehicle displacement at weekends particularly as other schemes nearby are all seven day. Although the respondents were slightly in favour of a Monday to Friday parking scheme they would have another opportunity to comment on this proposal when the detailed design consultation period is carried out and any concerns would be reported back to a further Committee.

- 6.4 Ward Councillors have been briefed on the results and they are in agreement with the proposals and support the parking scheme going forward to the next stage of consultation.
- 6.5 This way forward is based on the analysis of the results across the consultation area.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The costs associated to officer time and consultation for the parking scheme proposals will be funded from existing revenue budgets within the Transport service. The detailed financial implications of the proposed scheme will be reported to this Committee in the future once there is more certainty of the scheme proposals.

Finance Officer Consulted: Gemma Jackson

Date: 06/02/17

Legal Implications:

- 7.2 Under the Traffic Management Act 2004, the Council as the local highway authority is under a duty to manage the road network with a view to achieving as far as reasonably practicable the expeditious movement of traffic. In performing this duty the Council may take any action it considers will contribute to securing the more efficient use of its road network or the avoidance, elimination or reduction of road congestion or other disruption to the movement of traffic on its road network.

Under the Road Traffic Regulation Act 1984 the Council has the power to provide parking places on any part of a road for the purpose of relieving or preventing the congestion of traffic and to impose provisions for the use of those parking places. With regard to consultation, the Council has to follow the rules on consultation promulgated by the government and the courts. These can be paraphrased as a need to ensure that the consultation process is carried out at a time when proposals are still at their formative stage, that sufficient reasons and adequate time must be given to allow intelligent consideration and responses and that results are conscientiously taken into account in finalising the proposals.

The consultation recommended in this report will help to demonstrate that the Council is complying with its network management duty and is also following the rules on consultation. It is not considered that any adverse human rights implications arise from the report.

Lawyer Consulted: Stephanie Stammers

Date 07.02.17:

Equalities Implications:

- 7.3 The proposed measures will be of benefit to many road users.

Sustainability Implications:

- 7.4 Any new motorcycle bays or Pedal Cycle bays will encourage more sustainable methods of transport.

Any Other Significant Implications:

- 7.5 Any designated disabled bays will provide parking for the holders of blue badges wanting to use the local facilities.

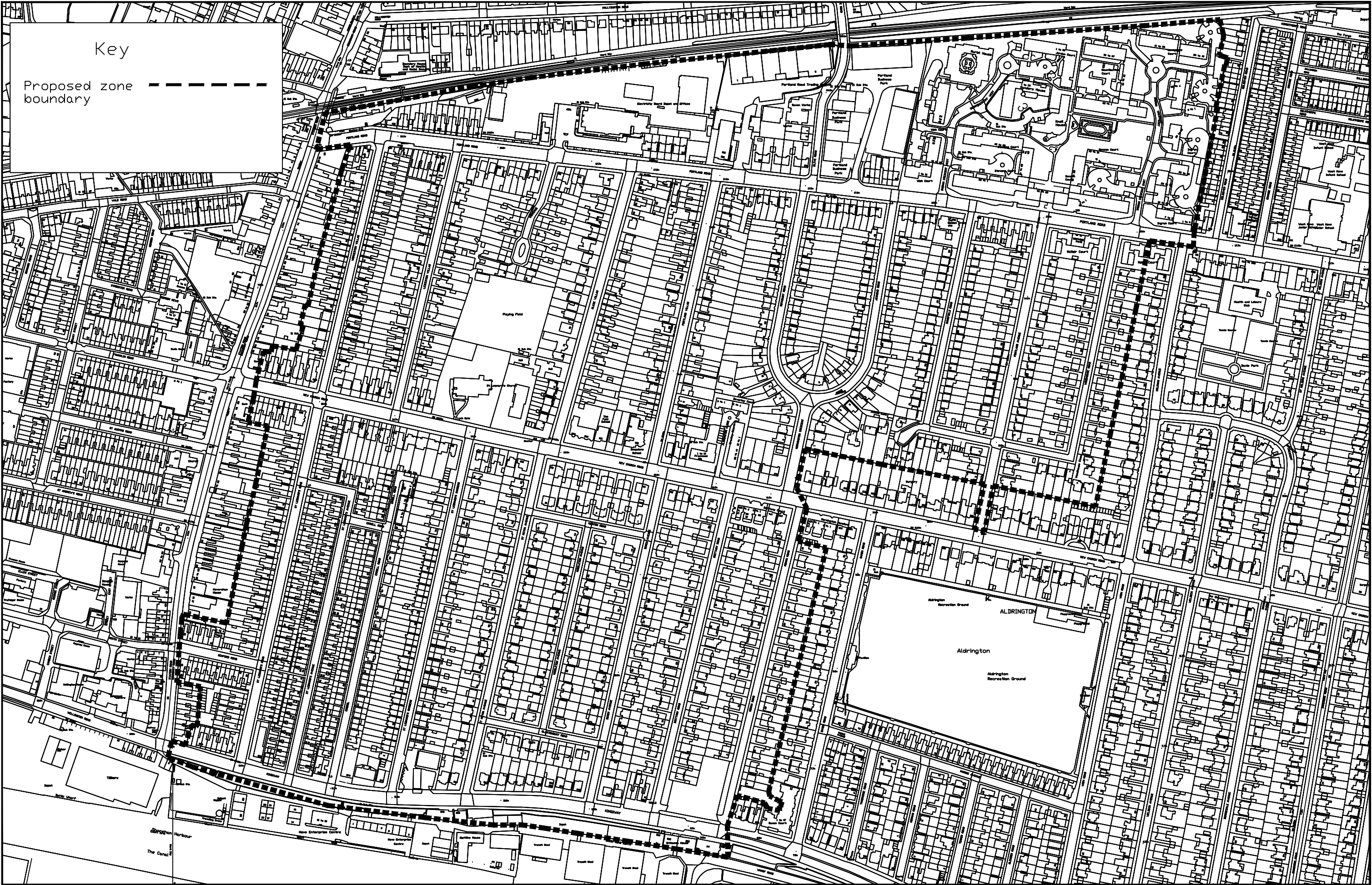
SUPPORTING DOCUMENTATION


Appendices:

1. Appendix A – Plan of consultation area
2. Appendix B – Detailed Analysis of consultation results
3. Appendix C – Plan showing consultation results by road

Background Papers:

1. ETS Committee – 15th March 2016



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							TRANSPORT				Drawn	R McMillan	Checked	-	Approved	-
						Job title	West Hove				Drawing status	-	Drawing Number	- -	Rev	-

Area W West Hove Residents Parking Scheme Consultation Report

Background

In November 2013 residents in the area were consulted about a possible parking scheme in West Hove. At that time a majority of respondents rejected the proposal, with the exception of a small section near Wish Park which has since been implemented.

However, the council has since received a petition, and a number of complaints from residents, about parking issues in the West Hove Area. At the Environment, Transport & Sustainability Committee (15 March 2016) it was agreed that residents and businesses in this area would be written to in order to find out if there is general support for a resident parking scheme and if so, whether a full scheme or a light-touch scheme and what days of operation might be preferred.

If there is support for a residents parking scheme in the area, a further consultation with information about a detailed design will follow in the Spring of 2017. This will give residents a further opportunity to make a decision on whether they are happy with detailed proposals and to offer further comments.

Headline Findings

Support for a resident parking scheme:

- 727 (67.4%) of respondents support the idea of a residents parking scheme.
- 352 (32.6%) of respondents do not support the idea of a residents parking scheme

Full or Light-touch scheme

- 218 (22.0%) prefer a full scheme
- 772 (78.0%) prefer a light-touch scheme

Days of Operation

- 523 (52.8%) of respondents support a Monday to Friday scheme
- 467 (47.2%) of respondents support a Monday to Sunday scheme

Methodology

Brighton & Hove City Council Land and Property Gazeteer was used to provide 2494 property addresses in the proposed scheme boundary for the West Hove Area. An information leaflet, detailed maps, a questionnaire and a prepaid envelope for reply was sent to each address. Respondents were also invited to complete the survey online via the council's Consultation Portal should they wish to. 93.9% responses received were by mail and 6.1% on line. The consultation was advertised on the council's website, via social media and by a press-release to local media. The consultation ran from 25 November to 13 January 2017.

Results

1103 valid responses¹ were received from within the proposed scheme boundary giving a response rate of 44.23%.

Q1 Would you like a parking scheme in your area?

(response base² 1079)

Yes		No		Total
Number	%	Number	%	
727	67.4	352	32.6	1079

Results on a street by street basis were as follows:

(response base 1079)

Street	Number properties mailed	Number responses	Response rate %	Yes		No	
				Number	%	Number	%
Aldrington Close	39	8	20.5	0	0	8	100
Brittany Road	59	37	62.7	34	91.9	3	8.1
Chelston Avenue	26	12	46.2	10	83.3	2	16.7
Derek Avenue	55	28	50.9	20	71.4	8	28.6
Erroll Road	96	37	38.5	20	54.1	17	45.9
Glastonbury Road	13	8	61.5	6	75.0	2	25.0
Glebe Villas	73	29	39.7	20	69.0	9	31.0
Ingram Crescent East	253	56	22.1	27	48.2	29	51.8
Ingram Crescent West	242	34	14.0	15	44.1	19	55.9
Jesmond Close	3	2	66.7	0	0	2	100
Jesmond Road	54	37	68.5	29	78.4	8	21.6
Kenton Road	12	6	50.0	3	50.0	3	50.0
Kingsway	124	38	30.6	20	52.6	18	47.4
Leicester Villas	67	38	56.7	28	73.7	10	26.3
Mansfield Road	57	37	64.9	29	78.4	8	21.6
Middleton Avenue	47	31	66.0	15	48.4	16	51.6
Mornington Crescent	8	6	75.0	5	83.3	1	16.7

¹ 39 responses were removed from the analysis for the following reasons: 25 were duplicate cases, 10 were from outside the area and 4 gave no address.

² Response base = number of people answering this question

Street	Number properties mailed	Number responses	Response rate %	Yes		No	
				Number	%	Number	%
New Church Road	169	52	30.8	23	44.2	29	55.8
Olive Road	7	1	14.3	0	0	1	100
Portland Avenue	59	46	78.0	38	82.6	8	17.4
Portland Lane	3	0	0.0	0	0	0	0
Portland Road	225	73	32.4	46	63.0	27	37.0
Portland Villas	73	44	60.3	39	88.6	5	11.4
Roman Road	66	44	66.7	40	90.9	4	9.1
Rothbury Road	48	34	70.8	28	82.4	6	17.6
Seaford Road	26	12	46.2	9	75.0	3	25.0
St Keyna Avenue	55	39	70.9	24	61.5	15	38.5
St Leonards Avenue	163	69	42.3	40	58.0	29	42.0
St Leonards Gardens	87	50	57.5	23	46.0	27	54.0
St Leonards Road	136	79	58.1	57	72.2	22	27.8
Woodhouse Close	4	3	75.0	2	66.7	1	33.3
Woodhouse Road	51	38	74.5	35	92.1	3	7.9
Worcester Villas	94	51	54.3	42	82.4	9	17.6
Total	2494	1079	43.3	727	67.4	352	32.6

Q2 If a scheme were introduced which option would you prefer?
(response base 900)

All Day 9am to 8pm		Two periods during the day 10am-11am and 2pm-3pm for example		Total
Number	%	Number	%	
218	22	772	78.0	990

Q3 If a scheme were introduced would you prefer? (response base 990)

Monday to Sunday		Monday to Friday		Total
Number	%	Number	%	
467	47.2	523	52.8	990

Demographic Information

Age (response base 738)

Age	Number	%
18-24	11	1.5
25-34	48	6.5
35-44	160	21.7
45-54	195	26.4
55-64	138	18.7
65-74	94	12.7
75+	92	12.5
Total	738	100

Gender (response base 799)

Gender	Number	%
Male	347	43.4
Female	449	56.2
Other	3	0.4
Total	799	100

Gender Identity (response base 732)

Do you identify as the gender you were assigned at birth?	Number	%
Yes	720	98.4
No	12	1.6
Total	732	100

Disability (response base 764)

Disability	Number	%
Yes, a little	72	9.4
Yes, a lot	76	9.9
No	616	80.6
Total	764	100

Of those who answered “yes”, disabilities were as follows:

Please state the type of impairment which applies to you.	Number
Physical impairment	95
Sensory impairment	9
Learning disability/ difficulty	0
Long-standing illness	52
Mental health condition	17
Development condition	1
Autistic Spectrum	2
Other	4

Ethnic Origin (response base 792)

Ethnic Origin		Number	%
White	White English/ Welsh/ Scottish/ Northern Irish/ British	699	88.3
	Irish	15	1.9
	Gypsy or Irish Traveller	5	0.6
	Any other white background	39	4.9
Asian or Asian British	Bangladeshi	9	1.1
	Indian	3	0.4
	Pakistani	1	0.1
	Chinese	0	0
	Any other Asian background	2	0.3
Black or Black British	African	3	0.4
	Caribbean	1	0.1
	Any other Black background	0	0
Mixed	Asian & White	4	0.5
	Black African & White	0	0
	Black Caribbean & White	2	0.3
	Any other mixed background	2	0.3
Any other ethnic group	Arab	4	0.5
	Any other ethnic group	3	0.4
Total		792	100

Sexual Orientation (response base 741)

Sexual Orientation	Number	%
Bisexual	14	1.9
Gay Man	20	2.7
Heterosexual/ straight	681	91.9
Lesbian/ Gay Woman	22	3.0
Other	4	0.5
Total	741	100

Religious Belief (response base 743)

Religious Belief	Number	%
I have no particular religion or belief	286	38.5
Buddhist	10	1.3
Christian	347	46.7
Hindu	1	0.1
Jain	0	0
Jewish	11	1.5
Muslim	7	0.9
Pagan	4	0.5
Sikh	1	0.1
Agnostic	5	0.7
Atheist	51	6.9
Other	7	0.9
Other philosophical belief	13	1.7
Total	743	100

Carer (response base 897)

Are you a carer	Number	%
Yes	68	7.6
No	829	92.4
Total	897	100

If yes, do you care for a:	Number
Parent	25
Partner or Spouse	20
Child with special needs	13
Friend	4
Other family member	11
Other	0
Total	73

Armed Forces

(Response Base 833)

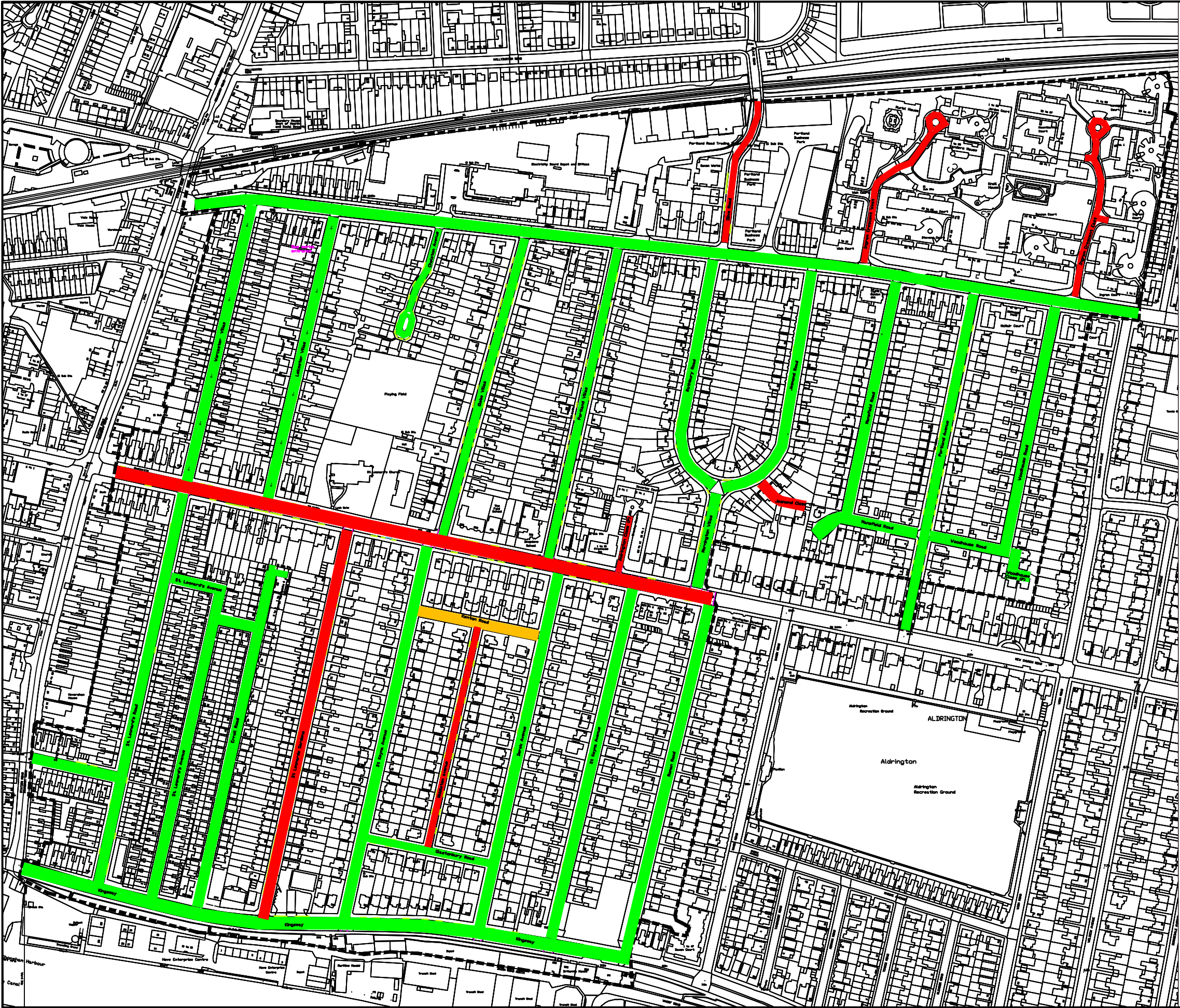
Armed Forces	Yes		No	
	Number	%	Number	%
Are you currently serving in the UK armed forces?	2	0.2	831	99.8
Have you ever served in the UK armed forces?	44	5.2	808	82.4
Are you a member of a current or former serviceman or woman's immediate family/ household?	25	3.0	810	97.0

Appendix

39 responses were removed from the analysis as they fell into the following categories:

- 25 Duplicates (only one responses per household was included)
- 10 Responses from residents outside the area
- 4 Responses where no address was given

Why removed from main report	In favour of parking scheme		Not in favour of parking scheme		Total
	Number	%	Number	%	
Duplicates	17	73.9	6	26.1	23
Outside the area	5	50.0	5	50.0	10
No address given	1	25.0	3	75.0	4
Total	23	62.2	14	37.8	37



KEY:

- Yes to Scheme
- No to Scheme
- 50/50 for scheme
- Zone boundary

Client	PARKING INFRASTRUCTURE
	TRANSPORT
Job title	West Hove

Drawing Title	Appendix -C
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Scale	NTS	Original dwg. size	A0	Date	Feb 17
Drawn	R McMillan	Checked	-	Approved	-
Drawing status	-	Drawing Number	- -	Rev	-

Subject:	Parking proposals within the event day (Community Stadium) parking schemes		
Date of Meeting:	14th March 2017		
Report of:	Executive Director Economy, Environment & Culture		
Contact Officer:	Name:	Charles Field	Tel: 29-3329
	Email:	Charles.field@brighton-hove.go.uk	
Ward(s) affected:	Hollingdean & Stanmer and Moulsecoomb		

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

- 1.1 The Parking Infrastructure Team has received a number of requests for alterations to parking restrictions within the event day parking schemes associated with the Community Stadium.
- 1.2 These requests have been investigated by officers and a number of proposals have been advertised on a Traffic Regulation Order funded by the football club.
- 1.3 This report considers the comments, support and objections received to an amendment Traffic Regulation Order, which contains proposals for 5 roads within the event day parking schemes associated with the Community Stadium.

2. RECOMMENDATIONS:

- 2.1 That the Committee (having taken into account of all the duly made representations and objections) agree the following:
 - a) Approve the Various Controlled Parking Zones Consolidation Order 2015 Amendment Order No.* 201* with the following amendments:
 - b) That the proposed double yellow lines in Ashurst Road be amended on this Traffic Regulation Order due to the concerns outlined in para 3.3

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 This Traffic Regulation Order includes proposed restrictions to 5 roads. Overall two objections were received to the advertised Traffic Regulation Order which are both in connection with double yellow lines proposed in Ashurst Road.
- 3.2 The comments, support and objections are summarised and explained in detail in Appendix A and plans showing the proposals are shown in Appendix B. A summary of the proposals to put forward are detailed in Appendix C.

- 3.3 The first objection relates to a concern that by stopping the double yellow lines at No.78 this would encourage vehicles to park nearer a driveway. This would make it make it difficult for residents to exit their driveways without being obstructed by parked vehicles.
- 3.4 Having taken into account this objection it is recommended to reduce the double yellow lines by 2 metres to the eastern boundary of property No.78 Ashurst Road to allow more space for the vehicle to park away from nearby driveways.
- 3.5 The second objection outlined concerns about the loss of parking in a layby due to proposed double yellow lines.
- 3.6 This objection has been considered but it is felt the double yellow lines are required as this lay-by can be used as a passing point. There is also a dropped crossing to a residential property in the middle of this lay-by and the yellow lines would stop vehicles obstructing or over-hanging the access.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The main alternative option is doing nothing which would mean the proposals would not be taken forward.
- 4.2 However, it is the recommendation of officers that these proposals are proceeded with for the reasons outlined within the report.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The Traffic Regulation Order was advertised between the 2nd December 2016 and 23rd December 2016.
- 5.2 The Ward Councillors for the areas were consulted, as were the statutory consultees such as the Emergency Services.
- 5.3 Notices were also put on street for the 5th December 2016; these comprised of the notice as well as a plan showing the proposal and the reasons for it. The notice was also published in The Brighton Independent newspaper on the 2nd December 2016. Detailed plans and the order were available on the Council website and could be viewed using the public computers at Customer Service Centres at Bartholomew House, Bartholomew Square, Brighton and Hove Town Hall, Ground Floor, Norton Road, Hove.

6. CONCLUSION

- 6.1 It is proposed that the proposals are taken forward and the Officer recommendations agreed.
- 6.2 This includes reducing the double yellow lines by 2 metres to the eastern boundary of property No.78 Ashurst Road.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The cost of advertising the Traffic Regulation Order has been funded by the football club. Any further costs associated with implementing the report recommendations will be met from existing Parking Infrastructure revenue budgets within the Transport department. Parking income will be unaffected by the proposals.

Finance Officer Consulted: Gemma Jackson

Date: 10/02/17

Legal Implications:

- 7.2 The Traffic Management Act 2004 places a duty on local traffic authorities to manage the road network with a view to securing, as far as reasonably practicable, the expeditious movement of traffic. The action which a traffic authority may take in performing this duty include any action which they consider will contribute to securing a more efficient use of their road network or the avoidance, elimination or reduction of road congestion or other disruption to the movement of traffic on their road network.
- 7.3 The recommendations detailed in this report will help to demonstrate that the Council is complying with its statutory duty

Lawyer Consulted: Stephanie Stammers

Date: 14/02/2017

Equalities Implications:

- 7.4 There are no equalities implications that officers are aware of.

Sustainability Implications:

- 7.5 There are no sustainability implications that officers are aware of.

Any Other Significant Implications:

- 7.6 There are no other significant implications that officers are aware of.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – summary of representations received
2. Appendix B – Plans showing the proposals
3. Appendix C – Summary of proposal put forward

Documents in Members' Rooms

None

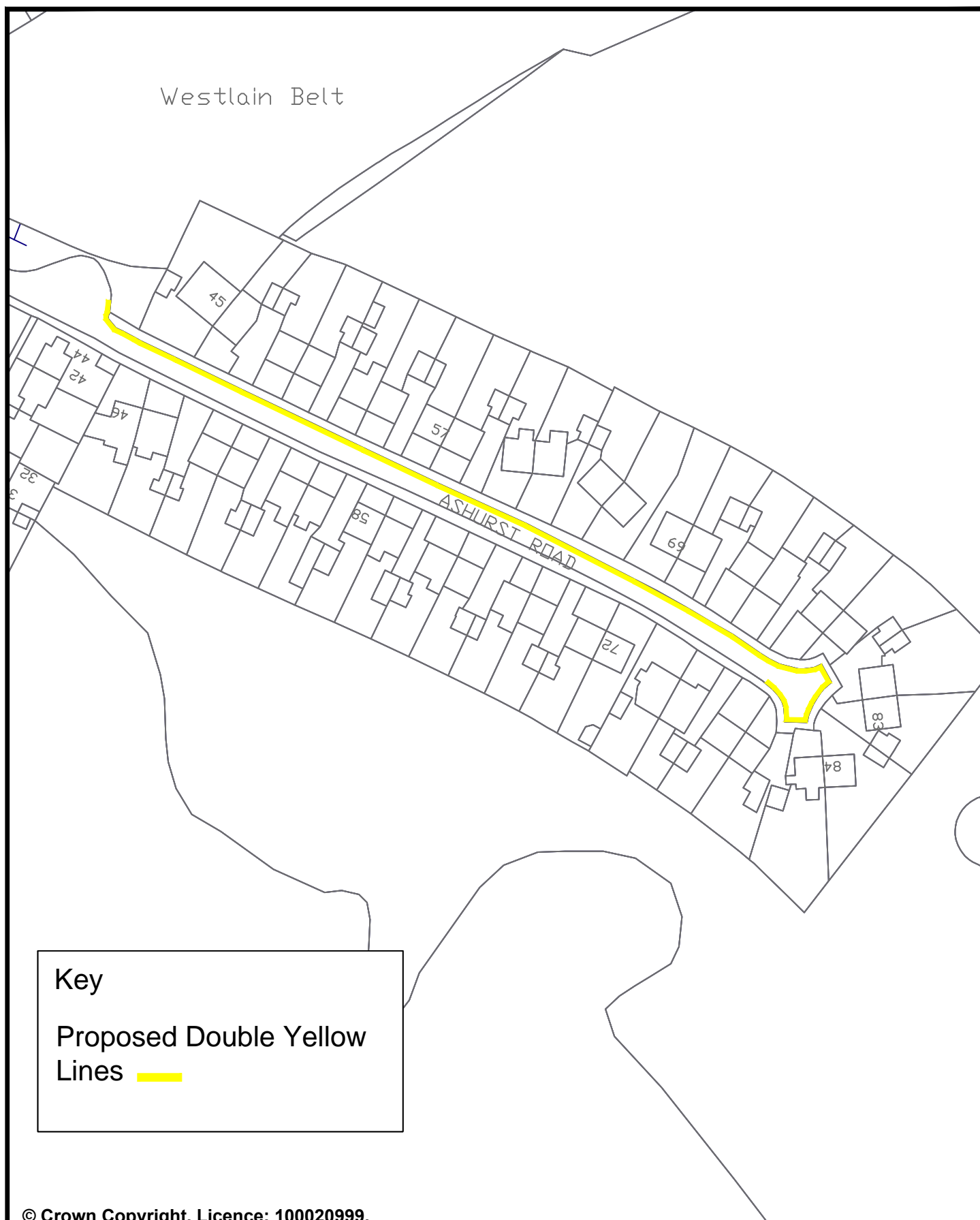
Background Documents

None


APPENDIX A – Summary of representations received

Who	Road / Ward	Object / Support	Contents	Comments/Recommendations
Resident	Ashurst Road – Controlled Parking Zone	Objection	<u>Proposed Double yellow lines in Ashurst Road</u> – Objects to the double yellow lines going into two parking bays in layby outside No 11 Ashurst Road. This is reducing the available on street parking. This could be seen as an area that may provide a passing place, however, the property opposite to number 11 has a dropped kerb and driveway which already addresses this need.	This objection has been considered but it is felt the double yellow lines are required. This lay-by can be used as a passing point. There is also a dropped crossing to a residential property in the middle of this lay-by and the yellow lines would stop vehicles obstructing or over-hanging the access.
Resident	Ashurst Road – Controlled Parking Zone	Objection	<u>Proposed Double yellow lines in Ashurst Road</u> - Objects to the double yellow lines finishing at a point 2 metres from the Eastern boundary of property No.78. This will leave potentially one small parking space. If a car is parked in this position it makes it difficult for residents opposite at Nos 75 and 77 to reverse off their drive onto the highway. Otherwise supports the proposal to put double yellow lines on the junctions and hammer heads in Ashurst Road.	Having taken into account this objection it is recommended to reduce the double yellow lines by 2 metres to the eastern boundary of property No.78 Ashurst Road to allow more space for the vehicle to park away from nearby driveways.
Resident	Ashurst Road – Controlled Parking Zone	Support	<u>Proposed Double yellow lines</u> – Supports the double yellow lines in Ashurst Road, as there is no control on Match Nights and also many of the houses in Ashurst are Multi-occupancy.	
Resident	Ashurst Road - Controlled Parking Zone	Support	<u>Proposed Double yellow lines in Ashurst Road</u> – Supports such a proposal, this will help a great deal, especially with access for the emergency services. This needs to be backed up by wardens/enforcement officers attending and enforcing the area on event days.	

Resident	Ashurst Road – Controlled Parkin Zone	Support	<u>Proposed Double yellow lines in Ashurst Road</u> - Support this proposal in Ashurst Road which is difficult at times of football matches for Brighton & Hove. People park dangerously all around corners, Double yellows will stop any more dangerous accidents occurring.	
Resident	Ashurst Road – Controlled Parkin Zone	Support	<u>Proposed Removal of Shared Parking Places & Proposed Motorcycle Parking Places in Regency Square</u> – Full support of the proposed double yellow line installation.	
Bus Company	Regency Square – Controlled Parkin Zone	Support	<u>Proposed Extension to Double yellow lines in Halland Road</u> – Strongly support the double yellow lines at Moulsecoomb Way/Halland Road. Currently this can be a difficult turn for buses on route 49 and can cause delays.	

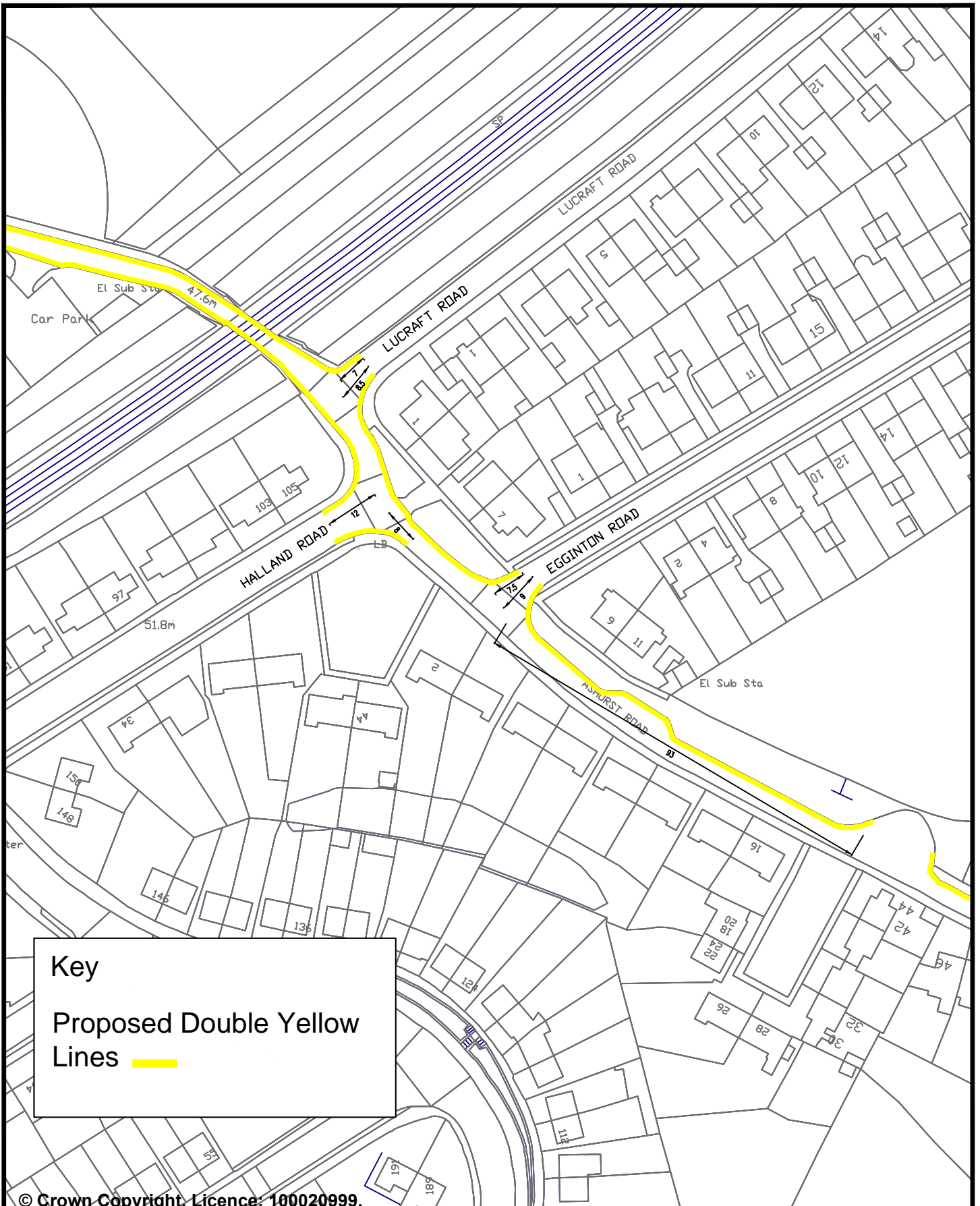


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TRANSPORT	PARKING INFRASTRUCTURE
Scale : N.T.S.	 Brighton & Hove
Date : Nov 2016	
Drawn : D.A.	
Drawing Number : B&H-DYLS-MB-001	

Address: Ashurst Road, Brighton
(Section 1)

Reason: To prevent obstruction to
all road users



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Brighton & Hove City Council, 2012.

Address: Ashurst Road, Brighton
(Section 2)

Reason: To prevent obstruction to
all road users

TRANSPORT

PARKING INFRASTRUCTURE

Scale : N.T.S.

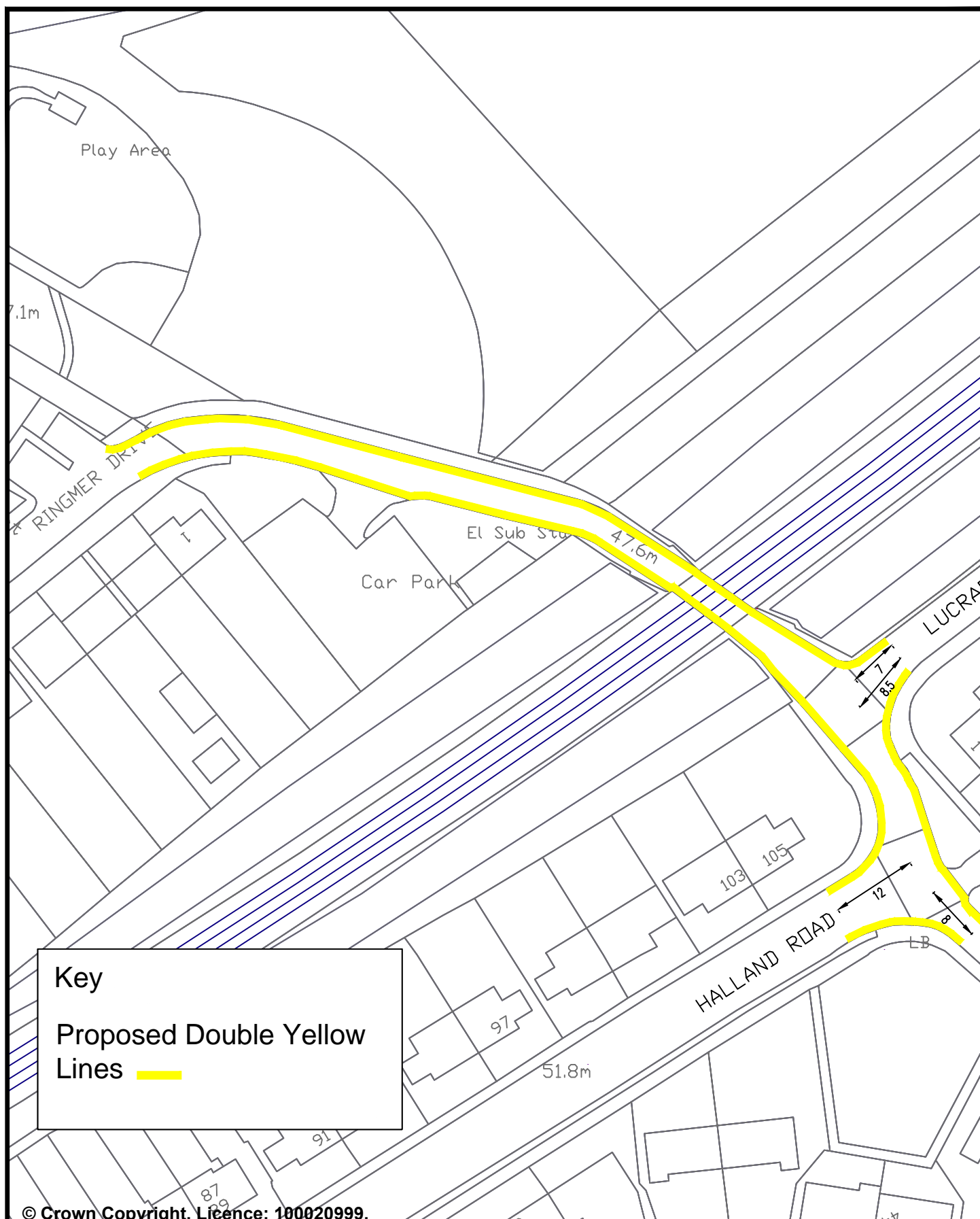
Date : Nov 2016

Drawn : D.A.

Drawing Number : B&H-DYLS-MB-002



Brighton & Hove



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Brighton & Hove City Council, 2012.

Address: Ashurst Road, Brighton
(Section 3 under bridge)

Reason: To prevent obstruction to
all road users

TRANSPORT

PARKING INFRASTRUCTURE

Scale : N.T.S.

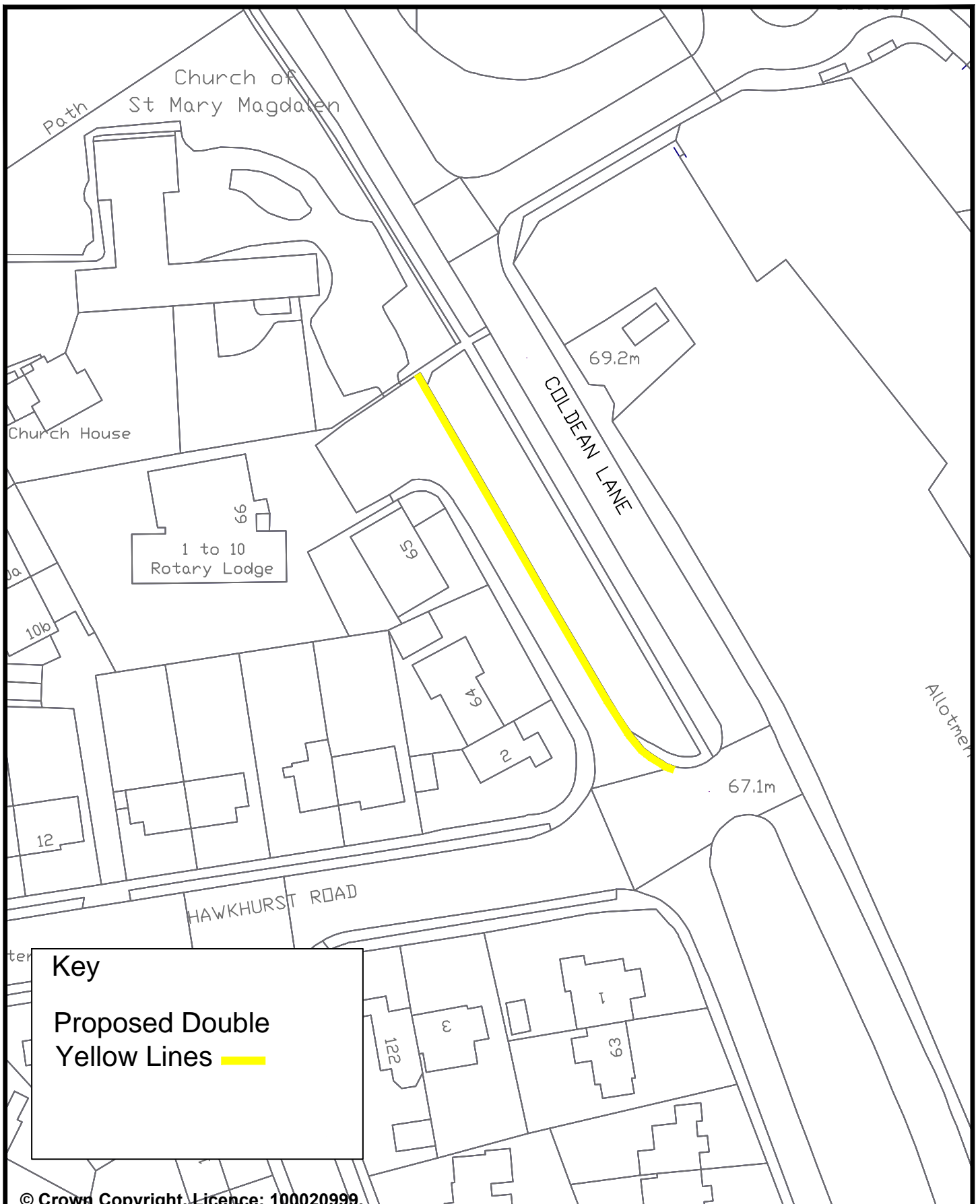
Date : Nov 2016

Drawn : D.A.

Drawing Number : B&H-DYLS-MB-003



Brighton & Hove



Key

Proposed Double
Yellow Lines ——

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Brighton & Hove City Council, 2012.

Address: Slip Road Coldean Lane
Brighton (by Vicarage)

Reason: To prevent obstruction to
all road users

TRANSPORT

PARKING INFRASTRUCTURE

Scale : N.T.S.

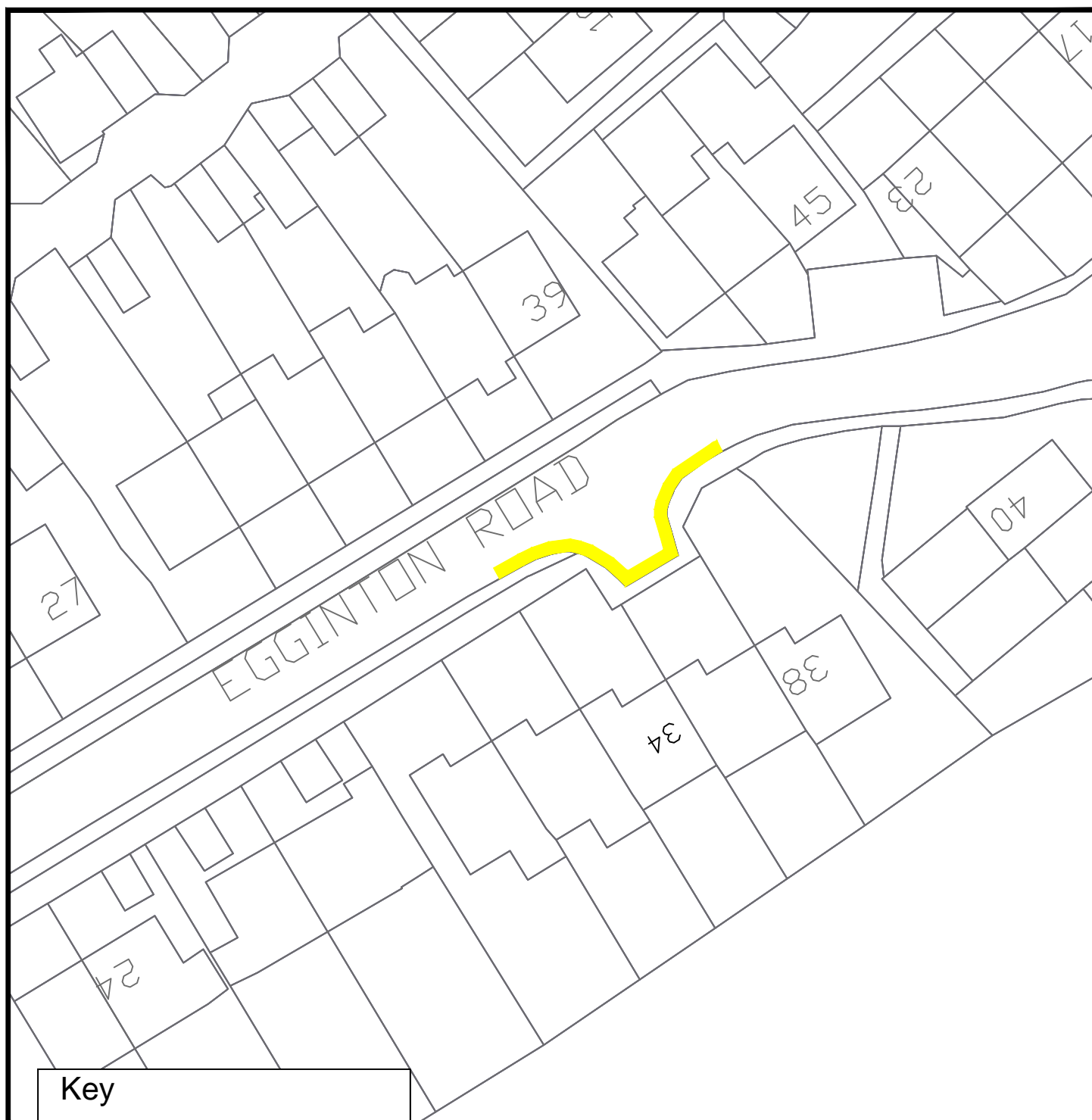
Date : Oct 2016

Drawn : D.A.

Drawing Number : B&H-DYLS-HS-001



Brighton & Hove



Key

Proposed Double
Yellow Lines 

© Crown Copyright. Licence: 100020999.
Brighton & Hove City Council, 2012.

Address: Egginton Road, Brighton

Reason: To prevent obstruction to
all road users

TRANSPORT

PARKING INFRASTRUCTURE

Scale : N.T.S.

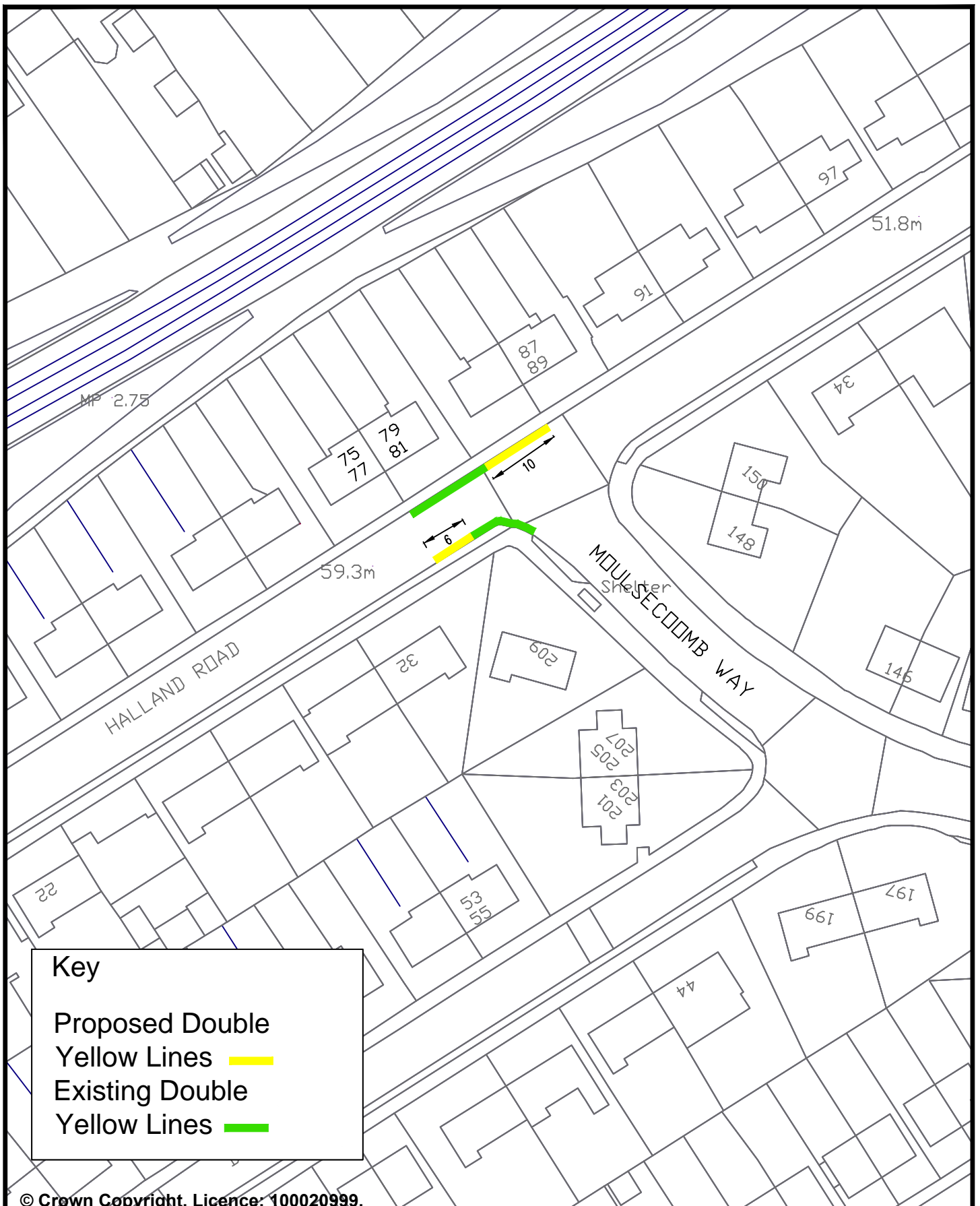
Date : Oct 2016

Drawn : D.A.

Drawing Number : B&H-DYLS-MB-005



Brighton & Hove



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Brighton & Hove City Council, 2012.

TRANSPORT

PARKING INFRASTRUCTURE

Address: Halland Road, Brighton

Scale : N.T.S.

Date : Oct 2016

Drawn : D.A.

Drawing Number : B&H-DYLS-MB-001

Reason: To prevent obstruction to
all road users



Brighton & Hove

APPENDIX C - PROPOSALS PUT FORWARD

Proposal	CPZ/Ward	Support	Objections
Proposed Double yellow lines in Ashurst Road	Controlled Parking Zone – Moulsecoomb & Bevendean	4	2
Proposed Double yellow lines in Egginton Road	Controlled Parking Zone – Moulsecoomb & Bevendean	0	0
Proposed Double yellow lines in Lucraft Road	Controlled Parking Zone – Moulsecoomb & Bevendean	0	0
Proposed Extension to Double yellow lines in Halland Road	Controlled Parking Zone – Moulsecoomb & Bevendean	1	0
Proposed Double yellow lines in Coldean Road (Slip road fronting Nos. 64-65 & Rotary Lodge)	Controlled Parking Zone – Hollingbury & Stanmer	0	0

Subject:		Application for a Definitive Map Modification Order, The Paddock, Roedean	
Date of Meeting:		14th March 2017	
Report of:		Executive Lead Strategy, Governance & Law	
Contact Officer:	Name:	Stephanie Stammers	Tel: 29-1523
	Email:	Stephanie.stammers@brighton-hove.gov.uk	
Ward(s) affected:		Rottingdean Coastal	

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

- 1.1 An application dated 11 March 2014 was submitted by the Roedean Residents Association, to Brighton & Hove City Council ("the Council") for an order modifying the Council's Definitive Map and Statement of Public Rights of Way by adding a public footpath at The Paddock, Roedean ("the Claimed Route").
- 1.2 The Council is the surveying authority for the purposes of section 53 of the Wildlife and Countryside Act 1981 ("the Act"). Section 53 (2)(b) of the Act requires the Council to keep the Definitive Map and Statement under continuous review and make such modification to the Map and Statement as required.

2. RECOMMENDATIONS:

- 2.1 That the Committee does not approve the application for a Definitive Map Modification Order on the basis that it has not been found that, on the balance of probabilities, a right of way over the Claimed Route subsists or can reasonably be alleged to subsist.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 A copy of the application is included at Appendix 1. Drawing number A3/41483 showing the Claimed Route was also submitted with the application and is included at Appendix 2.
- 3.2 Eleven user evidence forms were submitted with the application, and copies of these are attached at Appendix 3.
- 3.3 The land known as The Paddock over which the Claimed Route runs has been owned by the Council since 1931. Copies of the Land Registry entries and title plan are at Appendix 4.
- 3.4 Jonathan Jose, of the Estates Team and Stephen White of CityParks Operations have completed the landowner's evidence on behalf of the Council and their statements are at Appendix 5 (Stephen White) and Appendix 6 (Jonathan Jose).

LEGAL POSITION

SECTION 53 WILDLIFE AND COUNTRYSIDE ACT 1981

- 3.5 Section 53(2)(b) of the Wildlife and Countryside Act 1981 imposes a duty on the Council to make any modifications to the Definitive Map & Statement that are necessary as a result of the occurrence of certain events. One such event is where use of a specific route raises a presumption that it has been dedicated as a public path (either a bridleway or a footpath). This is commonly demonstrated by user evidence.
- 3.6 Another such event is the discovery of evidence by the Council which, when considered with all other relevant evidence available, shows that a right of way which is not shown in the Definitive Map and Statement subsists or is reasonably alleged to subsist over land in the area to which the map relates (Section 53(3)(c)(i)).
- 3.7 All the evidence must be evaluated and weighed and a conclusion reached whether, on the balance of probabilities, either the alleged rights subsist or are reasonably alleged to subsist. Any other issues, such as safety, security, suitability, desirability or the effects on property or the environment, are not relevant to the decision.

SECTION 31 HIGHWAYS ACT 1980

- 3.8 Where the evidence in support of the application is user evidence, section 31(1) of the Highways Act 1980 applies, which states;-
- “Where a way.....has been actually enjoyed by the public as of right and without interruption for a full period of twenty years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it.”*
- 3.9 The public must have used the way without interruption and as of right; that is without force, secrecy or permission. Section 31(2) states that “the 20 years is to be calculated retrospectively from the date when the right of the public to use the way is brought into question”. Being “brought into question” would typically be an act by the landowner such as putting up a notice, erecting a gate or turning people away. Under section 31 the onus is on the landowner to show that they did not intend to dedicate the way as a public right of way.
- 3.10 In the case of The Paddock, Roedean, the placing of ‘Private Property’ signs by BHCC on The Paddock in April 2012 is the act which brought the right of the public into question. Therefore the period of use to be shown for the purposes of Section 31 Highways Act 1980 is the period of 1 April 1992 to 1 April 2012.

COMMON LAW POSITION

- 3.11 Additionally or alternatively, the requisite period of enjoyment may be demonstrated by satisfying the requirements of “common law” or law established through a series of

cases that have been decided by the courts. At common law there is no set period of use.

- 3.12 If reliance was being placed on some period of use less than 20 years duration, or if reliance was placed on a period of use expiring at some point before an identifiable act which brings into question the public's right to use the way, then resort to the common law rules of dedication may be necessary.
- 3.13 The case in this application is that the evidence available can be dealt with under the statutory test and in doing so will also satisfy the common law test. There is therefore, for the purposes of this report no need to distinguish between the two tests for the purposes of the conclusions drawn.

RIGHTS OF APPEAL

- 3.14 If the Council refuses the application, the applicants have a right of appeal to the Secretary of State. The applicants must serve notice of appeal within 28 days after service on them of the Council's decision.
- 3.15 If the Council grants the application and makes an Order, public notice of the Order is given. If any objections are received within a specified time the matter is referred to the Secretary of State for a decision.

DESCRIPTION OF CLAIMED ROUTE

- 3.16 A site inspection was undertaken by Ms Chantelle Hoppe, Ranger, Countryside Team, shortly after the application was made on 14 March 2014.
- 3.17 The Claimed Route is shown on Drawing no A3/41483 at Appendix 2 starting at the steps at the south east corner of the Paddock (point D) running to the north east corner of the Paddock (point C) and then along the northern boundary to the north west corner of the Paddock (point B).

APPLICANTS' EVIDENCE

- 3.18 The application was made on the basis of:
- a) Questionnaires from eleven people detailing their use of the Claimed Route (Appendix 3).
 - b) Drawing number A3/41483 dated 30 May 1989 issued by JE Bartlett, Borough Estates Surveyor for the Borough of Brighton (Appendix 2).

REASONS FOR USE

- 3.19 The evidence from the users is that the Claimed Route is used as a short cut to access Marine Drive and the seafront.
- 9 of the 11 users claim to have used the way for periods of 20 years or more.
 - 10 of the 11 users claim that the route was either blocked or partially blocked due to the Southern Water works which took place in 2010 and 2011.
 - All of the users say that there are no gates.

- 7 of the 11 users claim that there were notices placed on site in 2011 when the Southern Water works were being undertaken.
- No challenges to use have been recorded.

CONSULTATIONS

- 3.20 Ward councillors have been consulted. Councillor Mears has advised that in her capacity as ward councillor she has known of the existence of the Claimed Route since 1992 and has walked it herself on occasions. Councillor Mears supports the application.
- 3.21 Councillor Miller has advised that he supports the application. Councillor Miller has stated that the set of stairs would not have been put there for there then not to be a path.
- 3.22 Councillor Hyde has advised that she supports the application
- 3.23 Statutory consultations were carried out. One response was received from Peter Jarman, Local Footpath Secretary of the Ramblers Association, by letter dated 5 November 2014. The letter, included at Appendix 7, supports the application.

INVESTIGATION OF THE APPLICATION.

- 3.24 A detailed investigation of the evidence submitted with the application has been undertaken, together with additional research of the map evidence.

DOCUMENTARY EVIDENCE

- 3.25 A study has been made of the historical documents relating to the area of the Claimed Route held at East Sussex Records Office (ESRO), Brighton & Hove libraries and available online.

Ordnance Survey Maps

- 3.26 The Ordnance Survey County Series for Sussex from 1875 to 1938 and the Ordnance Survey plans from 1952 to 1995 (18 maps in total) have been looked at. The full results are at Appendix 8.
- 3.27 The only OS map to show a path running along the eastern and northern boundaries of The Paddock is the current OS MasterMap urban content for Brighton. A path is also shown along the western boundary, which continues in a northerly direction to meet up with Cliff Approach. The map, which is at Appendix 8, depicts OS progress as of 20 October 2016 and shows what is currently on the ground.

Rights of Way Survey

- 3.28 This was a survey carried out between 1951 and 1968 by Brighton Borough Council and predecessor authorities under the National Parks & Access to the Countryside Act 1949. The file, which was inspected at the ESRO, contains correspondence about obstructed footpaths, the status of rights of way and rights

of way sub-committee progress reports. The Survey does not include any reference to the Claimed Route.

Rights of Way file

- 3.29 This file, which was inspected at the ESRO, contains plans showing public rights of way in Brighton in 1989. The Claimed Route is not shown on them.

Tithe maps

- 3.30 The Rottingdean Tithe map dated 1839 prepared by Wm Leach includes the area of The Paddock. It does not record any paths in the area of The Paddock.

Finance Act 1910-11 maps

- 3.31 The extract of the Finance Act map of 1911 is at Appendix 9. This map shows parcel 272 which includes the whole of Black Rock and is the 1911 OS map. The Claimed Route is not shown although there is a diagonal path shown across what is now The Paddock.

Photographs

- 3.32 A number of photographs of The Paddock have been obtained and are at Appendix 10 (i) and (ii). The four aerial photographs from National Monuments Records dated: 8 April 1944, 19 April 1946, 7 April 1950 and 6 August 1950 (Appendix 10(i) clearly show the footpath on the western boundary. There is no sign of the Claimed Route on them.
- 3.33 The LocalView aerial photograph of 2000 (Appendix 10 (ii)) shows the footpath on the western boundary and a path running diagonally across The Paddock. There is no sign of the Claimed Route.
- 3.34 The LocalView aerial photograph of 2007 (Appendix 10 (ii)) shows the footpath on the Western boundary. There is no sign of the Claimed Route.

Earthship Biotecture Europe Ltd documents

- 3.35 In November 2006 Earthship Biotecture Europe Ltd (EBE Ltd) made a planning application to the Council for the development of 16 homes on the site of The Paddock. The hardworks plan for the development is attached at Appendix 11(i). This plan refers to an "Existing footpath" which runs along the eastern boundary to the point where the steps would be and approximately one –third of the way along the eastern section of the northern boundary. This matches the solid line shown on the 1980-1981 Ordnance Survey plan and on the Land Registry plan. The footpath on the western boundary is referred to as "Public foot/cycle path".
- 3.36 EBE Ltd's report dated November 2006 prepared as part of the planning application is also at Appendix 11(i). Paragraph 1.3 of the report states that "....access from Cliff Road to Marine Drive is via a side access route" which would be the footpath on the western boundary. A photograph at paragraph 1.6 of the report is an aerial view of The Paddock which shows the footpath along the western boundary and also a path running diagonally across The Paddock

but does not show the Claimed Route.

- 3.37 The eleven photographs taken by EBE Ltd in July 2006 as part of their planning application show the footpath along the western boundary but there is no sign of the Claimed Route. The photographs are at Appendix 11(ii)

Highways Records Card

- 3.38 A record in the Council's Highways Records Card states that the adoption of Footpath Brighton 89 along the western boundary was confirmed on 10 September 1991. The Highways Records Card details that the path runs across land that was intended to be laid out as a road in 1898. In addition that in 1989 the Borough Secretary confirmed that what is now Footpath Brighton 89 is a publicly maintainable highway. A copy of this Highways Records Card is at Appendix 12. There is no such record for the Claimed Route.

SUBMISSIONS FROM THE RAMBLERS

- 3.39 The Ramblers submission is contained in the letter of 5 November 2014 from Peter Jarman at Appendix 7. No documentary evidence has been produced with this letter.

RESPONSE OF LANDOWNERS TO APPLICATION

- 3.40 The Landowner states that:
- a. The Council has owned the land for 83 years.
 - b. The Council was unaware of members of the public using the Claimed Route prior to 2013.
 - c. Private Property signs were erected in April 2012,
 - d. If the Claimed Route had existed it would have been obstructed by major engineering works undertaken by Southern Water between 2010 and 2011. The licence of 10 May 2010 from the Council to Southern Water confirms the conditions on which Southern Water were granted access to The Paddock to carry out the works and is attached to Jonathan Jose's statement at Appendix 6

CONSIDERATION OF THE EVIDENCE

- 3.41 The Administrative Court confirmed in *Todd* (2004) that the test to be applied is whether, on the balance of probabilities, the right of way subsists or can reasonably be alleged to subsist. If it can, then the onus is on the authority to make an Order and the evidence is then tested as part of the confirmation process.

Is there evidence of an identifiable way capable of giving rise to a presumed dedication? (Highways Act)

- 3.42 A public right of way is a right to pass and repass along a defined route.

- 3.43 The Claimed Route crosses a grassed area. There is currently a defined route which on the evidence from Council officers is due to the Council's CityParks team having mown the defined route at the request of a local resident. The Landowner's position is that this defined route has only existed since 2013. It is a permissive path being used by the residents with the Landowner's permission and it has not been dedicated by the Landowner as a public right of way.
- 3.44 It is considered that the evidence is insufficient to support a conclusion that the Claimed Route subsisted as a defined route before 2013.

Has there been 20 years enjoyment by the public "as of right"? (s31 Highways Act 1980)

- 3.45 Use "as of right" means use without force, without secrecy and without permission. 10 of the users refer to obstructions and signs caused by the Southern Water works which took place between 2010 and 2011. 5 do not provide any dates, 5 say they were in 2012 and one as well as referring to 2012 also says there was a private property notice on The Paddock in 2011. The licence of 10 May 2010 from the Council to Southern Water confirms the conditions on which Southern Water were granted access to The Paddock to carry out the works and is attached to Jonathan Jose's statement at Appendix 6.
- 3.46 It is therefore not considered that the evidence demonstrates 20 years uninterrupted use of the Claimed Route as of right.

Was there an intention to dedicate by the landowner during the claimed 20 year period? (s31 Highways Act 1980)

- 3.47 In the case of *Godmanchester* (2007) the House of Lords held that the word "intention" in section 31(1) means what the relevant audience, namely the users of the way, would reasonably have understood the landowner's intention to be. The test is objective, and the reasonable user would have to understand that the landowner was intending to disabuse him of the notion that the land was a public highway.
- 3.48 The user evidence confirms that the Claimed Route was obstructed by major engineering works carried out by Southern Water. These works were carried out at The Paddock between 2010 and 2011 under a licence granted by the Council. This is evidence that there was no intention to dedicate on the part of the Landowner.
- 3.49 For the reasons given above it is not considered that the evidence provided shows that an identifiable way has been enjoyed by the public as of right for any period before the creation of the permissive paths in 2013 and the application cannot therefore succeed under either the Highways Act 1980 or at common law.

Whether the Claimed Route appears in the documentary evidence

- 3.50 There is no evidence of a footpath running along the line of the Claimed Route on any of the any of the photographs taken between 1944 and 2007.

- 3.51 The Ramblers Association state that the Claimed Route existed before 1898. However it is not shown on the 1875 OS map which does show a pecked line along the western boundary. The Claimed Route is also not shown on the 1880 or 1898 OS maps.
- 3.52 The current OS MasterMap urban content has a pecked wavy line running around the western, eastern and northern boundaries of The Paddock. This line represents what is now on the ground and matches the map annexed to Stephen White's statement. It does not match the line on drawing number A3/41483 which is entirely straight and marked as being 6 foot wide all the way around.
- 3.53 The Landowner's evidence is that a path along the eastern and northern boundaries now exists because the CityParks team have been mowing it since 2013.
- 3.54 There is no evidence of the meaning of the solid line shown on the Land Registry title plan, which is also shown on the 1980-81 OS map, although possibly this was intended to represent a hedge.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The Council is under a legal duty to determine the application pursuant to s53 of the Wildlife and Countryside Act 1981.

5 COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Consultation is set out at paragraphs 3.17 to 3.20 of the report.

6. CONCLUSION

- 6.1 The officer recommendation is that on the balance of probabilities it cannot reasonably be alleged that a right of way over the land has been enjoyed by the public as of right and without interruption for a full period of 20 years. The documentary evidence, particularly the photographs, does not support the existence of the Claimed Route. There is also no evidence that there was an intention to dedicate the Claimed Route within that period.
- 6.2 For the reasons set out in paragraph 6.1 above, the officer recommendation is that the test in section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 has not been satisfied. It has not been found that on the balance of probabilities a right of way subsists or can reasonably be alleged to subsist. It is therefore recommended that the Committee does not approve the application to modify the Definitive Map & Statement by adding the Claimed Route.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The costs associated with determining the application have been met from existing revenue budgets.

- 7.2 If the report's recommendations lead to an appeal to the Secretary of State, there will be additional costs to fund the inquiry.

Finance Officer Consulted: Gemma Jackson

Date: 21/02/2017

Legal Implications:

- 7.3 The statutory background and the tests to be applied in determining the claim are set out in the body of the report.
- 7.4 It is not considered that any adverse human rights implications arise from the report's recommendation.

Lawyer Consulted: Hilary Woodward

Date: 21/2/17

Equalities Implications:

- 7.5 There are no equalities implications arising directly from this report. No new policy or amendments to existing policy are proposed. In any event only the evidence relating to the claim can be considered.

Sustainability Implications:

- 7.6 These are not relevant issues. Only the evidence can be considered.

Any Other Significant Implications:

- 7.7 These are not relevant issues. Only the evidence can be considered.

SUPPORTING DOCUMENTATION

Appendices:

1. Application from the Roedean Residents Association
2. Borough of Brighton drawing number A3/41483
3. Eleven user evidence forms
4. Land Registry entries and title plan for title number ESX 188718
5. Statements from Stephen White on behalf the landowner
6. Statement from Jonatan Jose on behalf of the Landowner
7. Letter from the Rambler's Association dated 5 November 2014
8. Current OS MasterMap and results of OS map searches
9. Finance Act 1911 map

10. Copies of photographs –

- i) From National Monuments Records dated:
 - a. 8 April 1944
 - b. 19 April 1946
 - c. 7 April 1950
 - d. 6 August 1950
- ii) LocalView aerial photographs dated:
 - a. 2000
 - b. 2007

11 (i) Earthship Biotech Ltd's design statement dated November 2006

(ii) Eleven photographs taken by Earthship Biotech Ltd in November 2006

12. Highways records card dated 10 September 1991

13. Explanation of map evidence

Documents in Members' Rooms

1. None

Background Documents

1. None

Appendix 1

FORM OF APPLICATION FOR MODIFICATION ORDER

Wildlife and Countryside Act 1981

Brighton & Hove City Council Definitive Map and Statement

To: Brighton & Hove City Council

of: HOVE TOWN HALL, NORTON RD. HOVE, BN3 3BQ

I ROSEMARY SHEPHERD, ROEDEAN RESIDENTS ASSOCIATION
 of: 14 ROEDEAN WAY, BRIGHTON BN2 5RT

hereby apply for an order under section 53(2) of the Wildlife and Countryside Act 1981
 modifying the definitive map and statement for the area by:

gross S.E. of Paddock 50 48 51.75 N 50 48 55.35 N
 adding the footpath from 000 06 04.51 W to 000 06 08.73 W and shown on the map accompanying
 this application. N.W. CORNER of Paddock

I attach copies of the following documentary evidence (including statements of
 witnesses) in support of this application:

- Statements of witnesses
- Extract from 1:2500 map (path highlighted).

Dated: 11/03/2014

Signed:

Rosemary Shepherd.

Appendix 3

FORM OF CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION FOR
MODIFICATION ORDER

Wildlife and Countryside Act 1981

Brighton & Hove City Council Definitive Map and Statement

To: Brighton & Hove City Council

of: Hove TOWN HALL, NORTON ROAD, HOVE BN3 3BQ

1 ROSEMARY SHEPHERD, chairman of ROEDEAN RESIDENTS
ASSOCIATION

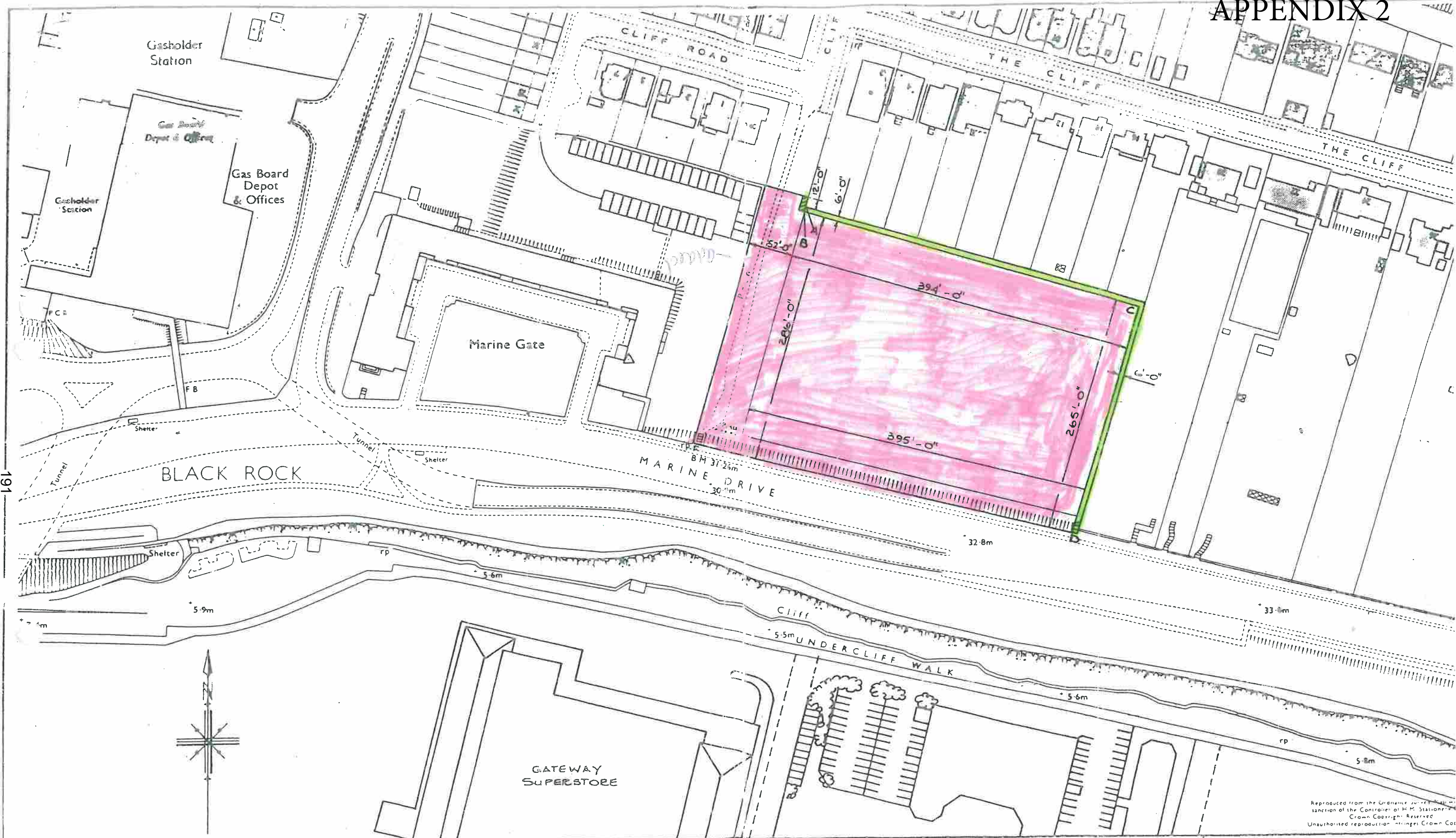
of: 14 ROEDEAN WAY, BRIGHTON BN2 5RJ

hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and
Countryside Act 1981 have been complied with.

Dated: 11/03/2014

Signed:

Rosemary Shepherd.



SCALE 1/1250.

DRAWING No. A²/41483
MADE BY S.C. DATE 30.5.89
NEGATIVE No. A²/41208
MADE BY S.C. DATE 30.5.89

BOROUGH OF BRIGHTON

LAND AT THE CLIFF MARINE DRIVE BRIGHTON

J.E. BARTLETT, A.R.I.C.S.
Borough Estates Surveyor.
4th Floor, NORWICH UNION HOUSE
165 - 169, NORTH STREET.
BRIGHTON BN1 1PE

ANNEX 1

PUBLIC RIGHT OF WAY EVIDENCE FORM

Please complete one form per person per path

Name
AddressJOHN BOYD -
14 THE CLIFF ROEDERIAN BN25 1RE

Date of birth

5-11-25

Route of way:

From
ToSteps S.E. corner of the Paddock
→ N.E. corner → NW corner

Steps S.E.
SD 4851.75N 000 0604.51W
(Grid reference)
N.E. corner
SD 4851.12N 000 0603.05W
(Grid reference)
NW corner
SD 4853.35N 000 0608.73W

1. Have you used the above way?

YES

If so:

(a) During which years? SINCE 1980

(b) Where were you going to and from? SHORTCUT TO THE MAIN ROAD, AND

(c) For what purpose?

(d) How many times a year?

(e) By what means (eg on foot, on horseback)? A SAFE WALK FOR MY 104 YEAR OLD SISTER

2. Has the way always run over the same route? If not, give details and dates of any changes.

YES
COMES FROM THE MAIN ROAD, AND BUS STOP
TO MY HOUSE.

3. Have there to your knowledge ever been any stiles or gates on the way? If so, state (with details of location) where the stiles or gates stood.

END OF MY GARDEN.

NO

4. If you were working for any owner or occupier of land crossed by the way at the time when you used it, or were then a tenant of any such owner, give particulars and dates. If not, write 'No....'

NO

5. If so, did you ever receive any instructions from him as to the use of the way by the public? If so, what were they?

6. Have you ever been stopped or turned back when using this way, or do you know or have you heard of anyone else having been stopped or turned back? If so, state when the interruption took place and give particulars.

NO

continues...

7. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give particulars and dates.

NO

8. Have you ever known any locked gates or other obstruction to the way? If so, state when and give particulars.

OBSTRUCTED BY MEN AND BUILDING MATERIAL DURING
MONTHS OF WORK DIGGING AND LAYING PIPES
APPROX 2012

9. Have you ever seen notices such as 'Private...', 'No Road...', 'No Thoroughfare...' or 'Trespassers will be Prosecuted...' on the route? If so, what did the notices say?

APPROX 2011 NOTICE PRIVATE PROPERTY ON PADDOCK

10. Have you ever asked permission to use the way?

NO

11. Please give any other information that you think is relevant overleaf.

I AND MY CLOSE NEIGHBOUR HAVE RIGHT OF WAY.

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

YES

I am/~~am not~~ willing to attend a hearing, public inquiry or court to give evidence on this matter, if this should prove to be necessary.

Signature

Date

Glen Boyd

14 THE CLIFF
ROEDERAN,
BRIGHTON

ANNEX 1

PUBLIC RIGHT OF WAY EVIDENCE FORM

Please complete one form per person per path

Name
AddressMALCOLM BROWN
20 The Clift, Ruedean

Date of birth

MIDDLE AGED.

Route of way:From
To

PADDOCK RIGHT OF WAY - EASTERN & NORTHERN BOUNDARIES			
Steps at SOUTH EAST corner of PADDOCK	50 48 51.75N	000 06 04.51W	
NORTH EAST corner of PADDOCK	50 48 54.12N	000 06 03.05W	
NORTH WEST corner of PADDOCK	50 48 55.35N	000 06 08.73W	

1. Have you used the above way?

If so:

(a) During which years?

(b) Where were you going to and from?

(c) For what purpose?

(d) How many times a year?

(e) By what means (eg on foot, on horseback)?

yes.
1922 - 2014
seafront.
leisure.
daily.
on foot.

2. Has the way always run over the same route? If not, give details and dates of any changes.

yes.

3. Have there to your knowledge ever been any stiles or gates on the way? If so, state (with details of location) where the stiles or gates stood.

No.

4. If you were working for any owner or occupier of land crossed by the way at the time when you used it, or were then a tenant of any such owner, give particulars and dates. If not, write 'No....'

n/a.

5. If so, did you ever receive any instructions from him as to the use of the way by the public? If so, what were they?

n/a.

6. Have you ever been stopped or turned back when using this way, or do you know or have you heard of anyone else having been stopped or turned back? If so, state when the interruption took place and give particulars.

No.

continues...

7. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give particulars and dates.

No.

8. Have you ever known any locked gates or other obstruction to the way? If so, state when and give particulars.

No.

9. Have you ever seen notices such as 'Private...', 'No Road...', 'No Thoroughfare...' or 'Trespassers will be Prosecuted...' on the route? If so, what did the notices say?

Not an Pathway.

10. Have you ever asked permission to use the way?

Not required on public footpath

11. Please give any other information that you think is relevant overleaf.

I have always recognised this path as a 'Right of way'.

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

I am/~~am not~~ willing to attend a hearing, public inquiry or court to give evidence on this matter, if this should prove to be necessary.

Signature

D. M. Brown

Date

12 Feb 2014

ANNEX 1

PUBLIC RIGHT OF WAY EVIDENCE FORM

Please complete one form per person per path

Name
AddressDAPHNE HALL
16 THE CLIFF, BRIGHTON, BN2 5RE

Date of birth

Route of way:From
To

PADDOCK RIGHT OF WAY - EASTERN & NORTHERN BOUNDARIES		
Steps at SOUTH EAST corner of PADDOCK	50 48 51.75N	000 06 04.51W
NORTH EAST corner of PADDOCK	50 48 54.12N	000 06 03.05W
NORTH WEST corner of PADDOCK	50 48 55.35N	000 06 08.73W

1. Have you used the above way?

If so:

- (a) During which years? 1973 - 2014
 (b) Where were you going to and from? Main Road from Home
 (c) For what purpose? Leisure
 (d) How many times a year? often
 (e) By what means (eg on foot, on horseback)? On foot

2. Has the way always run over the same route? If not, give details and dates of any changes. YES

3. Have there to your knowledge ever been any stiles or gates on the way? If so, state (with details of location) where the stiles or gates stood.

No

4. If you were working for any owner or occupier of land crossed by the way at the time when you used it, or were then a tenant of any such owner, give particulars and dates. If not, write 'No....' No

5. If so, did you ever receive any instructions from him as to the use of the way by the public? If so, what were they? N/A

6. Have you ever been stopped or turned back when using this way, or do you know or have you heard of anyone else having been stopped or turned back? If so, state when the interruption took place and give particulars. No

continues...

7. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give particulars and dates. **NO**

8. Have you ever known any locked gates or other obstruction to the way? If so, state when and give particulars. **RIGHT OF WAY OBSTRUCTED BY SOUTHERN WATER DURING SEWAGE TUNNEL CONSTRUCTION.**

9. Have you ever seen notices such as 'Private...', 'No Road...', 'No Thoroughfare...' or 'Trespassers will be Prosecuted...' on the route? If so, what did the notices say?

10. Have you ever asked permission to use the way? **NO**

11. Please give any other information that you think is relevant overleaf.

This is a recognised Right of Way & long standing

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

I ~~am~~/am not willing to attend a hearing, public inquiry or court to give evidence on this matter, if this should prove to be necessary.

Signature **D.M. Hall**

Date **13.2.2014**

ANNEX 1

PUBLIC RIGHT OF WAY EVIDENCE FORM

Please complete one form per person per path

Name DOUGLAS D HANN
 Address 2, THE CLIFF
 BRIGHTON BN2 5RE
 Date of birth 06/08/36

Route of way:

From (STEPS AT SOUTH EAST CORNER)
 To (NORTH EASTERN CORNER
 NORTH WESTERN CORNER)

OF THE STEPS S.E.
 SD 48 61.75N 000 0604.51W
 PADDOCK N.E. corner SD 4064.12N 000 0603.05W
 (Grid reference) N.W. corner
 (Grid reference) SD 4855.35N 000 0608.73W

1. Have you used the above way?

If so:

(a) During which years?

1976 — 2014

(b) Where were you going to and from? FROM HOME TO THE MAIN COAST ROAD

(c) For what purpose?

LEISURE AND USE OF LOCAL BUSES

(d) How many times a year?

VARIOUS - AT LEAST ONCE PER WEEK

(e) By what means (eg on foot, on horseback)? ON FOOT

2. Has the way always run over the same route? If not, give details and dates of any changes. YES

3. Have there to your knowledge ever been any stiles or gates on the way? If so, state (with details of location) where the stiles or gates stood. NO

4. If you were working for any owner or occupier of land crossed by the way at the time when you used it, or were then a tenant of any such owner, give particulars and dates. If not, write 'No....' NO - N/A

5. If so, did you ever receive any instructions from him as to the use of the way by the public? If so, what were they? NO - N/A

6. Have you ever been stopped or turned back when using this way, or do you know or have you heard of anyone else having been stopped or turned back? If so, state when the interruption took place and give particulars. NO

continues...

7. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give particulars and dates.

NO

8. Have you ever known any locked gates or other obstruction to the way? If so, state when and give particulars. RIGHT OF WAY TEMPORARILY OBSTRUCTED DUE TO WORKS BY SOUTHERN WATER

9. Have you ever seen notices such as 'Private...', 'No Road...', 'No Thoroughfare...' or 'Trespassers will be Prosecuted...' on the route? If so, what did the notices say?

PRIVATE PROPERTY SIGNS APPEARED ON WESTERN PATH OF THE

10. Have you ever asked permission to use the way? PADDOCK WHEN ABOVE WORK WAS COMPLETED
NO

11. Please give any other information that you think is relevant overleaf.

PERMISSION HAS NEVER BEEN REQUIRED FOR THE RECOGNISED RIGHT OF WAY.

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

I am/am not willing to attend a hearing, public inquiry or court to give evidence on this matter, if this should prove to be necessary.

Signature Douglas R. Wa _____ Date 18/02/2014

ANNEX 1

PUBLIC RIGHT OF WAY EVIDENCE FORM

Please complete one form per person per path

Name
AddressALASDAIR GORDON LIDDLE
18 THE CLIFF, BTON, BN2 5RE

Date of birth 06 AUG 36

Route of way:

From { STEPS AT
NORTH E
To { NORTH W

Paddock Right of Way - Eastern & Northern Boundaries

Steps at SOUTH EAST corner of Paddock	50 48 51.75N	000 06 04.51W
NORTH EAST corner of Paddock	50 48 54.12N	000 06 03.05W
NORTH WEST corner of Paddock	50 48 55.35N	000 06 08.73W

1. Have you used the above way?

If so:

- (a) During which years?
 (b) Where were you going to and from?
 (c) For what purpose?
 (d) How many times a year?
 (e) By what means (eg on foot, on horseback)?

1989 - 2014
 MAIN RD, A259, to + from home
 To catch bus and for leisure
 Various - sometimes frequent, other
 On Foot. occasional

2. Has the way always run over the same route? If not, give details and dates of any changes.

YES

3. Have there to your knowledge ever been any stiles or gates on the way? If so, state (with details of location) where the stiles or gates stood.

No

4. If you were working for any owner or occupier of land crossed by the way at the time when you used it, or were then a tenant of any such owner, give particulars and dates. If not, write 'No....'

No - not applicable (N/A)

5. If so, did you ever receive any instructions from him as to the use of the way by the public? If so, what were they?

N/A

6. Have you ever been stopped or turned back when using this way, or do you know or have you heard of anyone else having been stopped or turned back? If so, state when the interruption took place and give particulars.

No

continues...

7. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give particulars and dates.

No

8. Have you ever known any locked gates or other obstruction to the way? If so, state when and give particulars. Right of way obstructed by Southern Water - Tunneling work spoil - in 2012.

9. Have you ever seen notices such as 'Private...', 'No Road...', 'No Thoroughfare...' or 'Trespassers will be Prosecuted...' on the route? If so, what did the notices say? After above work, PRIVATE PROPERTY SIGNS APPEARED ON WESTERN BOUNDARY OF PADDOCK.

10. Have you ever asked permission to use the way?

No

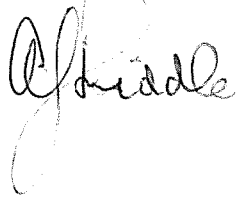
11. Please give any other information that you think is relevant overleaf.

No permission reqd, (except as above) recognised right of way.

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

I am/~~am not~~ willing to attend a hearing, public inquiry or court to give evidence on this matter, if this should prove to be necessary.

Signature



Date

8th February 2014.

ANNEX 1

PUBLIC RIGHT OF WAY EVIDENCE FORM

Please complete one form per person per path

Name
Address

SALLY ANNE LIDDLE

Date of birth

24 JAN 42

Route of way:

(STEPS AT SOU
From NORTH EAST
To NORTH WEST

PADDOCK RIGHT OF WAY - EASTERN & NORTHERN BOUNDARIES

Steps at SOUTH EAST corner of PADDOCK	50 48 51.75N	000 06 04.51W
NORTH EAST corner of PADDOCK	50 48 54.12N	000 06 03.05W
NORTH WEST corner of PADDOCK	50 48 55.35N	000 06 08.73W

1. Have you used the a

If so:

- (a) During which years?
 (b) Where were you going to and from?
 (c) For what purpose?
 (d) How many times a year?
 (e) By what means (eg on foot, on horseback)?

1989 — 2014
 MAIN ROAD, TO + FROM HOME
 LEISURE
 VARIOUS
 ON FOOT

2. Has the way always run over the same route? If not, give details and dates of any changes.

YES

3. Have there to your knowledge ever been any stiles or gates on the way? If so, state (with details of location) where the stiles or gates stood.

No

4. If you were working for any owner or occupier of land crossed by the way at the time when you used it, or were then a tenant of any such owner, give particulars and dates. If not, write 'No....'

No N/A.

5. If so, did you ever receive any instructions from him as to the use of the way by the public? If so, what were they?

N/A

6. Have you ever been stopped or turned back when using this way, or do you know or have you heard of anyone else having been stopped or turned back? If so, state when the interruption took place and give particulars.

No

continues...

7. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give particulars and dates.

No

8. Have you ever known any locked gates or other obstruction to the way? If so, state when and give particulars. RIGHT OF WAY OBSTRUCTED BY SOUTHERN WATER - tunneling works pit - 2012 approx

9. Have you ever seen notices such as 'Private...', 'No Road...', 'No Thoroughfare...' or 'Trespassers will be Prosecuted...' on the route? If so, what did the notices say?

After above work, PRIVATE PROPERTY SIGNS APPEARED ON WESTERN BOUNDARY OF Paddock

10. Have you ever asked permission to use the way?

No

11. Please give any other information that you think is relevant overleaf.

NO PERMISSION REQUIRED FOR RECOGNISED RIGHT OF WAY.

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

I am/~~am not~~ willing to attend a hearing, public inquiry or court to give evidence on this matter, if this should prove to be necessary.

Signature

Sheddy

Date

10th FEB 2014

ANNEX 1

PUBLIC RIGHT OF WAY EVIDENCE FORM

Please complete one form per person per path

Name GEORGE McMASTEN
 Address THE CLIFF ROAD

Date of birth AGE GROUP 45-55

Route of way:

From FOOTPATH - EAST NORTH
 To WEST SIDE

Grass South east 75N
 (Grid reference) SD 4851.000 0604.51
 (Grid reference) SD 4854.000 0603.05W
 North West corner SD 4855.75N 0000606.75W

1. Have you used the above way? YES

If so:

(a) During which years? 2003-2014

(b) Where were you going to and from? MAIN ROAD ↔ THE CLIFF

(c) For what purpose? ALLEY

(d) How many times a year? VARIOUS - 50+

(e) By what means (eg on foot, on horseback)? FOOT

2. Has the way always run over the same route? If not, give details and dates of any changes. YES

3. Have there to your knowledge ever been any stiles or gates on the way? If so, state (with details of location) where the stiles or gates stood. NO NONE

4. If you were working for any owner or occupier of land crossed by the way at the time when you used it, or were then a tenant of any such owner, give particulars and dates. If not, write 'No....' NO - N/A

5. If so, did you ever receive any instructions from him as to the use of the way by the public? If so, what were they? N/A

6. Have you ever been stopped or turned back when using this way, or do you know or have you heard of anyone else having been stopped or turned back? If so, state when the interruption took place and give particulars. NO

continues...

7. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give particulars and dates.

NO

8. Have you ever known any locked gates or other obstruction to the way? If so, state when and give particulars.

NOT BLOCKED COMPLETELY

9. Have you ever seen notices such as 'Private...', 'No Road...', 'No Thoroughfare...' or 'Trespassers will be Prosecuted...' on the route? If so, what did the notices say?

JUST THE SIGNS CURRENTLY IN PLACE WHICH APPEARED AFTER THE WATER BUILDING WORKS WERE COMPLETED. NEVER ANY SIGNS BEFORE & WHY WERE THESE INSTALLED - IT'S A PUBLIC

10. Have you ever asked permission to use the way?

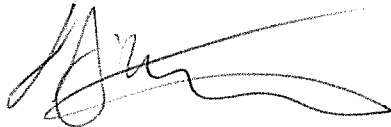
NO NOT NECESSARILY. RIGHT FOOTPATH.

11. Please give any other information that you think is relevant overleaf.

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

I am/am not willing to attend a hearing, public inquiry or court to give evidence on this matter, if this should prove to be necessary.

Signature



Date

20/2/2014

ANNEX 1

PUBLIC RIGHT OF WAY EVIDENCE FORM

Please complete one form per person per path

Name
AddressNINA MCMASTER
THE CLIFF, ROEDGAN

Date of birth

AGE GROUP 40-50

Route of way:

From
ToFOOTPATH CROSSING ~~WESTERN~~ ENDNORTHERN
EASTERN

Steps S.E. corner
SD 48 51.75N 000 06 04.51W
N.E. Corner
(Grid reference) SD 48 54.12N 000 06 03.05W
(Grid reference) NW Corner
SD 48 55.35N 000 06 08.73W

1. Have you used the above way?

YES MANY TIMES

If so:

(a) During which years?

2003 → 2014

(b) Where were you going to and from?

MAIN ROAD FROM HOME TO CATCH BUS/WALK

(c) For what purpose?

FROM/TO ASDA / CYCLE / ACCESS SEAFIELD / WALK

(d) How many times a year?

50+

TO WORK / ~~WALK~~ / RUNNING

(e) By what means (eg on foot, on horseback)?

FOOT / BIKE

2. Has the way always run over the same route? If not, give details and dates of any changes.

YES

3. Have there to your knowledge ever been any stiles or gates on the way? If so, state (with details of location) where the stiles or gates stood.

NONE

4. If you were working for any owner or occupier of land crossed by the way at the time when you used it, or were then a tenant of any such owner, give particulars and dates. If not, write 'No....'

NO - N/A

5. If so, did you ever receive any instructions from him as to the use of the way by the public? If so, what were they?

N/A

6. Have you ever been stopped or turned back when using this way, or do you know or have you heard of anyone else having been stopped or turned back? If so, state when the interruption took place and give particulars.

NO

continues...

7. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give particulars and dates.

NO - IT IS PUBLIC

8. Have you ever known any locked gates or other obstruction to the way? If so, state when and give particulars.

IT WAS TUCKY FOR A PERIOD WHILE THERE WERE BUILDING WORKS GOING ON FOR THE WASH OVERFLOW - THERE WERE PIPES RUNNING ALONG THE PATHSIDE & NO CLEARANCE.

9. Have you ever seen notices such as 'Private...', 'No Road...', 'No Thoroughfare...' or 'Trespassers will be Prosecuted...' on the route? If so, what did the notices say?

I WAS VERY SURPRISED TO SEE ~~THE~~ SOME SIGNS APPEAR AFTER THE WATER WORKS WERE FINALLY CLEARED AWAY. THEY APPEARED TO INDICATE THAT ACCESS TO THE FIELD WAS NO LONGER PERMITTED.

10. Have you ever asked permission to use the way?

NO

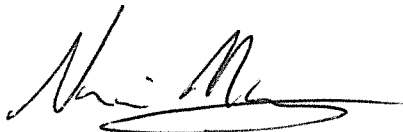
NO NEED - IT'S A PUBLIC FOOTPATH

11. Please give any other information that you think is relevant overleaf.

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

I am/~~am not~~ willing to attend a hearing, public inquiry or court to give evidence on this matter, if this should prove to be necessary.

Signature



Date

20th February 2014

ANNEX 1

PUBLIC RIGHT OF WAY EVIDENCE FORM

Please complete one form per person per path

Name MRS. SUSAN MOWER
 Address 15 THE CLIFF ROAD, BRIGHTON

Date of birth 03-11-1950

Route of way:

From
To

PADDOCK RIGHT OF WAY - EASTERN & NORTHERN BOUNDARIES			
Steps at SOUTH EAST corner of PADDOCK	50 48 51.75N	000 06 04.51W	
NORTH EAST corner of PADDOCK	50 48 54.12N	000 06 03.05W	
NORTH WEST corner of PADDOCK	50 48 55.35N	000 06 08.73W	

1. Have you used the above way?

If so:

- (a) During which years? 1988-2014
 (b) Where were you going to and from? HOME TO COAST RD, BUSES / WALKING DOG
 (c) For what purpose? PLEASURE
 (d) How many times a year? FREQUENTLY
 (e) By what means (eg on foot, on horseback)? FOOT.

2. Has the way always run over the same route? If not, give details and dates of any changes. YES

3. Have there to your knowledge ever been any stiles or gates on the way? If so, state (with details of location) where the stiles or gates stood. NO

4. If you were working for any owner or occupier of land crossed by the way at the time when you used it, or were then a tenant of any such owner, give particulars and dates. If not, write 'No....' NO

5. If so, did you ever receive any instructions from him as to the use of the way by the public? If so, what were they? N/A

6. Have you ever been stopped or turned back when using this way, or do you know or have you heard of anyone else having been stopped or turned back? If so, state when the interruption took place and give particulars. NO

continues...

7. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give particulars and dates.

NO

8. Have you ever known any locked gates or other obstruction to the way? If so, state when and give particulars. NO/BUT SOUTHERN WATER WORKS BLOCKED TEMPORARILY.

9. Have you ever seen notices such as 'Private...', 'No Road...', 'No Thoroughfare...' or 'Trespassers will be Prosecuted...' on the route? If so, what did the notices say?

NO.

10. Have you ever asked permission to use the way?

NO

11. Please give any other information that you think is relevant overleaf.

ALWAYS CONSIDERED RIGHT OF WAY

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

I am/~~am not~~ willing to attend a hearing, public inquiry or court to give evidence on this matter, if this should prove to be necessary.

Signature



Date

17/02/14.

PUBLIC RIGHT OF WAY EVIDENCE FORM

Please complete one form per person per path

Name **VICTOR MOWER**
 Address **15 THE CLIFF**
RODEAN - BRIGHTON - BN25RF
 Date of birth **19-12-47**

Route of way:

From
To

PADDOCK RIGHT OF WAY - EASTERN & NORTHERN BOUNDARIES		
Steps at SOUTH EAST corner of PADDOCK	50 48 51.75N	000 06 04.51W
NORTH EAST corner of PADDOCK	50 48 54.12N	000 06 03.05W
NORTH WEST corner of PADDOCK	50 48 55.35N	000 06 08.73W

1. Have you used the above way?

If so:

(a) During which years?

1987 - 2014

(b) Where were you going to and from?

HOME - CLIFFTOP WALKS / BUS / HOME

(c) For what purpose?

WALKING DOGS / LEISURE.

(d) How many times a year?

VARIED - 6 → 12

(e) By what means (eg on foot, on horseback)?

FOOT.

2. Has the way always run over the same route? If not, give details and dates of any changes.

YES.

3. Have there to your knowledge ever been any stiles or gates on the way? If so, state (with details of location) where the stiles or gates stood.

NO.

4. If you were working for any owner or occupier of land crossed by the way at the time when you used it, or were then a tenant of any such owner, give particulars and dates. If not, write 'No....'

NO

5. If so, did you ever receive any instructions from him as to the use of the way by the public? If so, what were they?

N/A.

6. Have you ever been stopped or turned back when using this way, or do you know or have you heard of anyone else having been stopped or turned back? If so, state when the interruption took place and give particulars.

NO

continues...

7. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give particulars and dates. *NO.*

8. Have you ever known any locked gates or other obstruction to the way? If so, state when and give particulars. *NO. - (WATER COMPANY CARRIED OUT TEMPORARY WORKS - HEAVY FOLIAGE NOW CLEARED)*

9. Have you ever seen notices such as 'Private...', 'No Road...', 'No Thoroughfare...', 'Trespassers will be Prosecuted...' on the route? If so, what did the notices say? *NO.*

10. Have you ever asked permission to use the way? *NO*

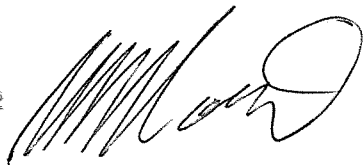
11. Please give any other information that you think is relevant overleaf.

ALWAYS ACCEPTED BY LOCAL RESIDENTS AS BEING A ROUTE TO THE CLIFF TOP WALKS.

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

I am/~~am not~~ willing to attend a hearing, public inquiry or court to give evidence on this matter, if this should prove to be necessary.

Signature



Date

13/02/14.

ANNEX 1

PUBLIC RIGHT OF WAY EVIDENCE FORM

Please complete one form per person per path

Name LADY JEAN WILSON,
Address 22 THE CLIFF, BRIGHTON

Date of birth _____

Route of way:

From _____
To _____

PADDOCK RIGHT OF WAY - EASTERN & NORTHERN BOUNDARIES		
Steps at SOUTH EAST corner of PADDOCK	50 48 51.75N	000 06 04.51W
NORTH EAST corner of PADDOCK	50 48 54.12N	000 06 03.05W
NORTH WEST corner of PADDOCK	50 48 55.35N	000 06 08.73W

1. Have you used the above way?

If so:

- (a) During which years? 1955 - 2014
 (b) Where were you going to and from? Coast road to and from home
 (c) For what purpose? To obtain access to coast road.
 (d) How many times a year? often more than weekly
 (e) By what means (eg on foot, on horseback)? on foot

2. Has the way always run over the same route? If not, give details and dates of any changes. used to be full width from Marine Gate border to paddock
Quarter tented from Council for many years for my daughter's horse and
 3. Have there to your knowledge ever been any stiles or gates on the way? If so, regularly mown.
 state (with details of location) where the stiles or gates stood. NO by Council

4. If you were working for any owner or occupier of land crossed by the way at the time when you used it, or were then a tenant of any such owner, give particulars and dates. If not, write 'No....' NO

5. If so, did you ever receive any instructions from him as to the use of the way by the public? If so, what were they? NO

6. Have you ever been stopped or turned back when using this way, or do you know or have you heard of anyone else having been stopped or turned back? If so, state when the interruption took place and give particulars. NO

continues...

7. Were you ever told by any owner or tenant of the land crossed by the way, or by anyone in their employment, that the way was not public? If so, state when and give particulars and dates.

NO

8. Have you ever known any locked gates or other obstruction to the way? If so, state when and give particulars. Right of way temporarily obstructed by Southern Water - tunneling work chail. approx 2012

9. Have you ever seen notices such as 'Private...', 'No Road...', 'No Thoroughfare...' or 'Trespassers will be Prosecuted...' on the route? If so, what did the notices say?

After above work - PRIVATE PROPERTY SIGNS appeared on eastern side of right of way.

10. Have you ever asked permission to use the way?

As a right of way - NO

11. Please give any other information that you think is relevant overleaf.

As a recognised right of way - no permission required.
Needs to be properly maintained as it used to be.
Weeds on steps make use of them difficult nowadays.

I hereby certify that to the best of my knowledge and belief the facts that I have stated are true.

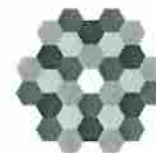
I am/~~am not~~ willing to attend a hearing, public inquiry or court to give evidence on this matter, if this should prove to be necessary.

Signature

Jean Wilson

Date

11. 2. 2014



Official copy of register of title

Title number ESX188718

Edition date 09.09.2009

- This official copy shows the entries on the register of title on 16 JAN 2017 at 09:19:39.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 16 Jan 2017.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by Land Registry, Coventry Office.

A: Property Register

This register describes the land and estate comprised in the title.

BRIGHTON AND HOVE

- 1 (10.09.1992) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being land on the north side of Marine Drive, Roedean, Brighton (BN2 5TQ).

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (10.09.1992) PROPRIETOR: BRIGHTON AND HOVE CITY COUNCIL of Kings House, Grand Avenue, Hove BN3 2SR and of DX59286, Hove 1.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (10.09.1992) A Conveyance of the land in this title and other land dated 11 June 1898 made between (1) Steyning Beard (Vendor) and (2) George Dickinson Byfield (Purchaser) contains covenants details of which are set out in the schedule of restrictive covenants hereto.
- 2 (10.09.1992) A Conveyance of the land in this title and other land dated 26 May 1931 made between (1) Bertram Dickinson Byfield and Dora Byfield and Cecil Burton and Ethel Wilks (Vendors) and (2) The Mayor Aldermen and Burgesses of the County Borough of Brighton contains covenants details of which are set out in the schedule of restrictive covenants hereto.
- 3 (10.09.1992) An Order of the Official Arbitrator dated 27 January 1936 made pursuant to an application made by the Mayor Burgesses of the County Borough of Brighton contains undertaking by the applicants affecting the land in this title.

That the said Applicants, as an addition to the land hatched BLUE on

APPENDIX 4

The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

Title number ESX188718

C: Charges Register continued

the said plan which they have already undertaken to preserve as an OPEN SPACE, shall preserve for all time the adjoining block of land situate on the Eastern side of 'The Avenue' and coloured BLUE on the said plan. No building whatsoever to be erected upon it and no part of it shall be used for a vehicle stand, nor so parking, nor for the erection of stands, buildings, erections or constructions of any type whatsoever.

NOTE: The land hatched blue and coloured blue referred to above we edged and numbered 2 in yellow and edged and numbered 1 in yellow respectively on the filed plan.

- 4 (10.09.1992) An Agreement for lease dated 5 October 1936 made between Brighton Borough Council (2) J Turner contained Restrictive Covenants:-

The Corporation shall on the grant of the said Lease covenant with the Lessee (a) that the Corporation will not at any time during the continuance of the said Lease without the consent in writing of the Lessee erect or permit to be erected any buildings or works on the land lying west of Roedean School between Marine Drive and the Sea other than covered seats or shelters (not exceeding twelve feet in height) but so that no such seats or shelters shall be erected on any part of the said land immediately fronting the site (b) that during the period of ten years from the grant of the said Lease the Corporation will not without the consent in writing of the Lessee erect or permit to be erected any block or flats or maisonettes on any land now belonging to or hereafter acquired by the Corporation situate south of the old main road to Rottingdean meaning the road which is a continuation eastwards of the road marked "Roedean Road" on the plan west of Roedean School (c) that the Corporation will not at any time during the continuance of the said Lease without the consent in writing of the Lessee erect or permit to be erected any buildings or works on the land lying between the road known as "The Cliff" and the Sea except such buildings as may be required for the purpose of or in connection with a public park or recreation ground Any such covenants on the part of the Corporation shall if required by the Lessee be embodied in a separate Deed of Covenant and shall be so framed as to insure for the benefit of and be enforceable by the Lessee and his successors in title during the continuance of the said Lease Pending the execution of the said Deed of Covenant the Corporation shall observe the said covenants in all respects.

By a Deed of Release and Modification dated 26 August 1986 made between (1) Dowelfirm Management Limited and (2) Brighton Borough Council the above restrictive covenants were expressed to be released and the following covenants imposed:

THE Covenantors hereby covenant with the Covenantees and their successors in title to the intent that the burden of this covenant may run with and bind the land more particularly described in the Second Schedule Part I hereof and each and every part thereof and to the intent that the benefit thereof may be annexed to and run with each and every part of the Covenantees land comprised in Marine Gate and more particularly described and identified in the said Lease dated 30 May 1939 to observe and perform the covenants contained in the Second Schedule Part II hereof.

PART II

1. Not without the previous written consent of the covenantees or their successors in title to erect on the paddock land or permit to be erected thereon more than sixteen detached private dwellinghouses (each for occupation by one family) TOGETHER WITH the garages and outbuildings each of such dwellinghouses not to exceed thirty feet in height

2. Not to use any dwellinghouse garage or other outbuildings to be erected on the paddockland for any other purpose other than that of a private dwellinghouse (but so that the profession of a medical practitioner dentist architect or solicitor may be carried on thereon) and not to do or suffer upon the paddockland or any part thereof or in or upon any building to be erected thereon anything which shall be a nuisance to the Covenantees or their successors in title assigns or the persons or person for the time being owning or occupying Marine Gate,

Title number ESX188718

C: Charges Register continued

Marine Drive, Brighton.

3. Not to use or allow to be used any garage erected on the paddockland for any purpose other than a private domestic garage in conjunction with the private dwellinghouse appurtenant thereto

4. No shed or caravan or house on wheels made or placed on any part of the paddockland shall be used for the purpose of human habitation

5. No caravan or house on wheels or boat shall be put in the driveway of any garage or dwellinghouse

NOTE: The paddockland referred to above is edged and numbered 1 and 2 in yellow on the filed plan.

- 5 (18.10.2000) By a Deed dated 2 October 2000 made between (1) Marine Gate Holdings Limited and (2) Brighton & Hove Council the release contained in the Deed dated 26 August 1986 referred to above was expressed to be rectified as therein mentioned.

NOTE: Copy filed.

- 6 (09.09.2009) By an Order of the Upper Tribunal (Lands Chamber) dated 10 July 2009 made pursuant to Section 84 of the Law of Property Act 1925 the restrictive covenants contained in the Conveyance dated 11 June 1898, the Conveyance dated 26 May 1931 and the Order of the Official Arbitrator dated 26 January 1936 referred to above were modified to the following extent;

The restrictions are modified so as to permit the applicant to erect 16 detached private dwellings having a maximum height of 30 feet on the land.

NOTE: Copy Order filed.

Schedule of restrictive covenants

- 1 The following are details of the covenants contained in the Conveyance of the land in this title and other land dated 11 June 1898 referred to in the Charges Register:-

COVENANT by the said Purchaser as to the said land thereby conveyed with the said Vendor his heirs and assigns and by said Vendor as to the land referred to in the Second Schedule thereunder written with said Purchaser his heirs and assigns

That the said covenanting parties respectively would thenceforth observe perform and comply with the said stipulations and conditions set forth in the said First and Second Schedules respectively so far as the related to or affected the land therein respectively referred to But that personal liability under foregoing covenant was to be limited to the period of ownership.

THE FIRST SCHEDULE

STIPULATIONS AND CONDITIONS

1. ROADS AND SEWERS. The said Purchaser will at his own expense within 3 years to be computed from the 11th day of June 1898 properly construct metal and sewer the Roads following that is to say:-

"Middle Road" at the point marked "C" on the said plan or within 80 feet to the West of the said point marked "C" from the said New Main Road in a direct line to the said "Proposed Road" "Proposed Road"

When the said roads shall have been constructed as aforesaid the said Vendor and the owners and tenants for the time being of all land now belonging to the Vendor in the Parishes of Ovingdean and Rottingdean shall have full right of way over the same and user of the sewers thereunder and rights of connection therewith

RESTRICTIONS No building shall be erected on the South or Sea side of

Title number ESX188718

Schedule of restrictive covenants continued

the said proposed Road except a Band Stand or Building in connection with a garden it being intended that the land the South of Sea side of the Proposed Road should be left as an open space No earth clay gravel stone or chalk shall be excavated or removed from any part of the said land except such as may be excavated or removed for the purpose of erecting building making of Roads and laying out of ground in conformity with the stipulations in this Schedule.

DESCRIPTION AND VALUE OF BUILDINGS No buildings other than Private Houses Boarding Houses Lodging Houses and for Professional purposes and shops with or without domestic offices outbuildings and stabling attached hereto shall be erected on the land with the exception of one Public House which may be erected within some portion of the area coloured Pink on the said Plan and not more than 100 feet eastward from the South West corner of the said land marked G on the said plan or 300 feet Northward of such point No house or shop shall be erected on the said land which exclusive of outbuildings (other than domestic offices) and stabling in connection therewith which shall be of less value than £400 No house or shop shall be erected on any part of the said land which lies at a greater distance than 350 feet from the western boundary thereof which exclusive of outbuilding (other than domestic offices) and stabling in connection therewith shall be of less value than £600 The value of a house or building for the purpose of these stipulations shall be the amount of its net first cost in materials and labour of construction only estimated at the lowest current prices All buildings fronting upon the said East Road Middle Road and Proposed Road which lie to the east of the point marked H on the said plan shall be used as private houses Boardhouses Lodging houses and for professional purposes only.

TRADES No portion of the said land shall be used for the carrying on thereon or in any building to be erected thereon of the trade of an Inn or Beerhouse keeper or Publican (except as aforesaid) or of any noxious noisome or offensive trade or calling No time bricks tiles pipes clay or earth shall be burnt or baked on any part of the said land and no act or thing shall be done upon any part of the said land which may be or become a nuisance to any land adjoining or near thereto or to any building thereon or to the owners or occupiers of such land or buildings No part of the said land shall be used for exposing linen to dry or beating carpets for trade purposes No part of the said land shall be used as a burial ground No advertisements boards or hoardings shall be erected on unbuilt on land except for advertising that such land is to be let or sold and no part of the said land shall be used for shooting or depositing rubbish ashes or other refuse other than in connection with buildings or the making of Roads on the said land No hut shed caravan house on wheels or other chattel adopted or intended for use as a dwelling or sleeping apartment shall be erected made placed or used or be allowed to remain on any part of the unbuilt on land and the said Vendor or the owner or owners of any land adjoining or near thereto now belonging to the said Vendor may remove or dispose of any such erection or other thing and for that purpose may break fences and forcibly enter any land upon which a breach of this stipulations shall occur and shall not be responsible for the safe keeping of anything so removed or for the loss thereto or any damage thereto No part of the land shall be used for the carrying on thereon or in any building to be erected thereon of any Hospital Asylum Convalescent Home House or Home for the reception of Lunatics Salvation Army Hall or Meeting House.

NOTE: Copy filed.

2

The following are details of the covenants contained in the Conveyance of the land in this title and other land dated 26 May 1931 referred to in the Charges Register:-

AND the Corporation for itself and its assigns (so that the covenants may run with the land hereby conveyed or such part thereof to which such covenants are expressed to apply and enure for the benefit of the Vendors' adjoining land coloured yellow on the said plan attached hereto or referred to in the said covenants as the "yellow land" but so that the Corporation or its successors in title shall not be liable in damages for any breach thereof committed after the Corporation or they shall have parted with all interest in the said land or such part

Title number ESX188718

Schedule of restrictive covenants continued

thereof to which the breach shall relate) hereby covenant with the Vendors that they the Corporation will observe and perform the covenants set out in the First Schedule hereto.

In regard to the land delineated on the said plan and coloured blue the Corporation hereby covenants as follows:-

(i) No dwellinghouse shop or other buildings to be erected on the land to be of a less cost in materials and labour and exclusive of the value of the site but inclusive of garages out-buildings and boundary walls and fences then One Thousand Pounds calculated at prices ruling in the year One thousand nine hundred and thirty. The external walls of all buildings erected on the land shall be constructed of red bricks red tiles or rough cast and the roofs of all buildings of red tiles or other suitable material of good appearance.

(ii) To furnish to the Vendors on demand reasonable particulars of all projected buildings on the land.

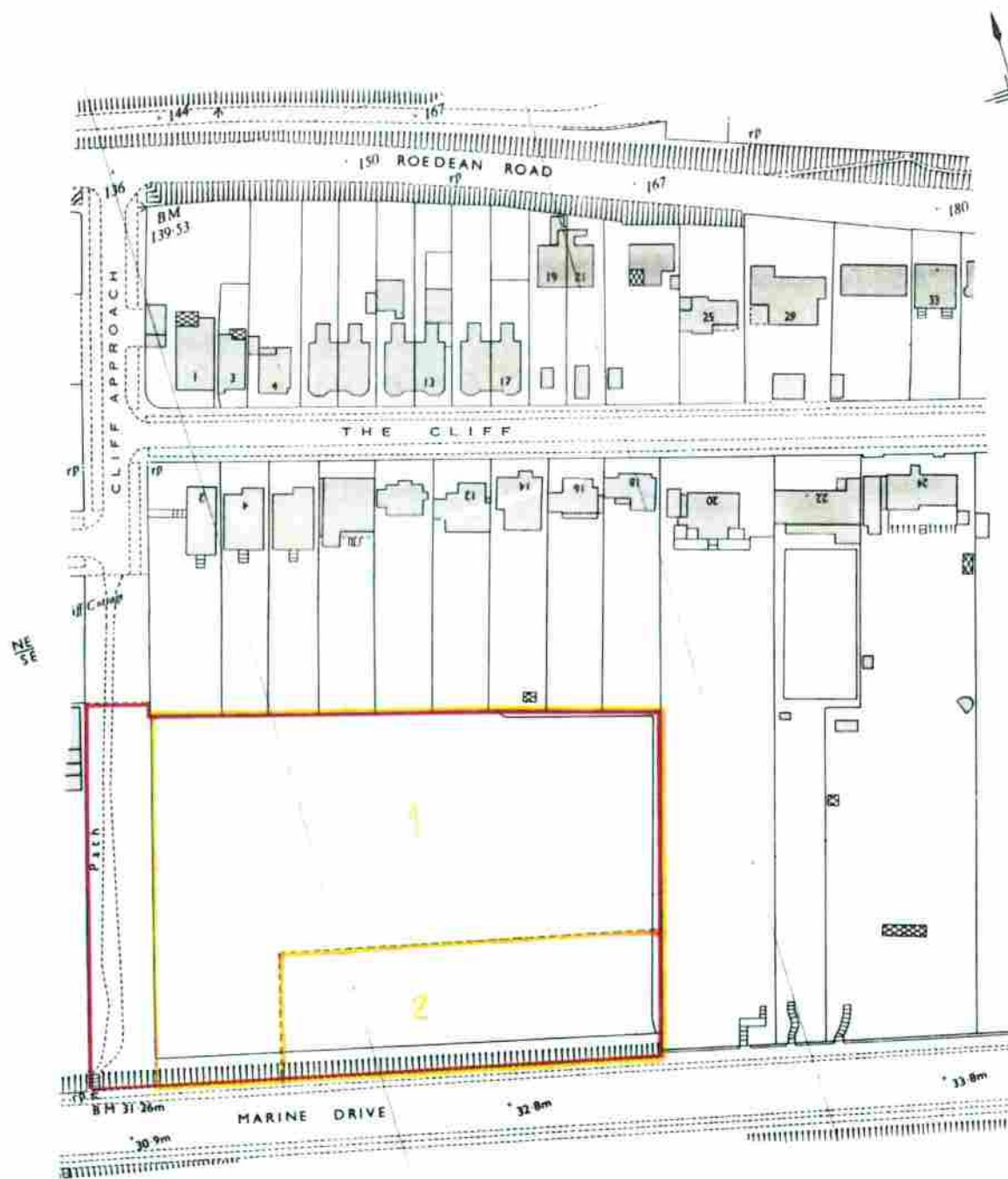
(iii) Not to carry on or suffer to be carried on on the land any noisy noxious or offensive trade or business.

(iv) In particular not to permit any building to be erected on the land to be used as a factory workshop warehouse public house beer house beer shop or place for the sale of wines spirits beer or other excisable liquors (as distinguished from a bona fide licensed or unlicensed residential hotel) hospital asylum convalescent home place for the reception of lunatics or inebriates a Salvation Army Hall or Meeting House. No portion of the land shall be used for exposing linen to dry or beating carpets for trade purposes. No advertisement boards or hoardings shall be erected upon the land except for advertising that such land or the buildings erected thereon are for sale or to be let and no part of the land shall be used for depositing rubbish ashes or other refuse thereon other than in connection with buildings erected or to be erected upon the land. No hut caravan house on wheels or other chattel adapted or intended for use as a dwelling or sleeping apartment shall be erected made placed or used or allowed to remain on any part of the land. And the Vendors or the owners or owner of the yellow land may remove or dispose of any such caravan or other chattel and for that purpose may break fences and forcibly enter any portion of the land upon which a breach of this stipulation shall occur and shall not be responsible for the safe keeping of anything so removed or for the loss thereof or any damage thereto.

NOTE: The land coloured yellow referred to above lies to the North of the land in this title.

End of register

H.M. LAND REGISTRY		TITLE NUMBER	
		ESX188718	
ORDNANCE SURVEY PLAN REFERENCE ©	COUNTY	SHEET	NATIONAL GRID
	EAST SUSSEX		TQ 3303
Scale: 1/1250		BRIGHTON DISTRICT	© Crown copyright 1972



WILDLIFE AND COUNTRYSIDE ACT 1981Claimed Public Right of Way at The Paddock, Marine Drive, BrightonStatement of Stephen White of CityParks Operations (East)

1. My employment history with Brighton & Hove City Council ("the Council") is as follows. In 1977 I started work with Brighton Borough Council and in 1995 my employment was transferred under TUPE (Transfer of Undertakings Protection of Employment) to Ecovert, a private contractor carrying out work for the Council. In 2004 I came back in house to the Council and now work as Gardener Team Leader for CityParks Operations (East) ("CityParks"). The work I carry out in this role is the same work I have been doing for about 18 years. The area for which I am responsible includes The Paddock at Black Rock, Marine Drive, Brighton ("The Paddock").
2. CityParks has maintained the path nearest Marine Gate along the western edge of The Paddock for as many years as I can remember.
3. In 2013 my manager at the time, Graeme Rolf, instructed me that paths were also to be cut along the northern and eastern edges of The Paddock. The first time I and my team members cut these paths in 2013 we had to use an Aebi which is a flail mounted all wheel drive tractor as our verge mowers were not powerful enough for the massively overgrown brambles.
4. Graeme instructed me to keep the paths clear from that time on, which CityParks have been doing. We keep the paths around the western, northern and eastern edges of The Paddock cut throughout the season with our verge mowers. Mowing takes place approximately monthly between April and October.
5. A map showing the routes of all the paths that are now being mown by CityParks at The Paddock is attached to this statement and marked "SW 1".

Signed 

Stephen White

Date..... 6.12.16



"SW 1"

WILDLIFE AND COUNTRYSIDE ACT 1981Claimed Public Right of Way at The Paddock, Marine Drive, BrightonStatement of Jonathan Jose of Estates

1. I have worked as a valuer in the Estates department at Brighton & Hove City Council ("the Council") since January 2006 and I make this statement on behalf of the Council as landowner of The Paddock. The facts in this statement come from my personal knowledge save where I state otherwise.

2. The Borough of Brighton bought the site of The Paddock in 1931 and it has remained in the ownership of the Brighton & Hove local authority ever since. From about 2009/2010 my work has included visiting The Paddock on average five times a year, mainly to check on fly tipping and unauthorised camping.

3. Until 2013 the only path at The Paddock was the path running along the western boundary. There were no paths along the eastern and northern boundaries, which are now the subject of the application by the Roedean Residents Association ("the Claimed Route").

4. When I visited The Paddock in 2013 I saw that paths had been cut along the Claimed Route. I asked one of the local residents, who was at the Paddock during my visit, why that had been done. She told me that some residents had asked the Council's CityParks department if paths could be cut along the Claimed Route and CityParks agreed to do this as a favour. CityParks have to visit The Paddock to keep the footpath along the western boundary cut back, so they are continuing to cut the paths along the Claimed Route at the same time.

5. CityParks have told me that the first time the Claimed Route was cut back, a flail had to be used to clear the growth as a mower could not have done the job. The difference was obvious once the Claimed Route had been cut back.

6. The position with regard to the Claimed Route is as follows:

a. I have never seen or been aware of members of the public using the Claimed Route, either before or after it was cut back in 2013. The only evidence of someone using the Claimed Route that I have seen was when I had to remove a tent pitched on The Paddock at the end of 2014. The tent dweller appeared to have accessed The Paddock via the Claimed Route to carry out the unauthorised camping.

b. I have never required people to ask permission before using the Claimed Route

c. I have never deposited a plan and statement under section 31 Highways Act 1980.

d. Neither I nor anyone on my behalf has ever turned back or stopped someone from using the Claimed Route.

e. Neither I nor anyone on my behalf has ever told anyone that the Claimed Route is not public.

6. The Claimed Route was obstructed for approximately 18 months from 2010 to 2011 by major engineering works carried out by Southern Water. A copy of the licence dated 10 May 2010 granted to Southern Water by the Council to carry out these works at The Paddock is attached to this statement and marked "JJ1".

7. In early to mid 2012 the Council erected "Private Land Keep Out" signs on The Paddock. A map showing the location of these signs is attached to this statement and marked "JJ2." As far as I am aware those notices have never been defaced or destroyed.

8. The Council does not intend the Claimed Route to become a public right of way.

Signed.....

Jonathan Jose

Date.....

21/02/2017



Southern Water
Southern House
Yeoman Road
Worthing
BN13 3NX

Attn. Daniel Clark

Dear Sirs

Land at Marine Gate Brighton

Thank you for your e-mail of 26th April 2010. We confirm that access can be given to the Council's land to lay a temporary water supply in accordance with the attached plan subject to the following conditions:-

1. Southern Water Services Ltd (or agents/contractors acting on its behalf) is responsible for guarding and warning signs to protect the public and lighting (if necessary).
2. Southern Water is responsible for obtaining Building Regulation approval (if required).
3. Southern Water is responsible for executing the Works in conformity with the provisions of any of the Bye-laws of the Local Authority applicable to the Works.
4. Southern Water is responsible for taking reasonable precautions to avoid any noise or vibration in connection with the use of any machinery in connection with the carrying out of the Works.
5. Southern Water is to be responsible for the payment of our Surveyor's fees in this matter in the sum of £200 (VAT is not applicable).
6. Southern Water is to reinstate any damage to the land.
7. Southern Water shall indemnify the Council and keep the Council indemnified against all third party liabilities in respect of personal injury, death, or damage to property arising out of, or caused by, the works authorised hereby.
8. Southern Water is to liaise with the Council's ecologist to avoid a risk of killing/injuring of reptiles.
9. The Council's consent relates to its own land and does not extend to land to the north outside of its ownership.



Finance & Resources

PO Box 2500
King's House
Grand Avenue
Hove BN3 2SR

Date: 10th May 2010
Our Ref: JJ/2283
Your Ref:
Phone: 01273 291082
Fax: 01273 291467
e-mail: jonathan.jose@brighton-hove.gov.uk

Please sign, date and return the attached copy letter confirming your agreement.

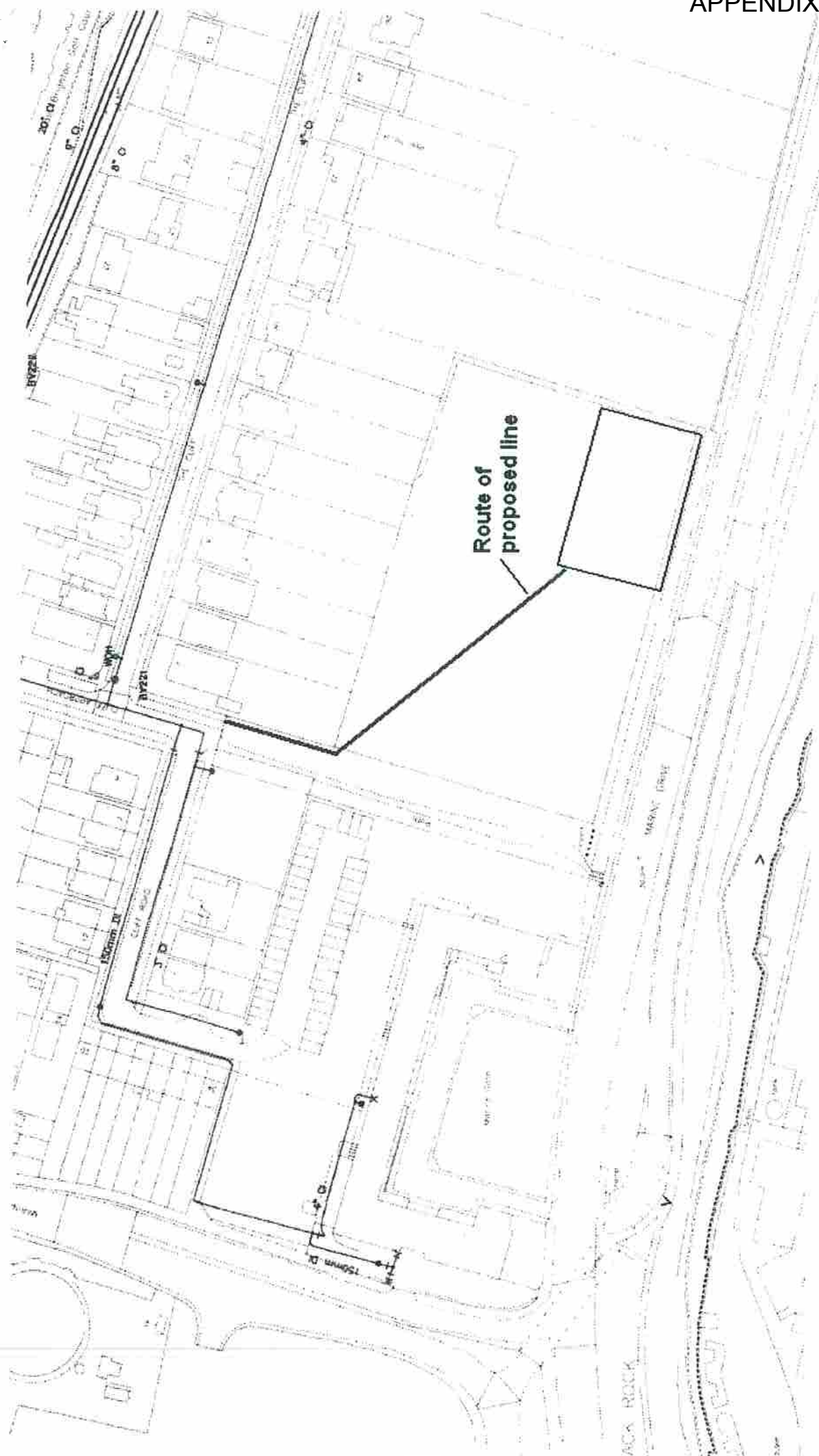
Yours faithfully

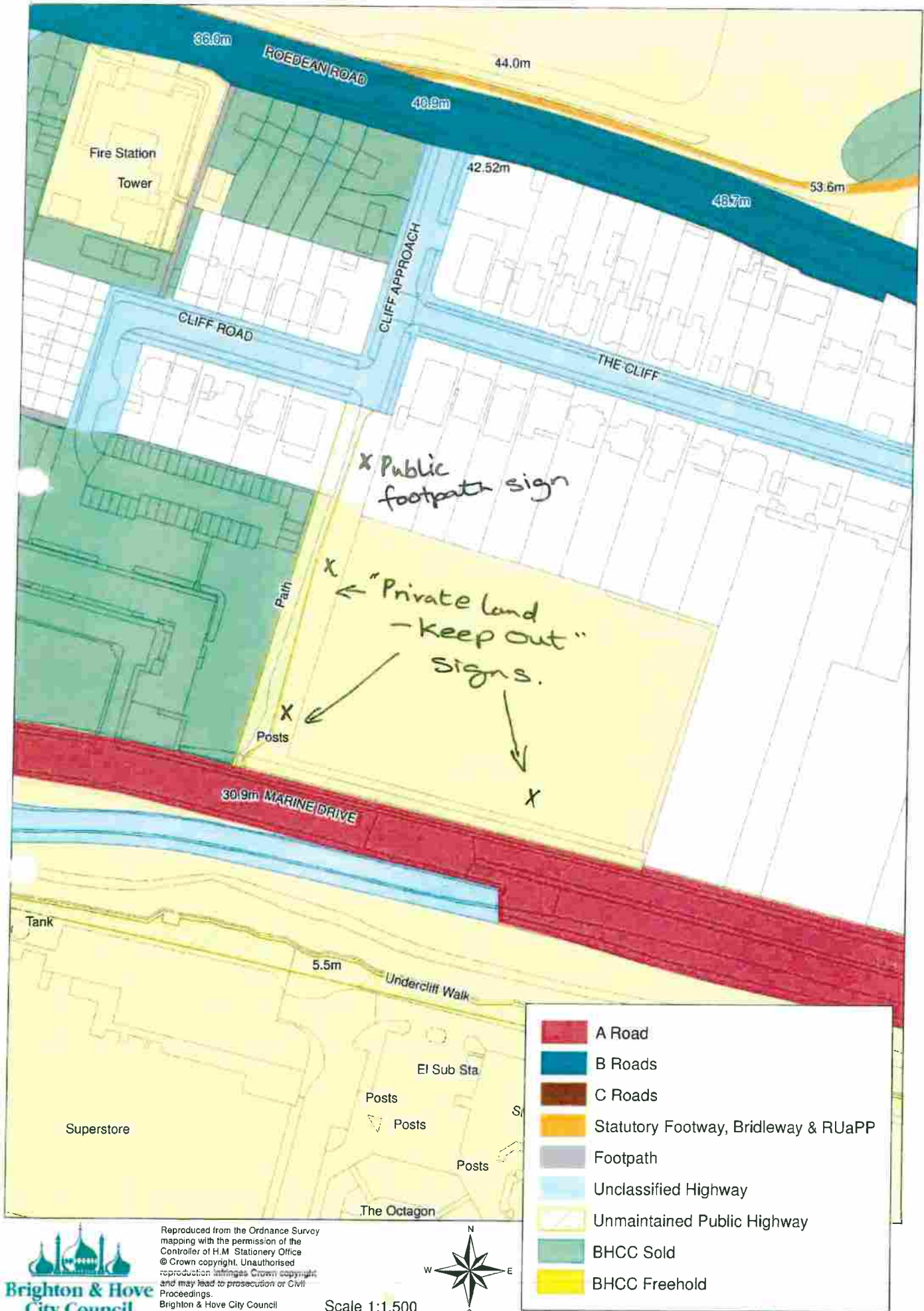


**Jonathan Jose, Valuer, Property & Design
Brighton & Hove City Council**

I confirm the agreement of Southern Water Services Ltd to the above terms and conditions.

Signed..........Dated.....12/5/2010.....







Sussex Area:

Local Footpath Secretary
81, Hertford Road,
Hollingdean,
Brighton.,
BN1 7GG
Tel 01273 541206
Email peterjarm@sky.com

Katie Matthews,
Highways Lawyer,
Environment Team Legal Services,
Brighton & Hove City Council,
Room 218 Kings House,
Grand Avenue,
Hove,
BN3 2LS.

Date 5th November 2014

Dear Ms. Katie Matthews,

Roedean Footpath DMMO Claim

In response to your invitation, dated 4th November (believe October), to make comments upon the DMMO claim, I have been asked to respond on behalf of the Rambler's Association.

We wish to support the Roedean Resident's claim for the additional path located on the north and east sides of the Paddock, shown as B to C (north) and C to D (east) on your plan.

The section of path C to D on the east side of the Paddock aligns with the countryside path from Red Hill located to the north of Roedean Road and was most likely the original extension of that countryside path prior to the development of the Roedean Cliff Estate and the supply road (Roedean Road).

The existing BHCC card index record system indicates that the registered path on the west side of the Paddock was incorporated in 1898. Information provided by Carl Hearsurn in his message in reply to the Resident's previous claim for the path on the west side of the Paddock.

The Rambler's submission is that the previous path location was re-routed following the building of houses in the Cliff (road) and the construction of Roedean Road. We believe that in 1898 there was no legislative system to extinguish an existing path and therefore the section C to D on your map is still an established right of way.

The supposition that the route of the original path prior to 1898 passed down the eastern side of the Paddock is strengthened by the location of the ancient steps on the east side of the Paddock to descend the bank to Marine Drive.

In respect of the north section of the path shown as B to C on your plan, we consider that any path closed at one end would be unacceptable and users would have the right to deviate the route to continue forward access. The fact that for over 100 years this north path has been used by residents and visitors is far more than the minimum time limit to justify this claim. The section of the claimed path A to B uses land which gives access to

"The Ramblers' Association is a company limited by guarantee, registered in England and Wales. Company registration number: 4458492. Registered Charity in England and Wales number: 1093577. Registered office: 2nd floor, Camelford House, 87-90 Albert Embankment, London SE1 7TW"

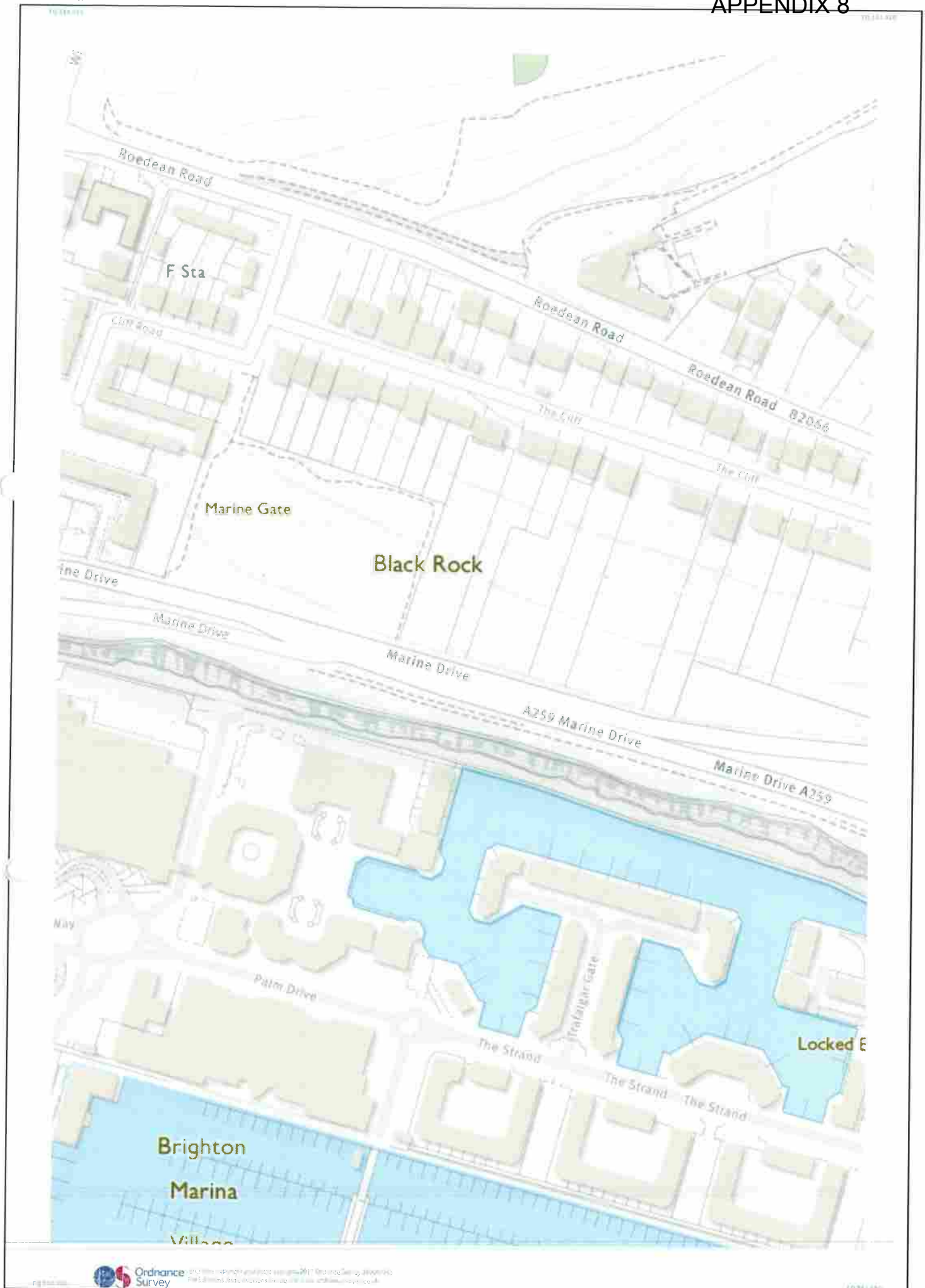
the registered path on the west side of the Paddock which is therefore already a right of way.

Finally we wish to record the reason for the path diversion back in 1898. This was brought about by the existing countryside path on the north side of Roedean Road from Red Hill being diverted to the west because the Roedean Road level was below that of the surrounding land and it was necessary to gradually descend the path (access roadway) to the supply road level.

We trust that these comments will be considered alongside the claimant's submissions.

Yours sincerely,

P.J.Jarman – Local Footpath Secretary
Rambler's Association



RESULTS OF ORDNANCE SURVEY MAP SEARCHES

1. The Ordnance Survey (OS) County Series for Sussex from 1875 to 1938 and the OS plans from 1952 to 1995 (18 maps in total) have been looked at with the following results:
2. The 1875 map shows a pecked line running along the western boundary of what is now The Paddock. A pecked line is the OS symbol for a path.
3. The 1911 OS map shows a pecked line running from the south-east corner in a diagonal direction to approximately the midway point of the western boundary. However this pecked line does not appear again on any subsequent maps
4. The Ordnance Survey plan (partial) for 1980 -1981 shows a pecked line on the western side of The Paddock. It also shows a solid line along the eastern boundary of The Paddock and about a third of a way along the eastern section of the northern boundary.
5. The Land Registry title plan at Appendix 4 shows a solid line running along the eastern boundary and part of the way along the northern boundary, which matches the line shown on the OS map for 1980 - 1981.
6. Apart from those detailed above the OS maps between 1875 and 1995 do not show any paths at The Paddock
7. Helpdesk at OS have advised that the current OS Mastermap is not consistent with the 1980- 81 map and that they cannot comment on features that do not exist in current mapping.



8th April 1944
Scale 1/2675 Approx.

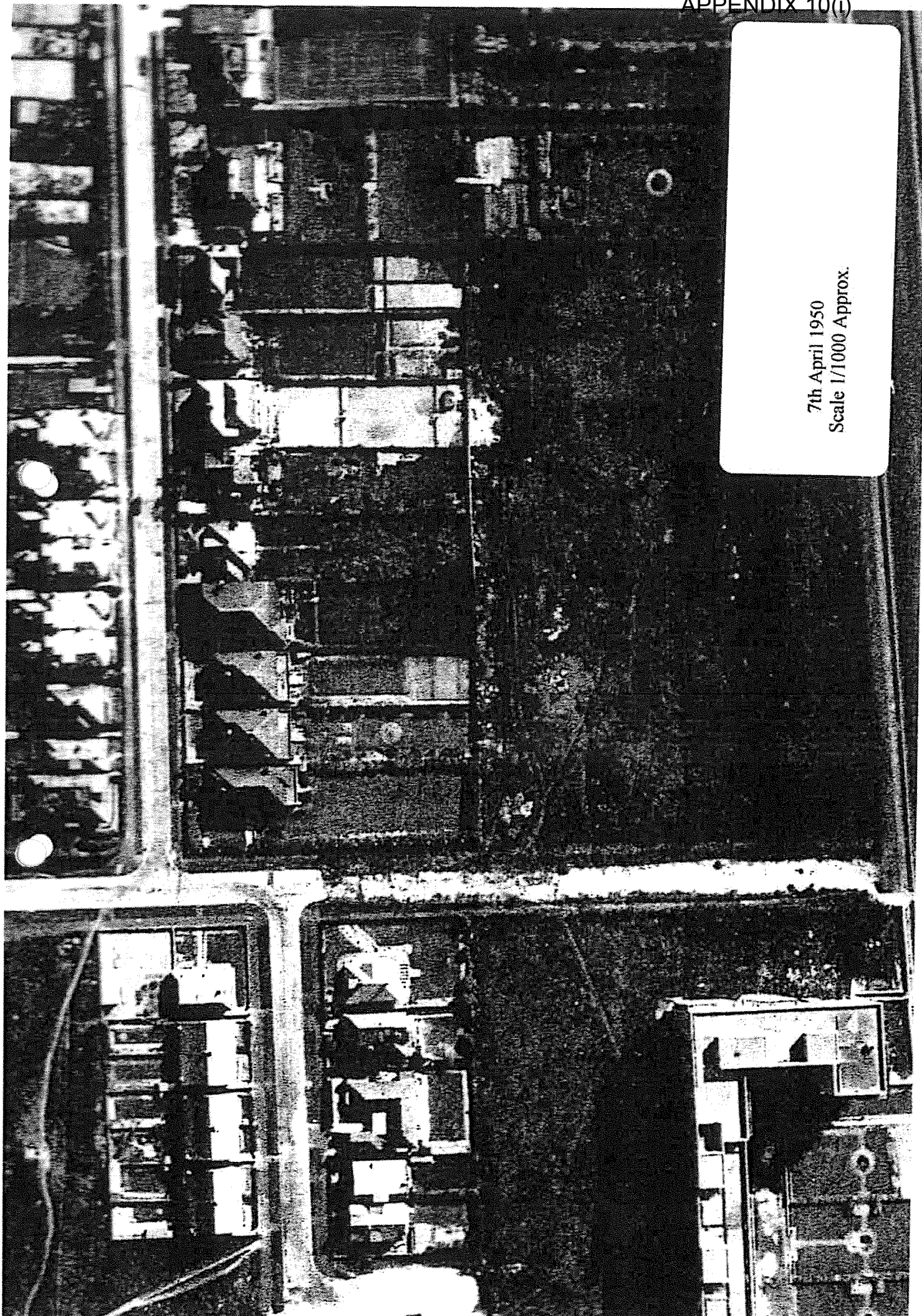
19th April 1946
Scale 1/2450 Approx.

3.G/700/UK/15

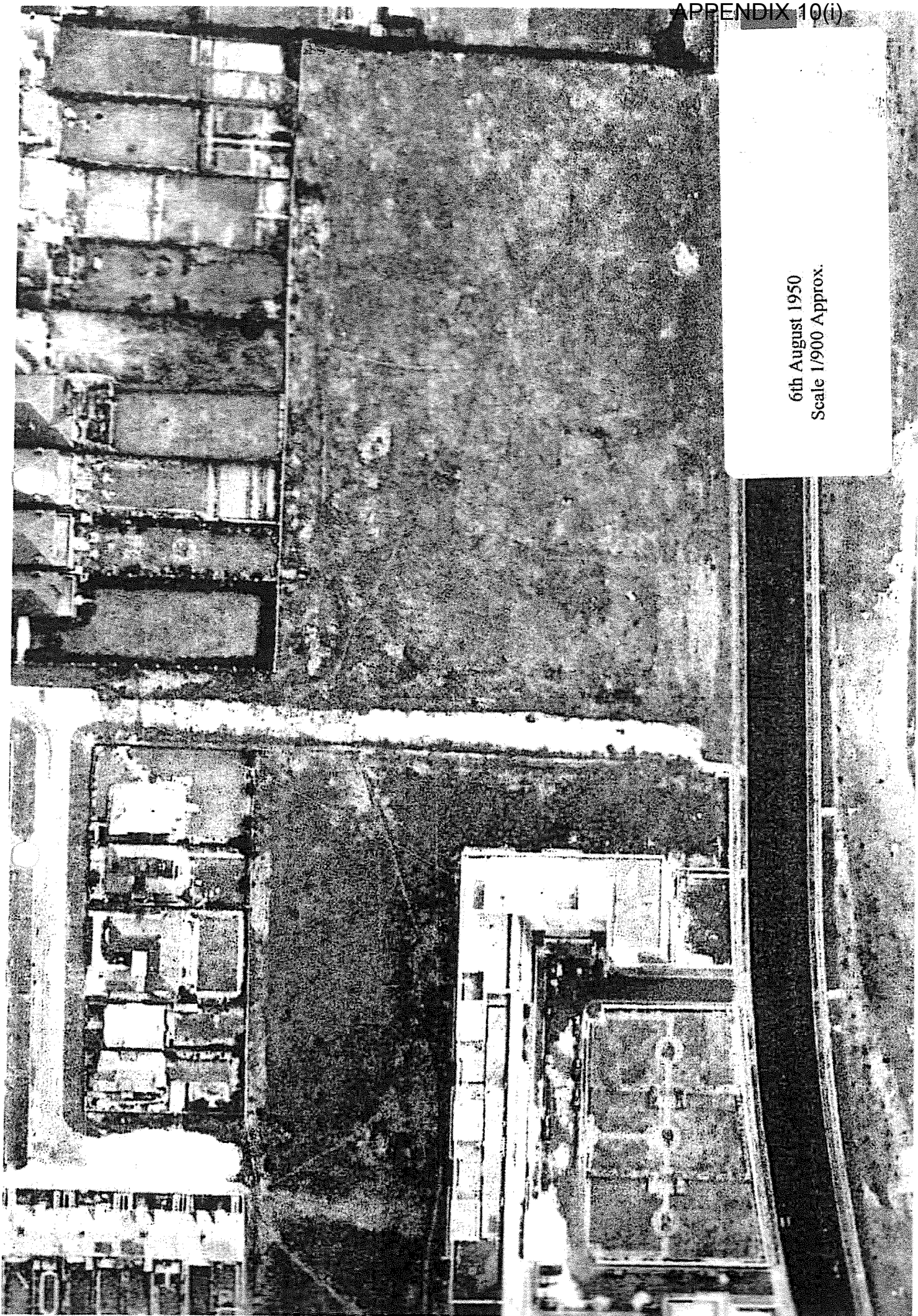


3.G/TUD/UK/157. PART I 19 APR 46. 1/12//138 SQDN 7

7th April 1950
Scale 1/1000 Approx.



6th August 1950
Scale 1/900 Approx.





TW 8409

- NOTES:**
1. ALL DIMENSIONS AND LEVELS SHALL BE CHECKED ON SITE PRIOR TO CONSTRUCTION WORK COMMENCEMENT.
 2. ALL LANDSCAPE DRAWINGS TO BE READ IN CONJUNCTION WITH ALL RELEVANT ENGINEERING AND ARCHITECTURAL DRAWINGS AND SPECIFICATIONS.
 3. POSITIONS OF BUILDINGS BASED ON MASTERPLAN BY MIRETHEROLOS.
 4. ANY DISCREPANCY CONCERNING THE DRAWINGS SHOULD BE REFERRED TO CA IMMEDIATELY.
 5. ALL DIMENSIONS IN MILLIMETRES UNLESS NOTED OTHERWISE.
 6. ALL LEVELS IN METERS.
 7. FINISHED LEVELS SUBJECT TO DETAILED SURVEY.
 8. DO NOT SCALE OFF THIS DRAWING.
 9. EXISTING SERVICE ALIGNMENTS SHALL BE MAINTAINED AND NOTED ON CONSTRUCTION WORK TO CONSTRUCTION WORK COMMENCEMENT.

- ☐ Deviation levels with walls, top and damp meadow planting
☐ Check grassland with/without meadow planting (high grass density)
☐ Check grassland with/without meadow planting (low grass density)
☐ Average grass seed mix
☐ Native shrub planting mix
☐ Specimen tree planting
☐ Hawthorn and Buddham hedge

8H 2007 / 00469

PLANNING

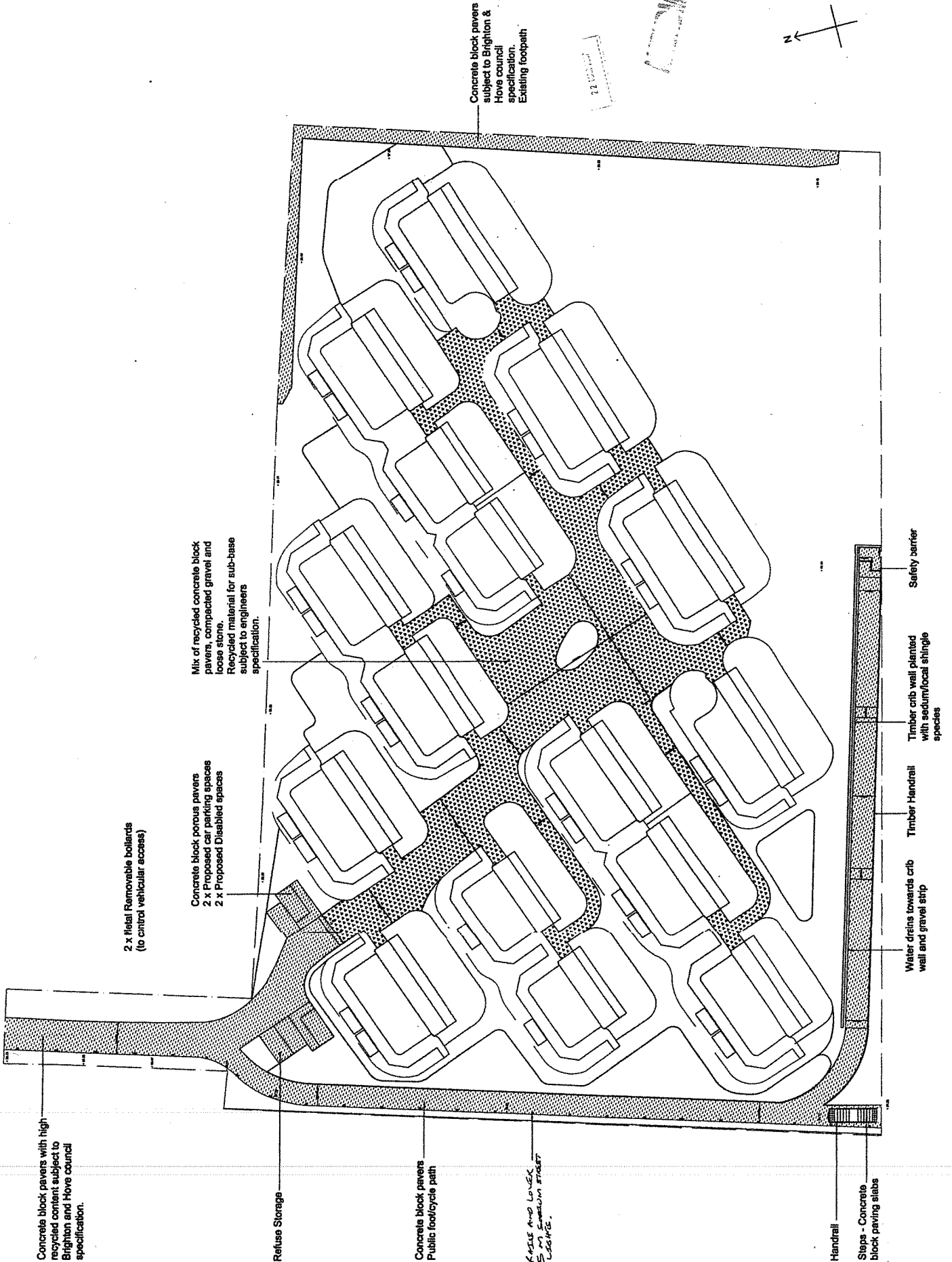
project: The Liquid
 client: Earthling Bioscience Europe Ltd

WILD DESIGN STUDIO
 Ecological Landscape Design

Hardworks Plan

WMS/11 270 - 010

scale: 1:250
 date: 15.11.09
 rev: 01



BH 2007 / 00469

Biotecture
building with the earth

Design Statement
Earthship Biotecture Europe Ltd

'The Lizard'

01 FEB 2007



November 2006

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Design Statement :

1. *Introduction*
2. *The Site*
3. *Proposals and Design Philosophy*

1. Introduction**1.1 Introduction**

The following design statement accompanies a full planning application by Earthship Biotechnology Europe Ltd to Brighton and Hove City Council (BHCC) for the development of Sixteen Sustainable and Low Carbon Detached Homes. Earthship Biotechnology Europe (EBE) is currently lead partner in the UK based Earthship Homes Project. This is a research partnership, which was formed to assess the viability of a multi unit Earthship residential development for the UK. The Energy Saving Trust and the environmental Agency are funding the study through the low carbon innovation programme.

The team behind this project include:

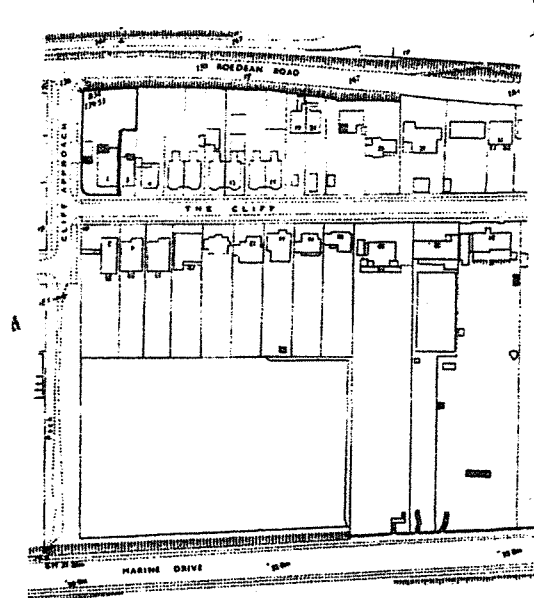
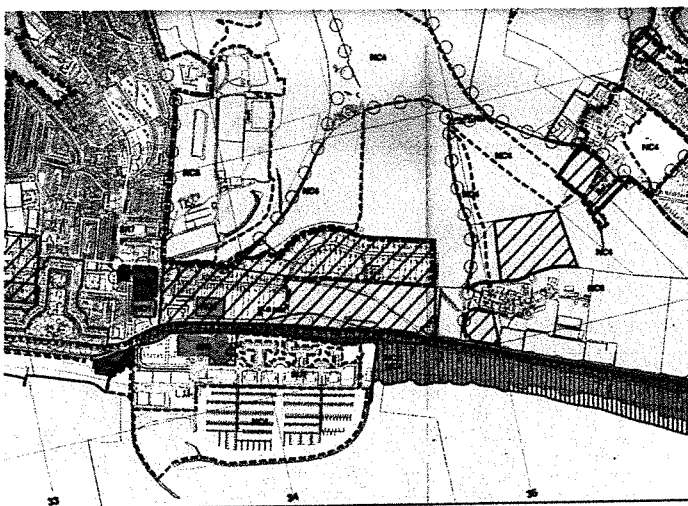
- Earthship Biotechnology Europe - design and build orchestration, lead partner
- Brighton & Hove City Council - responsible for planning issues and sustainability agendas
- CDHA (part of Hyde HA) - housing association concerned with delivery of affordable homes
- HCD Group - UK based building inspectors with Earthship experience
- Ecology Building Society - mortgage provider focused on eco renovation and innovative new eco build
- RH Partnership - UK based architects with Earthship experience
- Trinnick Warr - UK based quantity surveyors

1.2 Consultation

The proposal has been the subject of consultation with BHCC Development Control team, the BHCC Ecologist, BHCC Traffic Engineer and all parties listed above. Consultation with the city's development control officers has been based on the Brighton and Hove Local Plan (adopted July 2005) and other relevant policies. There will also be a public exhibition for local residents (18 Oct 2006), which will outline the proposals.

1.3 The site

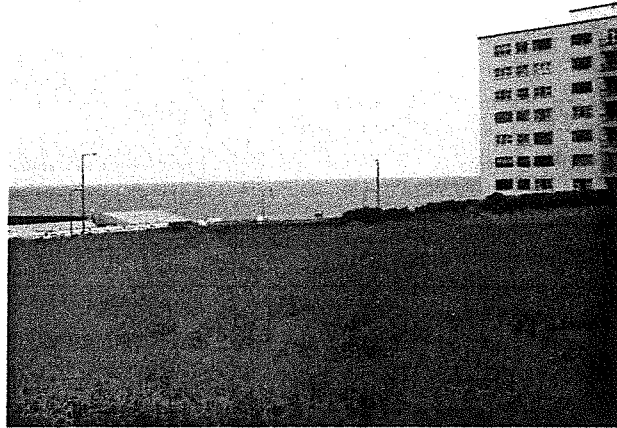
The site is identified as land between Marine Drive and the rear of 2 – 18 The Cliff, Brighton. The site is currently used as a public open space and access from Cliff Road to Marine Drive is via a side access route.



[Above 1: The Local Plan, 2: The site of the proposed dwellings]

1.4 Planning permission application:

The development is described as 'erection of sixteen sustainable and low carbon detached homes and associated works.' This application follows a recent Outline Planning Application BH2005/01322/OA - for the erection of sixteen detached private dwellings, APPROVED June 2005.



[Above: View looking West towards corner of Marine Gate]

1.5 Development Specifics

Four 1 Bedroom Earthships - approx. 84m² internal floor area
 Eight 2 Bedroom Earthships - approx. 96m² internal floor area
 Four 3 Bedroom Earthships - approx. 116m² internal floor area
 4 Off Road Car Parking Spaces (two for car club and two disabled spaces)

1.6 Applicant Information

Earthship Biotecture Europe (EBE) is a social enterprise set up to enable the further evolution of the Earthship building concept in Europe. The company aims to inspire a fundamental change in the provision of basic needs. Shelter, water, power, food, warmth and stability can all be met by building in line with the earth's systems. EBE was established by Michael Reynolds and Daren Howarth. Michael originated the concept and has overseen the design and construction of hundreds of Earthships, based around Taos, New Mexico. By 2000 the concept had evolved into a high performance, replicable building, and Daren began working with Michael to establish the Earthship concept in the UK and Europe. The main activity to date has been in the UK. In Scotland, Paula Cowie formed Sustainable Communities Initiatives (SCI) - who worked with Michael to build Earthship Fife, near Edinburgh. In England, Daren formed the Low Carbon Network (LCN) - who built the full scale Stanmer Earthship near Brighton. Other projects have been undertaken in Belgium and Spain. All of these ground breaking projects are helping people understand these simple but highly effective buildings.



[Above: View looking East towards corner of Plot]

1.7 Associated Documentation

The design statement is to be read in conjunction with:-

- drawings submitted by Earthship Bioteecture Europe
- Nature conservation report (QD15, QD16, QD17 and QD18) prepared by EBE November 2006
- Sustainability Checklist (SU2 and SU12) prepared by EBE November 2006
- Wind Turbine Scoping Noise Assessment prepared by Anderson Acoustics October 2006
- Archaeological Desk-Based Assessment prepared by Archaeology South East November 2006
- Brighton and Hove Local Plan (adopted) 2001
- Earthship Home study Brighton – November 2005
- No Environmental Impact Assessments or other documentation were required by BHCC Development Control.
- Site Identification Study – Earthship Homes – June 2005

2. The Site

2.1 Site Description

The site is located on the Eastern side of Brighton in an elevated position above the main A259 Coast Road. It is directly opposite the Brighton Marina, which is below cliff level. It is bounded to the west by Marine Gate a flat development, to the north by a residential road The Cliff and to the east by the rear gardens of properties located in The Cliff. The site has an overall area of 1.10 hectares. The site is exceptional in its suitability for a 'glass and mass' passive solar building. It has an unobstructed horizon with a vista to the south-east.

2.2 Land Designations

The site is located within: -

- Allocated Housing Site (HO1)
- Archeologically Sensitive Area (HE12)
- Lies within the Boundary of the Built Up Area

2.3 Strategic location:

The site is at a key entrance point to the east of the city centre, strategically located in an elevated position and will act as a gateway to the city centre immediately outside built-up area. It is therefore appropriate that the site is developed using innovative design solutions, appropriate for the challenges we face in the 21st century.

2.4 History

It would appear to have been an open space for many years with no signs of any form of development. It is known that the field was used for horse grazing in the past. Currently it remains an open space, which is used mainly for recreational dog walking.

2.5 Ecology

The site had no objections from the BHCC Ecologist at Outline Planning Stage – subject to certain conditions. The site is classified as species-poor, semi-improved grassland comprising of an overgrown and neglected pony paddock with small clumps of Elder scrub. The habitat is suitable for reptiles (such as Common Lizard and Slow Worm) and possibly nesting birds (protected under the Wildlife & Countryside Act 1981). The road verge and associated land adjacent is classified as semi-natural chalk grassland. It includes a range of grassland species, including Hoary Stock. A separate Ecology Statement has been prepared which deals with the biodiversity of the site and its enhancement following discussions with the BHCC ecologist in Pre-Planning meetings.

2.6 Archaeology

The East Sussex County Archaeologist requested additional information – this is included in the application. An Archaeological Desk-Based Assessment prepared by Archaeology South East November 2006

2.7 Sussex Police

Medium risk crime area, no concerns at outline planning stage.

2.8 Southern Water Improvement Works

Earthship Biotecture Europe is aware that a letter has been received from Savills on behalf of Southern Water stating that part of this application site is required for wastewater improvement works (granted planning permission under reference BH2005/05602/FP). Part of this site is required for a temporary construction compound.

On this basis Southern Water have requested that a condition be attached to any approval which would prevent any development taking place in the south-east corner of the site until works required to be undertaken by Southern Water are complete or alternatively until the applicant has provided documentary evidence that the land is no longer required in connection with the sewerage-related development.

Earthship Biotecture Europe – have no objections to this condition and following a planning approval will seek further clarification from Southern Water for a programme of works and dimensions of the restricted area.

3. Proposals and Design Philosophy

3.1 Design, safety and the quality of development

Design is critical to this site, as it is sensitive in visual terms, being located on high ground on the edge of the urban area. This new development has carefully been designed to have low impact visually with its surroundings and to blend in with the existing landscape. The nature and use of materials is just one element of design, which has been included in this development. At its simplest and most powerful, the Earthship concept enables people to re-integrate with nature through their homes. Conventional house building only encourages further dis-integration at all levels. This Earthship development takes into account a “sense of place” in the wider built and natural environment and seeks to integrate all the elements that are essential to the quality of life by providing a healthy, safe and pleasant environment.

To further the above, the integration of elements such as, recycled materials, sustainability and nature conservation into the design of this new development helps to create interest, diversity and a more pleasant environment. Earthships are solar independent buildings that heat and cool themselves, are self-powered, harvest their own water and deal with their own waste. With free energy from the sun and free materials from waste, the Earthship is based on earth rammed tyre walls giving thermal mass to store heat. They are ‘heavyweight’ high quality buildings, designed with a comfortable low cost future in mind. Earthships are free from utilities and yet can be realised at similar costs to the conventional utility dependant dwellings that are currently proliferating the urban areas and greenfields sites of the UK.

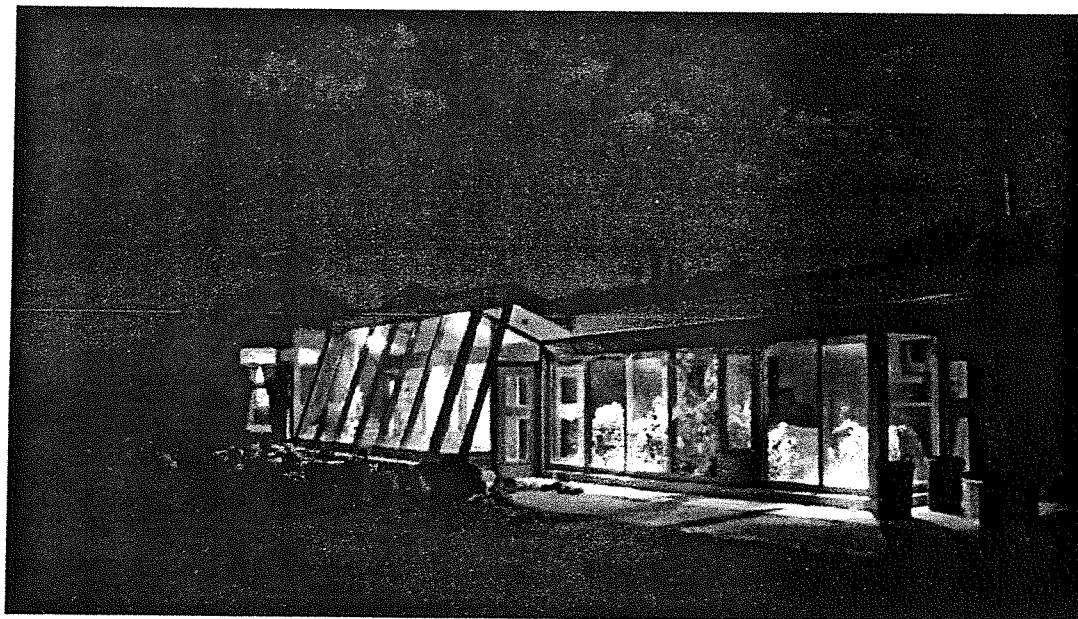
3.2 The Earthship Defined

The Earthship is a completely independent globally oriented dwelling made from materials that are indigenous to the entire planet. The major structural building component of the Earthship is recycled car tyres filled with compacted earth to form a rammed earth brick encased in steel belted rubber. This brick and the resulting bearing walls it forms are virtually indestructible.

The concept of thermal mass housing works both to cool and to heat. Natural dehumidification is also possible. These dwellings have been specifically designed and orientated due to their global position to maximise the performance of cooling, heating and/or dehumidification.

Thermal mass structure can be achieved with many materials (concrete, stone and adobe), although in this case earth rammed tyres are being used due to economic, low carbon and waste utilisation criteria. All other aspects of the Earthship concept, the catch water, waste water treatment systems and the solar/wind power systems are again designed for this specific site location. The Earthship is a concept - it is a building that will take care of you by interacting with and encountering the biology and physics of the earth.

[Below: Earthship Dwelling – Taos, New Mexico, USA]



3.3 QD1 Design - quality of development and design statements

Earthships are a relatively new concept to the UK and this site has been chosen to showcase a new style of imaginative, sustainable construction and living. This in turn demands a high standard of design and also a high specification to achieve a positive contribution to the visual quality of the environment. The location has a wide range of architectural designs and styles dominated by Marine Gate (adjacent flat development).

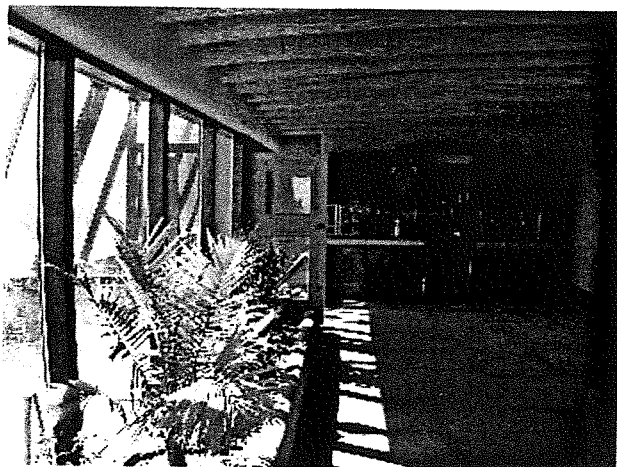
This development provides a creative design and fresh approach to tackle global issues, which integrates successfully into its geographical context. A modern design, which utilises contemporary and sustainable materials in a unique way.

3.3.1 scale and height of development

Taking into account the landscape, adjacent architectural styles and the sites relationship to adjoining buildings and the surrounding area, this development has taken a step further than the approved outline planning application for conventional pitched roof chalet bungalows. An inherent benefit of Earthship construction in this case is that all the dwellings will be single storey in the main with the three bedroom dwellings having a round hut structure of two storey proportions (see schematic of site). The layout of the site clearly indicates that 16 dwellings can be accommodated easily, allowing for amenity space, gardens, associated access road/paths and public open space. The dwellings all have a south-east orientation, with all fenestration facing towards the south-east. All other elevations form part of the earth bund, which surrounds the dwelling up to roof level. It is clear that this design blends into the surrounding landscape with a natural balance, traditional housing cannot achieve. From all visual aspects no strategic view is infringed and a solution resulting in a low visual impact is achieved. It is a key factor that all units have a reasonable garden space to allow for individual homes to grow their own food.

3.3.2 architectural detailing and quality of materials

Architectural detailing is an integral part of Earthship design. Each element has a function in more than the traditional sense. The Earthship is a living machine and therefore the design has over 20 years been adapted to reflect this. The dwellings are compact living units, which operate on a linear basis, with avoidance in this case of disjointed construction. A high standard of materials is a requirement of the design as the building as a whole is reliant on material performance and integration. All materials are to be locally sourced where possible from sustainable sources. The building also has a high level of recycled materials used in its construction.



[Above: Internal Photo Earthship Dwelling – Taos, New Mexico, USA]

3.3.3 visual interest particularly at street level

At street level, the development has introduced an entrance designation as required in HOMEZONE design. This will give a clear signal of entering a designated area. There will be a mixed variety in elements of the dwelling designs such as the entrances, round turrets (huts), large fenestration, garden walling, communal seating areas, introduction of dew pond, woodland and Chalkland meadows.

3.3.4 appropriate levels and type of landscaping.

Landscaping is an important feature of Earthship design and is an integral and functional component of the development. The black water catchment areas provide each dwelling with external flora and fauna, within their own garden area. All dwellings have internal landscaping which provides a grey water treatment solution. The new path/bike lane will be integrated with current public access paths and be provided streetlights, as will the main development (low-level lighting). There will be a large chalkland meadow planting project and woodland area as shown (BHCC ecologist approved). The dwellings will be landscaped to integrate fully with the surroundings, with each earth bund forming part of the overall landscape design with the chalkland meadow extending over the earth bunds.



[Above: Internal Planter Earthship Dwelling – Taos, New Mexico, USA]

3.3.5 The Lifetime Homes Compliance

It is an important aspect of the Earthship design to be designated 'Lifetime Homes'

The table in Appendix sets out the full Lifetime Homes standards for reference. Homes that meet all the standards are entitled to be designated 'Lifetime Homes'. They will also meet the Part M Building Regulations, the relevant parts of the Housing Corporation Scheme Development Standards as indicated in the table, and the requirements of most local authorities for accessible housing

3.3.6 Affordable Housing

The scheme will incorporate 6 units as affordable housing – to include 1 no three bed, 3 no two bed and 2 no one beds. Early discussions have been carried out with CDHA who were part of the original feasibility team. The affordable housing allocation equates to 37.5% which falls below the 40% target identified in HO2. In real terms 40% equates to 6.4 units, which we have rounded down to 6 units. As a compensatory factor, in pre-planning discussions held with council officers, Earthship Biotechnology Europe were asked if the six units could include a 3 bedroomed unit, which we agreed as indicated above, to make allowance for the slight shortfall in the overall percentage.

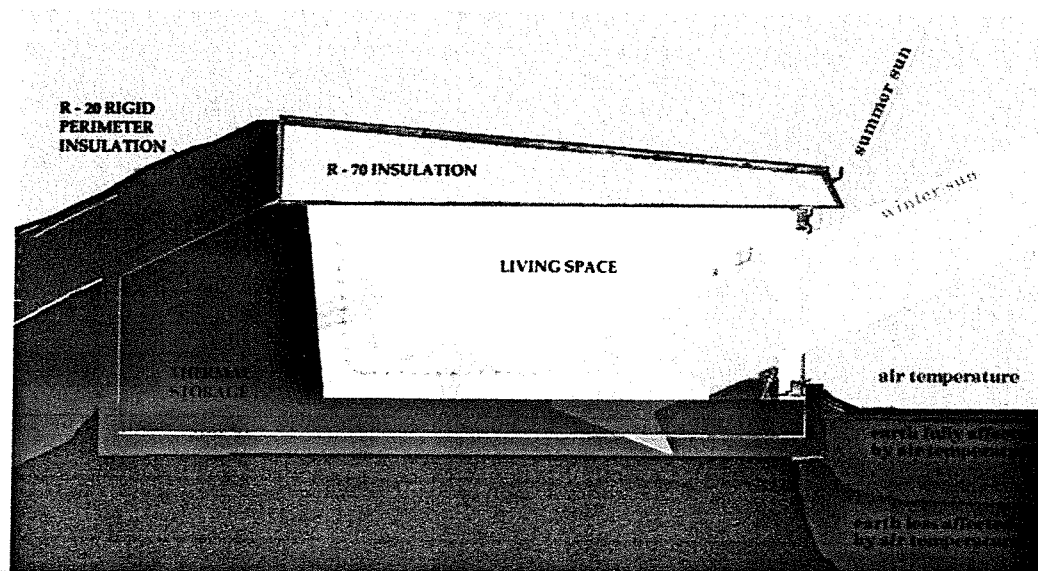
3.4 QD2 Design principles for neighbourhoods

The appearance of the proposed Earthship development and its relationship to its surroundings are matters that relate to the design of buildings and to urban design. Government guidance (PPG1 'General Policy and Principles') refers to urban design as meaning the relationship between different buildings and the streets and other spaces, which make up the public domain itself.

With this policy for guidance the development seeks to ensure that spaces created around buildings are enclosed, in this case with a low level wall to reduce visual impact and are functional and attractive to the intended users. The Earthship site layout has a high level of pedestrian circulation and cycle routes and as part of the pre-planning discussions an upgrade to the current Western boundary footpath was agreed. Primarily the development has been designed to emphasise and enhance the positive qualities of the local neighbourhood, this has been achieved by taking into account the local characteristics:

3.4.1 the height, scale, bulk and design of existing buildings;

The majority of the properties in the area are large two storey, detached dwellings with varying plots of land. The main overriding architectural feature is the adjacent Marine Gate, which is a large nine-storey flat development. With these types of properties in mind a low level Earthship development, with fenestration kept to the south-east provides low impact on neighbouring properties. The orientation of the earthships is on a south-easterly axis, which does not accord with the surrounding properties, which have a southerly axis. The reason for this orientation is so that the Earthship can maximise solar gain. It is a fundamental design feature to orientate the units in this manner, approx 15 degrees off south.



3.4.2 topography and impact on skyline

The skyline impact is very low due to the site sloping away from adjacent properties. This in addition to the low-level design of the Earthships and their earth bunds gives a low skyline impact. There will be a low visual impact from the main coast road, but this is overshadowed by the Marine Gate development.

3.4.3 natural and built landmarks

The site has no natural and built landmarks, other than those landscaped issues discussed previously.

3.4.4 layout of streets and spaces

The road has been designed to reflect the criteria required by the Fire Brigade and BHCC Traffic Manager. The layout is simple with an entrance design, along with reduced speed restrictions envisaged. Communal spaces will be developed into areas for socialisation and meeting fellow residents. Children's spaces will be encouraged with a possible eco-play area. A financial contribution of £32647.00 is envisaged towards some form of equipped play space or similar.

3.4.5 linkages with surrounding areas, access to local amenities

The area is well served by shopping facilities, boosted by the large shopping mall at the marina. The public transport provision is good within the area and a financial contribution of £24000 is envisaged towards public transport provision. Pre-planning discussions with Mark Hillyer of City Car Club support a proportion of this allocation being used as set up costs for the two car club. Community facilities are limited but accessible from the site.

3.4.6 patterns of movement within the neighbourhood

Due to the nature of the properties within the area high car dependence is calculated. The Earthship development will introduce a city car club scheme (two cars one of, which will be electric if possible) and a high priority has been a design suitable for all pedestrians, cyclists and users of public transport.

3.4.7 Crime

The development has taken the opportunity to minimise the opportunities for crime to take place, through the integration of its design into the neighbourhood.

3.5 OD3 Design - efficient and effective use of sites

The site is unusual in that it has a restrictive covenant, which limits the development of the site to sixteen dwellings, this has implications in terms of meeting planning guidelines on density and the efficient and effective use of a site.

Currently, in planning policy terms, the issue of development density is a key concern at national level. Local planning authorities are expected to follow a guideline laid out in Planning Policy Guidance 3 of a 30 unit minimum per hectare of land. This guideline is normally applied without flexibility as to the type and quality of the development.

Working from existing drawings of the site and from ariel photographs, we have worked with planners to reduce the overall footprint of the development.

The developed area equates to 51.35% of 1.1 Hectares which is equal to 28.33 units per hectare. It is clear that the density does not quite meet the requirements of PPG 3 which states a minimum of 30 units per hectare, but surely allowances can be made for the type of development and also because the footprint of the development is contained within the site boundaries. A standard housing development has a footprint which extends well beyond the site boundaries (e.g electricity, sewage, gas, water) but developers do not have to include these services within any density calculations, otherwise no standard development would be able to meet PPG 3 density criteria also.

It is without doubt that the development we propose offers a global solution to the increasing environmental pressures we are experiencing, and therefore a shortfall density should not be an obstacle to earthship developments in the UK.

However PPG3 also advises that “Considerations of design and layout must be informed by the wider context, having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality.” (para. 56). So the character of the surrounding area may mean that the densities quoted above are inappropriate for the particular site being put forward.

In the locality of the development site and mainly boundary partners, all dwellings are situated on larger plots with very low densities:-

- 20 The Cliff, Roedean – a single dwelling on a 0.34 hectare plot equates to 2.95 dwellings per hectare
- 24 The Cliff, Roedean - a single dwelling on a 0.42 hectare plot equates to 2.38 dwellings per hectare
- 2 – 18 The Cliff, Roedean - 9 dwellings on a 0.71 hectare plot equates to 12.60 dwellings per hectare

It is clear that the PPG 3 if taken into a wider context it would seem to confirm that a density of 28.33 sits comfortably in an area where densities are very low as detailed above.

With this density the development has been sensitively designed and well landscaped in order to fit successfully into the restrictive vacant site. It secures the retention of existing and the provision of new open space, trees, grassed areas, nature conservation features and recreational facilities within the urban area. The density and the proposed development creates a quality of life and vitality that makes urban living desirable.

3.5 OD4 Design - strategic impact

A review of the considered strategic views as laid down in the Local Plan, indicates that the three views below are the points to be considered. In order to preserve or enhance strategic views, important vistas, the skyline and the setting of landmark buildings, all new development should display a high quality of design.

The following features are considered to be of strategic importance:

- a. Views of the sea from a distance and from within the built up area;
- b. Views along the seafront and coastline;
- h. Initial views of Brighton & Hove from access points by all modes of transport.

It is clearly evident that the City of Brighton & Hove has a rich and varied natural and built landscape; its topography enables spectacular views which are valued by local people and visitors alike. With this in mind the Earthship development has been designed to take into account the natural and built landscape and no reduction in visual impact is envisaged, for any neighbouring properties.

There will be a visual impact when travelling along the main coast road, by all modes of transport, particularly walking. The importance of this view will influence peoples’ first impressions of Brighton and Hove, but the development will be carefully landscaped to enhance the visual impact. It is also providing an imaginative architectural landscape, one that will provide the City of Brighton and Hove with a Sustainable showcase.

3.6 OD 5 Design - street frontages

The development presents an interesting and attractive frontage particularly at street level for pedestrians. The unique earth bund design gives the appearance of an undulating landscape, which cleverly hides the dwellings within. The frontages of the properties are also unique in the expanse of fenestration used. These homes will be a major environmental attraction, for the city.



[Above: Internal View - Earthship Dwelling – Taos, New Mexico, USA]

3.7 OD15 Landscape design

Subject to an Ecological report prepared separately

The design for the development will show that:

- a. adequate consideration has been given to landscape design, including all the spaces between and around buildings, at an early stage in the design process;
- b. the proposal includes suitable open space provision;
- c. high quality materials have been selected which are appropriate to the site, its use, and locality including new planting of trees and shrubs;
- d. effective use has been made of existing landscape features;
- e. where appropriate, existing nature conservation features have been retained and new suitable ones created.

3.8 OD16 Trees and hedgerows

Subject to an Ecological report prepared separately

The design for the development will include details on trees and hedgerows. The development will seek to retain existing trees and hedgerows and to include new tree and hedge planting.

3.9 OD17 Protection and integration of nature conservation features

Subject to an Ecological report prepared separately

Development proposals affecting nature conservation features outside protected sites will confirm that the impact is minimised. As many existing features as possible are protected and enhanced and compensating and equivalent features are provided for any that are lost or damaged. New nature conservation features will be provided as part of the development. These features will be provided for early on in the design stage so that they are appropriate to the location, suitably sited and are fully integrated within the scheme.



[Above: External View - Earthship Dwelling – Taos, New Mexico, USA]

APPENDIX A

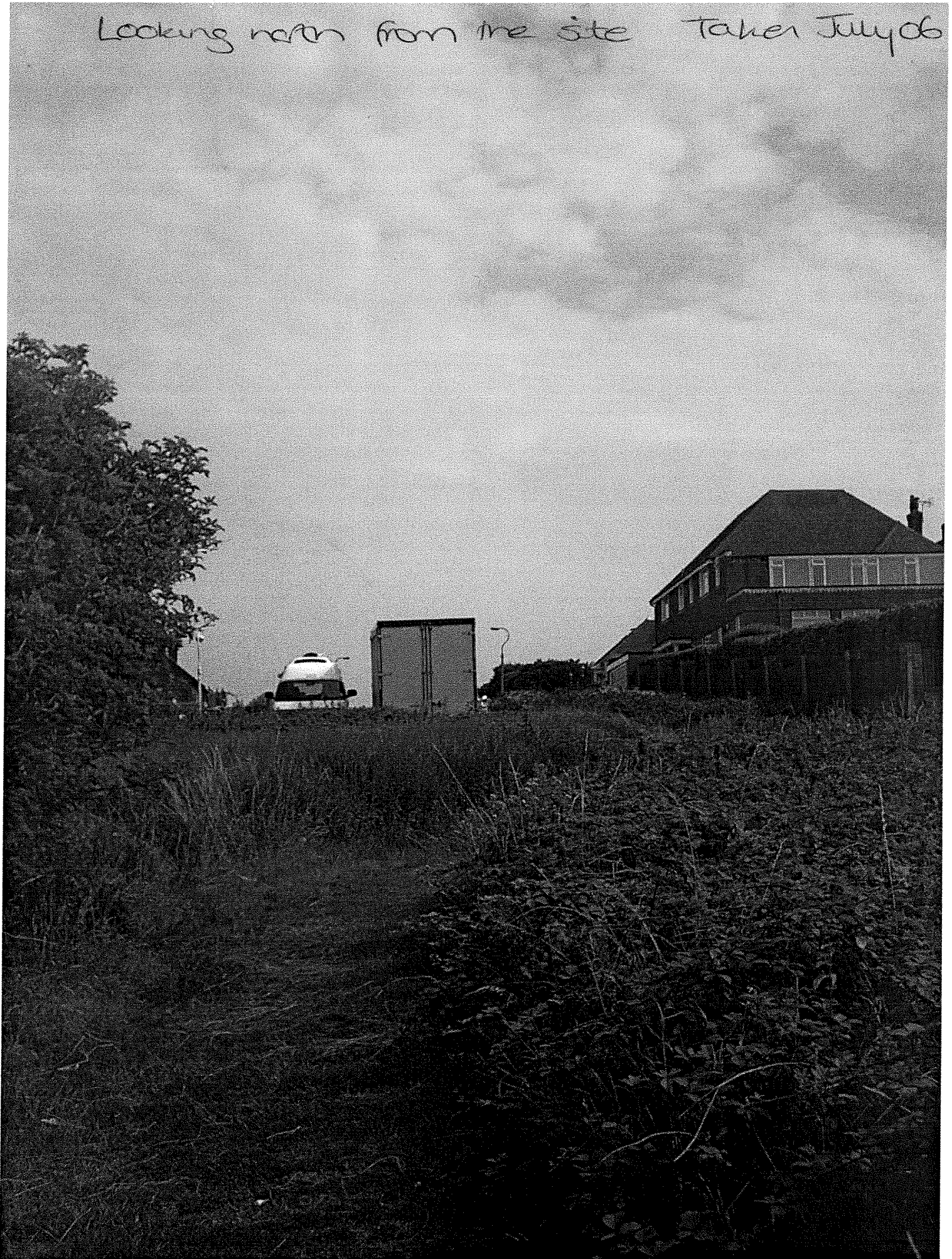
The Lifetime Homes standards

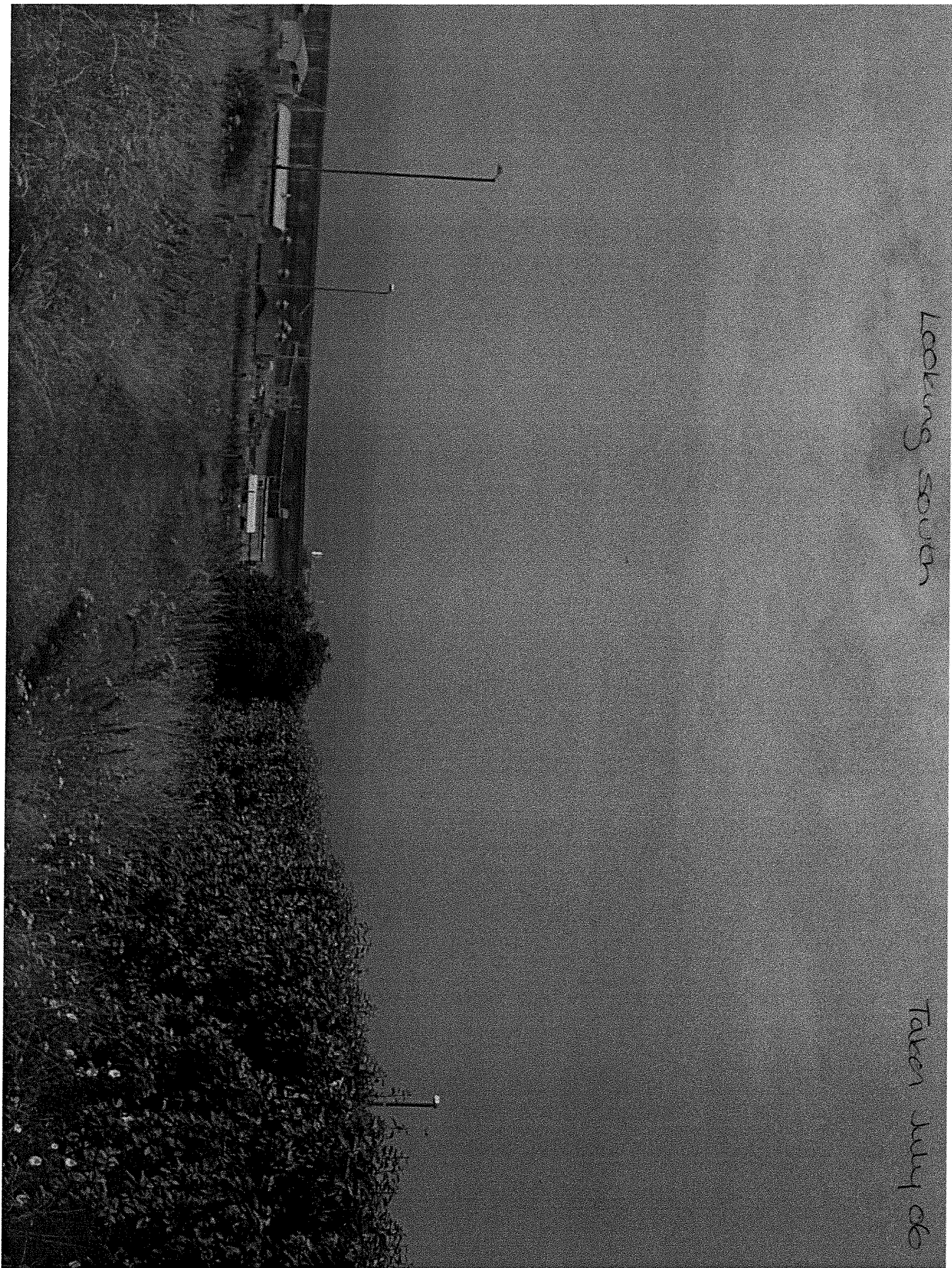
Lifetime Homes standards	Specifications and dimensions which meet Lifetime Homes standards	Housing Corporation Scheme Development Standards compliance (3rd Edition) (E=essential, R=recommended)
1 Where there is car parking adjacent to the home, it should be capable of enlargement to attain 3300mm width	The general provision for a car parking space is 2400mm width. If an additional 900mm width is not provided at the outset, there must be provision (e. g. a grass verge) for enlarging the overall width to 3300mm at a later date	1.1.3.4 E (requires actual provision at the outset rather than provision for later enlargement)
2 The distance from the car parking space to the home should be kept to a minimum and should be level or gently sloping	It is preferable to have a level approach. However, where the topography prevents this, a maximum gradient of 1: 12 is permissible on an individual slope of less than 5 metres or 1: 15 if it is between 5 and 10m, and 1: 20 where it is more than 10m.* Paths should be a minimum of 900mm width	1.1.3.2 E (but covers natural surveillance, not distance)
3 The approach to all entrances should be level or gently sloping	See standard 2 above for the definition of gently sloping	relevant parts of 1.3.1.1 E
4 All entrances should: a) be illuminated relevant parts of 1.3.1.2 E b) have level access over the threshold and c) have a covered main entrance	The threshold upstand should not exceed 15mm	1.1.1.12 E
5 a) Communal stairs should provide easy access and b) where homes are reached by a lift, it should be fully wheelchair accessible	NOT APPLICABLE - EARTHSHIP SCHEME	
6 The width of the doorways and hallways should conform to the specifications in the next column .	<p><i>Doorway clear opening width (mm)</i></p> <p><i>Corridor/ passageway width (mm)</i></p> <p>EARTHSHIP DOORS TO BE FOLLOWING SIZE</p> <p>750 or wider 900 (when approach is head- on)</p> <p>750 1200 (when approach is not head- on)</p> <p>775 1050 (when approach is not head- on)</p> <p>900 900 (when approach is not head- on)</p> <p>The clear opening width of the front door should be 800mm. There should be 300mm to the side of the leading edge of doors on the entrance level</p>	<p>1.3.1.2 E</p> <p>1.3.1.3 E</p> <p>1.3.1.4 E</p>
7 There should be space for turning a wheelchair in dining areas and living rooms and adequate circulation space for wheelchair users elsewhere	A turning circle of 1500mm diameter or a 1700x1400mm ellipse is required	1.3.1.12 R
8 The living room should be at entrance level		1.3.1.10 R
9 In houses of two or more storeys, there should be space on the entrance level that could be used as a convenient bed- space		1.6.3.6 R 1.3.1.11 R
10 There should be: a) a wheelchair accessible entrance level WC, with b) drainage provision enabling a shower to be fitted in the future	The drainage provision for a future shower should be provided in all dwellings Dwellings with three bedrooms, the WC must be fully accessible. A wheelchair user should be able to close the door from within the closet and achieve side transfer from a wheelchair to at least one side of the WC. There must be at least 1100mm clear space from the front of the WC bowl. The shower provision must be within the closet or adjacent to the closet the WC could be an integral part of the bathroom. In small two bedroom dwellings where the design	1.3.1.5 E 1.3.1.9 R 1.6.3.6 R

has failed to achieve this fully accessible WC, the
Part M standard WC will meet this standard

11 Walls in bathrooms and toilets should be capable of taking adaptations such as handrails	Wall reinforcements should be located between 300 and 1500mm from the floor	1.6.3.1 E
12 The design should incorporate:		1.3.1. 6 E
a) provision for a future stair lift		1.6.3.6 R
b) a suitably identified space for a through-the-floor lift from the ground to the first floor, for example to a bedroom next to a bathroom	NOT APPLICABLE - EARTHSHIP SCHEME	
13 The design should provide for a reasonable route for a potential hoist from a main bedroom to the bathroom	Most timber trusses today are capable of taking a hoist and tracking. Technological advances in hoist design mean that a straight run is no longer a requirement	1.6.3.2 E 1.2.1.31 R
14 The bathroom should be designed to incorporate ease of access to the bath, WC and wash basin	Although there is not a requirement for a turning circle in bathrooms, sufficient space should be provided so that a wheelchair user could use the bathroom	
15 Living room window glazing should begin at 800mm or lower and windows should be easy to open/ operate	People should be able to see out of the window whilst seated. Wheelchair users should be able to operate at least one window in each room	1.4.1.1 E 1.2.1.32 R
16 Switches, sockets, ventilation and service controls should be at a height usable by all (i. e. between 450 and 1200mm from the floor)	This applies to all rooms including the kitchen and bathroom	1.3.1.14 R (switches, door handles and thermostats at 900- 1200mm) 1.3.1.15 R (sockets at 450- 600mm)

Looking north from the site Taken July 06



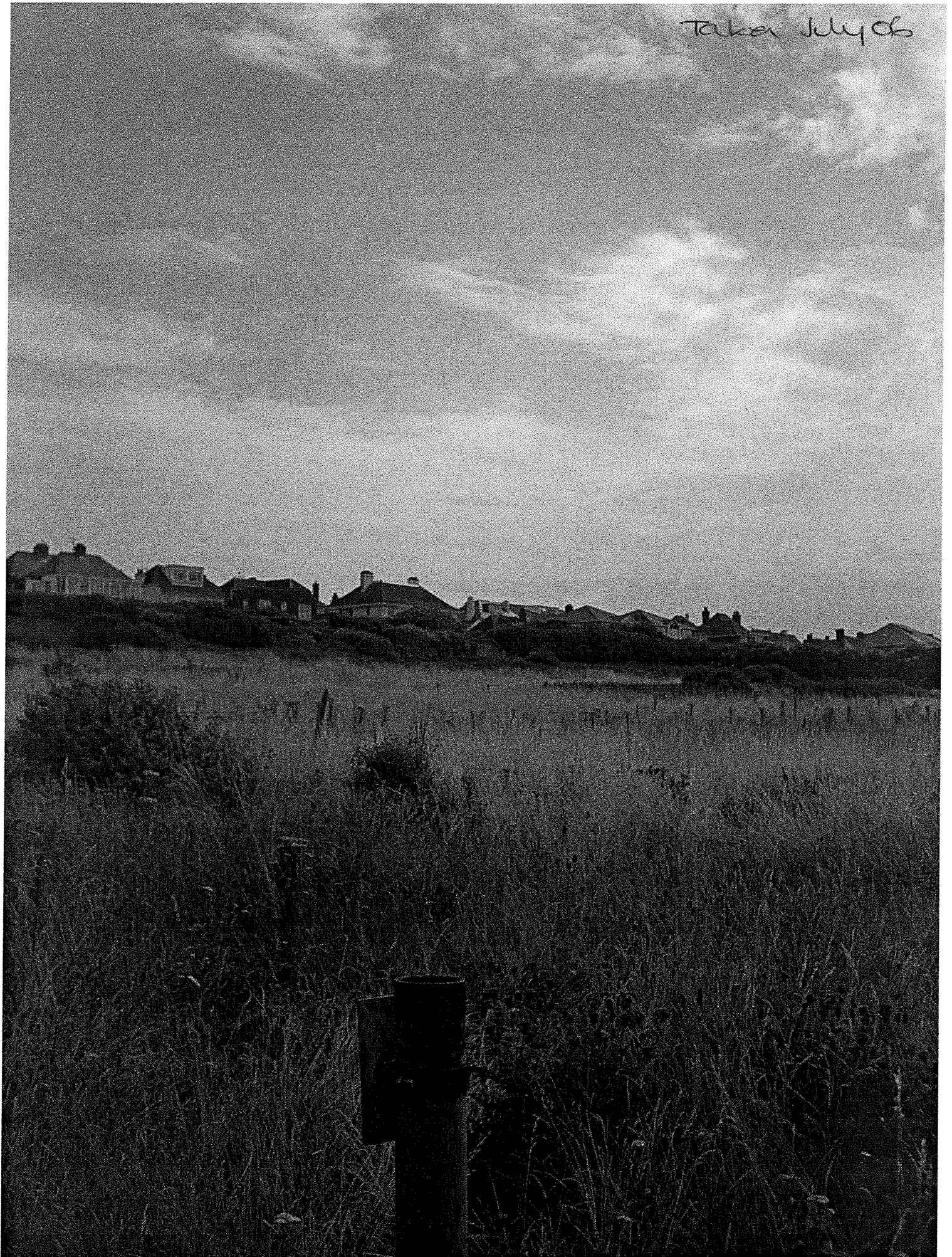


Looking south
over Sunport

Taken July 06

looking east from site - Taken July 06 .

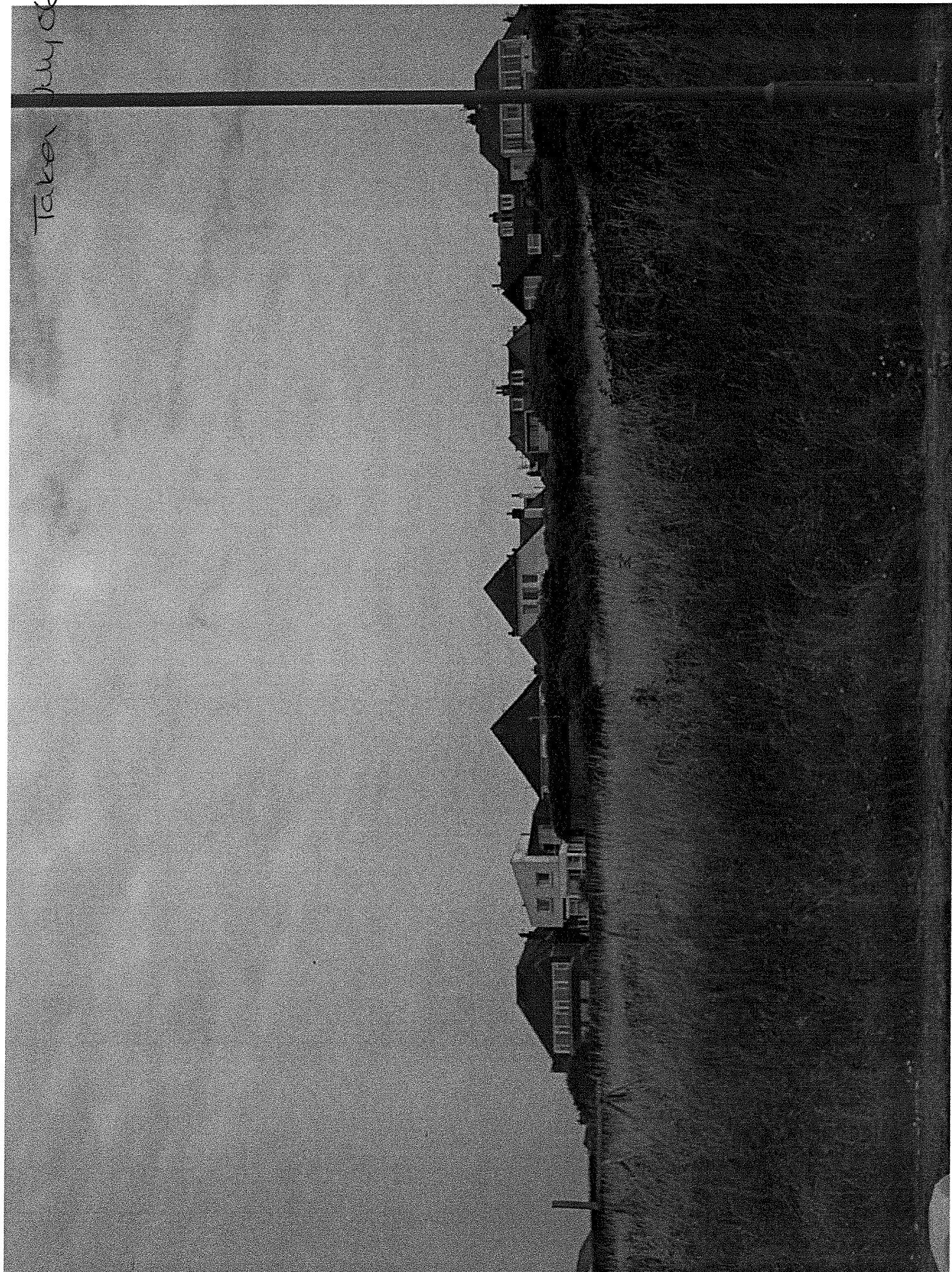




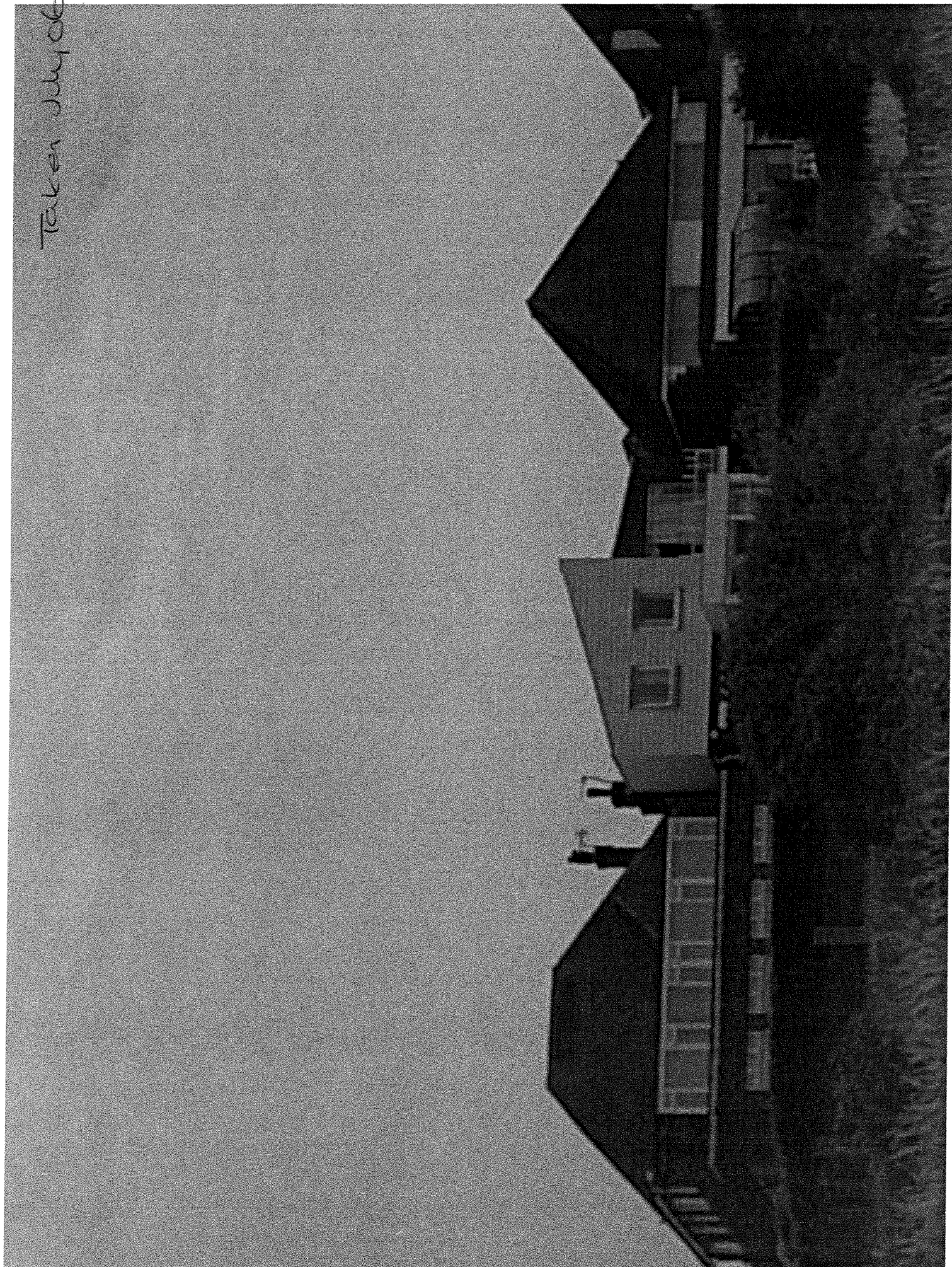
South east corner of site - Taken July 06

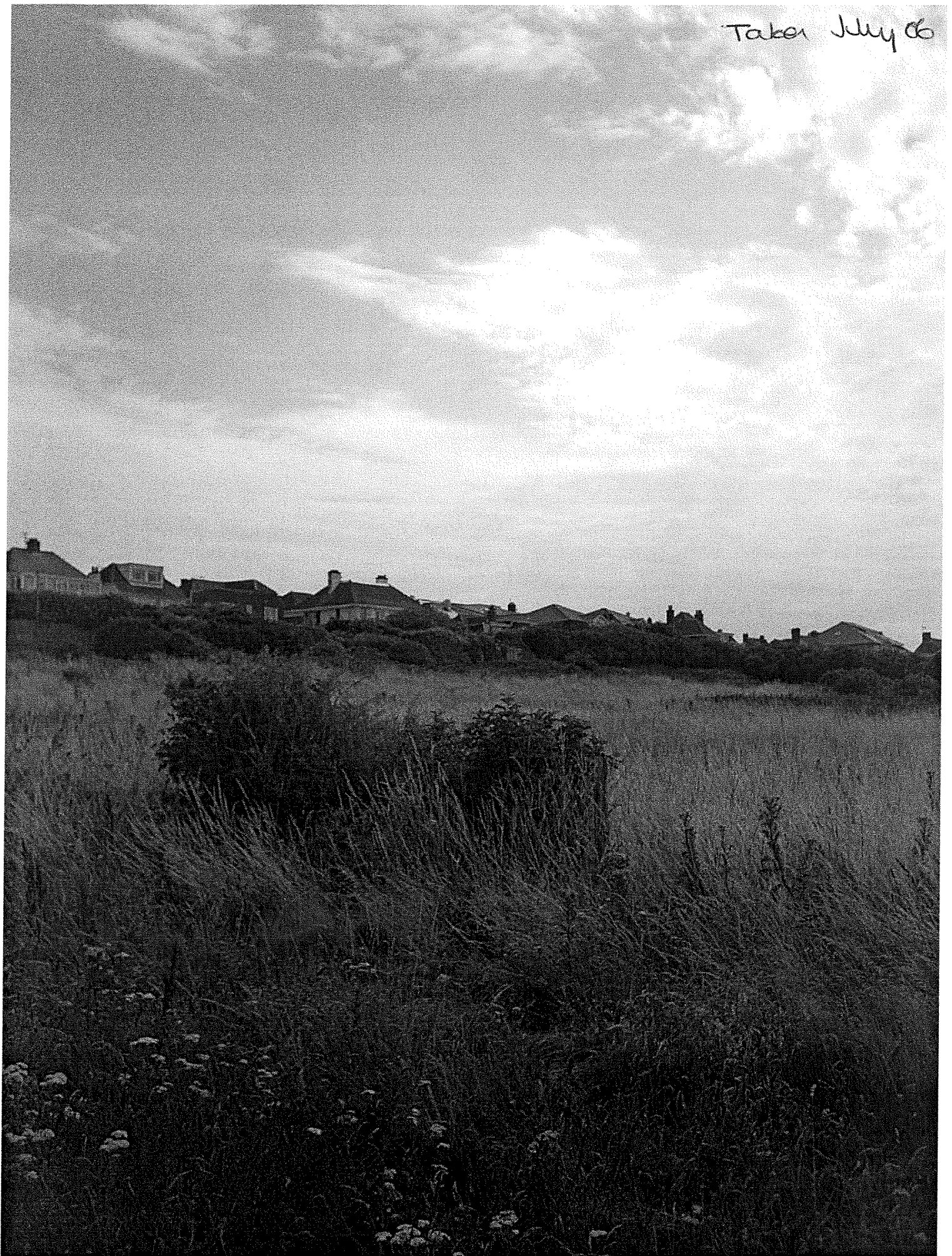


Taken July 06



Taken July 06





Taka July 06 .



properties on north boundary of
site.

Taken July 06



05 FROM:

TO: 2089

P.1/1

Path No: 435

3303SE & NE

Description: From Marine Drive (by Eastern Side of Marine Gate) to Cliff Approach (by no. 8). Footpath.

Length:

135 metres 145 yards Reg No:

Notes:

This path runs across land intended to be laid out as a road in 1898. In 1989, the Borough Secretary confirmed that the path is a publicly maintainable highway. Confirmation of adoption was recorded on 10 September 1991.

EXPLANATION OF MAP EVIDENCE

1. TITHE MAPS

Tithe maps were prepared following the Tithe Commutation Act 1836, which allowed tithes to be paid in cash rather than goods. It was not the purpose of the maps to record public highways.

However as public highways were free from tithes it was in the interests of a landowner to have any public highways on their land recorded on the tithe map. The Rottingdean Tithe map dated 1839 prepared by Wm Leach includes the area of The Paddock and does not record any paths at the area of The Paddock.

2. FINANCE ACT 1910 MAPS

The Finance Act of 1910 involved a national survey of land by the Inland Revenue so that an incremental value duty could be levied when ownership was transferred.

Landowners could claim tax relief where a highway crossed their land. Although the existence of a public right of way may be admitted it is not usually described or a route shown on the plan. This Act was repealed in 1920.

There were two main types of survey record, plans and field books. Plans refer to relevant field books, which provide information about specific properties. Two sets of plans were created:

- (a) surviving working plans used in the course of valuation are kept at local archives
- (b) record plans made after the valuation was completed are kept at The National Archives at Kew

Field books were the final record of the Valuation Survey compiled after the survey was completed and are the most useful source of information. The East Sussex Records Office have advised that the plans held there are not very helpful without the field books

However Ordnance Survey maps of Sussex were annotated by the Brighton Valuation Office for the purposes of the Finance Act 1910. Printed base maps used by the Valuation Office were produced by Ordnance Survey at various dates between about 1840 and 1920, the majority dating from between late 1880s and about 1914.

3. ORDNANCE SURVEY MAPS

Ordnance Survey mapping was originally for military purposes to record all roads and tracks that could be used in times of war. This included both public and private routes. These maps are good evidence of the physical existence of routes, but not necessarily of status. Since 1889 the Ordnance Survey has included a disclaimer on all of its maps to the effect that the depiction of a road or way is not evidence of the existence of a right of way. These documents must therefore be read alongside the other evidence.

Ordnance Survey maps show what actually exists on the ground

Large scale Ordnance Survey maps have not been printed since geographical information systems became commonly available. In 2001 OS MasterMap was launched. This is a geospatial database showing man-made and natural landscape features in Britain.