

# Environment, Transport & Sustainability Urgency Sub-Committee

Date: **10 August 2021**

Time: **11.00am**

Venue **Hove Town Hall - Council Chamber**

Members: **Councillors:** Heley (Chair), Wilkinson (Opposition Spokesperson) and Nemeth (Group Spokesperson)

Contact: **Mark Wall**  
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# AGENDA

## PROCEDURAL MATTERS

### 1 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.

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(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.*

### 2 CHAIR'S COMMUNICATIONS

### 3 PUBLIC INVOLVEMENT

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

(a) **Petitions:** To receive any petitions presented by members of the Public that specifically relate to the item on the agenda and are notified by the due date of 12 noon on the 9<sup>th</sup> August 2001;

(b) **Written Questions:** To receive any questions that specifically relate to the item listed on the agenda and submitted by the due date of 12 noon on the 9<sup>th</sup> August 2021;

- (c) **Deputations:** To receive any deputations that specifically relate to the item listed on the agenda and submitted by the due date of 12 noon on the 9<sup>th</sup> August 2021.

#### **4 MEMBER INVOLVEMENT**

To consider the following matters raised by Members:

- (a) Petitions:**
- (b) Written Questions:**
- (c) Letters:**
- (d) Notices of Motion:**

#### **TRANSPORT & PUBLIC REALM MATTERS**

#### **5 ACTIVE TRAVEL FUND - OLD SHOREHAM ROAD**

**7 - 40**

Report of the Executive Director for Economy, Environment & Culture.

*Contact Officer: David Parker*

*Tel: 01273 292474*

*Ward Affected: All Wards*

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### **FURTHER INFORMATION**

For further details and general enquiries about this meeting contact Mark Wall, (01273 29105806, email [john.peel@brighton-hove.gov.uk](mailto:john.peel@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

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<b>Subject:</b>	<b>Active Travel Fund – Old Shoreham Road</b>		
<b>Date of Meeting:</b>	<b>10<sup>th</sup> August 2021</b>		
<b>Report of:</b>	<b>Executive Director Economy, Environment &amp; Culture</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>David Parker</b>	<b>Tel: 01273 292474</b>
	<b>Email:</b>	<a href="mailto:david.parker@brighton-hove.gov.uk">david.parker@brighton-hove.gov.uk</a>	
<b>Ward(s) affected:</b>	<b>All</b>		

## **FOR GENERAL RELEASE**

By reason of the special circumstances for non-compliance with Council Procedure Rule 3 and Section 100B(4) of the Local Government Act 1972 (as amended) (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) the Chair of the meeting has been consulted and is of the opinion that this item should be considered at the meeting as a matter of urgency. The special circumstances are that the item is to be considered before the 11 August 2021 in compliance with a resolution of the Committee.

### **1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 At the Special Environment, Transport and Sustainability (ETS) committee meeting on 21<sup>st</sup> July 2021, the committee agreed that an Urgency Sub-Committee be convened before 11th August 2021 to consider the removal of the phase 1 cycle lanes on Old Shoreham Road.
- 1.2 In addition, the ETS committee agreed an amendment for Council officers to explore “alternative” local routes for a temporary scheme including, but not limited to, Portland Road and New Church Road, in consultation with local residents and bring a report back to the committee with potential options.
- 1.3 On Friday the 30<sup>th</sup> of July the Minister of State for Transport wrote to all Council Leaders of English transport and highway authorities (see appendix 3) setting out the Government’s expectations in relation to active travel schemes. The letter states: “Schemes need time to be allowed to bed in; must be tested against more normal traffic conditions; and must be in place long enough for their benefits and disbenefits to be properly evaluated and understood”.
- 1.4 On the same day revised statutory Guidance was published under section 18 of the Traffic Management Act 2004, The Guidance states that “Schemes must not be removed prematurely or without proper evidence. And any decisions on whether to remove or modify them must be publicly consulted on with the same rigour as we require for decisions to install them”.
- 1.5 Nationally, government released their ‘Gear Change’ vision document in July 2020 which sets out the national ambition to make walking and cycling the natural choice for short journeys, or as part of a longer journey. Accompanying

this is Local Transport Note 1/20 (LTN 1/20) which sets out a step change in how Local Authorities must deliver cycling improvements.

- 1.6 The government has since published its 'Gear Change'; One Year On' document which reflects on the Active Travel successes of the past year, evident in the 46% national growth in cycling. The document also sets out government's future expectations for local authorities to maintain momentum, stating, "We will reduce funding to councils which do not take active travel seriously, particularly in urban areas" and also states that an "authority's performance on active travel will help determine the wider funding allocations it receives, not just on active travel."
- 1.7 On Friday 20<sup>th</sup> July the government announced it would be withholding £277,520 of Capability Funding that the Council had successfully bid for until further assurances had been sought as to the status of the Old Shoreham Road Cycle lane.
- 1.8 Locally, the new Local Transport Plan 5 (LTP5) is being developed to help everyone move around the city more safely, sustainably, and easily. The initial direction of travel document ('Developing a new Transport Plan for Brighton & Hove') was presented to the ETS committee on 22<sup>nd</sup> June 2021 and the committee agreed to the vision, key outcomes and principles set out in this. One of the key principles is shifting how people travel – prioritising walking and cycling for shorter journeys and public transport for longer journeys.
- 1.9 The Local Cycling & Walking Infrastructure Plan (LCWIP) is in development and the draft strategic network identifies many strategic and priority routes, including all the routes being taken forward in the Active Travel Fund. The LCWIP will set out the strategic network for walking and cycling and will assist the council in seeking funding for improvements. For this report, it is important to note that the Old Shoreham Road and New Church Road feature as priority routes in the draft LCWIP cycling network, and Portland Road features as a strategic route.
- 1.10 The LCWIP work defines the importance of a strategic, comprehensive network for the city to enable and unlock potential for walking and cycling. The development of this network features specific routes but is the sum of its parts – to enable journeys by cycle a comprehensive safe network of routes is needed serving all areas of the city, otherwise modal shift may not be possible.
- 1.11 In addition, the council has committed to being net carbon neutral by 2030. The Carbon Neutral Programme identifies the transport sector for the largest share of the required cut in carbon emissions in the city and includes a key action to develop a public realm which enables active travel.
- 1.12 Therefore, the purpose of this report and recommendations is:
  - to set out information to assist in committee discussions for the implications for the removal of the existing temporary cycle lane on Old Shoreham Road; and
  - address some early considerations in exploring alternative local routes such as New Church Road and Portland Road, as agreed at the Special Environment, Transport and Sustainability (ETS) committee meeting on 21<sup>st</sup> July 2021

## **2. RECOMMENDATIONS:**

- 2.1 That the Committee notes the newly published statutory guidance, published under Section 18 of the Traffic Management Act, in relation to the removal of temporary lanes as summarised above in paragraph 1.3 of this report.
- 2.2 The Committee notes the government's decision to withhold £277,520 of Capability Funding that the Council had successfully bid for due to the committee's decision on the 21<sup>st</sup> July 2021 to seek a report to consider the removal of the Old Shoreham Road Cycle Lane Phase 1 as summarised in paragraphs 4.6 and 4.7 of this report.
- 2.3 That the committee agree to retain the Phase 1 temporary cycle lane on Old Shoreham Road due to the negative impact its removal would have on road safety, the environment, equality, and wider funding opportunities. This would also allow for appropriate monitoring to take place as set with the newly updated statutory guidance issued under section 18 of the Traffic Management Act 2004.
- 2.4 That the Committee agrees to progress the development of improvements to the Phase 1 Old Shoreham Road Cycle Lane as a temporary scheme (from The Drive to Hangleton Road) as set out in Appendix 2, including temporary changes to increase vehicle capacity at the Olive Road / Stapley Road junction. Committee also agrees that further monitoring is undertaken in accordance with the newly updated statutory guidance issued under section 18 of the Traffic Management Act 2004.
- 2.5 In the event that the committee seeks to remove Phase 1, that the committee agrees to retain the section of Phase 1 between Holmes Avenue and The Drive for the reasons set out in the report and that further monitoring is undertaken in accordance with the newly updated statutory guidance issued under section 18 of Traffic Management Act 2004.
- 2.6 In the event that the Committee agrees to retain the scheme that Officers begin further monitoring of the scheme, to be reported back at a future committee.

## **3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 On 9<sup>th</sup> May 2020 Government released the Emergency Active Travel Fund to allow authorities to provide reallocated road space to cyclists and pedestrians within weeks to allow people to better socially distance and have alternatives to public transport in the early stages of the pandemic. There was £250 million available nationally in the Emergency Active Travel Funding to support Local Authorities in the installation of temporary projects for the Covid -19 pandemic for Tranche 1 and also for the creation of longer-term projects for Tranche 2.
- 3.2 On 11<sup>th</sup> May 2020 road space on both sides of the Old Shoreham Road, A270 for 2.7kms was temporarily reallocated to cyclists, with new road markings and temporary signs in place. This was done as part of the Council's urgent response to the pandemic, in accordance with the Council's network management duty under the Traffic Management Act 2004 and the statutory guidance "Traffic Management Act 2004: network management" in response to COVID-19.

- 3.3 On 5<sup>th</sup> June 2020 the BHCC Emergency Active Travel Fund Tranche 1 bid was submitted for more than £700,000 to deliver 21 different temporary transport measures, including the addition of light segregation (plastic wands) along the Old Shoreham Road temporary cycle lanes.
- 3.4 DfT conducted manual surveys in June 2016 and 2020 at Lullington Avenue in Hove, as well as the Council conducting a manual survey in July 2020. The introduction of the cycle lanes has shown increased cycling volumes along this route by up to 61% between 2016 data collected by the DfT and a seven-day count of cycles following the implementation of the lanes in July 2020. The DfT survey conducted in 2020 also recorded a 98.5% increase of cycles from their 2016 figure. The Council also conducted an additional manual survey in June 2021, this showed a 23% decrease in cycling levels compared to the 2016 baseline; however, this survey was affected by very poor weather and is not considered an accurate reflection of current usage. We advise further monitoring is needed as travel restrictions are lifted.
- 3.5 On the 25<sup>th</sup> June 2020 BHCC was awarded £663,625 from central government as part of the Emergency Active Travel Fund (Tranche 1) and light segregation was installed along the Old Shoreham Road.
- 3.6 BHCC Active Travel Fund bid for Tranche 2 was submitted on 7<sup>th</sup> August 2020 for circa £2.7m to deliver 5 key walking and cycling schemes with a range of complementary measures, including detail on phase 2 of the Old Shoreham Road. £2.376m was awarded to BHCC on the 13<sup>th</sup> November 2020.
- 3.7 At the Environment, Transport & Sustainability Committee on the 18<sup>th</sup> December 2020 the committee agreed to progress with the five Active Travel Schemes outlined, including Old Shoreham Road, and to undertake a public consultation as per the Consultation Plan agreed by the committee. The consultation included consulting on the first phase of the temporary cycle lanes on Old Shoreham Road and the seafront, so that the schemes could be considered as a whole.
- 3.8 On the 1<sup>st</sup> February 2021 BHCC launched a city-wide consultation on the Active Travel Fund schemes as directed in the Consultation Plan, running until 14<sup>th</sup> March. The scope of this consultation, in line with DfT requirements, was not designed to be a 'referendum' on the necessity of walking and cycling infrastructure. The consultation covered opportunities for improvements and included a public opinion survey covering attitudes towards walking and cycling, in line with DfT guidance. A referendum style approach to the continuation of the lane was not part of the scope.
- 3.9 A report summarising this consultation was taken to the Environment, Transport & Sustainability (ETS) committee on 21<sup>st</sup> July 2021 where members were recommended to keep the Phase 1 Old Shoreham Road cycle lane in place with improvements, but not to proceed with Phase 2 to the western border. Members at the committee recommended that no improvements to the existing temporary cycle lanes be made, nor any pedestrian improvements in the area and that a special subcommittee be convened before the 11<sup>th</sup> August 2021 to consider the full implications of the removal of the Phase 1 cycle lanes on Old Shoreham Road.



## **4. SUMMARY – IMPLICATIONS OF OLD SHOREHAM ROAD REMOVAL**

### **Context of cycle lane location**

- 4.1 The temporary cycle lane was put in place on Old Shoreham Road as the route offers a vital east-west route into the city with ample space for implementing a wide, safe cycling facility in line with national cycle design standards LTN 1/20. The route is identified as a key route within the draft LCWIP and because of its proximity to schools and creates a natural link to the existing cycle facility which runs eastwards from The Drive.
- 4.2 It is worth noting that the new design standards pay considerable additional consideration to the needs of all types of users of varying cycling abilities, as well as more vulnerable road users such as disabled persons. The wide, often two-lane carriageway on the Old Shoreham Road was put in place in the 1970s prior to the A27 now being in place. In the context of current highway design standards, principles and objectives, the construction of a dual carriageway today within a compact residential area would not be appropriate.
- 4.3 The introduction of the temporary cycle lane on Old Shoreham Road has had no implications in terms of parking reduction, and the route does not feature significant amounts of 'active frontages' e.g., shops which may have had loading bay requirements etc. This further indicates why Old Shoreham Road is an ideal route to include in the City's Cycle Network, as it was implemented so easily with minimal disruption with regard to, for example, bus stops or removal of parking. These unique factors of this route would not be the case for many other routes in the city which would take much more consideration when implementing.
- 4.4 The draft LCWIP identifies the Old Shoreham Road as a priority cycling route, key to the city's strategic cycling network. The LCWIP work is based on evidence including the Propensity to Cycle Tool, a national tool used for cycle planning; this tool shows great potential for uptake of cycling on this route which serves many communities including Hangleton, Portslade and Mile Oak.
- 4.5 Looking permanently to improvements on the Old Shoreham Road is key, and this will come through the LCWIP and when future funding can be adequately secured, however the temporary cycle lane has shown the potential for small-scale improvements and the impact that this new space can have on journeys. There are limitations of a temporary scheme however, and it is important to build on the temporary cycle lane to bring permanent improvements for this space including wider benefits for other road users. These improvements will not be realised through removal. Monitoring data showed that cycling increased since the implementation of the temporary scheme and is having an effect on modal shift.
- 4.6 In March 2021 local authorities with previous 'Access Grant' fund status were invited to bid for further funding under the Government's new Capability Fund initiative, with the aim of providing investment into Active Travel related initiatives to complement the roll out of walking and cycling infrastructure. Brighton & Hove City Council's Capability Fund bid included proposals to use the funding towards

adult and child cycle training courses, workplace travel planning, school travel planning, personalised travel planning, gamification (the 'Better Points' rewards app), an e-bike pilot, LCWIP network planning and design & development. It also presented how we would ensure an inclusive approach to behaviour change projects, including a focus on underrepresented groups in cycling and meet requirements on evaluation and monitoring to assess impact on modal shift. The bid includes funding for 5 posts to deliver the projects.

4.7 On Friday 30<sup>th</sup> July 2021, the Transport Minister announced it would be withholding the Capability Funding grant from Brighton & Hove City Council until it had sought further assurances as to the status of the Old Shoreham Road Cycle Lane. It should be noted that without this funding the Council would not be able to proceed with a campaign of projects that fall under this remit. These projects include but are not limited to the following:

- Schools Cycle Training
- Schools Travel Campaigns, such as Walking to School Week
- Adult Cycle Training
- Walking Route Promotions, including funding for our Walking Project Officer
- Workplace travel planning, including supporting workplaces to return post-pandemic.

### **Context of road safety and traffic**

4.8 Retaining the cycle lane does not restrict access for residents who choose or have to drive, as the route is still served by carriageway widths well within current standards. However, the removal of a cycle facility would significantly reduce the safety of many residents choosing to make journeys by bike. While many cyclists also drive and drivers also cycle, by making these alterations to the road to remove existing safe cycling infrastructure, this will have the effect of removing residents' options to choose safe cycle routes where they live. While having the cycle lanes in place has reduced available road space for vehicles, vehicles are still provided with a safe option to travel on this route. This raises a significant concern about equality, for these people that have been able to use sustainable transport.

4.9 In January of this year, the council unanimously agreed to sign up to the Road Danger Reduction Charter. Signatories pledge to "Actively promote cycling and walking, which pose little threat to other road users, by taking positive and co-ordinated action to increase the safety and mobility of these benign modes."

4.10 Following a consultation, the Government is revising the highway code to include a 'hierarchy of road users' in order to "improve safety for pedestrians, particularly children, older adults and disabled people, cyclists and horse riders". This is expected to come into force in the autumn of this year. Protected cycle lanes have been proven to improve road safety for all road users, particularly those travelling by bicycle.

- 4.11 The consultation data showed us that of those respondents who said they had cycled on the Old Shoreham Road since the temporary cycle lane has been in place, 14.1% of those had previously cycled that journey, but using another route. The latent demand on this route, which is being realised via the temporary cycle lane and can be further realised in keeping and improving the route in place, is key. The Old Shoreham Road cycle lane was introduced during lockdown and recent Government announcements have urged councils to leave temporary cycle measures in place to give them time to establish.
- 4.12 Cycling is a sustainable mode of travel, while it is clearly evidenced that the impact of motor vehicles on our roads leads to increasing pollution, thereby reducing air quality and impacting upon the safety of our roads. High volumes of motor vehicle traffic have significant impacts for sustainability and contribute significantly toward the climate emergency. Creating space for safe cycling is a key part of efforts expressed both through national government and local policy, urging a shift in modes of travel towards sustainable change. This also forms one of the key agreed principles of the Local Transport Plan 5 and the Climate Assembly.
- 4.13 Traffic speeds along the Old Shoreham Road have been a serious concern for residents over the years with petitions and letters having been received by the Council from local residents calling for traffic calming along the route. By reducing road widths, with vehicles less likely to speed and attempt overtaking manoeuvres, the installation of cycle lanes act as a traffic calming feature. The removal of the cycle lane would negate these traffic calming benefits and greater incidents of fast moving traffic will likely mean this section of the road would become less safe and potentially lead to more accidents. The area has had one recent road fatality, in September 2017, an elderly pedestrian crossing Old Shoreham Road at Lullington Avenue.
- 4.14 While the temporary scheme is predominantly cycling-based, proposed improvements for pedestrians have been evident in the scheme, as reducing the traffic to one lane has removed traffic from the nearside lane and so traffic noise and fumes are further away from frontages and pedestrians, as well as making it easier to cross the road. Further improvements can be made for pedestrians through the planned scheme as presented to July committee, and these improvements suggest enhanced improvements to the route for pedestrians (e.g. crossings). This can be further enhanced by looking to permanent funding and solutions for the route.
- 4.15 There has also been an increase in the average number of people choosing to travel by bike along these protected routes, including many children and parents travelling to and from schools. From many of these people we have seen a behaviour change in their mode of travel: based on the consultation conducted in February – March 2021 35.9% of those who have cycled the lanes since installation said that their previous mode of travel on this route was by car. The removal of the cycle lanes is likely to lead to a suppression of this desire to travel via sustainable travel and a modal shift towards cars. Based on the consultation, 431 of the respondents who currently use the cycle lane said they would have previously cycled on the footway (4.1% of respondents who had used the cycle lane) which increases the likelihood of pedestrian/cycle conflict. Should the

lanes be removed these users are likely to return to cycling on the footway, due to a lack of a safe alternative on this direct route.

- 4.16 DfT conducted manual surveys in June 2016 and 2020 at Lullington Avenue in Hove, as well as the Council conducting a manual survey in July 2020. The introduction of the cycle lanes has shown increased cycling volumes along this route by up to 61% between 2016 data collected by the DfT and a seven-day count of cycles following the implementation of the lanes in July 2020. The DfT survey conducted in 2020 also recorded a 98.5% increase of cycles from their 2016 figure.

### **Sustainability context**

- 4.17 In April 2021, the UK Government announced the world's most ambitious climate change target, to reduce greenhouse gas emissions by 78% by 2035, compared to 1990 levels. This followed the recommendation of the UK Climate Change Committee's 6<sup>th</sup> Carbon Budget report. Since then, a UK Transport Decarbonisation Strategy has been published which emphasises the need to improve sustainable choices for travel.
- 4.18 Delivering this rapid transition to net zero requires all sectors to contribute and make substantial changes in the next decade, starting immediately. For transport, the Climate Change Committee's pathway reduces surface transport emissions by around 70% by 2035. This will require take-up of low-carbon technologies, low-carbon fuels and efficiency improvements for petrol and diesel vehicles, and significant behaviour change to reduce travel demand and shift journeys onto lower-carbon modes of transport such as cycling and walking.
- 4.19 The Climate Change Committee's scenario assumes that approximately 9% of car miles can be reduced (e.g., through increased home-working) or shifted to lower-carbon modes (such as walking, cycling and public transport) by 2035, increasing to 17% by 2050. The opportunities presented to lock-in positive behaviours seen during the COVID-19 pandemic are key enablers.
- 4.20 In December 2018, BHCC committed to cutting greenhouse gas emissions, with a target for the city to be carbon neutral by 2030. In 2018, the most recent year for which greenhouse gas emissions data is available, transport contributed 419,000 tonnes of CO<sub>2</sub>e (carbon dioxide equivalent), equivalent to 33.4% of emissions in the city of Brighton & Hove. Emissions attributable to walking and cycling are so small as not to be measurable, so the overwhelming majority of the emissions came from cars, vans, lorries, buses, and aviation. Emissions from transport have reduced much more slowly over the last decade in Brighton & Hove, than emissions from domestic or commercial settings.
- 4.21 Promoting active travel, along with providing safe infrastructure, is a critical element in reducing greenhouse gas emissions in BHCC and meeting the council's climate target. It is an option which is immediately available, unlike some technologies which are still at trial stage like hydrogen fuel for freight. Active travel is a low-cost travel choice compared to some of the more challenging and expensive measures such as large-scale transition to electric vehicles. There are additional co-benefits to health from a more active lifestyle and improved air quality.

### **Implications of keeping the cycle lane in**

- 4.22 Retaining the cycle lanes and further improving them will likely lead to additional modal shift toward cycling as the early monitoring data has shown such modal shift is already underway. As outlined above the consultation data demonstrates many residents choose to cycle where they had previously driven.
- 4.23 The council has a number of outreach projects in the city such as cycle training, School Travel Plans, and infrastructure schemes all of which work towards creating a safe cycle network for a range of users of varying abilities. Further information on the benefits and approach for developing cycling can be found in the Government's report - A Moment of Change: Increasing Cycling Uptake. Routes, particularly those connected well to schools, support the aims of these projects and streams of work.
- 4.24 Maintaining the cycle lanes will also mean we maintain the road safety benefits for both cyclists and pedestrians. Additional modal shift towards cycling will assist the Council in meeting its commitments for carbon reduction, public health, and sustainable transport, among others.

### **Implications of partially maintaining the cycle lane from Holmes Avenue to The Drive**

- 4.25 Between Hangleton Road and Holmes Avenue there was previously a formal dual carriageway with lane markings delineating two lanes in both directions. One lane in each direction was reallocated as a separated cycle lane from May 2020 onwards.
- 4.26 From the section from Holmes Avenue to the Sackville Road junction, although wide, the road previously acted as an informal two-lane carriageway in places but was predominately only wide enough for one lane of traffic to travel safely in both directions. The introduction of the cycle lane in this section has assisted in creating more disciplined movement of traffic creating a safer environment, which is particularly important given this stretch has a high number of residential frontages. Removing the cycle lane will not introduce significant additional capacity for vehicular traffic along this section of the route.
- 4.27 This is also the case for the section of the route from Sackville Road to The Drive – no significant additional vehicular capacity would be gained by removing the cycle lane. The cycle lane also connects from here into a wider cycle network including Old Shoreham Road to the east and The Drive / Grand Avenue to the south.
- 4.28 It is therefore recommended that whatever the broader decision by this committee on the Phase 1 cycle lanes, the section from Holmes Avenue to The Drive should be retained as there is no substantive benefit to vehicular traffic from its removal. DfT require us to improve safety for cyclists and increase provision of facilities, not remove them unnecessarily. Local Authorities who have removed cycle lanes without good reason have been known to face consequences from DfT, for example reduced future funding or inability to access future funding.

## Implications of removing the cycle lane

- 4.29 It must be taken into consideration that no consultation has been taken into the removal of the cycle lane on Old Shoreham Road. This is now contrary to the revised statutory guidance published by Government, which states that any decisions on whether to remove or modify them must be publicly consulted on with the same rigour as we require for decisions to install them. While significant consultation was conducted at the beginning of the year on proposed alteration and extension of the cycle lanes, this did not propose their removal as an option. The guidance monitoring must be undertaken in 'normal traffic' conditions. The guidance also states, "Adjustments may be necessary to take account of real-world feedback, but the aim should be to retain schemes and adjust, not remove them, unless there is substantial evidence to support this".
- 4.30 The above notwithstanding the detail of road safety, considerations have been set out above and states that the removal of the cycle lane would significantly reduce the safety of cyclists in this area, this would also be contrary to agreed key outcomes of the Local Transport Plan 5, approved at June ETS committee, including for '*Safe, healthy and welcoming streets and neighbourhoods*'.
- 4.31 When an area has the introduction of additional or new road space, this has the effect of inducing traffic. Induced demand refers to when new space is created, and motor vehicles fill this space. Over time a critical mass is reached between accessibility of motor vehicle and space. In previous decades we have dealt with the additional congestion by providing further space for vehicles, however this then repeats the problem by seeing the space filled again. In a modern transport planning context, it would not be appropriate to construct a road with this much vehicle capacity in a built-up residential area, as the space on the road itself induces traffic.
- 4.32 In summary from a road safety perspective, while taking road space for cycling has led to reduced road space for vehicles, this route has still remained an option for vehicles to use throughout. By removing the cycle lanes, it would remove the only safe option for cycling along this route, risking the physical safety of cyclists in this area.
- 4.33 The council must also consider future funding risks. Warnings from government with regard to removing cycle lanes underline the risk that this may potentially damage the council's reputation and have implications for our credibility in terms of future funding bids to government. For example, West Sussex County Council have been excluded from the Tranche 3 funding round for removing cycle lanes.
- 4.34 Full financial implications are set out below but in summary the costs of removal are estimated to be £50,000. This would not be able to be funded by the DfT's Active Travel Fund, as this funding is for putting in place improvements to walking and cycling, not removing and reducing them. The funding would need to be sourced from other council budgets or reserves.

- 4.35 In terms of equalities, full implications are set out in the section below and in the accompanying Equalities Impact Assessment (EIA) in appendix 1. In summary, removal of the Old Shoreham Road cycle lane would disproportionately impact: young people and families cycling and walking to educational institutions and other destinations; women as they are more likely to travel with children and less likely to cycle if they feel unsafe; as well as disabled people – the consultation has shown that some disabled people are now cycling on the Old Shoreham Road and feel safer and more confident as a result of the temporary cycle lanes. Furthermore, to be in receipt of the Tranche 2 funding we must comply with DfT's Local Transport Note 1.20 (LTN1/20) cycle design guidance, which states that infrastructure must be accessible for all. Removing the cycle lane and leaving users without a safe cycle facility on this part of this network would not be consistent with this.
- 4.36 The cumulative impact also needs consideration - replacing the temporary cycle lanes with alternative, less direct routes may discourage commuters from travelling actively into the city for work rather than driving, leading to a potential increase in congestion. Removing the cycle lanes may also increase road safety risk to vulnerable road users as detailed above. Additionally, the removal of the cycle lanes may increase levels of air pollution and congestion as people who previously cycled on the route may return to using their car.

## **5. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 5.1 The Environment, Transport and Sustainability committee have asked officers to explore alternative local routes for a temporary scheme including but not limited to, Portland Road and New Church Road, in consultation with local residents and bring a report back to the committee with potential options.
- 5.2 The temporary cycle lanes on Old Shoreham Road and the seafront were put in place in Spring / Summer 2020, within weeks, due to central government expectations set out in the statutory guidance referred to above for the need for safe routes to urgently be put in place to increase space for active travel and reduced capacity on public transport. The proposed extensions and improvements to these schemes were suggested in the Tranche 2 bid in August 2020 and have been developed in further detail over the last year.
- 5.3 Other areas where sustainable routes can be provided (such as Portland Road and New Church Road), do not function as a direct access alternative for existing users of that route and can only be considered as an addition to existing routes and not as an alternative. For example, the pupils who attend the below schools that are in and around Old Shoreham Road would not directly benefit from a cycle route in a different part of the city that is not geographically linked to the location of the below schools:
- Hove Park Upper School and Sixth Form centre, 1,214 Pupils
  - Bilingual Primary school, 544 Pupils
  - The Drive Preparatory School, 180 Pupils
  - Goldstone Primary, 669 Pupils
  - Benfield Primary, 256 Pupils
  - Cardinal Newman Catholic School, 2,452 Pupils
  - Cottesmore St Mary's Catholic Primary School, 422 Pupils

- Aldrington CofE Primary School, 434 Pupils

\*source for pupils' numbers: Department for Education formal registry.

This is totalling 6,171 pupils who would suffer detriment to their existing option to travel via this existing route, which is well connected to these locations. It is considered that these school pupils are unlikely to secure a benefit from the loss of the Old Shoreham Road route and a new route on Portland Road.

- 5.4 The funding can only be spent on active travel schemes compliant with LTN 1/20 Cycling Design Guidance. Reallocation to new active travel schemes elsewhere in the city is not considered feasible at this time. This is because of the timescales to design, consult and implement schemes means there is insufficient time to enable delivery by the March 2022 funding deadline, even if DfT were to agree to this in principle. Obtaining their agreement is not certain and early indications, including through the decision to withhold funding, are that the DfT would see the removal of the Old Shoreham road cycle lane in a very negative light.

### **Consideration of alternative routes**

- 5.5 Considering new temporary cycle route schemes now, a year on from the initial schemes being put in place, is not considered appropriate. This is due to a number of reasons, principally that the urgency with which we were previously required to implement schemes has now changed, the capacity on public transport has now returned, and that large schemes (including temporary schemes) will require prior consultation, in line with DfT guidance on Tranche 2 of the Active Travel Fund, learning lessons from Tranche 1
- 5.6 There is therefore no potential to bring in new temporary cycle route schemes at this late stage of the Tranche 2 funding, not least because of the time pressures to deliver schemes by end of March 2022, which means there would not be time to design, consult on and deliver completely new schemes given the need for a comprehensive and inclusive consultation process. This applies to not only New Church Road and Portland Road but any other new temporary routes that may be considered at this late stage of the Tranche 2 funding.
- 5.7 Notwithstanding the above, the nature of New Church Road and Portland Road are very different to Old Shoreham Road, including but not limited to the following factors – availability of space, number of bus routes / bus movements / bus stops, active frontages, parking and loading requirements; all of which would make the implementation of a temporary scheme extremely difficult technically and could only be overcome or mitigated with long term engineering solutions which would require significantly more funding.
- 5.8 New Church Road (along with Church Road / Western Road) features as a priority route in the strategic cycling network as part of the draft LCWIP, and Portland Road features as a strategic route. This is due to their differing functions and catchments, along with other key east-west cycle routes in the city such as the A259 and A270 Old Shoreham Road. It is important strategically that a joined up, comprehensive cycle network is achieved in the city in order to facilitate the change to active travel needed for carbon reduction and other committed outcomes.



- 5.9 While the LCWIP sets out the strategic need for these routes, the document is high level and does not detail the *type* of intervention required. This comes at a later stage when the scheme is developed in more detail (including consultation). The presence of schemes in the LCWIP will allow the council to make the case for future funding to improve the areas not only for cyclists but for pedestrians, public transport users and disabled drivers.
- 5.10 There are currently plans in development for active travel improvements on Portland Road. As part of the delivery of the on-going S106 (developer funded) programme of works, plans are being developed to introduce a series of junction improvements along sections of Portland Road. Key aims of the scheme are to improve visibility at junctions via build-outs and/or raised tables, improve pedestrian safety through improved visibility and reduced crossing distances, speed reduction on Portland Road through the introduction of central hatch markings to visually narrow the carriageway and through tighter junctions to slow turning vehicles, improved cycle safety through the introduction of parking buffer zones and cycle symbols to encourage cyclists to take a primary position adjacent to hazards such as junctions and parked vehicles, improved cycle infrastructure with the addition of cycle parking along the corridor. These plans are currently at the design stage with a view to implementing the outcomes this financial year. The scheme will include improvements to the following junctions along the corridor: Ingram Crescent (East & West), Coleman Avenue, Portland Road, School Road, Grange Road and Rutland Gardens.
- 5.11 The Wish & Westbourne area has been proposed as a ‘Mini Hollands’ area to be considered for further feasibility funding in the council’s Expression of Interest to DfT in August 2021. This includes both Portland Road and New Church Road as well as the wider area. The New Church Road / Church Road corridor has also been submitted for feasibility funding as part of the Active Travel Fund bid to DfT. The schemes could therefore be considered in further detail as part of these funding proposals or a related strategic funding proposal if these are unsuccessful.
- 5.12 In summary, the option of considering New Church Road and Portland Road as a replacement to the cycle lane to Old Shoreham Road is not straightforward as these routes do not serve the same parts of the city. The options for a similar temporary lane in these locations has been reviewed and it is not considered appropriate to proceed with these cycle lane schemes or others on a temporary basis using Tranche 2 funding, nor that these can be delivered within this timescale. It is recommended that existing means to deliver these routes in addition to the Old Shoreham Road continue to be explored, in line with plans to facilitate a cycle network for the city.

## **6. COMMUNITY ENGAGEMENT & CONSULTATION**

- 6.1 Public and community engagement was carried out extensively on the existing and proposed improvements to the Old Shoreham Road cycle route (and three other Active Travel Fund schemes) in February and March 2021. Full details of this consultation can be found in the 21st July ETS committee report.

- 6.2 The consultation showed that respondents were concerned about road safety and other issues in the city - across the issues of air quality, traffic noise, traffic congestion and road safety, over 50% of respondents agree or strongly agree that the council should act. The area which most respondents agree with is to improve road safety (78.2%).
- 6.3 In terms of themed responses to open comments, the most common themed comments included that the cycle lanes are causing congestion / pollution / noise; that it's dangerous and confusing, and the perception that cyclists are not using it and still using the pavement. Following these top three comments were the themes of general positive and general negative comments.
- 6.4 Over 75% of respondents who have used the temporary cycle lane since its installation said they felt safe or very safe while using it during the day. Opinions on the existing temporary cycle lane from The Drive to Hangleton Road varied considerably depending on how people travelled in the area. Cyclists who have used the lane commented positively on it, whereas nonusers were more likely to be negative. Cyclists and pedestrians in the area also gave higher levels of positive comments compared to car drivers.
- 6.5 Last summer two petitions were circulated relating to the cycle infrastructure on the Old Shoreham Road. One was for the removal of the cycle facilities which received 4,610 signatures; and the other was to make the facilities permanent which received 5,135 signatures.
- 6.6 No additional consultation or engagement has been carried out between the 21<sup>st</sup> July committee and writing this report due to the timescales. This is in direct contradiction to the new Department for Transport's Section 18, Traffic Management Act 2004 guidance as issued on the 30th July 2021. The Department for Transport has released this statement with the newly revised guidance: "any decisions on whether to remove or modify them (Transport scheme) must be publicly consulted on with the same rigour as we require for decisions to install them. This guidance lays out new standards for consultation, including the use of objective methods, such as professional polling, to provide a genuine picture of local opinion, rather than listening only to the loudest voices."

## **7. CONCLUSION**

- 7.1 This report sets out the implications of removing Phase 1 of the Old Shoreham Road cycle lane. The implications of proceeding with the scheme removal would be far-reaching and detrimental in many areas, including for road safety, environment, public health, financially and equalities.
- 7.2 Furthermore, the removal of schemes would hamper progress on the aim of delivering high-quality infrastructure and is likely to significantly affect our future ability to gain funding for making wide-ranging permanent improvements to benefit all. As stated, this process for removal also contradicts the revised recently published statutory guidance referred to in this report.
- 7.3 The recommendations therefore propose retaining the Phase 1 section of Old Shoreham Road temporary cycle lanes.

- 7.4 Whatever the broader decision by this committee on the Phase 1 cycle lanes, the recommendation is that the section from Holmes Avenue to The Drive should be retained as there is no substantive benefit to vehicular traffic from its removal. Furthermore, the removal of this section would only serve to reduce the safety and environment amenity for all those using it.

## **8. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 8.1 The council was awarded £2,376,000m through Tranche 2 of the Active Travel Fund and £0.249m was allocated to further improvements to the phase 1 temporary cycle lane on Old Shoreham Road.
- 8.2 Should these funds not be used as intended within the grant application then the council would need to request reallocation from the DfT although the timescales to design, consult and implement an alternative scheme by March 2022 is not believed to be achievable. Reallocation within the city is not certain and potentially this grant funding would be lost.
- 8.3 If the committee agrees to remove the phase 1 temporary cycle lane on Old Shoreham Road, this will cost an estimated £0.050m; however, if the section between Holmes Avenue and The Drive grant is retained this will reduce to £0.020m. There is no funding set aside to cover this cost and the Active Travel funding cannot be used for this purpose. Therefore, this additional cost would need to come from existing capital resources within the Local Transport Plan and so expenditure plans for this capital programme would need to be reprioritised to accommodate this additional expenditure.
- 8.4 The DfT have stated in a letter to all transport authorities that schemes need to be allowed to bed in and tested against normal traffic conditions; premature removal of schemes without time to demonstrate a difference would waste taxpayers money. The DfT can and have sanctioned councils who have removed the phase 1 active travel measures by removing funding and/or removing access to future Active Travel Funding rounds.
- 8.5 Whilst it is not certain how the DfT would view the removal of the Old Shoreham Road cycle lane, there is a high risk the council would not be able to bid for Tranche 3 of the Active Travel Fund where the council would be expecting to bid for £3-£3.5 million to support the Local Cycling and Walking Infrastructure plan. This is evidenced by the DfT barring West Sussex Council from bidding.
- 8.6 In addition, the council is due to receive £0.278m through the Capability Fund from the DfT which is being used to support a range of transport behaviour change projects for example, child cycle training courses and targeted support for underrepresented groups in cycling (e.g., Women). The DfT have notified the council that they will be writing shortly to seek additional assurances in relation to the Active Travel Fund's schemes before releasing this funding and have cited concerns over Active Travel measures being removed in Brighton and Hove. The potential loss of this revenue grant has no alternative funding and will reduce the capacity of the council to support transport behaviour change.

Finance Officer Consulted: James Hengeveld

Date: 02/082021

Legal Implications:

- 8.7 The Old Shoreham Road cycle lanes were introduced by the Council, as local traffic authority, using powers available to it under its network management duty set out in section 16 of the Traffic Management Act 2004. Section 16 states that a local traffic authority is a “network management authority”.
- 8.8 The statutory guidance referred to in the report was published under section 18 of the 2004 Act. Section 18(2) requires that in performing its network management duties a network management authority shall have regard to such guidance.
- 8.9 Insofar as the Old Shoreham Road cycle lanes were introduced under the 2004 Act, as opposed to by way of traffic regulation order (TRO), there is no TRO to revoke in connection with their removal. However, in considering whether the cycle lanes should be removed the Committee must have regard to the statutory guidance issued under section 18 of the 2004 Act and as referred to in this report.

Lawyer Consulted:

Name Hilary Woodward

Date: 2/8/21

Equalities Implications:

- 8.10 Statutory guidance from Department for Transport (DfT) updated in February 2021 reiterates that the public sector equality duty continues to apply as Local Authorities make changes to their road networks in response to Covid-19. The Council must ensure that elements of a scheme do not discriminate, directly or indirectly, and must consider their duty to make reasonable adjustments anticipating the needs of those with protected characteristics. The guidance emphasises that groups representing disabled people and others with protected characteristics should be consulted at an early stage of scheme development and accessibility requirements apply to both temporary and permanent measures.
- 8.11 DfT’s Local Transport Note 1.20 (LTN1/20) which sets the standards for cycling design, and which Local Authorities receiving the Active Travel Fund Tranche 2 funding must abide by, states: (4.5.11): *Local authorities are bound by the Equality Act 2010 in discharging their functions, which includes managing their road networks. Designers should provide infrastructure that is accessible to all, and the dimensions and other features set out in this guidance should help ensure that their designs comply with the Public Sector Equality Duty.*
- 8.12 Officers have conducted an Equality Impact Assessment (EIA) in July 2021, as is standard with proposed alteration to the public highway. This EIA specifically considers the disproportionate equality impacts that may come about by removing the temporary cycle lanes on Old Shoreham Road.

- 8.13 The EIA finds that overall, the removal of the temporary cycle lanes on Old Shoreham Road (A270) is likely to have a disproportionate impact on families, particularly children, women and disabled persons who are using the lanes as a safe, protected cycling route to access the city and local education settings together.
- 8.14 The report finds that “Feedback from recent public consultation indicates that more people who previously did not feel safe or confident cycling on Old Shoreham Road now do, following the introduction of the protected cycle lanes, including disabled people. It is likely that these people will return to using other modes of transport to travel in the area if the temporary cycle lanes are removed. This may increase congestion and lead to poorer air quality in the area. It will also have an impact on people’s level of physical activity and health.”
- 8.15 It is therefore important that the proposed changes or the removal of the cycle lane on the Old Shoreham Road meet physical accessibility standards, so as not to negatively impact on disabled people and the safe reopening of the city by supporting people to access employment, education, retail, and leisure.
- 8.16 Data from the city’s Local Transport Plan shows that more than half of children walk scoot or cycle to primary and secondary schools in the city. In addition, more than half of resident’s commute to work by foot, cycle, or public transport. Over a third of households in the city do not own a car or have one available.
- 8.17 Additional data also shows that around 158 people a year are seriously injured on the city’s roads. More than half of the people killed or seriously injured on the city’s roads are pedestrians or pedal cyclists.
- 8.18 The Future of Mobility review conducted by the Government Office for Science explores inequalities in mobility and access in the UK transport system. The reports states that that the lowest income households have higher levels of non-car ownership.
- 8.19 Current experiences and challenges show that children generally lack the ability to travel independently due to their age. They are more likely to not have access to their own private transport. This makes them more vulnerable to the effects of social isolation and community severance when transport is not available. In particular, the availability and affordability of transport can contribute to children’s access to important social resources.
- 8.20 Access to transport affects attendance at before or after school clubs and extracurricular activities, with some children likely to be more reliant on public transport or active travel modes, if their parents or carers are not available to provide connections via private car. Safety is a key part of all our travel experiences, and this is especially prevalent for children, who have a less developed judgement of speed and special awareness. Road casualty data highlights that children have historically tended to be disproportionately involved in accidents as pedestrians (58% of recorded fatalities were children in 2018) and car passengers (31% of recorded fatalities were children in 2017).

#### Sustainability Implications:

- 8.21 The measures will reduce the transport network for sustainable modes of transport by reallocating road space toward motor vehicles. vehicles and dissuade residents and visitors from traveling by sustainable modes. The Old Shoreham Road cycle lane is a key part of the sustainable transport network and removal would have a negative impact on sustainability. The wider sustainability implications have been outlined in paragraphs 4.17 to 4.21.

#### Brexit Implications:

- 8.22 No direct implications.

#### Crime & Disorder Implications:

- 8.23 No direct implications.

#### Risk and Opportunity Management Implications:

- 8.24 Each component project maintains a risk register. Significant risks or those where the risk has increased are reported to the Active Travel Fund Project Board. This meets monthly and agrees actions to manage and mitigate these risks where required.
- 8.25 Key opportunities are also noted as they are identified by officer or raised in consultation with resident and key stake holders. These are then taken to the Active Travel Fund Project Board to be discussed and progressed as seen fit.

#### Public Health Implications:

- 8.26 Retaining the cycle lane on Old Shoreham Road would have positive short and long term public health impacts. If the lane is removed this is likely to further limit the uptake of active travel across the city and provide both short- and long-term detriment to the mental and physical health of our residents. This approach would go against the objectives of the Brighton & Hove Health and Wellbeing Strategy which states that “Brighton & Hove will be a place which helps people to be healthy” with areas for action including:
- More people will travel actively, and walking and cycling will be prioritised, benefitting physical and mental health.
  - Air quality will be improved
- 8.27 The development of the Health & Wellbeing Strategy was informed by robust public health evidence including Public Health England’s review of the health benefits of walking and cycling, which shows that:
- people who cycle have improved metabolic health and a reduced risk of premature mortality
  - cycling reduces the risk factors for a number of diseases, including cardiovascular disease, respiratory disease, some cancers, and Type II diabetes

- cycling also has positive effects on mental health and general wellbeing. The mental health and neurological benefits include reduced risk of dementia, improved sleep quality, and a greater sense of wellbeing
  - in environmental terms, health benefits accrue for the general population from a reduction in pollution due to car use and a decrease in road congestion
  - the evidence is that the health benefits of cycling outweigh any potential health risks and harms – for example from injury or pollution
- 8.28 Public Health England also concluded that the weight of evidence suggests that if walking and cycling can be increased, they have potential to lead to important health gains at the population level, and thus benefit the NHS and the wider health and care system.
- 8.29 By widening the road to two lanes again induced traffic would be created, which is covered in more detail in section 4 for the Old Shoreham Road. This will not reduce traffic nor the polluting footprint of the road and is likely to see the air quality for the area reduced which will have a knock-on effect to people’s health and wellbeing.
- 8.30 Furthermore, by removing high quality cycle facilities from key routes serving communities and facilities such as schools and employment, the potential for usage of active travel will be decreased and residents will be more likely to need to use their cars rather than walking or cycling, thus reducing benefits to their physical and mental health & wellbeing.
- 8.31 Limiting uptake of active travel across the city will provide both short- and long-term detriment to the mental and physical health of our residents. This approach goes against the implementation of the Brighton & Hove Health and Wellbeing Strategy. This is likely to lead to additional cost to the National Health Service, contribute toward obesity, as well as other life debilitating illness and reduce road safety which is like to lead to increase accident rates.
- 8.32 As outlined in B&HCC’s own [2019 Air Quality Annual Status Report](#) for the combined influence of pollutants in the air, the latest national figure for deaths brought forward is 36,000. For Brighton & Hove Public Health Outcome Framework estimate for PM<sub>2.5</sub> plus NO<sub>2</sub> is 175 death a year.
- 8.33 Furthermore, by removing high quality cycle facilities from key routes serving communities and facilities such as schools and employment, the potential for usage of active travel will be decreased and residents will be more likely to need to use their cars rather than walking or cycling, thus reducing benefits to their physical and mental health & wellbeing.

Corporate / Citywide Implications:

- 8.34 The measures to maintain the recommended sections of the temporary cycle lane on will support the two of the three key principle of the new Local Transport Plan 5, as agreed by the ETS committee on 22 June 2021. Or, Removal of the temporary cycle lane on Old Shoreham road will move away from these, which are as follows:
- Avoiding or reducing the frequency and length of trips we make by vehicles

- Promote walking and cycling for shorter journeys, and public transport for longer journeys.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Equality Impact Assessment
2. Proposed Plans OSR
3. Letter from Minister of State for Transport

### **Background Documents**

1. Local Transport Note 1/20
2. New Local Transport Plan 5
3. Developing a new Transport Plan for Brighton & Hove
4. Local Cycling & Walking Infrastructure Plan (LCWIP)
5. Traffic Management Act 2004
6. UK Transport Decarbonisation Strategy



# Short Equality Impact and Outcome Assessment (EIA)

**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-users<sup>1</sup>. They analyse how all our work as a council might impact differently on different groups<sup>2</sup>. They help us make good decisions and evidence how we have reached these decisions<sup>3</sup>.

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 needed<sup>4</sup>.

<b>Title of EIA<sup>5</sup></b>	Removal / relocation of temporary cycle lane on Old Shoreham Road (A270)	<b>ID No.<sup>6</sup></b>	
<b>Team/Department<sup>7</sup></b>	City Transport		
<b>Focus of EIA<sup>8</sup></b>	<p>On 9 May 2020 the government issued statutory guidance “Traffic Management Act 2004: network management in response to COVID-19” setting an imperative for Local Authorities to meaningfully reallocate road space for walking and cycling to encourage more active travel, support recovery from the Covid-19 emergency and provide a lasting legacy of sustainable, safer transport. In particular, authorities were required to monitor and evaluate any temporary measures they install, with a view to making them permanent, and embedding a long-term shift to active travel.</p> <p>Note the guidance was updated on 23 May 2020 and 25 February 2021 – see <a href="https://www.gov.uk/government/publications/reallocating-road-space-in-response-to-covid-19-statutory-guidance-for-local-authorities/traffic-management-act-2004-network-management-in-response-to-covid-19">https://www.gov.uk/government/publications/reallocating-road-space-in-response-to-covid-19-statutory-guidance-for-local-authorities/traffic-management-act-2004-network-management-in-response-to-covid-19</a></p> <p>During lockdown vehicle movements were as much as 60% lower than usual and more people were cycling for a variety of purposes, including pleasure and exercise, and choosing to walk, rather than drive for short journeys.</p>		

As an immediate measure, following the government guidance, road space on both sides of Old Shoreham Road (A270) from The Drive to Hangleton Road (approx. 1.7 miles) was temporarily reallocated for people choosing to cycle, with new road markings and temporary signs. This was done as part of the Council's urgent response to the pandemic, under the Traffic Signs Regulations and General Directions 2016. The addition of light segregation (plastic wands) along the temporary cycle lanes was made in June, to increase safety along the route.

An Equality Impact Assessment (EIA EEC-19) was undertaken on a range of urgent transport measures as part of a wider Transport Action Plan, including the impacts of the temporary cycle lane on Old Shoreham Road.

In June 2020 Members agreed to continue monitoring the impact of the temporary cycle lanes rather than changing or removing them, and in September 2020 agreed they should remain in place whilst the threat from Covid-19 was again escalating. An informal, online public survey on the existing temporary transport measures was also launched in June 2020 to provide a dedicated channel for people to share their views on the changes.

Further views on this stretch of temporary cycle lanes were then sought as part of a formal public consultation held in January – March 2021, alongside proposals to extend the route. The consultation results were collated and presented to members at the July Special meeting of the Environment, Transport and Sustainability (ETS) committee. The recommendation based on the consultation was to retain the Phase 1 Old Shoreham Road temporary scheme with safety improvements, but not to proceed with Phase 2 to the western border at this time. Members requested that officers consider removing the existing Phase 1 temporary cycle lanes on Old Shoreham Road and explore alternative local routes for a temporary scheme, including but not limited to, Portland Road and New Church Road, in consultation with local residents and bring a report back to an urgency committee with potential options.

This EIA considers the risk of disproportionate equality impacts from removing the temporary cycle lanes on Old Shoreham Road or providing alternative local temporary cycling routes. In doing so, the assessment refers to the feedback received through direct customer contact, formal public consultation, public engagement in committee meetings, officer/stakeholder meetings with community/representative groups and a range of other local data and intelligence sources. It also draws on the information within EIA EEC-19.

## Assessment of overall impacts and any further recommendations<sup>9</sup>

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

Overall the removal of the temporary cycle lanes on Old Shoreham Road (A270) is likely to have a disproportionate impact on members of families, particularly children and women, who are using the lanes as a safe, protected cycling route to access the city and local education settings together or, in the case of secondary age children, independently.

Feedback from recent public consultation indicates that following the introduction of the protected cycle lanes more people who previously did not feel safe or confident cycling on Old Shoreham Road now do so, including disabled people. It is likely that these people will return to using other modes of transport to travel in the area, or make fewer independent trips, if the temporary cycle lanes are removed. This may increase congestion and lead to poorer air quality in the area. It will also have an impact on people's level of physical activity and health, as well as see a decline in mental health. It will also lead to a loss of independent mobility by some people.

While cycling routes in other areas of the city such as Portland Road and New Church Road might potentially be of benefits to residents, businesses and educational establishments in those areas, they would not act as an alternative to all cycle trips along the Old Shoreham Road. Based on the government's Propensity to Cycle Tool, around 25% of the demand for east-west trips between Hove and Portslade is served by the Old Shoreham Road lanes.

In particular, the ability for residents who live, work or attend education establishments along Old Shoreham Road to access these safely by cycle would be heavily restricted, and children and disabled people who cycle may find this is removed entirely. This is due to the likely increase in traffic along the road, with a return to higher speeds, which would lead to an increase in crash rates and perceived risk forcing more risk averse road users off the road. This would have a particular effects on individuals with a higher perception of risk, notably older people.

Potential issues	Mitigating actions
<ul style="list-style-type: none"> <li>• <b>Age</b> – Removal of the temporary cycle lanes will mean children and their parents or carers have no safe, direct cycling route to access school / educational settings in the vicinity of Old Shoreham Road. This may have a greater impact on women, as evidence clearly shows they are more likely to accompany children on the 'school run'.</li> <li>• <b>Age</b> – Older people generally have a higher perception of risk and are therefore less likely to wish to cycle in mixed</li> </ul>	<ul style="list-style-type: none"> <li>• Retain entirety of existing cycle route with minor changes at key locations</li> <li>• Retain part of existing cycle route along single carriageway section, with minor changes at key locations</li> <li>• Improve existing route with clear signage, street markings and improvements at junctions.</li> <li>• Implement additional pedestrian improvements along the Old Shoreham Road route, including at Newtown Road and</li> </ul>

traffic

- **Sex/Gender**- Removal of the temporary cycle lanes may mean women are less likely to cycle in the area as they do not feel safe (physically and socially).
- **Disability** – Removal of the cycle lanes may discourage disabled cycle users from cycling in the city. Feedback from the public consultation indicates some disabled people are now cycling on Old Shoreham Road because they feel safer and more confident doing so as a result of the temporary cycle lanes.
- **Mental health** – Old Shoreham Road is close to Mill View Hospital which offers community mental health services and other support. Cycling has been proven to have mental health benefits and patients being treated at the hospital would no longer be able to cycle there safely, reducing any benefits
- **Cumulative impact** – Removal of the temporary cycle lanes may increase the risk of cyclist / motorist collision and reduce cyclist safety. 431 respondents to the public consultation who used to cycle along this route before the cycle lanes were installed are using the lanes instead of the unprotected pavement. Removal of the lane will increase risk to pedestrians as some of these cyclists may revert to using the pavement, albeit illegally.
- **Cumulative impact** - 14.1% of users of this cycle route said that, whilst they would have cycled an East to West journey in this area, they would not have previously chosen Old Shoreham Road as their cycling route without the new cycle lane. 67.3% of cyclists who responded to the public consultation were satisfied or very satisfied with general safety of cycling along the Old Shoreham Road with the temporary cycle lanes in place.
- **Cumulative impact** – Removal of cycle lanes may increase levels of air pollution and congestion as people who previously cycled on the route are likely to return to using their car. Of those who had used the cycle lanes, 35.9% of

Hove Park.

respondents to the public consultation indicated their previous mode of transport was a car.

- **Cumulative impact** – Replacing the temporary cycle lanes with additional general traffic lanes is likely to discourage commuters from travelling actively into the city for work rather than driving, leading to a potential increase in congestion and reduction in air quality.
- **Other: Social inclusion** – Without a safe cycling route there will be fewer alternative travel options for those on lower incomes who may be unable to afford car ownership. More than 4,500 people living in the vicinity of the Old Shoreham Road temporary cycle lanes are in the most deprived 20% of areas in England.<sup>1</sup>
- **Other: health** – Removal of cycle lanes will reduce the opportunities people have to be physically active and stay healthy. There are only 38 km of dedicated cycle routes in the city, compared with 634km of road.<sup>2</sup> Over 60% of adults (aged 16+) living in the vicinity of the Old Shoreham Road temporary cycle lanes are already physically active and may be more likely to use a cycling facility in the area.<sup>3</sup>

### Actions planned<sup>10</sup>

- Ensure the Action Plan supports areas that are ‘transport poor’ and people in areas of multiple deprivation
- Work with schools near Old Shoreham Road to ensure pupils returning in September 2021 are aware of cycling and walking provision in place at that time

**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)

<sup>1</sup> Source: Indices of Multiple Deprivation 2019, available at Brighton and Hove Community Insight map ([www.brighton-hove.communityinsight.org/#](http://www.brighton-hove.communityinsight.org/#))

<sup>2</sup> Statistics as at 2018

<sup>3</sup> Physically active = participating in more than 150 minutes of physical activity in a week. Source: Sport England (Active Lives Adult Survey), 2018, available at Brighton and Hove Community Insight map ([www.brighton-hove.communityinsight.org/#](http://www.brighton-hove.communityinsight.org/#))

**Lead Equality Impact Assessment officer: James Hammond**

**Date: 3<sup>rd</sup> August 2021**

**Communities, Equality Team and Third Sector officer: BHCC Equalities Team**

**Date: Under review**

## Guidance end-notes

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<sup>1</sup> 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.

### <sup>2</sup> 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

<sup>3</sup> 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.

#### <sup>4</sup> **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.

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

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

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

<sup>8</sup> **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:



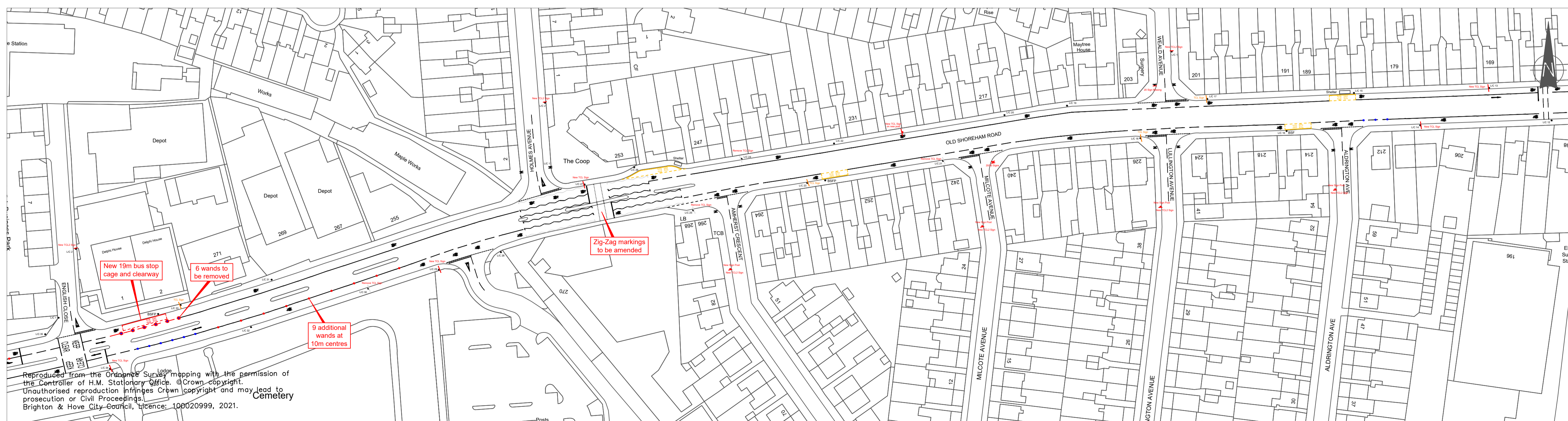
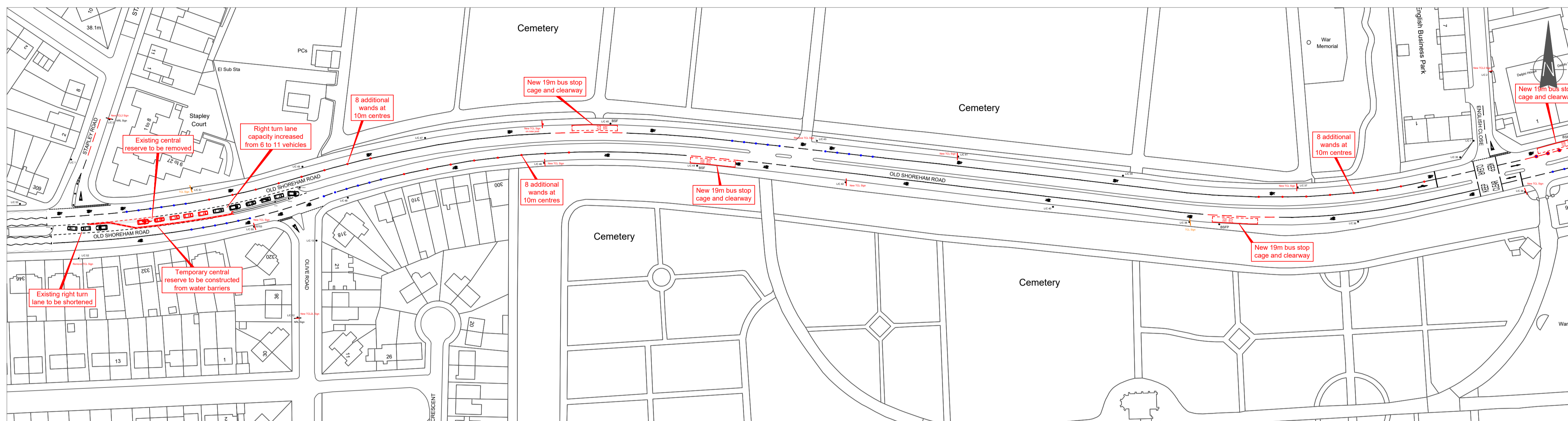
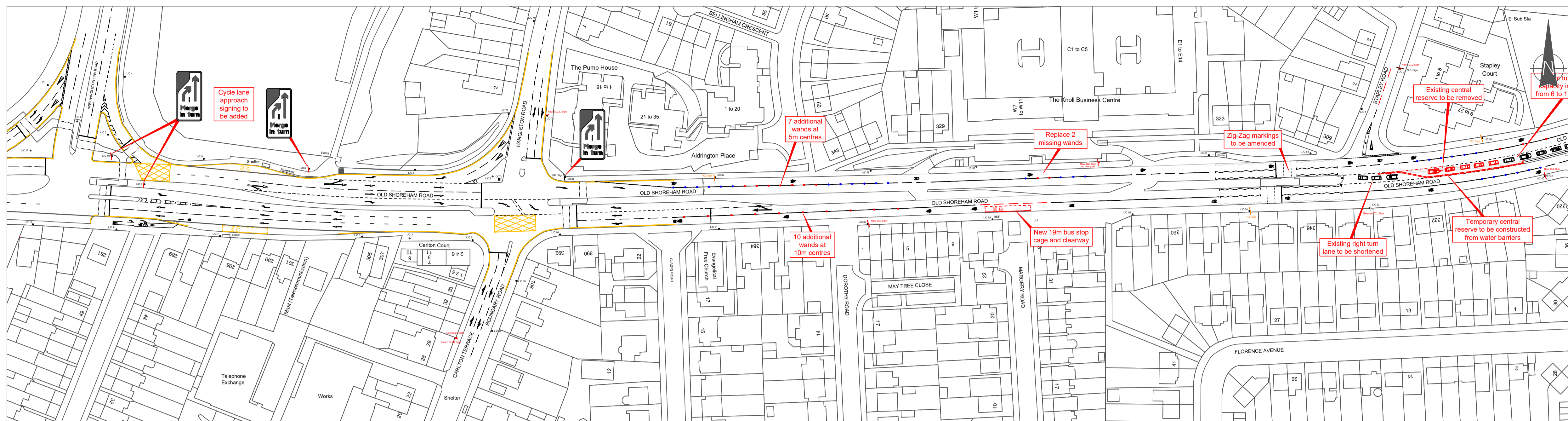
- 
- What are the main aims or purpose of the policy, practice, service or function?
  - Who implements, carries out or delivers the policy, practice, service or function? Please state where this is more than one person/team/body and where other organisations deliver under procurement or partnership 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.

<sup>9</sup> **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?

<sup>10</sup> **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.









- NOTES**
1. All dimensions are in metres unless stated otherwise.
  2. All levels in metres above Ordnance Datum (Newlyn).
  3. Do not scale from this drawing.

**KEY**

EXISTING road markings shown in BLACK

PROPOSED road markings shown in RED

REMOVED road markings shown in GREY

-  **Temporary Cycle Lane** TCL – New Temporary Cycle Lane Sign
-  **Temporary Cycle Lanes** TCL2 – New Temporary Cycle Lane Sign
-  **Temporary Cycle Lane** TCL2R – New Temporary Cycle Lane Sign
-  **Temporary Cycle Lane** TCL2L – New Temporary Cycle Lane Sign

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

Drawn:	Signed:	Date
Ben Stride	Ben Stride	June 2021
Checked:	CHECKED	DATE
Approved:	APPROVED	DATE
File/Acad ref:	S:\	

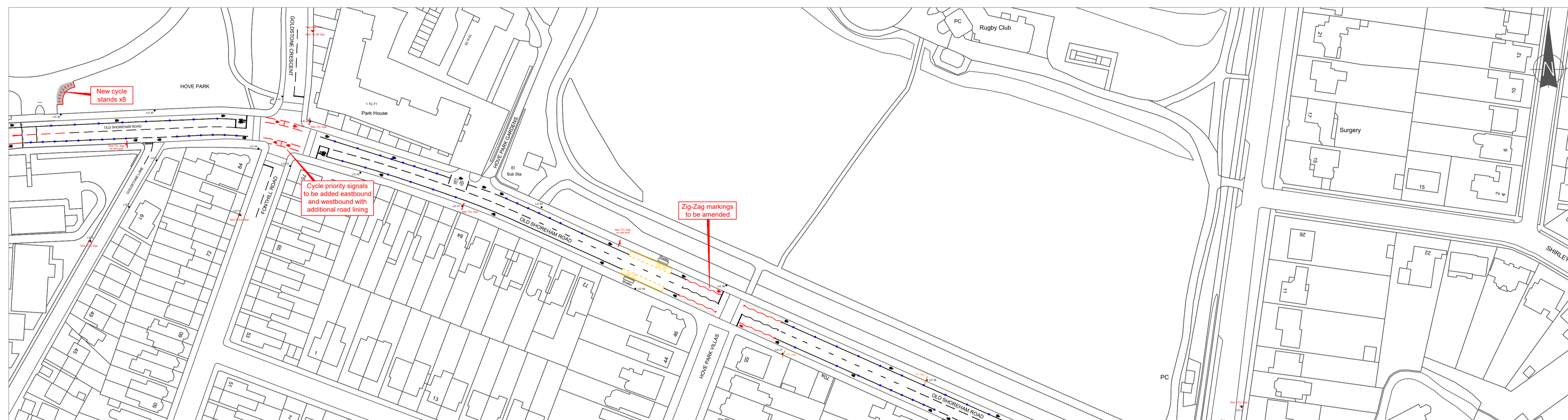
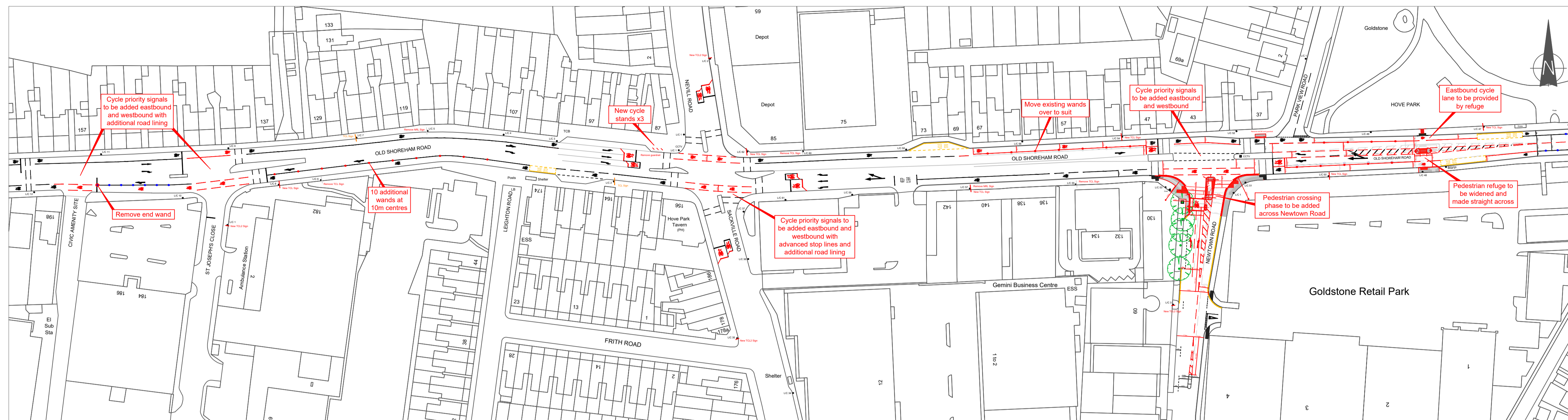


**Project Name**  
Old Shoreham Road, Hove  
Temporary Cycle Lanes

**Drawing Title**  
Tranche 1 Scheme Enhancement  
Plan 1 of 2

Drawing No HD-BHCC-OSRTCL/T1-1	Scale 1:250 @ A1	Rev REV
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INFORMATION	<input type="checkbox"/>	SURVEY	<input type="checkbox"/>	FEASIBILITY	<input type="checkbox"/>
DESIGN	<input checked="" type="checkbox"/>	TENDER	<input type="checkbox"/>	WORKING DRAWINGS	<input type="checkbox"/>
AS-BUILT	<input type="checkbox"/>				

Drawn:	Signed:	Date
Ben Stride	Ben Stride	June 2021
Designed:	Ben Stride	May 2020
Checked:	CHECKED	DATE
Approved:	APPROVED	DATE
File/Acad ref:	S:\	



Project Name  
**Old Shoreham Road, Hove  
 Temporary Cycle Lanes**

Drawing Title  
**Tranche 1 Scheme Enhancement  
 Plan 2 of 2**

Drawing No HD-BHCC-OSRTCL/T1-2	Scale 1:1000 @ A1	Rev REV
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Department  
for Transport

From the Minister of State  
**Chris Heaton-Harris MP**

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London  
SW1P 4DR

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E-Mail: [chris.heatonharris@dft.gov.uk](mailto:chris.heatonharris@dft.gov.uk)

Web site: [www.gov.uk/dft](http://www.gov.uk/dft)

30 July 2021

To: Leaders of all combined and transport authorities in England

Dear Council Leader,

### **Active travel schemes supported by Government funding**

Over the last year, cycling has risen by 46%. In 2020, we saw the highest level of cycling on the public highway since the 1960s, and the greatest year-on-year increase in post-war history. Many people have started cycling for shorter journeys, saving appreciable amounts of pollution, noise, CO2 and traffic danger. In some cities the delivery bike has become as normal a sight as the delivery van. Even after these remarkable rises, according to one leading retailer, a further 37 per cent of the population now wants to buy a bike.

These things have been made possible, in part, by hundreds of school streets, pop-up cycle lanes, and Low Traffic Neighbourhoods implemented under the Government's Emergency Active Travel Fund (EATF) and under statutory Network Management Duty guidance. For all the controversy these schemes can sometimes cause, there is strong and growing evidence that they command public support.

I do know that a few councils have removed, or are proposing to remove, cycle schemes installed under the fund, or to water them down. Of course I understand not every scheme is perfect and a minority will not stand the test of time, but if these schemes are not given that time to make a difference, then taxpayers' monies have been wasted. Schemes need time to be allowed to bed in; must be tested against more normal traffic conditions; and must be in place long enough for their benefits and disbenefits to be properly evaluated and understood. We have no interest in requiring councils to keep schemes which are proven not to work, but that proof must be presented. Schemes must not be removed prematurely, or without proper evidence and too soon to collect proper evidence about their effects.

As the Secretary of State stated in a letter to all local authorities in November 2020, since the peak of the emergency had passed, we now expected local

authorities to consult more thoroughly. We revised our Network Management Duty (NMD) guidance to state that measures should be "taken as swiftly as possible, but not at the expense of consulting local communities" and that "local residents and businesses should... be given an opportunity to comment on proposed changes" to schemes. Please note these requirements also apply as much to the removal or modification of existing schemes as to the installation of new ones. In many cases where schemes have been removed or modified, there appears to have been little or no consultation.

The Secretary of State also stated in his November letter that consultation should include objective tests of public opinion, such as professional polling, to gather a truly representative picture of local views. Obviously the views of the local Member of Parliament should be taken into account.

Premature removal of schemes carries implications for the management of the public money used in these schemes and for the Government's future funding relationship with the authorities responsible. The Department will continue to assess authorities' performance in delivering schemes and, following the precedent we have already set, those which have prematurely removed or weakened such schemes should expect to receive a reduced level of funding.

We are also publishing updated Network Management Duty guidance on this subject, describing in more detail the obligations of authorities to allow adequate time to evaluate schemes and to engage with local people and protected groups using professional opinion surveys, including on any proposed removal. Authorities which are proposing to remove or weaken schemes should not proceed with their plans unless they are satisfied that they have had regard to the guidance.



**CHRIS HEATON-HARRIS**

**MINISTER OF STATE FOR TRANSPORT**