

# **Environment, Transport & Sustainability Committee**

**Date:** 20 September 2022

**Time:** 4.00pm

**Venue:** Council Chamber, Brighton Town Hall

**Councillors:** Davis (Joint Chair), Heley (Joint Chair), Lloyd (Deputy Chair), Wilkinson (Opposition Spokesperson), Nemeth (Group Spokesperson), Bagaeen, Fowler, Hills, McIntosh and Platts

**Contact:** **John Peel**  
Democratic Services Officer  
01273 291058  
[john.peel@brighton-hove.gov.uk](mailto:john.peel@brighton-hove.gov.uk)

Agendas and minutes are published on the council's website [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk).  
Agendas are available to view five working days prior to the meeting date.

Electronic agendas can also be accessed through our meetings app available through ModernGov: [iOS/Windows/Android](#)

This agenda and all accompanying reports are printed on recycled paper

Date of Publication - Monday, 12 September 2022

# AGENDA

Part One

Page

## PROCEDURAL MATTERS

### 17 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.*

### 18 MINUTES

9 - 54

To consider the minutes of the meeting held on 21 June 2022

Contact Officer: John Peel

Tel: 01273 291058

### 19 CHAIRS COMMUNICATIONS

## 20 CALL OVER

- (a) Items 24 – 32 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.

## 21 PUBLIC INVOLVEMENT

55 - 62

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

- (a) **Petitions:** To receive any petitions presented by members of the public;
  - 1) Controlled parking for Withdean Court Avenue
  - 2) Stanford Avenue/Preston Road Traffic and Noise Calming
  - 3) Reinforcing Controlled Parking on Dean Street
  - 4) Bus Service to replace Madeira Drive lift
  - 5) Haliburton parking proposal: Isabel Crescent
- (b) **Written Questions:** To receive any questions submitted by the due date of 12 noon on the 14 September 2022;
  - 1) Aquarium Roundabout
  - 2) Refuse
  - 3) Tree maintenance
  - 4) Speeding on Preston Park Avenue
- (c) **Deputations:** To receive any deputations submitted by the due date of 12 noon on the 14 September 2022.
  - 1) Rottingdean High Street planter

## 22 ITEMS REFERRED FROM COUNCIL

63 - 68

To consider items referred from the last meeting of Full Council held on 21 July 2022

### a) Petitions

- (i) Clean Air Zone

### b) Deputations

- (i) New Accessible Foot and Cycle Bridge at Hove Station Quarter
- (ii) Request to introduce parking restrictions in Nevill Avenue, Hove

## 23 MEMBER INVOLVEMENT

69 - 70

To consider the following matters raised by Members:

- (d) **Petitions:** To receive any petitions;
- (e) **Written Questions:** To consider any written questions;
  - 1) Councillor Fishleigh- Whiteways Lane between Rottingdean and Saltdean
  - 2) Councillor Fishleigh- Vans and caravans at Black Rock
  - 3) Councillor Fishleigh- Proactive sea water testing in Brighton & Hove
  - 4) Councillor Fishleigh- Timescale for report on undercliff
  - 5) Councillor Nemeth- Speed Trials
  - 6) Councillor Nemeth- Welcome Back Fund
  - 7) Councillor Nemeth- City's Flood Prevention works
- (f) **Letters:** To consider any letters;
- (g) **Notices of Motion:** to consider any Notices of Motion referred from Full Council or submitted directly to the Committee.

## ENVIRONMENT & SUSTAINABILITY MATTERS

### 24 APPLICATION FOR A DEFINITIVE MAP MODIFICATION ORDER, BENFIELD VALLEY, HOVE

71 - 198

Report of the Executive Director of Economy, Environment & Culture and Executive Director of Governance, People & Resources

*Contact Officer:* Hilary Woodward  
*Ward Affected:* Hangleton & Knoll

*Tel:* 01273 291514

## TRANSPORT & PUBLIC REALM MATTERS

### 25 HIGHWAY WINTER MAINTENANCE REPORT

199 - 226

Report of the Executive Director, Economy, Environment & Culture

*Contact Officer:* Andrew Westwood  
*Ward Affected:* All Wards

*Tel:* 01273 292468

### 26 PARKING POLICIES UPDATE REPORT

227 - 256

Report of the Executive Director, Economy, Environment & Culture

*Contact Officer:* Jenny Mitchell  
*Ward Affected:* All Wards

<b>27</b>	<b>PARKING SCHEME UPDATE REPORT</b>	<b>257 - 314</b>
	Report of the Executive Director, Economy, Environment & Culture	
	<i>Contact Officer: Catherine Dignan</i>	<i>Tel: 01273 292235</i>
	<i>Ward Affected: Hangleton &amp; Knoll; Hollingdean &amp; Stanmer; Rottingdean Coastal; St Peter's &amp; North Laine; Withdean</i>	
<b>28</b>	<b>PARKING FEES &amp; CHARGES UPDATE</b>	<b>315 - 322</b>
	Report of the Executive Director, Economy, Environment & Culture	
	<i>Contact Officer: Charles Field</i>	<i>Tel: 01273 293329</i>
	<i>Ward Affected: All Wards</i>	
<b>29</b>	<b>A259: WALKING, CYCLING AND ACCESSIBILITY IMPROVEMENTS</b>	<b>323 - 366</b>
	Report of the Executive Director, Economy, Environment & Culture	
	<i>Contact Officer: James Hammond</i>	<i>Tel: 01273 294643</i>
	<i>Ward Affected: All Wards</i>	
<b>30</b>	<b>TRANSPORT FOR THE SOUTH EAST'S STRATEGIC INVESTMENT PLAN – RESPONSE TO CONSULTATION</b>	<b>367 - 382</b>
	Report of the Executive Director, Economy, Environment & Culture	
	<i>Contact Officer: Andrew Renaut</i>	<i>Tel: 01273 292477</i>
	<i>Ward Affected: All Wards</i>	
<b>31</b>	<b>MOVING TRAFFIC OFFENCES</b>	<b>383 - 388</b>
	Report of the Executive Director, Economy, Environment & Culture	
	<i>Contact Officer: Andrew Westwood</i>	<i>Tel: 01273 292468</i>
	<i>Ward Affected: All Wards</i>	
<b>32</b>	<b>GARDNER STREET AND REGENT STREET TRAFFIC REGULATION ORDER</b>	<b>389 - 414</b>
	Report of the Executive Director, Economy, Environment & Culture	
	<i>Contact Officer: Russell McMillan</i>	<i>Tel: 01273292387</i>
	<i>Ward Affected: St Peter's &amp; North Laine</i>	
	<b>PART TWO</b>	
<b>33</b>	<b>GARDNER STREET AND REGENT STREET TRAFFIC REGULATION ORDER EXEMPT CATEGORY 2</b>	<b>415 - 422</b>
	Report of the Executive Director, Economy, Environment & Culture (copy circulated to Members only)	
	<i>Contact Officer: Russell McMillan</i>	<i>Tel: 01273292387</i>
	<i>Ward Affected: St Peter's &amp; North Laine</i>	

## **34 PART TWO PROCEEDINGS**

To consider whether the items listed in Part Two of the agenda and decisions thereon should remain exempt from disclosure to the press and public.

## **35 ITEMS REFERRED FOR FULL COUNCIL**

To consider items to be submitted to the 20 October 2022 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*

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fourth working day before the meeting.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

Infra-red hearing aids are available for use during the meeting. If you require any further information or assistance, please contact the receptionist on arrival.

### **Further information**

For further details and general enquiries about this meeting contact John Peel, (01273 291058, 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)

### **Webcasting notice**

This meeting may be filmed for live or subsequent broadcast via the Council's website. At the start of the meeting the Chair will confirm if all or part of the meeting is being filmed. You should be aware that the Council is a Data Controller under the Data Protection Act 1998. Data collected during this web cast will be retained in accordance with the Council's published policy.

Therefore, by entering the meeting room and using the seats in the chamber you are deemed to be consenting to being filmed and to the possible use of those images and sound recordings for the purpose of web casting and/or Member training. If members of the public do not wish to have their image captured, they should sit in the public gallery area.

### **Access notice**

The Public Gallery is situated on the first floor of the Town Hall and is limited in size but does have 2 spaces designated for wheelchair users. The lift cannot be used in an emergency. Evac Chairs are available for self-transfer and you are requested to inform Reception prior to going up to the Public Gallery. For your own safety please do not go beyond the Ground Floor if you are unable to use the stairs.

Please inform staff on Reception of this affects you so that you can be directed to the Council Chamber where you can watch the meeting or if you need to take part in the proceedings e.g. because you have submitted a public question.

### **Fire & emergency evacuation procedure**

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions:

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions; and
- Do not re-enter the building until told that it is safe to do so



**Brighton & Hove City Council**  
**Environment, Transport & Sustainability Committee**

**4.00pm 21 June 2022**

**Council Chamber, Hove Town Hall**

**Minutes**

**Present:** Councillor Davis (Joint Chair), Lloyd (Deputy Chair), Wilkinson (Opposition Spokesperson), Nemeth (Group Spokesperson), Bagaeen, Clare, Fowler, Littman, Platts and Robins

**Part One**

**1 PROCEDURAL BUSINESS**

**1(a) Declarations of substitutes**

- 1.1 Councillor Littman was present as substitute for Councillor Heley.
- 1.2 Councillor Clare was present as substitute for Councillor Hills.
- 1.3 Councillor Robins was present as substitute for Councillor McIntosh.

**1(b) Declarations of interest**

- 1.4 Councillor Lloyd declared a pecuniary interest in Item 9 as his spouse shared an allotment. Councillor Lloyd stated that he had been granted dispensation by the Monitoring Officer to speak and vote on the item.
- 1.5 Councillor Robins declared a pecuniary interest in Item 9 as an allotment holder. Councillor Robins stated that he had been granted dispensation by the Monitoring Officer to speak and vote on the item.
- 1.6 Councillor Wilkinson declared a pecuniary interest in Item 9 as an allotment holder. Councillor Wilkinson stated that he had been granted dispensation by the Monitoring Officer to speak and vote on the item.
- 1.7 Councillor Platts declared a pecuniary interest in Item 13 she lived on a street adjoining the proposed scheme area. Councillor Platts stated that she would leave the Chamber during discussion of the item and public representations on the subject.

**1(c) Exclusion of press and public**

- 1.8 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).

1.9 **Resolved-** That the press and public not be excluded from the meeting.

## 2 MINUTES

2.1 **Resolved-** That the minutes of the previous meeting be approved as the correct record.

## 3 CHAIRS COMMUNICATIONS

3.1 The Chair provided the following communications:

“There have been a number of exciting developments since the last meeting of this committee in March, including some excellent funding awards which will improve our public transport system, encourage active travel and reduce our carbon emissions.

We are going to make our buses more reliable, cheaper and faster through our bus service improvement plan which has been provisionally awarded £27.9m. Working with operators, we’ll create a more sustainable transport network for the city.

We are improving active transport infrastructure through a successfully bid for £1.2m for a new active travel scheme on Marine Parade, a key route linking eastern parts of Brighton & Hove to the city centre. We were also awarded nearly £80,000 for a ‘Mini Holland’ feasibility study to assess how part of the city could be made as pedestrian and cycle friendly as a Dutch city equivalent.

Continuing the theme of successful funding bids, in March we also received more than £300,000 in funding to help increase the number of Changing Places Toilets. These will help meet the needs of disabled people, in particular, those with profound and multiple learning or physical disabilities.

I’d like to thank and congratulate all the officers involved in these bids for their hard work in securing these vital funds which will ensure that our City continues to thrive for residents and visitors alike.

I’m also pleased to report to this committee that work to improve the condition of city’s council run football pitches is also underway. Following a successful trial of a special equipment designed to combat wear and tear, this will be rolled out city wide.

Offices are continuing to work hard to keep our city clean and tidy. We want to hear from Residents about concerns that they raise which is why a citywide consultation is underway on efforts to tackle illegal flyposting and stickering. This would extend the work we are already doing to combat graffiti while the use of single use barbecues and the release of balloons and lanterns will be banned from the 1st of July.

In the last few weeks, we've also seen St Mary's Catholic Primary become the latest school to join our School Streets scheme. Another 5 will be joining this year with a further six scheduled for the next academic year. School streets create safer, sustainable and healthier streets which enable Children to walk, run or cycle to school. Work has begun on a new play area, multi-use games area, mini-exercise track and an outdoor fitness space in Carden Park in Brighton, one part of the £3million refurbishment of our parks and green spaces.

With our draft Air Quality Action Plan out for consultation, I was pleased to see this month figures which showed that our programme to upgrade the city's streetlights has seen us save almost 10,000 tonnes of Co2 since 2017 – reducing our emissions by more than two thirds. An achievement which really does demonstrate how long term investment can have a real impact on tackling the climate crisis.

Finally, tonight we are discussing the Hanover and Turner Liveable Neighbourhood project and I want to assure residents of Elm Grove that we are going to end the scourge of pavement parking on their street via either new Govt legislation or our own traffic regulation order”.

#### **4 CALL OVER**

4.1 The following items on the agenda were reserved for discussion:

- Item 8: City Environment Modernisation Update
- Item 9: Allotments
- Item 10: Tree Planting Plan
- Item 13: Hanover & Turner Liveable Neighbourhood
- Item 14: Bus Service Improvement Plan Draft Enhanced Partnership Agreement

4.2 The Democratic Services Officer confirmed that the items listed above had been reserved for discussion and that the following reports on the agenda with the recommendations therein had been approved and adopted:

- Item 11: UNESCO Periodic Review of the Living Coast Biosphere
- Item 12: Local Approval of the Final Version of the Environment Agency Flood Risk Management Plan Cycle 2 (2021-27)
- Item 15: Phone Parking Contract Re-Let

#### **5 PUBLIC INVOLVEMENT**

##### **(A) Petitions**

##### **1) Prohibit pavement parking in Crescent Place Kemp Town**

5.1 The Committee considered a petition signed by 24 people requesting the prohibition of pavement parking on Crescent Place.

5.2 The Chair provided the following response:

“Thank you for your petition. I sympathise with residents who have to deal with cars parked on the pavement. We have been actively lobbying the government to provide Councils with more powers to ban pavement parking. The government consulted in 2020 on this issue and we continue to wait to hear back about their next steps. Officers are reluctant to increase sign clutter by placing non-enforceable No pavement signs on these roads which may also cause confusion to visitors to the area. The pavements behind the double yellow lines are currently enforceable and since January, we have issued 3 PCNs to vehicles parked partially on the pavement on Crescent’s Place. While this is not in itself a large number, it is 30% of all PCNs issued in this time at this location, with evidence that in most instances drivers are moving their vehicles before a PCN can be issued. While we wait for the necessary power, we will continue to explore options to tackle prohibit pavement parking”.

5.3 **Resolved-** That the committee note the petition.

**2) Stop the current plan for a Low Traffic Neighbourhood (LTN), known as ‘Hanover & Tarner Liveable Neighbourhood Project**

5.4 The Committee considered a petition signed by 379 people requesting the council stop the current plan for a Low Traffic Neighbourhood (LTN), in Hanover and Tarner and devise a plan that benefitted the whole of the Hanover & Elm Grove ward equally.

5.5 The Chair provided the following response:

“Thank you for presenting your petition today Alison, which has been supported by a number of people. We also welcome the views and participation of local people and stakeholders in the engagement that there has been on this project so far with officers and your ward councillors in recent meetings and co-production workshops. The Liveable Neighbourhood pilot project is an item on today’s agenda and the officer report which includes the proposed plan, engagement reports, and draft Project Monitoring Framework, will be discussed later. The report outlines how the plan has been developed through a combination of technical design and responses to stakeholder feedback. Through this process, the plan ensures that the residential roads which are part of the boundary to the area will be an integral part of the project and they will be treated in a way that improves them by making them safer, healthier, greener and more attractive for their residents and businesses, and all those who use them. You have rightly pointed out that there is research on other Low Traffic Neighbourhoods, including some in London, and that these have shown varying results on changes in traffic flows. That is why we have made this a pilot project and undertaken a range of engagement to gather views. We will also monitor the results of the various local changes while taking account of other changes across the city to make sure that the pilot scheme will fulfil its objectives and make it a success. Measures will include new crossing points and traffic calming measures to make streets safer. Raised areas for flowers and shrubs and better landscaping will also be introduced. Other wider city initiatives will also help improve local environments where traffic flows are higher. The boundary roads provide regular bus services for local people and are part of the network that carries general traffic across the city. Further upgrades in bus fleet and the council’s fleet are currently in the process of transitioning over to greener and in some cases to fully electric engine technology, and more electric

vehicles are being used as we increase the availability of charging points. The project will also include twelve new air quality monitors across the scheme. Most of these will be on the boundary roads, and there will be real-time monitors in two schools including Elm Grove Primary and a third in Orchard Day Nursery on Queens Park Road as part of a new scheme that has been started.

We know that pavement parking and driving on pavements creates real dangers that residents should simply not have to tolerate. It is not acceptable that we do not have the powers to address this in an efficient way, as we should not have to reclaim pavement space for pedestrians from vehicles because of the current law. We have been actively leading work for nearly 10 years to tackle this across the city and continuously lobbying the Government for the powers that we need to fully address it. We are still waiting for the outcome of the national consultation that finally took place in 2020, but if there is no positive decision soon, then we will have to consider taking more local action to address this, especially in Elm Grove.

The next step for the wider project involves wider public consultation and we look forward to continuing to work with the local community and receiving and responding to people's views. This will help us further review and revise the scheme over the coming months, before it is reported back to this committee later this year for a final decision on the design. Works to the boundary roads are proposed to be permanent, but there will also be a further 6-month consultation period during which we can decide if we need to amend parts of the scheme that are introduced within an experimental traffic regulation order. There will then be a further twelve months within which a decision will need to be made about whether those measures are made permanent or should be removed. The approach to monitoring and continued engagement will enable us to record and be notified of any significant issues, which can then be reviewed. If further action is necessary, it will be taken.

The initial discussions and decisions that were the catalyst for bring forward this project have now, quite rightly, been broadened out into the wider community and generated further discussion and debate. Thank you for therefore presenting your petition, which further assists us as a committee in hearing and understanding people's views about the proposals. These will continue to be taken into account as the design work progresses. This will help us get the right balance of measures across a wide area. Monitoring will then help us understand how to achieve the best outcomes possible to make your local area a more liveable neighbourhood for everyone".

5.6 **Resolved-** That the committee note the petition.

**3) Controlled parking for Withdean Court Avenue**

5.7 The petition was deferred to the next meeting.

**4) Rename a street in the memory of Ukrainian war victims**

5.8 The committee considered a petition signed by 4 people requesting Francis Street by renamed in memory of Ukrainian war victims.

5.9 The petitioner was unable to attend so a written response was provided.

5.10 **Resolved-** That the committee note the petition.

**5) Allow dogs off-lead at Waterhall alongside rewilding**

5.11 The committee considered a petition signed by 1264 people requesting the council to abandon the decision to ban off-lead dogs across all of Waterhall.

5.12 The Chair provided the following response:

Thank you for your petition.

Dog walking at the former Waterhall Golf course was not permitted other than on public rights of way. We appreciate that in the time that the golf course was operational some residents and dog walking businesses became used to exercising dogs over the whole site. Dogs can still be exercised off lead in the lower section of Waterhall and many other parks and open spaces in the city. However, the site cannot cope with the volume of dogs being exercised whilst trying to achieve our objectives of rewilding and restoring the biodiversity of the site.

In rewilding Waterhall, the council has sought to encourage public access and is in the process of designating the site as statutory open access. This does however require dogs to be kept on leads during the bird nesting season and around livestock in recognition of the impact they can have on them.

Dogs also impact other wildlife, in particular cold-blooded animals which need to bask to regulate their body temperature. Frequent disturbance impacts on their ability to hunt and reproduce and leads to a decline in numbers.

Disturbance by off lead dogs also affects other users of the site with reports of stolen volunteers' lunches and dogs entering the building and urinating on the furniture.

The council has funding from the National Heritage Lottery Fund for an Education Ranger and from Countryside Stewardship to provide school visits to the site. These are not feasible with large numbers of off lead dogs, as have been experienced at Waterhall. Dog excrement is also an issue in low fertility habitats, such as the species rich chalk grassland we are trying to manage for at Waterhall. Dog faeces and urine increase the fertility of the ground favouring the more common coarser species over the rarer wildflowers.

The wildflowers are important for the insects and other species that they support. By requiring dogs to be kept on leads and encouraging people to use waymarked paths, this impact can be limited and kept away from the more sensitive areas.

Flea treatments used on dogs can have a serious impact on aquatic species.

Constant disturbance of ponds also releases nutrients from the sediments which can lead to algal blooms which limit oxygen and can make the water toxic. The sediment in the water also limits the penetration of sunlight into the pond limiting its ability to support wildlife.

With respect to displacement, Waterhall is already suffering displacement from Stanmer Park as many dog walkers have started using Waterhall to avoid paying parking charges at Stanmer. These dog walkers are already potentially increasing their travel if they live closer to Stanmer and are now travelling to Waterhall.

Due to its location, most dog walkers who access Waterhall arrive by vehicle. If these dog walkers used sites closer to where they live, they could reduce their CO2 emissions. The council is not alone in seeking to limit the impact of dogs on biodiversity. Other Nature Reserve have limited access to some or all areas such as Sussex Wildlife Trust's

reserve at Woods Mill where dogs are not allowed and at Knepp where they limit all public access to some areas.

This petition should be considered in light of a petition to the January 2020 Tourism, Equalities, Communities & Culture Committee which received 5216 signatories asking it to 'Create a Haven for Wildlife and Wellbeing by Restoring Biodiversity of Hollingbury and Waterhall golf courses'.

The council allows dog walking on almost all of its untenanted land and has not prioritised wildlife over dog walking on any other site despite declaring a biodiversity emergency".

5.13 On behalf of the Conservative Group, Councillor Nemeth moved a motion to request an officer report on the matter.

5.14 Councillor Bagaeen formally seconded the motion.

5.15 The Chair put the motion to the vote that failed.

5.16 **Resolved-** That the committee note the petition.

## **(B) Written Questions**

### **1) Valley Gardens**

5.17 Derek Wright put the following question:

"Lots of desire paths have been made through the flower and meadow beds in Victoria Gardens trampling the plants. Low fencing to protect the flowers and plants has been promised by City Parks and Transport officers for years, when will they be installed?"

5.18 The Chair provided the following reply:

"Thank you for your question. It is disappointing to see that some people are trampling on the plants in Victoria Gardens. We are considering the options to prevent this in the future and as you suggest fencing does appear to be the required to enable this. We are developing a costed business case to introduce fencing in some areas. We are currently recruiting to a Parks Team Leader who will focus on managing Valley Gardens, The Level and planted areas along the seafront. Once this person is in post, we would be able to move forward with some of the improvements we wish to make and will be aiming to install fencing before the next growing season. However please be aware that this will be budget dependent and may need to be done in phases focussing on the most problematic areas first".

### **2) Elm Grove LTN**

5.19 Ben Kelly put the following question:

"Whilst Elm Grove is included in the liveable neighbourhood scheme, it also features as a 'Strategic Route' in the LCWIP. Due to the gradient, there is a large differential in speed between cyclists and motor vehicles, when heading uphill. This makes it particularly hostile and dangerous for cyclists. Initial investigations indicate that an uphill

cycle route could be included without the loss of legal parking, and without any impact on the proposed greening of Elm Grove. A downhill cycle route should also be fully investigated. Can the Chair confirm that the plans also include safe cycling provision along this route?"

5.20 The Chair provided the following reply:

"Thank you for your question. You have made a very valid point by referring to our Local Cycling and Walking Infrastructure Plan. This is also reflected in paragraph 3.8 of the report on the Hanover & Tarner Liveable Neighbourhood which we will be discussing later.

In summary, although the current proposals do not include specific cycling measures in Elm Grove, the potential opportunities for developing cycling infrastructure as part of the Elm Grove/Warren Road LCWIP route will be taken into account in the further development of scheme design to ensure that they can be considered in the future. We would, of course, welcome suggestions about cycling provision within the Hanover & Tarner scheme in response to the consultation that will be starting later this year, and I hope you will consider doing so.

We have also been made aware that there was a recent collision in Elm Grove involving a cyclist and we clearly need to find out more from the Police about the circumstances associated with that unfortunate incident. Our thoughts are certainly with those who sustained injuries".

### 3) Hollingdean Parking

5.21 Nick Maylon put the following question:

"The Hollingdean parking scheme seems to be delayed once again. Consultations promised before Christmas eventually were delivered in April. The results of these consultations were due to be presented to this committee today, but this hasn't happened. It now looks like we will have a further 3-month delay despite apparent overwhelming support for a scheme.

Will the Chair agree to compensate residents for the 7-month (and counting) delays so far (perhaps by half-price resident parking in year 1) or find a way to get the scheme back on track?"

5.22 The Chair provided the following reply:

"Myself and Officers apologise for the delay with the start of this consultation which is due to a number of factors but mainly because of the delay of the implementation of the Surrenden parking scheme and previous staff shortages.

Despite these challenges officers have been working extremely hard to consult this area as soon as we can. Due to the size of the Hollingdean consultation area this has taken slightly longer than anticipated and Officers are still analysing the results of the preliminary consultation which will be presented to this Committee in September. Our parking scheme timetable is subject to change but Officers are hoping any previous delays may be reduced towards the end of the consultation period, however compensating residents for delays to any programmed parking scheme is not deemed appropriate".

5.23 Nick Maylon asked the following supplementary question:

“Would it be possible for the council to publish a timeline to see what resources can be put in (to CPZ consultations) please? Because I’m sure that with the revenues that come in, resources could be put in that would both help the council and reduce unnecessary pollution”.

5.24 The Chair provided the following reply:

“I’ll bring you that timeline via email”.

## **(C) Deputations**

### **1) Wilson Avenue**

5.25 The Committee considered a deputation on excessive speeding and dangerous driving on Wilson Avenue.

5.26 The Chair provided the following response:

“I am fully receptive to the concerns you’ve raised and would like to see what can be done to address the issues raised.

Wilson Avenue was included in the Local Cycling and Walking Infrastructure Plan agreed at the last committee as a longer-term priority. However, I have instructed officers to consider the need for shorter-term measures and the feasibility of introducing these. Any change to a speed limit has to be agreed by the Police as enforcement authority. The Police have limited resources and if a limit is imposed that drivers do not respect and consequently ignore then they have an unrealistic burden placed upon them. We will place speed recording devices in Wilson Avenue in the near future and if speeds are close to 30mph then we will approach the Police and see if they would agree to a lowered speed limit.

I am hoping what the committee will do is agree to note this deputation but what I’ve instructed Transport officers to do is look into an Experimental Traffic Regulation Order on your road to bring down the speed limit to 30mph”.

5.27 **Resolved-** That the committee note the deputation.

### **2) Request the Council to support the creation of a Pocket Park on the footpath at the southern end of St Aubyns, Hove**

5.28 The Committee considered a deputation requesting the creation of a Pocket Park on the southern end of St Aubyns, Hove to improve the area.

5.29 The Chair provided the following response:

“Thank you for presenting your deputation today Heather. Greening the city is an important part of improving our public spaces and can contribute to helping tackle climate change and improving drainage, as well building community cohesion and providing soft landscaping to create more attractive places for people to enjoy their local area. Pocket parks or parklets can play an important role in achieving this, and we can

see that there has been some interesting and ambitious concept design work done to show what this area could look like if planting and seating were combined to use this particular space in a different way.

We are developing an assessment framework to enable us to consider and respond to various requests which can help make neighbourhoods and local areas more liveable. The framework will be presented to this committee later this year, and if approved, we will then be able to use that process to assess the principles of what is being proposed here.

I understand that you are also aware that the committee recently approved the design of a walking, cycling and accessibility scheme for this section of the A259. The principles of a pocket park would be consistent with that scheme, but it would be a significant change to the design that has been agreed. Therefore, if the location was considered to be appropriate and a priority for a pocket park when assessed against other sites, your discussions with CityClean and City Transport officers could continue. This would enable them to look more closely at your proposal to determine the options and implications of introducing any changes like this, in this particular location. These would include engineering matters, such as checking what infrastructure is under the pavement. This would also help inform what the potential costs of introducing greening and seating may be, as this would be a key consideration when exploring funding availability as part of the grant-funding process that you have referred to. This would include checking the Section 106 funding that may be available from planning permissions for local development. Ordinarily, it would need to be directly related to a proposal in this location in order to be considered as an appropriate source in this instance.

Your work with the local community in this part of Hove on this concept is really welcomed, and I look forward to hearing more about the progress that could be made with your proposal in due course”.

5.30 Councillor Wilkinson moved a motion to request an officer report on the matter.

5.31 Councillor Nemeth formally seconded the motion.

5.32 The Chair put the motion to the vote that passed.

5.33 **Resolved-** That the Committee receive a report to a future meeting responding to the deputation request.

### **3) Proposals for a Hanover and Tarner LTN**

5.34 The committee considered a deputation requesting a more ambitious LTN programme for the Elm Grove area and other road safety measures.

5.35 The Chair provided the following response:

“Thank you for presenting your deputation today, which accompanies the petition that has also been submitted and is on our agenda today.

A lot of what I have said in my response to that petition is relevant to the points that you have raised today. We have welcomed the discussion and engagement that has taken place with the local community, following the representations and reports that have been considered by this committee regarding taking forward this pilot project for the Hanover

& Tarner area. This has really helped shape the extent of the area and informed the types of measures that can be introduced to manage traffic movements and make it easier for people to move around the area safely and sustainably. Ward councillors and officers have listened and responded to points that have been raised so far, and the discussions that have taken place have helped confirm that the residential roads that form the boundaries to the area, especially Elm Grove, need to be integrated and planned as part of the overall measures that come forward. And they will be.

This is a pilot project, that the committee wanted to progress as 'a first' in the city. We do want it to be ambitious and demonstrate what can be achieved by these types of measures. We will also learn from it, and other locations that follow will benefit from that. Continued community participation and dialogue will be critical, so that we can hear and respond to points of support or concern, such as those you have raised today. It has been really helpful for the committee to hear those views, and I would recommend that they are also made in your responses during the forthcoming consultation period, alongside other residents and stakeholders views. Achieving success will also depend on adequate funding to deliver agreed measures, and the report highlights decisions on additional funding will be made by another committee. Changes to buildings, such as the school, would require the involvement of other officers and people. Enforcing speed limits is a Police responsibility, but is something that the council works in close partnership with them on. These points all emphasise the multiple issues that we need to address within the project before any final decision is taken.

Creating a greener, safer, cleaner and healthier environment along a busy, residential road like Elm Grove is not without its challenges, but there are opportunities to achieve this within this scheme and a number of your suggestions will contribute towards it. The report recognises that the proposed measures on the residential boundary roads should be prioritised and be made permanent.

The project will be monitored and reviewed – including traffic flows and air quality levels. New schemes, especially over a wider area, can take time to show any differences and much of this is expected to be due to changes in travel behaviour and travel decisions that the scheme aims to deliver, especially locally. The monitoring that will be undertaken will enable us to see what is changing and then consider if any additional action is required as a result.

I will finish on a point that you have made strongly and succinctly. Tackling pavement parking is one of our number one priorities and despite continued lobbying of the government, we still await a clear announcement about if or how it will give local authorities the necessary powers to effectively deal with it. Its consultation asking whether a change of existing pavement parking legislation should occur finished in November 2020, so if we don't hear anything soon, then we will need to seriously consider a separate Traffic Regulation Order to deal with the unnecessary obstruction and danger that this anti-social behaviour can cause in local streets.

5.36 **Resolved-** That the committee note the deputation.

#### 4) **Proposals for a Hanover and Tarner LTN**

5.37 The committee considered a deputation that detailed the perceived benefit of an LTN in Hanover & Elm Grove and requested the committee proceed with the scheme.

5.38 The Chair provided the following response:

“Our agenda today has included another deputation, a petition and a written question – all about this project for Hanover & Tarn. This demonstrates the level of interest and engagement that there is in highlighting the issues that are being experienced in this part of the city.

The work that has been done so far to develop proposals to tackle those issues is clearly generating healthy debate and discussion. This is taking place in various meetings as well as in this chamber, and we are listening to it and will take it into account in our decision-making. We will have the opportunity to discuss the proposed scheme for Hanover & Tarn further when we reach item 13 on the agenda later. The next stage will then be public consultation, when there will be further opportunities for people to express their views on the proposal and to help shape it further.

We know that there are other similar schemes in the country, but this will be a first for Brighton & Hove and that is why it is a pilot project. We will therefore learn lessons from the process and increase our understanding of how a scheme like this can make a real difference to how our city works. That difference will only be achieved through the decisions that people make when travelling to, from or within the area; so we want to make it easier for people to choose active and sustainable transport by creating a better local environment for everyone, and help reduce the number and impacts of vehicles. For essential journeys, we can reduce harmful emissions by using cleaner fuels or adopting a different driving style. We can increase safety by reducing driver speeds. There is no one solution or choice, but the main way of achieving all of this is through informed decisions that change our individual behaviours, and therefore contribute to wider local and global benefits and safer and healthier lives.

How we are engaging with people to help co-produce and develop ideas that will help meet the objectives of the project is also being tested. We will create more liveable neighbourhoods by working in partnership with local communities. Measures need to be safe and sustainable and technically sound, so when we are designing them across a wide area, we need to ensure that everybody is aware of what we are trying to achieve. This will help us take into account the balance of opinion that there is about what is needed and where, whether that is on a residential boundary road or side street. We also fully understand and respect that people will want to focus on their personal situations and explain what may affect them most. We need to hear those voices too, and we are.

As you have highlighted, a key part of addressing climate change and how we can all respond to it, whether as a council or as individuals or groups of people, is to ensure that key messages are communicated. We need to explain why action is necessary now to ensure that we and future generations can all benefit from the decisions that we need to make. We need to have the right messages and we need to have the right measures, and if we do need to change how and what we communicate, then we will work harder on that.

In bringing forward a scheme like this, we also know that it is one of a number changes and actions that will help tackle the climate emergency. A report is currently being prepared to outline the progress that is being made across a wide range of projects in the Carbon Neutral Programme, all of which will contribute towards reducing carbon emissions by 2030. It will no doubt generate further debate and raise awareness of this important topic, as we are doing today”.

5.39 **Resolved-** That the committee note the deputation.

## 6 ITEMS REFERRED FROM COUNCIL

**(A) Petitions****1) Keep the permanent street closure on Queens Park Rise**

6.1 The Committee considered a petition referred from Full Council that requested the retention of the current permanent street closure on Queens Park Rise at its junction with Queens Park Terrace, as part of the School Streets Scheme.

6.2 The Chair provided the following response:

“School Streets offers a solution to many of the issues that schools and residents have experienced over many years including idling, double parking and dangerous driving at drop off and pick up times. The reduced traffic and reallocation of road space made available by School Streets closures also encourages people to make the school journey using sustainable modes such as cycling, walking and scooting. The permanent closure at the bottom of Queen’s Park Rise was implemented in the Covid-19 pandemic as part of the Emergency School Streets programme. It was done so on an Experimental Traffic Regulation Order on a trial basis and as a way to alleviate some of the pressure on volunteers and school staff who had been operating the closure at both ends of the road, using temporary barriers. Following the trial period, officers recommended that the School Street closure be reverted to a timed closure which is operational during school drop off and pick up times. This was based on concerns about road safety due to the lack of adequate turning space for Heavy Goods Vehicles (HGVs) and other vehicles turning on Queen’s Park Rise. As the recommendation to revert the measures was approved by the council’s Environment, Transport and Sustainability Committee on 21 September 2021, the Traffic Regulation Order to revert the permanent measures and reinstate temporary, timed restrictions was sealed. This has enabled the primary benefits of School Streets to be realised, as traffic is reduced at peak times while allowing the road to be open to through traffic the remainder of the time. The permanent filter has since been replaced with retractable bollards at one end and a gate at the other, providing physical barriers during drop off and pick up times to restricted vehicles while ensuring access at all times to those that are exempt. We are committed to delivering School Streets closures to all eligible schools in the city and as the first School Street in the city, St Luke’s has been an excellent example of the difference School Streets can make to the school journey. Officers will continue to monitor the closure and we are grateful for the continued support of volunteers, school staff and the local community”.

6.3 **Resolved-** That the Committee note the petition.

**2) Bankside Imposition**

6.4 The Committee considered a petition referred from Full Council requesting the council to revise the "School Streets" initiative proposed for Westdene.

6.5 The Chair provided the following response:

“As a ward Councillor, I have been closely engaged in the development and design for a School Street at Westdene Primary School.

Like many schools in the city, Westdene School has faced ongoing problems with road safety issues stemming from increased traffic, dangerous driving and illegal parking at school drop off and pick up times. An informal queuing system has been in place on Bankside for many years and concerns about road safety around Westdene School have been longstanding and raised by local residents, parents and the school as well as by Councillors.

The proposed design for the School Street at Westdene, which focuses on measures to be introduced on Bankside and the section of Barn Rise where there are school entrances, was consulted on at the end of last year. 260 people responded to the Westdene consultation, with over 75% respondents in support of the principle of school streets and over 70% in support of the proposed design. In addition to the consultation, we have also welcomed and accepted stakeholder feedback from other (means) –and are grateful to submissions by resident and local forums.

Since the consultation, officers have been working to incorporate improvements to the design based on the feedback provided. Ahead of implementation, traffic monitoring has also been carried out, which will provide baseline of data to help measure impacts when the scheme is in place. As a result of the concerns raised about the proposed scheme at Westdene, we will also be implementing the scheme on an Experimental Traffic Regulation Order which will allow us to monitor the impact of the scheme in situ. It will also provide a further opportunity for residents and members of the school community to have their say on the scheme, and any adjustments can then be made if necessary. We are committed to supporting schools in the city to address longstanding issues and create safer journeys to school, that also encourage sustainable, active travel modes which contribute to children’s health and wellbeing and reduce emissions from vehicles”.

6.6 **Resolved-** That the Committee note the petition.

**3) Keep the permanent closure by Brunswick school, on Somerhill road**

6.7 The Committee considered a petition referred from Full Council requesting that the permanent closure by Brunswick school, on Somerhill Road be kept in place.

6.8 The Chair provided the following response:

“School Streets offers a solution to many of the issues that schools and residents have experienced over many years including idling, double parking and dangerous driving at drop off and pick up times. The reduced traffic and reallocation of road space made available by School Streets closures also encourages people to make the school journey using sustainable modes such as cycling, walking and scooting.

As you will be aware, the School Streets closure at Brunswick Primary School on Somerhill Road was introduced as part of the council’s urgency response in the Covid-19 pandemic, which had the additional aim of supporting social distancing at drop off and pick up times. Infrastructure was implemented on Somerhill Road in March 2021 to support the sustainability of the closure and reduce the pressure on volunteers and schools to operate the closure at both ends of the road.

In September 2021, a report was presented to the council’s Environment, Transport and Sustainability Committee on the School Streets closures trialled through the emergency

programme, including the one at Brunswick Primary School. It was recommended by officers that the permanent closure at one end of Somerhill Road was reverted to timed, temporary restrictions. The decision to remove the permanent filter, while maintaining the timed School Streets closure, was informed by the trial of the closure and concerns about road safety due to the lack of adequate turning space for Heavy Goods Vehicles (HGVs) and other vehicles on Somerhill Road. As the recommendation to revert the measures was approved by the council's Environment, Transport and Sustainability Committee on 21 September 2021, the Traffic Regulation Order to revert the permanent measures and reinstate temporary, timed restrictions was sealed.

This has enabled the primary benefits of School Streets to be realised, as traffic is reduced at peak times while allowing the road to be open to through traffic the remainder of the time. The permanent filter has since been replaced with retractable bollards at one end and a gate at the other, which are operated by volunteers. These measures provide physical barriers to the road that prevent motor vehicles from entering during drop off and pick up times, while ensuring access at all times to those that are exempt.

We understand that the decision will be disappointing for some residents, as the permanent closure offered wider benefits including a reduction in overall traffic levels on Somerhill Road beyond school drop off and pick up times.

Officers will continue to monitor the closure and we are grateful for the continued support of volunteers, school staff and the local community”.

6.9 **Resolved-** That the Committee note the petition.

**4) Traffic Gridlock Hove Park**

6.10 The Committee considered a petition referred from Full Council requesting it review the road network in Hove Park Ward and bring forward proposals to reduce congestion.

6.11 The Chair provided the following response:

“Thank you for your petition. Our city is an attractive place to live and work and that generates a lot of regular, local, and longer distance commuter and visitor trips on a daily basis. The congestion that can occur as a result of this in some areas or on strategic routes can be caused by many factors, but it is primarily a problem that is caused by too many vehicles using the city's limited road space and in some cases, certain roads are not suitable for the levels or type of traffic using them.

The proximity of Hove Park ward to the bypass means there is a combination of local and longer distance journeys using certain routes. Tackling the congestion that arises from these journeys can be done in a number of ways but the main one is to reduce people's overall need to travel and encourage and enable people to switch to other forms of transport for certain journeys. This will create space for essential vehicle trips and reduce delays, which in turn will help create cleaner, healthier, and attractive neighbourhoods.

You have mentioned development and main roads. We know that this can cause concerns, but we need to ensure that the city can grow sustainably. The recent planning application for the allocated Toad's Hole Valley site in the City Plan was thoroughly discussed and considered before it was agreed by the Planning Committee last month. The development will provide homes for local people which we desperately need, as well as providing local employment and other community uses.

The associated sustainable transport and highway strategy for the site had been comprehensively assessed and included independent checks on traffic modelling for a number of routes, and the safety of proposed junction designs. The overall package will mitigate identified impacts, with active travel improvements for people walking and cycling (including BikeShare provision), funding for a new/enhanced bus service, new junctions, access to car club vehicles, and a Travel Plan which will increase the use of sustainable transport for local journeys.

We also have a report today about a Low Traffic Neighbourhood for the Hanover & Tarner area that is being developed with residents and stakeholders in response to an initial request from within the local community to create a more liveable neighbourhood. If you think this is something that may help to address local issues then it would be helpful to hear from you, as this is something that could be considered as part of a new process that is being developed to assess requests for such measures. The assessment framework itself will be reported to this committee later in the year”.

6.12 **Resolved-** That the Committee note the petition.

**5) Ditchling Road/Coldean Lane Traffic Control**

6.13 The Committee considered a petition referred from Full Council requesting the council to install traffic lights on the junction between Ditchling Road and Coldean Lane to reduce congestion and improve safety.

6.14 The Chair provided the following response:

“Thank you for your petition. I do appreciate your concerns as this junction is busy during peak times and has some challenges in the layout with conflicting movements and gradients. The safety record has been checked and it currently does not suffer from crashes occurring. Traffic signal controlled junctions, where used, require significant design and operation to ensure they will be safer and more efficient than the existing arrangements. Given the layout of the T-junction, topography, gradient and lack of available roadspace or adjacent land to widen the junction to create the requisite sight lines it would be technically challenging and costly to create the necessary infrastructure to install traffic signals here. However, the site will be reviewed to see if any other measures might help with the difficulties in negotiating the junction and the safety record monitored.

Further to this National Highways have just informed us that we have been successful in our bid for a feasibility study on the Access for All project. This will involve scoping improvements for pedestrians and cyclists crossing the Ditchling Rd / Coldean Lane junction over the A27 (as well as multi—user paths from the city out to Ditchling Beacon and Devil’s Dyke). Cityparks will be working closely with the Transport Team on possible solutions”.

6.15 **Resolved-** That the Committee note the petition.

**6) Save our Starlings**

6.16 The Committee considered a petition referred from Full Council requesting the council to implement an outright ban on chemical fertilisers, herbicides, pesticides, fungicides and

worming treatments across our entire City Downland Estate to improve the local starling population.

6.17 The Chair provided the following response:

“Thank you for your petition on such an important matter.

We have already phased out pesticide use on all public land looked after by our environment and housing teams, except for high-risk invasive species with no effective alternative. We have also worked with the you to find locations for 100 starling boxes. However, we are keen to increase the biodiversity of plants and wildlife in our city, as we know we need to support our declining insect population.

Lots of this work is underway:

We’ve introduced a new wildflower meadow and 37,000 new plants in the city centre.

Near the marina we have created a new wildlife site that will become home to butterflies, bees, birds and other small insects to help to enrich biodiversity.

We have installed a number of bee banks, and our flower seeding work along the Lewes Road and elsewhere in the city is both popular with residents and great for biodiversity.

Through our City Downland Estate Plan we will be promoting biodiversity, restored rich chalk grassland landscapes and natural farming.

We are continuing to look at what other measures we may be able to take”.

6.18 **Resolved-** That the Committee note the petition.

7) **Remove the Old Shoreham Road from the local cycling plan and do not build any cycling infrastructure along this route**

6.19 The Committee considered a petition referred from Full Council requesting the council to remove the Old Shoreham Road from the local cycling plan and do not build any cycling infrastructure along this route.

6.20 The Chair provided the following response:

“At March 2022 ETS Committee it was agreed the Local Cycling and Walking Infrastructure Plan (LCWIP) was used as a basis for the strategic planning of active travel network improvements in the city over the next ten years.

Work on Brighton & Hove’s LCWIP has been progressed over the last three years, involving stakeholder and public engagement and consultation.

The LCWIP will be used as a basis for planning for improvements over the next ten years, and projects will be subject to full design and consultation when taken forward from the plan in future. Old Shoreham Road scheme was included in this approved plan alongside other priorities for the City. Should any proposal for a cycle lane on Old Shoreham Road come forward and funding become available it will be subject to full public consultation and agreement by the ETS Committee”.

6.21 **Resolved-** That the Committee note the petition.

8) **Permanent Well-Planned and High-Quality Cycle Lanes for the Old Shoreham Road**

6.22 The Committee considered a petition referred from Full Council requesting the council to install well-planned and high-quality permanent cycle lanes on the Old Shoreham Road.

6.23 The Chair provided the following response:

“At March 2022 ETS Committee it was agreed the Local Cycling and Walking Infrastructure Plan (LCWIP) was used as a basis for the strategic planning of active travel network improvements in the city over the next ten years.

Work on Brighton & Hove’s LCWIP has been progressed over the last three years, involving stakeholder and public engagement and consultation.

The LCWIP will be used as a basis for planning for improvements over the next ten years, and projects will be subject to full design and consultation when taken forward from the plan in future. Old Shoreham Road scheme was included in this approved plan alongside other priorities for the city. Once funding is available schemes will be consulted upon”.

6.24 **Resolved-** That the Committee note the petition.

**9) Petition for a proper pedestrian crossing, signage and improved road layout at Hangleton Way Schools Zone**

6.25 The Committee considered a petition referred from Full Council requesting road safety improvements on Hangleton Way.

6.26 The Chair provided the following response:

“Consultation for the Safer Routes to School scheme was undertaken between September and October 2018 with proposals available online and in physical format.

Summary results of this consultation were presented to the Environment, Transport, and Sustainability (ETS) Committee in November 2018 as part of the report “Hangleton Safer Routes to School Scheme”.

This scheme was then further subjected to extensive public consultation during the construction of Kings School with the schools, residents and ward councillors.

Officers have recently undertaken a site inspection of the signage arrangements. There are currently two advance warning signs situated either side of the school entrance with bright flashing LED lights that are illuminated during school pick up and drop off times that officers consider are effective and safe. By limiting the times these signs are illuminated ensures that drivers do not become too accustomed to seeing them, particularly outside these hours, so will pay more attention when they are needed. This is a common safety feature at approaches to schools.

The lining has also been assessed and it is considered by officers that the zig zag markings are set out in prescribed lengths that comply with legal requirements under the Traffic Signs Regulations and General Directions 2016. This legislation allows Highway Authorities to place signs and markings on roads but they must conform to the specifications laid out in this publication.

Finally, the crossing provided has been specifically designed for this location, on a raised table so acts as a traffic calming measure and is coloured red as a clear sign to drivers to expect something different in this area. The red surfacing is commonly management schemes.

We must assess any location before a light signalled controlled crossing can even be considered. A controlled crossing of this nature that is used infrequently can actually make the crossing dangerous during the times that it is generally not used as drivers become accustomed to not having to stop at these times and on the rare occasion it is used drivers are not expecting this and the result is potentially disastrous.

To determine the frequency of potential crossing usage throughout the day in school-term time, officers will be undertaking a survey in the coming weeks, the results of this survey will be reported to the ETS Committee along with other pedestrian crossing requests later this year. Additionally, the site is also being assessed to see whether a School Crossing Patrol Officer may be required”.

6.27 **Resolved-** That the Committee note the petition.

**(B) Deputations**

**1) Request for design improvements to Church Road - for inclusion in LPT 5 as an exemplar of sustainable transport solutions in an urban area**

6.28 The Committee considered a deputation referred from Full Council requesting public realm design improvements for Church Road between Western Road and Sackville Road.

6.29 The Chair provided the following response:

“The Church Road / New Church Road / Western Road corridor is identified as a high priority strategic route in the Local Cycling and Walking Infrastructure Plan (LCWIP), which was approved by this committee in March 2021.

While there are current improvements planned for Western Road, the rest of the route is currently unfunded and officers are working to identify funding for this and other priority routes in the LCWIP”.

6.30 Councillor Nemeth moved a motion to request an officer report on the matter.

6.31 Councillor Clare formally seconded the motion.

6.32 The Chair put the motion to the vote that passed.

6.33 **Resolved-** That the Committee receive a report to a future meeting responding to the deputation request.

**2) Hangleton Way Pedestrian Crossing**

6.34 The Committee considered a deputation referred from Full Council requesting a pedestrian crossing on Hangleton Way.

6.35 The Chair provided the following response:

“Consultation for the Safer Routes to School scheme was undertaken between September and October 2018 with proposals available online and in physical format. Summary results of this consultation were presented to the Environment, Transport, and

Sustainability (ETS) Committee in November 2018 as part of the report “Hangleton Safer Routes to School Scheme”.

This scheme was then further subjected to extensive public consultation during the construction of Kings School with the schools, residents and ward councillors.

Officers have recently undertaken a site inspection of the signage arrangements. There are currently two advance warning signs situated either side of the school entrance with bright flashing LED lights that are illuminated during school pick up and drop off times that officers consider are effective and safe. By limiting the times these signs are illuminated ensures that drivers do not become too accustomed to seeing them, particularly outside these hours, so will pay more attention when they are needed. This is a common safety feature at approaches to schools.

The lining has also been assessed and it is considered by officers that the zig zag markings are set out in prescribed lengths that comply with legal requirements under the Traffic Signs Regulations and General Directions 2016. This legislation allows Highway Authorities to place signs and markings on roads but they must conform to the specifications laid out in this publication.

Finally, the crossing provided has been specifically designed for this location, on a raised table so acts as a traffic calming measure and is coloured red as a clear sign to drivers to expect something different in this area. The red surfacing is commonly used to indicate a hazard and is used by many Highway Authorities as part of traffic management schemes.

We must assess any location before a light signalled controlled crossing can even be considered. A controlled crossing of this nature that is used infrequently can actually make the crossing dangerous during the times that it is generally not used as drivers become accustomed to not having to stop at these times and on the rare occasion it is used drivers are not expecting this and the result is potentially disastrous.

To determine the frequency of potential crossing usage throughout the day in school-term time, officers will be undertaking a survey in the coming weeks, the results of this survey will be reported to the ETS Committee along with other pedestrian crossing requests later this year. Additionally, the site is also being assessed to see whether a School Crossing Patrol Officer may be required”.

6.36 **Resolved-** That the Committee note the deputation.

## **7 MEMBER INVOLVEMENT**

### **(B) Written Questions**

#### **1) Bins around Lewes Crescent**

7.1 Councillor Fishleigh put the following question:

“When the new junction was put in on the A259 and Dukes Mounds, a communal recycling and general waste point was taken away. Despite repeated requests and a drive-around the entire area with a member of CityClean to assess whether there are enough communal bins in place, no new bins have arrived yet.

Please can I have an update which I will share with residents, some of whom have mobility issues, who currently have to walk 200m to their nearest communal bin. This is also affecting residents in the East Brighton ward”.

7.2 The Chair provided the following reply:

“Thank you for your question. Following the site visit you have mentioned, Cityclean has been considering the options available.

The safe and suitable options have been shared with ward councillors and their feedback sought.

Following feedback from yourself and the and Kemptown Society, it appears only one option remains and Cityclean has concerns about this:

Cityclean’s preference is to:

- Place a communal refuse bin in the south west corner of Lewes Crescent. Refuse bins need to be on a road (or a pavement immediately next to the road) in order for the truck to lift it as they cannot be moved from their location to the truck as they are too big and no wheels.
- Place a communal recycling bin at the junction of Lewes Crescent and Chichester Terrace. These bins are on wheels so can be moved from their location to the back of the truck.

This option was not supported by the Kemptown Society.

An alternative offered by yourself was the north side of the A259 between Lewes Crescent and Arundel Terrace, to the east of the bus stop. There is already a set of communal bins here. Locating a set of bins here will mean those on the western side of Sussex Square will still need to walk a while. And it will mean there are two sets of bins in one location, which is not an approach Cityclean seeks to adopt.

The final option, not preferred by Cityclean, but acceptable to yourself and the Kemptown Society, is to place a set of bins on the southern side of the A259 near the benches. This will involve residents having to cross the A259 to dispose of their waste, which is why Cityclean still has concerns. Cityclean can take this forward this location, if the preferred option i.e. in the Square, is really not feasible”.

7.3 Councillor Fishleigh asked the following supplementary question:

“Please would you move forward on instructing Cityclean to putting bins on the south side of the A259 and what is the timescale for that?”

7.4 On behalf of the Chair, officers stated that they would make the necessary checks and make contact with Councillor Fishleigh.

**2) West-Bound Bus Lane Between Saltdean and Rottingdean**

7.5 Councillor Fishleigh put the following question:

“As the recommendations of the A259 South Coast Corridor Improvement Study have been delayed, would BHCC officers now proceed with the report - already commissioned by the ETS committee - about the options for sharing the bus lane on the west-bound A259 between Saltdean and Rottingdean? A trial will ascertain whether the sharing of the bus lane improves bus journey times caused by this bottleneck - and reduces the general congestion and carbon emissions”.

7.6 The Chair provided the following reply:

“Officers have commissioned a consultant’s report on High Occupancy Vehicle lanes, which is still being finalised.

One of the draft conclusions is that unlike conventional bus lanes, HOVs are not yet suitable for camera enforcement. Using current technology, it is difficult to establish how many occupants there are in a vehicle. This would be a major concern for officers in relation to the effectiveness of bus lanes but we will consider options as part of further development work associated with the Bus Service Improvement Plan”.

7.7 Councillor Fishleigh asked the following supplementary question:

“Why has the council brought in consultants without consulting with the A259 campaign group?”

7.8 The Chair provided the following reply:

“Myself and Councillor Heley are visiting Conway Street in a couple of weeks so I will ensure to speak to the bus company about that”

### **3) The roundabout by the aquarium**

7.9 Councillor Fishleigh put the following question:

“The Department for Transport confirmed in writing to Lloyd Russell-Moyle MP that it does not produce a list of the most dangerous roundabouts in the country.

When I asked Mark Prior, Cllrs MacCafferty and Davis for the data to support this repeated claim made by themselves and other councillors in this committee and others, I was directed to an article in the local media which referenced a report by the Department of Transport.

Will you now confirm that the council has no evidence to support the claim that the roundabout by the aquarium is one of the most dangerous in the country, will you agree that you will not repeat this claim again and how does this new information affect the business plan for Valley Garden stage 3?

Please don’t reference dangerous roundabouts in the city in this response”.

7.10 The Chair provided the following reply:

“Thank you for your question. I can confirm that the statement made does not have any bearing on the business case for Valley Garden’s phase 3 which has been independently assessed and approved through the Local Growth Fund. This junction remains the most dangerous in the city and reductions in accidents remains a central component to the business case. I recall in the response to you it was explained that Department for Transport data was used by the National Media Journalist to compile a league table of roundabouts with the highest number of accidents. With regard to the numbers of collisions, the data clearly also shows that vulnerable road users, such as pedestrians, cyclists and motorcyclists are disproportionately affected by the current road layout, with over 75% of serious injuries caused to these user groups, compared to just over 15% of collisions resulting in serious injury to car or van occupants. The junction is a key link on the National Seafront Cycle Route (NCN2), the most well used cycling route in our city. And I’m sure you will agree that a junction that presents

significant danger to vulnerable users such as cyclists must be addressed to ensure the route is as safe as possible to encourage more people to use the route. The junction also links one of our star attractions – the pier, which attracts millions of pedestrian movements through the junction, and the proposed scheme will go along way to improving the pedestrian links, making it a safer more attractive place for all”.

7.11 Councillor Fishleigh asked the following supplementary question:

“Will you confirm that the council has no evidence to support the claim that the roundabout by the aquarium is one of the most dangerous in the country?”

7.12 The Chair provided the following reply:

“I spoke to the journalist and you say that it came in a local paper, it was originally in the Daily Mirror and I spoke to the journalist who incidentally was a Brighton resident, it was very easy to contact. His article was compiled upon Department for Transport data. I don’t see where this is going, it is without a doubt, the most dangerous roundabout in the city. I can say that as a resident, I can say that as a member of this committee, I can say that as a cyclist, I can say that as a driving instructor”.

#### **4) Park & Ride feasibility study**

7.13 Councillor Wilkinson put the following question:

“The Council identified funds in last year’s council budget underspend to direct towards Park & Ride schemes, which residents asked for in the city’s first ever Climate Assembly. Money was set aside to re-evaluate and reassess permeant P&R sites. Why has this feasibility work not begun yet and when will it?”

7.14 The Chair provided the following reply:

“Thank you for your question, Councillor Wilkinson. The funding available for this work remains allocated to it, but the study has not yet begun owing to officer commitments on other projects and the need to locate and retrieve information on the previous work on possible Park + Ride sites that was undertaken before 2010.

A consultant has now been approached to carry out the study, which is expected to involve a review of potential sites and their suitability that have previously been explored, based on an assessment against current land-use policies and various plans and strategies. The study should be completed before the end of 2022”.

7.15 Councillor Wilkinson asked the following supplementary question:

“Does the Chair agree that the council should look further than a re-evaluation of previous sites when looking at the feasibility of Park & Ride sites across the city as well as exploring initiatives such as mini Park & Ride schemes?”

7.16 The Chair provided the following reply:

“You know that a consultant has now been approached to carry out this study and I’m happy for this to happen and we are doing mini Park & Ride’s. We’ve got one pocket

Park & Ride right opposite this Chamber, we've got another mini Park & Ride down by King Alfred Centre. We're happy to do this but I do feel this city really understood that I don't feel Park & Ride is going to happen. We don't support it and I don't think the opposition parties support it because deep down they know there's nowhere for it to go".

## 5) Road Safety Strategy

7.17 Councillor Wilkinson put the following question:

"It is over a year since the council passed a motion calling for an updated city road safety strategy to be brought to the ETS Committee. One that includes road danger reduction measures.

Will the co-chairs of the ETS committee please update members on the progress of this report and when the ETS committee can expect to see it?"

7.18 The Chair provided the following reply:

"Thank you for your question and I'm aware this committee is subject to lots of requests from concerned members of the public calling for road safety improvements, particularly in relation to speeding.

In terms of progress, I can tell you that officers have begun work on a new criteria for assessing and prioritising these types of requests which will be coming to this committee in the Autumn. We also continue to address key accidents spots around the city, as you are aware we will begin implementation to improve the Aquarium roundabout, our most dangerous junction in the city, as part of Valley Garden's Phase 3 scheme later this year.

This will build on the good work that was done in Phase 1 & 2 of Valley Gardens which also suffered from a poor accident record at locations within the scheme such as the North Road junction.

There is also work underway implementing the new tranche of pedestrian crossing improvements across the city as well as the planned work to introduce improvements to the A259 phase two and the A23 all of which aim to improve safety for all users.

In terms of reviewing the current wider strategy, this is in the pipeline and expected to come to committee in the new year, as you might be aware officers are currently focused on delivering the LCWIP, LTP and ULEZ strategies. However, as I have highlighted, we are continuing to put schemes on the ground that will improve road safety and reduce accidents where there are known issues".

7.19 Councillor Wilkinson asked the following supplementary question:

"Does the Chair agree that we have waited long enough and that measuring danger on our roads through metrics other than just the number of casualties is crucial to reducing danger?"

7.20 The Chair provided the following response:

"I completely and utterly agree with you Councillor Wilkinson. I think the way we assess for example, our pedestrian crossing process that basically is a nobody died here is an archaic and outdated process and I'm happy to work with you on this. Councillor Hills

isn't here today unfortunately but she has been working on that so I'll get here to contact you and I'm happy to work with both Groups to reduce this ridiculousness".

## **6) Netting**

7.21 Councillor Fowler put the following question:

"Does the Council own any buildings that using netting to protect against animals/birds and if so, what measures are taken to prevent the entrapment of animals in such netting?"

7.22 The Chair provided the following reply:

"The Council does own some buildings where measures are put into place to protect the fabric of the building from bird excrement which can damage the external fabric or for Health & Safety reasons such as high-level glazing in Arcades.

The council does a risk assessment and looks at the possible hazards on an asset/site case by case basis. We are looking into alternatives to netting with the possible associated risks of entrapment and where we carry out regular maintenance to our many assets, we are replacing it – for example currently the Clock Tower.

It is being replaced with a more robust metal mesh which will alleviate birds becoming trapped as was the case with the original plastic style mesh, following advice from the RSPB. I appreciate that some of the bridges you mentioned are Network Rail sites so if you'd like to write to me, I'm happy to see what help I can get from Transport officers to get you in contact with the relevant people".

7.23 Councillor Fowler asked the following supplementary question:

"How can the council manage this (avian flu) and launch a wider publicity campaign with the RSPCA, RSPB and DEFRA and is it the council's responsibility to collect dead birds?"

7.24 The following response was provided on behalf of the Chair:

"Council officers are actually dealing with dead birds at the moment, and we are following the requirements in relation to public health around this. There is a lot more to come on this and the situation is currently just revealing itself so we will put out more on this in the coming few days and that will be linked to public health requirements probably around not approaching dead birds and managing the situation more widely to prevent any further transmission where possible. As you know it is an emerging situation and we are just getting on top of it now in terms of government guidance and also more localised action that's required".

## **7) Weeds on the pavement**

7.25 Councillor Nemeth put the following question:

"In an answer to a written question in October 2021, the Chair stated that weed spraying across the city's 975.67km of footway had been replaced by 6 additional seasonal staff.

At that time, at the beginning of Autumn, only 20-30% of the city had been cleared of weeds.

Given the recent weather conditions, which have been near-perfect for weed growth, will the Chair state:

- a) What discussions have taken place between the Green and Labour Groups to find a way forward;
- b) How many members of staff (broken down by permanent/temporary/seasonal) are going to be employed this year to replace weed spraying this summer;
- c) If private contractors are being employed; and
- d) If so, which companies are being contracted, and how much has been budgeted for this?

7.26 The Chair provided the following reply:

“All Street Cleansing staff across the service incorporate weed removal into their daily tasks. This is alongside other duties such as sweeping litter and removing stickers and fly-posting.

Cityclean aims to recruit 32 seasonal staff (20 for the beach and 12 for weeding).

However, as mentioned in response to a previous question, due to the number of staff required and the temporary nature of the role, Cityclean struggles to recruit.

Three weeding operatives have been recruited for this season, out of the 12 for which there is a budget. The advert for the vacancies remains open and Cityclean continues to work with the recruitment agency to appoint agency staff.

In response to question c, private contractors have been secured and started weed removal on Monday 13 June.

In response to your final question, the company being used is AGS and the cost is £10,600 for two weeks. This will be funded from the underspend on seasonal staff”.

7.27 Councillor Nemeth asked the following supplementary question:

“Why didn’t we plan for this and why didn’t we employ this company for a lot more extra work?”

7.28 The Chair provided the following reply:

“We’re trying our best to do this and a situation we really want to cure. One of our situations is that normally, as you know, if we’re understaffed we bring in agencies but the agencies are suffering from exactly the same problem. As I noted recently, we’ve got the budget but trying to find these people is incredibly difficult. It’s a national labour crisis and add to that, we are short on the machinery. We need very specialised equipment and we don’t manufacture it. It comes from a place called Europe and unfortunately there is a huge problem with imports from the EU. We are trying our best with it and we’ve got a new machine coming and we’re hopeful. So, I do disagree, it’s like we’re not allowed to mention Brexit. Of course, we are, it’s having massive ramifications on our daily life. I’m not going to blame it all on that, there was a pandemic as well but it’s two situations as an authority that are completely out of our control”.

## 8) Tyre Extinguishers

7.29 Councillor Nemeth put the following question:

“Why has the Council been so silent in condemning the actions of ‘Tyre Extinguishers’ whose actions are both dangerous and illegal?”

7.30 The Chair provided the following reply:

““Acts of criminal behaviour such as this are a matter for Sussex Police. I am aware that there is a current and active investigation by Sussex Police into the matter and it would be prejudicial to that investigation to comment further at this time. I’m happy to direct you to the Divisional Commander for Brighton & Hove should you need an update”.

7.31 Councillor Nemeth asked the following supplementary question:

“It sounds like you wouldn’t condemn it because you agree with it?”

7.32 The Chair provided the following reply:

“Condemning reminds me of judges that are condemning people to death and Councillor, I am an incredibly forgiving person. Condemning is too strong a word, if you had asked me do I condone, the answer would be no, of course I don’t condone, it’s a criminal act. I’m not going to condone it, I genuinely don’t condone it, I don’t think it’s the right way to do things”.

## **9) Fuel Saving Measures**

7.33 Councillor Bagaeen put the following question:

“Residents have made contact with concerns that a City Parks vehicle was recently left idle with the engine running for an hour at Hove Park. With diesel now costing £9 a gallon, what measures are in place to save fuel across the Council’s fleet?”

7.34 The Chair provided the following reply:

“The rising fuel costs are concerning, not just for the council but also for those who need to use their cars for essential journeys.

A communication is shortly to be circulated to staff requesting that all diesel drivers use Hollingdean Depot to fill up their vehicles. This is because the cost is 25% less than on forecourts.

In addition, all staff that drive for work will be reminded that other methods of travel, should be considered before a vehicle is used, and importantly, that only essential journeys are made.

Staff will also be reminded that no vehicles should be left idling unnecessarily.

I am really encouraged by our progress in delivering our Fleet Strategy to move more of the council fleet to electric. Around 5% has already been switched to electric vehicles.

This year, four electric refuse vehicles will be added to the two already in use at Cityclean and 22 electric vans will be introduced. Through the transition to lower emission vehicles, the council is reducing its reliance on diesel and ensuring such high prices do not impact on the taxpayer”.

7.35 The following questions were received and responded to in writing:

**Councillor Childs- Queens Park Safety**

Given the risk to women and other users of Queens Park in the evening, will the Chair agree to install additional lighting to the central path with timers to provide illumination between 4.30-10.30pm?

Response:

"Firstly we are of course very concerned to hear of the unexplained death of a woman in Queens Park over the weekend which is still under investigation. Our thoughts are with the family and friends of the woman who lost her life.

The council recently applied for Safer Streets tranche 3 and tranche 4 funding from the government and the data analysed to inform these applications did not identify Queens Park as a high-risk area at that time. Both funding applications were made in conjunction with colleagues from the Police and Crime Commissioner's Office and East and West Sussex County Councils.

Given what occurred at the weekend, when we know more from the investigation we will need to review this again, if applications are made for any further funding streams. However please be aware that there are routes around Queens Park that are lit and should be used at night rather than unlit paths through the park. Where additional street lighting near parks is required, the council will seek to install this on routes around parks on the public highway. This is always subject to funding being available to install and maintain such infrastructure.

Additional lighting in parks impacts on the wildlife that live there. Dark spots are needed for the wildlife to thrive and any further lighting will impact on this. This is why it is important to ensure that there are well lit routes that people can use around parks rather than walking through them at night".

**Councillor Childs- Street Lighting**

Can the Council please install an additional street light at the southern end of Tower Rd given the area is currently poorly lit leading to hazards for residents and residents feeling unsafe walking in this area at night.

Response:

"Thank you for raising this issue. The spacing between lighting columns is insufficient to provide a safe level of lighting for that area. The location is to be added to the programme for the installation of a new lighting column to provide additional lighting for the street".

**Councillor Childs- Steine Street**

Given the parlous state of Steine St and the dire need to regenerate this historic street, will the Chair agree to include this road in the VG regeneration project?

Response:

Thank you for your question. Your previous involvement either prior to or since the establishment of the Valley Gardens Member Working Group is also appreciated.

The main issues on Steine Street appears to be that it is a very narrow, historic street, and that issues with anti-social behaviour, loitering, littering, or criminal damage are perhaps more likely to occur where there is reduced natural surveillance.

Your question was initially referred to the Valley Gardens Member Working Group and officers assisted in the discussion of it at a meeting earlier this month. You may recall that the final design for Valley Gardens Phase 3 was considered and agreed by this committee in January this year. The detail will be completed by officers and consultants within the next month, and we will then need to progress immediately into the procurement of a construction contract. Therefore, there is no opportunity to extend the scope of the project beyond what has already been agreed, but I can confirm that the entry and exit points and crossing points at either end of Steine Street will be resurfaced.

As we do with many schemes, once Phase 3 is completed, we will also be monitoring traffic flows and other movements and collecting other data in the area and if we record or are notified of any significant issues, then these will be reviewed, and further action may be taken if considered necessary”.

### **Councillor Childs- ULEZ**

Given the dangerous levels of pollution across our city which exceeds WHO levels will the Committee agree to consider the introduction of a Ultra Low Emission Zone similar to that in London and a phased ban on solid fuel stoves in densely populated areas.

Response:

“Thank you for your question, Councillor Childs. As you have raised the important topic of air quality, I want to take the opportunity to encourage people to respond to the current consultation on the council’s draft Air Quality Action Plan. It includes both of the issues that you have raised. The document and information about how people can participate can be found on the council’s website and responses need to be made by the 10th of July.

We are aware of World Health Organisation air quality guidelines, which became more stringent in 2021. However, these WHO figures have not been adopted nationally by the government.

Therefore, as a clear statement of our commitment to further improve local air quality and provide better health protection for people across the city, the Air Quality Action Plan now proposes to work towards surpassing the current government standards for two main pollutants (Nitrogen Dioxide and Particles) and move closer to 2021 WHO guidelines. An example of this is that the proposed Nitrogen Dioxide target for Brighton & Hove for 2027 is to reach an annual level which is 25% lower than the current minimum UK legal requirement.

We already have an Ultra-Low Emission Zone (known as a ULEZ) for buses in the city centre and are working with bus companies and rail operators to further reduce emissions from public transport. There are plans to develop a more comprehensive ULEZ to cover a larger area and different types of vehicles, and last year this committee was presented with the initial findings of a feasibility study into potential options. A further review has been undertaken, including advice from the government’s Joint Air Quality Unit, and this has confirmed that computer-based modelling is required. With funding now available to develop a citywide transport model, further work is being undertaken to commission expert consultants to determine the next stages of this work and the likely timescales. Future updates will be brought back to this committee.

We know that there are areas of the city where residents are concerned about the effects of domestic burning causing smoke and affecting people's health. Despite most homes being centrally heated, the main sources are open fireplaces and stoves (especially in winter), as well as bonfires, and we do raise people's awareness about this across the city with information on our website. These messages need to be as strong as possible to highlight the harmful impacts that this can have on neighbours and local areas.

We cannot ban the use of solid fuel stoves, but we can do something to reduce the effects of their use. The air quality plan includes an action to explore the options for a citywide smoke control area. We know that this needs increased officer capacity and funding to manage the enforcement of an area, but if one was implemented, it would be against the law to emit persistent visible smoke from a building chimney. This work would be undertaken following the consultation on the plan and its subsequent approval".

### **Councillor Childs- Queens Park bins**

Please can we have several additional dog mess bins in the dog walking area of Queens Park and some additional signs designating the boundaries of the area?

Response:

"This is a very high number of bins for the size of the park.

Dog mess can be placed in any litter bin; it does not have to be a dog waste bin.

As part of the council's Bin Infrastructure Strategy, an audit of dog waste bins has been completed. This information is being used to identify which dog waste bins can be replaced with large capacity "normal" litter bins. As part of this programme of work, the dog waste bins in Queens Park will be replaced with regular litter bins, increasing the capacity available. It is not possible at this stage to give you a timescale of when this swap-over will take place as there are hundreds of sites under review.

In terms of boundaries within the park, there is no official dog walking area. Dog owners are encouraged to walk their dogs in any area of the park that isn't signed "No Dogs". All the "No Dog" areas are gated, with clear signs on the gates. It is considered that there is sufficient signage in place".

### **Councillor Childs- Cycling Signage on Marine Parade**

Please can a number of physical signs be emplaced along Marine Parade

prohibiting cycling on the pavement as well as other physical deterrent to prevent pavement cycling on this stretch of pavement

Response:

"The council have recently been awarded £1.208m from Tranche 3 of the Department for Transport's Active Travel Fund to pay for improvements to Marine Parade.

This funding has been granted to provide a continuous two – way cycle facility on the southern side of the A259 as well as improvements to pedestrian crossings along the route. The scheme is planned to cover 1.3 miles along Marine Parade between the Sea life centre roundabout and Brighton Marina.

There is currently no dedicated provision for cycling along Marine Parade. We are also aware of reports of cycling on the pavement in this location.

The scheme will include improvements to pedestrian crossings and tie in with the new junction planned as part of the Valley Gardens phase 3 project (Old Steine/Palace Pier roundabout).

The proposals will benefit residents in the Kemptown and Whitehawk areas where there is known demand for commuting journeys, including to the hospital.

The A259 Marine Parade/Marine Drive is one of the priority routes identified in our Local Cycling Walking and Infrastructure Plan (LCWIP), which was approved by members of the Environment, Transport and Sustainability committee in March”.

### **Councillor Childs- Visitor permits**

Given the particular unjust situation of expiration dates on visitor permits will the administration agree to review current policy with a view to extending usage duration for visitor permits to 6 years’

Response:

“In line with Council Policy and best practice, our Visitor Permits have a guaranteed duration of 18 months before expiry. A problem we have experienced in the past, if we extended this period, would be that many residents could stockpile these permits leading to situations where they are all used at once at certain times within high demand parking zones. In some cases they may also be sold on, including where residents move away from the area or to a different zone. The current expiry period reduces potential fraud.

It is also important to note that Visitor Permits provide a cheaper way of parking for visitors in a certain area for one day so it’s important these type of permits are not stockpiled and then residents use them for their own parking within the zone. Residents may also choose to use stockpiled Visitor Permits as a cheaper option rather than buying a resident permit which is not what they are intended for.

It is felt a guaranteed 18 months is sufficient to allow residents enough time to use their visitor permits”.

### **Councillor Fishleigh- Saltdean Skate Park**

Is there any money in any pots for the refurbishment of the skate park at Saltdean Oval Park?

Response:

“There is no agreed budget for this facility at present.

A meeting is taking place in July with the City Parks Project Team, the Skate Park Development Officer and a representative from the PARC charity shop to identify what funding opportunities may be available for the skate park”.

### **Councillor Fishleigh- Pavement in Ovingdean**

People living in Ovingdean and myself have repeatedly been to various committees to ask the council to adopt a stretch of paving on Greenways which is one of the three access roads through the village.

The most recent advice from officers is that the “adoption of existing pavements and highways requires a formal legal process and assurance that the infrastructure has been installed to adoptable Highway Standards”.

How much would these tasks - and any work needed to bring the pavement up to standard - cost and can these costs be put in next year's budget for pavement maintenance please?

Response:

"There is indeed a process for formal adoption of roads when they go through the planning process to ensure that they meet the required standards for any future maintenance. Currently there is no specific funding available for changing the status of unadopted roads particularly when there is a backlog of maintenance on the existing highway. However, it is sometimes possible to obtain funding from other sources by bidding so it is important to identify what the likely costs will be so an officer will be contacting you to establish exactly the area that needs to be considered and what the cost would be to do this"

### **Councillor Appich- Toilet facilities**

Would the Chair please confirm which works and services are being undertaken to improve toilet facilities on the Hove seafront?

Response:

"Following the approval of the £2.7 million toilet refurbishment programme, the Kings Esplanade site, near Hove Lawns, will be refurbished as part of phase 1 of the programme. Phase 1 will start once the summer season is over to allow us to keep public toilets open throughout the city's busiest time of year.

At Budget Council in February 2022, councillors agreed £0.015m additional recurrent resources for repairs to, and more frequent cleaning of, the toilets on the Western Esplanade for the next 2 years, before new facilities can be put in place. The funding can then be allocated for cleaning and maintenance of toilets on the seafront generally in subsequent years.

The Public Toilet Team has received a list of required improvements from the West Hove Seafront Action Group which is currently being assessed following a site visit to review the issues raised.

The public toilets sites at Western Esplanade and Hove Lagoon were frequently cited in the Kingsway to the Sea consultations as requiring refurbishment. These two sites have been earmarked as part of the £2.7 million refurbishment programme. The funds allocated to these sites will be used as match funding with the £9.5 million from the Government's Levelling Up Fund and the works completed as part of this major regeneration project. A new purpose-built public toilet site, with accessible toilets, a Changing Places Toilet and changing facilities will be created to replace the Western Esplanade facilities. The toilets at Hove Lagoon will be refurbished".

### **Councillor Wilkinson- Playground Refurbishment Programme**

The Playground Refurbishment Programme Officer report was deferred from the March 2022 ETS committee. Will the co-chairs of the committee confirm when it will be coming before this committee?

Response:

"As you are aware, the Administration determine the agenda and what reports come before committee.

The Playground Refurbishment Programme report was published as part of the meeting papers for the March meeting of this committee. Therefore, the report is in the public domain for everyone to read how the programme is progressing.

It was a report for noting, with no other recommendations and nothing for Committee to decide. Therefore, there is no urgency for the report to return to committee.

In terms of process, the report does need to return to committee, but there is no procedural set time for this.

When it does return to committee, the published report will be out of date as the programme continues to be delivered.

A further update on the delivery of the Playground Refurbishment Programme will be brought to a future committee, explaining the progress made. It is likely to be sometime in the new calendar year to take account of being able to provide a meaningful update since the March report and officer capacity”.

### **Councillor Wilkinson- Tyre Extinguisher Vandalism**

Following press reports of so called ‘tyre extinguisher’ activists letting down tyres across the city, will the co-chairs of the ETS committee join me in condemning these dangerous acts of vandalism and explore ways for the council to highlight the dangers of such actions?

““Acts of criminal behaviour such as this are a matter for Sussex Police. I am aware that there is a current and active investigation by Sussex Police into the matter and it would be prejudicial to that investigation to comment further at this time”.

### **Councillor Fowler- Weed removal**

What measures are the Council taking to tackle the growth of weeds across the city over the coming months and how will this differ from the previous summer?

Response:

“As reported to this committee in March, Cityclean adopted a new approach for seasonal recruitment this year to attract people where using computers to apply can be a barrier, such as people with dyslexia or where English is a second language, with two recruitment days held at Hove Town Hall. Unfortunately, despite these efforts and continual recruitment since the February recruitment days, only three staff have been appointed to work on weed removal. Despite attempts, it has not been possible to supplement these staff with agency workers.

Weed removal equipment ordered for this season has been delayed. It is believed this is the result of the post-pandemic and post-Brexit economy. The 10 strimmers ordered should be delivered on 24 June. A new sweeper, with weed removal arms and brushes, is on order. Due to the value of this piece of equipment, Cityclean had to go out to tender and there is a lead-in time for manufacture. The new sweeper is scheduled for delivery in August.

To mitigate the impact of these difficulties, Cityclean has made some alternative arrangements.

Two teams of contractors have been appointed and started weed removal on Monday 13 June.

Cityclean is arranging for contractors to remove excess growth and weed around tree bases, as a separate strand of work.

Four specialist trimmers have been spot purchased.

Cityclean has found a way to adapt one of its small sweepers to complete weed removal and has ordered some brushes to enable this which should be arriving in the next couple of weeks. The sweeper should be able to cover large, paved areas.

Based on the challenges of recruiting the seasonal staff, Cityclean is now trying a different approach. The original budget covered six staff for six months and additional budget has been allocated for a further six staff. Cityclean is now seeking to appoint six permanent staff as it is believed that the temporary nature of the job is not appealing, particularly as the service does not experience issues with attracting permanent staff. The staff will complete leafing activities in the autumn and then prepare the city for reopening during the winter, such as deep cleaning in the winter, which will make the city more weed resistant in the spring.

Cityclean also continues to look at new technologies and products on the market, as well as what other local authorities are doing”.

### **Councillor Fowler- LTN Strategy**

Can the chairs give an update on the progress to develop a Low Traffic Neighbourhood Strategy Plan for the city?

Response:

“The policy work you refer is the Liveable Neighbourhood Prioritisation Framework which is now scheduled to be reported to this Committee in September.

The scope of this policy work has been recalibrated with officers and consultants carrying out further development work so that the Framework will have the capacity to screen requests for everything from traffic calming on a single road to a full scale LTN. It is evident in the UK that LTNs can be up to 1.5 km<sup>2</sup> in size. The Framework which is being developed by the council will consist of a range of eligibility criteria that each request will be assessed against – such as transport data and Joint Strategic Needs Assessment metrics. In the event that a request passes the eligibility stage then it will be evaluated in terms of feasibility criteria such as base cost and the cost of enabling works required on any boundary roads that may require additional interventions to increase the sustainable transport qualities on these roads. This screening process will enable officers to periodically provide a transparent order of recommended Prioritisation projects so that the limited LTP Liveable Neighbourhood budget can be best targeted across the city. It is anticipated that the screening process will be hosted on our available Geographical Information Systems and Business Intelligence software to enable rapid screening assessments of requests with minimal data gaps needing to be filled. We look forward to bringing the report to Committee later this year and adopt the Framework ASAP which once in use will save officer time and will reduce the need to produce individual committee reports whilst expediting much needed transport improvements across the city”

### **Councillor Fowler- Madeira Drive cycle path**

The Council recently indicated that it had received funding to develop a cycle path on Madeira Drive, Brighton. What form of consultation will the Council undertake with residents prior to the commencement of any scheme?

Response:

“The Council have recently communicated winning an Active Travel Tranche 3 bid for funding for Marine Parade cycle facility which runs parallel with Madeira Drive. The Council will carry out a public consultation on the developing designs in line with the requirements of the funding allocation”.

### **Councillor Fowler- 1 Hour Parking**

Please can I have an update on the impact statement for the removal of free 1 hr parking across the city?

Response:

“It is not possible to work out the impact as the Council doesn't have any data on the use of free parking before the changes were made to charge for parking. Businesses may be able to provide before and after figures on customer activity but there may be many factors to any changes. However, Officers will be providing an update within the next Fees & Charges Report coming to September ETS Committee”.

### **Councillor Nemeth- Failed Park and Ride Scheme Costs**

Please provide a breakdown of estimated funds that have been expended to date by the Administration in the pursuit of the Westdene park and ride scheme.

Response:

“The only cost to date that the council has expended in the support of the Bus Operators proposal relates to officer time in meetings with them and on site and creating a proposed signing drawing. An estimate of approximately 2 days of officer time was expended”.

### **Councillor Nemeth- Parking Permits**

Given that residents are still struggling to renew their parking permits after well over a year of problems, will the Chair state what lessons can be learnt from the whole episode and whether or not any contracted parties can be held legally responsible for any of the many issues that residents have endured?

Response:

“A more detailed report on the resident permit renewal situation is being presented to the P&R Committee in July as requested by a notice of motion.

In summary the renewal difficulties relate to the Council's switch to the MYAccount System that is moving away from reliance on paper based records and systems to a more streamlined process that will eventually enable all residents to access a wide range of Council Services remotely at any time of day and more easily link to existing data records of its residents. The delays in issuing permits over the last year have been associated with the necessary migration of personal data from the old system to the new one in batches, month by month. To some extent this needed to work through the system based on renewals, so that now, a year later, only 610 current resident permit holders remain to be migrated out of over 36,000. In the meantime we have made improvements to the system where we can, and have focussed on a new 'version 2' that will carry fewer bugs to the system.

We are now seeing a big improvement in outcomes for customers that we are confident will soon feed through into reduced complaints.

There is always a time-lag between making the improvements and the figures actually proving the impact they've had, however, in May we have already seen a huge reduction in average times for officers to take phone calls and less abandoned calls by the customer.

Many lessons have been learned. A briefing note sent to all councillors in October 2021 outlined these in detail, together with details about our plan to recover performance and a statement about what we would do differently in the future. We will be updating further on this through another Councillor briefing in the coming weeks. It is important to note that there are no contracted parties to be held accountable because we built the resident permit system in-house in partnership with support from our colleagues in IT&D which allowed us to integrate to the corporate MyAccount system”.

### **Councillor Nemeth- Groyne Repairs**

Medina Groyne and other seafront structures including other groynes and several groyne marker posts are in a precarious state presently. What assurances can the Chair make that the Council is aware of these issues and what urgent actions are being taken?

Response:

“Thank you for your question and I have spoken with Officers and an inspection to the area is planned in the coming weeks as part of the Councils ongoing groyne maintenance programme. I have asked Officer's to update you with a schedule for any repairs once the inspections have been completed”.

### **Councillor Bagaeen- Draft Air Quality Action Plan**

The 8-week consultation on the draft Air Quality Action Plan (AQAP) began on Monday 16 May and runs until Monday 11 July.

- a) What has been the level of engagement from residents so far?
- b) What level of response has been received from BAME residents and those suffering from respiratory conditions?
- c) What efforts have been made to reach BAME residents in Brighton & Hove?

Response:

“We have used a number of routes to promote this important air quality consultation and encourage residents and stakeholder groups from across the city to participate in it. As well as using the council's website, social media, and posters in community locations such as GP surgeries, we have contacted other council officers and organisations and requested that they share the information with people who are part of, or involved in, many groups and sectors across the city. These have included the council's Equalities Diversity & Inclusion Officer in the Communities Equality & Third Sector Division, and the Trust for Developing Communities, which works with local communities in the city to address equality, diversity and inclusion.

In particular, the consultation information has been included in a Community Bulletin that has recently been sent out by the council to many organisations and stakeholders, including Black, Asian and Minority Ethnic groups. The Trust for Developing

Communities was commissioned by Brighton and Hove Clinical Commissioning Group and the NHS to engage with diverse communities of identity on topics relating to their experience of health, as well as wellbeing services. Through its work with Black, Asian and Minority Ethnic communities, the Trust is well-placed to help circulate information about consultations and other council projects, such as this one.

An initial check on the number of responses shows that there has been nearly 200 so far. The data that has been received has not been cleaned or analysed at this point and therefore it is not possible to provide any detailed information on individual groups of people or the information that they may have provided when responding. This information will be analysed once the consultation is complete and then published when the results are brought back to this committee”.

### **Councillor Bagaeen- Motorcycles in the city**

Beyond working with one food delivery provider, how is the council working with Sussex Police to make the roads in the city safer for residents given the large number of motorcycle delivery drivers across the city?

Response:

“We have engaged previously with other delivery companies but their business model doesn’t seem to lend to much real engagement. We are aiming to take the engagement activity with Sussex Safer Roads and offer it to other companies. We also work with local police and traffic police to identify areas which are complained about for anti-social riding by courier companies. Just Eat national management have engaged with the National Young Riders Forum (comprising DVSA, MCIA, MAG, Police and other bodies) to develop effective engagement materials with the gig economy as our next project – thanks to their engagement with us”.

### **Councillor Bagaeen- Electric Cargo bike take-up**

How many businesses in the city have taken up the council’s subsidy to switch to electric cargo bikes under the eCargo Bike Accelerator project?

Response:

“Since the council’s eCargo Accelerator Project launched in 2020, 25 local businesses have taken up the council’s offer of financial subsidy and free advice to support their switch to eCargo bike. Through the project, we have also leased eCargo bikes to a further 5 SMEs, 2 council teams and an urban logistics courier. The businesses the council are supporting through the project are detailed on the council’s website and we can provide you with the link”.

### **Councillor Bagaeen- Verge and Weed Management**

Why is the council relying on out-of-date data from 2017 for verge management when it comes to prioritizing verges for weed cutting when such data was collected well before the Council brought in a weed-killer ban in 2019?

Response:

“When 2017 was referred to in the March Verge and Weed Management report it was with regards the consultation feedback from the Open Spaces Strategy and people’s

views on what is important to them. Whilst this is pre the decision to restrict the use of pesticides, the council has adopted the Open Spaces Strategy as the policy framework for the management of parks and open spaces. When the Strategy was adopted, this committee also agreed to explore alternative delivery options in relation this infrastructure at a time of reducing resources.

The pilot approach to verge management over the next three years, as agreed by this committee in March, is one of these alternative delivery options.

The small selection of verges identified for the pilot were identified by the Living Coast Officer in 2021 so is recent information on which areas would benefit most from this approach”.

### **Councillor Bagaeen- Hanover and Tarner Liveable Neighbourhood**

Can the Chair assure Members and residents that funds are being spent wisely in relation to employing consultants in a fair and transparent manner?

Response:

“I can certainly reassure yourself, members of the committee and residents that the appointment of the consultant for this work, Project Centre Limited, has taken place in accordance with the council’s established procurement processes.

Project Centre is one of three approved consultancies who have been successfully appointed to a council framework agreement for transport and highway work, which is a standard way to provide a number of suppliers to deliver various projects and achieve value for money. On this occasion, after the project brief was issued, the company was successful in being awarded this work following a competitive tendering process with the other two companies”.

## **(C) Letters**

### **1) Refuse**

7.36 The Committee considered a Letter from Councillor Robins and Councillor Hamilton relating to problems with refuse collection in Southdown Avenue.

7.37 The Chair provided the following response:

“Thank you and to Councillor Hamilton, for your letter.

Under Section 72 of the Highways Act 1835, it is an offence to drive along the footway. This piece of legislation is still current and in force.

Footways, generally known as pavements, are for pedestrian use, not vehicles. It is not an offence to drive onto the footway for the purpose of parking, but it is an offence to drive along it.

It is not an offence to drive onto the footway in the case of an emergency and the collection of refuse and recycling is not classed as an emergency.

The Council cannot allow its drivers to break the law and by driving on the pavement. The Council would be acting illegally if it were to do so. If the council is notified of any instances of its staff driving along pavements, action will be taken to stop this practice. Other options for Southdown Avenue have been explored.

The introduction of double yellow lines to restrict parking and enable vehicles to access the road was considered. However, residents did not want to give up parking spaces, which is understandable.

Lifting and carrying bin bags along this long road is not an option due to health and safety risks relating to needle stick injuries, glass, and manual handling injuries.

The Council has a duty to reduce manual handling injuries via the introduction of wheelie bins and this is in line with common practice across the waste industry.

The containment at Southdown Avenue has increased to provide greater capacity, and the frequency of collections has also increased. Unfortunately fly tipping happens across the City. It is limited at this location and the council's Street Cleansing teams address reports of fly tip when notified.

Unfortunately, this Committee is not able to resolve the issue because of the law preventing driving along pavements, and also the risk of manual handling if operatives remove bags from bins. Communal bins are common across Brighton & Hove and the current communal bin system for Southdown Avenue will have to remain".

7.38 **Resolved-** That the Committee note the Letter.

**(d) Notices of Motion**

**1) Undercliff Walk Infrastructure Improvements**

7.39 Councillor Nemeth moved the following motion:

This Committee:

1. Notes the significance of the Undercliff Walk to residents in the east of the city;
2. Notes that Councillors, residents and community groups have called for public realm and infrastructure improvements along Undercliff Walk, including new bins, signage, beach huts and chalets; upgraded and accessible toilet and changing facilities; disability beach access ramps and beach showers; cycling safety measures; seafront railing restoration; defibrillators; and future-proofing against potential rises in sea levels;
3. Recognises works at Madeira Drive, Black Rock and Saltdean Lido;
4. Seeks to address a lack of strategic focus on the Undercliff Walk by consulting residents' groups with a view to bringing forward a plan for public realm and local infrastructure improvements; and
5. Calls for this report, outlining the budget cost of the requested improvements, to be presented to this Committee.

7.40 Councillor Bagaeen formally seconded the motion.

7.41 Councillor Wilkinson moved the following amendment to the motion as shown in bold italics as follows:

4. Seeks to address a lack of strategic focus on the Undercliff Walk by consulting **residents**, residents' groups **and key stakeholders including disabled groups and visually impaired groups**, with a view to bringing forward a plan for public realm and local infrastructure improvements; and

7.42 Councillor Fowler formally seconded the motion.

7.43 The Chair put the motion as amended to the vote that was approved.

7.44 **Resolved-**

This Committee:

1. Notes the significance of the Undercliff Walk to residents in the east of the city;
2. Notes that Councillors, residents and community groups have called for public realm and infrastructure improvements along Undercliff Walk, including new bins, signage, beach huts and chalets; upgraded and accessible toilet and changing facilities; disability beach access ramps and beach showers; cycling safety measures; seafront railing restoration; defibrillators; and future-proofing against potential rises in sea levels;
3. Recognises works at Madeira Drive, Black Rock and Saltdean Lido;
4. Seeks to address a lack of strategic focus on the Undercliff Walk by consulting residents, residents' groups and key stakeholders including disabled groups and visually impaired groups, with a view to bringing forward a plan for public realm and local infrastructure improvements; and
5. Calls for a report, outlining the budget cost of the requested improvements, to be presented to this Committee.

**2) Farming in Brighton & Hove**

7.45 The Committee considered the following Notice of Motion referred from Full Council:

This Council:

1. Notes that the Council's rural estate consists of approximately 12,800 acres within the South Downs National Park; much of which is worked by long-standing tenant farmers;
2. Recognises the tireless efforts of local farmers and local community organisations who produce food for the city;
3. Recognises the shared aims of Councillors on a cross-party basis that food be produced locally and sustainably; and agreed to participate fully in the work being done through the Asset Management Board on the City Downland Estate Plan (CDEP);

4. Notes the broad and inclusive public consultation process facilitated by Planning for Real which preceded the creation of the draft CDEP and the positive response to date from the South Downs National Park Authority which described the consultation process as “exemplary”
5. Recognises the opportunity afforded by the CDEP to work with farmers and other stakeholders to promote sustainable farming practices, enhance biodiversity, improve public access and sequester carbon, and the the need for BHCC to work with farmers to help them identify potential revenue streams compatible with the CDEP;
6. Notes the proposal that in terms of the practical implementation of the CDEP, the views of farmers, key organisations stakeholders and community groups should be sought on an ongoing basis, the formal channel for which will be the Downland Advisory Panel.

7.46 The Chair put the motion to the vote that was approved.

### **3) Litter on A27**

7.47 The Committee consider the following Notice of Motion referred from Full Council:

This Council:

1. Recognises the efforts of community campaigners and Councillors who have drawn attention to the continued presence of copious amounts of litter along the sides of the A27 within the boundaries of the city;
2. Notes:
  - the difficulties that the Council has experienced in paying for and planning short-term road-closures to facilitate clear-ups on the A27;
  - the responsibility for clearing litter from some all-purpose trunk roads has been transferred to Highways England in some areas of England; and
  - that the burden and cost of keeping the highway and adjacent verges clear of litter on the strategic road network falls unfairly on some local authorities including Brighton and Hove City Council.
3. Requests Officers to:
  - liaise with Highways England to identify ways to mitigate and manage the clear up problem;
  - bring a report to the Environment, Transport & Sustainability Committee setting out proposals for a long-term strategy to fund and execute clean-up operations: and
  - create a timetable for clearing litter that both Highways and the council agree to.

7.48 The Chair put the motion to the vote that was approved.

## **8 CITY ENVIRONMENT MODERNISATION UPDATE**

- 8.1 The Committee considered a report of the Interim Executive Director Economy, Environment & Culture that provided a progress update on the City Modernisation programme.
- 8.2 In response to questions from Councillor Bagaeen, it was explained that the digital software was looking to introduce in-cab technology between trucks, street cleansing service and the depot office that was almost real-time. The digital skills requirement in the updated job descriptions did cover this new technology but also accessing and signposting some of the council's internal digital programmes and software. There was currently no interaction between the new digital systems and Veolia sites but that could be looked into.
- 8.3 In response to a question from Councillor Fowler it was clarified that options for staff transport during the current fuel crisis were complex, but options were being worked upon with a number of stakeholders and there had been a significant increase in staff using active travel to get to work. Dog waste bins were being phased out and use of general bins encouraged instead. Progress on the new bin infrastructure had been hampered by capacity issues but the programme would speed up very soon.
- 8.4 In response to a question from Councillor Wilkinson it was explained that there had been issues with recruitment over the past two to three years owing to the pandemic. Many temporary staff were recruited from abroad and that was now much more difficult due to the UK's exit from the EU, no such difficulties had been encountered recruiting permanent staff. Six seasonal posts would be converted to permanent posts that in turn, could assist in improving the city environment all year round.
- 8.5 **Resolved-**
- 1) That Committee note the progress of the Modernisation Programme, including the updates in Appendix 1.
  - 2) That Committee agrees to add the roads listed in Appendix 2 to the current T-Zone area.
  - 3) That Committee agrees the establishment of a trade recycling and glass sack service which uses existing communal bin infrastructure.
  - 4) That Committee delegates authority to the Executive Director Economy, Environment & Culture (following consultation with the Chief Finance Officer) to revise the trade recycling sack service prices in response to the prevailing market prices for the services provided at least annually.
  - 5) That Committee approves the response to the government's HWRC consultation which is contained in Appendix 4.
  - 6) That Committee approves for a consultation to take place with the residents of Coleman Street to determine whether to remain with communal refuse bins, or move to refuse wheelie bins, pending a wider piece of work as part of the Modernisation Programme.

## 9 ALLOTMENTS

- 9.1 The Committee considered a report of the Interim Executive Director, Economy, Environment & Culture that provided an update on the work of the Allotment Service within City Parks.
- 9.2 In response to questions from Councillor Platts, it was clarified that a new process had been agreed with Brighton & Hove Allotment Federation (BHAF) to give more power to site reps that would quicken the allocation of unused plots. On the two sites identified by Councillor Platts, it was clarified that they would be monitored but the priority would be optimising the service and investigating and identifying leak repairs.
- 9.3 In response to a question from Councillor Nemeth, it was clarified that approximately half of sites were using the new process for the allocation of unused plots.
- 9.4 In response to a question from Councillor Robins, additional resources meant that plots were being cleared more quickly in preparation to let and that was expected to improve.
- 9.5 In response to a question from Councillor Bagaeen, it was confirmed that no demographic data was kept on current and prospective allotment holders however, work was underway about how to obtain and collate that data in line with regulations.
- 9.6 **Resolved-**
- 1) That the Committee notes the updates contained in this report.
  - 2) That the Committee notes the 2021 Outline Business Case for Allotments in Brighton & Hove report commissioned by the BHAF which is contained in Appendix 1.

## 10 TREE PLANTING PLAN

- 10.1 The Committee considered a report of the Interim Executive Director, Economy, Environment & Culture that presented the Tree Planting Plan and Ash Dieback Action Plan ("ADAP") for approval.
- 10.2 In response to a query from Councillor Lloyd, it was clarified that some ash suffering dieback was left in woodland areas however, much of Brighton & Hove's ash trees were located in areas of footfall.
- 10.3 In response to questions from Councillor Nemeth, it was explained that there was a risk on the cost of individual tree removal so a set price would accommodate for that potential risk and higher costs. Further, it was confirmed that Hove Civic Society had been extended an invite in addition to the groups listed on page 162 of the agenda.
- 10.4 In response to a query from Councillor Bagaeen, it was explained that tree locations were mapped however it would be very difficult to present that information using the software package that was used. On enforcement, any person cutting down a tree could be prosecuted. The council had recently employed a new post in this area that mainly focussed on planning breaches but could look at other areas if they were reported.
- 10.5 **Resolved-**

That Environment, Transport & Sustainability Committee:

- 1) notes the draft Tree Planting Plan, that it will be subject to consultation and that a further report will be brought to the Environment, Transport & Sustainability Committee and to Housing Committee with the results of the consultation.
- 2) adopts the Ash Dieback Action Plan and grants delegated authority to the Executive Director of Economy, Environment & Culture to make minor amendments to the Plan.

## **11 UNESCO PERIODIC REVIEW OF THE LIVING COAST BIOSPHERE**

### **Resolved-**

- 1) That the Committee agrees to support the UNESCO periodic review process to confirm the World Biosphere Region designation for The Living Coast and the development of the next 10-year management strategy.
- 2) That the Committee notes that Brighton & Hove City Council as the lead partner for The Living Coast will make available from existing Sustainability Team core budgets necessary resources as detailed in paragraph 3.17 of the report to support the UNESCO review and strategy development process.

## **12 LOCAL APPROVAL OF FINAL VERSION OF ENVIRONMENT AGENCY FLOOD RISK MANAGEMENT PLAN CYCLE 2 (2021-2027)**

### **Resolved-**

- 1) That Committee approve the local content to the Flood Risk Management Plan as detailed in Appendices 1 and 2 of this report for issue of the final version by the Environment Agency.

## **13 HANOVER & TARNER LIVEABLE NEIGHBOURHOOD**

- 13.1 The Committee considered a report of the Interim Executive Director, Economy, Environment & Culture that requested approval for the Liveable Traffic Neighborhood (LTN) preferred option (Appendix 1) to be put to public consultation and the adoption of a draft Project Monitoring Framework (Appendix 4), that would track the outcomes of the experimental project, once delivered.
- 13.2 In response to questions from Councillor Bagaeen, it was explained that £300,000 had been allocated to the pilot LTN from the LTP Capital Programme. Approximately half of that had been spent on procuring services for design and a significant amount of traffic surveys and the remaining amount would be used for project delivery. It was added that a competitive tender process had been run in accordance with the council's procurement framework.
- 13.3 In response to a query from Councillor Lloyd, it was confirmed that there would be a six-month period of initial consultation and the Experimental Traffic Order (ETRO) could be amended to refine that project. There would then be a further year of collating data so the committee could come to a decision.

13.4 In response to a question and statement from Councillor Bagaeen, the Interim Executive Director, Economy, Environment & Culture stated that all procurements were undertaken using an approved framework and regulation using a legitimate and transparent process that was also audited. The additional funding would be requested of Policy & Resources Committee later in the year. The Legal Officer added that the council has contract standing orders use a framework and suppliers and contractors could not get on to framework unless they had already undertaken a competitive process. Contractors remained on that framework for a period of four years in line with legislation.

**13.5 Resolved-**

That Committee

- 1) Welcomes the progress made through local community engagement and co-production, which has helped develop the preferred option for the Hanover & Turner Liveable Neighbourhood.
- 2) Agrees that the preferred option, as shown in Appendix 1 of this report is progressed through a public consultation exercise, and that the proposed final scheme be reported back to a future meeting of this committee.
- 3) Agrees that, based on current cost estimates, consideration will be given to seeking additional funding from the 2022-23 Carbon Neutral Fund, as outlined in 7.1, subject to approval by the Policy & Resources committee in the second half of 2022.
- 4) Agrees the proposed Project Monitoring Framework set out in Appendix 4 of this report.
- 5) Agrees that officers will engage with members of the local community to explore potential mitigation and improvement measures on roads that border the pilot LTN project. This will include the prioritization of those measures, should there be insufficient funds, to carry out all the potential measures explored.

**14 BUS SERVICE IMPROVEMENT PLAN DRAFT ENHANCED PARTNERSHIP AGREEMENT**

- 5.1 The Committee considered a report of the Interim Executive Director, Economy, Environment & Culture that provided an update on the indicative funding awarded by the Department for Transport (DfT) for the Bus Service Improvement Plan (BSIP) and set out the process required to secure this funding and the priorities officers recommend in response to the DfT's requirements. The report also provided a draft of the Enhanced Partnership Agreement. This will be an agreement between the Council and bus operators setting out the measures each will deliver, including those enabled by this funding.
- 5.2 In response to a question from Councillor Platts, it was confirmed that soft market testing was undertaken for a bus route around East Brighton that identified that more funding was required than allocated. The BSIP funding meant that it was possible to deliver the service, and it was an ambition but was also contingent on other factors.

- 5.3 In reply to a query from the Chair, it was explained that fare simplification was a priority and there would be a particular focus on young people in order to foster sustainable travel behaviours.
- 5.4 In response to a question from Councillor Bagaeen, it was noted that the staff resource was not currently in place to deliver the programme and hires and a restructure would be required to be able provide a formal timeline of implementation on what was a complex area. Some initiatives could be delivered in the short-term.

**5.5 Resolved-**

That the Environment, Transport & Sustainability Committee:

- 1) Notes the indicative allocation of £27.9m funding to deliver the BSIP and the steps needed to secure this funding.
- 2) Approves the draft Enhanced Partnership Agreement and Scheme.
- 3) Grants delegated authority to the Executive Director for Economy, Environment & Culture to approve any amendments to the Enhanced Partnership Agreement and Scheme that the Executive Director, in consultation with the Chair(s) of ETS and ETS Lead Spokespersons, considers appropriate or expedient or following any feedback that may be received from the DfT and responses from members of the Quality Bus Partnership.

**15 PHONE PARKING CONTRACT RE-LET**

**Resolved-**

- 1) That Committee delegates authority to the Interim Executive Director for Economy Environment and Culture to take all steps necessary to procure and award a new phone parking contract for a term of two years
- 2) That Committee delegates authority to the Interim Executive Director for Economy Environment and Culture to approve an extension to the contract referred to in 2.1 above for a period of up to two years following the initial two-year term, subject to satisfactory performance by the Service Provider.

**16 ITEMS REFERRED FOR FULL COUNCIL**

- 16.1 No items were referred to Full Council for information.

The meeting concluded at 9.27pm

# Brighton & Hove City Council

## Environment, Transport & Sustainability Committee

## Agenda Item 21a

**Subject:** Petitions

**Date of meeting:** 20 September 2022

**Report of:** Executive Director for Governance, People & Resources

**Contact Officer:** Name: John Peel  
Tel: 01273 291058  
Email: [john.peel@brighton-hove.gov.uk](mailto:john.peel@brighton-hove.gov.uk)

**Ward(s) affected:** All

### **1. Purpose of the report 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**

- 2.1 That the committee responds to the petition either by noting it or where it is considered more appropriate, calls for an officer report on the matter.

### **3. Context and background information**

- 3.1 To receive the following petition signed by 24 people at the time of publication:

#### **(1) Controlled parking for Withdean Court Avenue**

We the undersigned petition Brighton & Hove Council to Introduce controlled residents parking in Withdean Court Avenue - similar to Surrenden Crescent. Since the introduction of controlled parked along Surrenden Crescent from early February, parking in Withdean Court Avenue has become very problematic for the residents. This situation has also resulted in the council refuse truck being unable to safely negotiate its way up the road on a number of occasions and recently resulted in knocking a lamp post which necessitated its removal. A neighbour is also currently unable to get a skip removed from her drive due to the number cars parked, so that the lorry cannot safely load it. The residents are also concerned about emergency vehicles not being able to access the road as well.

To receive the following petition signed by 110 people at the time of publication:

## **(2) Stanford Avenue/Preston Road Traffic and Noise Calming**

We the undersigned petition Brighton & Hove Council to introduce traffic calming measures to reduce the level of noise and the speed of traffic in lower Stanford Avenue and Preston Road running north of the Viaduct which are both currently outside the city centre 20 mph limit. Therefore, we propose that the Brighton and Hove City Council should consider the following actions; 1. To move the 20 mph signs from the current location in Beaconsfield Road to the entrance of Stanford Avenue just before the pedestrian crossings in Preston Road (A23). (A map will be available for the Committee meeting) 2. To move the 30 mph signs in Preston Road located at the Viaduct to the same location beyond the pedestrian crossing in Preston Road in alignment with motion 1 above. 3. Install "Reduce your speed" signs in Stanford Avenue and Preston Road". 4. Support requests to our Brighton MP that lower Stanford Avenue and Preston Road be considered for the Government's pilot noise camera scheme

To receive the following petition signed by 12 people at the time of publication:

## **(3) Reinforcing Controlled Parking on Dean Street**

We the undersigned petition Brighton & Hove Council to erect bollards on the east side to prevent kerb-parking on double-yellow line (particularly at Western Road end). Enhance signposting for Residents' Parking. Prevent motorcycles parking on pavement on the corner outside McDonald's to avoid them blocking road users' view from Dean Street to Western Road (west). Since the explosion of rapid food delivery services in Brighton over the past couple of years, Dean Street, which was once a relatively quiet Victorian inner city haven, has become a dangerous and unpleasant place for its residents to live.

Inadequately regulated drivers are continually parking their vehicles on the pavements, on double-yellow lines and outside residents' houses. Also there is a continual flow of delivery driver motorbikes down the street, often exceeding the speed limit and some riding on the pavement as well as the wrong way up our one-way street.

It is a constant problem with vehicles parking on the pavement and blocking the way of pedestrians, mobility scooters and pushchairs. It can even prevent residents getting in and out of their homes as the cars park up against the houses - outside numbers 2-9 in particular on the east side of Dean Street.

To receive the following petition signed by 90 people at the time of publication:

## **(4) Bus Service to replace Madeira Drive lift**

Given that the Madeira Lift is out of action for the rest of the year if not beyond, I ask that a bus service is provided to take the less mobile residents of the Kemptown area down to Madeira Drive.

To receive the following petition signed by 74 people at the time of publication:

**(5) Haliburton parking proposal: Isabel Crescent**

We the undersigned, all residents of Isabel Crescent or Olive Road, wish to oppose the painting of double yellow lines on Isabel Crsecent



# Brighton & Hove City Council

## Environment, Transport & Sustainability Committee

## Agenda Item 21(b)

**Subject:** Written Questions

**Date of meeting:** 20 September 2022

A period of not more than fifteen minutes shall be allowed at each ordinary meeting for questions submitted by a member of the public.

The question will be answered without discussion. The person who asked the question may ask one relevant supplementary question, which shall be put and answered without discussion. The person to whom a question, or supplementary question, has been put may decline to answer it.

The following written questions have been received from members of the public:

**(1) Adrian Hart- Aquarium Roundabout**

Can the Chair clarify that there is no evidence to suggest the Aquarium Roundabout is one of the UKs (or even Brighton's) most dangerous roundabouts or in fact any more dangerous to road users and pedestrians than numerous traffic light junctions?

**(2) Jane Blunden- Refuse**

The residents of Bristol Gate have noticed a deteriorating service over the last few years in terms of sufficiently emptying our communal refuse and recycling bins, so that we often have unhygienic and overflowing bins. What are the Council's plans for reviewing and improving services across the city?

**(3) Shirley Ross- Tree maintenance**

The strip of Council-owned land next to our garden is in urgent need of proper maintenance so it does not form a dense, light-obstructing hedge to our house and garden and allows a safety margin for pedestrians on a narrow, often busy road. A site meeting with Peter Small on 10 May agreed some minimum action points. I am here seeking help because we are making no progress in having these points implemented and I don't understand why emails with simple requests go unanswered when the problems and solutions have been previously agreed.

**(4) William Foster- Speeding on Preston Park Avenue**

I wish to draw your attention to the danger posed by persistent speeding traffic along Preston Park Avenue. This is of special concern as many children, young people, and people with mobility impairments use the park and given its unfenced nature, emerge onto the roadside at almost any point often unseen between parked vehicles. I have witnessed cars travelling in excess

of 50mph, an accident waiting to happen. I wish to call on the committee to action a report into methods to improve public safety and then implement the report's suggestions. Can you please help the safety of our community?

# Brighton & Hove City Council

## Environment, Transport & Sustainability Committee

## Agenda Item 21(c)

**Subject:** Deputations

**Date of meeting:** 20 September 2022

A period of not more than fifteen minutes shall be allowed at each ordinary meeting of the Council for the hearing of deputations from members of the public. Each deputation may be heard for a maximum of five minutes following which one Member of the Council, nominated by the Mayor, may speak in response. It shall then be moved by the Mayor and voted on without discussion that the spokesperson for the deputation be thanked for attending and its subject matter noted.

Notification of two Deputations has been received. The spokesperson is entitled to speak for 5 minutes.

### **(1) Deputation: Rottingdean High Street planter**

Time to remove the Rottingdean Planter!

Residents say it is time for the Council to remove the planter from Rottingdean High St, which is causing congestion and road safety issues, particularly for pedestrians.

Rottingdean's narrow High Street was placed under an experimental traffic order by the Council in 2019 to address pollution in a limited area at its lower end. This included a giant planter box being installed on the road surface, blocking one half of the road.

Other parts of the experiment included a yellow hatched 'no stopping' box on the southbound lane from the southern building line of Dene's Mews and a ban on right hand turns out of West Street. These other measures have been successful reducing waiting traffic at the lower end of the High Street and residents are happy for these to continue. However residents are fed up with the giant planter and want it removed for the following reasons:

1. Pedestrian safety (narrow pavement) – The planter totally blocks one lane, necessitating southbound traffic to move to the other side of the road to pass. This adjoins a very narrow strip of pavement and pedestrians are subjected to traffic passing within inches of them. Residents have in many instances had to flatten themselves against the shop front to avoid being hit by large wing mirrors.
2. Pedestrian safety (zebra crossing) – Long queues of southbound traffic waiting behind the planter obscure the view of zebra crossing for the traffic coming up the High Street from the Coast Road, thereby endangering the safety of pedestrians who have already stepped onto the crossing from the east side of the road.
3. Pollution - Resulting queuing traffic has increased pollution and noise massively at the upper end of the high street. The planter means that much through traffic now diverts to residential areas of Steyning Road, Chailey Avenue and beyond. Residents in this area are having their lives greatly impacted by this planter.

The Council originally said that the trial would last 18 months only with evidence collected before a decision on whether it should be permanent. The council extended this for another 18 months due to Covid. This time has now come to an end and residents want a decision made to remove the planter with immediate effect because it just does not work. It causes increased congestion and danger for pedestrians. At one time when the planter was being discussed it had the full support of the Parish Council but this is no longer the case.

There is confusion that the Council is now changing the goalposts by saying the planter is no longer about pollution but about slowing down traffic, which was never mentioned in the Council's 2019 press release announcing and justifying the measures.

We the undersigned are calling on the council to do the following:

1. Listen to Rottingdean residents and confirm that the planter will be removed when the trial expires as it is not fit for purpose and is a failed measure.
2. Write to all Rottingdean residents to confirm the date of its removal.

**Supported by:**

Lynda Hyde  
John Eisbank  
Sue Eisbank  
Alison Peters  
Vincent Smith  
Max Peters

# Brighton & Hove City Council

## Environment, Transport & Sustainability Committee

## Agenda Item 22a

**Subject:** Petitions referred from Public Engagement Meeting

**Date of meeting:** 20 September 2022

**Report of:** Executive Director for Governance, People & Resources

**Contact Officer:** Name: John Peel  
Tel: 01273 291058  
Email: [john.peel@brighton-hove.gov.uk](mailto:john.peel@brighton-hove.gov.uk)

**Ward(s) affected:** All

### 1. Purpose of the report and policy context

- 1.1 To receive petitions presented at the public engagement meeting held on the 21 July 2022.

### 2. Recommendations

- 2.1 That the committee responds to the petition either by noting it or where it is considered more appropriate, calls for an officer report on the matter.

### 3. Context and background information

- 3.1 To receive the following:

#### **Petition**

#### **3.2 Clean Air Zone**

We the undersigned petition Brighton & Hove Council to take action on illegally polluted air to improve the health of those living, travelling and working in the city by implementing a Clean Air Zone (also known as an Ultra Low Emission Zone or ULEZ).

Our city has the UK's 3rd most polluted street with many other areas above UK legal standards. Air pollution is considered responsible for at least 175 deaths in the city each year, as well as significant ill health. Children, the elderly, pregnant and those with existing health conditions are most at risk but air pollution can affect us all.

Many of our homes, doctor surgeries and medical centres suffer illegal air pollution as well as the Royal Sussex hospital itself and the route to it (BH Air Quality Annual Status Report 2020). Air pollution well above UK legal standards is found by many roads in the centre of the city but also spots near busy roads in Portslade, Rottingdean, Moulsecoomb, Hangleton, Hollingdean, Preston Park, Hove Park, Wish and Withdean. In fact every inch of Brighton & Hove suffers air pollution above new World Health Organisation (WHO) guidelines with the worst affected areas many times those recommended levels.

It is accepted by health professionals that air pollution causes asthma, COPD, dementia, eye degeneration, cancer, lung disease, heart disease, kidney disease, low birth weight, miscarriage and a whole range of other medical and psychological ill health (Clean Air Strategy DEFRA 2019). Unfortunately the majority of air pollution in Brighton, especially in the most polluted areas, comes from motor vehicles, with older vehicles responsible for a much higher proportion (BH Detailed Air Quality Assessment 2020). A Clean Air Zone would apply to only a small proportion of vehicles. It works by discouraging the most polluting vehicles by charging a small fee upon entering the zone. The funds raised through the scheme, like in other cities, would go to help improve air quality by upgrading vehicles, improving zero emission transport and thereby improving health and lowering emissions. The Clean Air Zone has been a success in central London by reducing air pollution by 45% and in Birmingham by 20% after just a few months. Toxic, harmful air is simply unacceptable and we need a Clean Air Zone to provide us with a healthier environment.

# Brighton & Hove City Council

## Environment, Transport & Sustainability Committee

## Agenda Item 22b

**Subject:** Deputations referred from Public Engagement Meeting

**Date of meeting:** 20 September 2022

**Report of:** Executive Director for Governance, People & Resources

**Contact Officer:** Name: John Peel  
Tel: 01273 291058  
Email: [john.peel@brighton-hove.gov.uk](mailto:john.peel@brighton-hove.gov.uk)

**Ward(s) affected:** All

### **1. Purpose of the report and policy context**

- 1.1 To receive deputations presented at the public engagement meeting held on the 21 July 2022.

### **2. Recommendations**

- 2.1 That the committee responds to the petition either by noting it or where it is considered more appropriate, calls for an officer report on the matter.

### **3. Context and background information**

- 3.1 To receive the following:

#### **Deputation**

#### **3.2 New Accessible Foot and Cycle Bridge at Hove Station Quarter**

We, the undersigned, support Artists Corner Residents Group in their request to secure design funding for the new accessible pedestrian / cycle footbridge connecting the Sackville Trading Estate redevelopment with Hove Station.

The redevelopment of the Sackville Road Trading Estate site is regenerating one of the largest brownfield sites in Hove.

The site offers the opportunity to provide an accessible footbridge connecting Hove Station with the development and communities in Hove Park, Westbourne, Goldsmid and Central Hove Wards. It will also contribute significantly to the regeneration of the wider area including the shops on George Street and Church Road.

This proposal is key to connecting the various parts of Hove Station Quarter and to help create an integrated new city quarter around Hove Station

The provision of a new accessible pedestrian footbridge is one of the major infrastructure proposals set out in the Hove Station Neighbourhood Plan / Hove Station Area SPD. The SPD identifies a “potential pedestrian / cycle bridge over railway line”. The bridge would provide east-west routes connecting Hove Station with the community to its north-west (Community Hub 4).

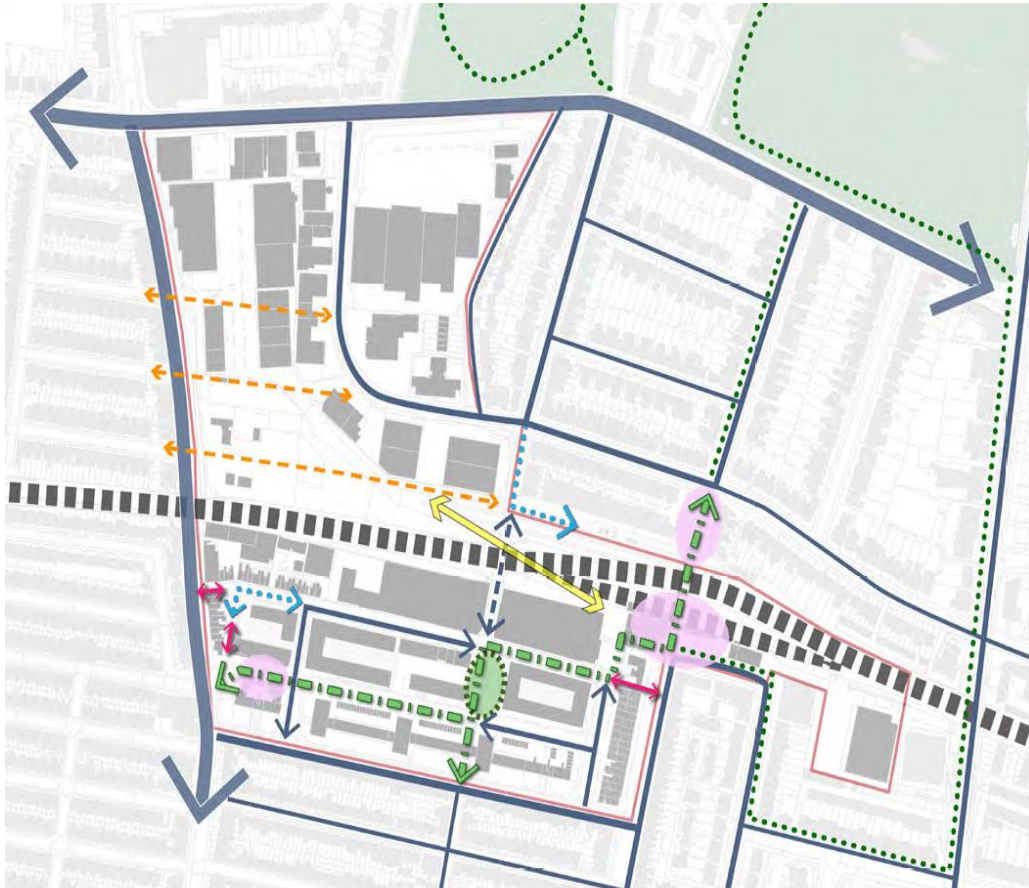
The next step to progress the pedestrian bridge project is to secure design funding.

This deputation asks the Council to support the allocation of £70,000 of Sackville Road Trading Estate redevelopment S106 funds and/or Hove Gardens 2 Community Infrastructure Levy to secure design funding for the proposed new bridge.

**Supporting information:**

**Annex:**

Extract Hove Station Area Master Plan SPD 18, page 25



Shows potential pedestrian / cycle bridge across railway (yellow arrow) - illustrative alignment

## **Deputation**

### **3.3 A request to introduce parking restrictions in Nevill Avenue, Hove**

As residents of Nevill Avenue, we are increasingly worried about road safety on this road for ourselves, our visitors and primary and secondary school children from surrounding schools.

There has been a problem for a number of years as people from Legal and General and Lloyds TSB use Nevill Avenue to park during the day as do users of Hove and Aldrington stations. Further, since parking restrictions have been brought in across Hove, notably around Hove Park, our road has seen a significant increase in long-term parking, especially vehicles such as campervans, vans and other large vehicles. This situation will only get worse with the Sackville Estate development, a scheme which lacks sufficient parking for the amount of residences being built.

As these parked vehicles block the line-of-sight, it makes pulling out of driveways dangerous, with many residents with children in their cars. Especially with the average speed being 37 mph on this road, according to police monitoring.

There is also the issue that these large parked vehicles cause blind spots for cyclists.

Having met with local Cllr Samer Bagaeen to discuss this matter, he advised us that the first step was to raise a petition voicing our concerns. There was a positive response and we have gathered 54 signatures to date from residents of Nevill Avenue (Greyhound Stadium end up to Bishop Hannington Church) who are in support of this action.

To be clear, we are advocating for “light touch” restrictions (typically only requiring a residents permit between 11am and 12pm, and 6pm and 7pm or suchlike). We believe that this would achieve a reduction of non-resident parking, with the least amount of cost/inconvenience to residents.

We are hoping that our petition will trigger an official consultation with the residents of Nevill Avenue and other relevant roads in order to join the Hove Park Parking Zone P.

We have been informed that in recent months the council has looked favourably on requests for light touch parking, extending the Hove Park Zone P into Withdean. So we asking for equal treatment in this regard.

# Brighton & Hove City Council

## Environment, Transport & Sustainability Committee

## Agenda Item 23(b)

**Subject:** Member Questions

**Date of meeting:** 20 September 2022

The question will be answered without discussion. The person who asked the question may ask one relevant supplementary question, which shall be put and answered without discussion. The person to whom a question, or supplementary question, has been put may decline to answer it.

The following written questions have been received from Members  
This Committee:

**(1) Councillor Fishleigh- Whiteways Lane between Rottingdean and Saltdean**

Whiteways Lane is a well-used path between Rottingdean and Saltdean which is very popular with walkers, cyclists and horse riders. Unfortunately the path uneven and slippery in parts. Please would the council visit with a view to making improvements.

**(2) Councillor Fishleigh- Vans and caravans at Black Rock**

Why does it seem to residents that the vans and caravans that stay overnight in the bus-only parking bays and paid-for bays don't receive parking tickets?

**(3) Councillor Fishleigh- Proactive sea water testing in Brighton & Hove**

Southern Water is working with Canterbury City Council and Havant Borough Council on a pilot project involving water quality testing buoys which give residents live updates on sea water pollution. Would BHCC please reach out to Southern Water to see if the trial can be extended into Brighton and, if not, investigate similar systems that could be used along the city's coast?

**(4) Councillor Fishleigh- Timescale for report on undercliff**

What is the process and timescales for researching and preparing a report about potential improvements to the Undercliff Walk?

**(5) Councillor Nemeth- Speed Trials**

Despite the great efforts of the organisers of the Brighton Speed Trials, there was huge disappointment again amongst motor-racing enthusiasts concerning the non-participation of motorcycles.

The decision to not allow motorcycles ultimately stems from a decision by the Auto-Cycle Union (ACU) to not grant a track licence following concerns about surface materials. Last year, there were concerns about the green cycle lane. This year, there were concerns over the type of white paint that has been used for line markings.

The ACU has clearly stated that there are suitable types of white paint which are available for the job in question.

Given that this Council resolved to ensure that this event continues – with no excuses or caveats – please detail precisely what conversations and meetings took place (with dates) with the appropriate licensing authorities prior to the paint being administered.

**(6) Councillor Nemeth- Welcome Back Fund**

A response to a written question at Full Council on 7th April 2022 confirmed broad funding arrangements for the five high streets to which the Welcome Back Fund applied.

The project included both planting and street-cleaning elements.

Please now provide a full breakdown of costings for each street along with an explanation as to why plants were picked that immediately died.

**(7) Councillor Nemeth- City's Flood Prevention works**

The Council's main infrastructure response to the flood risk in Brighton & Hove has now concluded having only been half completed.

SCAPE, which was launched in 2017 after having been funded by an external grant, was planned to be rolled out over four phases between 2017 and 2020. However following council delays, only phases 1 and 2 (Darcey Drive and the top of Carden Avenue) have been delivered. Phases 3 and 4 (bottom of Carden Avenue and Norton Road) have been left incomplete with no indication as to whether or when they will ever be undertaken, causing concern from residents living in these flood prone areas.

Can the Chair inform the Committee of the reasons why this important project has been left incomplete and residents left in the dark and advise whether the Administration has any plans to complete the incomplete phases that might reassure the residents living in these areas?

# Brighton & Hove City Council

## Environment, Transport & Sustainability Committee

## Agenda Item 24

**Subject:** Application for a Definitive Map Modification Order, Benfield Valley, Hove

**Date of meeting:** 20 September 2022

**Report of:** Executive Director of Economy, Environment and Culture  
Executive Director of Governance, People and Resources

**Contact Officer:** Name: Katie Kam  
Tel: 01273 291514  
Email: [katie.kam@brighton-hove.gov.uk](mailto:katie.kam@brighton-hove.gov.uk)

**Ward affected:** Hangleton & Knoll

### For general release

#### 1. Purpose of the report and policy context

- 1.1 An application has been made to Brighton & Hove City Council to make an order modifying its Definitive Map and Statement of Public Rights of Way ("the Definitive Map") by adding two footpaths at Benfield Valley, Hove.
- 1.2 The Council is the surveying authority for the purposes of section 53 of the Wildlife and Countryside Act 1981 and is required by law to keep the Definitive Map under review and to make any changes necessary by order.
- 1.3 The Committee is being asked to consider the evidence provided in support of, and in opposition to, the application and to determine whether an order modifying the Definitive Map should be made.

#### 2. Recommendation

- 2.1 That Committee agrees to make an Order on the basis that the evidence referred to in this report shows that the Claimed Routes, as defined in the report, can at least be reasonably alleged to subsist in accordance with Section 53(3)(c) (i) of the Wildlife and Countryside Act 1981.

#### 3. Context and background information

##### The Application

- 3.1 On 1 March 2019 an application was made to the Council by a local resident ("the Applicant") for an order modifying the Definitive Map by adding two footpaths at Benfield Valley, Hove. The Applicant subsequently amended

the description of the footpaths (“the Claimed Routes”) in two further applications dated 1 September 2019, although the location of the footpaths remains as per the original application. The original application and the subsequent applications are referred to in this report as “the Application”. The Claimed Routes are shown by the thick black lines on the plan attached as Appendix 1. Footpath 1 (“Path 1”) runs from point A to point B on the plan, and Footpath 2 (“Path 2”) runs from point A to point C. As can be seen, Path 1 runs from Restricted Bridleway H 11b to the south side of the footbridge over the A27 and Path 2 runs from Restricted Byway H 11b to Footpath H 8a.

- 3.2 The land over which the Claimed Routes run is owned by the Council and leased to Benfield Investments Limited (“the Leaseholder”). The lease is for 225 years and the land is currently being used as a footgolf course. The Applicant has stated that they made the Application because the manager of the footgolf course had been refusing to allow members of the public to use the Claimed Routes.
- 3.3 The Application was supported by user evidence. A summary of this is found at Appendix 2 and further referenced below. The Application was also accompanied by a Submission Statement and a copy of this is found at Appendix 3. The personal details of a number of those submitting evidence have been redacted at their request. The Leaseholder has also requested that personal details are redacted from the representations they have provided.

#### Legal position

- 3.4 Section 53(2)(b) of the Wildlife and Countryside Act 1981 requires a surveying authority to keep its Definitive Map up to date and amend where any “event” detailed in s53(3) has occurred. If a way is shown on the Definitive Map then it is deemed by law to be conclusive evidence that the public had a right of way falling into that category at the relevant date. In reaching its decision the Council must be guided by the appropriate legal principles.
- 3.5 A successful application for a Definitive Map Modification Order is an event. Specifically, s53(3)(c) includes as an event:
- “(c) the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows—
- (i) that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A, a byway open to all traffic”.
- 3.6 In the case of *R. v SoS for the Environment ex p. Bagshaw and Norton (1994)* the Administrative Court held that under s53(3)(c)(i) of the 1981 Act the test to be applied by a local authority in determining whether to make an order was whether all the evidence available either showed that a right of

way subsisted or, alternatively, showed that it was reasonable to allege that a right of way subsisted. In order to find that a right of way subsists it would be necessary for it to have been shown that, on the balance of probabilities, the right of way existed. In order to find that it was reasonable to allege that a right of way subsisted it would be necessary for it to have been shown that a reasonable person, having considered all the relevant available evidence, could reasonably allege a right of way existed: the evidence necessary to establish that a right of way was reasonably alleged to subsist was less than that required to establish that such a right did, in fact, subsist.

- 3.7 In order for a right of way to subsist it must have the essential characteristics of a highway. A highway is a right for the public to pass and repass along a defined route. Without a defined route there can be no right of way.
- 3.8 In order for a right of way to arise across a piece of land there must be a dedication of that right of way by the landowner and an acceptance of that dedication on the part of the public at large. Where the public have been using a way for a period of time “as of right” (meaning without force, without secrecy and without permission) the common law may imply such dedication and acceptance. This is a question of how the evidence would appear to a reasonable observer. This position is modified by statute where there has been at least 20 years’ use.
- 3.9 Section 31(1) of the Highways Act 1980 states that:
- “Where a way over any land ... has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is to be deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during that period to dedicate it”.
- 3.10 The 20 year period is calculated retrospectively from the date at which the right of the public to use the way is brought into question (section 31(2)). There may be multiple dates on which the right to use a way is brought into question, and what must be established is at least 20 years’ uninterrupted use leading up to any such event. “Brought into question” means some act on the part of the landowner such as the erection of notices or gates or turning people away.
- 3.11 It was considered by the Divisional Court in the case of *Merstham Manor v Coulsdon and Purley UDC [1937]* that the word “interruption” in the Rights of Way Act 1932 was “properly to be construed as meaning actual and physical stopping of the enjoyment, and not that the enjoyment has been free of any acts which merely challenged the public right to that enjoyment.” In the case of *R.(on the application of Godmanchester v. SoSEFRA [2007]* the House of Lords held that the word “intention” 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.

Consultation following receipt of the Application

- 3.12 In June 2019 Councillor Barnett, Councillor Janio and Councillor Lewry were consulted on the Application as Ward Councillors. Responses were received from Councillor Barnett and Councillor Janio who advised that they supported the Application.
- 3.13 In August 2019 the Council notified the Leaseholder that the Application had been made and invited them to submit evidence regarding the same. A letter in response, objecting to the Application, was received from agents acting for the Leaseholder. Although the letter was dated 11 October 2019, it was sent to the Council, via email, on the evening of the 5 December 2019. A copy of this letter is found in Appendix 4.
- 3.14 The Council, as freeholder owner of the site, has been notified of the Application. The Council's Head of Estates, on behalf of the Council as freeholder, has advised that she has no evidence independent of that provided by the Applicant and on behalf of the Leaseholder of any public use of the Claimed Routes or of any action taken to prohibit use of those routes during the period of claimed use.
- 3.15 In October 2019 a number of local and national interest groups were notified of the Application, namely: Auto Cycle Union, British Driving Society, British Horse Society, Byways & Bridleways Trust, Cyclists Touring Club, Open Spaces Society and the Ramblers' Association. A response was received from the Ramblers who responded that they supported the Application.

### Evidence

#### *Documentary evidence*

- 3.16 Historical research was carried out by the Council, as surveying authority, at the East Sussex Record Office situated at The Keep, and on-line, for the area of the Claimed Routes. The following documents were viewed:
- i. Ramblers Association report on the survey of footpaths in the Borough of Hove – 26 November 1950;
  - ii. Overton & Bowles survey of the County of Sussex 1740;
  - iii. Walkers County Map of Sussex 1861;
  - iv. Yeakall & Gardner Map of Sussex 1778-1783
  - v. Greenwood Map of Sussex 1824;
  - vi. Map of the County of Sussex as at April 1958;
  - vii. Ordnance Survey County Series for Sussex from 1875 to 1995;
  - viii. Ordnance Survey Maps: online mapping and walking, running and cycling routes;

- ix. Council's Definitive Map;
- x. Council's Highway Terrier

3.17 None of the documents referred to in the above paragraph indicate any routes and so there appears to be no documentary evidence of the Claimed Routes. Although the Submission Statement referred to in paragraph 3.3 above includes a copy of a 1951 map which is stated to show a path in the same position as Path 2, the historical evidence referenced above does not support this. It is therefore considered that accepting the Application for the Claimed Routes as public rights of way cannot be justified on the historical documentary evidence.

#### *User evidence*

- 3.18 Twenty people have completed user evidence forms detailing their use of the Claimed Routes, 19 people for Path 1 and 15 for Path 2, with 13 people completing forms for both Claimed Routes, as summarised in Appendix 2. Nineteen users have used the whole route on-foot and one has used Path 1 both on-foot and by bicycle. The status of a claimed right of way will depend on the nature of the use and the user evidence supports the use of the Claimed Routes as footpaths.
- 3.19 It appears that the users have used the Claimed Routes for walking to the Downs and for a circular walk from Meads Avenue and back. Fifteen users refer to the Claimed Routes being easier to use than the existing public right of way that runs between Meads Avenue and the A27, which is Restricted Byway H 11b. There has been uninterrupted use of both Claimed Routes between 1980 and 2018. Fifteen users refer to notices and fences appearing in summer 2018, when the footgolf course opened, on the land across which the Claimed Routes run.
- 3.20 According to 15 users, notices and fences appeared in mid- 2018 refusing access to the Claimed Routes and 8 users refer to verbal challenges. 2018 has therefore been taken as the date when uninterrupted use of the Claimed Routes ended.

#### *Leaseholder's evidence*

- 3.21 As noted in paragraph 3.13 above, a letter was received on behalf of the Leaseholder on 5 December 2019 objecting to the Application. The objection was on the grounds that the use of the Claimed Routes was not without interruption, was not as of right and that the use had been brought into question. The letter states that the Leaseholder had held an interest in the Claimed Routes and the wider Benfield Valley Golf Course since September 2004 and that since the land had been acquired there had been many instances when the Leaseholder's directors had challenged members of the public who had been trespassing, ie not adhering to the defined public rights of way which bordered the golf course. This included challenges over the use of the Claimed Routes. The letter states that members of the public

are directed to use the formal rights of way and that such verbal interactions occur daily. Moreover, obstacles have routinely been erected to discourage the public from entering the land, and signage displayed. It is stated that the signage is routinely removed and the obstructions vandalised and destroyed. It has been further stated that the existing course manager has been subjected to numerous verbal assaults by trespassers. A copy of the letter of objection and accompanying photographs and plan is found at Appendix 4.

- 3.22 Council officers were unaware that the Leaseholder was imminently to submit the letter referred to above and, by co-incidence, earlier in the day on which the letter was received, officers had made an order, under delegated authority, which, if confirmed, would modify the Definitive Map by adding the Claimed Routes. The order could be made under delegated authority as at the time of making the order no objections had been received.
- 3.23 As required by the legislation, the order was advertised and representations invited. Were any representations or objections to be received in response the order would need to be confirmed by the Secretary of State following a hearing or public inquiry. If no representations or objections were received the order could be confirmed by the Council.
- 3.24 A further objection was received on behalf of the Leaseholder on 29 January 2020 (found in Appendix 4) disputing that the use of the Claimed Routes was uninterrupted, or by the public, or as of right. It was also not agreed that 2018 was the year in which the use of the Claimed Routes by the public was first called into question or otherwise interrupted. The letter states that there is insufficient evidence to prove intention to dedicate by either the current or previous landowners whether by statutory presumption or under the common law.
- 3.25 A further letter (found in Appendix 4) was received on behalf of the Leaseholder on 19 March 2020 together with letters from the site operators and the Leaseholder's employees. As can be seen, the letters include the following: dog walkers and ramblers who had strayed from the public footpaths had been challenged on numerous occasions since 2005; they have been asked not to cross the golf course other than on the existing public footpaths and have been informed that they have no rights of access across the greens and fairways; works to expand the fairway, involving cutting back hedgerows, took place in 2005 and prior to this it would not have been possible to access and walk the Claimed Routes; fencing and signs were erected, to prevent walkers from crossing the golf course other than by the public footpaths but these were repeatedly defaced, destroyed or removed; shrubs planted to discourage public access have been trampled or cut through.
- 3.26 Further evidence was received from the Leaseholder on 29 July 2022, comprising a letter from the Leaseholder's agent and a further statement by one of its employees. These are found in Appendix 4. The letter makes the following representations: -

- The original golf course was severed by the construction of the A27 bypass in the early 1990s.
- The western part of the area between the public footpaths FP H8a and RB H 11b became the 8<sup>th</sup> hole.
- An access route for golfers already existed in a similar location to the southern part of Path 1 which linked to the fairway.
- A further route was added, following the construction of the footbridge, for golfers to access the 8<sup>th</sup> hole tees.
- This access route lead from the footbridge to the north of the 8<sup>th</sup> hole and is in the approximate location of the northern section of Path 1.
- It was never a public footpath or permitted route for walkers, and that the Claimed routes did not exist before the 1990s.
- That signs requesting that walkers remain on the public footpaths rather than the golf access paths, with arrows pointing out the directions of those footpaths, have been placed around Benfield Valley since the operation of the Benfield Valley Golf Course began in 1992.

The further representations provided by the Leaseholder's employee make the following representations:-

- That he was the golf course deputy head greenkeeper between 2005 and 2011 and continued to work regularly on the site between 2010 and 2021.
- He is currently employed full time at Brighton Footgolf.
- During the course of his employment, from 2005 to present, he has asked members of the public on hundreds of occasions to remain on the marked footpaths, where there is a right of way, and not to trespass on the course or the paths which exist to provide access for users of the course.
- He also refers to the signs on site requiring members of the public to remain on the marked footpaths, which he understands were erected by the owners of the land in the 1990s.
- One of those signs is on footpath H8a, outside Benfield Barn, one is on the same footpath at around the point where Path 2 goes from west to east, and the third sign is where footpath H8a and RB H11b meet, next to the footbridge.
- A photograph of one of the signs is provided.
- He states that the signs were positioned in locations where users of the lawful rights of way would clearly see them, and anyone using the Claimed Routes would be highly likely to see them.
- In addition, during the course of his employment he has erected numerous laminated signs at the entrances to the golf access routes, including points B and C on the plan (Appendix 1), advising the routes were for "Golfers Only".
- He, and others working on the site, have repeatedly made efforts to prevent members of the public using the Claimed Routes.
- Referring to the area on the plan (Appendix 1) between point A and where the Claimed Routes diverge, he says that members of the public would frequently attempt to cut through the site from RB H11b at this location, which involved a steep slope and walking through bushes and brambles, to walk to the footbridge.

- As well as challenging walkers in this location he has erected and repaired fences and re-planted bushes to act as a barrier to walkers. The wire of the fences has been repeatedly cut and the bushes trampled, cut through or pulled up.

#### *Other representations*

- 3.27 Representations in support of, and objection to, the order were received from members of the public and these are found at Appendix 5. As can be seen, the representations include statements that the former Golf Course owner, as well as the current leaseholder, have challenged use of the Claimed Routes and also that the paths have been used by the public for over 20 years.

#### *Current position of the Application*

- 3.28 As representations and objections had been received to the order made in December 2019 it would be for the Secretary of State to make the decision as to whether or not the order should be confirmed. The order and supporting documents were subsequently submitted to the Planning Inspectorate as the relevant body, but unfortunately it was determined that the order contained a fundamental error in that the Claimed Routes had been shown on the order plan by way of a red line, whereas the Claimed Routes should have been shown as a purple line, a continuous line with short bars at intervals, or by a broken black line. Accordingly, the order could not be accepted.
- 3.29 A further order was made on 10 March 2021 with the Claimed Routes shown in purple. This was advertised. A letter was received on behalf of the Leaseholder on 10 May 2021, found in Appendix 4, confirming that all previously submitted objection letters and supporting information should be considered in relation to the new order. Further correspondence in support of the Application was also received. This is found in Appendix 5.
- 3.30 The new order was submitted to the Planning Inspectorate and an inquiry date set for 18 October 2022. Counsel was instructed to appear on behalf of the Council but, having considered the case, he advised that the order made in March 2021 should have had a separate authority, and moreover that as objections had been received the decision whether to make the order should have been made by Committee.
- 3.31 It has therefore been agreed with the Planning Inspectorate that the inquiry will be put in abeyance and that the Application would be placed before the September Environment, Sustainability & Transport Committee for a decision as to whether an order should be made. The Applicant and the Leaseholder have been advised that the Application will be considered by this Committee in September. The Leaseholder's letter of 29 July last was sent in response to this.

#### Consideration of the Evidence

- 3.32 There is a clear conflict between the evidence presented by the Leaseholder and the user evidence and statements in support of the Application.
- 3.33 The Application is based on 20 years uninterrupted use of the Claimed Routes between 1998 and 2018. The letters and statements received on behalf of the Leaseholder assert that since 2005 members of the public have been told on many occasions not to use the Claimed Routes. Some of those completing the user evidence forms refer to either themselves or others being approached by persons on behalf of the Leaseholder asking them not to use those routes. However, no specific dates are given by the Leaseholder as to when the public using the Claimed Routes were approached. Similarly, there is no specific date of fencing being erected and shrubbery being planted to act as an obstruction.
- 3.34 The Leaseholder has provided photographic evidence of signage being erected. One such photograph is dated September 2017 and shows a notice erected outside Benfield Barn which states the land is private and asks that people keep to the public footpaths provided. However, this is to the south of the Claimed Routes. There is other signage located close to the Claimed Routes stating "Non golfers are advised to keep strictly to the marked footpaths and walkways and are expressly prohibited from going onto the tees, fairways and greens", but this wording could be considered to be ambiguous.
- 3.35 The statement received on the 29 July last advises that laminated signage stating "Golfers Only", or similar, has been erected on numerous occasions at the entrances to the golf routes, including at points B and C on the plan (Appendix 1). However, none of the evidence in support of the Application mentions this signage.
- 3.36 Another conflict in the evidence is the assertion in some of the user evidence forms that the Claimed Routes were used before the time, according to the Leaseholder, that the paths existed.
- 3.37 There is no specific evidence of an event which can be taken as an interruption to the 20 years use of the Claimed Routes.
- 3.38 Fourteen of the users who completed user evidence forms refer to notices and signs first appearing on the paths, and challenges first being made to them, in June, July and August 2018. Thus, the evidence from users is that interruptions to their use first occurred in June/July/August 2018 which period follows the date of opening of the footgolf course.
- 3.39 Eleven supporters who sent e-mails in support of the application refer to the footgolf business closing the paths. Two of these supporters refer to golfers and users respecting each other and co-existing without any problems when the land was used as a golf course prior to it being used for the footgolf business.
- 3.40 For the purposes of section 31 of the Highways Act 1980 the right of the public to walk along the Claimed Routes was brought into question in June

2018 when signs saying 'no access' and a fence appeared preventing access and verbal challenges to users were made. Therefore, the period of use to be considered under section 31 of the Highways Act is the 20 year period prior to that date.

- 3.41 Of the 19 users of Path 1, 14 have used it for at least twenty years, with the earliest use dating back to 1980. The user evidence is that there has been a continuous use of the path since 1980, although 5 users have used it for less than 20 years before 2018. Of the 15 users of Path 2, 9 have used it for at least twenty years with the earliest use dating back to 1980. The user evidence is that there has been a continuous use of the path since 1980, although 6 users have used it for less than 20 years before 2018. However, under section 31 Highways Act 1980 the twenty year period relates to the continuous public use not to the individual use. It is clear that there has been 20 years use of both Claimed Routes between 1980 and 2018.
- 3.42 Action to stop routes being recognised as public rights of way has to be obvious and overt so that actual users of the way are made aware that they should not be using a claimed route. There is evidence that challenges have been made. However, the evidence, as stated, is not without conflict or ambiguity.
- 3.43 The test to be applied to the Application is whether or not there has been evidence of use sufficient to raise a presumption of dedication. As noted above, in order for the Definitive Map to be modified the evidence must show that a right of way subsists or is reasonably alleged to subsist. The legal burden for the former is on the balance of probabilities; for the latter it needs to be shown that a reasonable person, having considered all the relevant available evidence, could reasonably allege a right of way existed.
- 3.44 It is considered that on the evidence supplied it can at least be reasonably alleged that the Claimed Routes are rights of way. If an order is made and the objections received are not withdrawn, and as noted in this report, the order would need to be confirmed by the Secretary of State, following a hearing or a public inquiry. It has been held (*Todd v. SoSEFRA (2004)*) that to confirm an order the Secretary of State would need to be satisfied on the balance of probabilities that the way existed. It would be insufficient at that stage to be satisfied only that the allegation of subsistence of the way was reasonable.

#### **4. Analysis and consideration of alternative options**

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

#### **5. Community engagement and consultation**

- 5.1 As set out in the body of the report.

#### **6. Conclusion**

- 6.1 If the evidence shows that a right of way can be reasonably alleged to subsist, or on the balance of probabilities subsists, then the onus is on the order-making authority to make the order. It is considered, on the evidence submitted, that the Claimed Routes can at least be reasonably alleged to subsist and that the requirements within section 31(1) Highways Act 1980 have been fulfilled.

## **7. Financial implications**

- 7.1 The costs associated with determining the Application have been met from existing revenue budgets.
- 7.2 Should it be necessary to submit an order to the Secretary of State for confirmation there will be additional costs to fund the hearing or public inquiry.

Name of finance officer consulted: Jill Scarfield Date consulted: 23/08/22

## **8. Legal implications**

- 8.1 The Council's Constitution provides that authority is delegated to officers to make orders under the Wildlife and Countryside Act 1981. The Constitution also provides that a function of Environment, Transport & Sustainability Committee is "To consider and make decisions on rights of way issues where objections have been received and not withdrawn or otherwise resolved". As objections have been received to the Application the determination of the same must be made by Committee.
- 8.2 The statutory background and the tests to be applied in determining the Application are set out in the body of the report.
- 8.3 If the Council declines to grant the Application the Applicant has a right of appeal to the Secretary of State. The applicant must serve notice of the appeal within 28 days after service on them of the Council's decision.
- 8.4 If the Council grants the Application and makes an order, public notice of the order will be given allowing for a period of at least 42 days for representations or objections with respect to the order to be made. If any objections or representations received within the publicity period are not withdrawn the Council must submit the order to the Secretary of State for confirmation. The legislation requires that the Secretary of State must hold a local inquiry or a hearing to consider the representations and objections made, following which the Secretary of State will decide whether or not to confirm the order.

Name of lawyer consulted: Hilary Woodward Date consulted: 17/8/22

## **9. Equalities implications**

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

## **10. Sustainability implications**

- 10.1 No sustainability implications identified.

## **Supporting Documentation**

### **1. Appendices**

Appendix 1 – Plan showing Claimed Routes

Appendix 2 – Summary of user evidence

Appendix 3 – Submission Statement

Appendix 4 – Leaseholder's representations

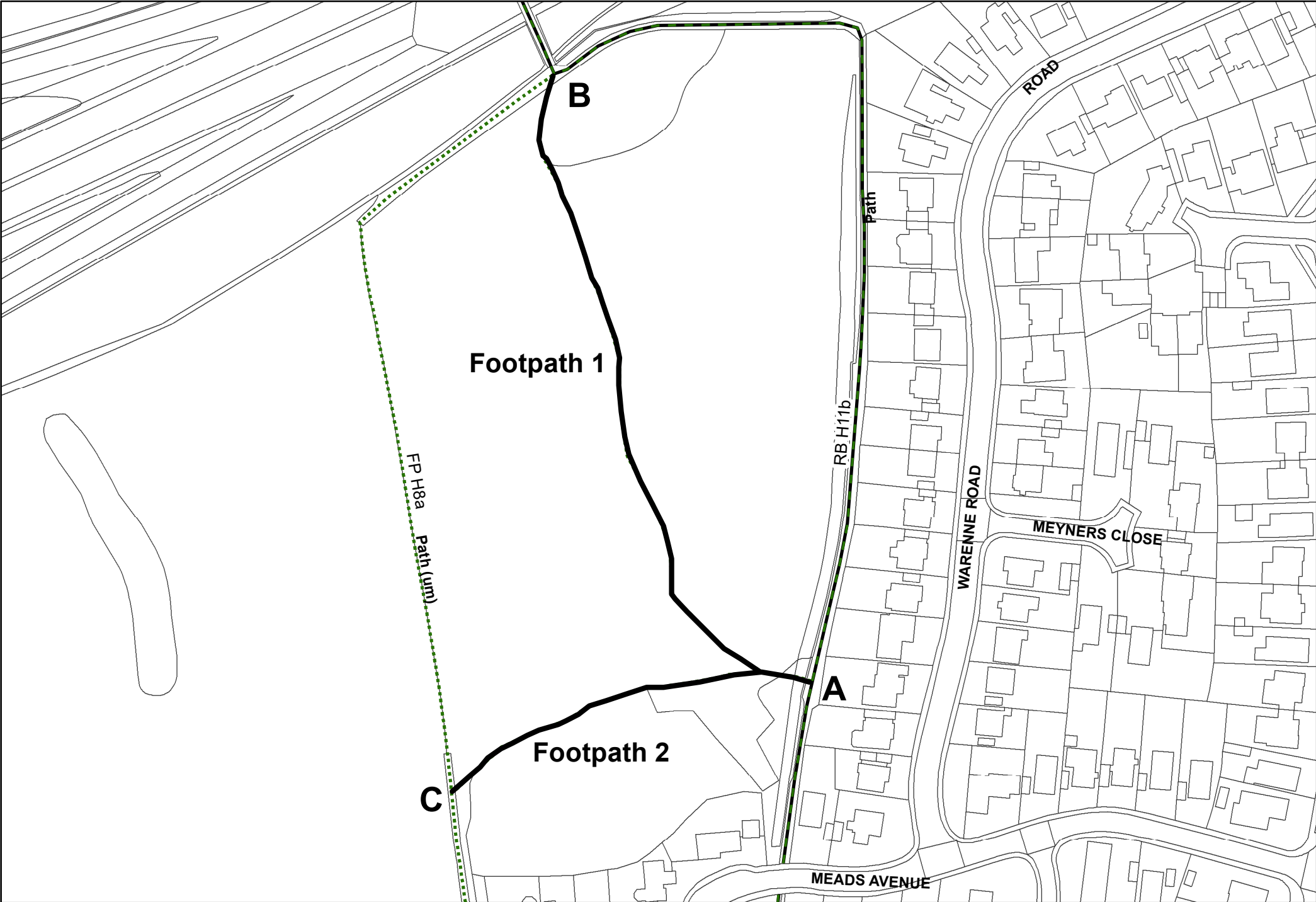
Appendix 5 – Public representations

### **2. Background documents**

As referred to in this report.

## Appendix 1 – Plan showing Claimed Routes





**Benfield Valley, Map for DMMO Application  
For new Footpaths 1 and 2**



Reproduced from the Ordnance Survey mapping with permission of the Controller of H.M. Stationery Office. © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or Civil Proceedings. Brighton & Hove City Council Licence: 100020999





## Appendix 2 – Summary of user evidence



### TABLE OF USER EVIDENCE –PATH 1

<u>Name</u>	<u>Period of use and frequency</u>	<u>Comments</u>
1. XXX (footpath)	1994 -2018 24 years, 2 days a week On foot	Easier route to walk up to Nature Reserve. No access sign and fence appeared in June 2018
2. XXX (footpath)	1994 -2018 24 years, 5 days a week On foot	More accessible path to get up to the Downs. No access sign and fence appeared in June 2018
3. XXX (footpath)	1995 -2018 23 years, 4 days a week On foot	Easier to walk up with a beautiful view. No access sign and fence appeared in June 2018
4. XXX (footpath)	1995 – 2018 23 years, twice a week On foot	Best way from Meads Ave to the Downs. 'Private' sign erected and path blocked at both ends in 2018
5. XXX (footpath)	1992 – 2018 26 years, daily On foot	Direct access to the Downs and saves climbing a steep and slippery hill path. Fence built recently at both ends of path preventing access.
6. XXX (footpath)	2000 -2018 18 years, 5 to 8 times a week On foot	Used route for walking dog from Meads Ave to golf course via bridge over A27. At beginning of July 2018 sign installed saying 'No access' and fence built to stop walkers passing. Has heard from dog walkers that they have been told off

		for walking on golf course. Person she believes is called Simon has been rude to her even when she is on the correct path.
7. XXX (footpath)	2006 – 2018 12 years, 3 to 4 times a week On foot	Circular walk to and from Meads Ave
8. XXX (footpath)	2006 -2018 12 years, 3 to 4 times a week On foot	Circular walk to and from Meads Ave
9. XXX (footpath)	1997 – 2018 21 years, 14 times a week On foot	Has trimmed back nettles and brambles on occasion. Remnants of a fence on access route from Meads Ave. Aware of current land user confronting users.
10. XXX (footpath)	1997 – 2018 21 years, 14 times a week  On foot	There are so many walkers it has always appeared to be a public path. In 2018 the remnants of a fence appeared on the access route from Meads Ave. Aware of current land user being aggressive and confrontational.
11. XXX (footpath)	1981- 2018 37 years, 2 to 3 times a month On foot	Used the path for pleasure and exercise. Fences erected without warning in August 2018. Footgolf employee asked her not to walk dog that way.
12. XXX (restricted byway)	1998 -2018 20 years, weekly On foot and by bike	Traffic free route for walking or cycling to Devils Dyke.

		<p>Notices and fences put up since Footgolf business took over the golf course.</p> <p>Asked by employee of Footgolf business not to walk his dog that way.</p>
13. XXX (footpath)	<p>1997- 2018</p> <p>21 years, 5 times a week</p> <p>On foot</p>	<p>Easier to walk than the restricted byway.</p> <p>Notice saying 'No access' appeared on fence adjacent to footbridge of A27 and fence at Meads Ave end of path.</p> <p>Has been harangued on several occasions by present tenant.</p>
14. XXX (footpath)	<p>1997 – 2018</p> <p>21 years, 7 times a week</p> <p>On foot</p>	<p>Difficult to walk along the existing bridleway as it is very steep and dangerous and the steps are falling away.</p> <p>Fence put up at either end of path in July 2018 with notice saying closed due to health and safety issues.</p> <p>Stopped and verbally abused by present tenant on several occasions.</p>
15. XXX (footpath)	<p>1990 – 2018</p> <p>28 years, once a week</p> <p>On foot</p>	<p>Shortest route to home</p>
16. XXX (bridleway)	<p>2010 – 2018,</p> <p>8 years, 14 times a week</p> <p>On foot</p>	<p>Preferred route as it is more safe when alone.</p> <p>Fence put up recently.</p>
17. XXX (footpath)	<p>2003- 2018</p> <p>15 years, once a week</p> <p>On foot</p>	<p>Used path for walking from Meads Ave to Benfield Nature Reserve.</p> <p>Sign put up recently at both ends of the path saying</p>

		something like please use another path for health and safety reasons.
18. XXX (footpath)	1993 – 2018 25 years, 6 -7 days a week On foot	Well used walk, of great benefit to keeping healthy at the age of 84. No access sign and fence appeared in June 2018
19. XXX (footpath)	1980 – 2018 38 years, 2 to 3 times a week On foot	Use path for walking dogs onto the Benfield Hill nature reserve. Only fencing across this path was erected by current tenant in July 2018 at junctions to Meads Ave path and A27 footbridge path. Have heard of walkers being chased off and threatened with prosecution in July/August 2018.

### TABLE OF USER EVIDENCE –PATH 2

<u>Name</u>	<u>Period of use and frequency</u>	<u>Comments</u>
1. XXX (footpath)	1995 – 2018 23 years, twice a week On foot	Best way from Meads Ave to the Downs avoiding a slippery slope. Do not feel safe going through the wooded area of the bridle path and have fallen on steep slippery shale path. In 2018 Footgolf business put up signs saying 'Private' and blocked the path.
2. XXX (footpath)	1992 – 2018 26 years, daily On foot	Direct access to the Downs and to save climbing a steep and slippery hill path. Recently the tenants put up a private notice and a fence to block off access to the path at both ends.
3. XXX (footpath)	2000 -2018 18 years, 5 to 8 times a week On foot	Used route for walking dog from Meads Ave to golf course via bridge over A27. Beginning of July 2018 the new owner put up a sign saying no access and a fence.  Has heard from dog walkers that they have been told off for walking on golf course. Person she believes is called Simon has been rude to her even when she is on the correct path.
4. XXX (footpath)	2006 – 2018 12 years, 3 to 4 times a week On foot	Circular walk to and from Meads Ave

5. XXX (footpath)	2006 -2018 12 years, 3 to 4 times a week On foot	Circular walk to and from Meads Ave away from traffic
6. XXX (footpath)	1997 – 2018 21 years, 14 times a week On foot	Cinder track too steep for most walkers, so majority use claimed paths. Remnants of a fence on access route from Meads Ave. Aware of current land user confronting users.
7. XXX (footpath)	1997 – 2018 21 years, 14 times a week On foot	There are so many walkers it has always appeared to be a public path A broken fence appeared on the access route from Meads Ave in 2018. Aware of current land user being aggressive and confrontational.
8. XXX (footpath)	2005 – 2018 13 years, 3 times a week On foot	Going from Meads Ave to Devils Dyke
9. XXX (footpath)	1982 -2018 36 years, 2 to 3 times a month. On foot	Part of circular route used for pleasure and exercise. Fences were erected without warning in August 2018.
10. XXX (footpath)	1997- 2018 21 years, 5 times a week On foot	Easier to walk than the restricted byway. Notice appeared on a fence adjacent to footbridge of A27 saying no access- no longer safe to use this route. Harangued by present tenant on several occasions.
11. XXX (footpath)	1997 – 2018 21 years, 5 times a week On foot	Easier to walk than the restricted byway which is steep and has a slippery surface.

		Notice appeared on a fence adjacent to footbridge of A27 saying no access- no longer safe to use this route. Has been harangued by present tenant.
12. XXX (footpath)	1990 – 2018 28 years, once a week On foot	Shortest route to home
13. XXX (bridleway)	2014 – 2018, 4 years, 7 days a week On foot	Used path to walk to and from home to Downs and Nature Reserve
14. XXX (bridleway)	2014- 2018 4 years, 7 days a week On foot	Used path to walk to and from home to Downs and Nature Reserve
15. XXX (footpath)	1980 – 2018 38 years, 2 to 3 times a week On foot	Both paths run along the edge of unkept, uneven and overgrown land. Use of the paths by walkers prevents the land becoming more overgrown. Only fencing across this path was erected by current tenant in July 2018 at junctions to Meads Ave path and A27 footbridge path. Have heard of walkers being chased off and threatened with prosecution in July/August 2018.



### Appendix 3 – Submission Statement



## Benfield / Hangleton Foot Paths.

The two footpaths identified in aerial photo number 1 of the area clearly show how the foot paths have been used by leaving a clear definition in the landscape over the last twenty years or more by foot traffic. The second photo numbered 2 clearly shows the relationship of the two desired paths as outlined in photo 1 between the Public footpath to the left of centre (FP H8a ) and the Restricted Byway ( RB H11b ) running at the rear of the property in Warene Road and covered by vegetation.

I also include a copy of a map dated 1951 and numbered 3 together with an enlarged version (4) of the area in question in this submission that clearly shows the provision of footpaths going north towards the Dyke that ran alongside Benfield Farm.

In the enlarged version of the map, a path is indicated by a dotted line clearly establishing a link between FP H8a and RB H11b in 1951, being the same path as annotated 2 in photo number 1.

The original paths FP H8a and RB H11b were interrupted by the construction of A27 By-Pass in 1992. They were resurrected and subsequently joined together to utilise a new footbridge spanning over the A27. The bridge was placed equidistant between the two established paths and linked on the southern side of the A27. When the bridge was completed the paths now north of the A27 diverged and returned to their original courses both heading North towards the Monarchs Way and the South Downs.

At around the same time Benfield Nature Reserve was established and is now a Site of Natural Conservation Importance (S.N.C.I). This truly exceptional Reserve is an important example of Sussex Downland and a jewel in Brighton & Hove's natural crown.

Both FP H8a and RB H11b had been actively used by walkers, cyclists and horse riders for many years but the relocation of the gateway to Benfield Hill and the byway/ bridleway now passing West Hove Golf course led in my opinion to the path indicated 1 on photo 1 being established because the byway to the rear of Warene Road become fairly unused due to the steepness and the surface of the newly created path to the footbridge. This byway quickly became redundant by walkers since the route from the level path at the rear of Warene Road toward the bridge is excessively steep and slippery both in summer and winter by virtue of the scree surface that is set on a very steep incline. The situation is further worsened by poor sightlines when turning 90 degrees rising toward the bridge which is potentially a point of conflict and danger with both horse and cycle riders descending the path, especially in winter when its surface is icy.

The paths annotated 1 & 2 on photo 1 have clear sightlines and an easier gradient for those wanting to visit the SNCI and since its inception the South Downs National Park. Both footpaths being in open space offer the vulnerable more security because of better vision for the way ahead.

When the use of both paths annotated 1 & 2 on photo 1 were denied by the present occupier of the Golf Course, walkers had to go back to the byway to reach Benfield Hill and its use has sadly declined although there is clear evidence of a larger use by horses.

By keeping and maintaining the paths outlined in photo number 1 it will encourage more outdoor activity which in turn will lead to improved health benefits for all users and reduce the number of deaths a year, slash the risk of heart disease, type 2 diabetes, alzheimers, strokes and cancer by 20-50%.

Together, Public Health and National Parks England have set out to get everybody active and jointly they hope to develop the nation's health by improving access to green spaces thus leading to a healthier nation. By encouraging the use of usable footpaths to Benfield Hill and the South Downs National Park it will bring greater health benefits to a wider number of people.

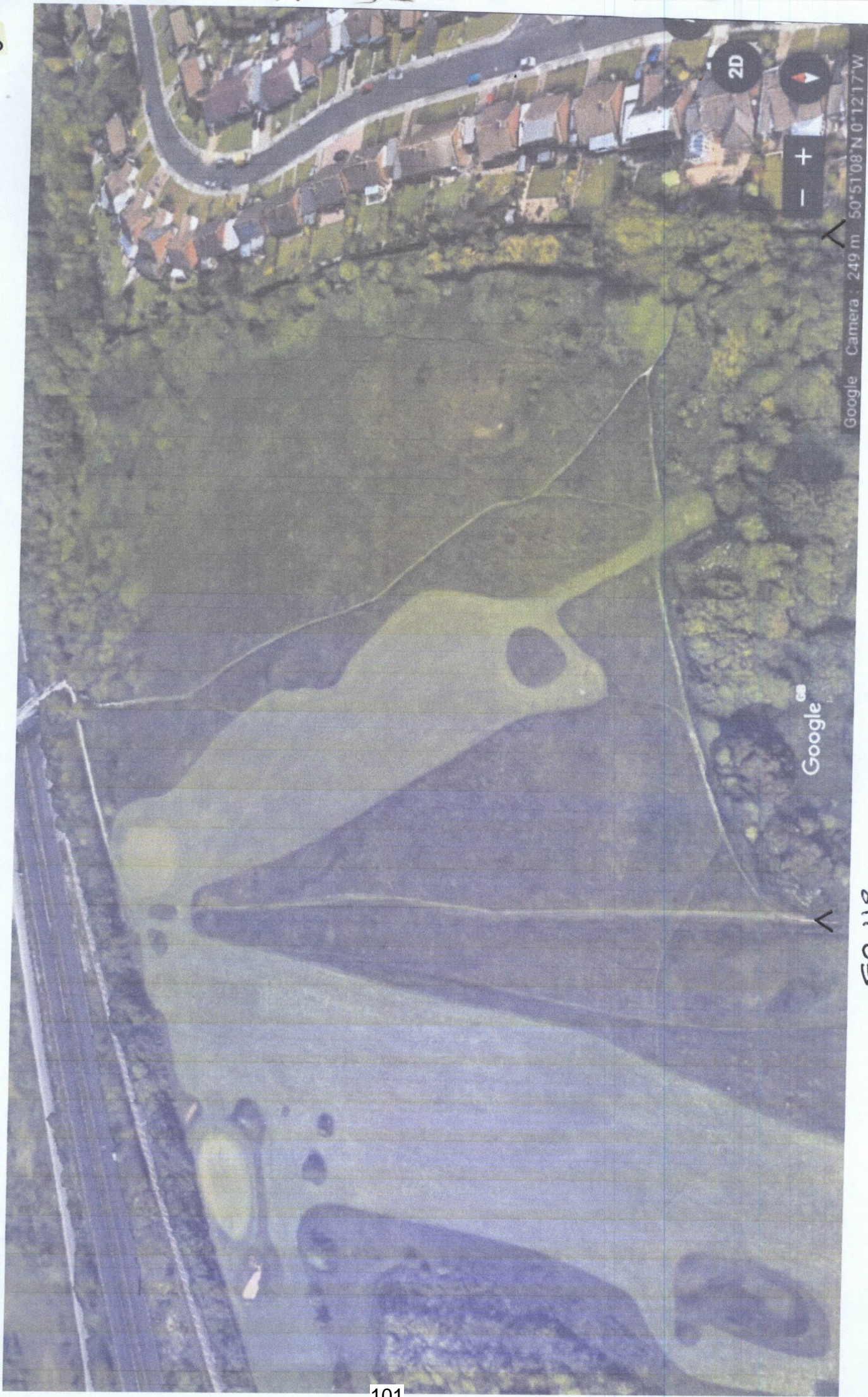
The greater number of available and accessible footpaths will also have a knock on effect with tourism by people choosing areas with greater opportunities to be active outdoors.

As part of the Unesco Biosphere Region we should encourage Councils in maintaining access to green and open spaces and improved rights of way will give us greater contact with nature and help to create and maintain the Open Space Strategy for the Region

The Council's City Plan also actively promotes access to outdoor spaces and I believe the old golf course is often referred to as the City's "green lung". People with restricted mobility, the elderly, the visually impaired etc., a wide range of users that represent 20% of the population and increasing will benefit by using these paths to reach the great outdoors like the South Downs National Park and our own Benfield Nature Reserve.

Finally a new footpath/byway has now been constructed (not open at present) that links the old Dyke Railway footpath and the byway that passes the present West Hove Golf Club. If this new path is to be reached from the bridge over the A27 and the money used to finance its construction not wasted, then access to this location must be made easier for all and approving this application will go a long way to help

3



Google Earth Camera: 249 m 50°51'08" N 0°12'17" W

FP H8a





Enlarged area of 1951 map showing the link between the footpath and bridleway.



#### Appendix 4 – Leaseholder’s representations



Our Ref: 02/884



Stephanie Stammers  
Solicitor  
Brighton & Hove City Council  
Room G101  
Hove Town Hall  
Norton Road  
Hove  
BN3 3BQ

10 May 2021

Dear Ms Stammers

**OBJECTION OF BENFIELD INVESTMENTS LTD - WILDLIFE AND COUNTRYSIDE  
ACT 1981 – THE ADDITION OF FOOTPATHS B23 AND B24 TO THE BRIGHTON AND  
HOVE DEFINITIVE MAP AND STATEMENT AT BENFIELD VALLEY**

We note that an amended Definitive Map Modification Order has been made in relation to the above footpaths. We also note that this order is largely identical to the previous order and has been made in order to correct the colour of the footpaths as shown on the map attached to the Order. Consequently, we confirm that our objections to the previous Order on behalf of Benfield Investments Ltd will now apply to the new Order.

We previously submitted an initial objection letter dated 29<sup>th</sup> January 2020. This was followed by a further letter dated 19<sup>th</sup> March 2020 which enclosed additional information calling into question the reliability of the evidence from members of the public as well as a previous letter dated 11 October 2019 which was submitted on behalf of Benfield Investments Ltd in response to initial applications for the Definitive Map Modification Order.

We confirm that we wish for all the previously submitted objection letters and supporting information to be considered in relation to the current Order. Copies of these are enclosed for ease of reference and the avoidance of doubt.

Yours sincerely,

A large black rectangular box redacting the signature of Martin Carpenter.

**Martin Carpenter**

Director  
[martin@enplan.net](mailto:martin@enplan.net)

encs

Enplan, St Anne's House, 111 High Street, Lewes, East Sussex, BN7 1XY Offices also at Milton Keynes  
Directors: PG Russell-Vick DipLA CMLI • MA Carpenter BA(Hons) MRTPI • RJ Hodgetts BA(Hons) DipLA CMLI

01273 007807

[info@enplan.net](mailto:info@enplan.net)

[www.enplan.net](http://www.enplan.net)

Our Ref: 02/884



Stephanie Stammers  
Solicitor  
Brighton & Hove City Council  
Room G101  
Hove Town Hall  
Norton Road  
Hove  
BN3 3BQ

29 January 2020

Sent by email only to [stephanie.stammers@brighton-hove.gov.uk](mailto:stephanie.stammers@brighton-hove.gov.uk)

Dear Ms Stammers

**OBJECTION OF [REDACTED] WILDLIFE AND COUNTRYSIDE  
ACT 1981 – THE ADDITION OF FOOTPATHS B23 AND B24 TO THE BRIGHTON AND  
HOVE DEFINITIVE MAP AND STATEMENT AT BENFIELD VALLEY**

**Introduction**

This is an objection made on behalf of [REDACTED] to an order ('the Order') made by Brighton and Hove Council ('the Council') on 5 December 2019 pursuant to section 53 of the Wildlife and Countryside Act 1981 ('the WCA 1981'). This objection has been prepared following advice from Counsel.

The Order makes modifications to the Definitive Map and Statement for the area by adding to them two footpaths described as B23 and B24. The following descriptions are given in the order.

**"1. Footpath B23**

*A footpath commencing at TQ26376 07387 at Restricted Byway H11b (near Meads Avenue) running in a north westerly direction for 30 metres then a northerly direction for 190 metres to terminate at TQ26293 07577 at Restricted Byway H11b (near A27 Footbridge) with a width of 1.5 metres.*

**2. Footpath B24**

*A footpath commencing at TQ26353 07398 running in a westerly direction for 98.8 metres with a width of 1.5 metres to terminate at TQ26260 07362"*

Enplan, St Anne's House, 111 High Street, Lewes, East Sussex, BN7 1XY Offices also at Milton Keynes  
Directors: PG Russell-Vick DipLA CMLI • MA Carpenter BA(Hons) MRTPI • RJ Hodgetts BA(Hons) DipLA CMLI

**i** 01273 007807

**e** [info@enplan.net](mailto:info@enplan.net)

**w** [www.enplan.net](http://www.enplan.net)

[REDACTED]  
[REDACTED] was an SPV created to purchase the land and operate the golf course. It is run collectively by the partners [REDACTED]  
[REDACTED]

### Request for documents

We have requested from the Council:

- (a) a copy of the order and order map;
- (b) a full copy of the documents (if any) which were taken into account in preparing the order and evidence upon which the decision to make the order was based.

The Council has now provided a copy of the order and map along a copy of the delegated report which contains a summary of the user evidence which informed the decision. It has indicated that full copies of the evidence will not be provided at this stage. However, we respectfully request full and final copies of the above documents. This request is made pursuant to paragraph 3(8) of Schedule 15 to the WCA 1981 and the Council's failure to provide these documents is unreasonable and contrary to the requirements of Schedule 15.

Once we have had the opportunity to consider the requested documents [REDACTED] [REDACTED] reserve the right to make additional representations and/or objections in respect of the Order.

### The User Evidence

The Order was made pursuant to s.53(c)(i) of the WCA 1981. This sub-section sets out two tests: that a right of way which is not shown on the map: (a) subsists; or (b) is reasonably alleged to subsist.

The Council, in the delegated report and the Order, mention both tests. It is not clear which one was applied by the decision maker. To confirm the order, the Secretary of State will need to be satisfied, on the balance of probabilities, that test (a) is met.

On the basis of the summary of the evidence we have been provided [REDACTED] [REDACTED] will say that the evidence relied upon in making the Order is not sufficient to prove on a balance of probabilities that the rights of way set out in the Order exist. Therefore, the Order should not be confirmed.

It is disputed that any such use was: (a) uninterrupted; (b) use by the public; and (c) as of right. The evidence of use is untested by cross examination and is challenged.

The Council's delegated report confirms that there is no other evidence (save for user evidence) in support of the claimed routes.

### Date of Calling into Question

The delegated report imprecisely identifies 2018 as the date when the right of the public to use the way was brought into question. This is then used to identify the relevant 20 year period for the purposes of section 31 of the Highways Act 1980 ('the HA 1980').

[REDACTED] disagrees that 2018 was the year when the right of the public to use the way was first called into question or otherwise interrupted. The wrong period has therefore been considered for the purposes of section 31 and / or there was no intention to dedicate the way during the relevant period.

The Council made the Order on the basis of presumed dedication under s.31 of the HA 1980. For the avoidance of doubt [REDACTED] will also say that there is insufficient evidence to prove any intention on the part of the current or previous landowners to dedicate any ways to the public under common law.

### Conclusion

[REDACTED] objects to the above Definitive Map Modification Order and to its confirmation under Schedule 15 of the WCA 1981.

This objection means that the Council cannot confirm the Order as an unopposed order pursuant to paragraph 6 of Schedule 15 to the WCA 1981 but instead must submit the Order to the Secretary of State for consideration pursuant to paragraph 7.

Yours sincerely,

[REDACTED]

**Martin Carpenter**  
Director  
[martin@enplan.net](mailto:martin@enplan.net)

Our Ref: 02/884



Stephanie Stammers  
Solicitor  
Brighton & Hove City Council  
Room G101  
Hove Town Hall  
Norton Road  
Hove  
BN3 3BQ

19 March 2020

Dear Ms Stammers

**OBJECTION OF [REDACTED] WILDLIFE AND COUNTRYSIDE  
ACT 1981 – THE ADDITION OF FOOTPATHS B23 AND B24 TO THE BRIGHTON AND  
HOVE DEFINITIVE MAP AND STATEMENT AT BENFIELD VALLEY**

Further to our letter dated 29<sup>th</sup> January 2020, objecting on behalf of [REDACTED] to an order made by Brighton and Hove Council on 5<sup>th</sup> December 2019 making modifications to the Definitive Map and Statement for the area by adding to them two footpaths described as B23 and B24, please find enclosed additional information which calls into question the reliability of the evidence from members of the public who say that they have used the paths without interruption subsequent to February 2005. The submitted information confirms that the current owners [REDACTED] have been operating the site since February 2005 and that they have been stopping dog walkers and ramblers from crossing the site anywhere other than the existing public footpaths since they first took over the site up to the present day. The current owners also confirm that work to expand the fairway took place following their acquisition of the site and prior to this in 2005 it would not have been possible to access and walk the routes now claimed. The following letters are provided:

- Letter from [REDACTED] site operator since February 2005
- Letter from [REDACTED] site operator since February 2005.
- Letter from [REDACTED] employee at Benfield Valley Golf Course between October 2007 and November 2012.
- Letter from [REDACTED] employee at Benfield Valley Golf Course between 2005 and 2011

As set out in our previous letter, it is disputed that any use of the additional proposed footpaths was uninterrupted as detailed in the attached letters. Furthermore, the Council have identified 2018 as the date when the right of the public to use these footpaths was first brought into question but the submitted letters show that such use has been

Enplan, St Anne's House, 111 High Street, Lewes, East Sussex, BN7 1XY Offices also at Milton Keynes  
Directors: PG Russell-Vick DipLA CMLI • MA Carpenter BA(Hons) MRTPI • RJ Hodgetts BA(Hons) DipLA CMLI

01273 007807

info@enplan.net

www.enplan.net

challenged on many occasions since February 2005. Each witness who has provided a letter is prepared to swear an affidavit to the same effect.

Also enclosed is a letter dated 11 October 2019 which was provided in response to the initial applications for the definitive map modification orders. This included a number of photographs of the signage and fencing which sought to prevent walkers leaving the existing public footpaths to cross the site and photographs of this fencing having been damaged and removed.

It is understood that this matter will now be submitted to the Planning Inspectorate for consideration. The landowners [REDACTED] hereby give permission for the appointed Inspector to access the land for the purposes of the site visit. Please contact me to arrange this.

Yours sincerely,

[REDACTED]

**Martin Carpenter**

Director

[martin@enplan.net](mailto:martin@enplan.net)

encs



13/03/2020

To whom it may concern

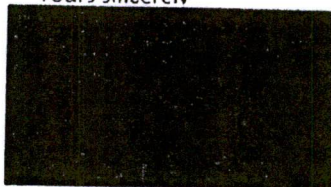
My name is [REDACTED] and I am one of the partners of [REDACTED] which owns the leasehold for Benfield Valley and operates the golf course. I have been assisting with the running of Benfield Valley Golf Course from February 2005 up until the present day.

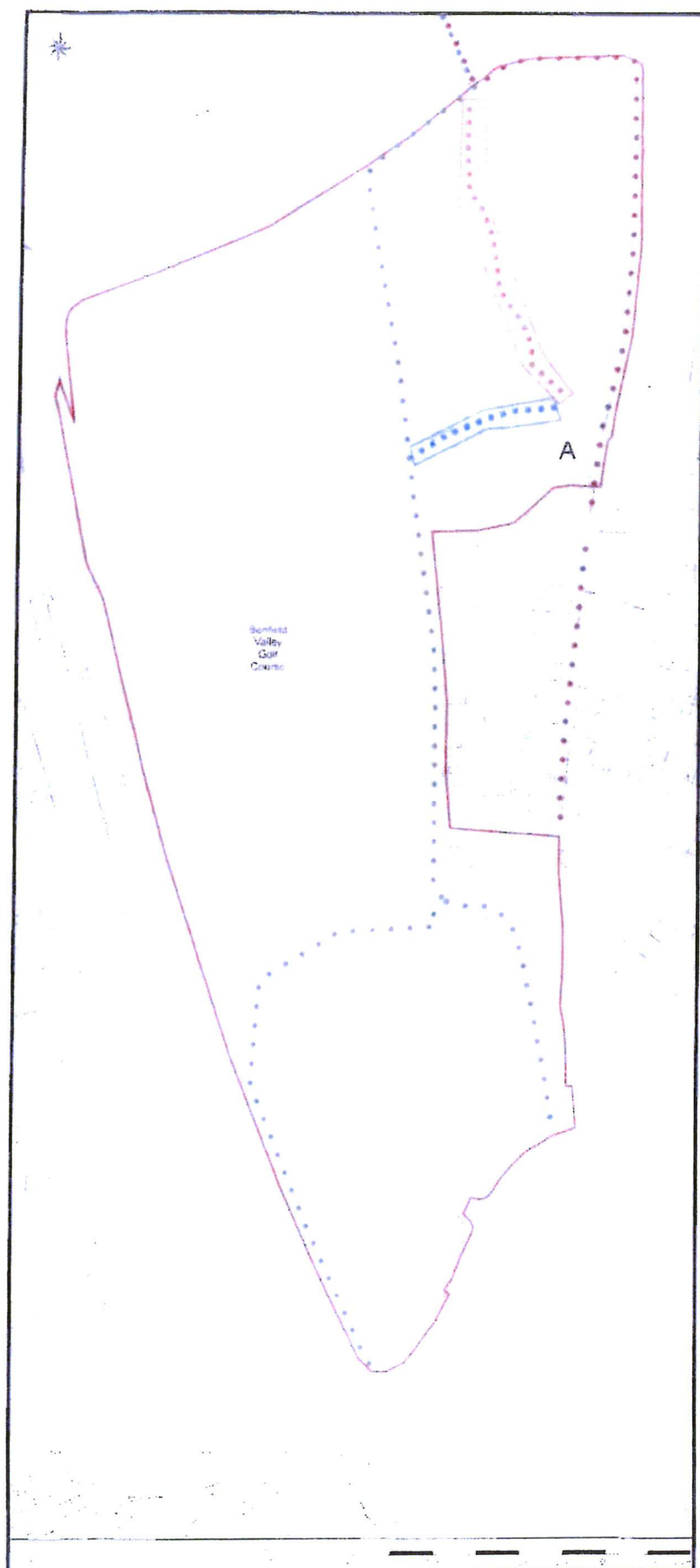
~~Throughout the entirety of my time working at the golf course I have challenged dog walkers and~~  
ramblers who frequently stray from the existing public footpaths. In response I have received verbal abuse, taunting letters and sometimes threats of violence. I have been called to the course by the manager several times over the years after he had been threatened or assaulted by trespassers.

Shortly after we purchased the site in 2005 we cut back some of the hedgerows to expand the fairway. As a result of this, walkers were able to leave the existing footpaths to the north east of Benfield Barn (marked A on the attached map) and frequently attempted to walk across the 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> fairways. Entering the golf course at this point had previously not been possible due to the growth of the hedgerows. When seen, these walkers have always been challenged as crossing the site here when people are playing golf is very dangerous. We would explain the danger to walkers and inform them that they had no rights of access across the fairways of the golf course. However, we were frequently met with aggression and verbal abuse. We also erected fencing and displayed signs in this location in order to prevent walkers from crossing the site by any route other than the existing public footpaths but these were repeatedly defaced, destroyed or removed

If you require any further information please do not hesitate to contact me.

Yours sincerely

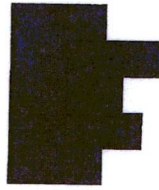




## Site Location & Context Plan

### Key

-  PROW FP H 8a
-  PROW RB H 11b
-  Footpath 1
-  Footpath 2
-  Extent of Site



16/03/2020

To whom it may concern


My name is  and I am one of the partners of  which owns the leasehold for Benfield Valley and operates the golf course. I have been assisting with the operating of Benfield Valley Golf Course from February 2005 up until the present day.

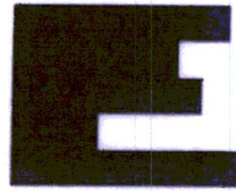
Throughout the entirety of my time working at the golf course I have challenged dog walkers and ramblers who frequently stray from the existing public footpaths and attempt to walk across the golf course fairways and greens. This has happened hundreds of times over the last 17 years. I am always ~~calm and polite in these encounters and draw attention to the danger of crossing a golf course while~~ it is in use. However, I am frequently met with aggression and verbal abuse. On some occasions I have even been threatened with physical violence.

Despite the well maintained and clearly signposted existing public footpaths which provide safe access across and around the site, dog walkers and ramblers continue to try to cross at other points. We have repeatedly asked them not to do so and informed them that they have no rights of access across the greens and fairways of the golf course but they continue to leave the formal footpaths and trespass across the site.

If you require any further information please do not hesitate to contact me.

Yours sincerely





27/02/2020

To whom it may concern

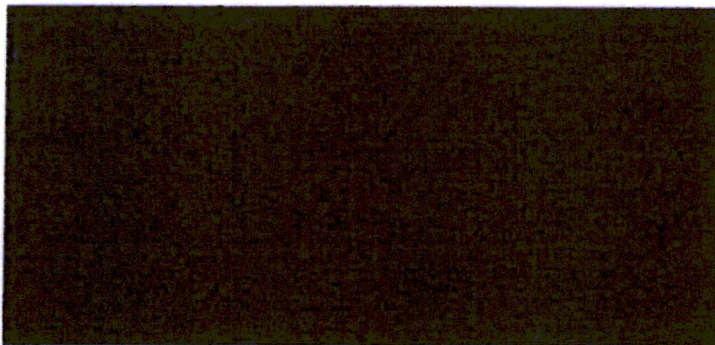
My name is [REDACTED] and I was employed at Benfield Valley Golf Course between October 2007 and November 2012.

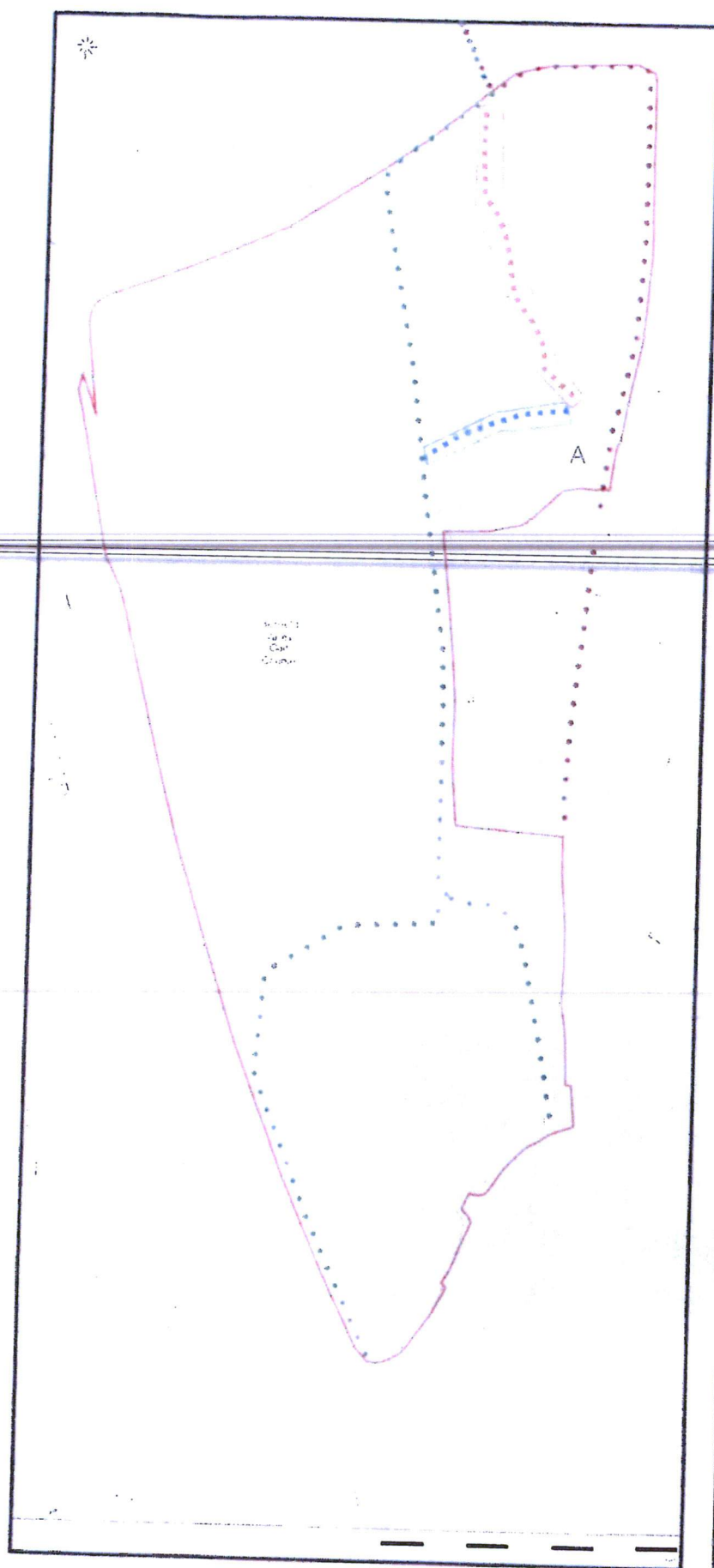
Throughout the entirety of my employment at the golf course I was frequently required to ask members of the public to kindly refrain from walking on the golf course and to stick to the public footpaths. Benfield Valley is serviced by a number of public footpaths enabling the public to access the South Downs to the north from the residential areas to the east, south and west without the need to cross the course. However, a number of people sought to cross the site by different routes despite the attempts of the site owners to prevent this.

During my employment at the golf course we would regularly repair fencing and plant shrubs to discourage public access. The location of this fencing and planting is shown on the attached map. That planting and fencing was repeatedly ripped up or cut down in order to gain access, especially at the point (marked A on the attached map) where people would cut through from the footpath at Meads Avenue to get to the footbridge over the A27. A footpath along the boundary of the site already exists linking Meads Avenue to the footbridge over the A27 but members of the public would instead cut through the wire and barbed wire fencing we had installed here as well as trampling or cutting through the shrubs we planted.

If you require and further information please do not hesitate to contact me.






Yours sincerely






# Site Location & Context Plan


## Key

-  PROW FP H 8a
-  PROW RB H 11b
-  Footpath 1
-  Footpath 2
-  Extent of Site




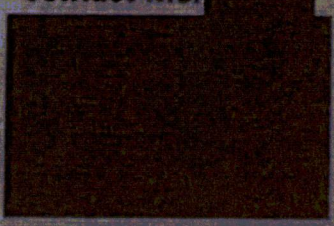
13/03/2020

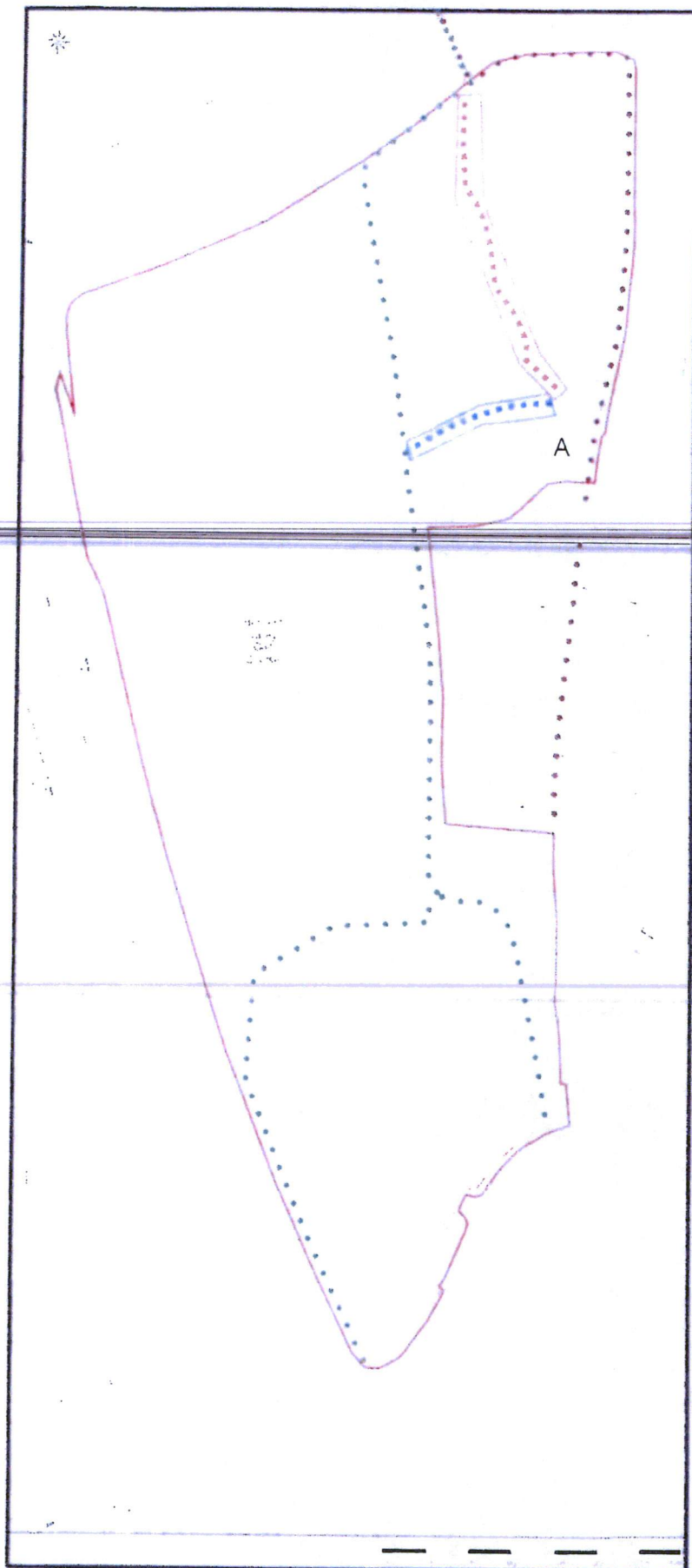
To whom it may concern

My name is  and I was employed as deputy head greenkeeper at Benfield Valley Golf Course between September 2005 and August 2011.

Throughout the entirety of my employment at the golf course I was frequently required to ask members of the public to stick to the existing public footpaths and not to keep trespassing onto the golf course. This was quite often met with verbal abuse from people who believed they were entitled to cross the site however they wished.

The area where most of these encounters occurred was at the bottom of the 8<sup>th</sup> tee close to Meads Avenue (marked A on the attached map). Here members of the public would frequently attempt to cut through the site without permission to walk to the footbridge. This required them to climb up a slope and walk through bushes and brambles rather than using the existing public footpath which reached the same destination. In addition to challenging walkers when we encountered them in person, on many occasions we also repaired the fencing and re-planted bushes in this corner to act as a physical barrier to walkers. The wire of the fences was repeatedly cut and the bushes trampled, cut through or pulled up.

If you require and further information please do not hesitate to contact me.   




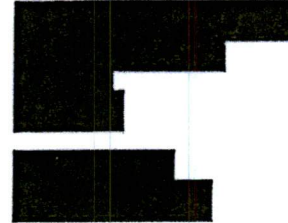
Site Location &  
Context Plan

Key	
	PROW FP H 8a
	PROW FB H 11b
	Footpath 1
	Footpath 2
	Extent of Site

35

Stephanie Stammers  
[stephanie.stammers@brighton-hove.gov.uk](mailto:stephanie.stammers@brighton-hove.gov.uk)

Legal and Democratic Services  
Room G101 Hove Town Hall  
Norton Road  
Hove  
BN3 3BQ



BY EMAIL ONLY

11 October 2019

Dear Sirs

Wildlife and Countryside Act 1981

Applications for Modification Order - Benfield Valley Golf Course, Hangleton Lane, Hove, BN3 8EB.

I have been asked to make a representation on behalf of the current leaseholder [REDACTED] following the receipt of multiple applications for definitive map modification orders at Benfield Valley Golf Course, Hangleton Lane, Hove, BN3 8EB.

The Orders are ref:

**B&H DMMO 03/19**

TQ26374 07386 to TQ26291 07574

Add Footpath (1): Meads Avenue Restricted Byway H11a to Footbridge over A27

TQ26353 07397 to TQ26260 07363

Add Footpath (2): Meads Avenue Restricted Byway H11a to Footpath H8a.

My client wishes to object to the orders on the following grounds:

- the use of the routes have not been 'without interruption';
- the use of the routes have not been 'as of right'; and
- the use of the routes have been 'brought into question'.

#### Legislative background

The applications for the definitive map modification orders have been made under Section 53 of the Wildlife and Countryside Act 1981.

Section 53 (3)(b) of the Act states:

*the expiration, in relation to any way in the area to which the map relates, of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path [or restricted byway];*

Section 53 (3)(c)(i) of the Act states:

*that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being [a right of way such that the land over which the right subsists is a public path[, a restricted byway] or, subject to section 54A, a byway open to all traffic].*

In consideration of the addition of a right of way under Section 53 (3)(c)(i), there are two tests to consider.

**Test (A)**

Whether a public right of way subsists (for Test A to be fulfilled, the standard of proof is to show that a right of way does exist is the balance of probabilities).

**Test (B)**

Whether a public right of way has been reasonably alleged to subsist (for Test B to be fulfilled it must be shown that the reasonable person, considering all relevant evidence available could reasonably allege a public right of way to subsist).

The relevant provisions when considering the Statutory Inference of Dedication are contained in Section 31 of the Highways Act 1980 ,which states:

*Where a way over any land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has been actually enjoyed by the public as of right and without interruption for a full period of 20 years, the way is to be deemed to have been dedicated as a highway, unless there is sufficient evidence that there was no intention during that period to dedicate it.*

*The period of 20 years referred to is to be calculated retrospectively from the date when the right of the public to use the way is brought into question, whether by a notice or otherwise.*

Considerations arising from Section 31 of the Highways Act 1980 include:

'without interruption' – Interruption includes actual and physical obstruction of the way with the intention to prevent public use of the way.

'as of right' – has the same meaning as applied under the common law, i.e. the user has to be without force, without secrecy and without permission.

'20 Year Period' - The 20 year period referred to has to be calculated retrospectively from the date when the right of the public to use the way is brought into question.

'brought into question' - The right must be challenged by some means sufficient to bring it home to the public that their right to use the way is being challenged. Most commonly, this would include, locking a gate, putting up a notice denying the existence of a public right of way or preventing a walker from proceeding along the route.

Case law indicates that the burden of proof lies with the applicant, who is required to provide sufficient evidence on the balance of probabilities that the footpath subsists.

## Representations

As detailed above the objections to the orders are on the following grounds:

- the use of the routes have not been 'without interruption';
- the use of the routes have not been 'as of right'; and
- the use of the routes have been 'brought into question'.

Benfield Investments Ltd has held an interest on the land on which the orders have been made and the wider Benfield Valley Golf Course since 27/09/2004. They have sought to maintain the existing use of the site as a golf course and lately a foot-golf course.

During this period, there have been many instances whereby the named directors of Benfield Investments Ltd have themselves challenged members of the public who were found to be trespassing, i.e. not making use of the defined public rights of way which border the site. These confrontations have taken place in numerous parts of the course not just along the areas as indicated with the current orders.

More recently the current manager of the course and previous manager have always sought to discourage and inform members of the public that have not paid to play the course that it is private property, directing the trespassers in the direction of the formal PROWs. Such verbal interactions occur daily.

The course manager has also routinely erected obstacles in the form of close board fencing, barbed wire fencing, log piles, taping, and also planted shrubbery to discourage members of the public from entering the areas of private land.

Signage has also been displayed within these troublesome areas, clearly indicating that land beyond the sign is private property requesting the public not to trespass. When the new signage is displayed, the signs are routinely removed.

More recently the signs have also included a map fully detailing where the lawful public rights of way are located, along with improved waymarking signs which also indicates the location and direction of the lawful PROWs.

Furthermore, shortly after a physical obstruction has been put in place, these obstacles are also routinely vandalised to the point of destruction. This includes the removal of fence panels along with wanton destruction of newly planted shrubbery.

The existing course manager has been subjected to numerous verbal assaults by trespassers. On one occasion the confrontation escalated to the point at which the police were required to attend, eventually resulting in the trespasser formally apologising on the request of the police.

Therefore the use of the land 'as of right' cannot be claimed in this instance due to the documented use of force, ultimately resulting in the requirement for police intervention.

Photographic evidence is attached to the submission.

Since the current landowner has taken control of the wider Benfield Valley Golf Course site the measures which they have employed to inform members of the public that they are trespassing; approaching members of the public and verbally advising that they are trespassing; the use of obstacles to restrict access which have been systematically vandalised and destroyed; and appropriate signage clearly informing members of the public that the land is private property

again subsequently vandalised and destroyed, demonstrate the routes have not been '*without interruption*' or '*as of right*'. While the use of the routes has clearly been 'brought into question'.

Given the information detailed within this submission we have demonstrated that the [REDACTED] [REDACTED] have demonstrated that they have followed the correct procedures in trying to deter non-paying members of the public from using the private land known as Benfield Valley Golf Course, Hangleton Lane, Hove, BN3 8EB for recreational purposes or as an alternative thoroughfare.

Furthermore, it has been demonstrated through the use of the appropriate measures detailed above that there has been no intention to dedicate PROWs across the land. The applications should respectfully we refused on the basis of the evidence provided.

Further evidence is available including video evidence and we wish to explore how or if this could be submitted as part of the objection. We would be grateful if you could confirm due process on this specific matter.

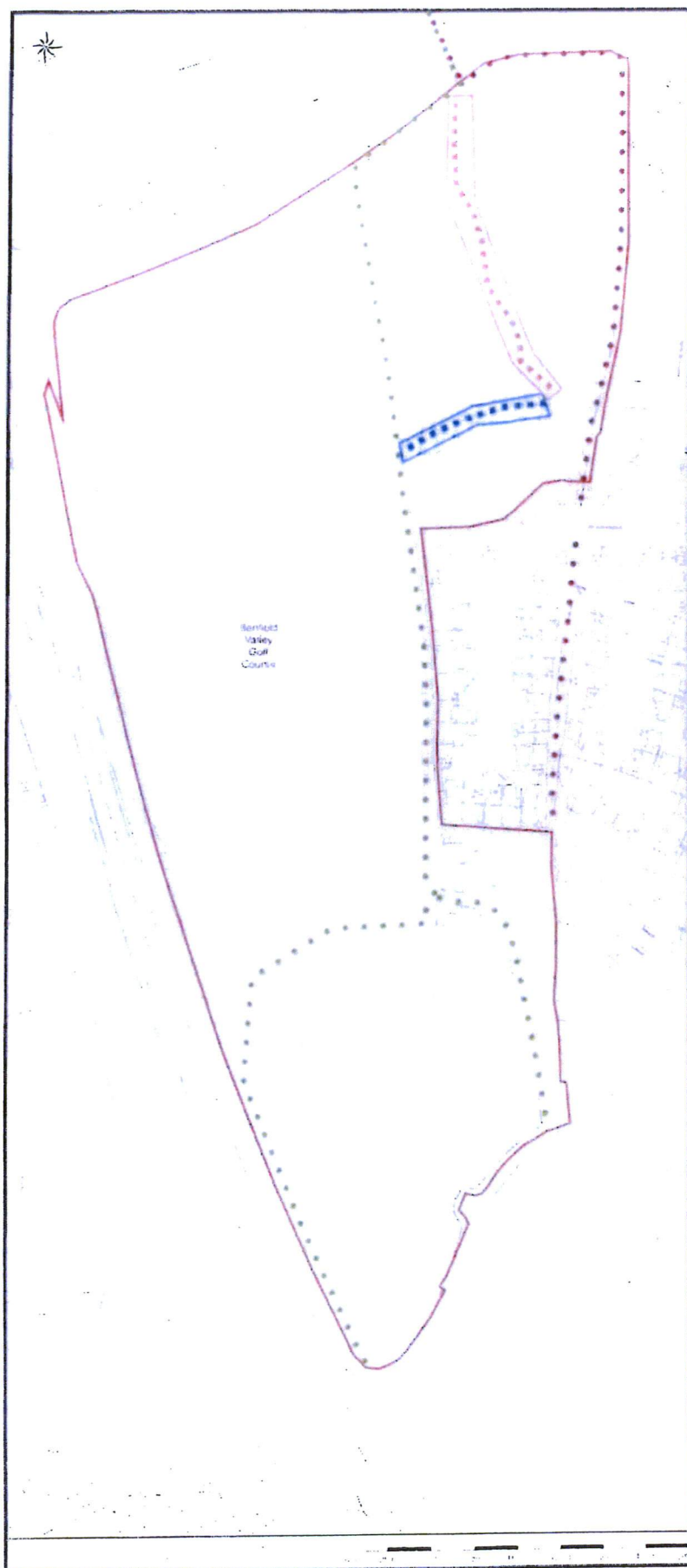
---

Should you require any clarification or amended details please do not hesitate to contact me directly.

Yours sincerely

[REDACTED]

enc. site location & context plan;  
photos 1 - 22



## **Site Location & Context Plan**

### **Key**

- PROW FP H 8a
- PROW RB H 11b
- Footpath 1
- Footpath 2
- Extent of Site

## Image 1

Detailing removed signage informing members of the public that the golf course land is private property.

Also visible is a large boulder purposely placed there by the course manager as an obstruction across the alleged footpath.



## Image 2

Detailing signage in situ providing full details of the location of PROWs FP H 8a and RB H 11b.

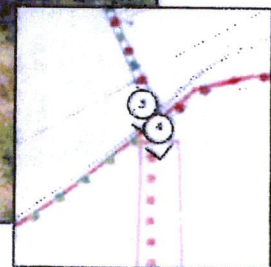
Also visible is the use of barrier tape to act as an obstruction across the alleged footpath.



## Images 3 & 4

Detailing way marker purposely removed to misdirect members of the public and a closed board fence erected as an obstruction across the alleged footpath.

Also visible is signage in situ informing members of the public that the golf course land is private property.



## Image 5

Detailing damage to the fence erected in Image 3 shortly after it had been erected.

The signage has also be removed.



## Image 6

Detailing further damage to the fence erected in Image 3.



## Image 7

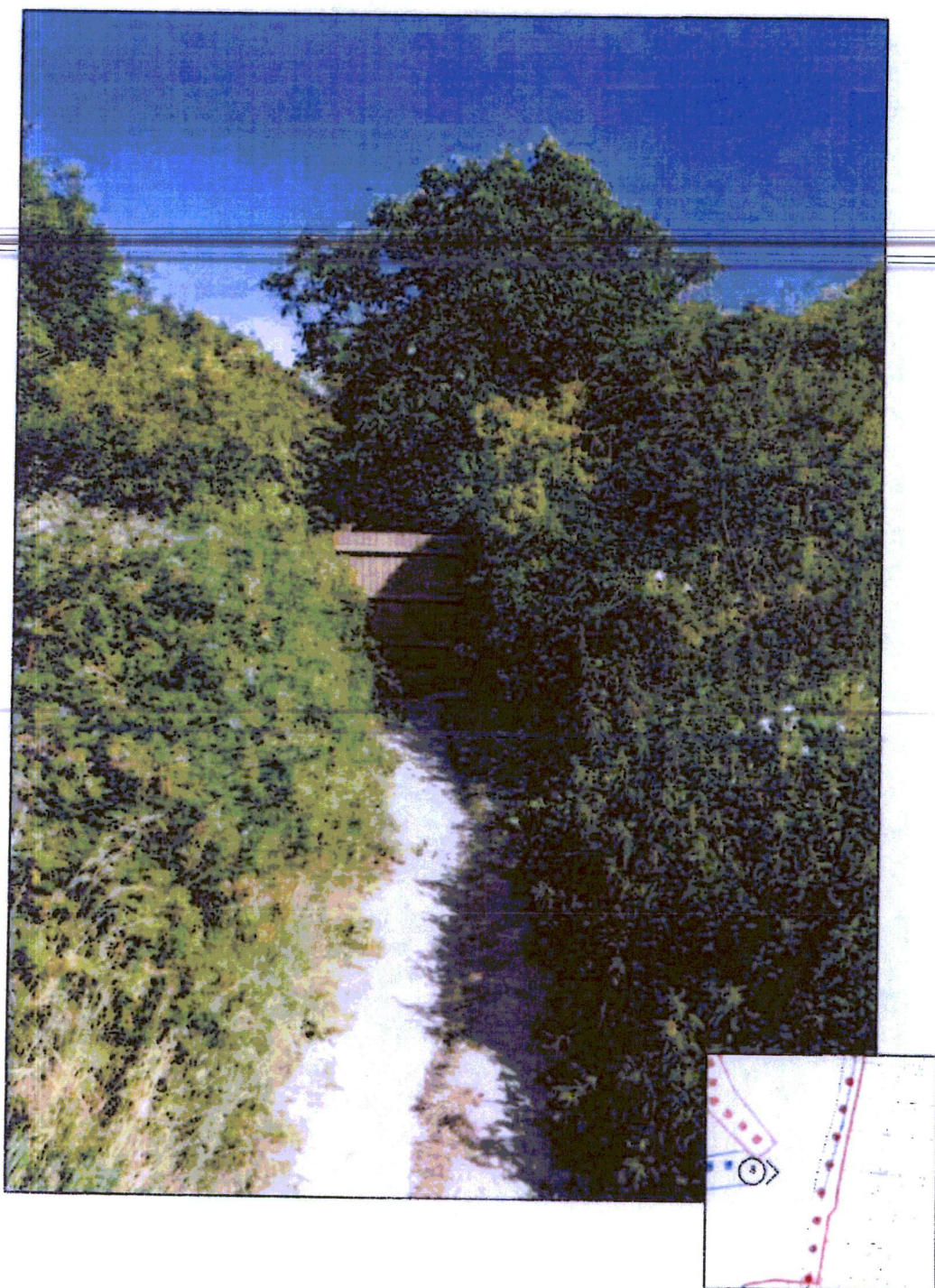
Detailing closed board fence erected as an obstruction across the alleged footpath.

Detailing signage in situ providing full details of the location of PROWs FP H 8a and RB H 11b.



## Image 8

Reversal of Image 7 closed board fence erected as an obstruction across the alleged footpath.



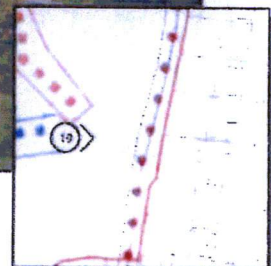
## Image 9

Detailing signage in situ providing full details of the location of PROWs FP H 8a and RB H 11b.



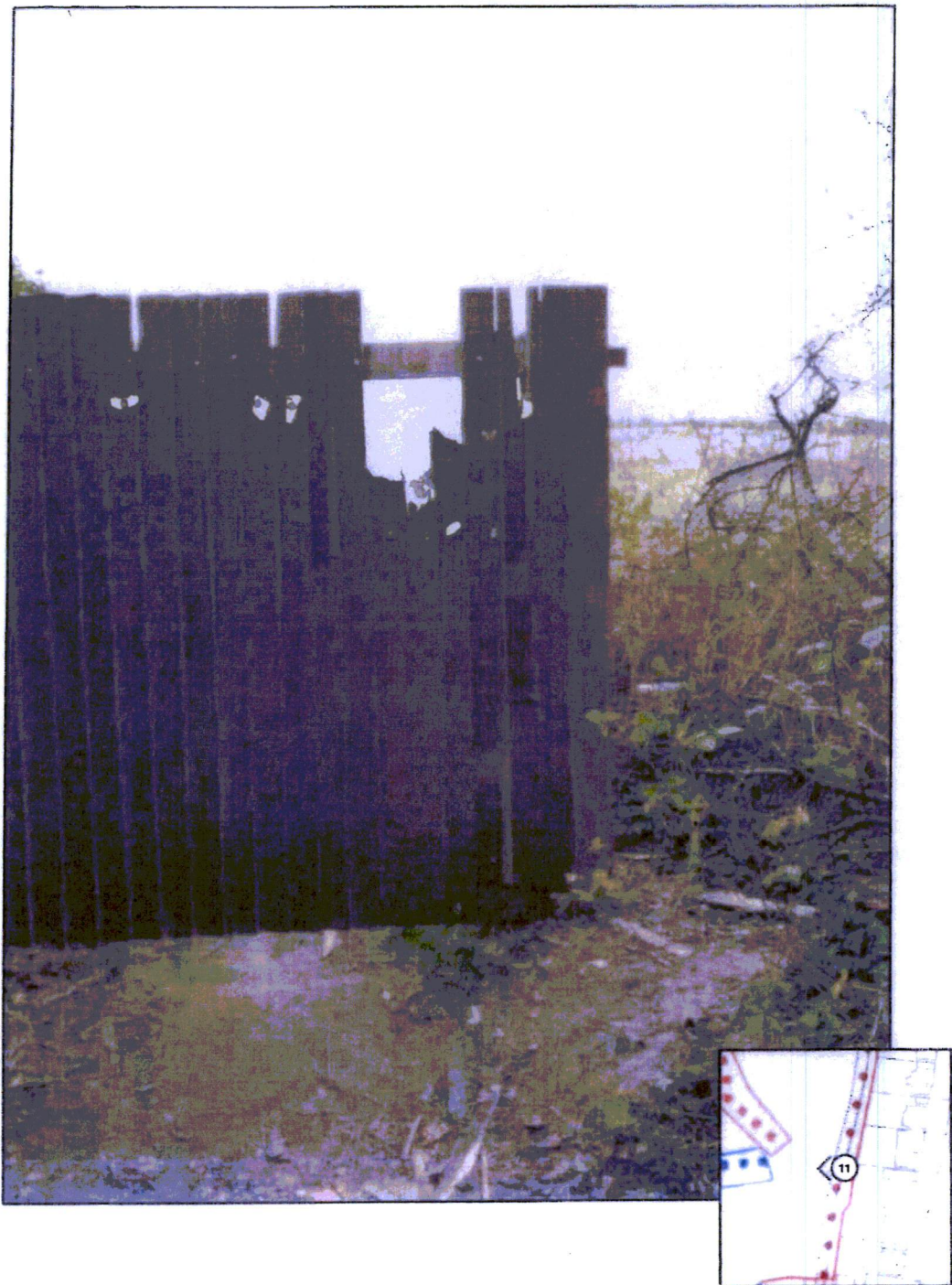
## Image 10

Damage caused to fencing shortly after it was erected.



## Image 11

Further damage caused to fencing shortly after it was erected.



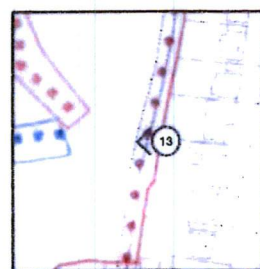
## Image 12

Further damage caused to fencing shortly after it was erected.



## Image 13

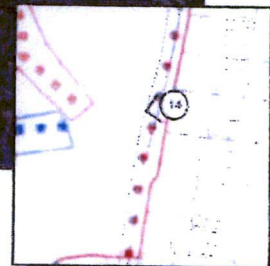
Detailing the use of barrier tape to act as an obstruction across the alleged footpath.



52

## Image 14

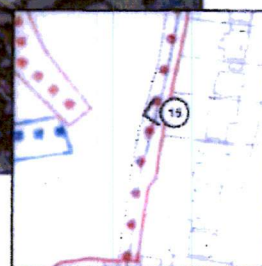
Detailing the use of barrier tape to act as an obstruction across the alleged footpath.



53

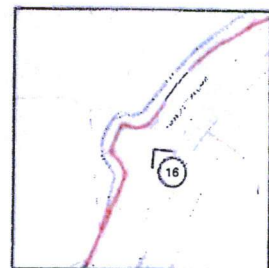
## Image 15

Detailing the unauthorised removal of barrier tape as shown in Image 14.



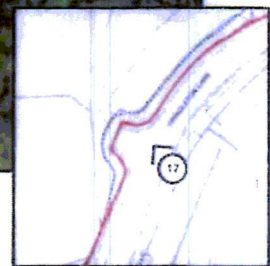
## Image 16

Detailing the vehicular entrance to the site associated gate and signage.



## Image 17

Detailing damage caused to the vehicular entrance.



## Images 18 -22

Examples of signage used to inform members of the public that the golf course land is private property.



Our Ref: 02/884



Hilary Woodward  
Senior Solicitor  
Brighton & Hove City Council  
Room G101  
Hove Town Hall  
Norton Road  
Hove  
BN3 3BQ

29 July 2022

Dear Ms Woodward

**OBJECTION OF BENFIELD INVESTMENTS LTD - WILDLIFE AND COUNTRYSIDE ACT 1981 – THE ADDITION OF FOOTPATHS B23 AND B24 TO THE BRIGHTON AND HOVE DEFINITIVE MAP AND STATEMENT AT BENFIELD VALLEY**

Thank you for your letter dated 20<sup>th</sup> May 2022 regarding the above matter and the confirmation that this will be considered at the Council's Environment, Transport and Sustainability Committee on 20<sup>th</sup> September 2022.

We would take this opportunity to make further comments on the matter which should be considered along with our previous objections made on behalf of our client Benfield Investments Ltd dated 10<sup>th</sup> May 2021, 19<sup>th</sup> March 2020 and 29<sup>th</sup> January 2020 in addition to a previous objection letter dated 11<sup>th</sup> October 2019 made by the Planning Practice Ltd on behalf of Benfield Investments Ltd.

We confirm that we wish for all these previously submitted objection letters and supporting information to be considered in relation to the determination of whether a new Order should be made. Copies of these are enclosed for ease of reference and the avoidance of doubt.

I have taken the opportunity to research the history of the use of the site. I have also been familiar with the site since the 1990s and wish to set out the background to the use of Benfield Valley Golf Club to assist the Council in its determination of the claims.

**Background to Use of Benfield Valley for Golf**

Benfield Valley was historically a traditional golf course known as West Hove Golf Course which opened in 1910. The 18 hole golf course extended from Old Shoreham Road to the south (where the original clubhouse was located) up to and across Hangleton Lane and up into what is now the South Downs National Park (SDNP) beyond the A27 bypass. At this time the footpaths (FP H8a and RB H11b) were located in a north/south orientation to the east and west of holes 8 and 9 of the course and they continued directly in this orientation up to the land which is now within the SDNP.

Enplan, St Anne's House, 111 High Street, Lewes, East Sussex, BN7 1XY Offices also at Milton Keynes  
Directors: PG Russell-Vick DipLA CMLI • MA Carpenter BA(Hons) MRTPI • RJ Hodgetts BA(Hons) DipLA CMLI

01273 007807

info@enplan.net

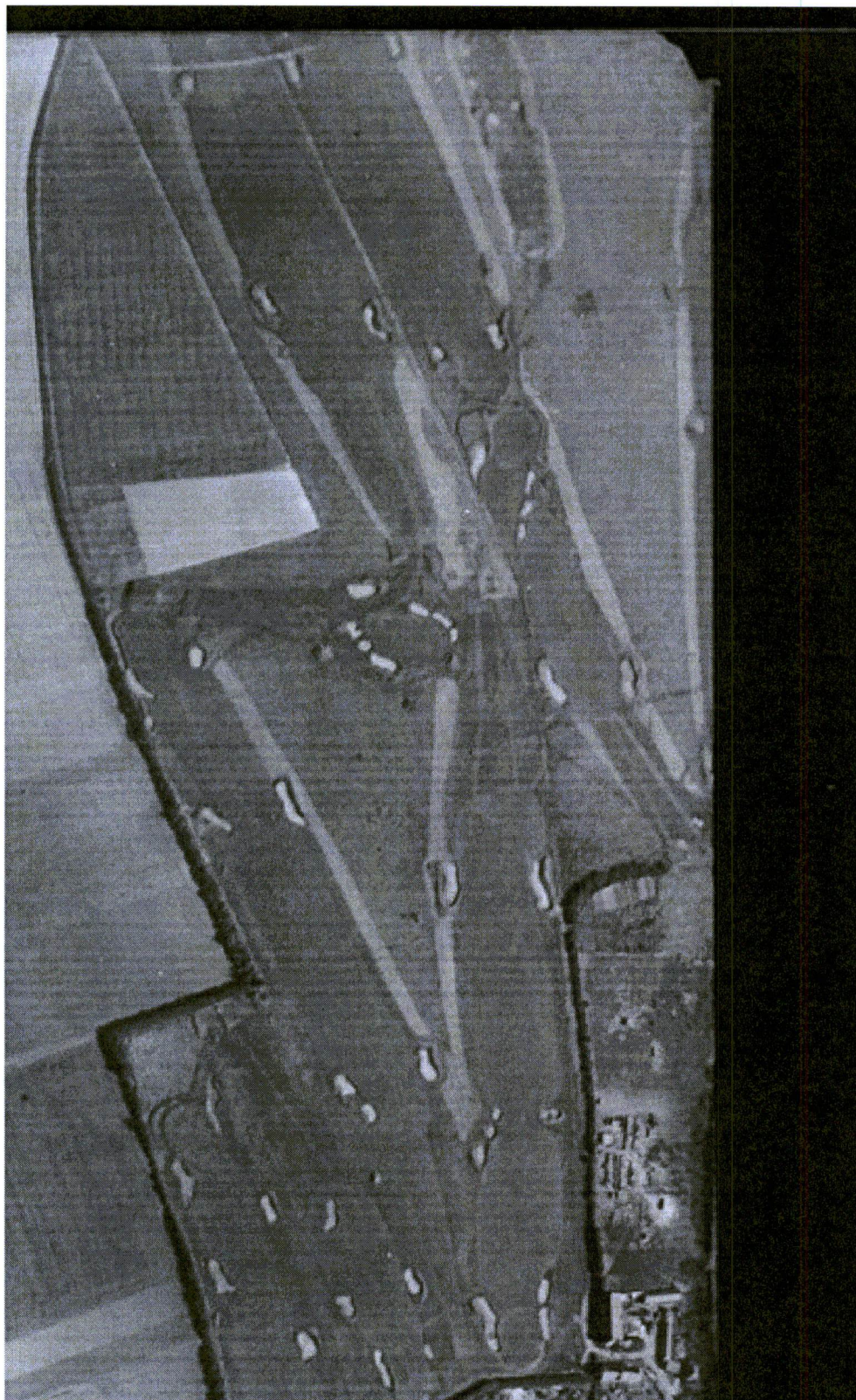
www.enplan.net

Below are parts of three images of the golf course from 1934, 1946 and 1985 respectively illustrating the layout described above. The first two images were obtained from the Historic England archive of aerial photographs and can be viewed in full here: <https://historicengland.org.uk/images-books/archive/collections/aerial-photos/record/EPW043883>



Source: Benfield Valley Golf Course - Historic England Photograph Aerial Photo - EPW043883 - Flown 01/03/1934

And here: [https://historicengland.org.uk/images-books/archive/collections/aerial-photos/record/RAF\\_3G\\_TUD\\_UK\\_157\\_V\\_5066](https://historicengland.org.uk/images-books/archive/collections/aerial-photos/record/RAF_3G_TUD_UK_157_V_5066)



Source: Historic England Achieve (RAF Photography) - Aerial Photo -  
RAF\_3G\_TUD\_UK\_157\_V\_5066 – Flown 19/04/1946

The third image was obtained from the Cambridge University Library, Air Photography Digital Library taken on 10/08/1985. The image can be viewed in full here: <https://www.cambridgeairphotos.com/location/rc8ii064/>



It is apparent from these images that neither of the claimed routes was evident on the ground at the time the photographs were taken. An access route for golfers along the eastern side of one of the golf holes does appear to be present in a similar location to the southern part of the claimed route FP H23. However, this route links to the fairway which existed at that time and did not continue northwards in the location currently claimed for route FP H23. As will be explained below, it was changes to the area and the golf course in the early 1990s which led to the formation of the routes.

The A27 bypass was completed and opened in the early 1990s which severed the northern section of the original golf course which later (in 2012) became part of the SDNP. Part of the bypass construction works included a footbridge to allow users of the golf course and footpaths to access the land to the north. Accordingly, the two footpaths (FP H8a and RB H11b) were diverted eastwards and westwards (respectively) at the boundary with the A27 in order to meet at the footbridge and allow travel northwards. The Council will no doubt retain a record of when the diversion orders were made and is asked to confirm the same.

At this time (in the early 1990s) the A293 Hangleton link road and the Sainsburys superstore were also constructed which resulted in the loss of the southern-most part of the original West Hove Golf Course and clubhouse. As part of these overall development proposals, a new site for West Hove Golf Course was provided to the north of the A27 bypass with access directly off the link road.

When the West Hove Golf Course was relocated in the early 1990s, the existing golf greens which were retained north of Hangleton Lane (and some north of the A27) became Benfield Valley Golf Course which was a 9 hole course operated by R Green Group of Companies. At this time, the western part of the area between the two existing footpaths (H8 and H11b) became the 8<sup>th</sup> hole. This had two separate tees at its southern end, one to the east (close to the point marked C on the proposed footpath map) and one further west (approximately half way between points C and D on the proposed footpath map). The access path referenced above (visible in the 1985 photograph) is also visible in the 2007 aerial photograph below although the exact orientation has changed with the changes to the layout of the golf course.

A further route was added for golfers to access the 8<sup>th</sup> hole tees following the construction of the A27 and footbridge in the 1990s. This is the route leading from the footbridge to the north of the 8<sup>th</sup> hole, travelling southwards and then continuing to the east (for the ladies' tee) and west (for the mens' tee). This route is in approximately the location of the northern section of the proposed marked footpath H23. However, this path was only created after the construction of the footbridge as it was not necessary before then. Furthermore it was only for use by golfers accessing the tees and was never a public footpath or permitted route for walkers. These areas are shown on the aerial photograph from 2007 below.



Photograph 1 - Layout arrangements for 8<sup>th</sup> hole of Benfield Valley Golf Course

Signs requesting that walkers remain on the footpaths rather than golfer access paths, along with arrows pointing out the directions of those footpaths, have been in place around Benfield Valley since the operation of Benfield Valley Golf Course began in 1992. Photographs of a sample of these signs are provided below. The approximate location of each is noted below the photographs and one is dated September 2017 as an example of a

sign having been in place for some years. Furthermore, the overgrowth and graffiti to some of the signs gives an indication of the length of time they have been present.



Photograph 2 – signs outside Benfield Barn taken in September 2017.



Photograph 3 – sign located close to point B on the proposed footpath map



Photograph 4 – sign located close to point D on the proposed footpath map

[REDACTED] (who has provided the enclosed separate statement) has been employed by Benfield Golf Course since 2005 and he reports having regularly challenged walkers attempting to use the golfers route adjacent to the 8<sup>th</sup> hole and also having made considerable efforts over the years to prevent or deter access by members of the public.

From the evidence we have set out, it is quite clear that any use of these routes by the public was not uninterrupted and was not as of right. The use of these routes has been repeatedly challenged by the operators of the site and considerable efforts made to stop members of the public from using the routes. The date of the first challenge to the public use of the routes was not 2018, as previously considered by the Council but very much earlier than that. The evidence of [REDACTED] indicates that the use has been called into question since at least 2005. This means that 20 years of uninterrupted use as of right, as required by s.31 of the Highways Act 1980, cannot be demonstrated because it was not until the changes to the area in the early 1990s that the routes were created to provide access for golfers rather than members of the public.

For these reasons, it is respectfully submitted that the evidence does not demonstrate, on the balance of probabilities that the claimed rights of way either subsist or are reasonably alleged to subsist. Any use by the public was not uninterrupted and was not as of right. The Council is respectfully requested to reconsider its previous position and to decline to make an order pursuant to section 53 of the Wildlife and Countryside Act 1981 in respect of the two claimed routes.

Yours sincerely,

[REDACTED]

**Martin Carpenter**

Director

[martin@enplan.net](mailto:martin@enplan.net)

encs

I, [REDACTED], employee of Brighton Footgolf, DO STATE as follows:

1. I, [REDACTED], have worked at Benfield Valley Golf Course, now Brighton Footgolf, since 2005. I was employed as deputy head greenkeeper at Benfield Valley Golf Course between September 2005 and August 2011. Between 2010 and 2021 I continued to work regularly on the site after work and at weekends. Since 7 April 2021 I have worked at Brighton Footgolf on a full-time basis.
2. I previously prepared a statement in respect of this matter dated 13 March 2020. I wish to take this opportunity to explain certain matters mentioned in my previous statement.
3. Firstly, as I explained in my statement, throughout the entirety of my employment at the golf course I have frequently asked members of the public to stick to the existing public footpaths and not to keep trespassing onto the course or the paths which exist to provide access for users of the course. This has happened on hundreds of occasions over the course of my employment at the site. My efforts are quite often met with verbal abuse from people who appear to believe they are entitled to cross the site however they wish.
4. I started doing this when I first worked on the site in 2005 and continue to do so now. There are several marked rights of way on the site and I direct members of the public to keep to the marked footpaths where they have a right of way and not to leave those rights of way to take shortcuts across other parts of the site. I am, and have always been, instructed to take these steps by my employers and do so on their behalf. To the best of my knowledge this and the other efforts I have made to prevent use by members of the public was already established practice when I started working on site and I simply continued the work of my predecessors in this regard.
5. In addition to my verbal instructions to members of the public (and verbal instructions from others who work on the site) there are several signs on the site which also require members of the public to remain on the marked footpaths. These signs have been on the land for as long as I have worked on site and my understanding is that they were erected by the owners of the land in the 1990s around the time the site became Benfield Valley Golf Club.

6. The first of those signs is on footpath H8a outside of Benfield Barn which serves as the course clubhouse. The second is on footpath H8a around the point where one of the claimed footpaths, FP H24, is said to go from west to east across the site. The third is at the point where footpath H8a and RB H11b meet. This point is next to the bridge which provides access across the A27 at the north end of the site. These signs are positioned in locations where users of the lawful rights of way would clearly see them and anyone using the claimed routes would also be highly likely to see them.
7. I attach a photograph as an example of one of these signs. This one is the one outside of Benfield Barn.



8. In addition to these signs, during the course of my employment I have erected numerous laminated signs at the entrances to non-right of way golf routes which advise that these routes are for use by "GOLFERS ONLY" or wording to similar effect. The points which these have been erected and maintained include points B and D on the draft Order Plan.

9. In my previous statement I also explained that the area where most of my encounters with members of the public occur is at the lower end of where the 8<sup>th</sup> tee used to be, close to Meads Avenue. I marked that location as position A on the map attached to my previous statement.
10. This was the men's tee for the 8<sup>th</sup> hole and paths for the golfers went from there to the north to provide access to the footbridge and to the west to provide access to the ladies' tee and from the ladies' tee to join footpath FP H8a. I believe that it is these routes over which a right of way is now claimed. But it has always been very clear that these are for golfers only and I and others who work on the site have repeatedly made efforts to prevent members of the public from using the routes.
11. The area between points C and A on the proposed order plan has never been a route for golfers but members of the public would frequently attempt to cut through the site without permission from RBH11b to walk to the footbridge. This requires them to climb up a steep slope and walk through bushes and brambles rather than using the existing right of way, RB H11b, which provides convenient access to the same destination.
12. I attach a photograph of the part of the site I am now referring to, viewed from the existing right of way.



13. In addition to challenging walkers when I encountered them in person, on many occasions I have also erected and repaired the fencing and re-planted bushes in this corner to act as a physical barrier to walkers. The wire of the fences I have put up has been repeatedly cut and the bushes trampled, cut through or pulled up by members of the public.
14. You can see an example of the wire having been cut in the above photograph (which I believe to be at the start of one of the claimed routes) but on site you will see many examples of the same behaviour by members of the public. Some of the cut wire has long since been grown over by tree growth and can be seen sticking out of old trees. I have been trying to maintain this area of fencing (and the fencing all along the existing right of way RBH11b) since I was first employed on the site in 2005. Again, this has always formed part of my responsibilities on the site.
15. Members of the public do not appear to be using this part of the site at the moment as the area has become overgrown. Instead, they have begun trespassing onto the site

slightly further to the north (by 10m or so) which is also up a steep bank. Again, I continue to repeatedly fence off this area with barbed wire but unfortunately it rarely lasts very long until trespassers cut the wire back.

16. Within the officer's report, mention is made of wooden fencing which was erected in this location in 2018. I wish to make it clear that this was just one of many attempts to fence off this part of the route. As the fence was wooden it did last a little longer before being vandalised but ultimately it still did not prove sufficient to deter trespassers and vandals from destroying it. Since this we have reverted to using barred wire and other more cost-effective means (such as barrier tape) to seek to prevent access.
17. I also wish to comment on point B on the draft order map where claimed route FPH23 appears to commence. This is in the approximate location of where there used to be a gap in the hedgerow for golfers to access the 8<sup>th</sup> tee. This entrance, as I have already described, used to have a laminated sign on in which read: "GOLFERS ONLY". The point being that it was not a footpath for members of the public but an access to part of the golf course for golfers to use. Since the layout of the course has changed to accommodate footgolf, the path is no longer needed for golfers and I have made efforts to fence it off. These have been successful and it has now become overgrown. I am aware that members of the public used to unlawfully trespass through here, ignoring the clear signage and I would similarly challenge them when I observed that behaviour.
18. In my view, it has therefore been very clear to members the public, for a considerable number of years, that they do not have a general right to roam the site or to create new routes. However, members of the public have simply ignored these efforts and have wilfully trespassed on the site despite repeated efforts, in numerous ways, to prevent and discourage this behaviour.
19. Members of the public have never, in all the time I have worked on site, been free to use the claimed routes. Efforts have always been made to prevent them from doing so. Certain members of the public have wilfully chosen to ignore these efforts but in my view, in all the time I have worked on the site, it has always been very clear to them that they are not entitled to use the routes they now claim to have a right of way over.

THE MATTERS SET OUT IN THIS STATEMENT ARE TRUE TO THE BEST OF MY  
KNOWLEDGE AND BELIEF

[REDACTED]

28<sup>th</sup> July 2022



## Appendix 5 – Public representations



---

**From:** CityParks  
**Sent:** 06 January 2020 10:08 AM  
**To:** Chantelle Hoppe  
**Subject:** FW: FP H23 H24

**From:** David Gardner [<mailto:dagardner72@gmail.com>]  
**Sent:** 04 January 2020 5:58 PM  
**To:** CityParks  
**Subject:** FP H23 H24

To whom it may concern,

I have lived in Hangleton for a number of years and regularly walk my dog over this area.

Since the Footgolf started up I have respected the landowners requests and only used the designated footpath. Walking through the Footgolf course will be dangerous once the whole course is active and there is no need to as the current footpaths give all the access needed.

Those who are against the enforcement of only using the designated footpath have been aggressive and violent to those who have asked them to not leave the footpath.

In my opinion you do not gain anything from using the proposed H23 and H24 footpaths, there is a steep slope in the bottom right corner which is slippery in the wet and therefore dangerous underfoot.

Access to H23 and H24 was never allowed and if the then golf course owners saw you they always told not to go that way.

Kind regards  
Mr David Gardner  
[dagardner72@gmail.com](mailto:dagardner72@gmail.com)



**From:** [REDACTED]

**Sent:** 25 March 2021 17:58

**To:** Stephanie Stammers <Stephanie.Stammers@brighton-hove.gov.uk>

**Subject:** Fwd: Re: Application for definitive map modification order at Benfield Valley - Footpaths H23 & H24 (EC715.415)

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Dear Stephanie

Thank you for your email today. I am resending my original email of support plus a photograph of one of at least three signs that I know of (and which still exist on the old Golf Course. Please ensure this picture is forwarded to the Planning Inspectorate as evidence that an acquired right of way has been obtained over many many years. The current occupier continues to block access to the disputed footpaths and I hope he is compelled to reinstate this access in the very near future.

Yours sincerely

[REDACTED]

**From:** [REDACTED]

**Sent:** 02 January 2020 4:21 PM

**To:** CityParks [REDACTED]

**Subject:** Hangleton Application for Modification Order Footpaths 1 & 2

Dear Rights of Way Officer

We are writing to support the above Applications as currently the access to the pathways has been blocked by Brighton Footgolf, initially by constructing a wooden fence, then because we simply walked around the fence, by felling a tree to block the pathway, then erecting razor wire and digging a deep ditch and filling it with hawthorn and other similar bushes (which also has not worked). I'm sure you are well aware that the operator of Brighton Footgolf has aggressively harassed anyone, from dog walkers to joggers, to ramblers who he considers to be 'trespassing on his land'. This harassment consists of (supposedly) filming people who use the two disputed paths, physically stopping and verbally intimidating them when trying to make them go back (either up or down the path depending on which way they came). I did once ask him why he was filming people and he replied he had "thousands of people on film and was using it to collect evidence". My response was that his film was surely confirmatory evidence that the paths were used by many different people for different purposes and had acquired a right of way status. Needless to say he disagreed with this view.

We have lived in this area since 1983, initially in [REDACTED]  
[REDACTED] and, since 1998, at our current address of [REDACTED]  
[REDACTED] During the large majority of that time we have owned dogs and have walked them on the top two parts of the old West Hove Golf Course that were bifurcated during construction of the Brighton Bypass. We walked these lands both prior to and after the 1996 opening of the Brighton Bypass without objection from any of the land owners or other persons using the land for business purposes. It seems to us that, to the extent not previously documented on the 'definitive map', a public right of way has been created over the two disputed pathways. I have said this on several occasions during my 'interactions' with the operator of Brighton Footgolf but he is plainly unwilling to accept the point despite the fact he has only had an interest in the land since 2018. Further, he has quite deliberately and aggressively sought to prevent the public from accessing the two disputed pathways and I hope the Council will either compel him to reinstate the access (ie remove the fence, hawthorn bushes and razor wire) or do so itself at his cost.

I am sure that if asked, the former owners of the land (West Hove Golf Course) would confirm that, whilst they plainly did not encourage it, they did not seek to prevent the public from using the two disputed paths. This may assist the Council and Secretary of State to conclude that both Applications should be confirmed and the access reinstated.

Yours faithfully

[REDACTED]

## **BENFIELD VALLEY GOLF COURSE**

Members of the public and golfers are hereby advised that there is a danger of injury from golf balls.

The operators of the Benfield Valley Golf Course cannot accept liability for any physical injury to persons or damage to property which may occur on this course.

Non golfers are advised to keep strictly to the marked footpaths and walkways and are expressly prohibited from going on to the tees, fairways and greens.

**The Manager BENFIELD VALLEY GOLF COURSE**  
A Member of the R.Green Group of Companies

**Stephanie Stammers**

---

**From:** [REDACTED]  
**Sent:** 17 May 2021 14:24  
**To:** Stephanie Stammers  
**Subject:** Benfield Valley Footpaths H23&H24

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Dear Stephanie

Thanks for your email.

Please include my email to support the documents to be submitted.

I would prefer my name and address to be withheld, if for any reason it got back to the lease holder I fear reprisals.

Regards

[REDACTED]

---

Sent from my iPad

**From:** [REDACTED]  
**Sent:** 13 May 2021 22:31  
**To:** Stephanie Stammers <Stephanie.Stammers@brighton-hove.gov.uk>  
**Subject:** Re: Application for definitive map modification order at Benfield Valley Footpaths H23 & H24 (EC715.415)

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Hello

Yes, I am happy for my previous email to be made available in order to support this claim for this pathway/rightway to be investigated. This is a public right of way and has been for many years so it seems unfair for it to be taken away from many people within this area who use for walking with or without a dog.

Kind regards

**From** [REDACTED]  
**Sent:** 03 January 2020 1:18 PM  
**To:** CityParks  
**Subject:** BenfieldValley Footpath - B&H DMMO 03/19

Dear Sirs

I am writing with regards to the above. I have been living in the Hangleton district for approximately 19 years and have always walked these paths with my dogs but over recent months there have been several types of obstacles for us to tackle and numerous signs, you name it Mr Richard Philp at Brighton Footgolf has tried his utmost to make our walking unbearable.

Being a loyal community in Hangleton whether we are ramblers, dog walkers or cyclist we have all come together and objected to his outrageous behaviour in blocking all access where possible. He has chopped down trees, put barge wiring up, dug a ditch, it's just been never ending with his arrogant behaviour and also very dangerous with some of his inventions.

I cannot see how we have had access to these paths for years and years and then they are taken away. For what reason? it just doesn't seem to make any sense. Before Brighton Footgolf was there, we never experienced any hassle, it is only been since Mr Richard Philp has taken this over that he has stopped all access to the public.

I am very much in for these paths to be reopened and hope that you get enough support from the Hangleton community and we get our right of way paths back.

Kind regards

**From:** Gail Davey <gailinaddis@hotmail.com>  
**Sent:** 06 April 2021 10:23  
**To:** CityParks <CityParks@brighton-hove.gov.uk>  
**Subject:** B&H DMMO 03/19 Footpaths 1 & 2 Benfield Valley

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Dear Sir/Madam,

I saw the notice stating a decision on these 2 footpaths was soon to be made, and would like to add my support for reinstating them.

Over the last 12 months, it has been very clear how many people have enjoyed being able to walk, cycle, run and dog-walk on the Downs, as a physical and mental antidote to the stresses of the pandemic. Benfield Valley is one of the most beautiful foot-routes up to the Downs. Since people have been discouraged from using the footpath from Hangleton Lane by the tipping in the footgolf car park, it seems even more urgent to restore the two footpaths that allow access from Meads avenue.

Many thanks for considering this viewpoint,

Yours faithfully,

Gail Davey

From: [REDACTED]  
Sent: 25 March 2021 16:51  
To: Stephanie Stammers <Stephanie.Stammers@brighton-hove.gov.uk>  
Subject: Re: Application for definitive map modification order at Benfield Valley (EC715.415)

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Dear Ms Stammers,

Thank you for your email.

Please accept this current email as support of my previous email of representation to support the making of a DMMO protecting the 2 historic pathways across Benfield Valley.

From: [REDACTED]  
Sent: 06 January 2020 5:52 PM  
To: CityParks  
Subject: B&H DMMO 03/19

Dear Sir/madam

Please register my support for the official addition of 2 footpaths from Meads Avenue across Benfield Valley golf course.

I am a local resident as well as having grown up in the area. The footpaths have been used ever since I can remember (25+ years). They are used by countless local residents to include more elderly residents who now struggle to ascend the steeper access point parallel to the bypass to reach the footbridge.

Access across the golf course should remain available to all as it has been historically.

Kind regards  
[REDACTED]

From [REDACTED]  
Sent: 25 March 2021 16:37  
To: Stephanie Stammers <Stephanie.Stammers@brighton-hove.gov.uk>  
Subject: RE: Application for definitive map modification order at Benfield Valley (EC715.415)

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Dear Stephanie

Thank you for your email

My original objections remain and I would like them to be included / duly noted when the matter is re-referred.

With best wishes

[REDACTED]

[REDACTED]  
[REDACTED]

*The information contained in this message (including any attachments transmitted with it) is confidential and is intended for the addressee only. If you have received this message in error please destroy it and notify the originator immediately. The unauthorised use, disclosure, transmission, copying or alteration of this message is strictly forbidden. [REDACTED] will not be liable for direct, special, indirect or consequential damages arising from alteration of the contents of this message by a third party or as a result of any virus being passed on.*

From [REDACTED]  
Sent: 05 January 2020 2:53 PM  
To: CityParks  
Subject: Benfield Valley Footpath, Hangleton, Right of Way

Dear Sir/Madam

I am writing to express my full support to have these footpaths (FP H23 and H24) become a public footpath and added to the definitive map of Brighton & Hove Right of Way Footpaths.

**Benfield Valley Footpath**

65

<b>B&amp;H DMMO 03/19</b>	<b>Rights of Way Officer <a href="mailto:cityparks@brighton-hove.gov.uk">cityparks@brighton-hove.gov.uk</a> 01273 292929</b>	<b>Hangleton &amp; Knoll</b>	<b>TQ26374 07386 to TQ26291 07574</b>	<b>Benfield Valley Golf Course, Hangleton Lane, Hove BN3 8EB</b>
<b>B&amp;H DMMO 03/19</b>	<b>Rights of Way Officer <a href="mailto:cityparks@brighton-hove.gov.uk">cityparks@brighton-hove.gov.uk</a> 01273 292929</b>	<b>Hangleton &amp; Knoll</b>	<b>TQ26353 07397 to TQ26260 07363</b>	<b>Benfield Valley Golf Course, Hangleton Lane, Hove BN3 8EB</b>

I have lived in Brighton and Hove for over 40 years and have grown up in the city. As a resident of [REDACTED] we have for many years, and since before these properties were built over 20 years ago, enjoyed unobstructed access and use of these footpaths across Benfield Valley. In recent months the current leaseholder of this land has erected obstructions to these footpaths, some of which have presented a danger to the public, their pets and wildlife (for example erecting fencing with razor wire and felling a tree to block access). I believe that reinstating access to these footpaths and clarifying their legal status as a public right of way is now the way forward. This action reinstates what the public have, for more than 20 years, enjoyed. Making these paths a public right of way provides legal protection of the public's right to use and enjoy the paths. I am sure reasonable solutions can be found to potential problems of fouling, such as provision of dog waste bins and public notices reminding dog walkers of their responsibility to keep their dogs under close control and clear up their mess.

Please acknowledge receipt of this email.

With best wishes

[REDACTED]

[REDACTED]

[REDACTED]

**Stephanie Stammers**

---

**From:** [REDACTED]  
**Sent:** 25 March 2021 20:14  
**To:** Stephanie Stammers  
**Subject:** Re: Application for definitive map modification order at Benfield Valley (EC715.415)

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Dear Stephanie,

I would still support my original submission regarding objecting to the obstruction of the foot paths and diversion by the current land user of the principle south to north path.

---

If you require anything further please let me know.

Kind regards,

[REDACTED]

Sent from my iPhone

67

**Stephanie Stammers**

---

**From:** [REDACTED]  
**Sent:** 26 January 2020 19:29  
**To:** Stephanie Stammers  
**Subject:** Fwd: Brighton Footpath B23 & B24

Begin forwarded message:

**From:** [REDACTED]  
**Date:** 26 January 2020 at 16:48:18 GMT  
**To:** "cityparks@brighton-hove.gov.uk" <cityparks@brighton-hove.gov.uk>  
**Cc:** "dawn.barnett@brighton-hove.gov.uk" <dawn.barnett@brighton-hove.gov.uk>  
**Subject:** Brighton Footpath B23 & B24

To whom it may concern,

I wanted to send my support to the action you are taking in restoring footpaths B23 and B24 which provide access from Meads Avenue to The South Downs.

As a resident of Hangleton, I have utilised these paths daily to gain access to the Downs to avoid the severe gradient of the existing path.

The residency of the current incumbent of Benfield Valley Golf seems to have been determined to prevent lawful access to these footpaths and in doing so has severely damaged the land. Having blocked the access point with a fence panel he then felled a living tree to block off the path the remnants of which can be seen in the below photograph.



Not satisfied with this he has then dug a deep trench behind the fence panel which initially was wired off by wire fence with warning signs, unfortunately wild life cannot read! This area is

apparently of archaeological importance and yet with complete disregard this deep trench has been dug.



Following publication of the modification order he has continued to block access points and only last week has started to construct a fence to block off the top section of the reinstated paths route.





Whilst the reinstatement of these two paths will be welcomed by the residents of Hangleton who have been denied their use by the antics of the Foot Golf proprietor, you should also insist on the reinstatement of footpath H8a. This path as shown on the map should run in a straight line from the post to the northwest of gardens in Meads Avenue to the finger post at the junction with the restricted byway. The Foot Golf has diverted this path for their own needs to facilitate a hole and it now follows an 'S' line.



I would also like to point out the disgraceful state remaining sections of this listed estate are being left in with builders fences and discarded catering trailers, which have been in place as an eyesore for over a year now.





As a resident who has a back garden which backs on to the golf course why were we not consulted about the change in use from conventional Golf to Foot Golf? The two games may be similar but the clientele playing the sports are completely different. We have gone from a genteel sport with etiquette and decorum to one played by football fans who treat the course like the terraces at a match. The volume of foul language we now have to endure on a sunny weekend is not what we signed up for when we moved here. I also understand a liquor license has been granted, again we were not consulted. Can I ask have the appropriate processes been followed in changing the use and granted the license?

We have suffered hostility and harassment since this change in use of the Golf Course, with the reinstatement of these paths I would like to think a tranquil shared use of common land can be restored without more veiled threats from the land user.

I fully support the reinstatement of these paths which have been in use for at least fifty years to my knowledge. This will enable the less able bodied elderly residents to once more access this land to enjoy the diverse beauty of the Downs, which due to the severe incline of the restricted by-way they have been denied over the last two years.

Yours faithfully,

[REDACTED]  
[REDACTED]

Sent from my iPad

From: [REDACTED]  
Sent: 25 March 2021 23:51  
To: Stephanie Stammers <Stephanie.Stammers@brighton-hove.gov.uk>  
Subject: Re: Application for definitive map modification order at Benfield Valley (EC715.415)

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

To whom it may concern

With regards to the proposed public paths through Benfield Valley. I would support the application as outlined.

Thank you

[REDACTED]  
[REDACTED]

Get [Outlook for Android](#)

From: [REDACTED]  
Sent: 03 January 2020 11:56 AM  
To: CityParks  
Subject: Benfield footgolf proposed pathway

As per the information provided at the Meads ave entrance to Benfield valley public way. I agree with the proposed addition of both public ways Thank you [REDACTED]  
[REDACTED]

Sent from my Huawei Mobile

**From:** Mike Harman <mike.harman@btinternet.com>  
**Sent:** 25 March 2021 18:09  
**To:** Stephanie Stammers <Stephanie.Stammers@brighton-hove.gov.uk>  
**Subject:** Re: Application for definitive map modification order at Benfield Valley (EC715.415)

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Hi Stephanie,

I can confirm that my strong opinion is that the two footpaths mentioned should be made Rights of Way since they have been used by local people for over 20 years before restrictions introduced by the current owners of Brighton Foot Golf

Mike Harman

17 Warrene Road

Hove

Sent from my iPhone

**From:** Mike Harman <mike.harman@btinternet.com>  
**Sent:** 25 March 2021 18:09  
**To:** Stephanie Stammers <Stephanie.Stammers@brighton-hove.gov.uk>  
**Subject:** Re: Application for definitive map modification order at Benfield Valley (EC715.415)

**From:** Mike Harman [<mailto:mike.harman@btopenworld.com>]  
**Sent:** 06 January 2020 9:43 AM  
**To:** CityParks  
**Subject:** BENFIELD VALLEY FOOTPATH UPDATE

Dear Sir/Madam

I saw the notice from the Rights of Way Officer regarding the two footpaths across Benfield Valley Golf Course (FP H23 and FP H24). I moved into the road adjacent to the Golf Course some 23 years ago and enjoying the outdoors always used the two aforementioned footpaths until the owner of the new Football Golf closed them off. I know of numerous other people in this area who were equally aggrieved when this occurred. I would like To support the proposal for these paths to become public footpaths and added to the definitive map of Brighton and Hove Rights of Way Footpaths. This would greatly benefit the local community if enacted.

Many thanks.

Mike and Helen Harman  
17 Warrene Road  
Hove  
BN3 8EG

From: [REDACTED]  
Sent: 19 April 2021 16:41  
To: Stephanie Stammers <Stephanie.Stammers@brighton-hove.gov.uk>  
Subject: Application for definitive map modification order at Benfield Valley (EC715.415)

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Thank you for your email regarding Benfield Valley map modification EC715.415

My original comments should stand as I continue to support these footpaths reinstatement. These comments would have confirmed that the footpaths that had been in common use for many years (more than 20) and should be allowed to continue to be used across the Benfield Valley. The current management of this land is poor as they (?) lack understanding with apparent complete ignorance of wildlife conservation. Putting up barbed wire, digging out deep ditches across the old footpaths and felling healthy trees including a substantial walnut tree should be a criminal offence.

Regards [REDACTED]

From: [REDACTED]  
Sent: 26 March 2021 16:09  
To: Stephanie Stammers <Stephanie.Stammers@brighton-hove.gov.uk>  
Subject: Re: Application for definitive map modification order at Benfield Valley (EC715.415)

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Hello Stephanie,

Thank you for your email about the Benfield Valley footpaths (EC715415). I have often wondered where this issue went in the system. Good to know that it is still up for review. My comments, which I vaguely remember, will still stand. I continue to object to what has been a regularly used footpath over 20 years being blocked off. The manner of the blockage feels aggressive and it was destructive of a healthy walnut tree. Plus erecting barbed wire in a scrub area in front of a deep ditch (dug in purpose) is a doubly dangerous reckless action by the current managers of this land.

Regards [REDACTED]

**From:** [REDACTED]  
**Sent:** 09 January 2020 12:38 PM  
**To:** CityParks  
**Subject:** Benfield Valley Footpath

For the attention of the Rights of Way Officer

Please register my support for the Benfield Valley footpaths as per notice pinned to notice board at beginning of bridle-path off Meads Avenue.

- 1) Meads Avenue restricted byway H11a to footbridge over A27 and,
- 2) Meads Avenue restricted byway H11a to footpath H8a

I had been regularly using the first footpath to the footbridge and have found the obstructions put in place unnecessarily aggressive and the large ditch possibly a concern for small wildlife (e.g. hedgehogs) or even a danger to young people who like to go exploring. Also the management of the land with planting does not seem appropriate to the area and will in the long run become a nuisance.

I appreciate concerns of the Foot Golf Manager with those who do not respect the country code but these people are a small minority and are similar issues for our country side in general. Ultimately open access to what were regularly used footpaths over many years should be reinstated.

Thank you,  
[REDACTED]

**From:** [REDACTED]  
**Sent:** 25 March 2021 17:02  
**To:** Stephanie Stammers <Stephanie.Stammers@brighton-hove.gov.uk>  
**Subject:** Re: Application for definitive map modification order at Benfield Valley (EC715.415)

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Hi Stephanie

Please accept this email as acknowledgment of my original representation in support of making two footpaths and DMMO across Benfield Valley.

---

Kind Regards

[REDACTED]  
Sent from my iPhone

**From:** [REDACTED]  
**Sent:** 07 January 2020 11:04 AM  
**To:** CityParks  
**Subject:** Benfield Valley footpath

Good morning,  
I would like to show my SUPPORT to get the pathways back on the Benfield Valley (Footgolf course) please.  
We really miss them & the other pathways are very steep & difficult.

---

Kind regards

[REDACTED]  
Sent from my iPhone

**From:** bob.lyon43@gmail.com <bob.lyon43@gmail.com>  
**Sent:** 13 May 2021 11:55  
**To:** Stephanie Stammers <Stephanie.Stammers@brighton-hove.gov.uk>  
**Subject:** Re: Application for definitive map modification order at Benfield Valley Footpaths H23 & H24 (EC715.415)

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Yes please .

Sent from Yahoo Mail on Android

On Thu, 13 May 2021 at 11:28, Stephanie Stammers  
<[Stephanie.Stammers@brighton-hove.gov.uk](mailto:Stephanie.Stammers@brighton-hove.gov.uk)> wrote:

Dear Sir or Madam,

I refer to my e-mail of 25.03.21 regarding the submission of this application to the Planning inspectorate for adjudication.

It would be very helpful if you could advise whether or not you would like your original e-mail in support to be included with the documents for the Planning Inspectorate.

I look forward to hearing from you.

Kind regards

In response to the current situation with Covid 19, many of the Legal team are not in the office. Please use email, Skype or phone to contact us. Many thanks.

**Stephanie Stammers | Solicitor | Brighton & Hove City Council**

**Room G101, Hove Town Hall, Norton Road, Hove BN3 3BQ**

**T 01273 291523 | [stephanie.stammers@brighton-hove.gov.uk](mailto:stephanie.stammers@brighton-hove.gov.uk)**

My working days are Monday to Thursday

All personal data processed in connection with this matter will be processed in accordance with Legal Services' privacy policies, which are available [here](#)



**From:** Bob Lyon [mailto:bob.lyon43@gmail.com]  
**Sent:** 30 January 2020 3:42 PM  
**To:** CityParks  
**Subject:** Footgolf footpaths

85 Hangleton Valley Drive

Hove  
Brighton  
BN3 8EJ  
30-1-2020

Dear Sir Or Madam,

I Robert Lyon and Ita Lyon of the above address would like the two footpaths known as H23 and H24 to be reinstated and added to the definitive map of Brighton & Hove Right of way footpaths

---

Robert Lyon  
Ita Lyon

PS sorry cannot print and sign.

**From:** [REDACTED]  
**Sent:** 01 April 2021 19:57  
**To:** CityParks <[CityParks@brighton-hove.gov.uk](mailto:CityParks@brighton-hove.gov.uk)>  
**Subject:** Footpath reinstatement H23 and H24

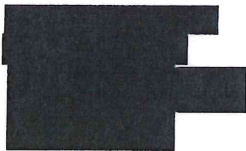
This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

We write as local residents and previous users of these paths to fully support their re opening and re instatement.

These paths have been well used for as long as any of us can remember and make a popular convenient route either as part of a circuit of Benfield valley or up onto the downs into the Country Park and occasionally over to Truleigh Hill or The Shepherd and Dog pub.

The (illegal?) inconvenient blocking of the paths has meant all of us trudging along the alternative dog mess strewn path with no views beside garden fences over to some steps in the corner, a route few would have chosen previously.

We look forward to your support in reinstating these local paths, thank you.



**From:** [REDACTED]  
**Sent:** 25 March 2021 18:32  
**To:** Stephanie Stammers <Stephanie.Stammers@brighton-hove.gov.uk>  
**Subject:** Re: Application for definitive map modification order at Benfield Valley (EC715.415)

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Stephanie

Please take this email as confirmation of support for my previous representation in support of the footpaths being recognised.

Regards

---

[REDACTED]  
Sent from my iPhone

**From:** [REDACTED]  
**Sent:** 25 January 2020 7:37 PM  
**To:** CityParks  
**Subject:** B&H DMMO 03/19

FAO Rights of Way Officer

I would like to write in support of the application to make footpaths FP H23 and H24 rights of way. In the ten years I have lived and been walking in the area these have been well used footpaths and in my opinion should continue to do so. Given the somewhat aggressive attitude of the current operator of the Benfield valley (foot) golf course towards local walkers, it is clear he is not going to permit the ongoing use of these paths without them being formally recognised as public footpaths. Indeed, if this does not happen, I feel it will embolden his attitude, erection of barriers, and use of barbed wire.

Regards

[REDACTED]

**From:** [REDACTED]  
**Sent:** 25 March 2021 18:09  
**To:** Stephanie Stammers <Stephanie.Stammers@brighton-hove.gov.uk>  
**Subject:** Benfield Valley footpaths

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Dear Stephanie  
I would like my previous representation to be considered in this matter.

Yours faithfully

**From:** [REDACTED]  
**Sent:** 05 January 2020 5:16 PM  
**To:** CityParks  
**Subject:** Footpaths in Hangleton

I have lived in Hangleton for 14yrs and my husband for 32yrs and there has always been footpath access across the field behind Meads Ave and I believe these footpaths (FP H23 and H24) should be public rights of way.

From: [REDACTED]  
Sent: 26 March 2021 09:00  
To: Stephanie Stammers <Stephanie.Stammers@brighton-hove.gov.uk>  
Subject: Re: Application for definitive map modification order at Benfield Valley (EC715.415)

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Dear Stephanie

Thank you for your email which was extremely disappointing to read.

I would like to confirm that my original email in support of DMMO still stands.

I really cannot begin understand why it has taken 15 months to inform us that the map footpaths should be coloured purple instead of red! Is this a loophole to try and dismiss or further delay our application?

I totally appreciate the covid situation but the business world has not come to a complete standstill and I find it difficult to accept as I know offices adapted to home working after the initial shock of covid in March 2019 .

It is now March 2021 and can anybody please explain why it has only just come to light about the colour markings on the map?

Please keep me informed of the next step.

Many thanks

Kind regards

From: [REDACTED]  
Sent: 05 January 2020 6:49 PM  
To: CityParks  
Subject: Benfield Valley Footpaths 1&2

I would just like to write to express my full support to the DMMO for the above footpaths.

For years and years these paths have been used and enjoyed by the community and it has been devastating since we have all been denied access to these paths.

Since the bypass was built these paths have been used unchallenged and when it was previously Benfield Valley Golf course we all used the paths 'at our own risk' giving respect to the golfers and it worked very well indeed. There was never a problem with this.

The blocking off of the paths in question has been completely unnecessary and caused so much anger amongst the public that have used the two paths for well over twenty five years.

The official public footpath that we are all forced to use from Meads Ave is both unsafe and dangerous for the elderly to negotiate. There is a blind bend and a steep muddy, chalky slippery hill which has caused many accidents and broken bones.

I hope that we can all soon enjoy the footpaths in question again and that we will be able to gain access from Meads Ave as before.

Yours faithfully

A black rectangular box redacting the signature of the sender.

86

**Stephanie Stammers**

---

**From:** [REDACTED]  
**Sent:** 30 March 2021 19:53  
**To:** Stephanie Stammers  
**Cc:** CityParks  
**Subject:** Subject: Application for definitive map modification order at Benfield Valley (EC715.415)

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

---

Hi

Please accept this email as confirmation of my continued support to reinstate both foot paths accross Benfield Valley.

Many Thanks

[REDACTED]

Sent from my Galaxy

87

## Stephanie Stammers

---

**From:** [REDACTED]  
**Sent:** 25 March 2021 16:54  
**To:** Stephanie Stammers  
**Subject:** Fwd: Brighton Footpaths B23 & 24. Consultation period

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Hi Stephanie

Thank you for the update on the Benfield Valley Paths. It's very disappointing that it has not been resolved and all the comments need to be submitted again. Please find my original email attached to this one giving my reasons for supporting the paths being reopened.

I do hope this can be resolved more quickly now; the severe weather this winter rendered the existing paths across the foot golf course pretty much impassable for some weeks. I suspect if the proposed paths had been reopened so spreading the footfall over more paths the existing path would not have become so churned up and dangerous. I had a conversation with the business owner who was clearly frustrated at people trying to circumnavigate the worst parts of the path by walking over the foot golf course. I would be interested to know if he has changed his mind at all regarding his opposition to the alternative paths.

Please do not hesitate to contact me if you need any further comments or information

Kind regards

----- Forwarded message -----

**From:** [REDACTED]  
**Date:** Wed, 15 Jan 2020 at 18:08  
**Subject:** Brighton Footpaths B23 & 24. Consultation period  
**To:** <Cityparks@brighton-hove.gov.uk>

Dear Mr Hibberd

I am writing to express my support to the formalising of the above pathways as Rights of way. I have lived in Hangleton for 30 years, initially in Sunninghill Avenue and more recently Hangleton Valley Drive close to its junction with Meads Avenue.

As both a runner and dog walker; I am a frequent user of the local pathways. I free very strongly that these pathways should be Formally established as Rights of Way.

**The existing bridleway parallel to Warene Road:**

- Is not fit for purpose. For many months of the year it is incredibly hard to walk along as it becomes horrendously muddy and slippery, as it is at the time of writing this.
- As a bridleway it is commonly used by Horse riders but it can be extremely difficult for other users to pass Horses/Riders due to the constricted width of the pathway.

**The north end of the path where it turns east/west:**

88

- is incredibly steep; even as a fit person I struggle to walk up this steep incline, and avoid walking down it as the loose gravel on the steepest part is inclined to roll under your feet feeling very unsafe. I have had numerous slips and count my blessings that I have not actually fallen over. I know many other people have.

**The proposed paths give an alternative option to these narrow pathways, which would be free from Horse Riders, less muddy and less steep.**

They would also give an additional option for people to walk from the lower end of Benfield valley (Sainsburys end), off Road all the way to Meads Avenue.

These paths have been used habitually by local people for many years; I certainly have been aware of and used them as far back as I can remember. If there is a time criteria for establishment of Rights of Way based on long term usage, I assume this has easily been met. Even before I lived in Hangleton; I remember running on these paths with the Hedgehoppers Running Club who are still based in Portslade.

I am aware that since the current Land Manager has tried to stop walkers using the paths it has created a great deal of bad feeling amongst local residents, and that some of the methods used to deter walkers have been downright dangerous. I believe that a fully agreed and clear Right of way should enable all parties to rebuild a positive relationship and achieve an outcome for all users to enjoy the area without conflict.

---

~~Please do not hesitate to contact me if you require any further information.~~

---

Kind Regards

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

From: [REDACTED]  
Sent: 15 June 2021 15:19  
To: Stephanie Stammers <Stephanie.Stammers@brighton-hove.gov.uk>  
Subject: Re: Benfield Valley Footpaths H23 & H24

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Dear Stephanie

Please do include my original representation with the new order. And thank you for contacting me in relation to this matter!

Best wishes

[REDACTED]

-----Original Message-----

From: [REDACTED]  
Sent: 18 January 2020 1:32 PM  
To: CityParks  
Subject: Footpaths FPH23 and H24

Dear City Parks

I am writing to request that these two walks become public footpaths. Like many others I have walked around this land for many years and since it became the FootGolf course have discovered that two desire line footpaths have been blocked and there have been several altercations between the FootGolf owners and the people who have been walking the land for decades. It's a great shame that just as Waterhall Golf Course is about to be rewilded, the FootGolf course has become less accessible and less welcoming to hikers, runners, and dog walkers. Making these two rights of way permanent is a bare minimum to preserve public access to land that has, by and large, been removed from public use by the new owners.

Yours ever

[REDACTED]

-----Original Message-----

From [REDACTED]

Sent: 30 March 2021 21:32

To: CityParks <[CityParks@brighton-hove.gov.uk](mailto:CityParks@brighton-hove.gov.uk)>

Subject: Benfield Valley - 2 pathways as noted on the order of 10th March

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

I just wanted to voice my support for re-instating the two paths up to Benfield Valley as referenced in your order of 10th March 2021.

These are important access routes and would be very welcome at a time when the other primary path up to the valley is crowded, muddy and rutty and goes past the unfriendly and occasionally hostile people who run Brighton Footgolf. Re-instating these two paths is a great idea and would help a lot of people get access to the valley and national park beyond.

---

Thanks for proposing this.

Best Regards

[REDACTED]

91

**Stephanie Stammers**

---

**From:** [REDACTED]  
**Sent:** 16 June 2021 11:50  
**To:** Stephanie Stammers  
**Subject:** Benfield Valley Footpaths H23 & H24

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

FAO Stephanie Stammers

Can my name be added to the list of people wishing for access to be re gained onto benfield valley golf course via meads avenue hove where it has been blocked off as access behind the properties become very Steep and muddy to avoid breaking my neck. I also have a photo of the letter which accompanies this notice should it be required to know which site I am talking about thankyou [REDACTED]

## Benfield Valley Footpath L

B&H DMMO 03/19	Rights of Way Officer cityparks@brighton- hove.gov.uk 01273 292929	Hangleton & Knoll	TQ26374 07386 to TQ26291 07574
----------------------	--	----------------------	---

B&H DMMO 03/19	Rights of Way Officer cityparks@brighton- hove.gov.uk 01273 292929	Hangleton & Knoll	TQ26353 07397 to TQ26260 07363
----------------------	--	----------------------	---

The map shows the proposed footpath along the field (now Foot  
Meads Avenue. If you want these footpaths (FP H23 and H24)  
added to the definitive map of Brighton & Hove Right of Way For  
your view to the Rights of Way Officer, Stanmer Nursery, Stanme  
Sussex BN1 9SE or email [Cityparks@brighton-hove.gov.uk](mailto:Cityparks@brighton-hove.gov.uk) by 30.  
object to this pathway becoming a right of way write and express

Sent from my iPhone

93

From: [REDACTED]  
Sent: 23 April 2021 08:28  
To: CityParks <CityParks@brighton-hove.gov.uk>  
Subject: Proposed footpaths H23 and H24

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Ref The Brighton & Hove (Brighton Footpaths H23 & H24)  
Benfield Valley Definitive Map Modification Order 2021

Sir,

I would like to register my support for the above order providing two footpaths in the Benfield Valley area. Prior to these same paths being blocked/removed by the leaseholder they had been in use by the local residents for over 30 years without causing any issues. It would be good to formally reinstate them.

Yours faithfully

[REDACTED]

**From:** ollie wilkins <olliewilkins16@hotmail.co.uk>

**Sent:** 25 March 2021 19:57

**To:** Stephanie Stammers <Stephanie.Stammers@brighton-hove.gov.uk>

**Subject:** Re: Application for definitive map modification order at Benfield Valley (EC715.415)

This email originates from outside of Brighton & Hove City Council. Please think carefully before opening attachments or clicking on links.

Good evening, as previously stated for the footpaths to be re-opened I have attached a copy of my original email which outlines my views regarding this matter.

To the rights of way officer, I write to state my agreement of the reinstatement of the footpaths in Benfield Valley previously known as Benfield golf course, this path has been used by myself and my family for nature walks and dog walking for in excess of 20 years and would love to see it re opened with the ditch filled in, the razor wire removed, fence and rubble also removed to allow access to the public.

Regards,  
The Wilkins Family.

20 Meads Avenue  
Hove  
BN3 8EE

-----Original Message-----

**From:** ollie wilkins [mailto:olliewilkins16@hotmail.co.uk]

**Sent:** 30 January 2020 4:33 PM

**To:** CityParks

**Subject:** Benfield Valley Footpath

To the rights of way officer, I write to state my agreement of the reinstatement of the footpaths in Benfield Valley previously known as Benfield golf course, this path has been used by myself and my family for nature walks and dog walking for in excess of 20 years and would love to see it re opened with the ditch filled in, the razor wire removed, fence and rubble also removed to allow access to the public.

Regards,  
The Wilkins Family.

20 Meads Avenue  
Hove  
BN3 8EE

# Brighton & Hove City Council

## Environment, Transport & Sustainability Committee

## Agenda Item 25

**Subject:** Highway Winter Service Policy

**Date of meeting:** 20<sup>th</sup> September 2022

**Report of:** Executive Director, Economy, Environment & Culture

**Contact Officer:** Name: Stacey Hollingworth  
Tel: 01273 292468  
Email: Stacey.hollingworth@brighton-hove.gov.uk

**Ward(s) affected:** All

**For general release**

### **1. Purpose of the report and policy context**

- 1.1 This report seeks approval to adopt the new Highway Winter Service Policy. The policy in Appendix 1 sets out the council's approach to delivering the winter service specifically relating to public roads and footways. The service needs to meet the council statutory obligations contained within the 1980 Highways Act.

### **2. Recommendations**

- 2.1 That Committee agrees to adopt the Highway Winter Service Policy as detailed in Appendix 1 of this report.

### **3. Context and background information**

- 3.1 Brighton & Hove City Council will endeavour to provide a Highway Winter Service that ensures where reasonably practicable that safe passage on all its main roads, bus routes within the city, access to emergency service operational centres and footways and cycleways is not endangered by snow or ice. In normal winter conditions, this is achieved by pre-salting the road network to prevent ice or frost forming.
- 3.2 In snow conditions, it may be unachievable to spread sufficient salt to melt more than a very thin layer of snow and/or ice. Under such circumstances, the aim is to recover the network as soon as reasonably practicable. Footway and cycleway clearance will also be carried out during cold weather events.
- 3.3 To enable Brighton and Hove City Council to respond quickly and efficiently we are proposing to adopt this Policy and the associated standards for each of the winter service duties. The operational processes and more detailed standards are provided in a Highway Winter Service Plan, which complements this Policy Statement. Brighton & Hove City Council provide a Highway Winter Service which, as far as reasonably practicable will:

- Minimise the risk of loss of life and injury to highway users, including pedestrians, and prevent damage to vehicles and other property
- Keep the highway free from obstruction, thereby avoiding unnecessary delay to journeys

The winter maintenance period runs from 1<sup>st</sup> November to 31<sup>st</sup> March. The period may be extended by the Head of Traffic Management in cases of severe cold weather continuing into April or starting earlier in October.

#### **4. Analysis and consideration of alternative options**

4.1 Brighton & Hove City Council's Highway Winter Service policy follows the recommendations issued by the UK Road Liaison Group (UKRLG) and takes into account the recommendations contained in "Well Managed Highways Infrastructure" and National Winter Service Research Group guidance.

4.2 Winter weather conditions which are managed are:

- Snow – fairly rare, but it does cause great difficulties due to its infrequency, partial melts/refreezes, the topography of the city and the resources needed for clearance.
- Ice – occurs when conditions are freezing and wet.
- Hoar Frost – is formed from white ice crystals. We only deal with this when it forms on roads making them slippery. This should not be confused with low-level frost, such as the white frost that appears on car roofs or vegetation in the mornings.
- Freezing rain – is rain which freezes as soon as it hits the road surface. This is a rare occurrence but difficult to treat because of the timings between rain washing off the treatment and the roads freezing. It also creates very hazardous conditions which may not be easily visible e.g., black ice.

Extreme or severe winter conditions are defined as an event where the snow is over 50mm (2 inches) and is predicted to remain on the ground for longer than 36 hours.

4.3 The service carries out treatments on designated roads in advance of or during/after ice/snow. In extreme conditions it also carries out pavement treatment on designated public thoroughfares. Grit bins and grit drops are provided for local self-help.

The treatments are:

- Precautionary Salting - The application of salt to carriageways on routes usually in advance of frosty and icy conditions (often referred to as spreading, gritting or pre-salting).
- Post-treatment – ploughing, the application of salt, a salt/grit mix or grit (sharp sand) to carriageways following snow and depending on the depth and severity of the snowfall. Also refers to carrying out hand or machine clearance of pavements following snow.

#### 4.4 Roads within the precautionary salting routes include:

- all of the following network classes
  - all A class roads
  - main distributors
  - secondary distributors
- links to hospitals, transport interchanges, emergency service stations and identified critical infrastructure
- links to schools
- primary bus routes with a substantial frequency have been prioritised based on their climatic location, that is, roads located within an area of Brighton & Hove that is susceptible to low temperatures and extreme winter weather throughout the winter season. Brighton and Hove naturally divides itself into two domains. Hilltops, which are at higher elevation and generally further from the climatic buffer provided by the sea, and remaining areas.

The policy is not to treat any of the footway network unless in extreme conditions and then only when resources are available. The aim is to use the resources available as effectively as possible and bring the greatest benefit to the most utilised roads in the network section 4.6 refers.

#### 4.5 Routes

There are three levels of routes which the Council will treat depending on the severity of the weather conditions and the variables which can affect it. They are listed below in order of increasing severity according to climatic zones and weather conditions:

Level	Title	Treatment	Description
Level 1	Hilltop Routes	Pre-salt	Routes located in the highest areas of Brighton & Hove where frost is more likely to form in marginal conditions and where snow is likely to settle.
Level 2	Full Routes (Combined Hilltop and Low Routes)	Pre-salt	Routes located in the highest areas of Brighton & Hove where frost is more likely to form in marginal conditions and where snow is likely to settle, combined with routes in the lower areas of Brighton & Hove where frost is likely to form in extreme conditions and where snow is less likely to settle
Level 3	Priority/ Snow clearing Routes	Continuous salting and/or snow clearance (ploughing)	These are limited variations of the Full Routes. They are used when sustained snow or ice conditions are causing severe disruption and core routes need to be kept clear of snow and ice to

minimise severe disruption to strategic routes in the city.

Strategic routes are roads around the main hospitals and the main arterial routes. These routes may also be used if for any reason there is a reduction in the usual available resources, such as personnel, vehicles, or materials

Sustained snow and ice conditions prevail when snow is over 100mm (4 inches) and predicted to fall continuously or frequently within 24 hours or to remain for longer than 24 hours.

## 4.6 Footways and Cycleways

### Footways

Brighton and Hove's primary objective during periods of severe winter weather is to ensure that main roads and important routes are safe for motorists to use. This being the case there are no precautionary treatments of footways. When resources become available footway treatment and snow clearance will be carried out on a priority basis as shown below:

#### Footway Categories

##### Category Description

- |   |  |
|---|--|
| 1 | Town centre pedestrian zones and shopping areas with high pedestrian flows                             |
| 2 | High volume pedestrian routes to/from train stations, bus stations (highway footways only) and schools |
| 3 | Near hospitals, doctors' surgeries, and schools  |

### Cycleways

As with footways there are no precautionary treatments in advance of severe weather. When resources become available cycleway treatment and snow clearance will be carried out on a priority basis as shown below:

#### Cycleway Categories

Category Type		Description
1A	Cycle track	A highway route for cyclists not contiguous with the public footway or carriageway
2B	Shared	Either segregated by a white line or other physical cycle/pedestrian path segregation, or un-segregated footway

3C	Cycle lane	Forming part of the carriageway, commonly a strip next to the nearside kerb
----	------------	---

#### 4.7 Equipment and materials

Brighton & Hove City Council have a fleet of winter service vehicles it uses to treat its network. Following a review in 2021/22, the fleet has recently been updated to include in-cab technology. This enable drivers to better manage grit application and guide them using current technology. Given the age of this fleet, as part of the council's continuous improvement to its services, a further review of the fleet is planned in 2026, so as to provide improved resilience and reduce its carbon impact by utilising green fuel alternatives.

The current equipment comprises:

- 7 gritters
- 7 ploughs for use with the gritters
- 1 machine pavement gritter
- Access to 3 tractors in severe weather conditions
- Use of 3 JCB's in severe weather conditions

The salt is currently stored at Hollingdean Depot along with the gritters. This storage is under review as the salt is stored in the open which leads to a high-water content, reducing the impact of the salt on the city's roads. A business case is being developed to provide covered storage.

#### 4.8 Salt Bins

Brighton & Hove provide 420 Salt/Grit bins located across its Highway Network with some additional bins provided for important council or NHS community facilities. They have been situated at sites not normally near a gritting route with the coldest areas of the city particularly on steep hills being the priority.

The Salt/Grit bins are filled with a 50/50 mixture of 6.3mm Rock Salt and Sharp Sand and are replenished in October each year. As a guide the criteria for the provision of a salt/grit bin for strategic reasons is as follows:

- At junctions away from main (treated) roads with a gradient in excess of 1 in 10 (10%)
- On hills with gradients in excess of 15% (non-gritted roads), where vehicle flows are more than 200 vehicles a day
- On hills at locations with gradients in excess of 20% (1 in 5) whatever the vehicle flow and is not salted

In addition, there are a number of community grit bins. In comparison with other local authorities of a similar size the city has a high number of bins

deployed. A further expansion of salt bins is not possible within the existing resources. Grit Bins will be monitored and any not being used will be removed.

#### **4.7 Budget**

The service is revenue funded and fluctuates depending on weather conditions.

### **5. Community engagement and consultation**

5.1 Consultation is not required as this is a statutory service

### **6. Conclusion**

6.1 The council has a statutory duty under the Highways Act to provide a Highways Winter Service and the policy in Appendix 1 sets out the approach that the council takes in meeting this duty. The council has to have a formal policy so that it can defend any possible claims that may arise.

### **7. Financial implications**

7.1 The budget for winter maintenance is reviewed annually and is managed by the Highways service. In 2022-23, the budget is £333,000

Name of finance officer consulted: Jill Scarfield Date consulted (25/08/2022):

### **8. Legal implications**

8.1 Highway authorities have a statutory duty to maintain highways maintainable at the public expense. This duty is found in section 41 of the Highways Act 1980.

8.2 Section 41.(1A) of the Act contains a specific duty as regards snow and ice, stating that a highway authority is “under a duty to ensure, so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice”. The Highways Winter Service Policy, the subject of the report, will assist the Council in complying with that duty.

Name of lawyer consulted: Hilary Woodward Date consulted 24/08/2022

### **9. Equalities implications**

9.1 Keeping the roads clear will enable all users access to move around the city during the winter period.

### **10. Sustainability implications**

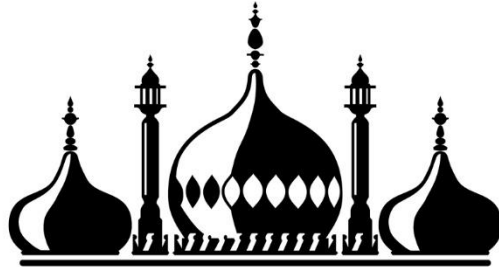
10.1 None

## **Supporting Documentation**

### **1. Appendices**

1. Highway Winter Service Policy





# **Brighton & Hove City Council**

## Highway Winter Service Policy

2022

This Highways Winter Service Policy outlines the service provided by Brighton & Hove City Council for clearance of snow and ice on the city's streets.

## Contents

Summary .....	3
1 Introduction.....	4
1.1 Winter service statutory duty .....	4
1.2 Winter service overview .....	<b>Error! Bookmark not defined.</b>
1.3 Winter service standards.....	4
1.4 Other Highway Authorities .....	5
2 Winter Service Objectives.....	6
2.1 Winter weather conditions .....	6
2.2 Treatment.....	6
3 Materials, Storage and Vehicles .....	10
3.1 Depots and Facilities .....	10
3.2 Treatment Materials .....	10
4 Weather Forecast Information .....	12
4.1 Weather Information Systems .....	12
4.2 Weather Reports .....	12
4.3 Winter Duty Managers .....	12
4.4 Other teams involved in providing winter service .....	12
5 Public and Media Communications.....	14
5.1 Neighbouring authorities and other agencies .....	14
5.2 The media .....	14
5.3 Pre-season publicity.....	14
6 Roadside Grit Bins.....	15
7 Budgets .....	16
7.1 Winter Service Budget .....	16
7.2 Severe ice and snow events .....	16
7.3 Depot and Fleet upgrade .....	16
Appendix A Gritting Routes .....	17
Appendix B Grit Bin Criteria .....	18
Appendix C Pavement Treatment Routes .....	19

## Summary

This document provides detailed information about the council's highway winter service, specifically relating to public roads and pavements. It is worth noting that other agencies and council sections also have winter plans and policies which support their service objectives.

## 1 Introduction

### 1.1 Statutory Duty

The legal position relating to the Highway Authority's responsibility in respect of the winter service is set out in an amendment to Section 41(1) Highways Act 1980 (c.66) (duty of highway authority to maintain the highway).

(1A) in particular, details that a highway authority is under a duty to ensure, so far as is reasonably practicable, the safe passage along a highway is not endangered by ice or snow.

The council recognises that the winter service is essential in aiding the safe movement of highway users, maintaining communications, reducing delays and enabling everyday life to continue. It is very important to both road safety and the local economy.

The winter service that the council provides is believed to be sufficient, so far as is reasonably practical, to discharge the duty imposed by the legislation. However, it is important to recognise that the council has to prioritise its response to deal with winter weather due to logistics and available resources.

### 1.2 Overview

Brighton & Hove City Council will endeavour to provide a Highway Winter Service that permits where reasonably practicable that safe passage on all its main roads, bus routes within the city, access to emergency service operational centres and footways and cycleways is not endangered by snow or ice.

In normal winter conditions, this is achieved by pre-salting the road network to prevent ice or frost forming.

In snow conditions, it maybe unachievable to spread sufficient salt to melt more than a very thin layer of snow and/or of ice. Under such circumstance, the aim is to recover the network as soon as reasonably practicable.

Pavement and cycleway clearance will also be carried out during snow events.

The Highway Winter Service Plan and budget are specifically targeted at dealing with cold weather events (i.e., ice, frost, sleet and snow). However, the identified gritting network (the city's 'critical road network') and associated operations also helps inform the highway authority's response to other severe weather events such as storms or flooding.

### 1.3 Standards

To enable Brighton and Hove City Council to respond quickly and efficiently we have adopted this Policy and the associated standards for each of the winter service duties. The operational processes and more detailed standards are provided in a Highway Winter Service Plan, which compliments this Policy Statement.

Brighton & Hove City Council provide a Highway Winter Service which, as far as reasonably practicable will:

- Minimise the risk of loss of life and injury to highway users, including pedestrians, and preventing damage to vehicles and other property
- Keeps the highway free from obstruction and thereby avoiding unnecessary delay to journeys
- the winter maintenance period runs from 1st November to 31st March. The period may be extended by the Head Traffic Management in cases of severe cold weather continuing into April or starting earlier in October.

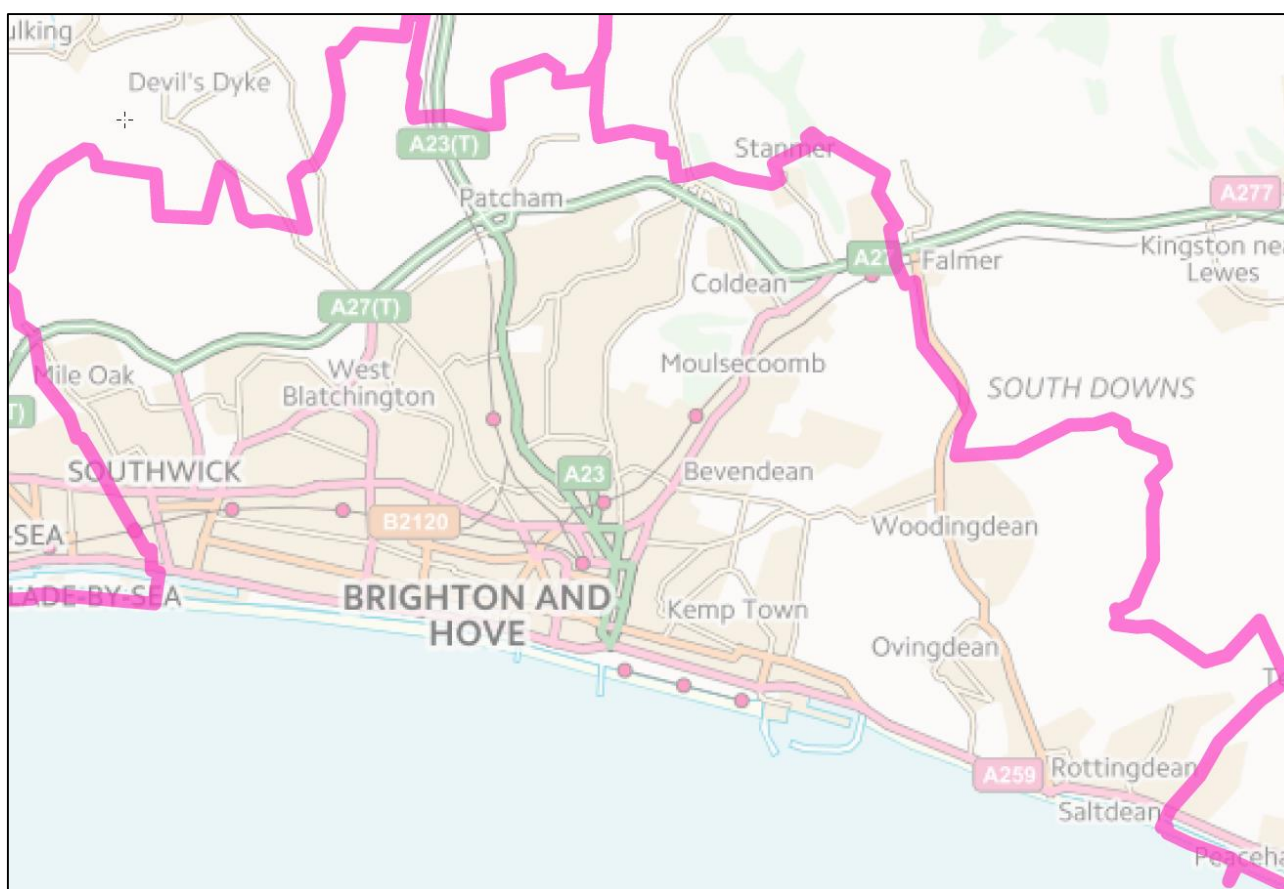


Figure 1-1 Location and Authority City Boundary ©Crown Copyright under License to Jacobs UK

#### 1.4 Other Highway Authorities

The M23, A27 Brighton bypass and the A23 north of the A27 Junction are maintained by National Highways. Ditchling, Falmer and Saltdean borders are maintained by East Sussex County Council and Fishersgate and Devils Dyke borders are maintained by West Sussex Highways. Brighton and Hove City Council has no responsibility for the winter service activities on these roads. Close liaison exists between Brighton & Hove City Council Highways Service and Highways England, East Sussex County Council and West Sussex County Council during the winter service operational period.

## 2 Objectives

Brighton & Hove City Council's Highway Winter Service policy follows the recommendations issued by the UK Road Liaison Group (UKRLG) and takes into account the recommendations contained in "Well Managed Highways Infrastructure" and National Winter Service Research Group guidance. These documents are reviewed annually, and any recommendations are included within our policy where practical and reflected in an annual update to Brighton & Hove City Council's Highway Winter Service Plan. The Highway Winter Service Plan is also updated to reflect any changes needed to operational practices during the season.

Consistency with the policies of neighbouring authorities is considered and applied where appropriate.

### 2.1 Winter weather conditions

Winter weather conditions which are managed are:

- Snow – fairly rare, but it does cause great difficulties due to its infrequency, partial melts/refreezes, the topography of the city and the resources needed for clearance.
- Ice – occurs when conditions are freezing and wet.
- Hoar Frost – is formed from white ice crystals. We only deal with this when it forms on roads making them slippery. This should not be confused with low-level frost, such as the white frost that appears on car roofs or vegetation in the mornings.
- Freezing rain – is rain which freezes as soon as it hits the road surface. This is a rare occurrence but difficult to treat because of the timings between rain washing off the treatment and the roads freezing. It also creates very hazardous conditions which may not be easily visible e.g., black ice.

Extreme or severe winter conditions are defined as an event where the snow is over 50mm (2 inches) and is predicted to remain on the ground for longer than 36 hours.

### 2.2 Treatment

The service carries out treatments on designated roads in advance of or during/after ice/snow. In extreme conditions it also carries out pavement treatment on designated public thoroughfares. Grit bins and grit drops are provided for local self-help.

The objectives are:

- Precautionary Salting - The application of salt to carriageways on routes usually in advance of frosty and icy conditions (often referred to as spreading, gritting or pre-salting).
- Post-treatment – the application of ploughing, salt, a salt/grit mix or grit (sharp sand) to carriageways following snow and depending on the depth and severity of the snowfall. Also refers to the application of hand or machine clearance to pavements following snow.

### 2.2.1 Objective

The priority is to keep major routes treated and passable. These are generally all the 'A' roads, most of the 'B' and 'C' roads and other roads of local importance based on an annual review. This review considers domain, gradient and use of each road within the Council's highway network.

### 2.2.2 Gritting

Roads to be included within the precautionary salting routes is shown in Appendix A. This includes the following network classes:

- all of the following network classes
  - all A class roads
  - main distributors
  - secondary distributors
- links to hospitals, transport interchanges, emergency service stations and identified critical infrastructure
- links to schools
- primary bus routes with a substantial frequency

Roads have been prioritised based on their climatic location, that is, roads located within an area of Brighton & Hove that is susceptible to low temperatures and extreme winter weather throughout the winter season. Brighton and Hove naturally divides itself into two domains. Hilltops, which are at higher elevation and generally further from the climatic buffer generally provided by the sea and remaining areas.

Our policy is not to treat any of the footway network unless in extreme conditions and then only when resources are available.

The aim is to use the resources available as effectively as possible and bring the greatest benefit to the most utilised roads in our network. Treatment routes cover total of 182 miles of routes around the city, about 47% of the overall Council road network. It is simply not possible in terms of time and resources to treat every road in the city.

### 2.2.3 Snow Clearance

The objectives of snow clearance are:

- to prevent injury or damage caused by snow
- to remove obstructions caused by the accumulation of snow (section 150 Highways Act 1980)
- to reduce delays and inconvenience caused by snow

Snow clearance is carried out on a priority basis to core routes.

Snow clearance on footways and cycleways will only be carried out if resources are available. Priority footways will be prioritised as and when resources become available.

## 2.2.4 Routes

There are three levels of routes which the Council will use depending on the severity of the weather conditions and the variables which can affect it. They are listed below in order of increasing severity according to climatic zones and weather conditions:

Level	Title	Treatment	Description
Level 1	Hilltop Routes	Pre-salt	Routes located in the highest areas of Brighton & Hove where frost is more likely to form in marginal conditions and where snow is likely to settle.
Level 2	Full Routes (Combined Hilltop and Low Routes)	Pre-salt	Routes located in the highest areas of Brighton & Hove where frost is more likely to form in marginal conditions and where snow is likely to settle combined with routes in the lower areas of Brighton & Hove where frost is likely to form in extreme conditions and where snow is less likely to settle
Level 3	Priority/ Snow clearing Routes	Continuous salting and or snow clearance (ploughing)	<p>These are limited variations of the Full Routes. They are used when sustained snow or ice conditions are causing severe disruption and core routes need to be kept clear of snow and ice to minimise severe disruption to strategic routes in the city.</p> <p>Strategic routes are roads around the main hospitals and the main arterial routes. These routes may also be employed if for any reason there is a reduction in the usual available resources, such as personnel, vehicles, or materials</p> <p>Sustained snow and ice conditions prevail when snow is over 100mm (4 inches) and predicted to fall continuously or frequently within 24 hours or to remain for longer than 24 hours.</p>

## 2.2.5 Footways and Cycleways

### Footways

Brighton and Hove's primary objective during periods of severe winter weather is to ensure that main roads and important routes are safe for motorists to use. This being the case there are no precautionary treatments of footways. When resources become available footway treatment and snow clearance will be carried out on a priority basis as shown below:

#### Footway Categories

Category	Description
1	Town centre pedestrian zones and shopping areas with high pedestrian flows
2	High volume pedestrian routes to/from train, bus stations (highway footways only) and schools
3	Near hospitals, doctors' surgeries, and schools

### Cycleways

As with footways there are no precautionary treatments in advance of severe weather. When resources become available cycleway treatment and snow clearance will be carried out on a priority basis as shown below:

#### Cycleway Categories

Category	Type	Description
1A	Cycle track	A highway route for cyclists not contiguous with the public footway or carriageway
2B	Shared cycle/pedestrian path	Either segregated by a white line or other physical segregation, or un-segregated footway
3C	Cycle lane	Forming part of the carriageway, commonly a strip next to the nearside kerb

The extent of the Brighton & Hove footways network covered by this plan is shown in Appendix C.

### 3 Materials, Storage and Vehicles

Salt is the main material used in the winter service.

#### 3.1 Depots and Facilities

##### 3.1.1 Depots

Brighton & Hove winter service operations are currently based at its Hollingdean Depot. However, space is restricted and an alternative arrangement using Hangleton is currently under consideration for provision of the Service in future years.

##### Depot & Facilities Schedule

Depot Name	Postal Address	Purpose	Access Arrangements	Contact Details	Facilities
Hollingdean	Upper Hollingdean Road, Brighton, BN1 7GA	Maintenance Depot	Upper Hollingdean Road		Salt storage. Fuel storage, Welfare

#### 3.2 Treatment Materials

Brighton & Hove use 6.3mm Rock Salt to BS3247: 2011

##### 3.2.1 Salt Storage

Salt is stored at the Hollingdean Depot with additional storage held at Shoreham Harbour. Being stored openly risks salt moisture content increasing and can, in extreme weather conditions, limit the ability of the Council to provide the service. As part of the current Depot review enclosed salt storage is being considered at Hangleton.

##### Current Salt Storage

Location	Storage Type	Material	Capacity (tonnes)
Hollingdean	Open	6.3 mm salt	2000
Shoreham Harbour	Open	6.3 mm salt	500

##### Other Materials

Location	Storage Type	Material	Capacity
Hollingdean	Open	Sharp Sand	108

##### 3.2.2 Salt Management & Supply Arrangements

Rock salt is provided by Cleveland Potash who transport the salt by ship from their mine in North Yorkshire to Shoreham Harbour. The salt is then transported by road to Hollingdean Depot.

### 3.2.3 Equipment

Brighton & Hove City Council have a fleet of winter service vehicles it uses to treat its network . Following a review in 2021/22, the fleet has recently been updated to include in cab technology to enable resilience in drivers, to better manage grit application and guide them using current technology. Given the age of this fleet, as part of the council's continuous improvement to its services, a further review of the fleet is planned in 2026, so as to provide improved resilience and reduce its carbon impact by utilising green fuel alternatives.

The current equipment comprises:

- 7 gritters
- 7 ploughs for use with the gritters
- 1 machine pavement gritter
- Access to 3 tractors in severe weather conditions
- Use of 3 JCB's in severe weather conditions

## 4 Weather Forecast Information

### 4.1 Weather Information Systems

An effective and efficient Highway Winter Service is only possible with reliable and accurate information about weather conditions. Without this information it is not possible to make effective and appropriate decisions on the winter service operations. We use the best weather information available from our weather forecast provider, currently Meteo Group (DTN), to ensure that decisions are based on the most accurate data available.

Our Weather forecast provider is informed by data from four weather outstations situated in strategic locations across the city. These stations provide information such as air and road surface temperatures, humidity and wind speed /direction.

### 4.2 Weather Reports

During the Highway Winter Service period we receive detailed weather forecasts and reports specifically dedicated to the roads and two weather domains. This data is based upon national weather forecasts and the data collected from four roadside weather stations positioned across the City.

Over a winter season, weather forecasts are approximately 90 percent accurate. Typically, this means that there are several days when a road frost or other freezing conditions are not forecast but will still occur. Similarly, there are some forecasts which predict ice and snow conditions which do not occur.

### 4.3 Winter Duty Managers

The Highways Service in Brighton & Hove City Council is responsible for this Highway Winter Service Policy, its associated more detailed Highway Winter Service Plan, for decision-making and for co-ordination of the operational requirements.

The Highway Winter Service is reliant on Winter Duty Officers (WDO) to perform the organisational and operational functions during the Winter Service Period, supported by the Head of Traffic Management.

The Winter Duty Officers (WDOs) use the latest technology in weather forecasting to decide what is required to protect road users during cold weather. They will assess the weather forecast for a 24-hour period combined with local weather station data, local knowledge and information from the weather forecast provider in order to decide what action is necessary.

The WDO instructs the gritter drivers about which work needs to be carried out and when.

Winter Duty Officers are volunteers from within the Highways Service of Brighton & Hove City Council who all have regular day-to-day jobs. Winter duties are in addition to their normal roles so there may be short delays in response times when dealing with enquiries.

### 4.4 Other teams involved in providing winter service

The Highways Service work with Cityclean as the Winter Service “contractor.” Cityclean provide the staff required to carry out the machine and manual spreading and ploughing

operations. Cityclean drivers maintain a 24-hour standby rota for all of the gritter driving whilst other Cityclean staff may be required to respond to a winter event at the request of the WDO.

Highway contractors are used for tasks such as filling up grit bins and for pavement clearance under the direction of the WDO and also provide access to further drivers, if needed. Cityparks staff may also assist with vehicle provision, grit drops and clearance in the event of heavy snowfall.

Provision of additional staff for manual winter tasks is dependent on what other duties may need to be carried out such as refuse collection. Apart from road gritting, such tasks will not be carried out during nighttime for safety reasons.

Other sections of the council and other services (such as fire, police and NHS) will also have plans in place to deal with severe weather incidents. The Highways Service consult on the Highway Winter Service Plan with other service providers to ensure that our highway gritting routes best suit their needs as much as is practicable.

## 5 Public and Media Communications

### 5.1 Neighbouring authorities and other agencies

The BHCC Weather Forecast containing winter service action for Brighton and Hove will be transmitted daily and updated more frequently as appropriate to other key stakeholders, including emergency services, Brighton and Hove Albion Football Club, Brighton & Hove Buses, NHS, other BHCC services, Senior managers, press/comms and EPU officers and neighbouring highway authorities, including Highways England, East Sussex County Council and West Sussex County Council so that activities can be coordinated regionally.

The Communications team will post regular updates on the Council's website informing of severe weather conditions, advice on self-help and on movements across the city during extreme of adverse weather conditions.

Search under Snow on: [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)

### 5.2 The media

Communication with communities, businesses and emergency services during winter is essential to delivering an effective service. Local media organisations will be informed when instructions for salting the precautionary network are issued.

The Council also uses social media to communicate decisions and actions taken.

### 5.3 Pre-season publicity

It is important that the public are aware of and understand the Brighton & Hove City Council's approach to the Highway Winter Service. This will be done via a pre-season press release with information posted on the Council website.

## 6 Roadside Grit Bins

Brighton & Hove provide 420 Salt/Grit bins located across its Highway Network with some additional bins provided for important council or NHS community facilities. They have been situated at sites not normally near a gritting route with the coldest areas of the city particularly on steep hills being the priority.

The Salt/Grit bins are filled with a 50/50 mixture of 6.3mm Rock Salt and Sharp Sand and are replenished in October each year.

As a guide the criteria for the provision of a salt/grit bins for strategic reasons is as follows:

- At junctions away from main (treated) roads with a gradient in excess of 1 in 10 (10%)
- On hills with gradients in excess of 15% (non-gritted roads), where vehicle flows are more than 200 vehicles a day
- On hills at locations with gradients in excess of 20% (1 in 5) whatever the vehicle flow and is not salted

In addition, there are a number of community grit bins.

All grit bins are for residents of Brighton and Hove to use the salt/grit for self-help on roads and pavements.

Housing also provides community grit bins/grit for some areas of housing-owned land. These are usually locked, whereas Highways bins are not. For further information, please see Housing's Adverse Weather Policy.

Additional salt/grit piles will be placed in strategic locations across Brighton & Hove at the discretion of the Winter Duty Officer during snow events.

Compared to some other authorities, we supply a high quantity of salt/grit for the public, within what is a relatively small geographical area. This is because we recognise that Brighton & Hove is a mainly urban area built on hills. However, provision of grit bins needs to be balanced against the capability to refill within a reasonable timescale, as well as available resources such as salt and grit.

It is not possible to supply any more grit bins on the highway. This is because it would take far too long to fill them quickly during extreme weather and with finite resources, we cannot keep expanding the number of grit bins that we then need to service. Grit bins will be monitored and those that are not used will be removed.

The installation of a bin at any new site would only be achieved by removing a bin currently installed elsewhere in the same ward, having consulted with ward councillors and with written agreement to the substitution.

Grit bins are only filled once per year at the beginning of the season, except in extreme/severe winter conditions. Extreme winter conditions are generally defined as where snowfall is greater than 50mms (2 inches) and predicted to remain on the ground longer than 36 hours. In such circumstances, the winter contingency fund will be used to cover the additional costs of refilling the strategic grit bins.

It will not be possible to fill every grit bin immediately – it can take up to two weeks to get round every area in the city depending on accessibility and available resources.

## 7 Budgets

### 7.1 Winter Service Budget

The budget allocated to the winter service is reviewed annually and is managed by the Highways Service.

### 7.2 Severe ice and snow events

There is no specific budget allocation within Highways to respond to severe ice and snow events or set aside funding for fee. The cost of dealing with the events will be met by virement from other planned programmes of work on the highway or from special contingency funds for emergencies.

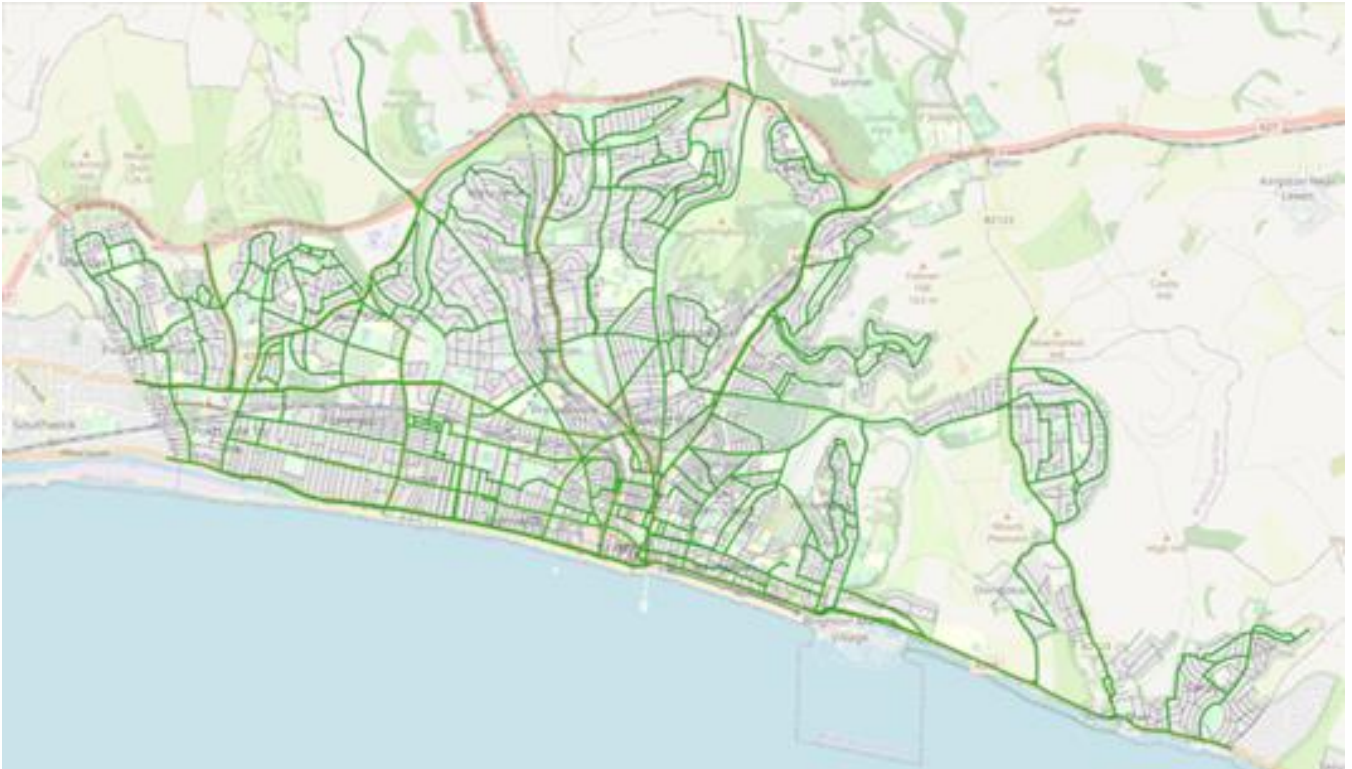
### 7.3 Depot and Fleet upgrade

The depot location and current arrangements are under review. The fleet condition will be monitored and a future asset plan for the fleet will be developed.

## Appendix A Gritting Routes

Available at <https://www.brighton-hove.gov.uk/content/grit-bin-and-route-map>

### GRITTING ROUTES



## Appendix B      Grit Bin Criteria

For locations of bins, please see:

<https://www.brighton-hove.gov.uk/content/grit-bin-and-route-map>

Brighton and Hove as a city is now at capacity in terms of the quantity of highway grit bins that it can service. Therefore, the installation of a bin at any new site would only be achieved by removing a bin currently installed elsewhere in the same ward, having consulted with ward councillors and with written agreement to the substitution.

It is not practicable or possible to provide grit bins and maintain them on all side roads of the city. So, to enable a fair distribution of grit bins where most needed the following criteria was used in assessing requests. The criteria below is a guide and not exhaustive.

- At junctions away from main [Gritted] roads with a gradient in excess of 1 in 10 [10%] and where vehicle flow exceeds 200 vehicles per day.
- On hills with gradients in excess of 15% [Non Gritted Routes], where vehicle flows are more than 200 vehicles per day.
- On hills at locations with gradients in excess of 20% (1 in 5) whatever the vehicle flow and is not gritted.

Grit bins for carriageway/footway use will not be provided:

- On roads that form part of precautionary or secondary gritting routes, except at known points of difficulty on steep gradients, subject to site assessment.
- Where they attract anti-social behaviour or cause nuisance to nearby residents.
- Where their provision would create a further proliferation of street furniture to the detriment of disabled or visually impaired people and/or the community.
- At locations where there are no residents or community in close proximity and where the bin is unlikely to be used.
- On un-adopted highways whether subject to future adoption or not.

## Appendix C Pavement Treatment Routes

Priority areas for treatment are listed below, based on locations with the greatest footfall. However, direction of resources to an area will be determined at the time of a major winter event by the Winter Duty Officer in conjunction with the Head of Operations at Cityclean. If the city centre is clear of ice/snow or once these areas are treated, resources will be directed to local areas of importance in the most affected of the city's locations, such as priority shopping parades and other local amenities.

### Area 1

- Church Road (Hove Street to Palmeira Square)
- Palmeira Square (entirety)
- Western Road (Palmeira Square to Montpelier Road)
- George Street (entirety)
- Blatchington Road (Sackville Road to Goldstone Villas)
- Goldstone Villas/Station Approach (up to Cromwell Road)
- Norton Road (entirety)
- Station Road/Boundary Road/Carlton Terrace (entirety)
- Portland Road (Sackville Road to Coleman Avenue)

### Area 2

- Western Road (Montpelier Road to Clock Tower)
- Dyke Road (Clock Tower to Old Shoreham Road) (seven dials pelican crossings to be gritted)
- Marlborough Place/Gloucester Place/St Georges Place to Cheapside
- Trafalgar Street (entirety)
- Queens Road (Station to Clock Tower)
- New Road (entirety)
- North Road (entirety)
- Church Street (entirety)
- Gardener Street (entirety)
- Kensington Gardens/Street (entirety)
- Sydney Street (entirety)
- Bond Street (entirety)
- North Street (Clock Tower to St James Street) (across Old Steine Included)
- Terminus Road (entirety)
- Guildford Road (entirety)

### Area 3

- A23 (St Peters Church to Aquarium) (both sides of A 23, but just the outside edges – not inner pavements)
- Edward Street (Pavilion Parade to Egremont Place)
- John Street (Edward Street to Carlton Hill)
- William Street (entirety)

- St James Street/Upper St James Street/Bristol Road/St Georges Road (to College Place) (entirety)
- Eastern Road (Abbey Road to Bristol Gate) (in front of RSCH) Bristol Gate (Eastern Road to RSCH entrance) A&E entrance.
- Sudeley Terrace (entirety)
- Paston Place (Eastern Road to Sudeley Terrace)
- Rottingdean High Street (A259 to The Green)
- Longridge Avenue (A259 to Wicklands Avenue)
- Circus Street (entirety)

#### **Area 4**

- The Lanes:
  - Meeting House Lane (entirety)
  - Nile Street (entirety)
  - Market Street (entirety)
  - Brighton Place (entirety)
  - Union Street (entirety)
  - East Street Lane (entirety)
  - Steine Lane (entirety)
- Bartholomews/Prince Albert Street/Ship Street (entirety)
- Duke Street (entirety) Air Street (entirety)
- West Street (entirety)
- Russell Road (entirety)
- Cannon Place (entirety)
- Kings Road (West Street to Preston Street - north side only)
- Preston Street (entirety)
- Pool Valley (entirety)
- East Street (entirety)

#### **Area 5**

- The Level (footway/cycleway on all 4 sides)
- London Road (Stanford Avenue to St. Peters Church) (Both sides of London Road)
- Baker Street (entirety)
- Oxford Street (entirety)
- Lewes Road (Vogue - Elm Grove)
- Around St. Peters Church
- Richmond Terrace (Elm Grove to St. Peters Church)
- Elm Grove/Southover Street/Queen's Park Road
- Elm Grove (from Queens Park Road to Freshfield Road) Footway in front of the hospital.

# Brighton & Hove City Council

## Environment, Transport & Sustainability Committee

## Agenda Item 26

**Subject:** Parking Policies update report

**Date of meeting:** 20<sup>th</sup> September 2022

**Report of:** Executive Director, Economy, Environment & Culture

**Contact Officer:** Name: Jenny Mitchell  
Tel: 01273 292245  
Email: jenny.mitchell@brighton-hove.gov.uk

**Ward(s) affected:** All

**For General Release**

### **1. Purpose of the report and policy context**

- 1.1 The purpose of this report is to update committee on the amendments made to the Customer Services section of the Parking Policies agreed at this Committee in June 2021. This further committee approval is required due to the changes being proposed.
- 1.2 The amendments include making additions to the Customer Services policy for;
  - 'Car Free' developments.
  - Surcharges for multiple vehicles in a household.
  - Professional Carers.
  - Event Day parking permits.
  - Car Clubs.
  - Off-street car park permits.
- 1.3 This report summarises the formalisation of the procedures already in place, promotes consistency and supports officers in their decision making as well as formalising new policies within Customer Services. These proposals are additions to the existing Parking Services Policy (Appendix A).
- 1.4 This report also highlights a number of improvements for customers and certain groups and takes into account Fraud and Audit Report recommendations made and actioned over the last few years.

### **2 Recommendations**

- 2.1 That Committee approves the new Parking Policy statement with the additions and amendments highlighted in red to the Customer Service policy within the Parking Services Policy (Appendix A) taking into consideration the summary in this report.

### **3 Context and background information**

- 3.1 Historically, when additional types of parking permits have been taken forward this has been in a piecemeal fashion, without considering the opportunities for modernisation and consolidation. Customers regularly complain about whether some of the permits, badges and passes are fit for purpose and give anecdotal accounts of where they may be being abused.
- 3.2 An operational review of parking permits took place and was agreed at the Environment, Transport & Sustainable Committee on the 21<sup>st</sup> January 2020 and a number of amendments to the permits were agreed.
- 3.3 The review focused on identifying and recommending which permits were fit for purpose (no change required). The report also identified permits that required further investigation by taking into consideration complaints, concerns and comments made by members of the public.
- 3.4 The additions made to the Customer Service Policy in Appendix A are the proposals linked to the review of Parking Permits as agreed at the Environment, Transport & Sustainable Committee in January 2020.
- 3.5 The majority of these additions will be implemented in line with the migration of all permits to the Mendix system over the next few months.
- 3.6 Car Free Development status, previously managed by Planning, is now outlined in the Parking Customer Services Policy Document (Appendix A). The approach has changed since January 2022 following appeal decisions against use of a condition and legal advice. It has been agreed that this will now be directly managed by Parking Services via the ongoing Traffic Regulation Order process, with planning and highways advising on TRO amendments to make sites 'car-free' via an informative to be added to planning permissions.

### **4 Analysis and consideration of alternative options**

- 4.1 The main alternative is to not include the additions to the Policy which would mean that the Parking Policy Statement would not cover all permit types.
- 4.2 A number of different options have been considered through a comprehensive review and we are putting forward the options that are feasible and achievable taking into account the needs of our customers. Therefore, it is the recommendation of officers to proceed for the reasons that are outlined within the report.

### **5 Community engagement and consultation**

- 5.1 The Parking Policies are also directly linked to improving access to the city for people with a mobility disability by allowing Blue Badge holders to continue to park in permit bays in Light Touch parking schemes and encouraging residents to make choices that support the Council's carbon neutral strategy.

- 5.2 The amendments to the Customer Service Policy are a conclusion of the parking review, agreed in January 2020 and therefore no further community engagement/consultation was necessary.
- 5.3 We have engaged with Parking Services management in the formulation of the Car Free Policy.

## **6 Conclusion**

- 6.1 As set out in the body of the report and the recommendations, we seek for approval of the additions /amendments to the Parking Customer Services Policy.

## **7 Financial implications**

- 7.1 The implementation of the recommendations in this report for changes to the Parking Customer Services Policy has no additional financial implications. Any administrative costs associated with these changes will be met from existing Parking Services revenue budgets.
- 7.2 In the case of on-street parking permits any surplus income from civil parking enforcement, after taking into account costs, is governed by section 55 of the Road Traffic Regulation Act 1984 as amended. This requires the defined Parking Surplus to be used for transport and highways related projects and expenditure such as supported bus services, concessionary fares, Local Transport Plan projects and environmental improvements. Where the Council also funds transport and highways related budgets from its General Fund budget, increases to the Parking Surplus can be lawfully applied to this expenditure, which can thereby release the equivalent General Fund resources. The Council may use the released resources for any purpose within its duties and powers, including releasing resources for savings.

Name of finance officer consulted: Jill Scarfield Date consulted (23/08/22):

## **8 Legal implications**

- 8.1 Under the Road Traffic Regulation Act 1984 the Council has the power to authorise the use of parking places by vehicular traffic or by vehicular traffic of any class or on any part of a road within it's area. The new Parking Policy Statement detailed within this report will help to ensure consistency in the exercise of this power by the Council's Parking Services teams and correct compliance with the recommendations in the Fraud & Audit report.

Name of lawyer consulted: Alice Rowland Date consulted: 19/8/22

## **9 Equalities implications**

- 9.1 No implications identified

## **10 Sustainability implications**

10.1 No sustainability implications identified

## **11 Other Implications**

None

## **Supporting Documentation**

1. Appendix A – Parking Policy Statement

### **2. Background documents**

1. ETS Committee – 21<sup>st</sup> January 2020 – Agenda Item 63

2. ETS Committee - 22<sup>nd</sup> June 2021 - Agenda Item 16

# APPENDIX A

## Parking Services Policy Library

### Introduction

These documents form the operational guidance and strategic link for Parking Customer Services. It gives clear direction and limitations on decisions officers make.

**Approval committee date: ETS committee Sept 2022**

### 1.2 Aim of Policy

This policy document sets out the eligibility requirements for obtaining a concession, parking permit, or requesting changes to parking permits. In addition to meeting audit requirements the approval of this document formalises the procedures already in place, promotes consistency, and supports officers in their decision making to ensure only those eligible receive the concession.

### 1.3 Policy Scope

The policy is subordinate to any legislation, central government guidance or local corporate policy that covers these areas of administration.

### 1.4 Council's Corporate strategy

The parking policy is directly linked to improving access to the city for disabled people, by allowing Blue Badge holders to park in permit bays in light touch parking schemes and encouraging residents to make choices that support the council's carbon neutral strategy.

### 1.5 Equalities Impact Assessment

The Equalities Impact Assessment has reviewed practices in place and has proposed some additions to improve access to the city for a wider group of disabled people by changing the criteria for a significantly discounted disabled residents permit from being a Blue Badge holder to being a Blue Badge or disabled bus pass holder will be fully explored and considered ahead of next year's fees and charges committee. It also proposes reducing the age residents can purchase visitor permits to 16 to be more inclusive to younger residents.

**EIA no. currently in draft**

### 1.6 Lasts reviewed by and date:

First issue

## Contents - Parking Permits

1	Fees, Charges & Refunds .....	3
2	Resident's Permit .....	4
3	Event Day / Match Day Permits .....	5
4	Change of Address .....	6
5	Change of Vehicle .....	7
6	Duplicate Permit .....	9
7	Resident Visitor Permit .....	10
8	Carer Permit .....	12
9	Business Permit .....	13
10	Hotel Visitor Permit .....	14
11	Trader Permit .....	15
12	School Permit .....	16
13	Doctor's Permit .....	17
14	Parking Dispensation .....	18
15	Car Park Permit .....	19
16	Professional Carers Badge (PCB) .....	20
17	Car Club .....	22
18	Car Free .....	23
19	Surcharges .....	27
	Appendix 1	

## Parking Permits

### 1 Fees, Charges and Refunds

All fees and charges for parking permits can be found in the latest fees and charges committee documents. The cost may vary depending upon, if the permit holder is also a Blue Badge holder or lives with a Blue Badge holder, car emissions, Controlled Parking Zone (CPZ) and how many vehicles are in a household.

Pro rata payment must be made if the new permanent vehicle is subject to a higher permit fee.

Refunds due are calculated per calendar day.

No refunds are given for permits surrendered where only an administration fee only has been paid, for example a Blue Badge holder Resident Permit or an Event Day Resident Permit.

A pro rata refund may be applied for where an applicant has been issued a Blue Badge during the life cycle of the Resident Permit that has been paid in full.

A pro rata refund for the remaining complete calendar days will be applied for when moving address.

A pro rata refund for remaining calendar days will be issued where a vehicle is changed and a refund due to lower emissions.

A refund will not be issued for a temporary change.

A pro rata refund for the remaining complete calendar days can be applied for.

Refunds will be made to the original named purchaser of the permit.

An administration fee of £10 will be charged for all refunds.

## 2 Resident's Permits

This document sets out the eligibility for a Resident's Permit and applies to both Full and Light-touch Controlled Parking Zones and Event Day Parking Zones.

### Eligibility

The applicant must meet the residency criteria by providing two documents to verify residency. Please see appendix 1 for acceptable proofs.

Upon a renewal application, only the accepted documents listed in appendix 1 will be accepted.

Only lease/hire agreements in excess of 6 months will be accepted. Shorter lease/hire agreements will not qualify for a Resident's Permit. Concessions will only be made in exceptional circumstances and at the service manager discretion.

All applicants will be required to complete an application for assessment and the vehicle's Co2 emissions charge band will be automatically matched.

All applicants who hold a Blue Badge will be required to provide the Blue Badge number to claim the permit charge waiver.

In cases where the applicant has applied for a Blue Badge which has not yet been granted at the time of the resident permit application, the full permit charge will apply. However, a pro rata refund may be claimed once the Blue Badge is granted.

All applicants will be required to prove their vehicle length, weight and height if required to facilitate the application assessment.

Any vehicle exceeding 6 metres in length, 2540Kg in weight or 2.25 metres in height will not qualify for a resident's parking permit. Concessions will only be made in exceptional circumstances and at service manager discretion.

All applicants are required to declare that they agree to have their Council Tax records checked to facilitate the assessment process.

All applicants will be required to declare their application address is:

- not a 'second home'
- they are not a landlord
- the application address is not a holiday home
- not designated a Car-Free development

Resident's Permits will not be issued where an applicant has been identified within one of the four categories listed above.

## **Conditions of use**

To claim the parking concession, a Resident's Permit must be displayed on the vehicle's windscreen or dashboard in a way that is clearly visible to a Civil Enforcement Officer. Failure to display the permit in such manner may result in the issue of a Penalty Charge Notice.

### **3 Event Day / Match Day Permits for Zones B & D**

Resident's Event Day / Match Day Permits must meet the eligibility criteria for Residents' Permits and provide the necessary proof documents for address and vehicle, including VRM. There is no limit to the number of vehicles a resident can apply for, but all vehicles must be kept at the address and the normal proof documents supplied on application.

Residents are also entitled to purchase 1 Guest Permit per resident to allow guests to park during Event Days / Match Days. These Guest Permits are not VRM specific.

## **Conditions of use**

To claim the parking concession, a Resident's Permit / Guest Permit must be displayed on the vehicle's windscreen or dashboard in a way that is clearly visible to a Civil Enforcement Officer. Failure to display the permit in such manner may result in the issue of a Penalty Charge Notice.

## **Refunds**

No refunds are applicable for Event Day / Match Day Permits as an administration fee covers the original charge made.

## 4 Change of address

This document sets out the eligibility for a change of address for a Resident Permit, Car Share Permit, non-professional Carer Permit and Business Permit, to a different CPZ or outside of the CPZ areas.

### Eligibility

The permit holder must notify the council of their change of address and surrender their parking permit when moving address.

A resident with a valid Blue Badge automatically qualifies for a change of address for their resident parking permit. The signed application must be submitted with supporting evidence of the new residency.

People with proof of Power of Attorney for a resident living in a CPZ – the application must be made in the resident's name and proof of their residency supplied. To ensure eligibility, address verification is required. Please see appendix 1 for list of accepted documents

Updated vehicle documents at the correct address are required to be submitted on renewal.

The permit holder must surrender the physical valid permit for the previous CPZ and submit the supporting evidence as part of the application. This must be submitted via MyAccount or returned to Parking Services by post or through the Council's Contact Management system and a photo of their destroyed permit should be uploaded. The permit should be cut into 4 parts and remain legible in the photo and then a new permit can be issued.

A new permit will only be issued on receipt of the completed application, payment due, old permit if required and address / vehicle documentation. If no physical permit has been issued to the permit holder, e.g., if the permit is virtual, then we do not require the permit returned.

The expiry date of the updated permit will remain the same if the permit holder moves to an address within the existing CPZ. If the permit holder moves to an address which is in a different CPZ, the existing permit is refunded and a new one must be purchased.

The change of a permit can be applied for on behalf of the permit holder, with written consent from the permit holder.

### Waiting List

If moving within the same CPZ and a permit is already held, then the applicant will not be required to re-join the waiting list. If moving to a different CPZ where there is a waiting list, the applicant will be required to re-join the waiting list.

If the permit holder moves from a non-waiting list CPZ into a CPZ holding a waiting list, a change of address cannot be applied for. The current valid permit must be surrendered before an application to the waiting list can be made.

## Conditions of use

A valid permit for the current CPZ must be always on display inside the vehicle. Failure to do so could result in Penalty Charge Notices (PCNs) being issued.

## 5 Change of vehicle

This document sets out the eligibility for a change of vehicle on a Resident, Car Share, Trader, Business, Carer's and Norton Road Car Park Permit, both permanent and temporary.

### Eligibility

The permit holder must update their parking permit when changing their vehicle.

People with proof of Power of Attorney for a resident living in a CPZ – the application must be made in the resident's name and one proof of their residency supplied.

To ensure eligibility, verification of residency and the new permanent vehicle is required. Please see appendix 1 for accepted documents

### Permanent Change of Vehicle

The permit holder must surrender the physical valid permit with the previous Vehicle Registration Mark and submit the supporting evidence as stated with the application. This must be submitted via MyAccount or returned to Parking Services by post or through the councils Contact Management system and a photo of their destroyed permit should be uploaded. The permit should be cut into 4 parts and remain legible in the photo and then a new permit can be issued.

A new permit will only be issued on receipt of the completed application, payment due, old permit, proof of address and vehicle documentation.

If no physical permit has been issued to the permit holder, e.g., if the permit is virtual, we do not require the permit returned.

The expiry date of the updated permit will remain the same.

The permanent change of a vehicle can be applied for on behalf of the permit holder, with written consent from the permit holder.

### Temporary Change of Vehicle

Anyone holding a valid permit, can apply for a temporary flag to be issued to cover a temporary vehicle. The temporary flag must not be used to avoid paying charges due because of a change in vehicle. Temporary flags last for 14days and the permit holder can apply for a maximum of three flags during the life of the permit. If the change exceeds 42days then a permanent change of vehicle must be made.

## **Conditions of use**

The flag can only cover one vehicle at any one time and is vehicle specific.

Once the flag is expired, or the maximum duration available has been used up, alternative parking must be sought.

## **Replacement**

If the old permit cannot be retrieved, a Duplicate Permit will be issued. Application to be submitted where the permit holder must state the circumstances. Proof of this is required.

## **Discretion / Exceptional Circumstances**

In exceptional circumstances which fall outside the eligibility criteria, discretion to issue additional time will be considered by a manager or Team Leader of the customer service team.

An example of exceptional circumstances includes the vehicle waiting for parts or extensive repair of the vehicle. Proof of the exceptional circumstance is required.

## **6 Duplicate Permit**

This document sets out the eligibility and requirements for an application for any physical duplicate permit.

### **Eligibility**

To ensure permit holders are eligible, verification of residency is required. Please see appendix 1 for accepted documents. A new permit will only be issued on receipt of the completed application and any payment due.

The expiry date of the duplicated permit will remain the same.

### **Discretion / Exceptional Circumstances**

Parking Services are not able to duplicate a permit without the requested documents, and a new permit must be applied for. In this case, a refund on the unavailable permit, cannot be requested.

## 7 Resident Visitor Permit

### Resident Visitor Permit allocations

The annual allocation runs from the date of the first purchase for a rolling year and will be refreshed at that date each year after. Resident Visitor Permits not purchased are not carried forward to the next rolling year.

The amount of Resident Visitor Permits allocated depends in which CPZ the resident lives in and is set out in the most recent years fees and charges committee documents.

Additional / discretionary permits may be issued in exceptional circumstances such as a bereavement.

### Eligibility

Residents of Brighton & Hove living in a CPZ aged 16 or older who reside at the address for 5 nights per week or more.

Or

Second Homeowners with property in a CPZ, if they live outside of a BHCC CPZ.

People with proof of Power of Attorney for a resident living in a CPZ – the application must be made in the resident's name and two proofs of their residency supplied.

To ensure residents are eligible, verification of residency is required. When applying online we will attempt to match the data with existing council records. However, if we are unable to verify residency of the applicant, we will require 2 documents to verify your address. Please see appendix 1 for list of accepted documents.

Resident Visitor Permits are not available for Businesses, including holiday rental properties.

Landlords do not qualify for Resident Visitor Permits

Residents not living in a CPZ are not eligible to apply for visitor permits

Resident Visitor Permits allow parking for one calendar day.

Resident Visitor permits have an expiry date.

The permits are valid for a minimum of 12 months.

A minimum of 12 months will be available on the Resident Visitor Permits as they are intended to be an annual allocation to be used in that rolling year.

Customers should purchase the amount they require for their rolling year, as expired permits are non-refundable. Expired permits cannot be used.

## **Resident moved address**

Residents wanting to purchase visitor permits at a new address are required to provide proof of residency at the new address.

Residents with valid Resident Visitor Permits for an old address can exchange them for Resident Visitor Permits valid within the new parking zone. The permits will need to be returned to parking services at the address below for us to exchange them. A new allocation will be given for the new address.

## **Refunds**

Resident Visitor Permits are non-transferable and non-refundable.

If the resident moves out of the city or no longer lives in a CPZ we will refund any valid Resident Visitor Permits not used. They will be refunded at the price paid for them at the time of purchase. The permits must be returned before the refund is completed and Council records checked to verify the move.

## **Non-Receipt of Permits**

Any Visitor Permits not received by a resident must be reported within 28 days from the date of process/postage. We do not replace any Resident Visitor Permits after this time.

## **Replacement**

We do not replace any Resident Visitor Permits that have been damaged or filled in incorrectly.

## **Discretion / Exceptional Circumstances**

Discretion to issue Resident Visitor Permits in exceptional circumstances which fall outside the eligibility criteria will be considered by a manager or Team Leader of the customer service team. Visitor permits remain chargeable when discretion is applied.

An example of exceptional circumstances can include a medical need or bereavement. Additional examples include issuing Resident Visitor Permits to relatives of a resident, who lived in a CPZ, and has died and their house needs to be cleared or the need for visitor permits to assist with funeral arrangements. Proof of the exceptional circumstance will be required.

## 8 Carer Permit

This document sets out the eligibility for a carers permit.

### Eligibility

The applicant is the carer however, the eligibility assessment is carried out on the 'person to be cared for' as the resident.

The 'person to be cared for' must provide a declaration signed by their GP to confirm that they require to be care for. This declaration is required upon any new application or renewal of a carer's permit. Any charge made by the GP is to be paid for by the applicant or the carer.

To ensure eligibility, address verification is required both for the person to be cared for and for the carer. A list of accepted documents is listed in appendix 1

The permit itself is issued in the carers name, as the permit user.

An application form must be completed and submitted.

### Conditions of use

Carer Permits must only be used by the carer while carrying out their duties of care to the 'person to be cared for' and not for any other reason.

Permits can only be used to park in the zone specified on the permit in a permit or shared use bay.

### Refunds

No refunds are applicable for Carers Permits as an administration fee covers the original charge made.

## 9 Business Permit

This document sets out the eligibility for a business permit.

### Eligibility

Permits will not be issued for commuting purposes or to provide general parking. The applicant must demonstrate a genuine need that a vehicle is needed to carry out day to day work. A need to load/unload to the business premises is not a qualifying criterion. The applicant will be required to fill in a questionnaire to help establish eligibility. People who are required to regularly leave and return to their business premises because their business and customer transactions occur away from the business premises. For example, estate agents, surveyors, chiropodist.

To ensure eligibility, address verification is required. These are specified in Appendix 1

A vehicle document is not required for this permit.

Business permits are not available for parking zones Y & Z.

A maximum of 2 permits per business applies in all cases.

## 10 Hotel Visitor Permit

This document sets out the eligibility for hotel visitor permits

### Refund

Hotel visitor permits are non-refundable and non-exchangeable. In the event a hotel closes or moves out of the CPZ refunds will be issued for remaining valid permits returned.

### Eligibility

The applicant must own, run or manage a hotel within the city in parking zones C or N.

To ensure eligibility, verification is required. Documents must be dated within 3 months and addressed to the hotel or its business group. A list of accepted documents can be found in Appendix 1. Documents addressed to small guest house owners (individuals) will be assessed on a case-by-case basis.

A cap to the number of hotel visitor permits applies. This is calculated in the first application. The cap is allocated to the hotel's account after the initial assessment.

Number of bedrooms rooms available minus number of rooms let to a resident, off street parking places and resident permits held plus 1 x 365 = maximum number of permits available to purchase.

### Conditions of use

Hotel visitor permits must only be used by the hotel's visitors and cannot be re-sold to hotel guests or anyone else for a profit. Any hotel found to be doing this will not be sold any further permits.

## 11 Trader Permit

This document sets out the eligibility for a trader's permit.

### Eligibility

Traders Permits are only issued to those who are required to use their vehicle as a mobile workshop or are unable to carry out their job without access to the vehicle. To ensure eligibility, verification is required. One proof of trading is required. An application form must be completed for assessment. Accepted documents to verify business address are in appendix 1.

A vehicle document is not required for this permit.

## 12 School Permit

This document sets out the eligibility for a School Permit.

### Eligibility

Only the Headteacher of a School or a Nursery Manager may apply for a School Permit.

The application must be made in the School/Nursery name with the Headteacher/Nursery Manager as the responsible party for administering the permit.

Applications must be submitted once yearly to comply with eligibility criteria. Ad-hoc applications will be considered at the Council's discretion and charged on a pro-rata basis.

To ensure eligibility.

verification of teaching staff numbers is required. The document must be letter headed and dated within 3 months. It must contain a list of all teaching staff names and current positions. The application must be completed by the Headteacher/Nursery manager.

The school must be Ofsted or ISI (Independent School Inspectorate) Registered.

Must complete 2 new items on a checklist that is different to the year before. All the items on the checklist will promote active and sustainable travel.

Must complete a survey (10% of staff must complete the survey).

Please note that the School Parking Permits will be issued using a new formula. The formula will deduct the amount of off-street parking bays a school has declared, before calculating the '1 permit to every 6-teaching staff ratio', up to a maximum of 25, within full parking schemes.

Within light touch schemes, the formula will deduct the amount of off-street parking bays a school has declared, before calculating the permit allocation which is '1 permit to every 3- teaching staff' ratio, up to a maximum of 50.

No vehicle documentation is required as School Permits are shared between teaching staff.

School Permits must only be used by teaching staff while carrying out their duties and not for any other reason.

## 13 Doctor's Permits

An annual Doctor's Permit must be obtained and be on display in the vehicle when this is parked in the doctor's parking bay.

### Eligibility

Applicant must certify that they work at the surgery address provided and that no off-street parking is available or allocated to them at the address for the vehicle. They undertake that if they cease to work within the area to which the permit relates, or cease to keep and use the vehicle, the registration number of which is shown on the permit, they will surrender the Doctors Permit.

The Doctor's Bay charge is £100 per year. A doctor's parking bay is available for doctors who require a bay sited near their surgery or consulting room, enabling a quick response to emergency call outs. Doctors' parking bays are not provided to enable routine home visits or other non-emergency vehicle use.

### Refunds

No refunds are applicable for Doctors Permits as the fee covers the original charge made for the Doctors Bay.

## 14 Parking Dispensation

The Dispensation must be clearly displayed on the dashboard with the parking clock set to show the quarter hour period during which the vehicle arrived.

Dispensation Permit will be offered to those who provide essential services in the city to keep it running, and to council workers who are required to make short and frequent stops throughout the city to provide essential services.

Only the vehicle stated on the permit can park in permit bays in any controlled parking zone, for up to 1 hour and on yellow lines for up to 30 minutes (except where there is a loading ban in place indicated by chevron kerb markings), providing the vehicle is not parked dangerously or causing obstruction.

### Eligibility

Application for a parking dispensation can be submitted by the employee or employer on behalf of the staff requiring a dispensation to carry out essential duties.

A cover letter must be submitted as part of the application. It should be on headed paper from management confirming:

- essential duties which are to be carried out
- stay will be no longer than permitted while using dispensation
- Window cleaners need to provide a copy of their liability Insurance that states they are providing window cleaning services

### Refunds

No refunds are applicable for Dispensation Permits.

## 15 Car Parks

This document sets out the eligibility for a Car Park permit.

### Eligibility

Car Park Permits will only be issued for the following sites

- Marine Cliffs (3month duration)
- King Alfred (12month duration)
- Norton Road (12month duration)
- Norton Road Councillors and Council Staff (12month duration)

Application for a Car Park Permit can be submitted by an individual, a Councillor, the employee, or employer on behalf of the staff requiring a permit.

### Conditions of use

A valid permit for the Car Park must be always displayed inside the vehicle. Failure to do so could result in Penalty Charge Notices (PCNs) being issued.

Norton Road Councillor/Staff Permits are valid Mon – Fri Only.

## 16 Professional Carer's Badge (PCB)

This document sets out the eligibility for a Professional Carers Badge/Permit.

The PCB must be clearly displayed on the dashboard with the parking clock set to show the quarter hour period during which the vehicle arrived.

### Eligibility

A Professional Carer's Badge is intended for those who regularly engage in the provision of medical or clinical care away from their usual place of work to individuals in their homes and can be applied for on an individual basis or by a Company / Medical organisation.

For companies, PCBs need to be allocated to staff by the organisation / practice / department / team manager as appropriate to fulfil their operational needs.

This includes:

- Doctors on call
- Community midwives
- chiropractors
- physiotherapists
- staff involved in rehabilitation
- community nurses
- occupational therapists
- carers offering care in the community such as feeding and washing
- medical technicians
- psychiatric nurses
- school nurses (travelling throughout the CPZ - not based at a school)

This is not an exclusive list and all types of medical and clinical care that is provided in the community should be considered.

Application for a PCB can be submitted by the employee or employer on behalf of the staff requiring a PCB to carry out carers' duties.

A cover letter must be submitted as part of the application. It should be on headed paper from management confirming:

- duties which are to be carried out
- stay will be no longer than permitted while using the PCB

Individual VRMs are preferable however at the request of a line/fleet manager we can list ANY on a PCB if pool vehicles are being used.

### **Conditions of use**

PCBs must only be used by a Professional Carer when providing care at a patient's home, including emergency situations. It cannot be used for workplace parking.

PCBs can only be used to park for up to 2 hours in:

- Pay and display bays
- Shared use bays
- Permit holder bays
- Yellow lines with no loading ban if there are no other spaces

The PCB should not be displayed if it is not in use.

### **Refunds**

No refunds are applicable for PCB Permits.

## **17 Car Club**

This document sets out the eligibility for a Car Club Permit.

Car Clubs offer car hire to their members who pay a membership fee to the Car Club. Businesses can also buy a Car Club membership. Cars belonging to the Car Club normally have a dedicated parking space. This refers to a marked area at the side of a general highway that has been legally allocated for the specific purpose of parking a Car Club Vehicle. The area will usually be signified using road signs, painted lines and wording.

### **Eligibility**

The applicant must be a representative for the Car Club.

### **Conditions of use**

To claim the parking concession, the Car Club vehicle must be fully branded with the Car Club Company's name/logo when the vehicle is parked in the Car Club parking bay. A permit is not required nor needs to be displayed.

The Car Club Parking Bay is charged for on an annual basis. The Car Club Company is responsible for ensuring their allocated Car Club bays are renewed annually.

The Car Club Company must not apply for / retain Car Club parking bays if no vehicle has been assigned to that bay.

### **Refunds**

No refunds are applicable for Car Club concessions as the fee covers the charge for the bay.

## **18 Car Free**

All new developments in all Controlled Parking Zones will be eligible to apply for Residential Parking Permits and the capacity levels for the individual zones would be controlled by 'Waiting Lists'.

All existing developments with Car Free status would remain Car Free and requests to remove Car Free status would need to be through representation at the relevant Committee for consideration.

### **Eligibility**

Please refer to part 2 of this Appendix for Residents Permits Eligibility.

## 19 Resident Permit Surcharges

This document sets out any Resident Permit Surcharges for applications made at the same address and applies to both Full and Light-Touch Controlled Parking Zones.

The point at which someone applies, or renews, is the point at which their position in the household is calculated. If they are permit holder number 1 at this point, they will have the base price, with no surcharge.

First Applicant – total charge = base price

Second Applicant – total charge = base price + 1<sup>st</sup> surcharge

Third or more Applicants – total charge = base price + 2<sup>nd</sup> surcharge

(NB – base price will vary depending upon which emissions band the vehicle attracts)

### Exemptions

Surcharges do not apply for the following exemptions:

- Blue Badge holders – normal administration price chargeable for Blue Badge holders
- Electric Vehicle owners – base price for Low Emissions chargeable with no surcharge applied
- Residents on low income (Council Tax reduction, Housing Benefit, Universal Credit) – discounted base price chargeable with no surcharge applied

(The exempt applicant's vehicle will still count towards the total number of vehicles at a property, so any subsequent applicants will pay the surcharge attached to their household position, E.g. If the first person to apply is a Blue Badge Holder, the next person in the same household will pay the second permit price)

## Appendix 1

### Acceptable address verification documents for permits

The document must be dated within 3 months unless otherwise stated.

Accepted documents include.

- Council Tax bill - current year
- Signed tenancy agreement – Current year
- letter from letting agent on headed company paper confirming tenancy which must include name, address and date of tenancy
- utility bill
- solicitor's completion letter
- mortgage statement
- credit card bill
- letter from central government
- letter from local government
- bank statement
- store card statement
- mobile phone bill
- insurance documents
- Doctors Letter / NHS Letter

### Accepted vehicle documents include:

- Motor Insurance Schedule/Statement of Fact
- Lease/Hire Agreement
- Signed Company Letter on official headed paper stating the vehicle is kept and used by you at your address

### Accepted documents to verify address for permits issued to business or professionals

The document must be dated within 3 months unless otherwise stated.

- Business rates - current year
- Tax Returns – previous year
- Central Government Letter
- Local Government Letter (parking related letters will not be accepted)
- Solicitor's letter
- Business mortgage statement

- Business credit card bill
- Business bank statement
- Business insurance documents
- Business Utility Bill

**Subject: Parking Scheme Update**

**Date of meeting: 20 September 2022**

**Report of: Executive Director, Economy, Environment & Culture**

**Contact Officer: Name: Catherine Dignan  
Tel: 01273 292235  
Email: catherine.dignan@brighton-hove.gov.uk**

**Ward(s) affected: Rottingdean Coastal, Hangleton & Knoll, Hollingbury & Stanmer, Withdean and Hanover & Elm Grove.**

**For general release**

**1. Purpose of the report and policy context**

- 1.1 The purpose of this report is to update the Committee on the progress of recent resident parking scheme consultations.
- 1.2 This report outlines the findings of the recent consultation with residents in the Roedean, Hallyburton Road, Hollingdean, Withdean Road and Top Triangle Areas.

**2. Recommendations**

- 2.1 That the Committee having taken account of the low response rate to the consultation agrees to end the consultation process with no controlled parking zone being implemented to the Roedean area.
- 2.2 That the Committee having taken account of all duly made representations and comments, agrees to proceed to the next stage of advertising a Traffic Regulation Order for the Hallyburton Road area as detailed in this report for a light touch parking scheme Monday to Friday 11am to 12pm and 6pm to 7pm.
- 2.3 That the Committee having taken account of all duly made representations and comments, agrees to proceed to the next stage with a detailed design for a full scheme in the smaller area within Hollingdean.
- 2.4 That the Committee having taken account of all duly made representations and comments, agrees to proceed to the next stage of the detailed design for the Withdean Road area.

- 2.5 That the Committee having taken account of all duly made representations and comments, agrees to proceed to the next stage of advertising a Traffic Regulation Order for the Top Triangle Area (Arnold Street, Baxter Street, Carlyle Street, Cromwell Street, Lynton Street) as detailed in this report so the area is moved into Zone S, Monday to Friday, 11am to Noon and 6pm to 7pm.

### **3. Context and background information**

- 3.1 The parking scheme consultations were undertaken in accordance with the parking scheme priority timetable programme that was agreed at ETS Committee in November 2021 following various petitions and deputations received at this Committee.

### **4. Analysis and consideration of alternative options**

- 4.1 The main alternative options are doing nothing which would mean that the various parking scheme consultations/reviews would not be taken forward or consulting on a different option.
- 4.2 It is, however, recommended by officers to proceed with the recommendations for the reasons that are outlined within the report.

### **5. Community engagement and consultation**

#### **Roedean Area**

- 5.1 Following ETS approval on 8 October 2019, a letter was sent out to households in the Roedean area in 2021. The consultation was also advertised on the council's website, via social media and by a press-release to local media. The results outlined that 80% of respondents were in favour of a resident's parking scheme in the area based on a 26% response rate.
- 5.2 Following ETS approval on 15th March 2022, it was agreed to write to residents and businesses in the Roedean area to find out if there was support for a Light Touch Residents Parking scheme Monday to Friday.
- 5.3 Brighton & Hove City Council Land and Property Gazetteer was used to provide 389 property address in the Roedean area. A frequently asked question sheet and the detailed design was sent to each address. Respondents were invited to complete the survey online via the council's Consultation Portal, but paper copies were available to anyone should they need it. All responses were received online. The consultation ran from 6<sup>th</sup> June to 10<sup>th</sup> July 2022. A summary of the results is shown in the table below.

Number of properties mailed	389
Consultation response rate	42 (11%)
Support for a residents parking scheme	31 (74%)
Against a parking scheme	11 (26%)
Preferred 11am-12pm & 6-7pm	23 (59%)
Requested different hours	16 (41%)

- 5.4 Analysis undertaken of all the responses received from respondents and the full results analysis of the consultation including road-by-road results and area plan is outlined in Appendix A.
- 5.5 If a light-touch scheme were to be introduced in the Roedean area, it is unlikely to be self-funding due to the high levels of off-street parking available and therefore permit subscription would be extremely low. This scheme would be at a cost to the Council considering infrastructure, ongoing enforcement, maintenance and administration costs.
- 5.6 Minor changes such as no waiting restrictions will be considered and if required will be included in a future Traffic Regulation Order.
- 5.7 Officers have contacted Rottingdean Ward Councillors who are aware that the consultation process had taken place and the results.

### **Hallyburton Road Area**

- 5.8 Following ETS approval on 8 October 2019, A letter was sent out to households in the Hallyburton Road area in November 2021. The consultation was also advertised on the council's website, via social media and by a press-release to local media. The results outlined that 73% of respondents were in favour of a Resident's Parking Scheme in the area based on a 24% response rate.
- 5.9 Following ETS approval on 15th March 2022, it was agreed to write to residents and businesses in the Hallyburton Road area to find out if there was support for a Light Touch Residents Parking scheme Monday to Friday.
- 5.10 Brighton & Hove City Council Land and Property Gazetteer was used to provide 408 property address in the Hallyburton Road area. A frequently asked question sheet and the detailed design was sent to each address. Respondents were invited to complete the survey online via the council's Consultation Portal, but paper copies were available to anyone should they need it. 1 (1.4%) response was received by mail and 68 (98.6%) online. The consultation ran from 6<sup>th</sup> June to 10<sup>th</sup> July 2022. A summary of the results is shown in the table below.

Number of properties mailed	408
Consultation response rate	69 (17%)
Support for a residents parking scheme	42 (61%)
Against a parking scheme	27 (39%)
Preferred 11am-12pm & 6-7pm	38 (63%)
Requested different hours	22 (37%)

- 5.11 Analysis undertaken of all the responses received from respondents and the full results analysis of the including road-by-road results and area plan is outlined in Appendix B.

- 5.12 Officers provided the Hangleton & Knoll Ward Councillors with the results of the consultation via email.

### **Hollingdean Area**

- 5.13 The Following ETS approval on 8 October 2019, it was agreed to consult with residents and businesses in the Hollingdean area to find out if there was support for a residents parking scheme in this area.
- 5.14 Brighton & Hove City Council Land and Property Gazetteer was used to provide 3585 property address in the Hollingdean area. A questionnaire and frequently asked question sheet was sent to each address. Respondents were invited to complete the survey online via the council's Consultation Portal, but paper copies were available to anyone should they need it. 1062 responses (98.1%) were received online, and 21 responses (1.9%) were received by mail. The consultation ran from 1 April to 6 May 2022. A summary of the results is shown in the table below.

Number of properties mailed	3585
Consultation response rate	1053 (29%)
Support for a residents parking scheme	554 (53%)
Against a parking scheme	499 (47%)
Preferred a full scheme	389 (45%)
Preferred a light-touch scheme	468 (55%)
Preferred Monday to Friday	411 (47%)
Preferred Monday to Sunday	458 (53%)

- 5.15 Analysis undertaken of all the responses received from respondents and the full results analysis of the consultation including road-by-road results and area plan is outlined in Appendix C.
- 5.16 Based on the results of the consultation officers are recommending a smaller area be taken forward for a detailed design consultation for a full scheme operating Monday to Sunday 9am to 8pm as shown in Appendix D. A summary of the results is shown in the table below.

Number of properties within the smaller area	2218
Consultation response rate	731 (33%)
Support for a residents parking scheme	448 (61%)
Against a parking scheme	282 (39%)
Preferred a full scheme	316 (52%)
Preferred a light-touch scheme	288 (48%)
Preferred Monday to Friday	244 (40%)
Preferred Monday to Sunday	372 (60%)

- 5.17 Officers have met with the Hollingbury & Stanmer Ward Councillors who have requested that they write to residents outside of the proposed scheme, the wider Hollingdean area, to advise of the implications of not being included in a residents parking scheme and to ensure that they do not wish to be included.

## **Withdean Area**

- 5.18 Following ETS approval in October 2019 it was agreed to consult with residents and businesses in the Withdean Road area to find out if there was support for a residents parking scheme in this area.
- 5.19 A Brighton & Hove City Council Land and Property Gazetteer was used to provide 181 property address in the Withdean Road area. A questionnaire and frequently asked question sheet was sent to each address. Respondents were invited to complete the questionnaire and return it using the pre-paid envelope provided. The consultation ran from 10<sup>th</sup> June to 10<sup>th</sup> July 2022. A summary of the results is shown in the table below.

Number of properties mailed	181
Consultation response rate	104 (57%)
Support for a residents parking scheme	91 (88%)
Against a parking scheme	13 (12%)
Preferred a full scheme	38 (38%)
Preferred a light-touch scheme	63 (62%)
Preferred Monday to Friday	35 (35%)
Preferred Monday to Sunday	65 (65%)

- 5.20 Analysis undertaken of all the responses received from respondents and the full results analysis of the consultation including road-by-road results and area plan is outlined in Appendix E.
- 5.21 The next stage will consist of a consultation to the whole area on a light-touch parking scheme Monday to Sunday.
- 5.22 Officers have met with the Withdean Councillors who are happy with the way forward.

## **Top Triangle Area**

- 5.23 Following ETS approval on 16 November 2021, it was agreed to consult with residents and businesses in the Top Triangle area to find out if there was support to move these roads from Zone V (Full Scheme Monday to Sunday, 9am-8pm) into Zone S (Light touch - Monday to Friday 11am to noon and 6 to 7pm).
- 5.24 This area was included in the original Zone S (Light touch) when the Hanover area scheme was implemented in 2017. In the review of the scheme in 2019, residents in the Top Triangle area were consulted in August 2019 and the area was moved into Zone V (full scheme).
- 5.25 A petition was then submitted to the ETS committee in September 2020 asking that this area be reconsulted to rejoin Zone S. The area was added to the parking priority timetable in November 2022.

- 5.26 Brighton & Hove City Council Land and Property Gazetteer was used to provide 266 property address in the Top Triangle area. A questionnaire was sent to each address. The consultation ran from 6<sup>th</sup> June to 30<sup>th</sup> June 2022. A summary of the results is shown in the table below.

Number of properties mailed	266
Consultation response rate	149 (56%)
Support to change back to Zone S	100 (67%)
Support to remain in Zone V	49 (33%)

- 5.27 Analysis undertaken of all the responses received from respondents and the full results analysis of the consultation, including road-by-road results and area plan is outlined in Appendix F.
- 5.28 Officers provided the Hanover & Elm Grove Councillors with the results of the consultation via email.

## **6. Conclusion**

- 6.1 As set out in the body of the report and the recommendations.

## **7. Financial implications**

- 7.1 The cost of consultation, advertising traffic regulation orders and designing resident parking schemes can be accommodated from existing revenue budgets. There are therefore no direct financial implications from the recommendations.

Name of finance officer consulted: Jill Scarfield Date consulted (23/08/22):

## **8. Legal implications**

- 8.1 There is no statutory duty to consult the public prior to advertising proposals to formally make a traffic regulation order. However, should the Council decide to carry out such consultation it must give conscientious consideration to the consultees' responses and objections.

Once proposals have been formulated the Council has a statutory duty, under the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996, to give public notice of the proposed order and for the relevant documents to be placed on deposit for public inspection. A period of 21 days must be allowed for objections to the proposed order to be submitted. Any objections duly made must be given consideration by the Council in deciding whether the proposed order should be formally made.

Name of lawyer consulted: Hilary Woodward Date consulted 22/8/22

## **9. Equalities implications**

- 9.1 Consultation took place and the comments and wishes of the respondents were taken into account when considering what changes would best meet

the needs of those local population. Engagement with a wide range of residents has been built into the process from the start including an equality monitoring form. The use and analysis of data and engagement has informed the project to ensure it meets the needs of the local population. The proposed measures will be of benefit to many road users.

## **10. Sustainability implications**

- 10.1 Parking schemes can help to encourage less polluting travel options and reduce emissions. In addition, congestion can affect the reliability of journey times and long-term parking can reduce accessibility. Parking schemes can help to encourage alternative transport choices and higher turnover of spaces. Better accessibility through a high turnover of vehicles being parked helps to support local businesses.

## **Supporting Documentation**

### **1. Appendices**

1. Appendix A – Report, Results and Plan of Roedean Area
2. Appendix B – Report, Results and Plan Hallyburton Road Area
3. Appendix C – Report, Results and Plan of Hollingdean Larger Area
4. Appendix D – Report, Results and Plan of Hollingdean Smaller Area
5. Appendix E – Report, Results and Plan of Withdean Area
6. Appendix F – Report, Results and Plan of Top Triangle Area

### **2. Background documents**

1. Agenda Item 32 – Report to ETS Committee 8 October 2019
2. Agenda Item 57 – Report to ETS Committee 16 November 2021
2. Agenda Item 90 – Report to ETS Committee 15 March 2022



# **APPENDIX A**

## **Roedean Residents Parking Scheme Consultation Report**

### **Background**

In November 2021, residents in the Roedean Area were written to in order to gauge whether there was support for a residents parking scheme.

The results from this initial consultation showed that 80.4% supported the introduction of a residents parking scheme with a preference being for a 7-day light-touch scheme (79.6% light-touch scheme, 65.3% Monday to Friday). At the 15<sup>th</sup> March 2022 Environment, Transport and Sustainability Committee a decision was made to carry out a consultation for a light touch scheme.

### **Headline Findings**

The consultation received a response rate of 10.8%.

#### **Support for a resident parking scheme:**

- 73.8% of respondents support the implementation of a residents parking scheme.
- 26.2% of respondents do not support the implementation of a residents parking scheme

#### **Operating hours**

- 59.0% Would like a scheme to operate 11am to 12 noon and 6pm to 7pm.
- 41.0% Would prefer different hours of operation

### **Methodology**

Brighton & Hove City Council Land and Property Gazeteer was used to provide 389 property addresses in the proposed Roedean Area scheme boundary. An information leaflet, detailed map, questionnaire, and prepaid envelope for reply were sent to each address. Respondents were also invited to complete the survey online via the council's Consultation Portal should they wish to. All responses were received online. The consultation was advertised on the council's website, via social media and by a press-release to local media. The consultation ran from 6 June to 10 July 2022.

## Results

42 valid responses<sup>1</sup> were received from within the proposed scheme boundary giving a response rate of 10.8%.

**Q1 Would you like your area to be considered for a residents parking scheme?**  
(Response base 42<sup>2</sup>)

Yes		No		Total
Number	%	Number	%	
31	73.8	11	26.2	42

**Results on a street-by-street basis were as follows:**  
(Response base 42)

Street	Number properties mailed	Number responses	Response rate %	Yes		No	
				Number	%	Number	%
Cliff Approach	4	3	75.0	1	33.3	2	66.6
Cliff Road	45	3	6.7	2	66.7	1	33.3
Marina Way	3	0	0	0	0	0	0
Marine Drive	164	0	0	0	0	0	0
Roedean Crescent	49	12	24.5	8	66.7	4	33.3
Roedean Heights	5	2	40.0	1	50.0	1	50.0
Roedean Path	3	0	0	0	0	0	0
Roedean Road	27	3	11.1	3	100	0	0
Roedean Terrace	10	5	50.0	3	60.0	2	40.0
Roedean Vale	1	0	0	0	0	0	0
Roedean Way	22	4	18.2	4	100	0	0
The Cliff	56	10	17.9	9	90.0	1	10.0
<b>TOTAL</b>	<b>389</b>	<b>42</b>	<b>10.8</b>	<b>31</b>	<b>73.8</b>	<b>11</b>	<b>26.2</b>

<sup>1</sup> 8 responses were duplicate cases and were removed from the analysis.

<sup>2</sup> Response base = number of people answering this question

**Q2 Would you like the scheme to operate from 11am to 12 noon and 6pm to 7pm?** (Response base 39)

Yes		No (I would like different hours of operation)		Total
Number	%	Number	%	
23	59.0	16	41.0	39

**Q2b**

Those respondents who answered 'no' for Question 2 could suggest alternative timings for the scheme. 11 respondents chose to offer an alternative. A number of respondents chose not to suggest specific time slots and instead; 2 respondents asked for longer hours: 9am to 6pm, 11am to 11pm and 3pm to 7pm. Two people said what they didn't want: no parking restrictions at the weekend and not between 6 and 7pm.

The most popular suggestions for alternative times are shown below:

Time slot	Number of times mentioned
10am-12noon	2
11am-12 noon	2
3pm-4pm	1
5pm-6pm	2

**Q3 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	40
Business owner or manager	0
Work in the area	0
Other	2

**Q4 How many cars in your household?**

No. of cars	Number of responses
0	0
1	20
2	13
3	2
4 or more	6

**Q5a What type of business do you own or manage in the area?**

What type of business?	Number of responses
Retail outlet	0
Office-based	1
Other	0
<b>Total responses</b>	<b>1</b>

**Q5b 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

**Q7 Any further comments?**

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

Comments made	Number of times mentioned <sup>3</sup>
In favour / because of current parking difficulties / general positive comments	7
Will stop long term / commuter parking	4
No need for a scheme / most residents have their own private parking	4
Want more / extended DYL's	4
Concerned about displacement / more verge parking	3
Area should be bigger / include Cliff Road	2
Will stop / please stop verge / pavement parking	2
Allow NHS workers to still park here / provide parking for NHS staff	2
No double yellow lines across driveways / no more DYLS	2

<sup>3</sup> Where a comment has been made more than once

## Demographic Information

### Age (response base 36)

Age	Number	%
18-24	0	0
25-34	0	0
35-44	2	5.6
45-54	9	25.0
55-64	13	36.1
65-74	10	27.8
75+	2	5.6
<b>Total</b>	<b>36</b>	<b>100.0</b>

### Gender (response base 39)

Gender	Number	%
Male	25	64.1
Female	14	35.9
Other	0	0
<b>Total</b>	<b>39</b>	<b>100.0</b>

### Gender Identity (response base 40)

Do you identify as the gender you were assigned at birth?	Number	%
Yes	40	100
No	0	0
<b>Total</b>	<b>40</b>	<b>100.0</b>

### Disability (response base 39)

Disability	Number	%
Yes, a little	4	10.3
Yes, a lot	3	7.7
No	32	82.1
<b>Total</b>	<b>39</b>	<b>100.0</b>

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

Please state the type of impairment which applies to you.	Number
Physical impairment	4
Sensory impairment	1
Learning disability/ difficulty	0
Long-standing illness	1
Mental health condition	0
Development condition	0

Autistic Spectrum	0
Other	2

**Ethnic Origin** (response base 40)

Ethnic Origin		Number	%
White	White English/ Welsh/ Scottish/ Northern Irish/ British	33	82.5
	Irish	1	2.5
	Gypsy or Irish Traveller	0	0
	Any other white background	3	7.5
Asian or Asian British	Bangladeshi	0	0
	Indian	1	2.5
	Pakistani	0	0
	Chinese	0	0
	Any other Asian background	0	0
Black or Black British	African	0	0
	Caribbean	0	0
	Any other Black background	0	0
Mixed	Asian & White	2	5.0
	Black African & White	0	0
	Black Caribbean & White	0	0
	Any other mixed background	0	0
Any other ethnic group	Arab	0	0
	Any other ethnic group	0	0
<b>Total</b>		<b>40</b>	<b>100.0</b>

**Sexual Orientation** (response base 34)

Sexual Orientation	Number	%
Bisexual	1	2.9
Gay Man	3	8.8
Heterosexual/ straight	29	85.3
Lesbian/ Gay Woman	0	0
Other	1	2.9
<b>Total</b>	<b>34</b>	<b>100.0</b>

**Religious Belief** (response base 35)

Religious Belief	Number	%
I have no particular religion or belief	17	48.6
Buddhist	0	0
Christian	15	42.9
Hindu	0	0
Jain	0	0
Jewish	0	0
Muslim	0	0
Pagan	0	0
Sikh	0	0

Agnostic	0	0
Atheist	1	2.9
Other	1	2.9
Other philosophical belief	1	2.9
<b>Total</b>	<b>35</b>	<b>100.0</b>

### **Carer** (response base 39)

<b>Are you a carer</b>	<b>Number</b>	<b>%</b>
Yes	5	12.8
No	34	87.2
<b>Total</b>	<b>39</b>	<b>100.0</b>

<b>If yes, do you care for a:</b>	<b>Number</b>
Parent	3
Partner or Spouse	2
Child with special needs	0
Friend	0
Other family member	0
Other	1
<b>Total</b>	<b>6</b>

### **Armed Forces**

(Response base 34-35)

<b>Armed Forces</b>	<b>Yes</b>		<b>No</b>	
	<b>Number</b>	<b>%</b>	<b>Number</b>	<b>%</b>
Are you currently serving in the UK armed forces?	0	0	35	100
Have you ever served in the UK armed forces?	0	0	35	100
Are you a member of a current or former serviceman or woman's immediate family/ household?	0	0	34	100



# APPENDIX B

## Hallyburton Road Area Light Touch Residents Parking Scheme Consultation report July 2022

### Background

In November 2021, residents in the Hallyburton Road area were written to in order to gauge whether there was support for a residents parking scheme.

The results from this initial consultation showed that 72.9% supported the introduction of a residents parking scheme with a preference being for a 5-day light-touch scheme (73.9% light-touch scheme, 53.9% Monday to Friday). At the 15<sup>th</sup> March 2022 Environment, Transport and Sustainability Committee a decision was made to carry out a consultation for a light touch scheme.

### Headline Findings

The consultation received a response rate of 16.9%.

#### Support for a resident parking scheme:

- **60.9%** of respondents support the implementation of a residents parking scheme.
- **39.1%** of respondents do not support the implementation of a residents parking scheme

#### Operating hours

- **63.3%** Would like a scheme to operate 11am to 12pm and 6pm to 7pm (5 days a week, Monday to Friday)
- **36.7%** Would prefer different hours of operation

### Methodology

Brighton & Hove City Council Land and Property Gazetteer was used to provide 408 property addresses in the proposed Hallyburton Road Area scheme boundary. An information leaflet and detailed map were sent to each address. People were asked to go online to complete a questionnaire. People could also request a paper copy of the questionnaire with a prepaid envelope for reply. 68 (98.6%) responses were received online and 1 by mail (1.4%). The consultation was advertised on the council's website, via social media and by a press-release to local media. The consultation ran from 6 June to 10 July 2022.

## Results

69 valid responses<sup>1</sup> were received from within the proposed scheme boundary giving a response rate of 16.9%.

### Q1 Would you like a parking scheme in your area? (response base 69<sup>2</sup>)

Yes		No		Total
Number	%	Number	%	
42	60.9	27	39.1	69

### Results on a street- by-street basis were as follows: (response base 69)

#### Q1 Would you like a parking scheme in your area?

Street	Number properties mailed	Number responses	Response rate %	Yes		No	
				Number	%	Number	%
Boundary Road	57	0	0	0	0	0	0
Dorothy Road	22	3	13.6	3	100	0	0
Florence Avenue	46	5	10.9	3	60.0	2	40.0
Gladys Road	30	2	6.7	2	100	0	0
Hallyburton Road	119	30	25.2	18	60.0	12	40.0
Isabel Crescent	29	15	51.7	7	46.7	8	53.3
Margery Road	30	7	23.3	6	85.7	1	14.3
Old Shoreham Road	59	5	8.5	2	40.0	3	60.0
Olive Road	16	2	12.5	1	50.0	1	50.0
<b>TOTAL</b>	<b>408</b>	<b>69</b>	<b>16.9</b>	<b>42</b>	<b>60.9</b>	<b>27</b>	<b>39.1</b>

<sup>1</sup> 32 cases were removed from the analysis: 25 were duplicate cases and 7 contained incomplete addresses

<sup>2</sup> Response base = number of people answering this question (some respondents did not answer all questions)

**Q2 Would you like the scheme to operate from 11am to 12pm and 6pm to 7pm (5 days a week, Monday to Friday) (Response base 60)**

Yes		No (I would like different hours of operation)		Total
Number	%	Number	%	
38	63.3	22	36.7	60

**Q2b** Respondents who answered 'no' for Question 2 could suggest alternative timings for the scheme. A number of respondents chose not to suggest specific time slots and instead; 2 respondents asked for a full scheme, 2 respondents want weekends included. One respondent asked for longer hours but did not specify these.

Suggestions for specific alternative times are shown below:

Time slot	Number of times mentioned
10am to 11am	2
3pm to 4pm	1
5pm to 6pm	1
7pm to 8pm	3
8am to 8pm	1
8am to 9pm	1

**Q3 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	69
Business owner or manager	1
Work in the area	1
Other	0

**Q4 How many cars in your household?**

<b>No. of cars</b>	<b>Number of responses</b>
0	6
1	41
2	19
3	3
4 or more	0

**Q5a What type of business do you own or manage in the area?**

<b>What type of business?</b>	<b>Number of responses</b>
Retail outlet	0
Office-based	0
Other includes: Gardener	1
<b>Total responses</b>	<b>1</b>

**Q5b How many vehicles are directly associated with your business?**

<b>No. of vehicles</b>	<b>Number of responses</b>
0	7
1	1
2	0

## Q7 Any further comments?

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

Comments made	Number of times mentioned
More crossings / currently unsafe to cross the road	5
Need more electric vehicle charging bays	5
New housing needs to have parking	5
Concerned about the cost of visitor parking	4
Not enough visitor permits	4
People already use the green as overspill parking	3
Don't want to pay for parking / permits are too expensive	3
Will stop long term / commuter parking / dumped cars / Aldi overspill / users of Portslade station	3
Need more motorcycle bays	3
Not enough residents parking spaces	3
How many permits per household?	3
Concerned about displacement / people will park on the green	2
Use BHCC Housing land for residents parking / it reduces spaces available for residents	2
Concerns that the scheme will adversely affect businesses in the area	2
General negative comments	2
Include car club bays	2
Need traffic calming / speed humps / more creative options	2
Scheme won't help problems in the evening	2

---

<sup>3</sup> Comments mentioned more than once are included in the table

## Demographic Information

Age	Number	%
18-24	2	3.8
25-34	3	5.8
35-44	11	21.2
45-54	19	36.5
55-64	11	21.2
65-74	5	9.6
75+	1	1.9
<b>Total</b>	<b>52</b>	<b>100</b>

Gender	Number	%
Male	25	41.7
Female	35	58.3
Non-Binary	0	0
<b>Total</b>	<b>60</b>	<b>100</b>

Do you identify as the gender you were assigned at birth?	Number	%
Yes	56	96.6
No	2	3.4
<b>Total</b>	<b>58</b>	<b>100</b>

Disability	Number	%
Yes, a little	3	5.4
Yes, a lot	6	10.7
No	47	83.9
<b>Total</b>	<b>56</b>	<b>100</b>

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

Please state the type of impairment which applies to you.	Number
Physical impairment	7
Sensory impairment	0
Learning disability/ difficulty	0
Long-standing illness	3
Mental health condition	4
Development condition	0
Autistic Spectrum	0
Other	1

Ethnic Origin		Number	%
White	White English/ Welsh/ Scottish/ Northern Irish/ British	50	89.3
	Irish	2	3.6
	Gypsy or Irish Traveller	0	0
	Any other white background	2	3.6
Asian or Asian British	Bangladeshi	0	0
	Indian	0	0
	Pakistani	0	0
	Chinese	0	0
	Any other Asian background	0	0
Black or Black British	African	0	0
	Caribbean	0	0
	Any other Black background	0	0
Mixed	Asian & White	0	0
	Black African & White	0	0
	Black Caribbean & White	0	0
	Any other mixed background	0	0
Any other ethnic group	Arab	0	0
	Any other ethnic group	2	3.6
<b>Total</b>		<b>56</b>	<b>100</b>

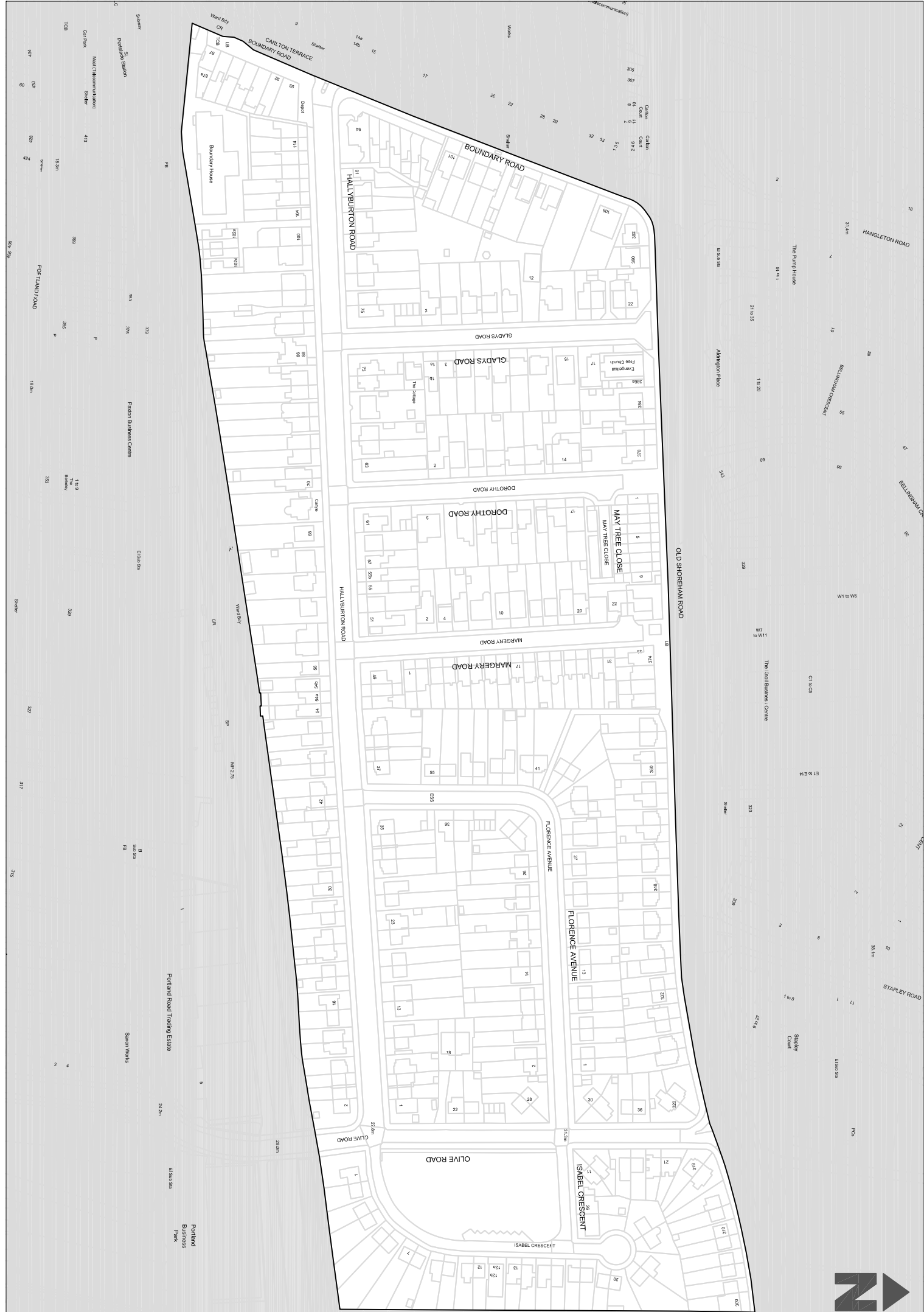
Sexual Orientation	Number	%
Bisexual	1	2.0
Gay Man	1	2.0
Heterosexual/ straight	46	90.2
Lesbian/ Gay Woman	2	3.9
Other	1	2.0
<b>Total</b>	<b>51</b>	<b>100</b>

Religious Belief	Number	%
I have no particular religion or belief	34	65.4
Buddhist	0	0
Christian	14	26.9
Hindu	0	0
Jain	0	0
Jewish	0	0
Muslim	0	0
Pagan	0	0
Sikh	0	0
Agnostic	0	0
Atheist	3	5.8
Other	1	1.9
Other philosophical belief	0	0
<b>Total</b>	<b>52</b>	<b>100</b>

<b>Are you a carer</b>	<b>Number</b>	<b>%</b>
Yes	7	12.5
No	49	87.5
<b>Total</b>	<b>56</b>	<b>100</b>

<b>If yes, do you care for a:</b>	<b>Number</b>
Parent	1
Partner or Spouse	0
Child with special needs	3
Friend	1
Other family member	3
Other	0

<b>Armed Forces</b>	<b>Yes</b>		<b>No</b>	
	<b>Number</b>	<b>%</b>	<b>Number</b>	<b>%</b>
Are you currently serving in the UK armed forces?	1	1.8	54	98.2
Have you ever served in the UK armed forces?	1	1.5	50	98.0
Are you a member of a current or former serviceman or woman's immediate family/ household?	0	0	51	100





# **APPENDIX C**

## **Hollingdean Area Residents Parking Scheme Initial Consultation Report**

### **Background**

The council has received a number of complaints from residents about parking issues within the Hollingdean area.

At the Environment, Transport & Sustainability Committee in 2019 it was agreed that residents and businesses in the Hollingdean 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. 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:**

- 52.6% of respondents support a residents parking scheme in the area
- 47.4% of respondents do not support a residents parking scheme in the area

#### **Full or Light-touch scheme**

- 45.4% prefer a full scheme
- 54.6% prefer a light-touch scheme

#### **Days of Operation**

- 47.3% of respondents support a Monday to Friday scheme
- 52.7% of respondents support a Monday to Sunday scheme

### **Methodology**

Brighton & Hove City Council Land and Property Gazetteer was used to provide 3585 property addresses in the proposed scheme boundary for the Hollingdean Area. An information leaflet and frequently asked questions sheet were sent to each address. Respondents were invited to complete the survey online via the council's Consultation Portal and could request a paper version of the questionnaire should they wish to. The consultation ran from 1 April to 6 May 2022.

### **Results**

1053 valid responses<sup>1</sup> were received from within the proposed scheme boundary giving a response rate of 29.4%.

**Q1 Would you like a parking scheme in your area?** (response base 1053<sup>2</sup>)

Yes		No	
Number	%	Number	%
554	52.6	499	47.4

**Results on a street by street basis were as follows:**

Street	Number properties mailed	Number responses	Response rate %	Yes		No	
				Number	%	Number	%
Adams Close	13	2	15.4	1	50.0	1	50.0
Barnett Road	109	66	60.6	22	33.3	44	66.7
Barrow Close	8	1	12.5	1	100	0	0
Barrow Hill	9	0	0	0	0	0	0
Beal Crescent	25	6	24.0	2	33.3	4	66.7
Brentwood Close	10	3	30.0	0	0	3	100
Brentwood Crescent	44	25	56.8	5	20.0	20	80.0
Brentwood Road	120	42	35.0	12	28.6	30	71.4
Burstead Close	189	39	20.6	4	10.3	35	89.7
Crespin Way	52	15	28.8	8	53.3	7	46.7
Davey Drive	94	36	38.3	28	75.8	8	22.2
Dudley Road	91	52	57.1	43	82.7	9	17.3
Dunster Close	14	7	50.0	6	85.7	1	14.3
Florence Place	1	0	0	0	0	0	0
Fountains Close	7	3	42.9	1	33.3	2	66.7
Freehold Terrace	78	5	6.4	4	80.0	1	20.0
Golf Drive	57	17	29.8	2	11.8	15	88.2
Harrington Place	38	19	50.0	7	36.8	12	63.2

<sup>1</sup> 453 responses were removed from the analysis for the following reasons: 372 were duplicate cases, 33 was from outside the area, 16 where no street was given and 32 were from incomplete addresses.

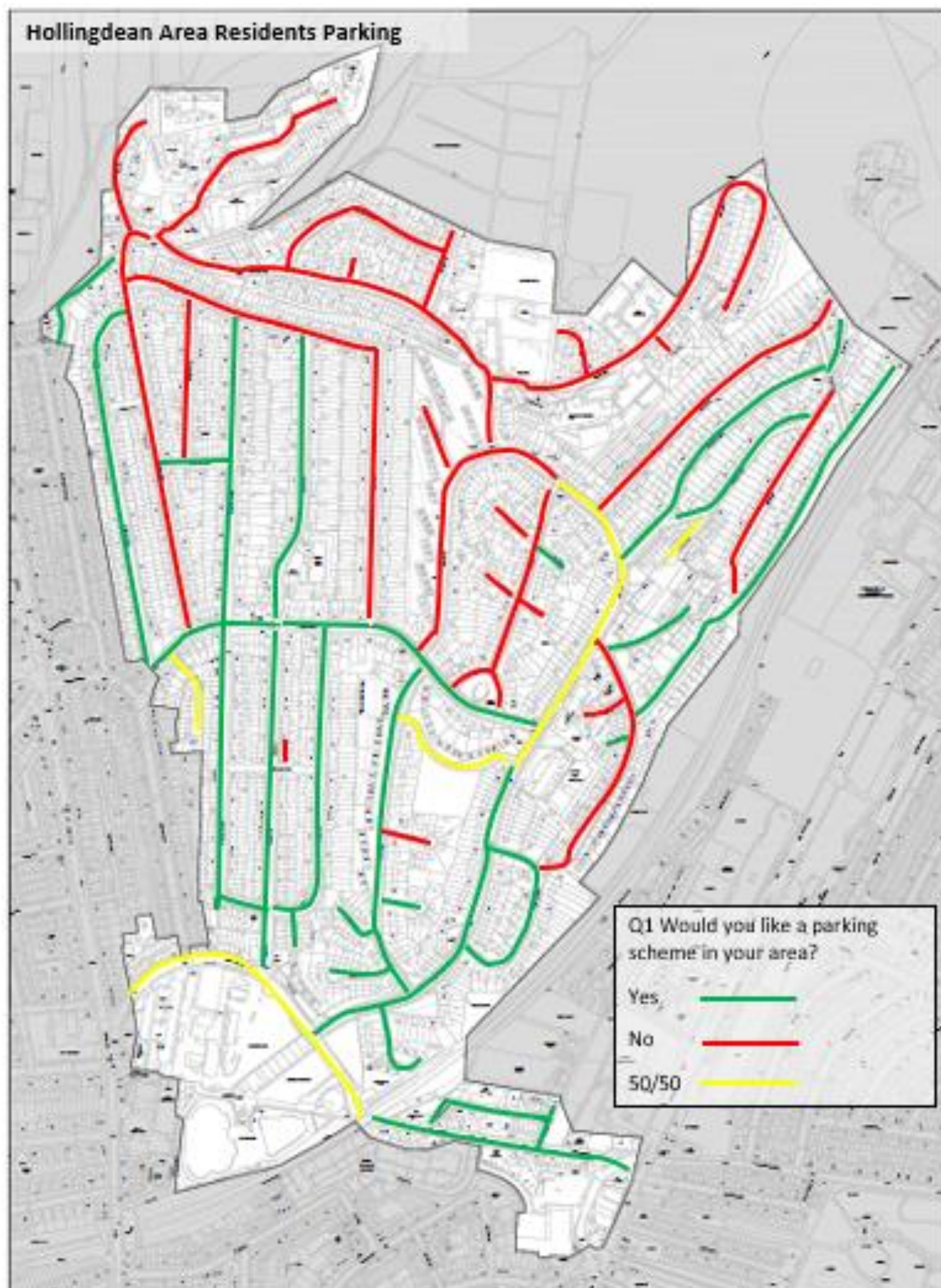
<sup>2</sup> Response base = number of people answering this question

Street	Number properties mailed	Number responses	Response rate %	Yes		No	
				Number	%	Number	%
Hertford Road	88	52	59.1	33	63.5	19	36.5
Hinton Close	5	1	20.0	0	0	1	100
Hollingbury Crescent	21	16	76.2	12	75.0	4	25.0
Hollingbury Place	53	18	34.0	13	72.2	5	27.8
Hollingbury Rise	75	40	53.3	11	27.5	29	72.5
Hollingbury Rise West	4	2	50.0	2	100	0	0
Hollingbury Road	2	0	0	0	0	0	0
Hollingdean Lane	3	0	0	0	0	0	0
Hollingdean Road	315	5	1.6	5	100	0	0
Hollingdean Terrace	257	132	51.4	86	65.2	46	34.8
Horton Road	117	27	23.1	20	74.1	7	25.9
Isfield Road	23	11	47.8	2	18.2	9	81.8
Lambourne Close	10	4	40.0	2	50.0	2	50.0
Lambourne Road	23	13	56.5	8	61.5	5	38.5
Lewes Road <sup>3</sup>	73	0	0	0	0	0	0
Liphook Close	8	3	37.5	0	0	3	100
Lynchet Close	83	18	21.7	5	27.8	13	72.2
Lynchet Down	9	1	11.1	0	0	1	100
Lynchet Walk	15	5	33.3	1	20.0	4	80.0
Major Close	7	2	28.6	2	100	0	0
Melrose Close	11	3	27.3	2	66.7	1	33.3
Merevale	48	3	6.3	0	0	3	100
Mountfields	36	11	30.6	5	45.5	6	54.5
Oldbury Row	6	3	50.0	3	100	0	0
Payne Terrace	8	3	37.5	1	33.3	2	66.7
Peace Close	2	1	50.0	1	100	0	0
Popes Folly	4	1	25.0	1	100	0	0
Quarry Bank Road	12	3	25.0	2	66.7	1	33.3
Roedale Road	143	68	47.6	54	79.4	14	20.6
Romsey Close	14	3	21.4	1	33.3	2	66.7

<sup>3</sup> Many student flats here at Vogue Studios

Street	Number properties mailed	Number responses	Response rate %	Yes		No	
				Number	%	Number	%
Salehurst Close	6	0	0	0	0	0	0
Shenfield Way	17	6	35.3	2	33.3	4	66.7
Southmount	12	3	25.0	3	100	0	0
Stanmer Park Road	161	70	43.5	38	54.3	32	45.7
Stanmer Villas	130	60	46.2	28	46.7	32	53.3
Stephens Road	103	20	19.4	8	40.0	12	60.0
Tavistock Down	63	8	12.7	5	62.5	3	37.5
The Crestway	109	12	11.0	6	50.0	6	50.0
The Crossway	12	4	33.3	3	75.0	1	25.0
The Linkway	37	4	10.8	2	50.0	2	50.0
Thompson Road	71	16	22.5	4	25.0	12	75.0
Tintern Close	11	3	27.3	1	33.3	2	66.7
Uplands Road	60	20	33.3	8	40.0	12	60.0
Upper Hollingdean Road	248	10	4.0	5	50.0	5	50.0
Waverley Crescent	52	16	30.8	12	75.0	4	25.0
Wigmore Close	18	6	33.3	4	66.7	2	33.3
Wolverstone Drive	41	9	22.0	7	77.8	2	22.2
<b>Total</b>	<b>3585</b>	<b>1053</b>	<b>29.4</b>	<b>554</b>	<b>52.6</b>	<b>499</b>	<b>47.4</b>

## Hollingdean Area Residents Parking



**Q2 If a parking scheme were to be introduced please tell us the options you would prefer?** (Response base 857)

Option 1 – Full Scheme – Restricted parking 9am to 8pm

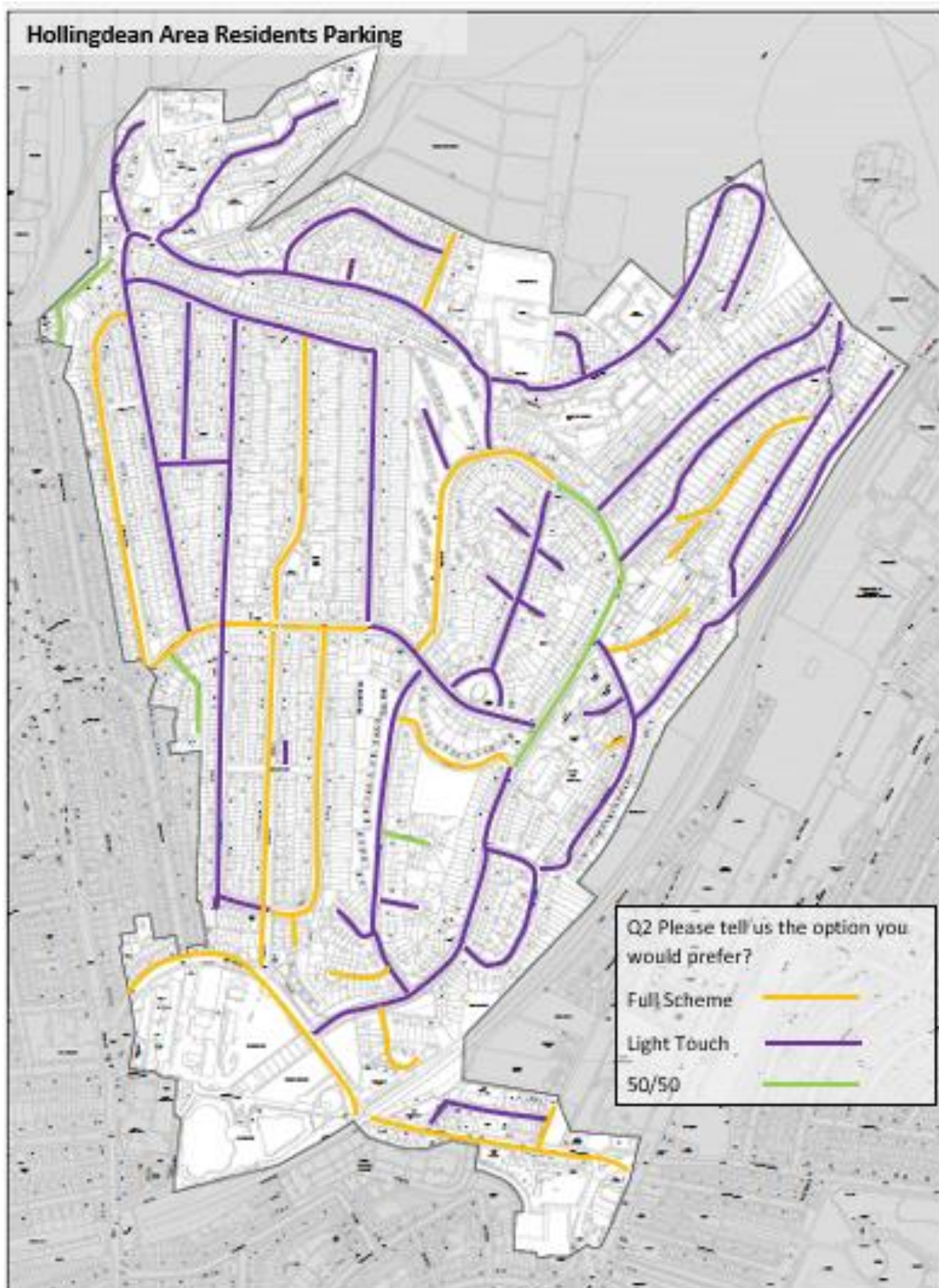
Option 2 – Light touch Scheme – two separate one-hour periods during the day

Full Scheme (9am to 8pm)		Light Touch (two periods during the day)	
Number	%	Number	%
389	45.4	468	54.6

Street	Full Scheme		Light-touch scheme	
	Number	%	Number	%
Adams Close	1	50.0	1	50.0
Barnett Road	14	31.8	30	68.2
Barrow Close	0	0	1	100
Barrow Hill	0	0	0	0
Beal Crescent	0	0	5	100
Brentwood Close	0	0	2	100
Brentwood Crescent	3	21.4	11	78.6
Brentwood Road	9	26.5	25	73.5
Burstead Close	2	7.4	25	92.6
Crespin Way	3	23.1	10	76.9
Davey Drive	15	48.4	16	51.6
Dudley Road	30	61.2	19	38.8
Dunster Close	3	42.9	4	51.7
Florence Place	0	0	0	0
Fountains Close	1	33.3	2	66.7
Freehold Terrace	2	40.0	3	60.0
Golf Drive	2	16.7	10	83.3
Harrington Place	7	46.7	8	53.3
Hertford Road	28	59.6	19	40.4

Street	Full Scheme		Light-touch scheme	
	Number	%	Number	%
Hinton Close	0	0	1	100
Hollingbury Crescent	9	75.0	3	25.0
Hollingbury Place	8	53.3	7	46.7
Hollingbury Rise	10	32.3	21	67.7
Hollingbury Rise West	1	50.0	1	50.0
Hollingbury Road	0	0	0	0
Hollingdean Lane	0	0	0	0
Hollingdean Road	6	100	0	0
Hollingdean Terrace	52	48.1	56	51.9
Horton Road	11	52.4	10	47.6
Isfield Road	2	20.0	8	80.0
Lambourne Close	2	66.7	1	33.3
Lambourne Road	6	60.0	4	40.0
Lewes Road	0	0	0	0
Liphook Close	0	0	3	100
Lynchet Close	3	25.0	9	75.0
Lynchet Down	0	0	0	0
Lynchet Walk	0	0	3	100
Major Close	0	0	2	100
Melrose Close	1	33.3	2	66.7
Merevale	0	0	3	100
Mountfields	5	45.5	6	54.5
Oldbury Row	3	100	0	0
Payne Terrace	1	33.3	2	66.7
Peace Close	1	100	0	0
Popes Folly	1	100	0	0
Quarry Bank Road	1	33.3	2	66.7
Roedale Road	43	68.3	20	31.7
Romsey Close	1	33.3	2	66.7
Salehurst Close	0	0	0	0
Shenfield Way	2	66.7	1	33.3
Southmount	2	66.7	1	33.3

Street	Full Scheme		Light-touch scheme	
	Number	%	Number	%
Stanmer Park Road	36	65.1	19	34.5
Stanmer Villas	22	46.8	25	53.2
Stephens Road	6	42.9	8	57.1
Tavistock Down	4	57.1	3	42.9
The Crestway	6	50.0	6	50.0
The Crossway	0	0	4	100
The Linkway	2	66.7	1	33.3
Thompson Road	4	28.6	10	71.4
Tintern Close	1	50.0	1	50.0
Uplands Road	3	17.6	14	82.4
Upper Hollingdean Road	5	71.4	2	28.6
Waverley Crescent	5	31.3	11	68.8
Wigmore Close	2	66.7	1	33.3
Wolverstone Drive	3	37.5	6	62.5
<b>Total</b>	<b>389</b>	<b>45.4</b>	<b>468</b>	<b>54.6</b>



**Q3** If a parking scheme were to be introduced, please tell us your preference for either a Monday to Friday (5 day) or Monday to Sunday (7 day) scheme? (response base 869)

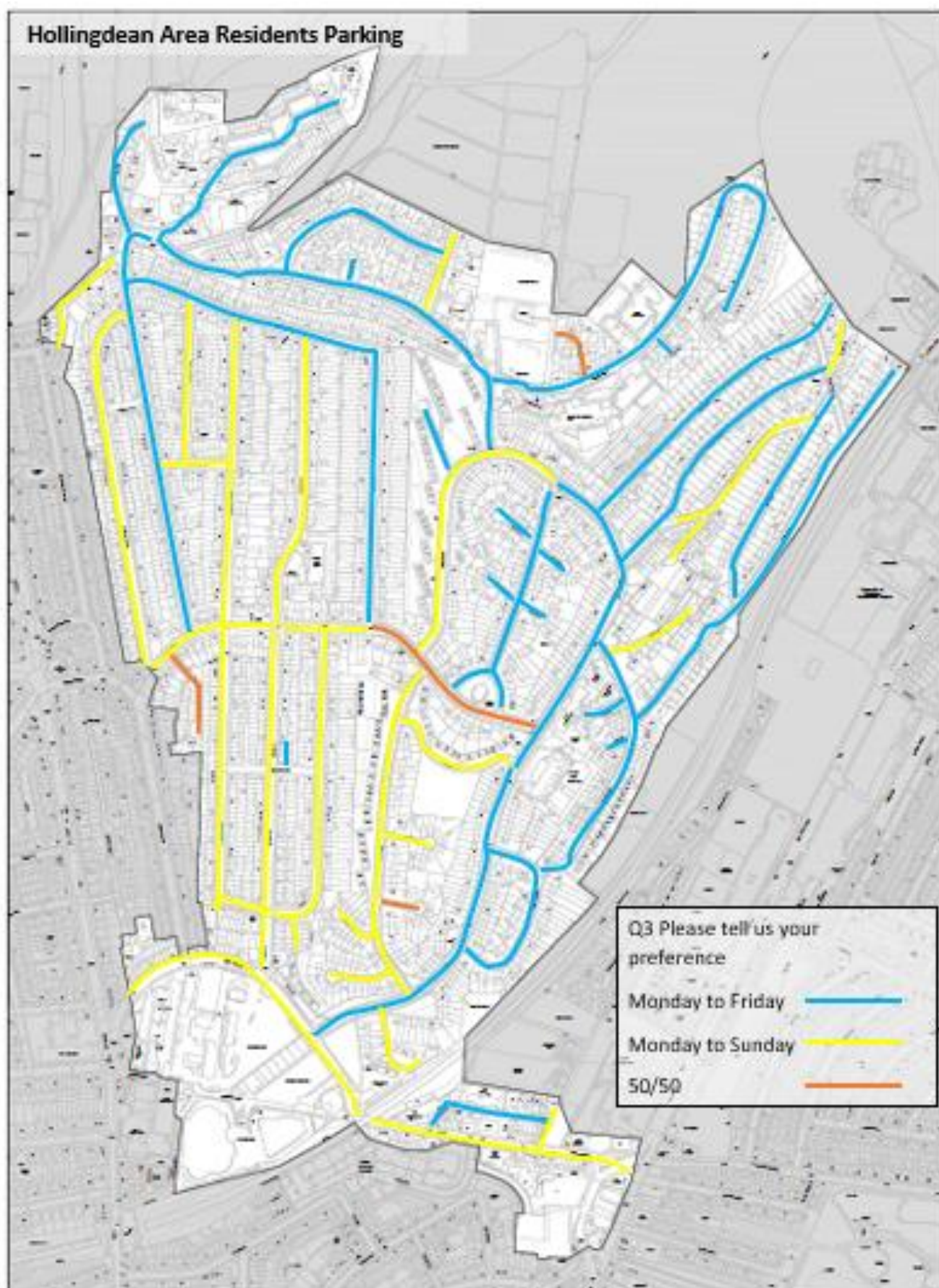
Monday to Friday		Monday to Sunday	
Number	%	Number	%
411	47.3	458	52.7

Street	Monday to Sunday		Monday to Friday	
	Number	%	Number	%
Adams Close	1	50.0	1	50.0
Barnett Road	28	60.9	18	39.1
Barrow Close	0	0	1	100
Barrow Hill	0	0	0	0
Beal Crescent	3	60.0	2	40.0
Brentwood Close	2	100	0	0
Brentwood Crescent	9	64.3	5	35.7
Brentwood Road	24	70.6	10	29.4
Burstead Close	19	67.9	9	32.1
Crespin Way	7	53.8	6	46.2
Davey Drive	16	51.6	15	48.4
Dudley Road	8	16.0	42	84.0
Dunster Close	2	28.6	5	71.4
Florence Place	0	0	0	0
Fountains Close	2	66.7	1	33.3
Freehold Terrace	3	60.0	2	40.0
Golf Drive	11	91.7	1	8.31
Harrington Place	7	43.8	9	56.3
Hertford Road	16	35.6	29	64.4
Hinton Close	1	100	0	0
Hollingbury Crescent	2	15.4	11	84.6
Hollingbury Place	4	26.7	11	73.3
Hollingbury Rise	22	71.0	9	29.0

Street	Monday to Sunday		Monday to Friday	
	Number	%	Number	%
Hollingbury Rise West	0	0	2	100
Hollingbury Road	0	0	0	0
Hollingdean Lane	0	0	0	0
Hollingdean Road	3	50.0	3	50.0
Hollingdean Terrace	50	44.2	63	55.8
Horton Road	8	38.1	13	61.9
Isfield Road	8	80.0	2	20.0
Lambourne Close	1	33.3	2	66.7
Lambourne Road	4	40.0	6	60.0
Lewes Road	0	0	0	0
Liphook Close	3	100	0	0
Lynchet Close	9	75.0	3	25.0
Lynchet Down	0	0	0	0
Lynchet Walk	1	50.0	1	50.0
Major Close	1	50.0	1	50.0
Melrose Close	3	100	0	0
Merevale	3	100	0	0
Mountfields	7	63.6	4	36.4
Oldbury Row	0	0	3	100
Payne Terrace	2	66.7	1	33.3
Peace Close	1	100	0	0
Popes Folly	0	0	1	100
Quarry Bank Road	1	33.3	2	66.7
Roedale Road	14	21.5	51	78.5
Romsey Close	2	100	0	0
Salehurst Close	0	0	0	0
Shenfield Way	1	33.3	2	66.7
Southmount	1	33.3	2	66.7
Stanmer Park Road	17	30.9	38	69.1
Stanmer Villas	25	52.1	23	47.9
Stephens Road	7	46.7	8	53.3
Tavistock Down	3	42.9	4	57.1

Street	Monday to Sunday		Monday to Friday	
	Number	%	Number	%
The Crestway	7	58.3	5	41.7
The Crossway	2	50.0	2	50.0
The Linkway	1	33.3	2	66.7
Thompson Road	11	78.6	3	21.4
Tintern Close	0	0	2	100
Uplands Road	13	76.5	4	23.5
Upper Hollingdean Road	1	14.3	6	85.7
Waverley Crescent	9	56.3	7	43.8
Wigmore Close	1	25.0	3	75.0
Wolverstone Drive	5	62.5	3	37.5
<b>Total</b>	<b>411</b>	<b>47.3</b>	<b>458</b>	<b>52.7</b>

## Hollingdean Area Residents Parking



## Demographic Information

Age	Number	%
18-24	20	2.3
25-34	81	9.3
35-44	205	23.6
45-54	250	28.8
55-64	177	20.4
65-74	87	10.0
75+	49	5.6
<b>Total</b>	<b>869</b>	<b>100</b>

Gender	Number	%
Male	377	39.9
Female	565	59.8
Non-Binary	2	0.2
Other	1	0.1
<b>Total</b>	<b>945</b>	<b>100</b>

Do you identify as the gender you were assigned at birth?	Number	%
Yes	902	99.0
No	9	1.0
<b>Total</b>	<b>911</b>	<b>100</b>

Disability	Number	%
Yes, a little	106	11.8
Yes, a lot	84	9.3
No	712	78.9
<b>Total</b>	<b>902</b>	<b>100</b>

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

Please state the type of impairment which applies to you.	Number
Physical impairment	102
Sensory impairment	8
Learning disability/ difficulty	7
Long-standing illness	64
Mental health condition	43
Development condition	0
Autistic Spectrum	6
Other	24

Ethnic Origin		Number	%
White	White English/ Welsh/ Scottish/ Northern Irish/ British	782	85.4
	Irish	14	1.5
	Gypsy or Irish Traveller	1	0.1
	Any other white background	63	6.9
Asian or Asian British	Bangladeshi	0	0
	Indian	6	0.7
	Pakistani	0	0
	Chinese	7	0.8
	Any other Asian background	6	0.7
Black or Black British	African	2	0.2
	Caribbean	2	0.2
	Any other Black background	2	0.2
Mixed	Asian & White	14	1.5
	Black African & White	2	0.2
	Black Caribbean & White	3	0.3
	Any other mixed background	5	0.5
Any other ethnic group	Arab	1	0.1
	Any other ethnic group	6	0.7
<b>Total</b>		<b>169</b>	<b>100</b>

Sexual Orientation	Number	%
Bisexual	33	4.1
Gay Man	11	1.4
Heterosexual/ straight	730	89.9
Lesbian/ Gay Woman	24	3.0
Other	14	1.7
<b>Total</b>	<b>812</b>	<b>100</b>

Religious Belief	Number	%
I have no particular religion or belief	487	57.8
Buddhist	14	1.7
Christian	225	26.7
Hindu	2	0.2
Jain	0	0
Jewish	3	0.4
Muslim	6	0.7
Pagan	5	0.6
Sikh	0	0
Agnostic	11	1.3
Atheist	61	7.2
Other	11	1.3
Other philosophical belief	18	2.1
<b>Total</b>	<b>843</b>	<b>100</b>

<b>Are you a carer</b>	<b>Number</b>	<b>%</b>
Yes	135	14.4
No	804	84.6
<b>Total</b>	<b>939</b>	<b>100</b>

<b>If yes, do you care for a:</b>	<b>Number</b>
Parent	67
Partner or Spouse	23
Child with special needs	45
Friend	1
Other family member	10
Other	19

### **Armed Forces**

<b>Armed Forces</b>	<b>Yes</b>		<b>No</b>	
	<b>Number</b>	<b>%</b>	<b>Number</b>	<b>%</b>
Are you currently serving in the UK armed forces?	0	0	896	100
Have you ever served in the UK armed forces?	17	2.0	818	98.0
Are you a member of a current or former serviceman or woman's immediate family/ household?	19	2.2	833	97.8

# APPENDIX D

## SMALLER AREA

### Hollingdean Area Residents Parking Scheme

#### Results

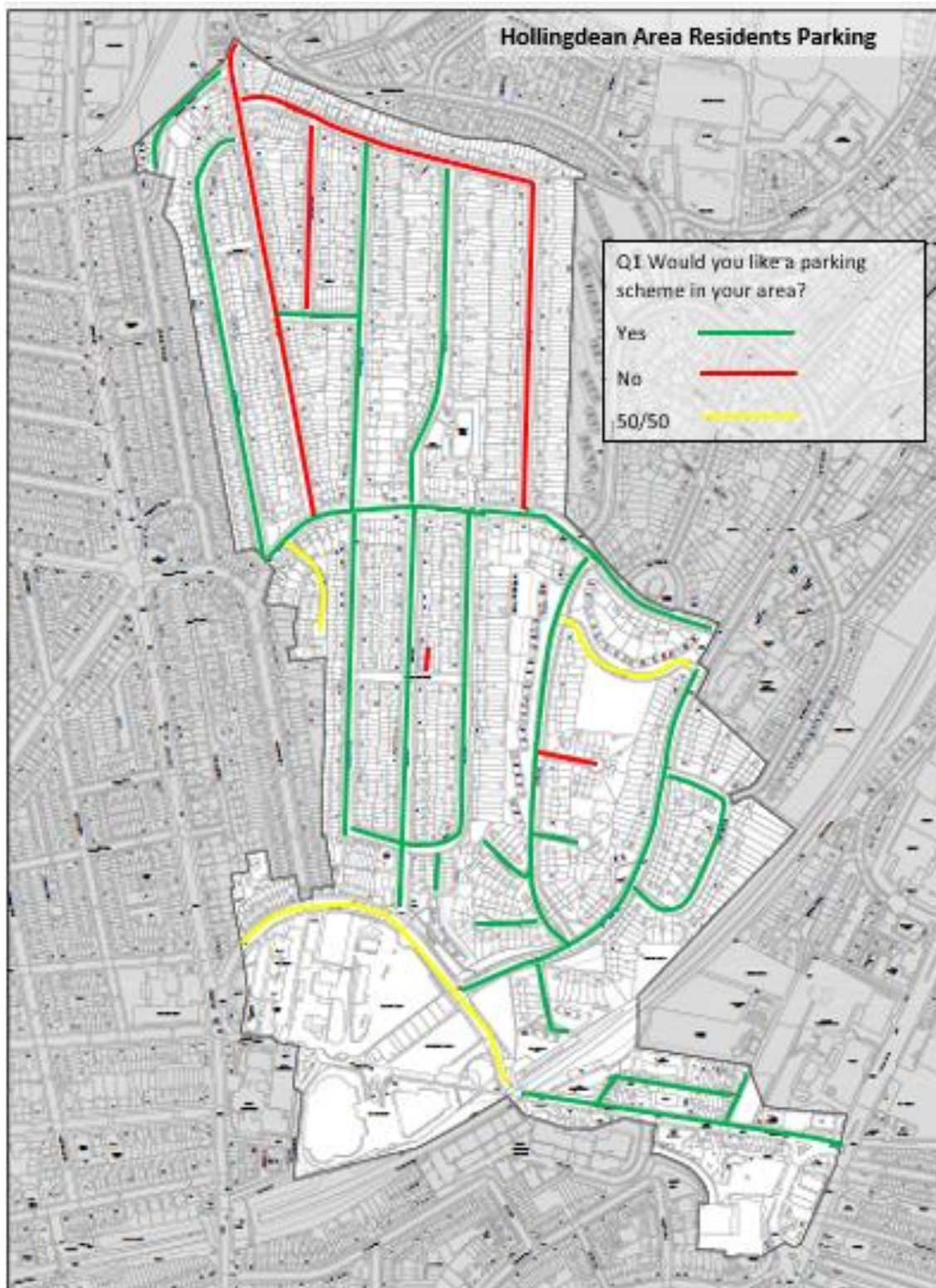
#### Q1 Would you like a parking scheme in your area?

Yes		No	
Number	%	Number	%
448	61.4	282	38.6

#### Results on a street by street basis were as follows:

Street	Number properties mailed	Number responses	Response rate %	Yes		No	
				Number	%	Number	%
Adams Close	13	2	15.4	1	50.0	1	50.0
Barnett Road	109	66	60.6	22	33.3	44	66.7
Davey Drive	94	36	38.3	28	75.8	8	22.2
Dudley Road	91	52	57.1	43	82.7	9	17.3
Dunster Close	14	7	50.0	6	85.7	1	14.3
Freehold Terrace	78	5	6.4	4	80.0	1	20.0
Harrington Place	38	19	50.0	7	36.8	12	63.2
Hertford Road	88	52	59.1	33	63.5	19	36.5
Hollingbury Crescent	21	16	76.2	12	75.0	4	25.0
Hollingbury Place	53	18	34.0	13	72.2	5	27.8
Hollingbury Rise	75	40	53.3	11	27.5	29	72.5
Hollingbury Rise West	4	2	50.0	2	100	0	0
Hollingdean Road	315	5	1.6	5	100	0	0
Hollingdean Terrace	257	132	51.4	86	65.2	46	34.8
Horton Road	117	27	23.1	20	74.1	7	25.9
Major Close	7	2	28.6	2	100	0	0
Payne Terrace	8	3	37.5	1	33.3	2	66.7

Street	Number properties mailed	Number responses	Response rate %	Yes		No	
				Number	%	Number	%
Quarry Bank Road	12	3	25.0	2	66.7	1	33.3
Roedale Road	143	68	47.6	54	79.4	14	20.6
Southmount	12	3	25.0	3	100	0	0
Stanmer Park Road	161	70	43.5	38	54.3	32	45.7
Stanmer Villas	130	60	46.2	28	46.7	32	53.3
The Crossway	12	4	33.3	3	75.0	1	25.0
The Linkway	37	4	10.8	2	50.0	2	50.0
Tintern Close	11	3	27.3	1	33.3	2	66.7
Upper Hollingdean Road	248	10	4.0	5	50.0	5	50.0
Waverley Crescent	52	16	30.8	12	75.0	4	25.0
Wigmore Close	18	6	33.3	4	66.7	2	33.3
<b>Total</b>	<b>2218</b>	<b>731</b>	<b>33.0</b>	448	61.4	282	38.6



**Q2 If a parking scheme were to be introduced please tell us the options you would prefer?**

Option 1 – Full Scheme – Restricted parking 9am to 8pm

Option 2 – Light touch Scheme – two separate one-hour periods during the day

Full Scheme (9am to 8pm)		Light Touch (two periods during the day)	
Number	%	Number	%
316	52.3	288	47.7

Street	Full Scheme		Light-touch scheme	
	Number	%	Number	%
Adams Close	1	50.0	1	50.0
Barnett Road	14	31.8	30	68.2
Davey Drive	15	48.4	16	51.6
Dudley Road	30	61.2	19	38.8
Dunster Close	3	42.9	4	51.7
Freehold Terrace	2	40.0	3	60.0
Harrington Place	7	46.7	8	53.3
Hertford Road	28	59.6	19	40.4
Hollingbury Crescent	9	75.0	3	25.0
Hollingbury Place	8	53.3	7	46.7
Hollingbury Rise	10	32.3	21	67.7
Hollingbury Rise West	1	50.0	1	50.0
Hollingbury Road	0	0	0	0
Hollingdean Road	6	100	0	0
Hollingdean Terrace	52	48.1	56	51.9
Horton Road	11	52.4	10	47.6
Major Close	0	0	2	100
Payne Terrace	1	33.3	2	66.7
Quarry Bank Road	1	33.3	2	66.7

Street	Full Scheme		Light-touch scheme	
	Number	%	Number	%
Roedale Road	43	68.3	20	31.7
Southmount	2	66.7	1	33.3
Stanmer Park Road	36	65.1	19	34.5
Stanmer Villas	22	46.8	25	53.2
The Crossway	0	0	4	100
The Linkway	2	66.7	1	33.3
Tintern Close	1	50.0	1	50.0
Upper Hollingdean Road	5	71.4	2	28.6
Waverley Crescent	5	31.3	11	68.8
Wigmore Close	2	66.7	1	33.3
<b>Total</b>	316	52.3	288	47.7

**Q3** If a parking scheme were to be introduced, please tell us your preference for either a Monday to Friday (5 day) or Monday to Sunday (7 day) scheme?

Monday to Friday		Monday to Sunday	
Number	%	Number	%
244	39.6	372	60.4

Street	Monday to Sunday		Monday to Friday	
	Number	%	Number	%
Adams Close	1	50.0	1	50.0
Barnett Road	28	60.9	18	39.1
Davey Drive	16	51.6	15	48.4
Dudley Road	8	16.0	42	84.0
Dunster Close	2	28.6	5	71.4

Street	Monday to Sunday		Monday to Friday	
	Number	%	Number	%
Freehold Terrace	3	60.0	2	40.0
Harrington Place	7	43.8	9	56.3
Hertford Road	16	35.6	29	64.4
Hollingbury Crescent	2	15.4	11	84.6
Hollingbury Place	4	26.7	11	73.3
Hollingbury Rise	22	71.0	9	29.0
Hollingbury Rise West	0	0	2	100
Hollingbury Road	0	0	0	0
Hollingdean Road	3	50.0	3	50.0
Hollingdean Terrace	50	44.2	63	55.8
Horton Road	8	38.1	13	61.9
Major Close	1	50.0	1	50.0
Payne Terrace	2	66.7	1	33.3
Quarry Bank Road	1	33.3	2	66.7
Roedale Road	14	21.5	51	78.5
Southmount	1	33.3	2	66.7
Stanmer Park Road	17	30.9	38	69.1
Stanmer Villas	25	52.1	23	47.9
The Crossway	2	50.0	2	50.0
The Linkway	1	33.3	2	66.7
Tintern Close	0	0	2	100
Upper Hollingdean Road	1	14.3	6	85.7
Waverley Crescent	9	56.3	7	43.8
Wigmore Close	1	25.0	3	75.0
<b>Total</b>	244	39.6	372	60.4

# APPENDIX E

## **Withdean Area Residents Parking Scheme Initial Consultation Report July 2022**

### **Background**

The council has received a number of complaints from residents about parking issues within the Withdean area.

At the Environment, Transport & Sustainability Committee in 2019 it was agreed that residents and businesses in the Withdean area would be written to, 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. This will give residents a further opportunity to decide on whether they are happy with detailed proposals and to offer further comments.

### **Headline Findings**

#### **Support for a resident parking scheme:**

- 87.5% of respondents support a residents parking scheme in the area.
- 12.5% of respondents do not support a residents parking scheme in the area

#### **Full or Light-touch scheme**

- 36.5% prefer a full scheme
- 62.5% prefer a light-touch scheme

#### **Days of Operation**

- 35.0% of respondents support a Monday to Friday scheme
- 65.0% of respondents support a Monday to Sunday scheme

### **Methodology**

Brighton & Hove City Council Land and Property Gazetteer was used to provide 181 property addresses in the proposed scheme boundary for the Withdean Area. A letter and frequently asked questions sheet were sent to each address. Respondents were invited to complete the survey and return using the pre-paid envelope. The initial consultation ran from 10 June to 10 July 2022.

### **Results**

104 were received from within the proposed scheme boundary giving a response rate of 57.5%.

**Q1 Would you like a parking scheme in your area?** (response base 104<sup>1</sup>)

Yes		No	
Number	%	Number	%
91	87.5	13	12.5

**Results on a street-by-street basis were as follows:**

Street	Number properties mailed	Number responses	Response rate %	Yes		No	
				Number	%	Number	%
Blackthorn Close	6	4	66.7	4	100	0	0
Dyke Road Place	8	4	50.0	4	100	0	0
Wayland Avenue	67	42	62.7	34	81.0	8	19.0
Wayland Heights	6	5	83.3	4	80.0	1	20.0
Withdean Avenue	35	16	17.1	14	87.5	2	12.5
Withdean Close	5	1	20.0	0	0	1	100
Withdean Road	54	32	59.3	31	96.9	1	3.1
<b>TOTAL</b>	<b>181</b>	<b>104</b>	<b>57.5</b>	<b>91</b>	<b>87.5</b>	<b>13</b>	<b>12.5</b>

<sup>1</sup> Response base = number of people answering this question

**Q2 If a parking scheme were introduced, please tell us the options you would prefer?** (Response base 101)

Option 1 – Full Scheme – Restricted parking 9am to 8pm

Option 2 – Light touch Scheme – two separate one-hour periods during the day

Full Scheme (9am to 8pm)		Light Touch (two periods during the day)	
Number	%	Number	%
38	37.6	63	62.4

Street	Full Scheme		Light-touch scheme	
	Number	%	Number	%
Blackthorn Close	0	0	4	100
Dyke Road Place	1	25.0	3	75.0
Wayland Avenue	9	22.0	32	78.0
Wayland Heights	1	20.0	4	80.0
Withdean Avenue	6	40.0	9	60.0
Withdean Close	0	0	1	100
Withdean Road	21	67.7	10	32.3
<b>TOTAL</b>	<b>38</b>	<b>37.6</b>	<b>63</b>	<b>62.4</b>

**Q3** If a parking scheme were to be introduced, please tell us your preference for either a Monday to Friday (5 day) or Monday to Sunday (7 day) scheme? (response base 100)

Monday to Friday		Monday to Sunday	
Number	%	Number	%
35	35.0	65	65.0

Street	Monday to Friday		Monday to Sunday	
	Number	%	Number	%
Blackthorn Close	1	25.0	3	75.0
Dyke Road Place	1	25.0	3	75.0
Wayland Avenue	23	57.5	17	42.5
Wayland Heights	2	40.0	3	60.0
Withdean Avenue	5	33.3	10	66.7
Withdean Close	1	100	0	0
Withdean Road	2	6.5	29	93.5
<b>TOTAL</b>	<b>35</b>	<b>35.0</b>	<b>65</b>	<b>65.0</b>

## Demographic Information

Age	Number	%
18-24	0	0
25-34	1	1.5
35-44	7	10.4
45-54	9	13.4
55-64	17	25.4
65-74	13	19.4
75+	20	29.9
<b>Total</b>	<b>67</b>	<b>100.0</b>

Gender	Number	%
Male	38	54.3
Female	32	45.7
Non-Binary	0	0
Other	0	0
<b>Total</b>	<b>70</b>	<b>100.0</b>

Do you identify as the gender you were assigned at birth?	Number	%
Yes	65	100
No	0	0
<b>Total</b>	<b>65</b>	<b>100.0</b>

Disability	Number	%
Yes, a little	10	14.1
Yes, a lot	7	9.9
No	54	76.1
<b>Total</b>	<b>71</b>	<b>100.0</b>

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

Please state the type of impairment which applies to you.	Number
Physical impairment	12
Sensory impairment	0
Learning disability/ difficulty	0
Long-standing illness	5
Mental health condition	3
Development condition	0
Autistic Spectrum	0
Other	1

Ethnic Origin		Number	%
White	White English/ Welsh/ Scottish/ Northern Irish/ British	62	88.6
	Irish	0	0
	Gypsy or Irish Traveller	0	0
	Any other white background	3	4.3
Asian or Asian British	Bangladeshi	0	0
	Indian	2	2.9
	Pakistani	0	0
	Chinese	0	0
	Any other Asian background	0	0
Black or Black British	African	0	0
	Caribbean	0	0
	Any other Black background	0	0
Mixed	Asian & White	1	1.4
	Black African & White	0	0
	Black Caribbean & White	0	0
	Any other mixed background	0	0
Any other ethnic group	Arab	1	1.4
	Any other ethnic group	1	1.4
<b>Total</b>		<b>76</b>	<b>100</b>

Sexual Orientation	Number	%
Bisexual	1	1.5
Gay Man	4	6.2
Heterosexual/ straight	59	90.8
Lesbian/ Gay Woman	1	1.5
Other	0	0
<b>Total</b>	<b>65</b>	<b>100</b>

Religious Belief	Number	%
I have no particular religion or belief	22	32.8
Buddhist	2	2.5
Christian	36	53.7
Hindu	1	1.5
Jain	0	0
Jewish	2	3.0
Muslim	1	1.5
Pagan	0	0
Sikh	0	0
Agnostic	0	0
Atheist	4	6.0
Other	0	0
Other philosophical belief	0	0
<b>Total</b>	<b>67</b>	<b>100</b>

<b>Are you a carer</b>	<b>Number</b>	<b>%</b>
Yes	9	12.5
No	63	87.5
<b>Total</b>	<b>72</b>	<b>100</b>

<b>If yes, do you care for a:</b>	<b>Number</b>
Parent	4
Partner or Spouse	5
Child with special needs	
Friend	
Other family member	
Other	

### **Armed Forces**

<b>Armed Forces</b>	<b>Yes</b>		<b>No</b>	
	<b>Number</b>	<b>%</b>	<b>Number</b>	<b>%</b>
Are you currently serving in the UK armed forces?	0	0	62	100
Have you ever served in the UK armed forces?	3	5.0	57	95.0
Are you a member of a current or former serviceman or woman's immediate family/ household?	1	1.6	60	98.4



# APPENDIX F

## Top Triangle Parking Consultation

### Background

Following Environment, Transport & Sustainability Committee approval on 16 November 2021, it was agreed to consult with residents and businesses in the Top Triangle area to find out if there was support to move these roads from Zone V (Full Scheme Monday to Sunday, 9am-8pm) into Zone S (Light touch - Monday to Friday 11am to noon and 6 to 7pm).

If there is support for a change this would be advertised on a future traffic regulation order allowing residents a further opportunity to comment on whether they are happy with the proposals.

### Headline Findings

- The consultation received a response rate of 56%
- 100 (67%) respondents support the proposal to change to Zone S (Monday – Friday 11am-Noon 6-7pm)
- 49 (33%) respondents would prefer to remain in Zone V (Monday – Sunday 9am-8pm)

### Methodology

In June 2022, the council wrote to 266 property addresses within the boundaries of the Top Triangle. Respondents were invited to complete a postal questionnaire with a prepaid reply envelope. 149 (56%) responses were received. The consultation ran from 10 June 2022 to 30 June 2022.

### Results on a street by street basis were as follows:

Street	Number properties mailed	Number responses	Response rate %	Zone S		Zone V	
				Number	%	Number	%
Arnold Street	74	37	50	20	54	17	46
Baxter Street	37	23	62	21	91	2	9
Carlyle Street	80	42	53	17	40	25	60
Cromwell Street	19	12	63	12	100	0	0
Lynton Street	56	35	63	30	86	5	14
<b>Total</b>	<b>266</b>	<b>149</b>	<b>56</b>	<b>100</b>	<b>67</b>	<b>49</b>	<b>33</b>



# Brighton & Hove City Council

## Environment, Transport & Sustainability Committee

## Agenda Item 28

**Subject:** Parking Fees & Charges Update Report

**Date of meeting:** 20<sup>th</sup> September 2022

**Report of:** Executive Director – Environment, Economy & Culture

**Contact Officer:** Charles Field  
Tel: 01273 293329  
Email: Charles.field:brighton-hove.gov.uk

**Ward(s) affected:** All

**For general release**

### 1. Purpose of the report and policy context

- 1.1 This report outlines reviews and recommendations for various requests made by Councillors at this Committee over the last year. It includes a review of variable emission charging for paid parking, motorcycle parking charging and a request for free parking on Preston Drove and Ditchling Road,

### 2. Recommendations

- 2.1 That Committee agrees that in relation to variable emissions charging further data should be collated to facilitate the development of proposals which should be reported to Committee in November 2023.
- 2.2 That Committee agrees that officers should report back to this Committee in November 2023 on the way forward for motorcycle charging.
- 2.3 That Committee notes the report in relation to free parking and that any changes to any area must be considered as part of the annual fees & charges process.

### 3. Context and background information

#### *Variable emission charging*

- 3.1 A request was made at this Committee on the 18<sup>th</sup> January 2022 for officers to provide a report on the possibility of variable emission based charging for paid parking throughout the city.
- 3.2 The proposed introduction of variable emission charging would allow the Council to alter the pricing for a Paid Parking session depending on a vehicle's fuel type and CO2 emission rating. Whether through a digital provider or at a physical machine, a lookup to DVLA records would take place at the point of transaction, using the vehicles license plate, and would

return fuel type and CO2 emissions rating. We would have control over the specific pricing and the thresholds for what pricing band a vehicle would pay, and the intent is it should make a nominal difference to the user journey in both complexity and time taken to create a parking session.

- 3.3 Significant work has been carried out over the last few months and the clearest outcome of this work is that we do not currently have Brighton & Hove specific data that would enable us to make a clear and informed decision. We are projecting the impact of any new scheme on generic, country-wide emissions data which may not be reflective of our road-users. As such, before we propose or commit to an area to introduce a new charging scheme, we propose to implement the necessary systems via PayByPhone, with the respective costs incurred, but *do not alter pricing* at this time. Instead we would collate the data and build more robust proposals and forecasts on the very real impact it would have on our road users.
- 3.4 This would effectively happen silently in the background, and would allow officers to collate and analyse actual user data for Brighton & Hove, to better evaluate the impact that any future introduction would have. This would also allow us to test the system, and the respective reporting behind it, in a safer manner that would not cause disruption to the normal service.
- 3.5 This would also allow us time for officers to consider a number of factors which include;
- The inclusion, or exclusion, of physical machines in this scheme, and the implications of both.
  - The nature of the pricing – is this a punitive measure only, or will low emission vehicles see discounts to their parking.
  - Ringfencing of surplus – if a surplus is generated through this scheme, is the intent to specifically re-invest in air quality and/or Electric Vehicle infrastructure as we move towards a Carbon Neutral City by 2030.
  - The scale of the scheme – how widespread should this new charging model be, is there a desire for a roll out over several years to the whole city, or should it be focused on those most congested areas e.g Central Brighton and Hove.
  - The agreed metrics of success – what is the underlying aim of bringing in this scheme, and how is success to be measured
- 3.6 The cost implication for a 6 month trial would be £18,000 to introduce solely through PayByPhone. This would capture, broadly, 75% of all transactions in any single area and we believe would provide a reasonable cross section of road users in the city.
- 3.7 Due to the digital nature of all things PayByPhone (PBP), the implementation is both efficient and requires no changes to any on-street signage or lining. The upfront costs simply upgrade our server access on PBP's side, with the ongoing costs reflecting the costs of a DVLA lookup for each transaction.

- 3.8 It would be sensible to propose introducing this in the areas that we are most likely to roll out an actual scheme in the near future. As such we are proposing to collate data from Areas Y & Z (Central Brighton zones) and along Madeira Drive initially. Our only consideration is to keep the total monthly transactions under 100,000 as this has a cost implication during the data collection phase.
- 3.9 Assuming this proposal is acceptable, we would seek to run this a trial for a fixed period of time, no less than 3 months, no more than 6 months. At that time, we would then propose a tariff table and the area to initially implement this charging scheme.
- 3.10 The timeframe for rolling this scheme out properly is variable as it is dependent on both the scale of the scheme and whether we eventually include physical machines in the actual proposal. However, the following is the current timetable proposed;
- Prepare and implement scheme and introduce the changes to the background app on 1st December 2022
  - Collate and analyse captured emissions data from PBP users - December 2022-September 2023.
  - Present findings and proposal paper to this Committee in November 2023 which will be ahead of and linked to the fees and charges process for 24/25.
  - Undertake necessary upgrades and modifications to physical machines and / or the PayByPhone system, where appropriate - November 2023-February 2024.
  - Introduce initial variable emission charging in agreed area with new, robust tariffs in April 2024.

### ***Motorcycle Charging***

- 3.11 Following a request for a report to consider motorcycle charging at this Committee on 18<sup>th</sup> January 2022 this has been reviewed within parking Services over the last few months. This has involved discussions across teams and updates at both the regular parking fees & charges meetings as well as the Parking Modernisation Board.
- 3.12 It has become very apparent that there are significant issues with taking this forward and this proposal will need to be considered more carefully with options for consideration coming back to this Committee next year. This would include an Equalities Impact Assessment
- 3.13 The main issue is around whether we charge motorcycles visiting an area and / or for local residents who use a motorcycle. A dual system would have added complications and lead to inconsistencies while the latter would have particular issues on how motorcycles display a permit. Another consideration is if the charging is within current motorcycle bays or we allow motorcycles to use all paid parking bays and / or resident bays as a number of residents are using the current motorcycle bays.

- 3.14 If we allowed motorcycles to purchase a resident permit and to share the same bay as vehicles there are issues with the possibility of them being damaged by vehicle movement as there is no protection when they park between cars. There is no secure way to display the permit either.
- 3.15 Allowing motorcycles to park within permit parking bays could reduce the capacity of overall residents parking. Cars generally park close to each other, and a motorcycle could reduce the ability for other vehicles to fit within the bays therefore reducing the amount of spaces to park.
- 3.16 Currently motorcycles have dedicated bays so we could restrict it to those types of bays. However, there is no secure way of affixing a permit to a motorcycle and the motorcyclist could be at risk of receiving a PCN should the permit be removed or become obscured.
- 3.17 If we allow motorcycles to park in paid bays then the only option is to use pay by phone not a machine due to the security of displaying the ticket.
- 3.18 Another consideration is how this proposal would link to secure motorcycle bays in certain locations. Would the cost be more for this type of bay or would there be an expectation that all motorcyclists would have this facility if paying? If so how do we incorporate this into the proposal i.e would all motorcycle bays require secure parking. There is a danger this could lead to the proposal being a ongoing cost to the Council due to the infrastructure required.
- 3.19 It also needs to be considered whether the cost for a permit is the same as a vehicle and should there be variable charges for higher emissions when and if that proposal is introduced (see above).
- 3.20 Officers also need to consider how motorcycle charging links to some of the system work we are currently undertaking which are necessary steps on our way to achieving our vision for the future. This includes further automation of the permit system to improve ease of use for the customer and parking staff, virtual permits and direct debit payment options. It may be that Motorcycle charging requires some of these changes before we can move forward.
- 3.21 Due to all these issues outlined it is proposed that we report back to this Committee in November 2023 alongside the update on Variable Emission Charging to discuss and agree the way forward. This would allow us to consider the issues in more detail and also link it to the updates on Variable Emission Charging and permit system modernization which may be key to taking this forward.

### **Free parking request for Preston Drove and Ditchling Road**

- 3.22 A petition was presented to this Committee on 21<sup>st</sup> September 2021 signed by 130 people. This requested to change the paid parking introduced as part of the annual fees & charges process back to free parking for visitors in Preston Drove and Ditchling Road near Fiveways.
- 3.23 It was outlined that 1 hour free parking for customers will encourage shoppers to continue to support local shops, already suffering after a year of Covid 19 related closures and that the introduction of paid parking has had a significant & detrimental impact on trade for all businesses in the area.
- 3.24 However, there is no evidence to suggest that introducing paid parking has been a factor in any reduction in trade for businesses in the area and whether this has been the case. There is no available data within the Council to compare the situation before the paid parking was introduced with the current situation to properly analyse these claims.
- 3.25 The changes in free parking to paid parking were agreed following initial discussions at the Policy & Resources (P&R) Committee on 3rd December 2020 (as well as subsequent P&R committees on 21st Jan 2021 and 11th Feb 21). This was approved by the members of the Environment, Transport & Sustainability Committee on 19th January 2021 and ultimately at Full Budget Council on 25th February 2021. This was all part of the Council's budget saving proposals for the financial year 21/22 and from a parking perspective involved over 200 different charging proposals which involved changes needed to all machines throughout the City and the IT system for PaybyPhone.
- 3.26 Following this approval the changes came into force on Monday 10th May 2021 alongside the changes to machines, signs and arrangements with the PayByPhone Contract. The increase to any charges were advertised through the legal process of a Traffic Regulation order (TRO) consultation.
- 3.27 Officers do appreciate that any increase in parking charges can be challenging for all concerned. However, as a Council and particularly as an Environment, Economy & Culture directorate we had to make significant savings for the 21/22 financial year as well as in 22/23. Within Parking Services alone this included over £2m of savings in 21/22 and over £2m again in 22/23 which has helped support other services.
- 3.28 The transition of some free parking bays across the city to paid parking supported the Council aims to reduce congestion, improve air quality and promote alternative, sustainable forms of transport by managing the high demand for parking spaces.
- 3.29 To take forward any changes from paid parking to free parking this would need to be considered as part of the annual fees & charges process. Any proposals that would lead to a cost to the Council would require the budget to be found from other savings or increased costs to mitigate this. In respect to this area it is estimated this would be in the region of £10k.

#### **4. Analysis and consideration of alternative options**

- 4.1 The main alternative options are doing nothing which would mean that the various proposals would not be taken forward / reported back to Committee or officers press ahead with proposals without proper consideration into the impacts which could lead to significant financial, IT and operational issues.
- 4.2 It is, however, recommended by officers to proceed with the recommendations for the reasons that are outlined within the report.

#### **5. Community engagement and consultation**

- 5.1 In terms of the variable emission charging and charging for motorcycle parking we would be aiming to bring back the results of the trial next year which will allow members of this Committee to determine the way forward.
- 5.2 In terms of free parking more evidence is required from businesses on the effects of paid parking for this to be considered as part of any annual fees & charges review.

#### **6. Conclusion**

- 6.1 In terms of the way forward for variable emission charging we are proposing to upgrade our PBP server access with the costs outlined and then introduce the lookup and data collation of vehicle emissions without impacting either the end user experience nor what they pay. The results can then be reported to this Committee in November 2023 to discuss and agree the way forward.
- 6.2 Due to all the issues outlined in this report as well as links to other projects and proposals officers need to report back to this Committee in November 2023 on the way forward for Motorcycle charging.
- 6.3 In terms of the free parking request notes any changes to any area that involve a cost implication need to be considered as part of the annual fees & charges process. To take this particular request forward for free parking in the Fiveways area would require more evidence and also identification of how to mitigate the cost as part of this process.

#### **7. Financial implications**

- 7.1 In respect of upgrading the PBP server to track vehicle emissions, the cost can be met from existing budgets.
- 7.2 Further investigation is required into the introduction of motorcycle charging, which will be covered by existing budgets.
- 7.3 Further investigation is required into the request to remove parking charges in the Fiveways area. As pointed out in the report, should these charges be removed as part of a future Fees and Charges Review, alternative compensatory savings of approximately £10,000 would be required

Name of finance officer consulted: Jill Scarfield Date consulted (23/08/22):

## **8. Legal implications**

- 8.1 There are no legal implications arising directly from these recommendations which set out the next steps which will need to be taken to progress a number of proposals.

Name of lawyer consulted: Alice Rowland Date consulted: 19/8/22

## **9. Equalities implications**

- 9.1 At this time, there is no equalities or accessibility impact for the introduction of vehicle emission charging in terms of this proposal. This should not have any impact on the end user, nor would it require any considerations about taking away options for the end user.
- 9.2 At this stage there are no equalities implications on the way forward for charging for motorcycling parking and this will be evaluated more closely when taking any proposal forward.

## **10. Sustainability implications**

- 10.1 The recommendations of this report will provide for a better understanding of the emissions standards of vehicles parking locally. This will allow for informed decision making on the setting of variable emission charges to incentivise the use of low emission vehicles.

## **Supporting Documentation**

1. None



# Brighton & Hove City Council

## Environment, Transport & Sustainability Committee

## Agenda Item 29

**Subject:** A259 Active Travel Scheme - Walking, Cycling and Accessibility Improvements TRO Response

**Date of meeting:** 20<sup>th</sup> September 2022

**Report of:** Executive Director Economy, Environment & Culture

**Contact Officer:** Name: James Hammond  
Tel: 01273 294 643  
Email: james.hammond@brighton-hove.gov.uk

**Ward(s) affected:** All

### For general release

#### 1. Purpose of the report and policy context

- 1.1 This report outlines the results of the Traffic Regulation Order consultation as required for alterations to the Public Highway in order to implement the Active Travel Funded A259 Walking, Cycling and Accessibility Improvement Scheme that was previously approved at ETS committee on the 15<sup>th</sup> March 2022. This report also presents the responses we received from the consultation.
- 1.2 Central 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. These policy documents have been utilised when designing the proposed improvements.

#### 2. Recommendations

- 2.1 That Committee agrees Officers have suitably addressed the objections received as part of the consultation.
- 2.2 That Committee authorises officers to commence the construction phase and to procure the Works Contract under the authority of the Executive Director.

#### 3. Context and background information

- 3.1 The Government published its Gear Change Cycling Strategy and Cycle Infrastructure Design Guidance (LTN 1/20) in July 2020. The Active Travel Fund was made available by government, over two phases to date, to help

local authorities to implement this. As part of the first phase of this scheme, temporary cycle facilities were introduced along the seafront (between West Street and Fourth Avenue) in August 2020 in order to bring the existing cycle lane into line with the new national standards. Following consultation, including through the Traffic Regulation Order (TRO) process, these temporary facilities were made permanent by ETS Committee in November 2021 and officers were instructed to develop options for permanent infrastructure and undertake further consultation for the second phase of the scheme.

- 3.2 Officers undertook this further consultation for phase two of this scheme which was presented and approved at ETS Committee in March 2022. Officers then proceeded with the additional consultation required as part of the Traffic Regulation Order process.
- 3.3 Locally, the new Local Transport Plan 5 (LTP5) contains objectives to support access around the city more safely, sustainably and easily. One of the key principles is shifting how people travel – broadly prioritising walking and cycling for shorter journeys and public transport for longer journeys. The Local Cycling and Walking Infrastructure Plan (LCWIP) is also in development and identifies high priority strategic routes in the city for improvement, including all the routes being taken forward in the Active Travel Fund such as the A259. The LCWIP will strategically set out a network for active travel improvements in the city and will assist the Council in seeking funding for improvements.
- 3.4 In addition, the Council has committed to being net carbon neutral by 2030, the Carbon Neutral Program 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.
- 3.5 The citizens' Climate Assembly, held in autumn 2020, noted a representative group of residents' own recommendations for improvement. These included 'cyclists should be prioritised over cars through well designed cycle networks that are safe and practical for day-to-day use as well as leisure' and the 'creation of healthier low traffic/pedestrianised communities'
- 3.6 The A259 scheme was originally consulted on in February 2021 and the results of this were brought to the ETS committee in July 2021. Members requested a further consultation on the detailed design of this scheme, which was subsequently conducted between November 2021 to January 2022 and the results are outlined below.

#### **4. Analysis and consideration of alternative options**

- 4.1 These plans were developed in combination of two rounds of public consultation and stakeholder engagement. After presenting the initial plans to ETS committee in July 2021 a further design process was undertaken. An additional public consultation was then conducted between November 2021 and January 2022. The designs were then developed further and the final results including consultation feedback was presented to ETS committee in March 2022.

- 4.2 The ETS committee approved the scheme and accepted recommendation by officers to proceed to the Traffic Regulation Order process.
- 4.3 The planned changes to the Public Highway were advertised through the TRO process for which the results are summarised below. There are also full details of the feedback from this process in Appendix 3 of this report.
- 4.4 The detail design includes the following
- Reallocation of a general lane of traffic to form the extension of the westbound cycle lane on the A259, with cyclists separated from motor vehicles from Fourth Avenue to Wharf Road.
  - Removal of the bus stop at Westbourne Villas South
  - Introduction of a Bus Boarder Hybrid Solution at bus stops along the route.
  - Improve visibility sight lines for pedestrians exiting from side access road by the West Hove Lawns.
  - Increase of 26 parking spaces for Blue Badge Holders.
  - Provision of around 70 cycle parking spaces, 10% of which will provide for specially adapted bicycles.
  - Additional pedestrian space, including potential for outside seating along Victoria Terrace of circa 100m<sup>2</sup>
  - Raised Table junctions on Medina Terrace, Sussex Road and King's Esplanade to improve pedestrian access.
  - Dropped Kerbs to assist wheelchair users, mobility scooter, pushchairs and all pedestrians.
  - 3 new loading bays in Victoria Terraces and the Kings Esplanade.
- 4.5 For further detail and analyses on the designs please refer to the March ETS committee report.

## **5. Community engagement and consultation**

- 5.1 In total we received 48 responses to the Traffic Regulations Order consultation. Including 13 objections, 34 comments of support and 1 general comment. Due to the level of objections exceeding 5 it is required that officers bring this matter to ETS committee for a decision.
- 5.2 The 1 neutral comment we received was from the HourBike who manages and maintains the city's BikeHire scheme. Their concern was that servicing access was not provided for cycle hire station by the King Alfred Car Park. Officers will investigate if this can be achieved.
- 5.3 Of the 13 objections received most were related to the Disabled Parking Bay operations. The largest number of objections were from people asking for the new disabled bays along the Kings Esplanades and by the King Alfred to be limited to a max stay. While we understand there is a concern that people may camp out in these bays. The Organisation BADGE, who represent many disabled car drivers in the city, have requested that no time restriction be placed on these new disabled parking bays.
- 5.4 It has been said that time restriction unfairly restricts disabled access to the seafront. Some users of these bays have complicated access needs and it can take time to setup and settle on the beach. A 4 hour restriction would

significantly restrict the amount of time these users would have to enjoy the seafront.

- 5.5 The next two biggest concerns from feedback also relate to the disabled parking bays unrestricted times and concern they will be misused by campervan owners. As previously stated while we understand this is a concern we feel allowing unrestricted access to disabled users is of a higher priority. We shall monitor the situation moving forward and make further recommendation should this become a significant issue.
- 5.6 From comments of support, the largest number of comments were related to improvements to road safety, with 15 people raising this. 13 people commented they felt the scheme will encourage more people to cycle. After that there are comments about the city's "Increasing demand for cycling infrastructure", "faster journeys/less interruptions in journeys for cyclists" and "more attractive street environment" with 11, 8 and 6 comments respectively.

## **6. Conclusion**

- 6.1 Concerns about campervans shall be closely monitored and officers will make recommendations to mitigate the situation should this become a significant issue.
- 6.2 Due to the significant support we received from the TRO consultation officers recommend we proceed with the A259 walking, cycling and accessibility scheme and seek authority to commence the construction phase and to procure the Works Contract under the authority of the Executive Director.

## **7. Financial implications**

- 7.1 The proposed works are estimated to cost £0.475m which is expected to be spent during 2022/23. This will be funded using £0.171m allocated within the Active Travel Fund Tranche 2 grant and £0.304m from the 2022/23 Local Transport Plan (LTP) capital allocation for 2022/23.
- 7.2 The estimated impact on income due to the removals and changes to parking bays is £0.0011m. This will be reflected in parking income projections within the Targeted Budget Management reports to Policy & Resources committee during 2022/23 and built into future year's budget setting.

Name of finance officer consulted: James Hengeveld  
Date consulted: 05/08/2022

## **8. Legal implications**

- 8.1 The Traffic Regulations Orders required as a result of the detailed design are subject to the statutory processes set out in the Road Traffic Regulation Act 1984 and the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996

Name of lawyer consulted: Alison Gatherer Date consulted (01/09/22):

## **9. Equalities implications**

- 9.1 Statutory guidance from Department for Transport (DfT) updated in February 2021 reiterates that the public sector equality duty continues to apply as Local Authorities make changes to their road networks in response to Covid 19. The Council must ensure that elements of a scheme do not discriminate, directly or indirectly, and must consider their duty to make reasonable adjustments anticipating the needs of those with protected characteristics. The guidance 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.
- 9.2 DfT's Local Transport Note 1.20 (LTN1/20) which sets the standards for cycling design, and which Local Authorities receiving the Active Travel Fund Tranche 2 funding must abide by, states: (4.5.11): Local authorities are bound by the Equality Act 2010 in discharging their functions, which includes managing their road networks. Designers should provide infrastructure that is accessible to all, and the dimensions and other features set out in this guidance should help ensure that their designs comply with the Public Sector Equality Duty.
- 9.3 Officers have conducted an overarching Equality Impact Assessment (EqIA) for the Active Travel Fund schemes. We have also consulted with various disabled groups from across the country and locally including guide dogs for the blind, Badge and Possibility People.
- 9.4 These proposals would see all crossing points in the area brought up to disabled compliant standards. Additional footway to provide better and easier access to those with disabilities. 27 additional motor vehicle disabled parking spaces, on top of the 5 additional disabled bays recently included in as part of phase one and disabled accessible cycle parking.
- 9.5 Working with Possibility People a group that represents disabled persons, we ask them to produce a accessibility Audit for the area around Victoria Terrace and Kings Esplanade. They were able to provide us with a long list of issue with accessibility for persons with disabilities, through working with our design team we have been able to find solutions to the majority of issues raised.
- 9.6 As part of this scheme we will be able to bring many areas and crossing into line with national standard to provide accessible crossing, accessible footway, disabled compliant cycle lanes and significant increase in disabled motor vehicle parking.

## **10. Sustainability implications**

- 10.1 The measures will improve the transport network for sustainable modes of transport by reallocating road space. This will give opportunities for more people to switch to low carbon modes of transport from single occupancy car use.

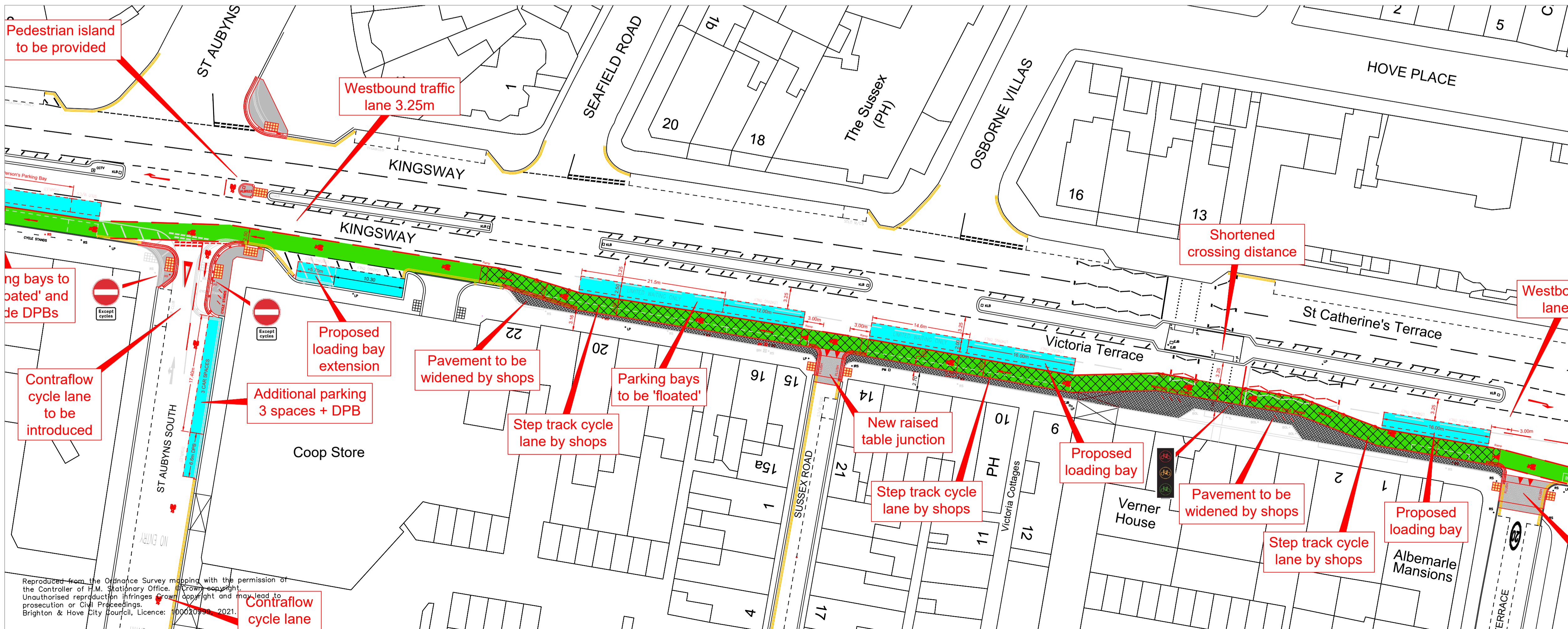
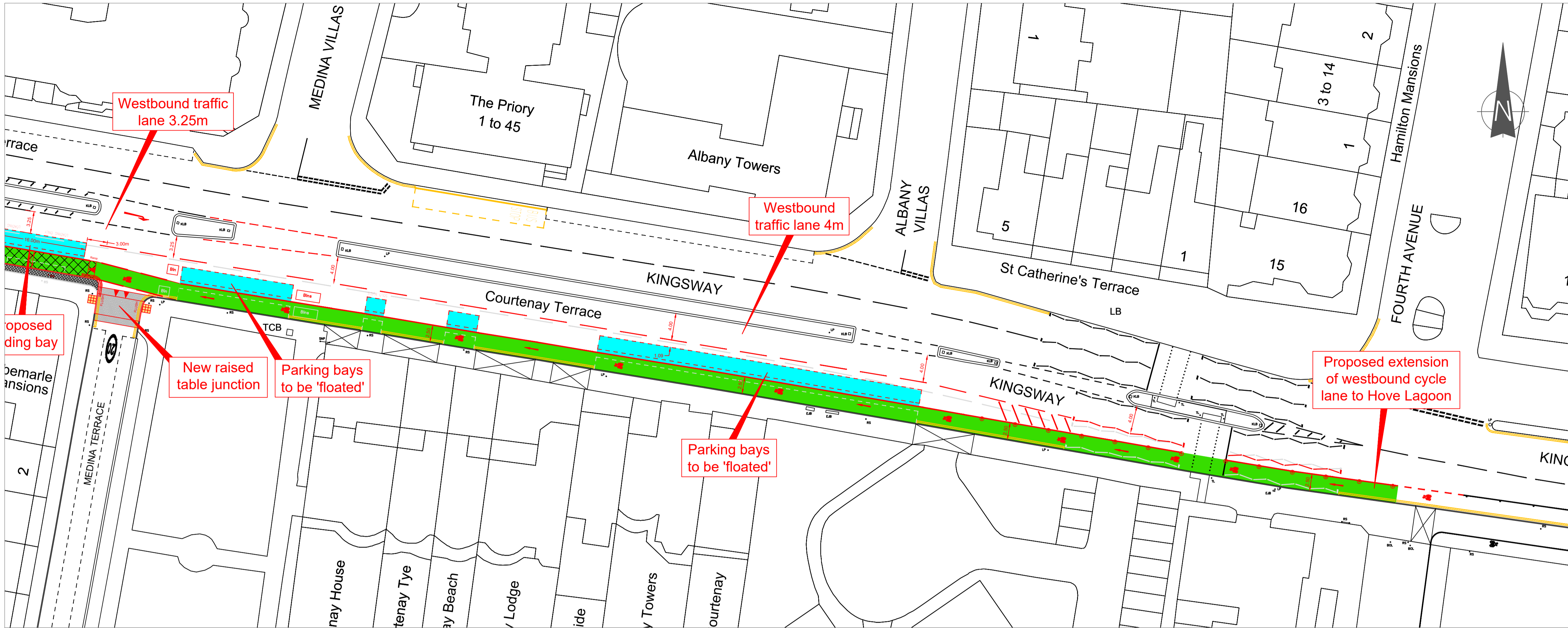
## **11. Public health implications:**

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

## **Supporting Documentation**

### **1. Appendices**

- 1. Appendix 1: A259 Active Travel Scheme – Detailed Design Pack.pdf
- 2. Appendix 2: A259 Active Travel Scheme – Parking Loss Summary
- 3. Appendix 2: A259 Active Travel Scheme – Consultation Report



- KEY
- PROPOSED CYCLE LANE
  - PROPOSED LINE MARKINGS
  - PROPOSED FLOATING PARKING BAYS
  - PROPOSED SAFETY PROTECTION WANDS FOR CYCLISTS
  - PROPOSED FLOATING PARKING BAYS WITH SAFETY BUFFER
  - PROPOSED PAVEMENT BUILDOUT
  - PROPOSED CYCLE PARKING HUB
  - PROPOSED BUS BORDER
  - BUS STOP CAGE WITH CLEARWAY
  - EXISTING DRIVEWAY

- NOTES
- All dimensions are in metres unless otherwise specified.
  - Do not scale from this drawing.
  - Key design elements:
    - 2.5m wide westbound cycle lane.
    - 3.25m single traffic lane.
    - 2.5m parking / loading bays (including buffer).
    - 0.5m buffer between parking bays and cycle lane.

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

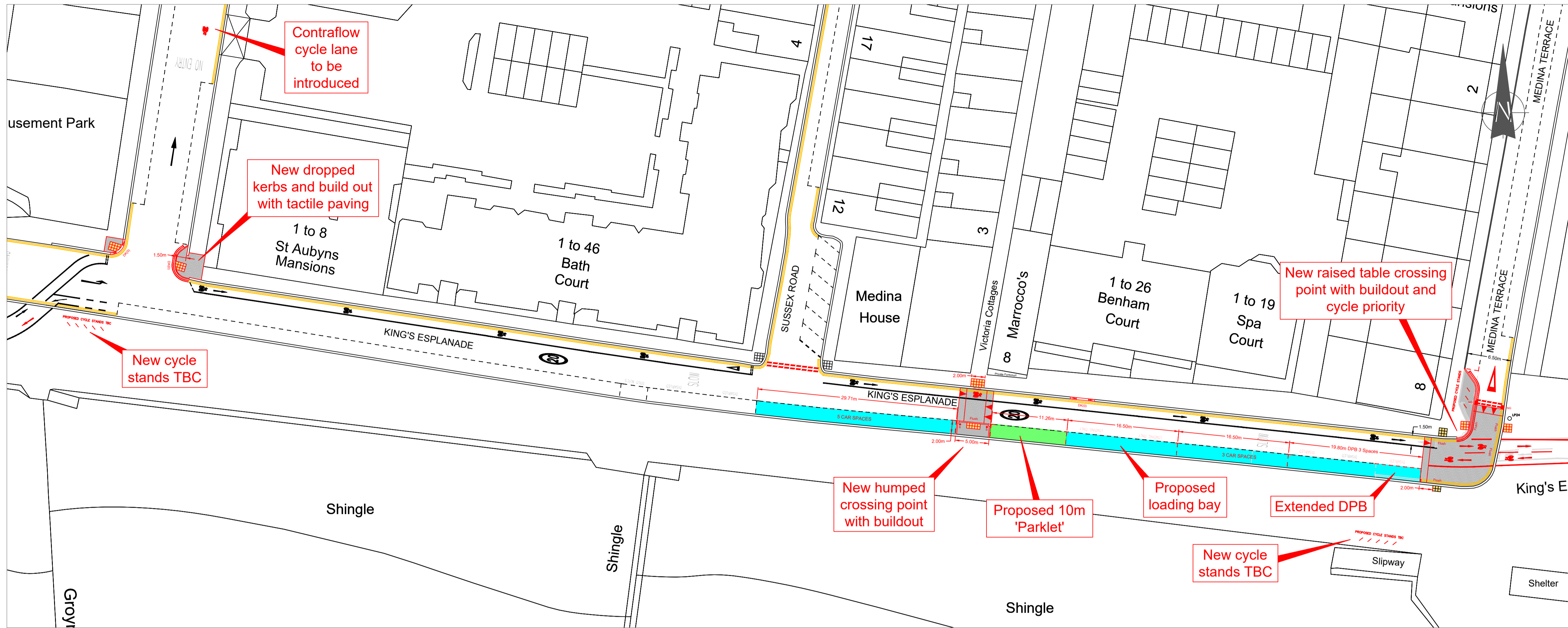
Drawn:	Signed:	Date
Ben Stride	Ben Stride	February 2022
Checked:		September 2021
CHECKED		DATE
Approved:		DATE
APPROVED		
File/Acad ref:	S:\	



Project Name  
Walking, Cycling and  
Accessibility Improvements

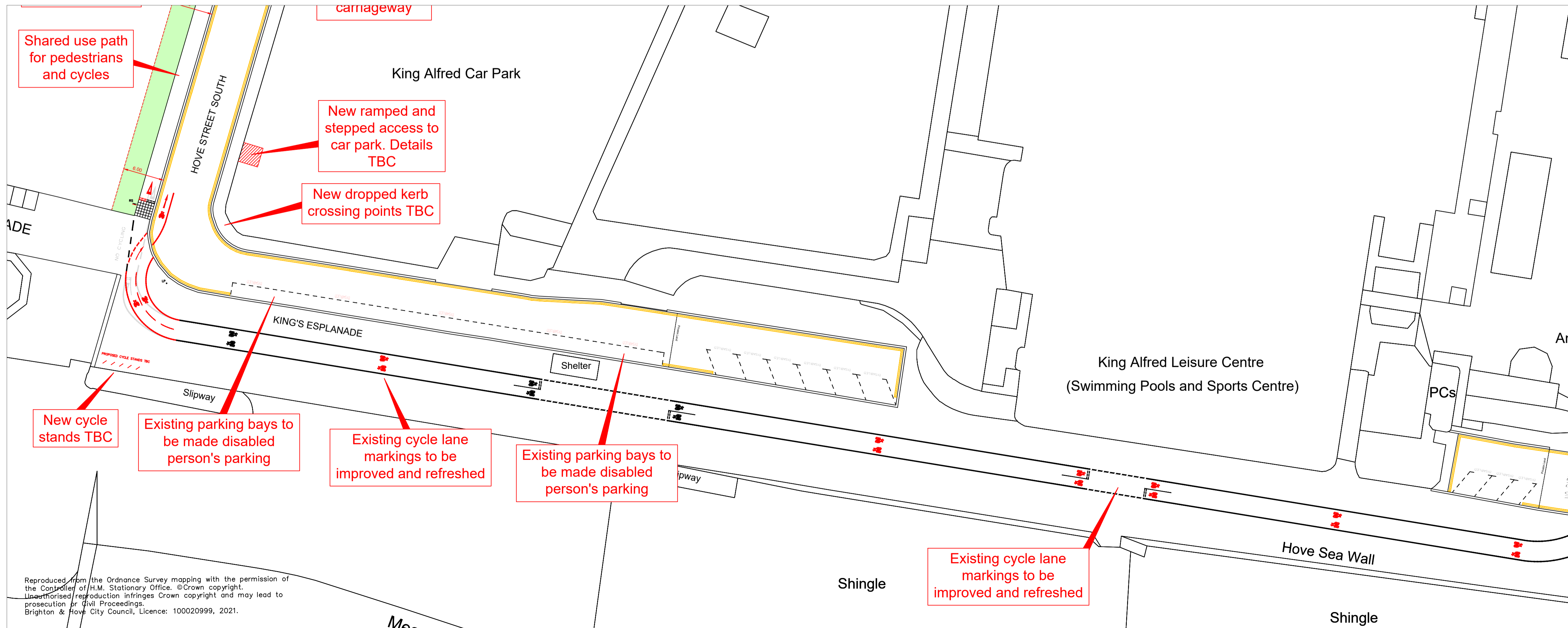
Drawing Title  
A259 Seafront, Hove  
Detail Drawing 1 of 6

Drawing No HD-BHCC-BAS-A259/01D	Scale 1:350 @ A1	Rev D
------------------------------------	---------------------	----------



- KEY
- PROPOSED CYCLE LANE
  - PROPOSED LINE MARKINGS
  - PROPOSED FLOATING PARKING BAYS
  - PROPOSED SAFETY PROTECTION WANDS FOR CYCLISTS
  - PROPOSED FLOATING PARKING BAYS WITH SAFETY BUFFER
  - PROPOSED PAVEMENT BUILDOUT
  - PROPOSED CYCLE PARKING HUB
  - PROPOSED BUS BORDER
  - BUS STOP CAGE WITH CLEARWAY
  - EXISTING DRIVEWAY

- NOTES
- All dimensions are in metres unless otherwise specified.
  - Do not scale from this drawing.
  - Key design elements:
    - 2.5m wide westbound cycle lane.
    - 3.25m single traffic lane.
    - 2.5m parking / loading bays (including buffer).
    - 0.5m buffer between parking bays and cycle lane.



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

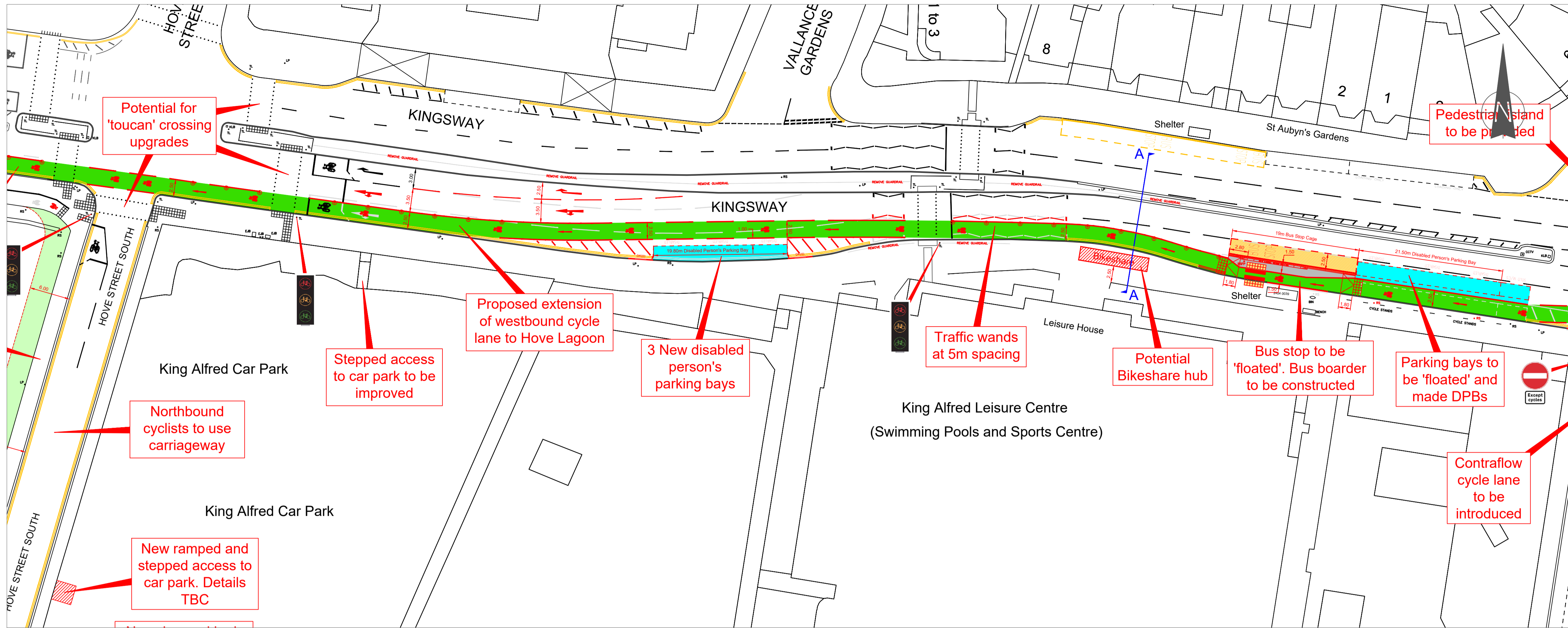
Drawn:	Signed	Date
Designed:	Ben Stride	February 2022
Checked:	Ben Stride	September 2021
Approved:	CHECKED	DATE
File/Acad ref:	APPROVED	DATE



Project Name  
Walking, Cycling and Accessibility Improvements

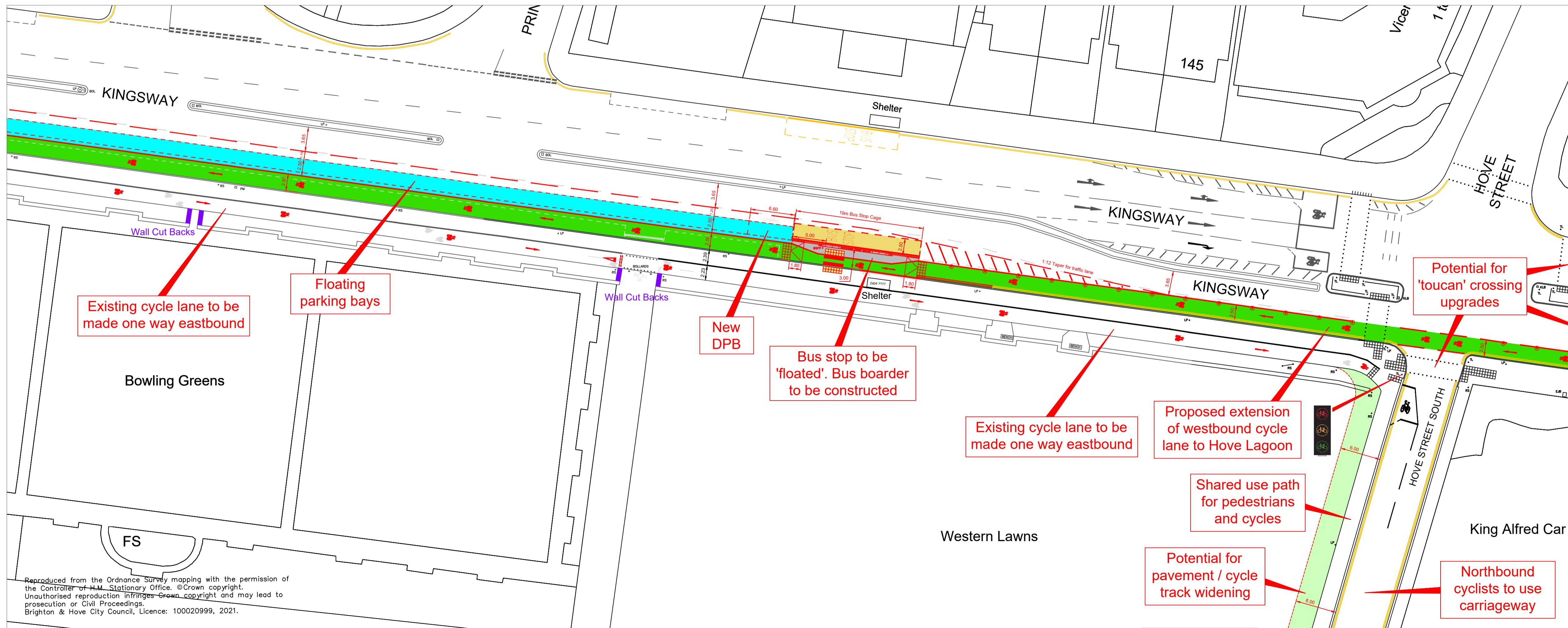
Drawing Title  
A259 Seafront, Hove  
Detail Drawing 2 of 6

Drawing No HD-BHCC-BAS-A259/02D	Scale 1:350 @ A1	Rev D
------------------------------------	---------------------	----------



- KEY
- PROPOSED CYCLE LANE
  - PROPOSED LINE MARKINGS
  - PROPOSED FLOATING PARKING BAYS
  - PROPOSED SAFETY PROTECTION WANDS FOR CYCLISTS
  - PROPOSED FLOATING PARKING BAYS WITH SAFETY BUFFER
  - PROPOSED PAVEMENT BUILDOUT
  - PROPOSED CYCLE PARKING HUB
  - PROPOSED BUS BORDER
  - BUS STOP CAGE WITH CLEARWAY
  - EXISTING DRIVEWAY

- NOTES
- All dimensions are in metres unless otherwise specified.
  - Do not scale from this drawing.
  - Key design elements:
    - 2.5m wide westbound cycle lane.
    - 3.25m single traffic lane.
    - 2.5m parking / loading bays (including buffer).
    - 0.5m buffer between parking bays and cycle lane.



Rev	Revision details	Date
1	Information	February 2022
2	Design	September 2021
3	AS-BUILT	DATE

Drawn:	Signed:	Date:
Designed:	Ben Stride	February 2022
Checked:	Ben Stride	September 2021
Approved:	CHECKED	DATE
File/Acad ref:	APPROVED	DATE

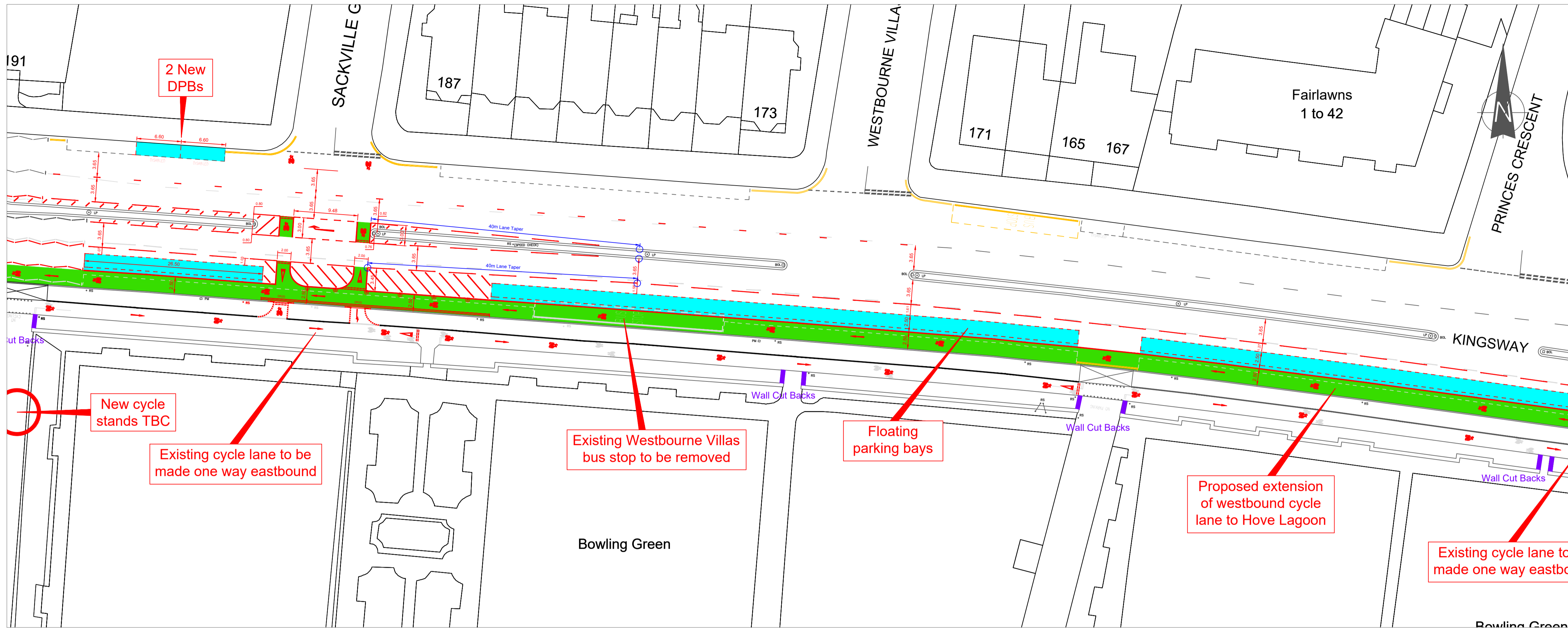


Project Name  
Walking, Cycling and Accessibility Improvements

Drawing Title  
A259 Seafront, Hove  
Detail Drawing 3 of 6

Drawing No HD-BHCC-BAS-A259/03D	Scale 1:350 @ A1	Rev D
------------------------------------	---------------------	----------

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office. © Crown copyright. Unauthorised reproduction in any form is prohibited and may lead to prosecution or Civil Proceedings. Brighton & Hove City Council, Licence: 100020999, 2021.

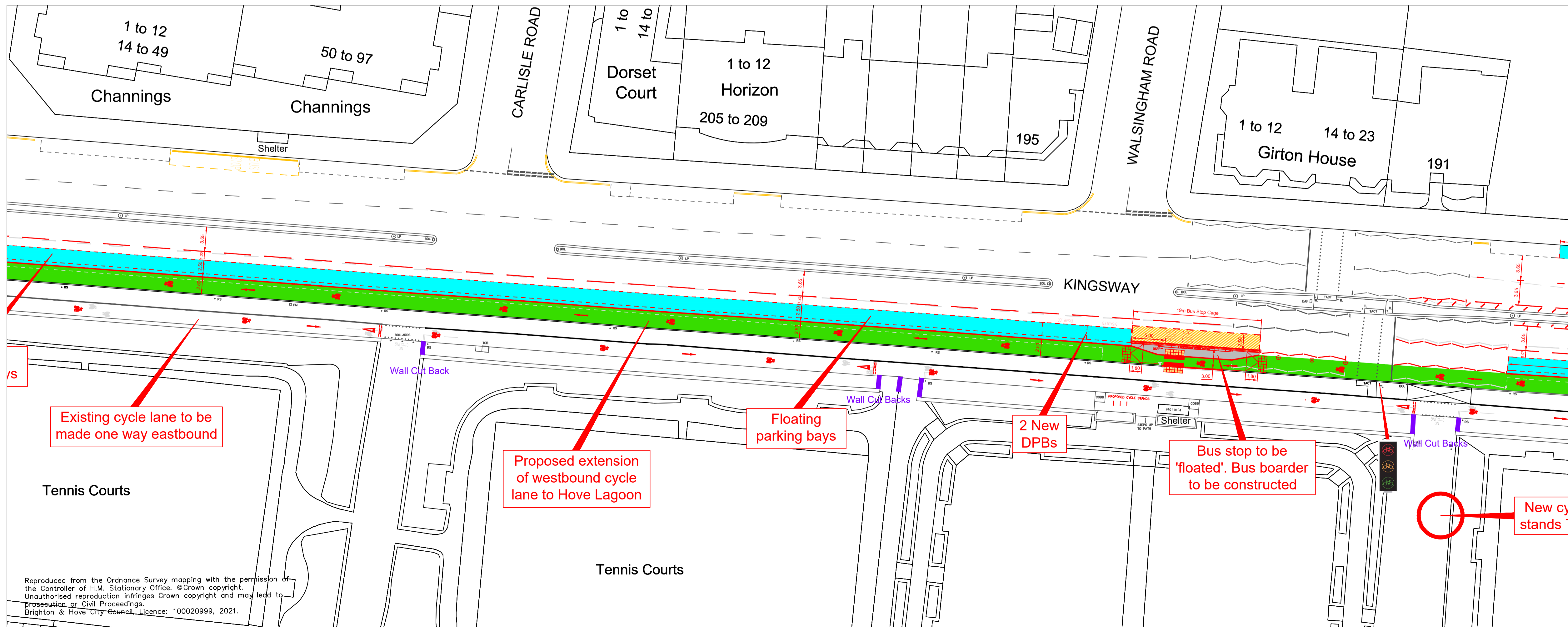


KEY

- PROPOSED CYCLE LANE
- PROPOSED LINE MARKINGS
- PROPOSED FLOATING PARKING BAYS
- PROPOSED SAFETY PROTECTION WANDS FOR CYCLISTS
- PROPOSED FLOATING PARKING BAYS WITH SAFETY BUFFER
- PROPOSED PAVEMENT BUILDOUT
- PROPOSED CYCLE PARKING HUB
- PROPOSED BUS BORDER
- BUS STOP CAGE WITH CLEARWAY
- EXISTING DRIVEWAY

NOTES

- All dimensions are in metres unless otherwise specified.
- Do not scale from this drawing.
- Key design elements:
  - 2.5m wide westbound cycle lane.
  - 3.25m single traffic lane.
  - 2.5m parking / loading bays (including buffer).
  - 0.5m buffer between parking bays and cycle lane.

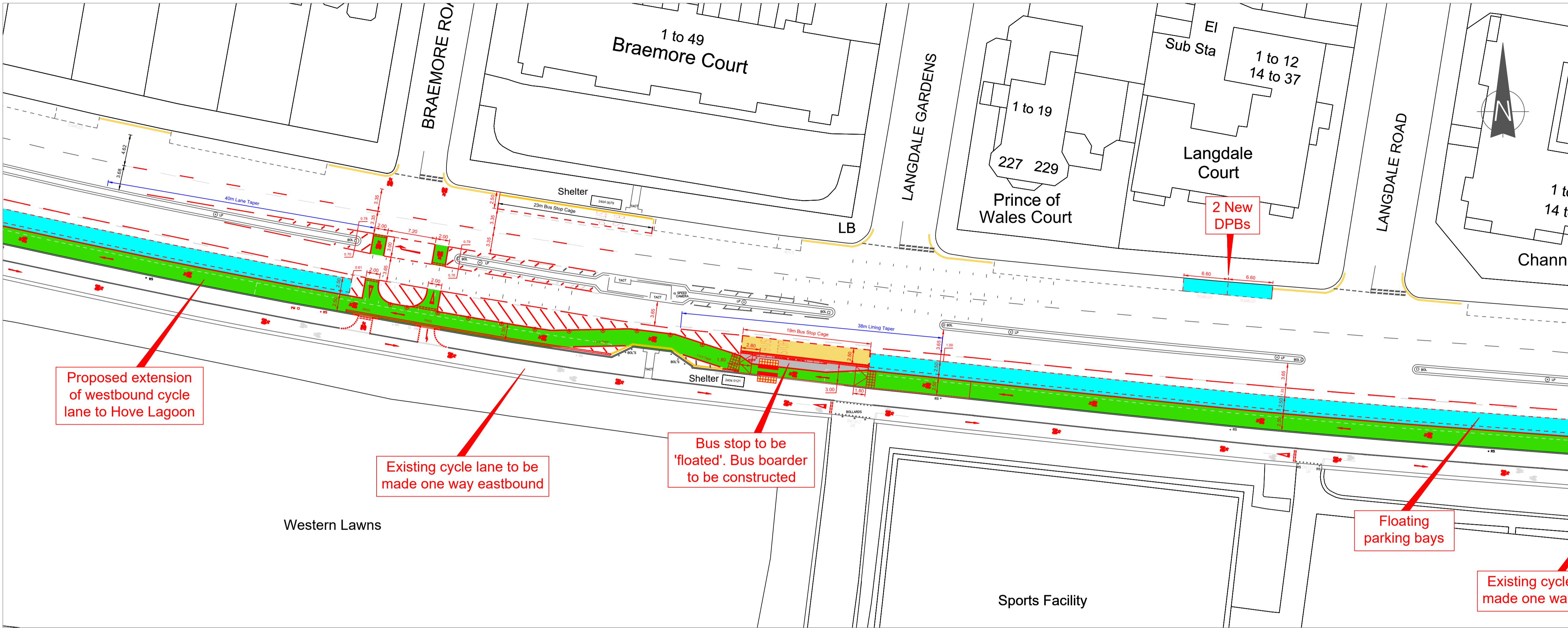


Rev	Revision details		Date
Status: (tick ✓ as appropriate)			
INFORMATION	<input type="checkbox"/>	SURVEY	<input type="checkbox"/>
DESIGN	<input checked="" type="checkbox"/>	TENDER	<input type="checkbox"/>
AS-BUILT	<input type="checkbox"/>		
		FEASIBILITY	<input type="checkbox"/>
		WORKING DRAWINGS	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

Drawn:	Signed:	Date
Ben Stride	Ben Stride	February 2022
Checked:	CHECKED	September 2021
Approved:	APPROVED	DATE
File/Acad ref:	S:\	

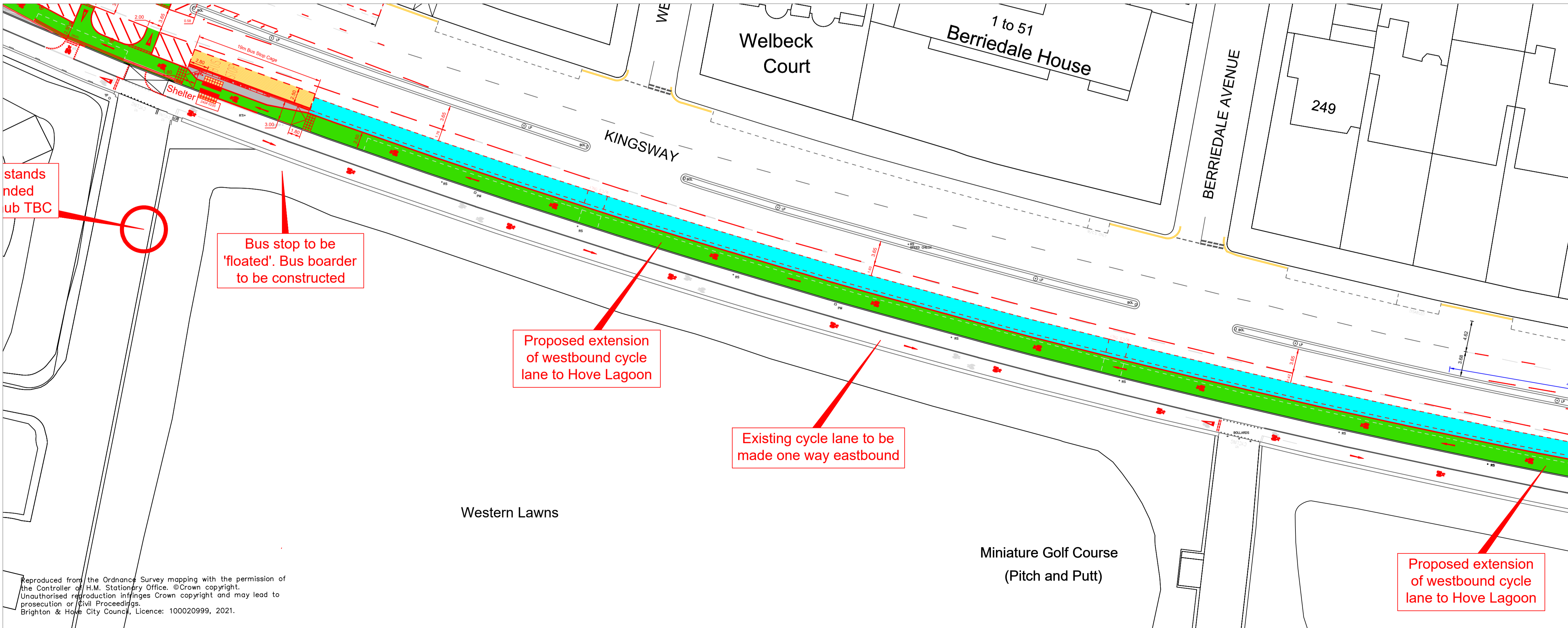


Project Name	Walking, Cycling and Accessibility Improvements	
Drawing Title	A259 Seafront, Hove Detail Drawing 4 of 6	
Drawing No	HD-BHCC-BAS-A259/04D	Scale
		1:350 @ A1
Rev	D	



- KEY
- PROPOSED CYCLE LANE
  - PROPOSED LINE MARKINGS
  - PROPOSED FLOATING PARKING BAYS
  - PROPOSED SAFETY PROTECTION WANDS FOR CYCLISTS
  - PROPOSED FLOATING PARKING BAYS WITH SAFETY BUFFER
  - PROPOSED PAVEMENT BUILDOUT
  - PROPOSED CYCLE PARKING HUB
  - PROPOSED BUS BORDER
  - BUS STOP CAGE WITH CLEARWAY
  - EXISTING DRIVEWAY

- NOTES
- All dimensions are in metres unless otherwise specified.
  - Do not scale from this drawing.
  - Key design elements:
    - 2.5m wide westbound cycle lane.
    - 3.25m single traffic lane.
    - 2.5m parking / loading bays (including buffer).
    - 0.5m buffer between parking bays and cycle lane.



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

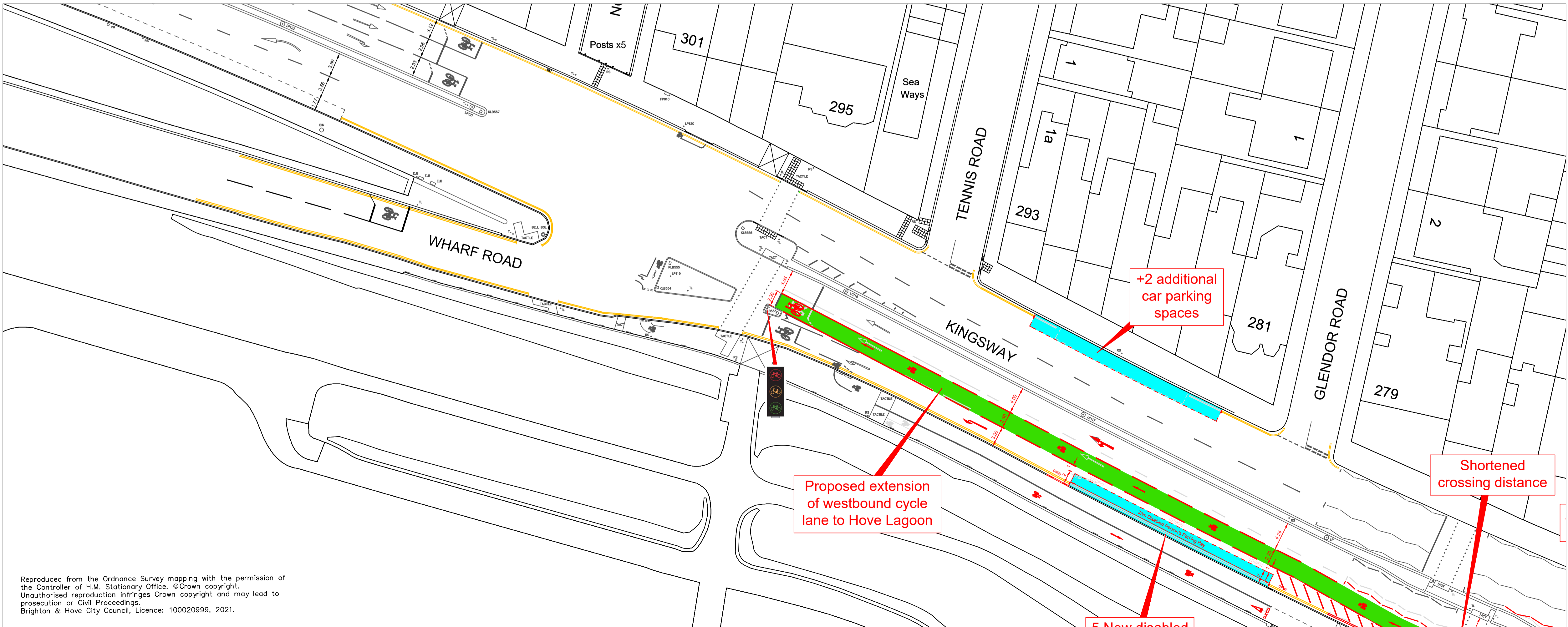
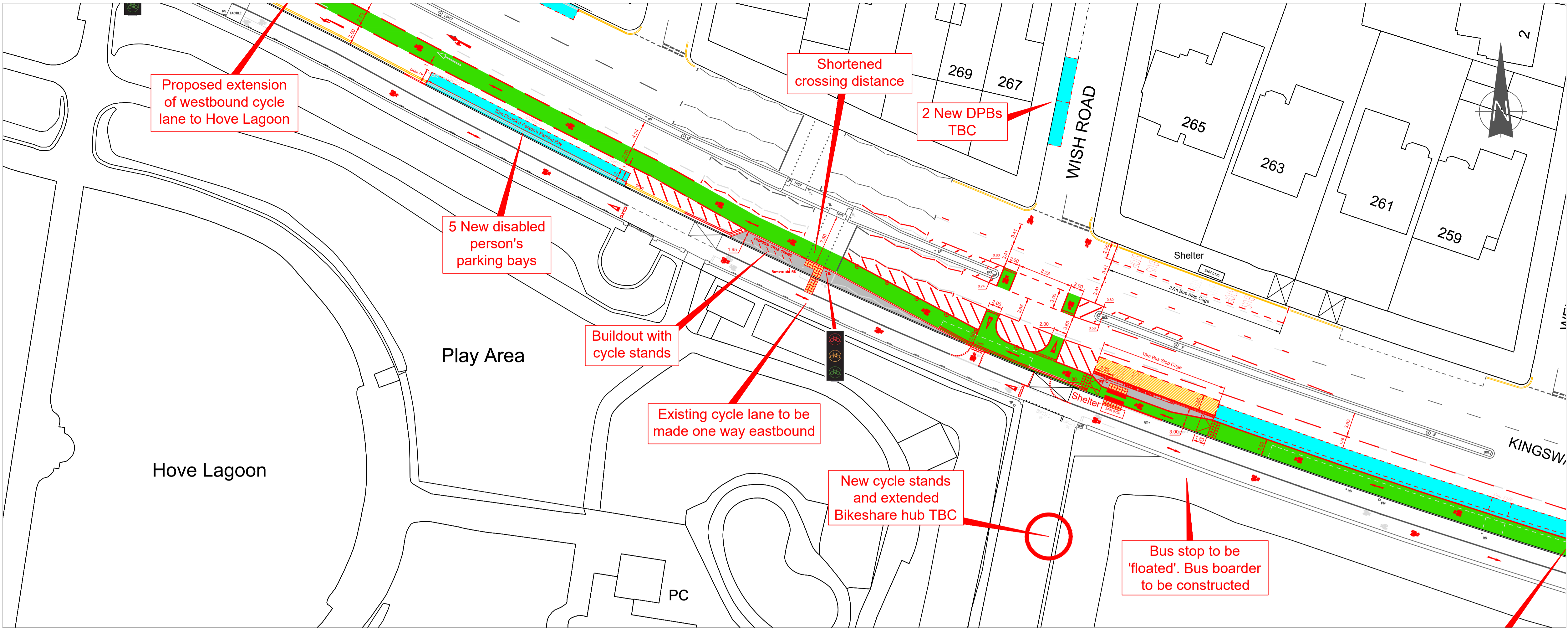
Drawn:	Signed: Ben Stride	Date: February 2022
Designed:	Ben Stride	September 2021
Checked:	CHECKED	DATE
Approved:	APPROVED	DATE
File/Acad ref:	S:\	



Project Name	Walking, Cycling and Accessibility Improvements
Drawing Title	A259 Seafront, Hove Detail Drawing 5 of 6

Drawing No HD-BHCC-BAS-A259/05D	Scale 1:350 @ A1	Rev D
------------------------------------	---------------------	----------

Reproduced from the Ordnance Survey mapping with the permission of the Controller of H.M. Stationery Office. © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Brighton & Hove City Council, Licence: 100020999, 2021.



- KEY
- PROPOSED CYCLE LANE
  - PROPOSED LINE MARKINGS
  - PROPOSED FLOATING PARKING BAYS
  - PROPOSED SAFETY PROTECTION WANDS FOR CYCLISTS
  - PROPOSED FLOATING PARKING BAYS WITH SAFETY BUFFER
  - PROPOSED PAVEMENT BUILDOUT
  - PROPOSED CYCLE PARKING HUB
  - PROPOSED BUS BORDER
  - BUS STOP CAGE WITH CLEARWAY
  - EXISTING DRIVEWAY

- NOTES
- All dimensions are in metres unless otherwise specified.
  - Do not scale from this drawing.
  - Key design elements:
    - 2.5m wide westbound cycle lane.
    - 3.25m single traffic lane.
    - 2.5m parking / loading bays (including buffer).
    - 0.5m buffer between parking bays and cycle lane.

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

Drawn:	Signed: Ben Stride	Date: February 2022
Designed:	Ben Stride	September 2021
Checked:	CHECKED	DATE
Approved:	APPROVED	DATE
File/Acad ref:	S:\	



Project Name  
Walking, Cycling and Accessibility Improvements

Drawing Title  
A259 Seafront, Hove  
Detail Drawing 6 of 6

Drawing No HD-BHCC-BAS-A259/06D	Scale 1:350 @ A1	Rev D
------------------------------------	---------------------	----------

## A259 Walking, Cycling and Accessibility Scheme

### Parking Bay Alterations Summary and Financial Break Down

Parking Allocation	Loss	Gain	Total
Pay & Display	18	16	-2
Permit Holders (Zone N)	4	3	-1
Permit Holders (Zone W)	3	2	-1
Share Pay & Display/ Permit Holders (Zone N)	30	0	-30
Disabled Bays	0	27	+27
Loading Bays (one unit for every 5.5metre of loading space)	0	13	+13 (equating to 4 individual loading bays)

Finance Parking impact Summary		
Area	Max Loss of income	Estimated Loss of Income
Kings Esplanade	£16,800	£10,080
Victoria Terrace	£3,973	£795
King's Way Hove Street – Wharf Road	No meaningful loss expected	No meaningful loss expected
Total Loss	£20,773	£10,875

<b>A259 Walking, Cycling and Accessibility Scheme Parking Bay Alterations Break Down</b>		
<b>Location</b>	<b>Bays Lost</b>	<b>Bays Gained</b>
Medina Terrace	-1 Permit Holder (N)	
Kings Esplanade East	-6 Shared Pay and Display / Permit Holders (N)	+1 Disabled Bay +3 Loading Bays
Kings Esplanade West	-12 Shared Pay and Display / Permit Holders (N)	+10 Disabled Bays
St Aubyns South		+1 Disabled Bay +3 Permit Holders (N)
Victoria Terrace East	-2 Permit Holders (N)	+3 Loading Bays
Victoria Terrace Middle	-6 Shared Pay and Display / Permit Holders (N)	+3 Pay and Display +3 Loading Bays
Victoria Terrace West	-6 Shared Pay and Display / Permit Holders (N)	+4 Pay and Display
Victoria Terrace Coop		+1 Loading Bay
King Alfred East	-1 Permit Holder (N)	+1 Disabled Bay
King Alfred Entrance		+2 Disabled Bays +3 Loading Bay
Kingsway / Hove Street Bus Stop		+1 Disabled Bay +1 Pay and Display
Kingsway / Sackville Gardens Bus Stop and Junction	-6 Pay and Display	+6 Pay and Display
Kingsway / Rockwater	-1 Pay and Display	+2 Disabled Bays

Kingsway / Langdale Gardens Bus Stop	-1 Pay and Display	
Kingsway / Langdale Court	-2 Permit Holders (W)	+2 Disabled Bays
Kingsway / Braemore Road Junction	-8 Pay and Display	
Kingsway / Wish Road Bus Stop and Junction	-2 Pay and Display	+2 Pay and Display
Wish Road	-1 Permit Holder (W)	+2 Disabled Bays
Kingsway / Hove Lagoon South Side		+5 Disabled Bays
Kingsway / Hove Lagoon North Side		+2 Permit Holders (W)
<b>TOTALS</b>	<b>55 Spaces</b>	<b>59 Spaces</b>



## A259 walking, cycling and aseasonality Improvement scheme

### Traffic Regulation Order Consultation Summary August 2022

#### Contents

1. Summary
2. Support Comments
3. Objection Comments
4. Neutral Comment

#### 1. Summary

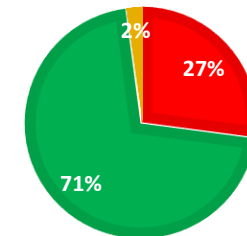
In total we received 48 responses to the Traffic Regulation Order consultation. There were 13 objections, 34 comments of support and 1 general comment.

Below is all the comments in full with a summary of the theme of each comment followed by Officer recommendation. For comments of support this has been taken as a support to proceed with the project, but additional suggestions have been noted and will be included where possible in future scheme.

Where we have received objection, this feedback has been carefully considered and a response given.

#### TRO-25-2022 A259 - TRO COMMENTS - RESPONSE BREAKDOWN

■ Objects ■ Support ■ Comment only



## 2. Support Comments

Object/Support	Comment	Key Points of Comment	Officer Recommendation
SUPPORT	This is long overdue. The demand for cycling and infrastructure in Hove increases daily, witness the oversubscription for cycle hangers. Capacity needs to be urgently increased along Kingsway to prevent conflict with pedestrians and keep residents safe when cycling longer distances. Without this addition the whole notion of a "cycling network" is called into question. With the redevelopment of Hove Lagoon area to come, there will need to be much more capacity for both cycling and walking in this area.	Increasing demand for cycling infrastructure Lower risk of conflict between pedestrians and cyclists Meets objective for building a true cycling network	Approve scheme
SUPPORT	We as Living Streets B & H support the proposals for the changes being made to the A259 including the new cycle lane. The proposals described in these TROs include several very welcome changes that will make the road safer and more attractive for pedestrians including the removal of pedestrian railings. However, we do have some concerns. Firstly, we continue to have concerns about the bus boarders proposed along the route, which can often be dangerous and frightening for pedestrians unless there are adequate controls on cyclists to stop them cycling through when people are getting on and off buses. And, secondly, cycling contraflows can also be dangerous and frightening for pedestrians if they are not supported by adequate signage warning pedestrians - not just drivers - that cyclists could be approaching from the 'wrong' - or at least unexpected - direction. With those caveats, we support the proposals which should improve this section of the seafront road.	Road safety improvement More attractive street environment Removal of barriers to pedestrians Risk of collision between pedestrians and cyclists at floating bus stops Concerns regarding cyclists moving against 'typical' flow of traffic	Approve scheme

SUPPORT	<p>It's a bit hard to tell as there is no key on the plans but the cycle lane does look safe (for children and older adults, disabled people etc, who are excluded from a lot of poor quality infrastructure), as I think there are wands and so I'm broadly in support. It would be great if it could be extended: widened further and made two-way, with the existing cycle lane on the pavement removed completely (similar to the Madeira Drive scheme) as the pavement sharing lane is not great (collisions with pedestrians an ongoing concern). Please consider extending it to Portslade!! We have no safe cycle infrastructure at all. My ride home from Brighton is nice for a bit and then all the cycle lanes just disappear!</p>	<p>Road safety improvement Improvements for disabled people (Inclusive Access) Improvements to existing cycle lane provision Concerns over collision risk of cycle lane on pavement</p>	Approve scheme
SUPPORT	<p>We need to provide safe ways for people to cycle in Brighton &amp; Hove and beyond to Shoreham/Worthing. This cycle lane should provide that link from where the existing cycle lane ends at Fourth Avenue. The cycle lane should help to reduce carbon emissions in town. The design also needs a safe way to get to the lane by bicycle from every main road and side road along Kingsway to make it accessible to all in Hove and Brighton and to ease convenience to use it.</p>	<p>Improvements in air quality / lower carbon emissions Meets objective for building a true cycling network Road safety improvement</p>	Approve scheme

# SUPPORT

I cycle this route several times per week to access the beach and Yellowwave from my home in Portslade.  
This proposal will have a substantial positive impact on the safety, convenience and attractiveness of cycling westbound, but also help to improve safety on the pavement cycle track when heading east, which currently is too narrow to allow cycles to pass each other comfortably - this is particularly evident for non-standard cycles (e.g. tricycles/trailers/cargo bikes). This is a busy and popular area with many points at which pedestrians are crossing, and I think the proposals will also improve safety and comfort for pedestrians.

It is not clear whether and how the mandatory cycle lane will be protected from intrusion by motor vehicles parking or driving. This is a major problem with almost every cycle lane in the city and I hope that there is a strong plan to ensure that the benefits of this improved infrastructure are not lost due to lack of protection from being blocked by motor vehicles. It is clear that physical segregation is necessary to protect cyclists from the danger of motor vehicles, and to ensure that cycle lanes are kept clear to enable them to fulfill their potential.

My concern is most acute between Fourth Avenue and Hove Street, where pavement driving/parking is already rife, double yellow lines are routinely ignored and loading occurs without regard to the safety of pedestrians or cyclists. Outside the leisure centre there is often complete obstruction of the pavement due to parking. This needs to be addressed effectively and physical segregation, along with robust plans for enforcement are the only way I can see this behaviour changing. Without this the cycle lane will become a dumping ground for motor vehicles and become unsafe and unusable. Please do not interpret this as a criticism or objection to the plans - they are fantastic - I just hope that the realities of how motorists treat public space is considered too in the plans for physical segregation (it needs more than paint!).

Road safety improvement  
More attractive street environment  
Lower risk of conflict between pedestrians and cyclists  
Existing cycle lane too narrow  
Improvement for adapted bicycles / cargo bikes  
Physical cycle segregation is required for safety and uptake  
Camper Van/General Parking  
Lack of Enforcement  
Potential risk of vehicles being temporarily stationary on the cycle lane while gaining access

Approve scheme

	<p>I am very pleased to see, and supportive of, the improvements to Kings Esplanade, in particular the introduction of Give Way markings for road users joining from Medina Terrace/ Sussex Road, although both might be made safer with a STOP sign and line. On the plans Sussex Road does not have a Give Way triangle marking on the road, which I think might help.</p> <p>I have a concern that the loading bay opposite Vallance Gardens will present a hazard with vehicles crossing it to unload. If it was possible to have the cycle lane inside that bay (closer to the pavement as in other locations within the plans e.g. opposite Osborne Villas) - so that vehicles unloading do not have to cross the cycle lane - that might be better.</p>		
--	--	--	--

Support	<p>As a regular cycle commuter between Wish Road and Brighton Palace Pier, am delighted that the proposals:</p> <ol style="list-style-type: none"> <li>1. reduce the large number of give way points for cyclists (versus pedestrians, specifically in the west bound direction)</li> <li>2. makes safe the exit/entrance from Wish Road to the cycle path (have been involved in a minor accident at this location in the past) dwg HD-BHCC-TRO/12</li> <li>3. gives priority to cyclists at the blind corner south end of Medina Terrace (so many cyclists must have had near misses here including myself) dwg HD-BHCC-TRO/06</li> <li>4. appears to make clear the priority for east-bound cyclists over road vehicles coming too/from Rockwater and other parallel vehicle access points to the promenade, have been witness to near misses where road vehicles assume priority even though they are not on a public carriageway. eg dwg HD-BHCC-TRO/09</li> <li>5. provides wall cut backs along the right hand side of the east-bound cycle track along Kingsway to improve visibility. Cannot wait for implementation, well done BHCC</li> </ol>	<p>Faster journeys / less interruptions in journeys for cyclists Lower risk of conflict between pedestrians and cyclists Road safety improvement Priority for cyclists</p>	Approve scheme
Support	<p>I strongly support this extension to the Kingsway cycle lane. The existing cycle lane is excellent, makes cycling in Brighton quicker and safer for cyclists and doesn't appear to make Kingsway any more congested than it was previously. Anything that gets people out of their cars and onto their bikes must be a good thing for both the environment and personal health. The extension to Saxon Road will encourage people to cycle rather than drive wherever possible.</p>	<p>Improvements in air quality / lower carbon emissions Encourages cycling as a form of transport Faster journeys / less interruptions in journeys for cyclists</p>	Approve scheme

SUPPORT	I strongly support the addition of improved cycle infrastructure - the city has some good bits already, but they are not connected well and more good cycle infrastructure is desperately needed. I cycle around the city to transport myself and my children, and it's easier and safer when there are good cycle lanes. It also encourages more people to cycle as they feel safer and more confident. The improvements in pedestrian access are also important to make walking as active travel easier and more pleasant. It's imperative we encourage as much active travel as possible in the city.	Encourages cycling as a form of transport Encourages walking as a form of transport Meets objective for building a true cycling network Road safety improvement More attractive street environment Increasing demand for cycling infrastructure	Approve scheme
SUPPORT	I support the new mandatory cycle lane.	Increasing demand for cycling infrastructure	Approve scheme

SUPPORT	<p>The existing cycle lane at this location is too narrow as a two-way cycle lane and so this is an extremely welcome proposal which will greatly improve the cycling experience along the seafront, especially for non-standard cycles like the one I own.</p> <p>Two particular feedback points I'd like to raise:</p> <ul style="list-style-type: none"> <li>- It is very welcome that walls that jut out from along Western Lawns will be cut back. These are dangerous and are of the height that could cause serious injury if an accident occurred. Similarly for the low wall that runs adjacent to the cycle lane opposite the tennis courts should be removed.</li> <li>- The plastic wands which have been used on Madeira Drive are effective but their durability is an issue without frequent fixing. Please consider using something more durable as a physical separator.</li> </ul>	<p>Existing cycle lane too narrow Faster journeys / less interruptions in journeys for cyclists Improvement for adapted bicycles / cargo bikes</p>	Approve scheme
SUPPORT	<p>I use the current cycle lanes myself and find it safe and suitably separated from traffic and pedestrians. It is very well used.</p>	<p>Physical cycle segregation is required for safety and uptake Existing cycle lane has high demand</p>	Approve scheme

<p>SUPPORT</p>	<p>I am a Prestonville/Port Hall resident who does not drive and uses a bicycle as a mobility aid: arthritis in my feet means I cannot walk far without pain. I work as a cycling instructor for WSCC which means I cycle west out of the city on a very regularly basis. With the temporary cycle path removed on the Old Shoreham Road, the seafront route is my best option. The current narrow two-way path, next to a rough low wall and the pavement on the other side is an 'accident waiting to happen'.</p> <p>Widening the paths and separating east and west cycle travel will undoubtedly make it safer and easier.</p>	<p>Existing cycle lane too narrow Road safety improvement</p>	<p>Approve scheme</p>
----------------	---	---	-----------------------

<p>SUPPORT</p>	<p>3 support responses from same resident</p> <p>TRO-25c-2022 - The addition of a cycling contraflow is a very welcome change to the one way street which put people off cycling directly down to the seafront. All one way streets should have cycling contraflows.</p> <p>TRO-25a-2022 + TRO-25b-2022 The distinction between TRO-25a,b and c are not very clear so these comments may be repeated.</p> <p>We are very glad to see that the council is extending essential seafront cycling facilities westbound. We support this but would also like to ensure that there are no "give way" signs or road markings de-prioritising cyclists / walkers/people wheeling and wrongly giving priority to motor vehicle movements, contrary to the Highway Code. There appears to be a "give way" for cyclists at Sussex Road/Kings Esplanade junction which should not be there. Although we are in support of the TRO, we hope that further funding will be acquired to improve the quality of the provision for people cycling and walking/wheeling. Kings Esplanade particularly would be improved if the motor vehicle parking was located on the northern kerbside or better still, removed from the area except for disabled access. Motor vehicle movements are a hazard for people in the area. We very strongly support the new cycling contraflow to be introduced in St Aubyns South and would like to see cycling contraflows on all one way streets. There is no key on the drawings and so it is unclear what the pale green strip is on the western side of Hove Street South. (Cycling UK Local Representative).</p>	<p>Cycling contraflows will encourage cycling</p>	<p>Approve scheme</p>
----------------	---	---	-----------------------

SUPPORT	I strongly support all of the proposals set out in TRO-25-2022. Providing safe, cycling infrastructure is so important if we are committed as a city to encouraging more forms of active travel. I regularly cycle from boundary road in either direction, whilst the dedicated lane in Brighton is wonderful, it provides stark contrast to the ride where there is no cycling provision. Making these route safer will encourage more people to use them.	Increasing demand for cycling infrastructure Road safety improvement Encourages cycling as a form of transport	Approve scheme
SUPPORT	I use the Kingsway cycle lanes to get to work in Kemp Town. I would be grateful for a through route all of the way along the seafront and any development that leads to that is very welcome.	Meets objective for building a true cycling network Faster journeys / less interruptions in journeys for cyclists	Approve scheme
SUPPORT	I fully support the introductory of a mandatory cycle lane especially and my only concern is that it narrows in some places and then comes to a stop. However, having a mandatory cycle lane will be better for the local businesses and also for cyclists wishing to continue along the seafront without a detour around the leisure centre.	Benefits for local businesses Faster journeys / less interruptions in journeys for cyclists	Approve scheme

SUPPORT

I strongly agree with these three TROs, which are part of the same project. I cycle to get around, and the city has a long way to go when it comes to making people feel safe to cycle everywhere. Currently, if you're cycling along Kingsway, you have to make a big detour around the back of the King Alfred Centre. This route can be very windy in the winter and the cycle lane gets covered in pebbles after storms. I don't feel safe cycling along Kingsway, as there are two lanes of fast-moving traffic. I've been passed at close range cycling there, and when I challenged the driver, he told me he'd done it because I should have been cycling on the cycle lane – a block away. Ideally, there would be mandatory cycle lanes in both directions along Kingsway but this is a good step in the first direction. Installing a contraflow on St Aubyns South makes sense - there is plenty of space to allow this. LTN1/20 says that cycling contraflows should be installed on all one-way streets except where there's a safety reason not to.

Road safety improvement  
Faster journeys / less interruptions in journeys for cyclists  
Cycling contraflows will encourage cycling

Approve scheme

SUPPORT	<p>Wholeheartedly support this. B&amp;H needs a dramatic improvement in cycle infrastructure if we are going to reduce car use and stand any chance of meeting the climate challenge. The number of bollards that have been knocked over along the seafront road route show how close we are to a vehicle hitting a cyclist. The route needs to be permanently physically separated from vehicles. This will help to encourage less confident cyclists to feel safe.</p> <p>It probably goes without saying, but the city's cycle routes remain inadequate, both in coverage and the linkages between them. The removal of the Old Shoreham Road by Labour and the Tories did not help and it is taking too long to identify a replacement. Pleased to hear about the Wish ward Holland scheme funding though, so hopefully things are moving in the right direction.</p>	<p>Increasing demand for cycling infrastructure</p> <p>Improvements in air quality / lower carbon emissions</p> <p>Encourages cycling as a form of transport</p> <p>Physical cycle segregation is required for safety and uptake</p>	Approve scheme
SUPPORT	<p>This is an excellent cycle lane, that makes a very big difference to my daily commute from West Hove to central Brighton (and back again). Other routes along Church Road/Western Road and the Old Shoreham Road (Olive Road to Hove Park) are very dangerous.</p>	<p>Faster journeys / less interruptions in journeys for cyclists</p> <p>Road safety improvement</p>	Approve scheme
SUPPORT	<p>The proposed permanent Kingsway cycle lane is exactly what is required and will help make that section of the seafront more pleasant for pedestrians, cyclists and local businesses. It will also contribute to our City's commitment to net zero. Please make it happen.</p>	<p>More attractive street environment</p> <p>Encourages cycling as a form of transport</p> <p>Encourages walking as a form of transport</p> <p>Benefits for local businesses</p> <p>Improvements in air quality / lower carbon emissions</p>	Approve scheme

SUPPORT	Hove is in desperate need of more and better cycling infrastructure. If this proposal goes ahead it will improve safety for cyclists and pedestrians. It will enhance the appearance of the area. Approved. More safe cycling infrastructure please!	Increasing demand for cycling infrastructure Road safety improvement More attractive street environment	Approve scheme
SUPPORT	<b>2x Supports from same resident.</b> TRO-25a-2022 - The pavements are very crowded and pedestrians have to step in the road currently. TRO-25b-2022 - We need to reduce pollution and this will help.	Lower risk of conflict between pedestrians and cyclists Improvements in air quality / lower carbon emissions	Approve scheme
SUPPORT	I support the cycle lane because cycle lanes are important in encouraging people to cycle. Making St Aubyns two way for cyclists is an obvious thing to do	Encourages cycling as a form of transport Cycling contraflows will encourage cycling	Approve scheme
SUPPORT	I strongly support this TRO. In particular I hugely welcome the new cycle lane creating a much more direct east west route. The current lane west of hove Street is very narrow and often very busy - it can get very difficult especially when riding with children and causes conflict with pedestrians. By increasing capacity it will make a huge difference to this part of the lane. I will use this lane with my family very regularly.	Increasing demand for cycling infrastructure Lower risk of conflict between pedestrians and cyclists Existing cycle lane too narrow Faster journeys / less interruptions in journeys for cyclists Existing cycle lane has high demand	Approve scheme
SUPPORT	Safer, clearer and better cycle routes are long overdue in Brighton and Hove. This TRO goes some way to enshrining a safer cycling route in a small part of the city. Working in a school, I am disappointed that I cannot promote cycling to school with a clear conscience because it is too dangerous here. I look forward to a better network of cycle routes generally. The proposed permanent route is a route I use on a daily basis and it has definitely improved conditions and safety for cyclists, cars and pedestrians.	Increasing demand for cycling infrastructure Road safety improvement Encourages cycling as a form of transport	Approve scheme

SUPPORT	I regularly use the existing cycle way instead of using my car - I've enjoyed the exercise and reducing my fuel costs!	Health benefits of cycling Cycling is a cheaper form of transport	Approve scheme
SUPPORT	<b>2x Supports from same resident</b> - TRO-25b-2022 - Any improvement in accessibility to cycling in the city is welcomed and should be prioritised. TRO-25c-2022 - Same response	Increasing demand for cycling infrastructure Encourages cycling as a form of transport	Approve scheme
SUPPORT	Anything that helps people to cycle safely and helps restrict traffic speed gets my support. Bring back the OSR cycle lane!	Encourages cycling as a form of transport Traffic calming measure	Approve scheme
SUPPORT	<b>2x Supports from same resident - both Supports statements include same text</b> - I cycle along the seafront a lot, and I think it'd be good to have cycle lanes going in both directions provided the	Increasing demand for cycling infrastructure	Approve scheme
SUPPORT	<b>2x Supports from same resident</b> - TRO-25b-2022 - Cycling Lane - very much in favour of retaining this TRO-25c-2022 - Cycle Lane - very much in favour	Increasing demand for cycling infrastructure Existing cycle lane has high demand	Approve scheme

# SUPPORT

BADGE are pleased to have been given an opportunity to have working meetings with Project Manager James Hammond where we were able to view and comment on the designs as they were developed. We are pleased to see the overall increase in disabled bays, and that following our suggestions, additional bays were added into the design at the popular Hove Lagoon destination. We are also pleased to see bays provided on the north side of the road, that are away from the cycle lane as the parallel parking bays that open into the cycle lane continue to present difficult and for some danger. It can be difficult to fully imagine how the bays will look in situ, but we are pleased that concerns about space to the rear of parking spaces to allow for drop ramps and safe manoeuvres have been included. We remain concerned about the boarding arrangements around the bus stops and would suggest that a physical mock up might help to explain the method and allay concerns or indeed confirm them.

We also recognise that elders with Blue Badges may need more parking close to the Bowls Club. We feel that providing an accessible route in and out of the King Alfred car park may also help with this, and it's something that's been requested. We are also pleased that parking has been retained on the south/prom side of the road at the Esplanade which is such a popular spot for families and elders who are able to enjoy the vibrancy of the prom more easily from these parking and vantage points. As this stretch becomes more popular with the redevelopment of the Kingsway, accessible parking will be vital to ensuring inclusive access to this stretch. BADGE remains committed to advocating for Blue Badge holders parking and access and are available for continued consultation as this plan materialises. We all acknowledge that continuous working is far more effective and stress reducing - and achieves better end results.

Improvements for disabled people (Inclusive Access)  
Road safety improvement  
Increased provision of disabled parking bays  
Boarding concerns at floating bus stops

Approve scheme

SUPPORT	<p><b>3x Supports from same resident</b></p> <p>TRO-25b-2022 - It will encourage more cycling and help slow traffic which at the moment is dangerously fast, with so many pedestrians crossing to go to the beach.</p> <p>TRO-25c-2022 - It will make cycling safer and more popular.</p> <p>TRO-25a-2022 - It will mean wider pavements and fewer pedestrians having to step into the road to get past each other.</p>	<p>Road safety improvement</p> <p>More attractive street environment</p> <p>Removal of barriers to pedestrians</p> <p>Encourages cycling as a form of transport</p> <p>Encourages walking as a form of transport</p> <p>Traffic calming measure</p>	Approve scheme
SUPPORT	<p><b>3x Supports from same resident</b></p> <p>TRO 25b-2022 - This TRO will make cycling much safer and will encourage more people to cycle rather than drive.</p> <p>TRO 25c-2022 - At the moment, there is confusion where the cycle lane meets the road junction beyond Moroccos when heading West to East. I have seen a couple of accidents. I think that this proposal will make it much safer for cyclists and both cyclists and car users will have a better understanding about who has right of way.</p> <p>TRO-25a-2022 - The restriction to the loading areas will make it much safer for cyclists.</p>	<p>Priority for cyclists</p> <p>Encourages cycling as a form of transport</p> <p>Physical cycle segregation is required for safety and uptake</p> <p>Road safety improvement</p>	Approve scheme
SUPPORT	I love cycling.	Encourages cycling as a form of transport	Approve scheme

### 3. Objection Comments

<p>Object</p>	<p>I have major concerns that the addition of the outside seating 'parklet' will cause undue increase in noise and additional antisocial behaviour which will impact my enjoyment of my home. The beach, benches and proximity of the restaurant make this area a lovely and thriving small oasis on the seafront. However, we do frequently suffer from antisocial behaviour, often long into the evenings during pleasant weather. The shelter across from the southern end of Medina Terrace attracts many late-night inconsiderate groups often playing very loud music, shouting etc. This regularly impacts my and those in surrounding flats' enjoyment of our balconies and often the noise penetrates our glazing impacting our internal living space.</p> <p>I am very anxious of this parklet being merely meters away from my lounge and balcony. I feel very strongly that the addition of this it will encourage more undesired behaviour and I know it's not possible for the council or the police to enforce any kind of appropriate use. Therefore we will be left, as residents, to just endure the behaviour that will come with the installation.</p> <p>The proposed location of this parklet in the existing parking bays will mean the noise just from normal intended use will also impact my living space. Many of the dwellings in these buildings have their bedrooms south facing and all have their living rooms facing the road/sea and therefore our rights to a relatively peaceful existence in an area we take care and pride in will be compromised to benefit transient visitors who do not often have due regard for the surroundings and one business which I'm sure is not threatened from continuing to thrive without the existence of outside seating (when the benches and beach provide many areas to consume food purchased from them, all further away from the residential areas).</p>	<p>Proposed Parklet is unnecessary Proposed Parklet could cause litter / anti-social behaviour concerns Proposed Parklet could negatively impact local residents Concerns over maintenance provision for the proposed Parklet</p>	<p>when consulting with the Police regarding the placement of the Parklet police officers did not raise any concerns about the proposed location.</p> <p>The situation shall be monitored by Council Office and the location shall be reconsidered should issues arise. The area will be keep clean by Marroccos who we will enter into an agreement to maintain and keep the parklet clean. Officers to continue to monitor the installation and make amendments should this be needed.</p>
---------------	--	---	--

I also have concerns around the use of this area for the consumption of food purchased nearby but not officially part of these permitted premises and therefore the litter and general upkeep will not be viewed as their responsibilities. The wording of previous publications about the scheme included the line “more public space outside businesses (eg for seating)”. This lead me to believe that the addition of this parklet is indeed intended to benefit just one business under the guise of adding social amenity. To my knowledge this is not being proposed to be maintained by Marrocco’s. If this were to be treated as an outside space of a licenced premises there would be rules attached to its use to ensure impacts to local residents is minimised, such as pub gardens and outdoor seating at cafes.

There are many benches in this immediate area and the shelters which are incredibly well used as well as the lawns to both the east and west of this island of buildings between Medina Terrace and St Aubyn’s South. The addition of this parklet is not essential to the amenity value of the area. A place to hide the commercial bins on the seafront opposite Marrocco’s would however be welcome and increase visual amenity. I support the rest of the application for these improvements to our seafront in Hove for a wide range of visitors and residents.

Object	<p>Where the camper vans currently park on the seafront alongside the King Alfred is going to be made disabled parking only. The camper vans will be looking to park long term elsewhere. The car parking spaces along Kings Esplanade from Medina to Sussex are being made 4hr spaces, but the spaces in front of Bath Court are still all day spaces, so it is probable that camper vans will end up outside Bath Court which is unhelpful for visitors wanting short term access to the beach and is totally undesirable for the residents of Bath Court to have camper vans parking long term outside of this residential area. The spaces in front of Bath Court should be max 4hr spaces too in order to avoid camper vans taking over this area and the parking is properly and regularly policed.</p>	<p>Negative impact of displacement of camper van parking to other parts of the seafront Car Parking should be limited to a max stay</p>	<p>Disabled users of the area have requested that disabled parking not be restricted to a max use in order to not restrict disabled vehicle users accessing the seafront. Any illegal use of these bays will need to be reported to the enforcement team. No changes are recommended</p>
Object	<p>There is already an existing cycle lane on the pavement which is rarely used and sufficient for the number of users. The current cycle lane has caused huge traffic jams which is increasing pollution and travel times for all across the city</p>	<p>Existing cycle lanes along the pavement were adequate Increased pollution due to traffic congestion Increased journey times / delays due to traffic congestion</p>	<p>by offering residents a safe and sustainable alternative to the motorcar such as improved and protected spaces to cycle we can improve sustainability in the city.</p> <p>This helps to create a modal shift from motor vehicles to sustainable options such as walking and cycling. This is required in order to meet local and national targets to</p>

			become carbon neutral.  No alterations are recommended.
Object	<p>This causes terrible delays on a congested seafront. Restricts Fire Brigade, Ambulance, Taxi, delivery vehicles and creates more pollution by having all those stationary cars unable to move. Also restricts people with disabled vehicles. It has a detrimental effects on visitors and business which bring in the money we need. Bicycles do not contribute anything. I remember the disaster of Old Shoreham Road that had to be reversed</p>	<p>Increased journey times / delays due to traffic congestion Impact on emergency service vehicle response times Bicycles and cycle lanes do not contribute to the city Negative impact on disabled vehicle access</p>	<p>Emergency services fast response managers have said they have not seen a reduction in response times due to the introduction of any cycle lanes.</p> <p>As part of these plans significant additional disabled motor vehicle parking, as well as disabled cycle parking and improved disabled pedestrian access. no alterations are recommended.</p>

Object	<p>I would like the existing extra cycle lane would be retained. I do not understand the terminology so do not know if my wish is supported or opposed by the proposal. Please take whatever action is necessary for my feedback to be counted.</p>	Existing cycle lanes along the payment were adequate	Existing lane around the King Esplanade will be retain in the current plans. no changes recommended
Object	<p><b>2x Objections from same resident</b> TRO-25c-2022 To install a cycle lane contrary to the flow of the traffic is both unnecessary and frankly nonsensical. There is already access from Kingsway to the cycle lane going eastwards on Kings Esplanade from Medina Terrace and Sussex Road. Also, to have the cycle lane next to where are cars are parked is a recipe for disaster with people opening car doors into the cycle lane causing either the cyclist to have to swerve into oncoming traffic, or being knocked of his/her bike. Further, if a cyclist takes even a slightly wide turn onto Kings Esplanade he/she is likely to be facing an oncoming vehicle. For these reasons mainly I object to this proposal.</p> <p>TRO-25a-2022 I wish to object to the proposed parklet. This is wholly unnecessary and the space would best be utilised for further car parking particularly as spaces will be lost under the proposals as a whole. This is for unnecessary additional seating which will clearly be colonised by and only benefit Marrocco's but will make another focal point for gathering which leads to mess, noise and general anti-social behaviour, particularly at night when people are trying to sleep. This is already an issue which we have to deal with regularly. There are already 10 benches plus the shelter in the small stretch between Medina Terrace and St. Aubyns South so any further seating surely cannot be justified. Ideally this section of Kings Esplanade should be access only for the residents,</p>	<p>Negative impact on road safety Reduction in resident only parking Proposed Parklet is unnecessary Proposed Parklet could cause litter / anti-social behaviour concerns</p>	<p>it is not clear where the objector is suggesting the cycle lane is counter to the flow of traffic from their first objection. It is worth outlining there is already an existing contra flow cycle lane along the Kings Esplanade. We will also be introducing a contra flow to St Aubyns south. Contra flow cycle lanes are commonly used and improve access for cyclist. no alterations are recommended.</p>

	<p>Marrocco's, deliveries and disabled. This would alleviate the ridiculous volume of traffic and parking issues and I would be grateful if this could be considered, if not immediately then in the near future as the situation will only get worse.</p>		
Object	<p>The plan is to prevent camper vans parking outside the back of the King Alfred but the plans for the car spaces along the western end of Kings Esplanade would allow them to park there all day. In effect, they will be parked there for several days at a time because while not allowed it is not policed either! Camper vans parked opposite flats will be a nuisance to the residents and also cause problems for cars looking to park along the road to visit the beach. Those car spaces should be limited to 4 hours like the ones at the eastern end of Kings Esplanade</p>	<p>Negative impact of displacement of camper van parking to other parts of the seafront Camper Van Parking Lack of Enforcement Car Parking should be limited to a max stay</p>	<p>Disabled users of the area have requested that disabled parking not be restricted to a max use in order to not restrict disabled vehicle users accessing the seafront. Any illegal use of these bays will need to be reported to the enforcement team. No changes are recommended</p>
Object	<p>At the moment it is almost impossible to find parking in or around Hove Place when my wife or I return from work after 5pm. Invariably we end up parking one or two streets away from our house, which is a great inconvenience. Then new cycle lane scheme along Kingsway will further reduce the number of resident parking places available to us and therefore exacerbate this situation. We would therefore request that this be mitigated somehow within the scheme, e.g. by replacing an equivalent number of shared resident/visitor bays in Hove Place/Osborne Villas/Medina Villas with resident-only spaces. Moreover, some of the existing shared bays are 11-hour duration, which attracts cars/vans to the area and is presumably against the council's policy to</p>	<p>Reduction in resident only parking Motorcycle bays are redundant in the area Car Parking should be limited to a max stay</p>	<p>All efforts are made by officers to not reduce the number of parking provisions when designing a scheme. This is not always possible. While there has been a reduction in residents only parking bay this has only been done where</p>

	<p>reduce the number of cars visiting the city. There are also a number of motorcycle bays that are never used (or at least haven't been for the 7+ years that we have lived here) that could be converted. Thank you for your considering this request.</p>		<p>it was required to ensure safety. No changes are recommended</p>
Object	<p>I am objecting, once again, to the introduction of a cycle lane from the end of Hove Lawns to the junction with Hove Street on the grounds of significantly increased pollution due to increased traffic congestion, and on the grounds of safety, primarily that of cyclists, due to the 13 left hand turns cars can, and will, be making through this extremely short stretch of cycle lane. This concern regarding safety has now been exacerbated by the new introduction in TRO 25c 2022 of a new cycle way against the flow of one way traffic down St. Aubyn's South and the introduction on that road of car parking spaces on the eastern side of the road. This means cars exiting from Bath Court and 133 Kingsway will have no clear view of cyclists riding directly towards them. The junction of St. Aybuns South with the A259 is also going to become an accident blackspot due to compromised sight lines.</p>	<p>Increased pollution due to traffic congestion Negative impact on road safety Potential risk of collision with vehicles crossing the cycle lane to enter/exist roads and delivery locations south of Kingsway Concerns regarding cyclists moving against 'typical' flow of traffic</p>	<p>There are only three left turn hooks along the stretch from Forth Avenue to Hove Street. Each left turn will be raised to reduce any conflict. Many cycle lanes run to the left of general vehicle lanes. Vehicle drivers are responsible giving way to cyclist. this was not raised as a concern in the independent Road Safety Audit. no change is recommended.</p>

Object	<p>The plan is to prevent camper vans parking outside the back of the King Alfred but the plans for the car spaces along the western end of Kings Esplanade would allow them to park there all day. In effect, they will be parked there for several days at a time. I realise that is not allowed but it is not policed either! That will be a nuisance to the residents and also cause problems for cars looking to park along the road to visit the beach. Those car spaces should be limited to 4 hours like the ones at the eastern end of Kings Esplanade</p>	<p>Negative impact of displacement of camper van parking to other parts of the seafront Camper Van Parking Lack of Enforcement Car Parking should be limited to a max stay</p>	<p>Disabled users of the area have requested that disabled parking not be restricted to a max use in order to not restrict disabled vehicle users accessing the seafront. Any illegal use of these bays will need to be reported to the enforcement team. No changes are recommended</p>
Object	<p>The plan to prevent camper vans parking outside the back of the King Alfred but effectively they will simply move to the western end of Kings Esplanade allowing them to park there all day. In practice, they already park there for several days at a time with minimal enforcement by the Council. All car spaces should be limited to 4 hours like the ones at the eastern end of Kings Esplanade . I'm a cyclist and the recent cycle lanes along Kingsway are a complete waste of money and road space. The existing cycle lanes along the pavement were more than adequate and any changes are more wated cost, effort and road space.</p>	<p>Negative impact of displacement of camper van parking to other parts of the seafront Camper Van Parking Lack of Enforcement Car Parking should be limited to a max stay Cycle Lanes are a waste of money Cycle Lanes are ineffective use of road space Existing cycle lanes along the payment were adequate</p>	<p>Disabled users of the area have requested that disabled parking not be restricted to a max use in order to not restrict disabled vehicle users accessing the seafront. Any illegal use of these bays will need to be reported to the enforcement team. No changes are recommended.</p>

OBJECT	<p>The plan is to prevent camper vans parking outside the back of the King Alfred but the plans for the car spaces along the western end of Kings Esplanade would allow them to park there all day. In effect, they will be parked there for several days at a time. I realise that is not allowed but it is not policed either! That will be a nuisance to the residents and also cause problems for cars looking to park along the road to visit the beach. Those car spaces should be limited to 4 hours like the ones at the eastern end of Kings Esplanade. There is no logic to having it any different to the eastern end</p>	<p>Negative impact of displacement of camper van parking to other parts of the seafront Camper Van Parking Lack of Enforcement Car Parking should be limited to a max stay</p>	<p>Disabled users of the area have requested that disabled parking not be restricted to a max use in order to not restrict disabled vehicle users accessing the seafront. Any illegal use of these bays will need to be reported to the enforcement team. No changes are recommended.</p>
OBJ3ECT	<p>I strongly object to what is proposed on st aubyns road south a 2xway cycle lane right past the electric gates off bath court and st aubyns car park this is madness as car going in the car park will be right across the cycle lane while the gates-are opening and we also have removal lorries and big city clean lorries in and out to collect rubbish etc totaly irresponselbly this is. And at the end of the road were car turn up st aubyns road south from the esplanade will be a accident waiting to happen</p>	<p>Potential risk of collision with vehicles crossing the cycle lane to enter/exist roads and delivery locations south of Kingsway Potential risk of vehicles being temporarily stationary on the cycle lane while gaining access Impact on refuse collection vehicles ease of access / collision risk</p>	<p>cyclists heading south along the new contra flow will have right of way over vehicles turning right. Vehicles will also be facing north to give clear line of sight for on coming cyclist. Therefore this is not considered a concern. no change recommended.</p>

4. Neutral Comments

Comment	<p>Dear Parking Team / Transport Projects / James (cc Matt)</p>	<p>Encourages cycling as a form of transport Negative impact on the bike share</p>	<p>This comment has now been withdrawn. In response an additional TRO will be drawn up</p>
---------	---	--	--

	<p>Thank you for sharing the proposals for the A259 from Fourth Avenue to Saxon Rd. Please take this as the response from the BTNBikeShare operator Hourbike.</p> <p>We very much welcome the proposals and consider they will make a significant contribution to encouraging people to try cycling in the city. There is currently a BTN BikeShare hub on the south side of the King Alfred car park on the promenade, just west of the shelter (drawing 5). The operations team needs to access the hub for servicing and redistribution. This is currently done by parking in the bays adjacent to the hub. As these are to be made disabled bays, this will no longer be possible. Consequently servicing the hub will be very difficult, if not impossible without parking illegally.</p> <p>We request that a loading bay is included here to facilitate access to the hub. The bay should be as close as possible to the hub. It may be possible to adjust the hub position to match the loading space subject to consents. A new BTNBikeShare hub is proposed on the north side of the King Alfred (drawing4).</p> <p>There seems to be a gap between map 3 and 4 so it's difficult to see the proposed hub location precisely and what's on the east side. Whilst we welcome the additional hub and consider outside the leisure centre entrance to be a logical and potentially popular location we are again concerned about servicing the hub.</p> <p>The hub is some distance from the nearest loading bay. Our suggestions are: swap the loading bay and disabled bay to bring the loading closer to the hub. Moving the hub west towards the loading bay, possibly on the western side of the crossing if there is room.</p> <p>I hope these comments are helpful. We will be very happy to engage in further discussion to get to the best outcome possible.</p>	<p>operations due to location changes of loading bays</p>	<p>to provide a loading bay for the BikeHire Station.</p>
--	--	---	---



# Brighton & Hove City Council

## Environment, Transport and Sustainability Committee

## Agenda Item 30

**Subject:** Transport for the South East's Strategic Investment Plan – Response to consultation

**Date of meeting:** 20<sup>th</sup> September 2022

**Report of:** Executive Director Economy, Environment & Culture

**Contact Officer:** Name: Andrew Renaut  
Tel: 01273-292477  
Email: [andrew.renaut@brighton-hove.gov.uk](mailto:andrew.renaut@brighton-hove.gov.uk)

**Ward(s) affected:** All

**For general release**

### **1. Purpose of the report and policy context**

- 1.1 The Council holds membership on the Board of Transport for The South East (TfSE), the Sub-national Transport Body established in 2017. Further to the adoption of the TfSE Transport Strategy in 2020, TfSE published its draft Strategic Investment Plan (SIP) for consultation on 20th June 2022. The document provides a framework for investment in strategic transport infrastructure, services, and regulatory interventions across the South East in the coming three decades. It will assist local authorities in seeking funds for delivery of local transport improvements across the region as part of the wider strategy.
- 1.2 The consultation seeks to measure the levels of support for the draft SIP and the period for comments closed on 12th September 2022. Recognising that not all local authorities will have considered and formalised their responses by that date, TfSE has requested that draft responses were submitted within the consultation period. This report includes the draft response submitted by officers on behalf of the Council.

### **2. Recommendations**

- 2.1 That Committee notes the progress being made on developing Transport for the South East's Strategic Investment Plan.
- 2.2 That Committee notes the Council's consultation response set out in Appendix 1, which was submitted on 12th September 2022.

### **3. Context and background information**

- 3.1 Transport for the South East (TfSE) is the Sub-national Transport Body for the South East of England, covering the area from Kent to Berkshire and Hampshire, including East and West Sussex, Brighton & Hove, and the Solent. TfSE was established in 2017 to determine what transport infrastructure is needed to boost the region's economy. The partnership is made up of 16 local authorities, five local enterprise partnerships plus representatives of district and borough authorities, protected landscapes and national delivery agencies including National Highways and Network Rail. Although the Government decided not to progress with a request by TfSE for statutory status in 2020, the Board will continue to work with Government to identify the best time to put forward its case, which will be further strengthened through the development of the SIP.
- 3.2 In 2017, the Council and other partners across the region commenced working with TfSE to identify issues, challenges and opportunities, which informed a 30-year transport strategy for the region, adopted in 2020. This followed a consultation exercise reported to this Committee on 21<sup>st</sup> January 2020. The TfSE transport strategy sets out the strategic goals, priorities and principles behind the transport vision, along with a strategy for different types of journeys such as radial, orbital and coast, local and freight. The strategy is built around the vision of becoming a leading global region for net-zero carbon, sustainable growth and enhanced environmental quality. This will be delivered by creating a high quality, safe, accessible, reliable transport network.
- 3.3 On 20<sup>th</sup> June 2022, TfSE launched its draft Strategic Investment Plan (SIP), which provides a framework for investment in strategic transport infrastructure, services, and regulatory interventions in the coming three decades. It sets out a comprehensive picture of the investment needed in the South East to unlock sustainable economic growth, improve quality of life and deliver the net zero carbon commitment. It proposes what needs to happen and why, along with where, when and how the investment will be delivered, and the funding levels needed to make it happen. It is supported by the evidence base collated through the area, alongside thematic and other studies undertaken. These include decarbonisation and active travel/ micromobility studies, and the South Central Radial and the Outer Orbital studies, both of which include the Brighton & Hove area, and form the basis for two of the four geographical areas for investment packages identified in the SIP.
- 3.4 The SIP proposes a total capital cost of £45 billion over 27 years, with the transport interventions forecast to generate 21,000 new jobs, an additional £4.1billion growth in GVA a year by 2050, and 1.4 mega tonnes less CO2 equivalent emitted. It is also forecast to deliver on weekdays an additional 550,000 rail trips, 1.6 million bus, mass transit and ferry trips, and take more than four million car trips a day off the roads of the South East.
- 3.5 The draft SIP presents a total of 24 packages of investment opportunities across the rail, mass transit (e.g. buses, ferries), active travel (e.g. walking,

wheeling, cycling) and highways. These are supported by the following set of eight **investment priorities**:

- Decarbonisation and environment
- Adapting to a new normal
- Levelling up left behind communities
- Regeneration and growth
- World class urban transport systems
- Transforming east-west connectivity
- Resilient radial corridors
- Global gateways and freight

3.6 The proposed set of **global policy interventions** are designed to address the challenges and opportunities that affect the whole of the South East and the wider UK. These are:

- Decarbonisation – a faster trajectory towards net-zero than current trends
- Public transport fares – reverse the real term increase in costs relative to motoring
- New mobility – increased use of e.g. electric bikes and scooters
- Road user charging – encourage the Government to develop a national charging system to provide an alternative source of funding to fuel duty
- Virtual access – increased virtual working to help reduce demand for travel
- Integration – improvements in integration across and between all modes of transport in terms of infrastructure, services, ticketing, and accessibility

3.7 The **proposed interventions for the Solent and Sussex Coast** area (an east-west corridor spanning from the New Forest to Hastings) most relevant to the Brighton & Hove area are summarised in paragraphs 3.8 to 3.11.

3.8 Sussex Coast Rail Package

Delivery of the package of improvements in the West Coastway Strategic Study (developed by Network Rail working with local authorities) to deliver faster journeys and more capacity between Brighton & Hove and Southampton

3.9 Sussex Coast Active Travel Package

Helping local authorities realise the delivery of ambitious plans to improve cycling and walking (including wheeling) in their areas, including Local Cycling and Walking Infrastructure Plans (LCWIPs)

3.10 Sussex Coast Mass Transit Package

- Sussex Coast Mass Rapid Transit – extension of the proposed Greater Brighton mass transit (an express bus-based system connecting Brighton to Shoreham and Worthing) into East Sussex to Lewes. This would provide faster and more frequent services, and improved service quality including accessibility and information
- Strategic Mobility Hubs – indicative locations adjacent to the strategic road network on the periphery of the city at Falmer and Patcham, to

provide better strategic interchange and intercept trips heading into the city. One is also proposed for the Shoreham area

### 3.11 Solent and Sussex Coast Highways Package

Targeted interventions to deliver high-quality east-west connections for freight, private and mass transit vehicles. These are to address safety and air quality issues, notably in urban areas, and reduce conflicts between local and longer-distance traffic. They should support (and be supported by) public transport and active travel improvements, including through roadspace reallocation

- A27 junction enhancements at Hangleton, Devil's Dyke, Hollingbury and Falmer – these are City Plan Part 1 development mitigation schemes to better regulate and manage flows, and improve safety
- A259 South Coast Road Corridor (Eastbourne to Brighton) – to enhance access to public transport and to enable people to cycle or walk for all or part of their journeys, and localised road and junction capacity improvements (East Sussex led study)
- A259 (King's Road) Seafront Highway Arches/Structures Renewal Programme – the Council has bid to secure funds from the Government for this as the A259 is part of the Major Road Network

### 3.12 The proposed **interventions for the London to Sussex Coast** area (covering the key corridors between London and the coast from Chichester to Eastbourne) are summarised in paragraphs 3.13 to 3.16 below.

### 3.13 London to Sussex Coast Rail Package

This package is to address key bottlenecks on the Brighton Main Line, enabling faster, more reliable services. Included in the package are the following interventions:

- Croydon Area Remodelling Scheme
- Brighton Main Line 100mph Operation
- Brighton Station - Additional Platform
- East Coastway Line (Brighton to Eastbourne/Hastings) - Faster Services
- Brighton Main Line - Reinstate Cross Country Services

### 3.14 London to Sussex Coast Mass Transit

This package will deliver infrastructure improvements and increased service frequency to bring transformational growth in bus journeys. It focuses on building on the success of the Fastway bus rapid transit system in Crawley/Gatwick, but includes:

- A23 Corridor Rural Bus Service Enhancements – improvements between Burgess Hill and Brighton, linking into the proposed Patcham Strategic Mobility Hub (included in Sussex Coast Mass Transit Package above)

### 3.15 London to Sussex Coast Active Travel

This package expands on current local authority plans (including LCWIPs) by delivering improvements to the National Cycle Network routes and a continued rollout of regional cycleways with consistent branding and wayfinding. It includes a new London to Brighton National Cycle Network Corridor intervention

- 3.16 London to Sussex Coast Highways  
This package includes interventions that support access to international gateways, regeneration areas, and placemaking. It also includes junction improvements and possible new roads to help relieve pressure on the existing network. A23/A27 Patcham Interchange Junction Enhancements is one of the interventions to better regulate and manage flows, and improve safety to support planned growth in the City Plan.
- 3.17 TfSE notes that with the overall SIP delivery programme costing an average of over £1.5bn a year, the principal financial challenge will relate to funding (i.e. how the projects are ultimately paid for over time). Addressing this challenge will involve both making the best use of funds directed from government, and identifying new and innovative approaches. For many of the proposed interventions, financing (i.e. how and from whom the cash is raised to meet the costs of construction as they arise) will also play an important role in ensuring value-for-money delivery.
- 3.18 TfSE compares the proposed future investment (the SIP and assumed additional local expenditure) in transport in the South East, with illustrative future growth scenarios based on actual levels of Government spend since 2011-12. It expects that, even if transport spend were to grow at a slower rate than the historic average, the majority of the overall core programme could theoretically be supported within an illustrative envelope of potential future central funding.
- 3.19 TfSE will work closely with partners to develop and deliver the packages of interventions; schemes within the city will be progressed locally, with decisions on delivery made by the Council. TfSE cannot mandate implementation of any of the interventions within the geography of the city, or indeed any of the other Local Transport Authority (LTA) areas, without their agreement; TfSE has no jurisdiction or legal role over any LTA, who will have sovereignty over their respective area. The vast majority of interventions included in the packages will be delivered through existing frameworks and investment cycles, in line with the government's Treasury Green Book and Department for Transport's appraisal guidance. Timing the delivery of each intervention will need careful consideration.
- 3.20 TfSE and its partners will establish appropriate governance to oversee the development, delivery and benefits realisation arising from interventions included in the strategy. It will develop a set of Key Performance Indicators (KPIs) with targets which will be used to monitor and evaluate the implementation of the strategy.
- 3.21 An Integrated Sustainability Appraisal (ISA) was originally produced alongside the preparation of the Transport Strategy (2020) to promote sustainable development by assessing environmental, social and economic effects, as well as mitigating any potential adverse effects that the Transport Strategy might otherwise have. An ISA has been embedded within the staged development of the area studies that inform the draft SIP. Since the interventions are still conceptual at this stage, and further information such as land-take and design are not known, assumptions have been made in

undertaking the high-level appraisal; further assessment of impacts will be required as the detail of individual interventions is developed.

3.22 The next steps set out in the SIP document are to:

- Identify and support key interventions that require additional support and capacity
- Secure higher levels of transport investment in the South East's strategic transport network
- Support TfSE's key stakeholders in responding to and overcoming emerging transport challenges.

3.23 The consultation on the draft SIP closed on 12<sup>th</sup> September 2022. Those local authorities which were unable to submit a formally approved response by this date were asked to submit a draft response. The submission made is provided in Appendix 1. The consultation provided an opportunity to submit feedback on the proposed investment priorities, the global policy package of interventions, and those for the geographical areas, including the Solent and Sussex Coast and London to Sussex Coast. It also sought feedback on the benefits and costs set out of the packages, the likelihood of them delivering the SIP priorities, the strength of the case made for transport investment in the region, and seeks comments on the Integrated Sustainability Appraisal.

3.24 The response in Appendix 1 reflects that the proposed packages include measures for the Brighton & Hove area that are considered to be broadly consistent with those in the Council's existing strategies/plans/policies for the city (such as the Corporate Plan, Carbon Neutral Programme, City Plan, and existing and emerging LTPs). However, it also recognises that the SIP does not reflect the need for urgent action to respond to the Council's most pressing issue – the climate emergency. There are also some concerns that some significant highway improvement schemes (i.e. new road construction and capacity improvement projects included elsewhere in the National Highways' Roads Investment Strategy, which is already agreed by the Government and encompassed within the total expenditure set out earlier in the report) could increase traffic levels around the city, have a detrimental impact on the South Downs National Park, and affect the outcomes of other local transport initiatives and other priorities for the city. The response has also included the need for more emphasis on reducing traffic, increasing public transport, stronger and more comprehensive Active Travel packages (including improvements to existing cycling corridors), local mobility hubs, more detail on new mobility, and more prominence given to safety in the investment priorities.

#### **4. Analysis and consideration of alternative options**

4.1 It is considered essential that the Council continues to engage with, and participate in, the work of TfSE in order to influence its direction of travel and how it bridges the gap between national and local government. Responding to this consultation is an example of how this can be achieved. It is recognised that the SIP supports TfSE's overall transport strategy and is based on a significant amount of evidence, technical work, studies and

stakeholder engagement. Proposed measures are integrated within packages across different forms of transport including road, rail, active travel and public transport.

## **5. Community engagement and consultation**

- 5.1 The draft SIP was launched on 20th June 2022 for a 12-week consultation period, ending on 12th September 2022, during which three public consultation events took place, one of which was attended by a transport officer. The consultation was extensively promoted across the TfSE region and beyond its boundaries through various channels including social media.
- 5.2 The background to the SIP has been discussed at the city's Transport Partnership (July 2022), in connection with the council's Carbon Neutral Programme, and at the TfSE Partnership Board, which includes councillors from all local authorities.

## **6. Conclusion**

- 6.1 The draft SIP sets out the case for investing in transport infrastructure in the South East over the next three decades, which will assist in seeking funds for delivery of local transport improvements across the city. It includes a number of priorities and interventions included in the Bus Service Improvement Plan, Local Cycling and Walking Infrastructure Plan and interventions that form part of the City Plan and initial work on developing the Council's fifth Local Transport Plan (LTP5).
- 6.2 Proposed local measures will help support the city's recovery from Covid-19, wider planned economic growth, the visitor economy, and social cohesiveness. They reflect proposals within a number of local strategies and plans and will also contribute to some of the aims and priorities of the Greater Brighton City Region area. However, the SIP does not reflect the need for urgent action to respond to the Council's most pressing issue – the climate emergency. On balance, the response therefore concludes that there is neither agreement or disagreement regarding the delivery of the SIP's priorities, or that the best case for investment has been made.
- 6.3 The Council welcomes the opportunity to respond to the consultation and this report updates members on the response in Appendix 1, which was submitted on 12<sup>th</sup> September 2022 to meet the consultation deadline.

## **7. Financial implications**

- 7.1 There are no financial implications for the Council responding to this consultation, other than officer time.

Name of finance officer consulted: Jill Scarfield    Date consulted: 23/08/22

## **8. Legal implications**

- 8.1 There are no legal implications arising directly from this report which is for noting.

Name of lawyer consulted: Alice Rowland Date consulted: 16/08/22

## **9. Equalities implications**

- 9.1 An Equalities Impact Assessment has been undertaken as part of the Integrated Sustainability Appraisal prepared during the development of the area studies that inform the draft SIP. There are no direct equalities implications for Committee Members to consider arising from responding to the questionnaire.
- 9.2 An appropriate level of Equalities Impact Assessments would be carried out during the development of each intervention included in the plan.

## **10. Sustainability implications**

- 10.1 A Strategic Environmental Assessment and Habitats Regulations Assessment have been undertaken as part of the Integrated Sustainability Appraisal prepared during the development of the area studies that inform the draft SIP. These have assessed the potential impacts the SIP could have on a range of indicators, including natural capital, ecosystem services and biodiversity; the historic environment; landscape and townscape; soil and resources; water; air quality; and climate change and greenhouse gases. Decarbonisation is one of the global policy interventions, with active and public transport and supporting interventions to help enable and encourage more sustainable travel.
- 10.2 An appropriate level of environmental assessment would be carried out during the development of each intervention included in the plan.

## **11. Other Implications**

### **Social Value and procurement implications**

- 11.1 There are no procurement requirement implications associated with this consultation response.

### **Crime & disorder implications:**

- 11.2 There are no direct implications arising from the development of this SIP and the consultation response from the Council. Some proposed interventions (in active travel, mass transit and highways packages) would contribute to improving road safety and personal security and thereby seek to support the aims and priorities of the Council's Community Safety and Crime Reduction Strategy, especially in helping to deliver measures that improve the physical environment, ensure communities are stronger, and help people feel safer.

### **Public health implications:**

- 11.3 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.
- 11.4 A Health Impact Assessment been undertaken as part of the Integrated Sustainability Appraisal prepared during the development of the area studies that inform the draft SIP.
- 11.5 An appropriate level of assessment would be carried out during the development of each intervention included in the plan.

## **Supporting Documentation**

### **1. Appendices**

- 1. Transport for the South East – Strategic Investment Plan: Consultation Response

### **2. Background documents**

- 1. Transport for the South East – A Strategic Investment Plan for the South East: Consultation draft (June 2022)



# Transport for the South East - Strategic Investment Plan: Draft Consultation Response from Brighton & Hove City Council, 12th September 2022

## Section 2: Investment Priorities

*Which of the above investment priorities do you feel are important for the SIP to deliver? (Tick all that apply)*

- Decarbonisation & Environment ✓
- Adapting to a New Normal ✓
- Levelling Up Left Behind Communities ✓
- Regeneration and Growth ✓
- World Class Urban Transit System ✓
- East - West Connectivity ✓
- Resilient Radial Corridors ✓
- Global Gateways and Freight ✓

*Do you have any further comments on the SIP's investment priorities? Please limit your response to 250 words.*

The SIP does not reflect the need for urgent action to respond to the Council's most pressing issue - the climate emergency, which we declared in 2018. The Council is addressing this locally but none of the eight categories explicitly mention this. The 'adapting to a new normal' priority should emphasise the need for a significant reduction in car use and a major increase in active travel/public transport. The emerging work on a new LTP for the city supports a switch to EVs, building on our successful on-street charging point programme. However, EVs are only part of the solution to reducing carbon; they will provide positive impacts for localised air pollution but continued vehicle use will not reduce road danger, congestion or depletion of nature, and continue to present demands for power.

The Council has adopted a Carbon Neutral Programme to deliver its commitment to become carbon neutral by 2030, and therefore prioritises the first SIP priority. Although all investment priorities are supported, they lack detail so only certain aspects of them can be fully supported, and some are more relevant to Brighton & Hove.

More prominence must be given to reducing traffic in the investment priorities in order to reduce road danger. A world class urban transport system is therefore supported and needed, which makes people feel safe using active travel and public transport, and that interconnects all communities.

To align with the Council's priorities within its emerging LTP, the investment priorities should focus more on reducing the need to own a private vehicle and have a much greater emphasis on active travel and public transport.

The focus on new road building and a lack of emphasis on increasing active travel (including as part of a longer journey) is a significant concern.

### **Section 3: Packages of Interventions**

*For the purposes of data gathering and analysis, the TfSE region has been split into four geographies. Which of the following geographic areas are you most interested in? Please be aware that some local authority areas appear in more than one of the geographies and you may need to select more than one of the geographies if this is the case for your specific area of interest. Choose all that apply.*

- **Solent and Sussex Coast** (Hampshire, Southampton, Portsmouth, Littlehampton, Worthing, Brighton, Isle of Wight) ✓
- **London - Sussex Coast** (Chichester to Eastbourne, Surrey, West Sussex and East Sussex excluding the Hasting Area) ✓
- Wessex Thames (Berkshire, Hampshire and Surrey)
- Kent, Medway and East Sussex (Kent, Medway, Hasting and Rother areas of East Sussex)

*Only if you answered Solent and Sussex Coast:*

*To what extent do you agree that the packages of interventions for the Solent and Sussex Coast area will deliver on the priorities of the SIP?*

- Definitely agree
- **Somewhat agree** ✓
- Neither agree nor disagree
- Somewhat disagree
- Definitely disagree
- I'm not sure

*Please select all of the packages for the Solent & Sussex Coast area that you feel are important in achieving the priorities of the SIP. Tick all that apply.*

- South Hampshire Rail (Core)
- South Hampshire Rail (Enhanced)
- South Hampshire Mass Transit
- Isle of Wight (two Packages)
- **Sussex Coast Rail** ✓
- **Sussex Coast Mass Transit** ✓
- **Sussex Coast Active Travel** ✓
- **Solent and Sussex Coast Highways** ✓

*Do you have any further comments on the Packages of Interventions for the Solent and Sussex Coast area? Please limit your response to 250 words.*

This package does not consider the magnitude of the climate emergency and the need for rapid transition to active and public transport systems throughout the region. The attention to detail on active travel measures is less developed than on highway interventions. A comprehensive set of active travel and public transport (including A259 rapid transit) interventions are included in the Council's LCWIP and BSIP.

The Council supports strategic highways improvements that include reallocation of roadspace to active/sustainable travel and/or improve safety on the network, and reduce conflicts between local and longer distance traffic, such as online A27 junction enhancements in Brighton & Hove. These are measures that support the Council's City Plan. However, there are major concerns that some of the more significant, proposed highway improvement schemes (e.g. new road construction and capacity improvements) will increase traffic levels around the city, and affect local transport initiatives and other priorities for the city. These schemes could also have a detrimental impact on the South Downs National Park.

The Active Travel package should be stronger; improving this in all urban areas (including links to public transport options) will reduce the demand for private vehicle trips on the strategic highway network, and therefore will remove the need for some highway capacity improvements. The A259 is a priority strategic route in the Council's LCWIP, and the SIP should include NCN2 and all other strategic cycle routes as interventions. Reference to smaller, local mobility hubs to improve sustainable travel options should also be included.

There is a contradiction between section 2.9 on highways referring to 'modest improvements to the SRN' rather than 'materially lifting capacity' and the capacity enhancements referred to in some highway interventions (e.g. I9).

The approach to active travel in the London-Sussex section is considered more effective.

*Only if you answered London - Sussex Coast:*

***To what extent do you agree that the packages of interventions for the London - Sussex Coast area will deliver on the priorities of the SIP?***

- Definitely agree
- **Somewhat agree ✓**
- Neither agree nor disagree
- Somewhat disagree
- Definitely disagree
- I'm not sure

***Please select all the packages for the London - Sussex Coast area that you feel are important in achieving the priorities of the SIP. Tick all that apply***

- **London - Sussex Coast Rail (2 Packages) ✓**
- **London - Sussex Coast Mass Transit ✓**
- **London - Sussex Coast Active Travel ✓**
- **London - Sussex Coast Highways ✓**

***Do you have any further comments on the Packages of Interventions for the London - Sussex Coast area? Please limit your response to 250 words***

A comprehensive set of active travel and public transport interventions are included in the Council's Local Walking and Cycling Infrastructure Plan and Bus Service Improvement Plan.

The Council supports strategic highways improvements that include reallocation of roadspace to active/sustainable travel and/or improve safety on the network, and reduce conflicts between local and longer distance traffic, such as online A27 junction enhancements in Brighton & Hove. These are measures that support the Council's City Plan. However, there are major concerns that some of the more significant, proposed highway improvement schemes (e.g. new road construction and capacity improvements) proposed for the A23/M23 Corridor will increase traffic levels around the city, and affect local transport initiatives and other priorities for the city. These schemes could also have a detrimental impact on the South Downs National Park.

The Active Travel package should be stronger; improving and enabling active travel in all urban areas (including links to public transport options) will reduce the demand for private vehicle trips on the strategic highway network, and therefore will remove the need for some highway capacity improvements. The SIP should include strategic NCN cycle routes

as interventions, and also include reference to smaller, local mobility hubs to improve sustainable travel options.

*Only if you answered Wessex Thames:*

***To what extent do you agree that the packages of interventions for the Wessex Thames area will deliver on the priorities of the SIP?***

- Definitely agree
- Somewhat agree
- Neither agree nor disagree
- Somewhat disagree
- Definitely disagree
- I'm not sure

***Please select all of the packages for the Wessex Thames area that you feel are important in achieving the priorities of the SIP. Tick all that apply.***

- Wessex Thames Rail
- Wessex Thames Mass Transit & Active Travel
- Wessex Thames Highways

***Do you have any further comments on the Packages of Interventions for the Wessex Thames area? Please limit your response to 250 words.***

*Only if you answered Kent, Medway and East Sussex:*

***To what extent do you agree that the packages of interventions for the Kent, Medway and East Sussex area will deliver on the priorities of the SIP?***

- Definitely agree
- Somewhat agree
- Neither agree nor disagree
- Somewhat disagree
- Definitely disagree
- I'm not sure

***Please select all of the packages for the Kent, Medway and East Sussex area that you feel are important in achieving the priorities of the SIP. Tick all that apply.***

- Kent, Medway, and East Sussex Classic Rail
- Kent, Medway, and East Sussex High Speed Rail (two Packages)
- Kent, Medway, and East Sussex Mass Transit
- Kent, Medway, and East Sussex Active Travel
- Lower Thames Crossing
- Kent, Medway, and East Sussex Highways

***Do you have any further comments on the Packages of Interventions for the Kent, Medway and East Sussex area? Please limit your response to 250 words.***

## Global Policy Package of Interventions

*Which of the above Global Policy Interventions do you feel are important for the SIP to support? (Tick all that apply)*

- Decarbonisation ✓
- Public Transport Fares ✓
- New Mobility ✓
- Road User Charging ✓
- Virtual Access ✓
- Integration ✓

*Do you have any further comments on the SIP's Global Policy Interventions? Please limit your response to 250 words.*

Within the Global policy interventions, decarbonisation should focus much more on the climate emergency and reducing the need to travel, increasing active travel and public transport use to ensure that the majority of journeys are made by these modes. The SIP places a heavy reliance on the adoption of electric vehicles, which will provide positive impacts for localised air pollution but continued vehicle use will not reduce road danger, congestion or depletion of nature, and continue to present demands for power. EVs also have a significant carbon footprint, including embedded carbon.

The phrase “new mobility” (1.3) needs to be made stronger, as the topic is an important point and needs expanding. The principle of national road user charging (1.4) is welcomed and within the broader context of charging, emphasis should also be given to encourage local authorities to investigate a workplace parking levy in their areas.

The Council fully supports measures to address the climate emergency and address public transport fares, in partnership with local bus operators. It has adopted a Carbon Neutral Programme to deliver its commitment to become carbon neutral by 2030, and the Bus Service Improvement Plan includes a number of actions to deliver lower flat rate fares, lower single fares and lower daily price capping in the city.

The remaining packages broadly align with the approved priority areas for the emerging Local Transport Plan for the city.

While the delivery of the SIP places a high expectation on the delivery of the global interventions, there are several that the Council and other local authorities have little or no control over and therefore this places reliance on others to deliver them.

Other regions in the UK have an Active Travel Commissioner. This should be an ambition for the South East as it will help in the delivery of a comprehensive active travel network and a move away from the emphasis on road building.

#### **Section 4: Benefits and Costs**

*Do you think that the SIP captures the benefits and costs of the proposed packages of interventions adequately? Choose any one option.*

- Yes
- **No ✓**
- I'm not sure

*Please explain your answer to the above question here. Please limit your response to 250 words.*

The environmental, social and financial implications have not been made explicit enough in the analysis. As previously stated, there is a need for much greater emphasis on active travel and public transport.

#### **Section 5: Delivery of the SIP**

*To what extent do you agree that, as a whole, the packages of interventions will deliver on the priorities of the SIP?*

- Definitely agree
- Somewhat agree
- **Neither agree nor disagree ✓**
- Somewhat disagree
- Definitely disagree
- I'm not sure

#### **Section 6: Integrated Sustainability Appraisal and Conclusion**

*Do you have any comments on the Integrated Sustainability Appraisal?*

The ISA approach and outputs are considered to be commensurate with the high level, proposed interventions. However, given the necessary emphasis on the need to address the climate emergency, the Council would have preferred a net zero target of 2030 to have been assessed, rather than 2050.

*Overall, to what extent do you agree that the SIP makes the best case possible for investing in transport infrastructure in the South East?*

- Definitely agree
- Somewhat agree
- **Neither agree nor disagree ✓**
- Somewhat disagree
- Definitely disagree
- I'm not sure

# Brighton & Hove City Council

## Environment, Transport & Sustainability Committee

## Agenda Item 31

**Subject:** Moving Traffic Offences

**Date of meeting:** 20<sup>th</sup> September 2022

**Report of:** Executive Director Economy, Environment & Culture

**Contact Officer:** Name: Andrew Westwood  
Tel: 01273 292468  
Email: andrew.westwood@brighton-hove.gov.uk

**Ward(s) affected:** All

**For general release**

### **1. Purpose of the report and policy context**

- 1.1 It is now possible to apply for powers to enforce Moving Traffic Offences as the government has provided the powers by enacting part 6 of the 2004 Traffic Management Act (TMA). This specific part of the TMA was not brought into force and the Local Government Association conducted a survey where 90% of Local Authorities expressed interest in applying for the powers. The government then pledged to commit to the provision of the powers, which it did on 31st May 2022.
- 1.2 This report seeks to set out the specific powers that would be of benefit to the authority and why the initial sites have been chosen. It also seeks approval to conduct the necessary consultation as set out in the Statutory Guidance and to formally apply for the powers.

### **2. Recommendations**

- 2.1 That Committee approve that a consultation, as set out in the statutory guidance, is conducted indicating the powers that will be sought and the rationale for the application.
- 2.2 That the authority is delegated to the Executive Director for Economy, Environment & Culture to consider the consultation responses and apply for the powers if they consider it appropriate.

### **3. Context and background information**

- 3.1 Currently the Police have the responsibility for enforcing traffic restrictions and due to the need to prioritise focus on threats to life and limb, this results in traffic issues falling behind the wide range of other pressures.

- 3.2 The 2004 Traffic Management Act while including the specific part of the act (part 6) to devolve a range of powers to Local Authorities to enforce using technology did not enact the secondary legislation to enable this to happen.
- 3.3 From the 31<sup>st</sup> of May 2022 it is now possible for Local Authorities to apply for the powers including:-
- incorrectly driving into a bus lane (currently enforcement of bus lanes is carried out under the regulations in the Transport Act 2000)
  - stopping in a yellow box junction
  - banned right or left turns
  - illegal U-turns
  - going the wrong way in a one-way street
  - ignoring a [Traffic Regulation Order](#) (TRO)
- 3.4 Statutory guidance has been released that sets out how the powers can be applied.
- In detail:-
- The LA will have consulted the Chief Officer of Police
  - Carried out a minimum 6 week public consultation on the detail of planned civil enforcement of moving traffic contraventions (rather than whether people agree with the principle of moving traffic enforcement), including the types of restrictions to be enforced and the location(s) in question
  - Considered all objections raised and has taken such steps the council considers reasonable to resolve any disputes.
  - Carried out effective public communication and engagement as the council considers appropriate, for example using local press and social media, and that this will continue up to the start of enforcement and for a reasonable period thereafter
  - Any additional enforcement locations in the future will have to follow the same steps with consultation, consult the Chief Police Officer and consider any objections raised. However, it will not be necessary to seek further approval from the Secretary of State for additional enforcement locations
  - Local authorities are not required to enforce every sign or marking; instead, enforcement should only be used to target problem locations. At any location where it is considered that contraventions could be avoided by reasonable improvements to the highway or to traffic signing, such improvements should be made, and appropriate monitoring carried out before enforcement action is considered
  - Charge levels are set in the legislation and the public must know the levels that will be set
- 3.5 Once the powers are provided new technology will have to be procured and a full review of the resources needed to ensure that it is possible to issue the penalty charges, carry out reviews, and deal with any appeals.
- 3.6 This means that it is expected that actual enforcement would not commence with the first stage of issuing warnings as set out in the guidance until the Autumn of 2024.

- 3.7 Any roll out would focus on strategic routes and safety issues in the first instance as a trial. This will allow the council to reduce congestion and improve safety on these key routes. It will also enable an assessment of the income produced to ensure that the service is not put at risk of not generating sufficient income to pay for the service. It is acknowledged that implementing enforcement at school streets is challenging as many exceptions are allowed in the traffic orders so actually managing who has access is time consuming and challenging. At school streets a list has to be held that will allow those who can enter the ability to do so, but this is very time consuming and resource intensive managing the white list (the list of vehicles that are able to enter the street legally).
- 3.8 School streets are a priority for encouraging active travel and making roads outside schools safe for children.

#### 4. Analysis and consideration of alternative options

- 4.1 The powers will be sought for the following sites in the initial phase.

Offence	Locations	Rationale
Banned turning movement	Lewes Road Junction with Upper Lewes Road – Brighton (existing CCTV camera)  Ditchling Road junction with Union Road – Brighton (existing CCTV camera)  Ditchling Road junction with Preston Drove – Brighton (existing CCTV camera)	All these junctions suffer from vehicles travelling through pedestrian crossing facilities when they are not allowed. The vehicles ignore the signing and ignore the banned movement. All the sites have been reviewed and have had signing changed, but the data shows it is still occurring. Enforcement would enable this problem to be tackled.
Yellow Box Junctions	Old Shoreham Road junction with New England Road – Brighton (existing CCTV camera)	This junction suffers from vehicles ignoring the road marking leading to increased delays.
Traffic prohibitions	Church Street junction with Mount Zion Place – Brighton (New ANPR camera)  Hampton Place junction with Hampton Street - Brighton (New ANPR camera)  East Street Brighton (existing CCTV camera)	All these sites have had signing reviews, but still suffer from vehicles ignoring the prohibitions. The council receives many complaints. The data indicates the extent of the problem.

School Streets	Downs Junior school	Many schools in the city suffer from vehicles rat running to avoid congested routes when children are starting their day. Many schools are located on residential streets and many of these vehicles could keep to the main routes in the city. Signing on its own has proven to be ineffective at most sites and while stewards (volunteers or school staff) operating bollards or gates does resolve the problem, it does rely on the good will of the community long term. There can be challenges with this due to numbers of volunteers/staff required to safely operate a road closure twice a day during the school term and a natural churn in volunteers therefore requiring ongoing recruitment by the school. Enforcement using cameras would provide an effective deterrent to the problem and are widely used by London authorities to deliver School Streets.
	Hove Junior school (School Road site)	
	Queen's Park Primary school	
	Brunswick Primary school	
	Westdene Primary school	
	St Luke's Primary school (all new ANPR cameras that will be moved and installed at each site for a period to be determined. Likely to be managed using 2 cameras)	

4.2 Not applying for the powers increases the safety risk for pedestrians using the various junctions and school streets and increases congestion at sites where delays occur due to poor driver behaviour.

4.3 The Police treat traffic offences as a low priority focusing on risks to life and limb so many traffic restrictions are ignored.

## 5. Community engagement and consultation

5.1 A consultation in accordance with the statutory guidance will be carried out on the specific powers applied for and the initial sites selected.

## 6. Conclusion

6.1 The Police do not have sufficient resources to tackle the problems of traffic restriction abuse and it undermines the effectiveness of putting in restrictions that often protect pedestrians and cyclists.

6.2 The powers do provide a method of enforcement to finally tackle some of the issues faced by many people in the city.

## 7. Financial implications

7.1 The cost of the consultation can be covered from existing revenue budgets.

7.2 If the consultation results in an application to introduce the powers, it is anticipated that the income generated from the introduction of these measures would fully pay for both implementation and ongoing revenue to support the service for moving traffic offences. The traffic restrictions would be enforced using technology and any penalty charges issued would be

retained by the council to support the service. Focus will be on strategic routes and safety measures in the first instance to understand how much income is achieved before moving onto School streets where it is likely the cost of enforcing exceeds the income generated as demonstrated by London Boroughs who have implemented camera enforcement. Existing CCTV cameras will be used where possible and ANPR cameras can be procured for the sites identified in the report. The use of technology will allow full assessment of potential income and therefore the implications for the revenue budget. It is estimated that the revenue budget implications will be neutral. The initial procurement will be funded through a spend to save approach.

Name of finance officer consulted: Jill Scarfield Date consulted (23/08/22):

## **8. Legal implications**

- 8.1 The powers that enable local authorities outside London to apply to enforce moving traffic offences were introduced under The Traffic Management Act 2004 (Commencement No. 10 and Savings and Transitional Provisions) (England) Order 2022, which brought into force the relevant provisions of the Traffic Management Act 2004 as from 31 May 2022.
- 8.2 Section 87 of the 2004 Act provides for statutory guidance to be published regarding the civil enforcement of traffic contraventions and states that local authorities must have regard to the guidance when exercising that function. Statutory Guidance regarding moving traffic offences was published on 31 May last and this requires the consultation, to which this report refers, to be carried out

Name of lawyer consulted: Hilary Woodward Date consulted (18/08/22):

## **9. Equalities implications**

- 9.1 Any traffic restrictions with exceptions for anyone with a disability would have to have a system included to allow them access as they do now.

## **10. Sustainability implications**

- 10.1 None



# Brighton & Hove City Council

## Environment, Transport and Sustainability Committee

## Agenda Item 32

**Subject:** Gardner Street and Regent Street Traffic Regulation Order

**Date of meeting:** 20<sup>th</sup> September 2022

**Report of:** Executive Director Economy, Environment & Culture

**Contact Officer:** Name: David Fisher Tel: 01273 292065  
Email: david.fisher@brighton-hove.gov.uk

**St Peters & North Laine Ward**

**For general release**

### **1. Purpose of the report and policy context**

- 1.1 The report seeks committee approval for the making of two Traffic Regulation Orders (TROs) the effect of which will be the closure of Gardner Street to vehicular traffic, except for cycles, between 11am and 7pm every day, the removal of disabled parking bays from Gardner Street and the provision of additional disabled parking bays in Regent Street

### **2. Recommendations**

- 2.1 That the Committee, having taken account of all duly made representations and comments, agrees that the TROs detailed below are approved and proceed to implementation stage
- Brighton & Hove (Prohibition of Driving) (Gardner Street) Order 202\* (TRO-22a-2022)
  - Brighton & Hove Various Controlled Parking Zones Consolidation Order 2018 Amendment Order No.\* 202\* (TRO-22b-2022)

### **3. Context and background information**

- 3.1 In September & October 2021 the council engaged with residents, traders, and stakeholders by hosting online meetings following changes made as part of the Experimental Traffic Regulation Orders (ETRO) for Sydney Street and Gardner Street that were implemented in July 2020 to allow for greater social distancing during the Covid -19 pandemic.
- 3.2 Following this engagement process, a report was produced that highlighted concerns raised by stakeholders but recommended a review of the usage of

the disabled parking bays (DPB) and consider alternative locations to improve accessibility, and further improve the street scene and help the local economy.

- 3.3 The TRO notice Appendix A TRO-22a-2022, relating to the closure of Gardner Street, and TRO -22b – 2022 relating to the relocation and provision of the DPB was published in the Argus newspaper on the 22<sup>nd</sup> July 2022 to receive representations until the 12<sup>th</sup> August 2022. The Ward Councilor's for the area were consulted, as were the statutory consultees such as the emergency services.
- 3.4 The advertised TRO has a statutory consultation process which enabled members of the public and stakeholders to comment on these proposals before any scheme is implemented.
- 3.5 Detailed plans and the TROs were available to view online Appendix B and copies of these were sent to residents and business in Gardner Street to highlight the proposed changes.
- 3.6 The proposed changes included the relocation of two time limited DPBs from Gardner Street and an additional seven DPBs in the neighboring road, Regent Street. This would allow Gardner Street to be closed to all vehicles except cycles and create a pedestrianised shopping and leisure area in Gardner Street for all users during the hours of operation.
- 3.7 The closure of Gardner Street to motorised vehicles will allow businesses to expand their outside space subject to licensing permissions and will further enable the carriageway to be used as a shared space for pedestrians and cyclists. This will create a safer space for pedestrians, wheelchair users, road users and reduce noise pollution and improve air quality in the area
- 3.8 The Council received 185 items of correspondence to the proposals from residents, businesses, and stakeholders. This included support and objections to the proposals.
- 3.9 The comments and objections are listed in Appendix C Additional comments and objections are included with the exempt category 2 report.

#### **4. Analysis and consideration of alternative options**

- 4.1 The main alternative option would be to not approve the Traffic Regulation Order for Gardner Street and leave the road with its current restrictions (Sat 10am – 7pm, Sun & Bank holidays 11 am – 5pm). This would be contrary to the wishes of the local businesses, active travel forums and others in the area who are supportive of this measure.
- 4.2 If approval is not granted, officers recommend continuing with the installation of the additional DPBs in Regent Street to create additional disabled parking provision and allow blue badge holders better access to facilities in the North Laine area.

- 4.3 Consideration has been given to retaining the two DPB's in Gardner Street and restricting vehicle access to Blue Badge holders. This situation was trialed during the ETRO between August 2020 and September 2021. Whilst it did maintain disabled access it was noted that neither the businesses or Blue Badge holders found the restrictions useful. Blue Badge holders were not sure the road could be used so avoided it. Other vehicles including delivery drivers regularly abused the restrictions by driving in and stopping to unload. As the carriageway had to be kept clear businesses were unable to expand their outside areas.
- 4.4 The final option is doing nothing which would mean neither of the proposals would be taken forward

## **5. Community engagement and consultation**

- 5.1 Consultation took place following recent changes made on a traffic regulation order the comments and wishes of the respondents were taken into account when considering what changes would best meet the needs of the local population. Engagement with a wide range of residents, businesses and stakeholders has been built into the process from the start and this shown that there was general support for change and the closures were welcomed during the lockdown.
- 5.2 Comments received to the TROs highlight concerns from blue badge holders who use the DPBs for appointments and leisure activities, they would no longer be able to access these during the hours of restriction.
- 5.3 The two DPBs located in Gardner Street are for general use and time limited to 3 hours maximum stay for any blue badge holder and are not allocated to any one individual. The DPB policy agreed by members states that provision of a residential DPB would require a vehicle to be registered to the applicant's property in order for a space to be installed nearby.
- 5.4 The use and analysis of data and engagement has informed the project to ensure it meets the needs of the local population. The proposed measures will be of benefit to many pedestrians and road users.

## **6. Conclusion**

- 6.1 Following the TRO consultation 185 comments received has outlined that the road closure scheme is generally supported, 75 object to the proposals and 115 comments for support and after reviewing the comments it is recommended to proceed with the closure of Gardner Street except to pedestrians and cyclists; (11am – 7 pm every day).
- 6.2 The creation of additional seven DPBs in Regent Street will ensure more accessibility for blue badge holders in the North Laine area. The removal of double yellow lines and creation of these DPBs will make it an offence for delivery drivers to load and unload in these dedicated spaces. Local deliveries which currently use the double yellow lines for deliveries prevent

blue badge holders from parking on these double yellow lines. The proposed time limited DPBs in Regent Street will also generate a turnover of use for all blue badge holders visiting the area.

- 6.3 It is also recommended that any requests for minor design amendments deemed appropriate by officers are added to the proposed scheme during implementation and advertised as an amendment Traffic Regulation Order.

## **7. Financial implications**

- 7.1 The recommendation to approve the Traffic Regulation Orders would result in minor signage, road lining costs, new dropped kerbs and removal of street clutter. The costs of these changes estimated at less than £0.010m would be funded by existing budgets for the Local Transport Plan. Officer time associated with the TROs will be contained within existing budgets. Any significant variations to budget will be reported as part of the council's monthly budget monitoring process.

Name of finance officer consulted: John Lack Date consulted (06/09/2022):

## **8. Legal implications**

- 8.1 The Council regulates traffic by means of orders made under the Road Traffic Regulation Act 1984. The procedure for making such orders is contained in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 which require public notice of proposed orders to be given and for the relevant documents to be placed on deposit for public inspection. Any person may object to the making of an order.

The Council's Constitution provides that decisions on TROs are made by Environment, Transport & Sustainability Committee where there are either six or more unresolved objections or the matter has been called in.

Name of lawyer consulted: Hilary Woodward Date consulted (22/08/2022):

## **9. Equalities implication**

- 9.1 An Equalities Impact Assessment has been carried out appendix D

## **10. Sustainability implications**

- 10.1 There are no Sustainability implications.

## **11. Other Implications**

### **Social Value and procurement implications**

- 11.1 There are no social value and procurement implications

### **Crime & disorder implications:**

11.2 There are no crime & disorder implications

**Public health implications:**

11.3 There are no public health implications

**Supporting Documentation**

**1. Appendices**

1. Appendix A – TRO Notice
  2. Appendix B – TRO Plan
  3. Appendix C – TRO comments received
  4. Appendix D – Equalities impact assessment
2. Gardner Street and Regent Street Traffic Regulation Order Exempt category 2 report (copy circulated to Members only).



# **BRIGHTON & HOVE CITY COUNCIL**

## **ROAD TRAFFIC REGULATION ACT 1984**

NOTICE is hereby given that Brighton & Hove City Council ("the Council") proposes to make the Orders named below under the relevant sections of the Road Traffic Regulation Act 1984 as amended which if they come into force will introduce various changes as detailed below:

### **Brighton & Hove (Prohibition of Driving) (Gardner Street) Order 202\* (TRO-22a-2022)**

- Change the prohibition of driving on Gardner Street to Monday to Sunday 11am to 7pm (currently Saturdays 10am to 7pm and Sundays and Bank Holidays 11am to 5pm)

### **Brighton & Hove Various Controlled Parking Zones Consolidation Order 2018 Amendment Order No.\* 202\* (TRO-22b-2022)**

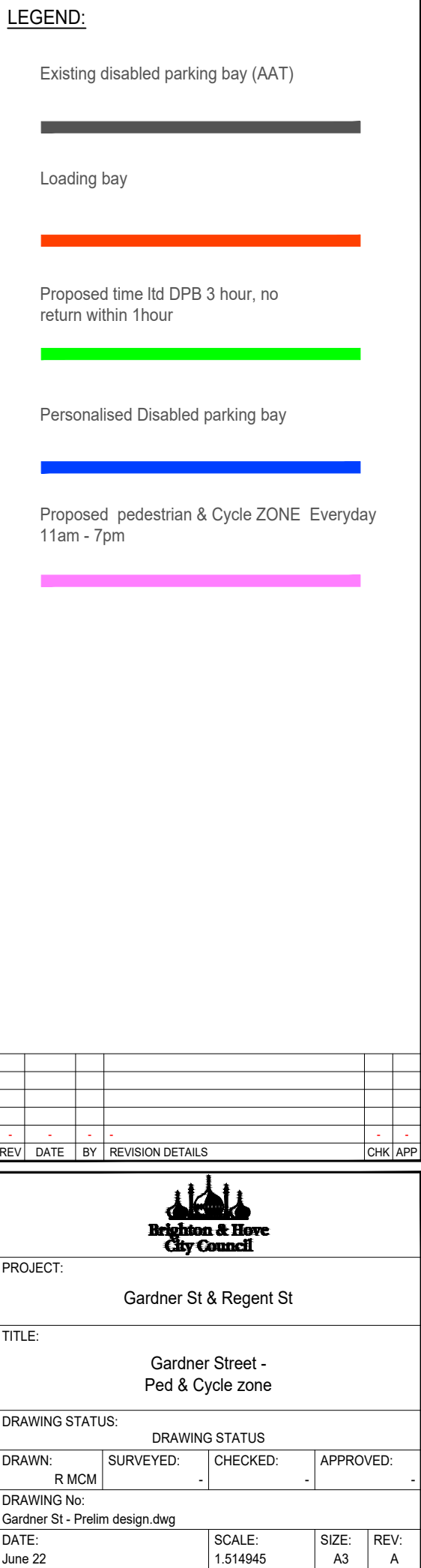
- Gardner Street – removes the disabled bays (relocated to Regent Street) and makes the loading bay restricted to loading only between 7pm to 11am.
- Regent Street- introduces new and relocates time limited disabled bays (Mon-Sun Max stay 3 hours – no return within 1 hour)

A copy of this Notice, the proposed Orders, plans showing the lengths of road affected and a statement of the Council's reasons for proposing to make the Orders may be seen online at [www.brighton-hove.gov.uk/current-tros](http://www.brighton-hove.gov.uk/current-tros).

All objections and other representations relating to the proposed Orders must be made in writing and all objections must specify the grounds on which they are made and should be sent to the Executive Director Economy, Environment & Culture, Brighton & Hove City Council, Parking Design & Implementation, Room G40, Hove Town Hall, Norton Road Hove, BN3 3BQ quoting the TRO reference number shown above or by e-mail to [TROcomment@brighton-hove.gov.uk](mailto:TROcomment@brighton-hove.gov.uk) or online (see details above) no later than 12 August 2022. Please ensure you include your full name and address.

Dated: 22 July 2022  
Executive Director Economy, Environment & Culture  
Brighton & Hove City Council  
c/o Parking Design and Implementation  
G40 Hove Town Hall  
Norton Road  
Hove BN3 3BQ  
[www.brighton-hove.gov.uk/tro-proposals](http://www.brighton-hove.gov.uk/tro-proposals)







Road	Object/Support	Comment
Southover Street	Support	Will improve the road being free of motor vehicles
Glendale Road	Support	Safer spaces for all, especially children
Vere Road	Object	Safety and wellbeing of neighbours, and those who need disabled access
		Traffic will increase after hours
Graham crescent	Object	Will be unable to attend the Komedia and other cafes/ shops
Gardner Street	Support	Disabled bays aren't used often
		Change of proposed hours to allow for rubbish collection
		Additional loading bay for Church street
Melbourne Street	Support	Gardner Street would benefit from the proposed changes
		Environmental considerations
Uckfield	Support	More seating for cafes in Gardner St
		Will improve the area with no traffic
Mackie Avenue	Support	More roads should be car free in central Brighton
Addison Road	Support	Excellent proposal for making walking and cycling
Weston Super Mare	Object	Disabled resident requires access at all times
		Difficult to visit the street
Stanford Avenue	Support	Will improve air quality
Upper Hollingdean Road	Support	Better for the many cafes and food retailers,
		will be a safer and better environment
Langridge Drive	Object	Will restrict disabled access using the area and amenities
		Will leave disabled residents who require 24 hour vehicle access restricted
High Street	Support	Will improve the area for many local businesses and more covid friendly dining
		A more pleasant environment with less emissions
Gardner street	Support	Better as a pedestrianised street
		More room for tabled and chairs
Gardner Street	Support	Better opportunity for cafes to have more seating outside and no vehicles during operational hours
BADGE	Object	
Lovers Walk	Object	Knows a disabled resident who needs access 24 hours a day
Albert Road	Support	Tables and chairs can be put out in the street
		Will make a huge difference to trading and the vibe of the street
East Grinstead	Object	Unable to visit friends who reside on the street
		Flexibility is required for those who reside in the street
	Object	Unfairly harm disabled people live in Brighton & Hove
Brewer Street	Object	Poses an ethical threat to those with disabilities
Vere Road	Object	Blue badge holders wont be able to access the street outside the hours of restriction
		Consultation is limited
		Harder for disabled people to access the street from encroachment from businesses
St Georges Road	Object	the bays in gardener street are vital for the use of the street
Rose Hill Close	Support	Improve pedestrian safety & disabled access
		Improve opportunities for local and independent retailers
		Improved access for all.
Stanley Street	Support	Great idea for traders, visitors and locals
Thornhill Avenue	Support	The street is better and safer being traffic free
		Allows more outdoor seating
Frederick Gardens	Support	More pedestrianisation in North Laine
		Cyclists should be restricted
Prestonville Road	Support	Pedestrianisation is essential to encourage safe use of busy areas like Gardner street
		Will help support the local businesses
Clarendon Road	Object	Disabled bays are imperative for disabled people
		Double yellow lines do not give enough time for shopping
Pankhurst Avenue	Support	Wants the North Laine to be a healthier and more pleasant place to work and spend time
		Wants marked out areas so business don't go outside of their permitted spaces
Crescent Drive South	Object	Will exclude disabled people who live in the street
		Disabled bays on Regent street are too far
York Avenue	Object	Disabled resident requires access at all times
Bexhill Road	Object	Disabled resident requires access at all times
North Road	Support	Will help the diverse range of shops
		Will encourage better footfall in the area
		Will support full move to pedestrians the whole North Laine area
Chatham Place	Support	Reduce pollution
		The city centre will be more pleasant for residents and visitors if it was car free.
Upper Lewes Road	Support	support increased pedestrianisation
Marlow Road	Support	Benefit to the shops in the road to be pedestrianised
St Pauls Street	Support	Make Brighton car free and allow only electric vehicles, bikes and green public transport
Portland Place	Support	Will make the area more enjoyable
Rotherfield Crescent	Support	More pedestrianised areas would be better
	Object	Relocation of DPB are of no benefit
		Parking for BB holders is limited to the area
Clifton Street	Support	increased number of DPB in Regent street
		Would like bays to remain in Gardner St
Clifton Street	Support	Supports prohibition of driving making the street safer
		Concerns about disabled residents who live in the street
		Reduce hours from 12am to 7pm
		Closure all year round on Fri - Sun and bank holidays
		April to September as the proposed 7 days a week
Gardner Street	Support	Great benefit for those living and working in Gardner St
		Will be able to enjoy the whole week with the road being pedestrianised
White street	Support	It's a lovely environment with no cars
		better for traders
		Decreasing cars would be beneficial the whole city and wider world.
Westbourne Street	Support	Good for local economy
Gardner Street	Object	Removing the BB bays from Gardner street will stop access to the shops
	Object	Supporting a friend in Gardner St who requires 24 hour access
Kingsley Road	Support	More areas should be pedestrianised to enjoy the area
Ewart Street	Support	Road will be safer

		Will support businesses
		Will give greater outside seating options
Clayton Road	Support	Safer on foot
		More enjoyable to sit outside without traffic and fumes
Gardner Street	Object	Bays are fine in current location
		BB holders can currently park on DYL
		Residents will become housebound
Beaconsfield Villas	Support	Will be safer for pedestrians when fully pedestrianised
Wellbeck Avenue	Object	Knows a disabled resident who needs access 24 hours a day
Horton Road	Support	It will improve trade
		Cars using the road is inconvenient for peds
Upper Hollingdean Road	Support	Better safety and improved air quality
		Creation of DPB is better for residents and visitors foe better access
Rodmell Avenue	Support	need more spaces on the road and should be like Sydney St
Portland Road	Object	Removal of DPB is wrong,
		Requires access to the North Laine, regent St isn't accessible
Montague Place	Object	Will make this difficult for at least two residents and would impact on their lives as they require 24 hour access
		Impossible for disabled visitors to access the area.
North Road	Support	Will help preserve the unique vibe of the North Laine
		Will benefit local businesses by allowing them to expand out
		Will encourage better footfall in the area
Lansdowne Place	Support	Extended seating areas for cafes
Gardner Street	Object	Use the bays for accessing the Komedia and amenities in the area
Rugby Place	Object	Removal of bas in Gardner St will result in disadvantage to BB holders
		Regent St already has double yellow lines to park on
Kemp Street	Support	Expanding pedestrian roads in North Laine will benefit residents and visitors
		Improve air quality and safety
Brunswick Road	Support	Safer and more comfortable for pedestrians
Overhill Gardens	Support	Traffic free would mean more seating for cafes
		North Laine is a tourist hotspot, creating it into a safer space
		Street is often bust with pedestrians not looking where they are going, vehicle free would make this safer foot them
Palmeira Avenue	Support	To reduce traffic pollution
Gardner Street	Support	Increased space for the businesses is essential
		Increased space for pedestrians is essential
		Supporting independent businesses is essential
Queens Park Road	Support	Will bring an uplift to the area and local businesses
Gardner Street	Support	Residents and businesses have been campaigning for over 20 years for this to happen
		This is essential for business in the city to survive
	Support	Will benefit and support local businesses
Dawson Avenue	Support	Less pollution
		Safer Street
Vere Road	Object	Will affect residents who require 24 hour vehicle access
		Traffic will increase after hours
Richmond Road	Support	
Windmill Street	Object	Lack of accessibility for BB holders
	Object	Knows a disabled resident who needs access 24 hours a day
Milner Road	Support	Will increase public safety in the area
		Reduce emission from vehicles
		Improve trading for cafes with better outdoor seating
Shoreham by Sea	Object	Parking difficult in surrounding streets
		Will prevent access to Tichbourne Street
Tenantry Down Road	Support	Better environment without cars
		The pavements are very narrow in places and the road has to be used, not dealing with cars will make this safer to do so.
Leeds	Object	Knows a disabled resident who needs access 24 hours a day
Sandown Road	Object	Knows a disabled resident who needs access 24 hours a day
Gardner Street	Object	No good for disabled residents
Gardner Street	Object	Discrimination for disabled users in Gardner Street
Towergate	Object	Displacement of traffic into neighbouring roads
France	Object	Knows a disabled resident who needs access 24 hours a day
Gardner Street	Support	The restrictions will improve the area
Gardner Street	Object	Problems for deliveries and suppliers during hours of restriction
Gardner Street	Object	Will make residents housebound with restrictions in place
Westfield Rise	Support	Reduce pollution and carbon emissions
		Traffic free will ne netter
Vere Road	Object	Knows a disabled resident who needs access 24 hours a day
Vere Road	Object	Knows a disabled resident who needs access 24 hours a day
Newick Road	Support	Traffic free would help me support the small business, as currently I am unable to get a buggy along
		Benefit to the local economy
Gardner Street	Support	Will be more pedestrian friendly
		Traders will be able to utilise the space when the closure is in place
Tidy Street	Object	Will create problems for disabled and less able residents
		Knows a disabled resident who needs access 24 hours a day
		More tables and chairs will reduce access for pedestrians
Australia	Object	Knows a disabled resident who needs access 24 hours a day
		Restrictions prevent other BB holders from accessing the facilities
Compton Avenue	Support	Less traffic will improve the safety and become more pleasant
	Object	Knows a disabled resident who needs access 24 hours a day
	Object	Knows a disabled resident who needs access 24 hours a day
Wanderdown Road	Object	Vehicle access required by all blue badge holders to visit the city centre
Gardner Street	Support	Improved environment for pedestrians
		Less pollution
		Improved disabled access in the neighbouring road
Tidy Street	Object	Knows a disabled resident who needs access 24 hours a day
Beaconsfield Road	Object	Knows a disabled resident who needs access 24 hours a day
		Needs more disabled bays in Brighton & Hove
Ashurst Road	Support	Will make the road more friendly to pedestrians
		Better air quality

Marine Square	Support	Reduced pollution, congestion and accidents
		Improve accessibility for residents and visitors
		Improved outdoor seating
Lewes	Object	Residents who needs access to their front door is required
		Relocation of DPBs are too far away
Albion Hill	Support	More of Brighton to be pedestrianised
West Hill Street	Support	Will help the small businesses
		Should be 11am - 3pm to allow deliveries
Beaconsfield Road	Object	Knows a disabled resident who needs access 24 hours a day
Coronation street	Support	Improved environment for pedestrians
		Enable more tables and stalls making a nicer atmosphere
Hampden Road	Support	Will create a better shopping area in the North Laine area
Tenantry Down Road	Support	No need for traffic in the area
		Much nicer at weekends when the closure is in place
Chanctonbury Road	Support	Road is suitable for pedestrianisation
		Would allow businesses room to expand
Osborne Road	Support	More pedestrianised areas in Brighton
		Cafes can have tables and chairs on street
Bentham Road	Support	Support the restrictions to make the area more enjoyable
		Less noise and pollution
Harrington Villas	Support	Support the proposal to limit motor vehicles
		Less air and noise pollution
		would prefer cycles to be persuaded to "Walk"
The Brow	Support	More outdoor seating would benefit the businesses
Gardner Street	Support	No traffic during the previous TRO made the street much nicer
White Street	Support	Will boost the safety and make the area more accessible
Newmarket Terrace	Support	Brighton needs more steps to become less car focused
Selbourne Road	Object	Does not support rights of the disabled
Caledonian Road	Object	Bays are used to access the Komedia
Gardner street	Support	
Shaftesbury Road	Support	Will support small businesses and reduce traffic
Evelyn Terrace	Support	Would benefit shops and restaurants and make the area more enjoyable
Heath Hill Avenue	Support	Will improve the street for pedestrians
St Georges Road	Support	will make the road safer
		Will allow a nicer area for businesses to expand the seating
Eaton Gardens	Object	Bays are required to access the facilities
		Provision if DPBs is poor
		Regent Street is too far
Stirling Place	Object	Disabled resident who needs access 24 hours a day
		TRO isn't accessible to all
		Prevents use of the Komedia and other amenities
		Weekend access should be included
Bevendean Crescent	Support	Gardner Street would benefit from the proposed changes
	Support	Reduce emissions
		Support smaller businesses
	Support	Support smaller businesses
		Safer for pedestrians
Franklin Road	Support	
Australia	Object	Knows a disabled resident who needs access 24 hours a day
Tichbourne Street	Object	Will make parking and access to Tichbourne street more difficult for residents
Overhill Gardens	Object	Will make parking and access to Tichbourne street more difficult for residents
Mackie Avenue	Support	Great for the community
Leeds	Object	Knows a disabled resident who needs access 24 hours a day
Gardner Street	Support	relocation of disabled bays would be safer and increase the DPB provision in the area
Gardner Street	Support	Would ease congestion on the pavements
		Significant boost for the trade with the additional footfall
		Improve the safety and community
Gardner Street	Support	An excellent idea which most of the street have wanted for many years
Surrender Crescent	Support	Current setup isn't safe
		Was better when the restrictions were in place during lockdown
		More seating for cafes in Gardner St
Gardner Street	Object	Require additional loading provision
		Traffic flow from NCP car park wont be able to travel through Gardner St
Manchester	Object	Disabled resident who needs access 24 hours a day
Lancaster Road	Support	No need for vehicles to drive down Gardner St
		More space for table and chairs
Gardner Street	Object	Access required for the facilities in the street
	Object	Access required for the facilities in the street
		Relocation of DPB provision isn't sufficient
Plainfields Avenue	Object	Access required for the facilities in the street
Gardner street	Support	Will support the businesses
Gardner Street	Object	Need to consider needs of the disabled people
Southover street	Support	Will enhance the area and footfall for businesses
Mile Oak Road	Object	Access required for the facilities in the street
		Allow blue badge parking only in Gardner Street
Upper Hollingdean Road	Support	Will make the street safer and quieter
Stoneham Road	Object	Relocation of the bays is discriminatory
Shoreham by Sea	Object	Will make parking and access to Tichbourne street more difficult for residents
Nottingham	Object	Will make parking and access to Tichbourne street more difficult for residents
Wakefield Road	Support	Will support the smaller businesses
		Park & Ride will support less vehicles in the centre
Kensington Place	Support	Agree but have concerns with the disabled access
		suggest 12 - 6pm April to September
Gardner Street	Object	the improvements will not improve the area due to more obstructions in the way
		Noise pollution from tables, chairs and customers during the weekend
		Air quality wont be improved due to more traffic using North Road and Church Street
Hanover Terrace	Support	Will give residents and visitors a safe space to walk or run

		Great for local businesses and the economy
		Scheme should extend to Sydney & Bond street
Park crescent Terrace	Object	Access required for the facilities in the street
		Relocating the bays to Regent street is too far for blue badge holders
	Support	Great for local businesses
		Make the road safer
		attract more tourists
Leicestershire	Object	Knows a disabled resident who needs access 24 hours a day
	Object	Relocation of bays is too far away
Eastbourne		allowing cyclitis will not make it safer for pedestrians
		Noise pollution will increase after 7pm
		Knows a disabled resident who needs access 24 hours a day
London	Object	Knows a disabled resident who needs access 24 hours a day
Southdown Avenue	Object	Knows a disabled resident who needs access 24 hours a day
Gardner Street	Support	Increases footfall will help support the businesses
Rose Hill Close	Support	Less traffic will make it safer for pushchairs and wheelchair users
May Road	Support	traffic free is a delight
		More funding for these would be great
Gardner Street	Support	Easier for pedestrians
Gardner Street	Support	Happy for the changes to go ahead
Eaton Manor	Support	The proposals will support the businesses
Wilson avenue	Object	Relocation of disabled bays cannot be considered easy access
		Knows a disabled resident who needs access 24 hours a day
Clayton Road	Object	Relocation of disabled bays is too far away
		Road is always busy and crowded
	Support	Supports the pedestrianisation
Sussex Terrace	Support	Great for traders and shoppers
Bishops Road	Object	Access to Tichbourne Street will be difficult
Melbourne Street	Object	Access to amenities
		Knows a disabled resident who needs access 24 hours a day
Richmond Road	Support	Scheme works well at weekends
		Will support local businesses
Dyke Road	Support	Will support local businesses
	Support	Will help the community in many ways
		Create more jobs as small business expand
		Will promote tourism
Sheridan Terrace	Support	Will support local businesses
		More welcoming space
		Improved air quality
Gardner Street	Support	More seating would attract more people
Gardner Street	Support	Will support local businesses
		Less pollution
Gardner Street	Support	Support the pedestrianisation
		change the traffic flow or Regent or Jubilee Street

## Equality Impact and Outcome Assessment (EIA) Template - 2019

**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: Age<sup>13</sup>) or use the hyperlinks ('Ctrl' key and left click).

**For further support or advice please contact:**

- BHCC: Communities, Equality and Third Sector Team on ext 2301
- CCG: Engagement and Equalities team (Jane Lodge/Debbie Ludlam)

### 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>	Gardner Street and Regent Street TRO	<b>ID No.<sup>6</sup></b>	
<b>Team/Department<sup>7</sup></b>	Traffic management, Transport		
<b>Focus of EIA<sup>8</sup></b>	The proposed TRO will remove 2 time limited DPB's from Gardner Street and install 7 bays in the next street along, Regent Street taking the total in Regent Street to 11 DPB's + 1 personal DPB. By removing the DPB's the road can be closed to all motorised vehicles between 11am and 7pm everyday.		

## 2. Update on previous EIA and outcomes of previous actions<sup>9</sup>

What actions did you plan last time? (List them from the previous EIA)	What improved as a result? What outcomes have these actions achieved?	What <u>further</u> actions do you need to take? (add these to the Action plan below)
N/A		

## 3. Review of information, equality analysis and potential actions

Groups to assess	What do you know <sup>10</sup> ? Summary of data about your service-users and/or staff	What do people tell you <sup>11</sup> ? Summary of service-user and/or staff feedback	What does this mean <sup>12</sup> ? Impacts identified from data and feedback (actual and potential)	What can you do <sup>13</sup> ? All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
Age <sup>14</sup>	No disproportionate impacts have been identified for this group			
Disability <sup>15</sup>	<p>It is estimated in Brighton &amp; Hove in 2015 there were:</p> <p>125 people aged 18-64 with a serious visual impairment</p> <p>□ 3,383 people aged 65 or over with a moderate or severe visual impairment</p> <p>In 2014, 920 B&amp;H residents were registered as blind</p> <p>It is estimated in Brighton &amp; Hove in 2015 there were:</p> <p>□ 13,590 people aged</p>	<p>The DPB are used 24 hours a day by blue badge holders. (except when the road is closed on Saturday and Sunday)</p> <p>This includes visitors and residents. The loss of DPB in Gardner Street will hinder access to the street for Blue badge Holders.</p>	<p>Disabled residents have stated that they will be unable to leave home without direct access to a DPB.</p>	<p>Additional DPB's are proposed in the nearest street.</p>

<b>Groups to assess</b>	<b>What do you know<sup>10</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>11</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>12</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do<sup>13</sup>?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
	18-64 with a moderate disability □ 3,777 people aged 18-64 with a serious physical disability			
<b>Gender reassignment<sup>16</sup></b>	No disproportionate impacts have been identified for this group			
<b>Pregnancy and maternity<sup>17</sup></b>	No disproportionate impacts have been identified for this group			
<b>Race/ethnicity<sup>18</sup></b> Including migrants, refugees and asylum seekers	No disproportionate impacts have been identified for this group			
<b>Religion or belief<sup>19</sup></b>	No disproportionate impacts have been identified for this group			
<b>Sex/Gender<sup>20</sup></b>	No disproportionate impacts have been identified for this group			
<b>Sexual orientation<sup>21</sup></b>	No disproportionate impacts have been identified for this group			
<b>Marriage and civil partnership<sup>22</sup></b>	No disproportionate impacts have been identified for this group			

<b>Groups to assess</b>	<b>What do you know<sup>10</sup>?</b> Summary of data about your service-users and/or staff	<b>What do people tell you<sup>11</sup>?</b> Summary of service-user and/or staff feedback	<b>What does this mean<sup>12</sup>?</b> Impacts identified from data and feedback (actual and potential)	<b>What can you do<sup>13</sup>?</b> All potential actions to: <ul style="list-style-type: none"> <li>• advance equality of opportunity,</li> <li>• eliminate discrimination, and</li> <li>• foster good relations</li> </ul>
<b>Community Cohesion<sup>23</sup></b>	No disproportionate impacts have been identified for this group			
<b>Other relevant groups<sup>24</sup></b>	No disproportionate impacts have been identified for this group			
<b>Cumulative impact<sup>25</sup></b>	No disproportionate impacts have been identified for this group			
<b>Assessment of overall impacts and any further recommendations<sup>26</sup></b>				
<p><i>The removal of the 2 DPB in Gardner Street will restrict access to any Blue Badge holders who cannot travel the 50m+ from the current bays to the proposed bays in Regent Street.</i></p>				

#### 4. List detailed data and/or community feedback that informed your EIA

<b>Title</b> (of data, research or engagement)	<b>Date</b>	<b>Gaps in data</b>	<b>Actions to fill these gaps: who else do you need to engage with?</b> (add these to the Action Plan below, with a timeframe)
<b>Stakeholder meetings</b>	<b>12/8/22</b>		

## 5. Prioritised Action Plan<sup>27</sup>

Impact identified and group(s) affected	Action planned	Expected outcome	Measure of success	Timeframe
NB: These actions must now be transferred to service or business plans and monitored to ensure they achieve the outcomes identified.				

**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)

**Staff member completing Equality Impact Assessment:**

**Date:**

**Directorate Management Team rep or Head of Service/Commissioning:**

**Date:**

**CCG or BHCC Equality lead:**

**Date:**

## Guidance end-notes

<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 public sector organisation, 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 in relation to their '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).
- **advance equality of opportunity.** This means the need to:
  - Remove or minimise disadvantages suffered by people due to their protected characteristics
  - Taking steps to meet the needs of people from protected groups where these are different from the needs of other people
  - Encouraging people from protected groups to participate in public life or in other activities where their 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 within the context

The greater the impacts, 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 a specific group or groups (eg: older people)?
- 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 your CCG or BHCC equality lead (see page 1)

<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> **Previous actions:** If there is no previous EIA or this assessment is of a new service, then simply write 'not applicable'.

<sup>10</sup> **Data:** Make sure you have enough data to inform your EIA.

- What data relevant to the impact on specific groups of the policy/decision/service is available?<sup>10</sup>
- What further evidence is needed and how can you get it? (Eg: further research or engagement with the affected groups).
- What do you already know about needs, access and outcomes? Focus on each of the groups identified above in turn. Eg: who uses the service? Who doesn't and why? Are there differences in outcomes? Why?
- Have there been any important demographic changes or trends locally? What might they mean for the service or function?
- Does data/monitoring show that any policies or practices create particular problems or difficulties for any groups?
- Do any equality objectives already exist? What is current performance like against them?
- Is the service having a positive or negative effect on particular people in the community, or particular groups or communities?
- Use local sources of data (eg: JSNA: <http://www.bhconnected.org.uk/content/needs-assessments> and Community Insight: <http://brighton-hove.communityinsight.org/#> ) and national ones where they are relevant.

<sup>11</sup> **Engagement:** You must engage appropriately with those likely to be affected to fulfil the equality duty.

- What do people tell you about the services?
- Are there patterns or differences in what people from different groups tell you?
- What information or data will you need from communities?
- How should people be consulted? Consider:
  - (a) consult when proposals are still at a formative stage;
  - (b) explain what is proposed and why, to allow intelligent consideration and response;
  - (c) allow enough time for consultation;
  - (d) make sure what people tell you is properly considered in the final decision.

- 
- Try to consult in ways that ensure all perspectives can be considered.
  - Identify any gaps in who has been consulted and identify ways to address this.

<sup>12</sup> Your EIA must get to grips fully and properly with actual and potential impacts.

- The equality duty does not stop decisions or changes, but means we must conscientiously and deliberately confront the anticipated impacts on people.
- Be realistic: don't exaggerate speculative risks and negative impacts.
- Be detailed and specific so decision-makers have a concrete sense of potential effects. Instead of "the policy is likely to disadvantage older women", say how many or what percentage are likely to be affected, how, and to what extent.
- Questions to ask when assessing impacts depend on the context. Examples:
  - Are one or more groups affected differently and/or disadvantaged? How, and to what extent?
  - Is there evidence of higher/lower uptake among different groups? Which, and to what extent?
  - If there are likely to be different impacts on different groups, is that consistent with the overall objective?
  - If there is negative differential impact, how can you minimise that while taking into account your overall aims
  - Do the effects amount to unlawful discrimination? If so the plan must be modified.
  - Does the proposal advance equality of opportunity and/or foster good relations? If not, could it?

<sup>13</sup> Consider all three aims of the Act: removing barriers, and also identifying positive actions we can take.

- Where you have identified impacts you must state what actions will be taken to remove, reduce or avoid any negative impacts and maximise any positive impacts or advance equality of opportunity.
- Be specific and detailed and explain how far these actions are expected to improve the negative impacts.
- If mitigating measures are contemplated, explain clearly what the measures are, and the extent to which they can be expected to reduce / remove the adverse effects identified.
- An EIA which has attempted to airbrush the facts is an EIA that is vulnerable to challenge.

<sup>14</sup> **Age:** People of all ages

<sup>15</sup> **Disability:** A person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. The definition includes: sensory impairments, impairments with fluctuating or recurring effects, progressive, organ specific, developmental, learning difficulties, mental health conditions and mental illnesses, produced by injury to the body or brain. Persons with cancer, multiple sclerosis or HIV infection are all now deemed to be disabled persons from the point of diagnosis.

<sup>16</sup> **Gender Reassignment:** A transgender person is someone who proposes to, starts or has completed a process to change their gender. A person does not need to be under medical supervision to be protected

<sup>17</sup> **Pregnancy and Maternity:** Protection is during pregnancy and any statutory maternity leave to which the woman is entitled.

---

<sup>18</sup> **Race/Ethnicity:** This includes ethnic or national origins, colour or nationality, and includes refugees and migrants, and Gypsies and Travellers. Refugees and migrants means people whose intention is to stay in the UK for at least twelve months (excluding visitors, short term students or tourists). This definition includes asylum seekers; voluntary and involuntary migrants; people who are undocumented; and the children of migrants, even if they were born in the UK.

<sup>19</sup> **Religion and Belief:** Religion includes any religion with a clear structure and belief system. Belief means any religious or philosophical belief. The Act also covers lack of religion or belief.

<sup>20</sup> **Sex/Gender:** Both men and women are covered under the Act.

<sup>21</sup> **Sexual Orientation:** The Act protects bisexual, gay, heterosexual and lesbian people

<sup>22</sup> **Marriage and Civil Partnership:** Only in relation to due regard to the need to eliminate discrimination.

<sup>23</sup> **Community Cohesion:** What must happen in all communities to enable different groups of people to get on well together.

<sup>24</sup> **Other relevant groups:** eg: Carers, people experiencing domestic and/or sexual violence, substance misusers, homeless people, looked after children, ex-armed forces personnel, people on the Autistic spectrum etc

<sup>25</sup> **Cumulative Impact:** This is an impact that appears when you consider services or activities together. A change or activity in one area may create an impact somewhere else

<sup>26</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>27</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.



Document is Restricted

