





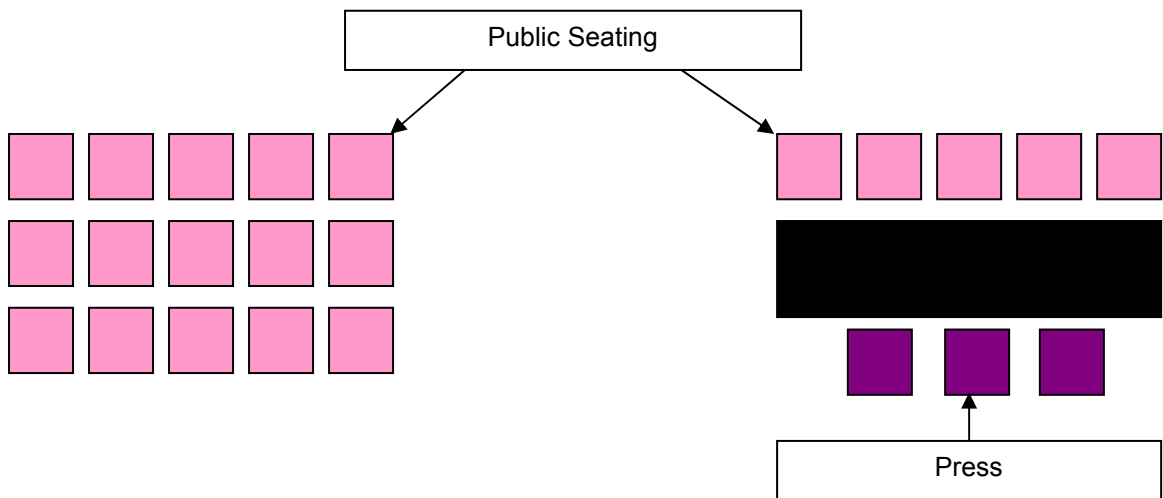
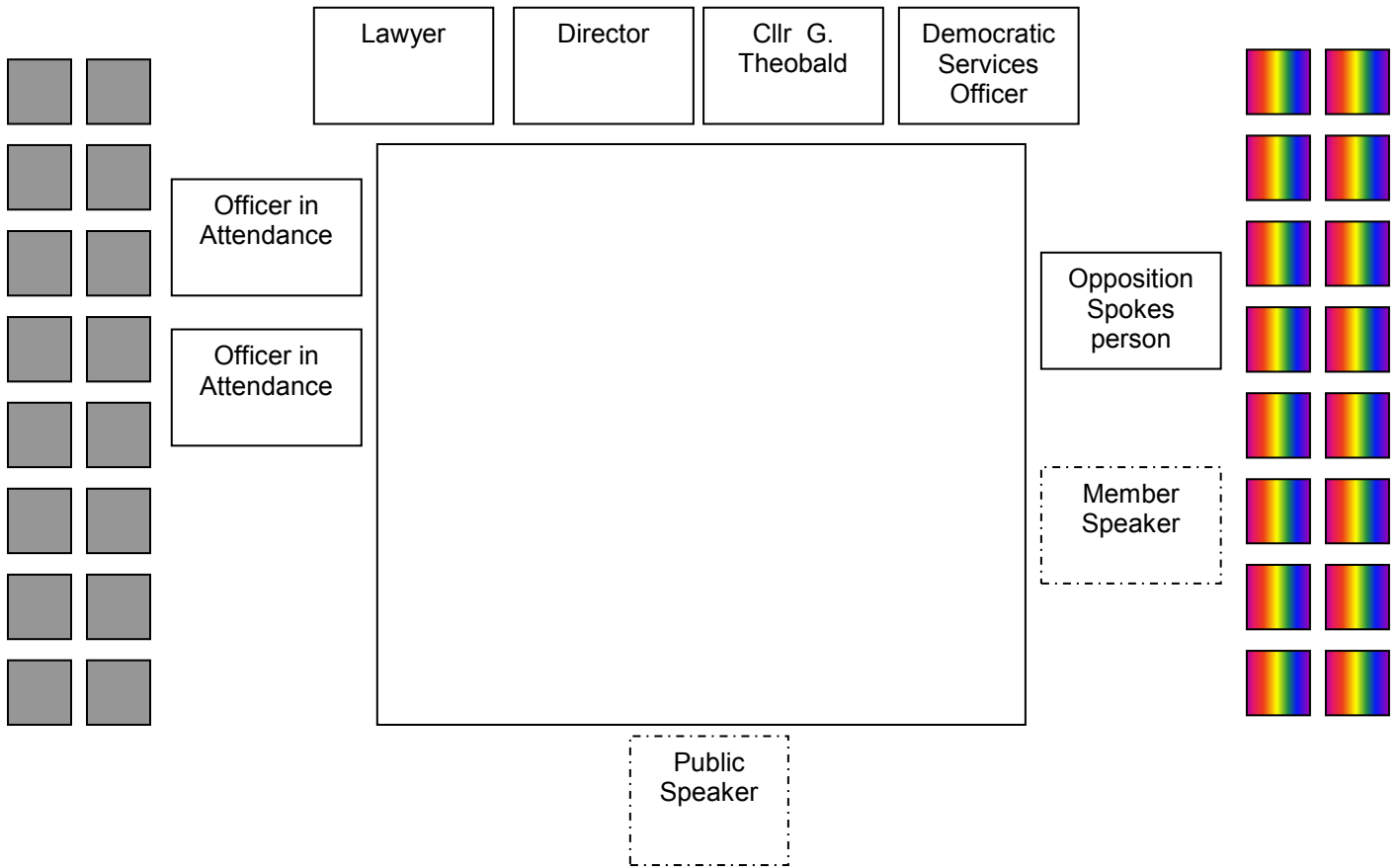
Brighton & Hove
City Council

Cabinet Member Meeting

Title:	Environment Cabinet Member Meeting
Date:	11 September 2008
Time:	4.00pm
Venue	Council Chamber, Hove Town Hall
Members:	Councillor: G Theobald (Cabinet Member)
Contact:	Tanya Massey Democratic Services Officer 01273 291227 tanya.massey@brighton-hove.gov.uk

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Democratic Services: Meeting Layout



AGENDA

35. PROCEDURAL BUSINESS

- (a) Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (b) 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 2 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 public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

36. MINUTES OF THE PREVIOUS MEETING

1 - 10

Minutes of the Meeting held on 4 July 2008 (copy attached).

37. CABINET MEMBER'S COMMUNICATIONS

38. ITEMS RESERVED FOR DISCUSSION

- (a) Items reserved by the Cabinet Member
- (b) Items reserved by the Opposition Spokesperson
- (c) Items reserved by Members, with the agreement of the Cabinet Member.

NOTE: Public Questions, Written Questions from Councillors, Petitions, Deputations, Letters from Councillors and Notices of Motion will be reserved automatically.

39. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon on 4 September 2008)

No public questions received by date of publication.

ENVIRONMENT CABINET MEMBER MEETING

40. WRITTEN QUESTIONS FROM COUNCILLORS

No written questions have been received.

41. DEPUTATIONS

11 - 14

(The closing date for receipt of deputations is 12 noon on 4 September 2008)

(copy attached).

42. PETITIONS

15 - 16

Report of the Director of Strategy & Governance (copy attached).

Contact Officer: Tanya Massey

Tel: 29-1227

Ward Affected: All Wards

43. LETTERS FROM COUNCILLORS

17 - 18

(i) **Parking restrictions in the vicinity of Hove Methodist Church.**

Letter from Councillor Oxley (copy attached).

44. NOTICES OF MOTIONS REFERRED FROM COUNCIL

No Notices of Motion have been referred.

45. MATTERS REFERRED FOR RECONSIDERATION

No matters have been referred.

46. REPORTS FROM OVERVIEW & SCRUTINY COMMITTEES

No reports have been received.

QUALITY OF LIFE MATTERS

47. Madeira Drive Progress Report

19 - 24

Report of the Director of Environment (copy attached).

Contact Officer: Jayne Babb

Tel: 29-2730

Ward Affected: East Brighton; Queen's
Park; Rottingdean
Coastal;

PUBLIC SAFETY MATTERS

48. Gating Orders - Protocol for Implementation

25 - 46

Report of the Director of Environment (copy attached).

Contact Officer: Simon Bannister

Tel: 29-3925

Ward Affected: All Wards

ENVIRONMENT CABINET MEMBER MEETING

CITY PLANNING

- 49. Nature Conservation and Development Supplementary Planning Document (SPD)** **47 - 84**
- Report of the Director of Environment (copy attached).
- Contact Officer: Matthew Thomas Tel: 29-2371*
Ward Affected: All Wards
- 50. Estate Agents Boards in Historic Areas** **85 - 102**
- Report of the Director of Environment (copy attached).
- Contact Officer: Roger Dowty Tel: 29-2103*
*Ward Affected: Brunswick & Adelaide;
Central Hove; East
Brighton; Queen's Park;
Regency; St Peter's &
North Laine;*
- 51. Proposed Changes to Planning Policy Statement 6: Planning for Town Centres Consultation** **103 - 114**
- Report of the Director of Environment (copy attached).
- Contact Officer: Carly Dockerill Tel: 29-2382*
Ward Affected: All Wards
- ### SUSTAINABLE TRANSPORT MATTERS
- 52. Closure of Brighton Parking Information Centre - Improvement of Services** **115 - 118**
- Report of the Director of Environment (copy attached).
- Contact Officer: Austen Hunter Tel: 29-2245*
Ward Affected: All Wards
- 53. Cycling Demonstration Town - Additional Funding** **119 - 126**
- Report of the Director of Environment (copy attached).
- Contact Officer: Claire Whitehouse Tel: 29-3856*
Ward Affected: All Wards
- 54. North Street Mixed Priority Route (MPR) Road Safety Scheme - Stage 2 Objections to Traffic Regulation Orders (TROs) and Notice for Road Hump Entry Treatments** **127 - 166**
- Report of the Director of Environment (copy attached).
- Contact Officer: Owen McElroy Tel: 29-0368*
*Ward Affected: Regency; St Peter's &
North Laine;*

ENVIRONMENT CABINET MEMBER 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.

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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.

For further details and general enquiries about this meeting contact Tanya Massey, (01273 291227, email tanya.massey@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk

Date of Publication - Wednesday, 3 September 2008

BRIGHTON & HOVE CITY COUNCIL

ENVIRONMENT CABINET MEMBER MEETING

4.00PM, 4 JULY 2008

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillor Theobald OBE, Cabinet Member for Environment, Councillor Jan Young, Cabinet Member for Finance.

Also in attendance: Councillor Mitchell, Leader of the Opposition and Opposition Spokesperson.

Other Members: Councillors: Davey, Janio and Smart.

PART ONE

17 PROCEDURAL BUSINESS

17a Declarations of Interests

17a.1 The Cabinet Member declared a personal and prejudicial interest in Item 32, a report from the Director of Environment in relation to approval of a preferred scheme for stage two of the North Street Mixed Priority Route (MPR) scheme, as he owned property in the vicinity of the proposed scheme.

17a.2 Councillor Davey declared a personal, but non-prejudicial interest in Item 32, as he worked for a cycle training organisation.

17a.3 The Cabinet Member declared a personal and prejudicial interest in Item 33, a report from the Director of Environment in relation to designation of new and extended conservation areas, as he resided within the proposed extension to the conservation area.

17b Exclusion of Press and Public

17b.1 The Cabinet Member considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in Schedule 12A, Part 5A, Section 100A(4) or 100 1 of the Local Government Act 1972 (as amended).

17b.2 **RESOLVED** - That the press and public be not excluded from the meeting.

18 MINUTES

18.1 **RESOLVED** – The minutes of the meeting held on 5 June 2008 were approved and signed by the Cabinet Member as a correct record.

19 CABINET MEMBER'S COMMUNICATIONS

19.1 The Cabinet Member informed the meeting that as he had declared interests in Items 32 and 33, the Leader of the Council had nominated the Cabinet Member for Finance to take these Items. The Cabinet Member stated that he would take Item 34 before Items 32 and 33 and then leave the room.

19.2 The Cabinet Member stated that the public questions which related to Item 32 would be taken immediately prior to the Item, rather than under Item 21 Public Questions, and would therefore be answered by the Cabinet Member for Finance.

20 ITEMS RESERVED FOR DISCUSSION

20.1 **RESOLVED** – That with the exception of the items reserved (and marked with an asterisk), the recommendations and resolutions contained therein be approved and adopted without debate.

21 PUBLIC QUESTIONS

21(i) Public Question – Mr. T Chavasse

21.1 Mr. Chavasse asked the following question:

“Clause 3.7.6 of item 29 anticipates extension and co-ordination of activities of TSOs. Would the Cabinet Member urgently consider the promotion and adoption of a Council Environment Policy that the sale of Disposable BBQs be restricted to those which conform with European Standard BSEN1860 Part 4? Thereby enabling TSOs to inhibit the sale of dangerous and damaging non standard articles, reducing the dangers to children and to the environment while supporting the Council TSOs and outdoors staff in educational activity and the maintenance of Open Spaces. The established need to do so was agreed by the Open Spaces Forum.”

21.2 The Cabinet Member stated that he was aware that Mr. Chavasse had raised this issue in the past with Trading Standards Officers and that it had been considered very carefully. Disposable barbecues, or indeed BBQs in general, could be considered to be inherently unsafe. However, Trading Standards Officers had looked at the relevant legislation and believed that these products would meet the provisions of the General Product Safety Regulations. It was not the sale, but the use of these products, that the Cabinet Member wished to be focussed on, and he believed that it was more of an education message that needed to be developed. The Cabinet Member had therefore asked Trading Standards Officers to liaise with colleagues in CityParks to develop and promote such a message.

21.3 Mr. Chavasse asked the following supplementary question:

“Would the Cabinet Member kindly also report on the lack of progress in the consultative publication of City wide Model 2 Bye Laws for Parks and Gardens that had been fully drafted by November 2006 after lengthy discussions with interested parties and which could address this and other very important issues?”

21.4 The Cabinet Member advised that he would provide a written response to this question (for copy see minute book).

21(ii) Public Question – Mr. C Boocock

21.5 This public question was taken immediately prior to Item 32. The Cabinet Member for Finance responded to this question.

21.6 Mr. Boocock asked the following question:

“In the light of North Street Mixed Priority scheme being a safety improvement project what assurance can the Cabinet Member give that safe solutions will be implemented enabling cyclists to make all desired turns at the North Street Quadrant junction as well as providing safe and unimpeded two way progress through Ship Street and it's junction with North Street?”

21.7 The Cabinet Member stated that the mixed priority route aimed to improve road safety and the environment in North Street for all users by widening footways to give pedestrians more space and reducing traffic flows and speeds in the area. Measures to improve cyclist safety at the Clock Tower Quadrant included:

- Widening of the carriageway in North Street between Churchill Square and the Clock Tower – a measure included specifically for the benefit of cyclists.
- Reduction of the corner radius on the North West corner of the Clock Tower to allow cyclists to make easier turns.
- Provision of a feeder lane into the existing Advanced Stop Line in North Street, eastbound at the Clock Tower.

The Cabinet Member stated that officers were investigating the possibility of a contra flow cycle lane in Ship Street, subject to detailed design and safety audits.

21.8 Mr. Boocock asked the following supplementary question:

“Can I seek further assurance that for both future and existing schemes every effort will be made to bring them up to the same high standard of design and installation as the exemplary scheme on The Drive thus enabling Brighton and Hove to fully benefit from having truly sustainable transport as part of its way of life?”

21.9 The Cabinet Member responded that the Council would always seek to provide exemplary transport schemes.

21(iii) Public Question – Dr. T Green

21.10 This public question was taken immediately prior to Item 32. The Cabinet Member for Finance responded to this question.

21.11 Dr. Green asked the following question:

(Re: North Street Mixed Priority Route Road Safety Scheme - Stage 2)

“As a mixed use priority scheme, how do the stated recommendations which are not based on the results of the consultation, improve cyclists’ safety at the Clock Tower or their mobility in Ship Street, in the light of Brighton & Hove's Cycling Demonstration Town status?”

21.12 The Cabinet Member stated that her answer was the same as the answer to the previous question and added that although the consultation results favoured a shared space at the Quadrant, the views expressed in the safety audit were considered paramount, such as “it is likely that there will be a high rate of cycle-pedestrian conflict ... consider keeping cycle movements within the main junction.”

21.13 Dr. Green asked the following supplementary question:

“Can the Cabinet Member confirm when cyclists will be provided with a direct route between Queens Road and Churchill Square?”

21.14 The Cabinet Member responded that this was a question for the Cabinet Member for Environment and advised that a written response would be provided (for copy see minute book).

22 WRITTEN QUESTIONS FROM COUNCILLORS

22.1 No written questions had been received from Councillors.

23 DEPUTATIONS

23.1 No deputations had been received.

24 PETITIONS

24.1 No petitions had been received.

25 LETTERS FROM COUNCILLORS

25.1 No letters from Councillors had been received

26 NOTICE OF MOTION REFERRED FROM COUNCIL

26.1 There were none.

27 MATTERS REFERRED FOR RECONSIDERATION

27.1 There were none.

28 REPORTS FROM OVERVIEW & SCRUTINY COMMITTEE

28.1 There were none.

***29 EXPANDING THE REMIT OF TRADING STANDARDS SOUTH EAST LTD**

29.1 The Cabinet Member considered a report of the Director of Environment concerning approval for the continued participation in Trading Standards South East Limited with the expanded remit that includes all regional Trading Standards activity (for copy see minute book).

29.2 The Cabinet Member stated that Trading Standards South East Ltd was a local authority controlled company, of which Brighton & Hove City Council was a member. The primary purpose for forming the company had been to act as the vehicle to manage to contract to run Consumer Director South East (CDSE), the regional based national advice funded by the Office of Fair Trading. The Cabinet Member stated that approval was being sought for continuing the partnership and support for the expansion of the remit of the company to cover all partnership activity.

29.3 Councillor Mitchell stated that she supported the proposals, which would allow further joined-up working. She requested that regular updates be brought to the meeting and thanked the officers involved, making specific reference to success in reducing sales of alcohol to under-age consumers and the achievements of Scambusters.

29.4 **RESOLVED** – That having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:

(1) That approval be given to allow the Trading Standards Service to continue to contribute fully to company developments and joined-up working and continue to incorporate the Business Plan objectives into the Service's own planning process.

(2) That the nominated Director (currently the Head of Trading Standards) be empowered to agree to the development of the role of the company (within the terms of its Memorandum and Articles of Incorporation and the objectives set out in paragraph 3 below), subject to seeking of advice from the Head of Legal Services, and the approval of the relevant Cabinet Member in respect of any contemplated development beyond those activities referred to in paragraph 3 below.

30 TRANSPORT TERM CONTRACT

30.1 The Cabinet Member considered a report of the Director of Environment asking him to grant the Director of Environment delegated authority to approve appointment of consultants identified through the Transport Term Consultancy tender process (for copy see minute book).

30.2 **RESOLVED** – That having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:

- (1) That the Director of Environment be given delegated authority to approve appointment of consultants identified through the Transport Term Consultancy tender process.

31 POOL VALLEY ENHANCEMENT SCHEME - ARBITRATION

31.1 The Cabinet Member considered a report of the Director of Environment concerning authorising officers to initiate and partake in arbitration proceedings regarding the Pool Valley Enhancement Scheme (for copy see minute book).

31.2 **RESOLVED** – That having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:

- (1) That officers be authorised to initiate and partake in arbitration proceedings between the council and Imperial Property and the council and Brighton Coaches Limited in order to secure the consent of both parties, as required by Part VIIA of the Highways Act 1980, to the construction of a ticket office and associated facilities at Pool Valley Coach Station.

***34 MAINTENANCE OF HISTORIC BUILDINGS**

34.1 The Cabinet Member considered a report of the Director of Environment concerning current and future priorities for the enforcement of repair works to historic buildings in the city (for copy see minute book).

34.2 Officers had advised that there was an error in the report recommendations. Recommendation 2.3 referred to paragraphs 3.18 and 3.19 of the report, not paragraphs 6.1 and 6.2.

34.3 The Cabinet Member stated that the Council was determined to improve the appearance of the city's streets and maintain the quality of the city's historic buildings, using planning enforcement powers where necessary. The report clarified how the Council would prioritise action to secure necessary repair and updated the Council's adopted Conservation Strategy with a revised and more comprehensive register of those listed buildings that were currently considered to be 'at risk'. Many of those were vacant and merited the highest priority for future action to secure repair and new uses. The Cabinet Member stated that the appearance of the city also suffered from buildings that, whilst physically sound, looked unsightly through lack of maintenance. Through the actions listed in the report the Council would commit to enforcement action against those owners of those historic buildings, generally in conservation areas, where more modest repair and redecoration was long over due. The final priority would be enforcement work as part of likely future area-based enhancement schemes to be programmed in the Valley Gardens and Old Town conservation areas.

34.4 Councillor Mitchell welcomed the report and noted that its effect was to pull together existing powers and make them more focussed. She was pleased that this would be backed up by enforcement and requested that officers also take in account the infrastructure surrounding historic buildings.

34.5 **RESOLVED** – That having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:

- (1) That the priorities for current and future action to secure the maintenance and repair of historic buildings in Brighton & Hove be noted and agreed.
- (2) That the updated list of historic buildings that are considered to be 'at risk' be endorsed (Appendix 1).
- (3) That the proposed arrangements for the service of notices under delegated powers, as set out in paragraphs 3.18 and 3.19 of this report, be agreed.

NOTE: That having declared a personal and prejudicial interest in Items 32 and 33, the Cabinet Member for Environment withdrew from the meeting and took no part in the debate on decision thereon.

The Cabinet Member for Finance, having been given delegated responsibility by the Leader of the Council to deal with the two matters, presided over the meeting and took the decisions thereon.

***32 NORTH STREET MIXED PRIORITY ROUTE (MPR) ROAD SAFETY SCHEME – STAGE 2**

32.1 The Cabinet Member considered a report of the Director of Environment concerning a preferred scheme for stage two of the North Street Mixed Priority Route (MPR) Road Safety Scheme (for copy see minute book).

32.2 Councillor Davey had declared a personal but non-prejudicial interest in this report.

32.3 The Cabinet Member stated that this was the second stage of an important and innovative scheme aimed primarily at casualty reduction and urban realm improvements. The council was delivering this project in partnership with the Department for Transport, the Police and the Bus Company. The scheme combined targeted road safety engineering measures with a high profile education campaign.

32.4 Councillor Mitchell stated that funding from the Government for this scheme presented an opportunity to make the area safer for all users. She supported the retention of the mini-roundabout at the North Street/East Street junction and making the Quadrant (Clock Tower) a space for pedestrians only for the reasons highlighted in the safety audit. She did not support the recommendations for Ship Street, but instead supported Option 1 in the original consultation including the approval of two-way cycling, but for implementation to be delayed until current utilities works had been completed.

32.5 The Assistant Director for Sustainable Transport stated that to implement Option 1 would bring further disruption to traffic in the city, which is currently suffering from high levels of congestion as a result of the works being carried out. The recommendations in the report look to the future and would reduce traffic and accidents. Option 1 could be considered at a later date when current works have been completed.

- 32.6 Councillor Davey stated that the recommendations in the report did not take into account the results of the consultation, particularly in relation to the Quadrant, and that the pledge to consider two-way cycling in Ship Street did not go far enough. He supported Option 1 for Ship Street.
- 32.7 The Assistant Director for Sustainable Transport stated that the Council could not ignore the recommendations of the safety audit regarding the Quadrant and that the proposals regarding cycling in Ship Street had not been finalised.
- 32.8 The Cabinet Member stated that she had listened to the views expressed, but that the recommendations in the report represented the best option for the city.
- 32.9 **RESOLVED** – That having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:
- (1) That a preferred scheme for Stage Two of the North Street Mixed Priority Route (MPR) scheme be approved as detailed in Appendix A which included:
 - a) The creation of a high quality public space at the Clock Tower/Quadrant for pedestrians;
 - b) Making Ship Street one way southbound only from its junction with North Street to its junction with Duke Street; and
 - c) Retention of the North Street/East Street mini roundabout junction.
 - (2) That the detailed design together with the advertising of orders under the Road Traffic Regulation Act 1984 in respect of elements of the preferred scheme be authorised.
 - (3) That the Director of Environment be authorised to implement Stage Two of the MPR scheme in the 2008/9 financial year, within the budget available, subject to the satisfactory resolution to any representations received following the advertisement of the Traffic Orders.

***33 DESIGNATION OF NEW AND EXTENDED CONSERVATION AREAS**

- 33.1 The Cabinet Member considered a report of the Director of Environment concerning the designation of a new conservation area in Carlton Hill and an extension to the existing conservation area in Tongdean (for copy see minute book).
- 33.2 The Cabinet Member stated that the report set out the results of the public consultation on the proposals for a new conservation area at Carlton Hill in Brighton, and an extension to the existing Tongdean Avenue/Road conservation area which would include properties in Dyke Road Avenue. The results of the consultation had been broadly supportive. Some amendments had been made to the draft Character Statements to address concerns, and a minor amendment had been made to the proposed boundary of the extended area in Tongdean. The Cabinet Member stated that it was considered that the proposed new and

extended areas met the criteria for a conservation area, as set out in the council's adopted Conservation Strategy, and that they also accorded with Government guidance on the designation of new conservation areas.

33.3 **RESOLVED** – That having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:

- (1) That the proposed Carlton Hill conservation area, as set out at Appendix 2, be approved and formally designated and the Character Statement for the area be adopted.
- (2) That the proposed extension of the Tongdean Avenue/Road conservation area, to include properties in Dyke Road Avenue as set out in Appendix 3, be approved and formally designated.
- (3) That the extended Tongdean Avenue/Road conservation area be renamed Tongdean and the revised Character Statement for the area be adopted.

The meeting concluded at 4.45pm

Signed

Chair

Dated this

day of

2008

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 41
Brighton & Hove City Council

Subject: Deputations
Date of Meeting: 11 September 2008
Report of: Director of Strategy & Governance
Contact Officer: Name: **Tanya Massey** Tel: **29-1227**
E-mail: tanya.massey@brighton-hove.gov.uk
Key Decision: No
Wards Affected: Various

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

1.1 To receive the following deputation presented at Council on 17 July 2008 and any deputations presented directly to the Environment Cabinet Member Meeting.

41. (i) Deputation concerning a request for a pedestrian crossing at Queen's Park Terrace.

Mr T Satterthwaite (Spokesperson)

"I am here on behalf of the parents, carers and staff of children at St Luke's Infant and St Luke's Junior Schools to present a petition about a crossing in Queen's Park Terrace.

As part of the Safer Routes to School Initiative in the area of St Luke's Infant and Junior Schools, the pedestrian island halfway along Queens Park Rise at the junction with St Luke's Terrace was removed and the pavement was widened. The intention was to make it safer for parents with their children to walk to school. Unfortunately the result has been exactly the opposite, we now have parents with their children, two times a day unable to cross the road. The road is quiet most of the day but in the mornings and late afternoon it becomes very busy and it can be impossible to get across and quite dangerous. You can have dozens of parents standing lined up along the edge of the road trying to get across, cars do not know they have to stop because there is no crossing.

In my own experience, which is why I became involved in this campaign, I was crossing the junction about six weeks ago with my young son who is three years old, the traffic was stationary and because it was stationary a motor cycle took advantage of that moment to weave through the traffic and missed me and my little boy by about three feet. The main reason being that there was no crossing, no signage so he did not know that he had to stop.

Myself and two other parents have led a campaign to obtain signatures for a petition to present to you. We have 389 signatures which if I could read out:

'We the parents and carers of children at St Luke's Infant School and St Luke's Junior School find the junction between Queen's Park Rise and Queen's Park Terrace dangerous and difficult to cross. We call on Brighton & Hove City Council to install a pedestrian crossing at this junction to improve safety and ensure the priority of pedestrians.'

Now, with the weight of various letters to the council there was a review carried out and my understanding is that the decision was to make no changes. I would assure you that anyone using the junction on a regular basis would profoundly disagree with that. We have some interest from virtually everybody who ever goes across that crossing from the school. There has been a mistake made which should be relatively easy to sort out. A zebra crossing with Belisha beacons is what is clearly needed, so that at quiet times of the day cars can come and go and at busy times cars know to stop and allow children to safely cross with their parents.

A final point I would make is that we ought to encourage children to be able to go to the park, which is at the bottom of this route, on their own safely. Without a crossing they cannot do this, so I do hope this petition will carry some weight with you and an urgent review will be begun."

**RESPONSE FROM COUNCILLOR GEOFFREY THEOBALD
Provided at the meeting of the Full Council on 17 July 2008.**

"Thank you very much Mr Satterthwaite for taking the time to attend this meeting this afternoon and to present the petition on behalf of the many people who have signed it.

May I say how sorry I was to hear about what must have been quite a frightening experience for you and your child.

Can I just emphasise the fact that the safety of road users, especially children, across the city is a very important issue. In this instance, as you mention, the current crossing arrangement was consulted on in 2006 and approved by the Environment Committee in January 2007. That had been designed, taking into account the response the council received to the public consultation and expert technical advice on road safety. I know that the School Travel team are aware of, and have been looking into, this matter with local Councillors and parents, and a number of further assessments and improvements have been made in response to concerns raised.

By continuing to work together with key people, such as Headteachers and parents, we can ensure that the benefits of schemes like this are maximised for both the school and local community.

As is the case with other similar schemes, officers will be visiting the site again early in the Autumn Term as part of the monitoring and evaluation process. However, given the level of concern that has been expressed by

you today and in the petition, I will ask them specifically to look at this matter again and give further consideration to possible alternative solutions that are both safe and feasible.”

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 42

Brighton & Hove City Council

Subject:	Petitions		
Date of Meeting:	11 September 2008		
Report of:	Director of Strategy & Governance		
Contact Officer:	Name:	Tanya Massey	Tel: 29-1227
	E-mail:	tanya.massey@brighton-hove.gov.uk	
Key Decision:	No		
Wards Affected:	Various		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

1.1 To receive the following petitions presented at Council on 17 July 2008 and other meetings, and any petitions presented directly to the Environment Cabinet Member Meeting.

40. (i) To receive the following petition presented at Council on the 17 July by Councillor Cobb and signed by 98 people:

As a resident of Sackville Road, just a few doors along from this Surgery, I and other neighbours have realised the urgent need for a crossing in this section of the road. This is very dangerous spot for both people visiting the Surgery and residents trying to cross. I have the backing of local councillors and would ask you to sign in agreement.

40. (ii) To receive the following petition presented at Council on the 17 July by Councillor Oxley and signed by 98 people:

Parking restrictions in the area surrounding the Hove Methodist Church are causing problems to those who use the church premises. With the support of the Councillors Brian Oxley and Denise Cobb we are asking the Council to consider concessions and would like your support by signing this petition.

40. (iii) To receive the following petition presented at Special Cabinet on the 31 July by Councillor Morgan and signed by 200 people:

We, the residents of the Wilson Avenue area of East Brighton, call on the cabinet to first consult on proposals to create a permanent travellers site on the former BMX track in Sheepcote Valley, and to take into account the view of residents before a final decision is made.

40. (iv) To receive a the following petition at the Environment Cabinet Member Meeting presented by Councillor Trevor Alford:

We the undersigned call on Brighton and Hove city council to install a crossing in Chalky road to link the Sports Centre / Library / Community college site with the Mile Oak Rec AND also give consideration to a 20 mph speed limit in this location.

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 43(i)

Brighton & Hove City Council

29 August 2008

Dear Councillor Geoffrey Theobald

I write in support of the petition from the Methodist Church in Portland Road presented to the last Council meeting and on your agenda today for consideration.

Two parishioners from St Patrick's Church have made representations to Councillor Denise Cobb and myself as Ward Councillors about the parking restrictions in force around the church.

There is a particular problem on Sundays, when members of the congregation are interrupted in their attendance at church as they have to return to their parked cars before the permitted parking period elapses, so as to avoid penalty charges.

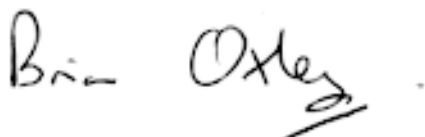
We have also received separate representations on this issue from people attending services at Holy Cross Church and St Philip's Church.

All three churches have community halls attached to them, which also encounter similar problems across the week and this, sadly, can discourage people from attending events.

I would ask the Environment Cabinet Member meeting to look sympathetically at this issue and ask officers to look at what measures could be put in place to assist worshippers and those attending events at the community halls.

Thanking you in anticipation.

Yours sincerely



Councillor Brian Oxley
Westbourne Ward Councillor

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 47
Brighton & Hove City Council

Subject: Madeira Drive Progress Report
Date of Meeting: 11 September 2008
Report of: Director of Environment
Contact Officer: Name: **Jayne Babb** Tel: **29-2730**
E-mail: jayne.babb@brighton-hove.gov.uk
Key Decision: No
Wards Affected: Queen's Park, East Brighton, Rottingdean Coastal

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Cabinet Member is being asked to support short-term proposals for improvements to the operation of Madeira Drive and to authorise officers to investigate long-term regeneration initiatives to further improve this area of the Seafront.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member approves the proposals to complete essential short-term infrastructure work including, lighting to improve night time levels of safety and longer-term measures to restrict traveller encampments, subject to funding being identified.
- 2.2 That the Cabinet Member authorises officers to seek expressions of interest and external investment in relation to the marketing of any leisure and business proposals for the area.
- 2.3 That the Cabinet Member authorises officers to submit any necessary planning applications that may be required and seek all relevant consents relating to carrying out any essential infrastructure work.
- 2.4 That the Cabinet Member authorises officers to bring to a future Cabinet Member Meeting a report detailing how the strategic vision and action plan will be developed to address the future regeneration of Madeira Drive.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 In order for Madeira Drive to be an attractive and viable area it needs to be equipped with basic infrastructure and services. Madeira Drive already serves as an outdoor arena for many cultural and sporting events. There are already existing examples of the magnificent Victorian heritage including Madeira Lift, Volk's Electric Railway and the cast-iron arches and promenade terraces.

Complimenting the heritage elements are the new developments at Peter Pan Children's Play Area, The Beach Sports Facility and Adventure Golf. In order to improve the area further to attract additional new investment to encourage existing business to invest more and to secure bigger sporting events, further capital investment is required to continue with the regeneration of the area.

- 3.2 Madeira Drive is one and a quarter miles long and stretches from Black Rock to Brighton Palace Pier. The area is used for a variety of purposes, has a daytime and night-time economy with activity increasing greatly during the spring and summer season. It has a long standing history as a venue for a variety of sporting and cultural events.
- 3.3 With new activity in the area a number of issues have been raised with officers that are giving local businesses 'cause for concern'. These generally fall under the theme of safety and security of both people and premises. Where possible short-term measures are being implemented to help alleviate some of these concerns;
- 3.4 Travellers: The open concrete area along Madeira Drive is a location that attracts a high level of interest from van dwellers and Travellers. Occupants have always been moved on with the support of the traveller liaison team and the area is being secured on a short-term basis by the use of temporary concrete blocks that are hired on a weekly basis. A long-term solution needs to be developed.
- 3.5 Lighting – Peter Pan to Dukes Mound: There is no street lighting running along the south side of Madeira drive from the beach chalets right through to Black Rock. Lighting on the North side is in place to illuminate the middle terrace and under the terraces from the Colonnade as far as Concord 2. To the east of Concord2 the area under the terrace does not have lighting and is therefore potentially not a safe place to be after dark. Officers are currently looking into the feasibility and cost of installing some level of security /surveillance level lighting, no funding has been identified for these works at present. In the long term investment will be required to bring the lighting up to acceptable levels and standards.
- 3.6 Madeira Lift: The restoration of the Lift has been already been agreed and the bulk of the works to repair the lift and restore the roof will be carried out in this financial year. The aim is to have the lift ready for operation for the season 2009. This work will be funded from the council's planned maintenance budget with an allocation of £250,000.
- 3.7 Volk's Railway: There is currently CCTV that covers the railway, siding sheds, and the workshop. An additional camera has now been installed to cover the children's toilet block, Volk's Railway crossing and the entrance to the beach sports facility. This provides additional security cover and 24 hour monitoring of the area. This has been funded from the Volk's Railway revenue budget.
- 3.8 There is now an opportunity to promote Madeira Drive as an 'all year round' destination by working with existing and new businesses in the area along with the emerging artist quarter. There is potential to bring together key partners to

create a vibrant family friendly active outdoor arena that bridges the gap between the Pier and the Marina.

3.9 A strategic plan needs to be agreed and adopted by the council, which can then be used to secure funding for the long-term development of the area. The plan would set out the strategic vision detailing all the elements and themes that will contribute to making Madeira Drive a vibrant and active seafront community.

3.10 Issues to be addressed within the plan would include:

- The rebuilding of the Volk's railway siding sheds with a possible education/heritage centre and dedicated restoration area.
- Installation of street lighting.
- Support to the Yellowwave beach sports facility as a pre London 2012 training camp.
- The attraction of sporting events in the run up to the 2012 games and the promotion of Madeira Drive as an area where we encourage people to be active and healthy which will include cycling and walking schemes.
- Improving road safety and addressing anti social behaviour with particular reference to speeding vehicles.

The above list gives a flavour of just some of the issues, however, this is not a definitive list at this stage. As part of the consultation process to develop a strategic vision and set out an implementation plan all issues will be explored and included where relevant.

3.11 By setting out in an integrated developmental action plan that combines the themes of heritage, environmental improvements, safety, events and healthy sporting activity the council can then look to deliver this plan over a number of years rolling out improvements in phases as funding is identified.

4. CONSULTATION

4.1 Some consultation has already been carried out with a number of traders in the area and other council divisions with responsibility for providing services in the area. Further consultation regarding the longer-term proposals would need to be undertaken with local ward councillors and stakeholders. Most of the issues detailed above have been the outcome of meetings with traders and stakeholders already providing services and activities in the area.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

No funding has been earmarked to undertake the lighting improvement or longer-term measures to restrict traveller encampments. Once detailed costings are available, funding would need to be identified before commencement of works.

The future report on the development of the strategic vision and action plan will need to identify any funding requirements in relation to its production. The action plan once produced would also need to clearly identify funding sources to allow the recommendations to be implemented.

Finance Officer Consulted: Patrick Rice

Date: 13/08/08

Legal Implications:

The City Council has powers as the Highways Authority and well-being powers under the Local Government Act 2000 which will enable it to progress the outline proposals set out in this report. Full legal implications for specific proposals can be considered when these are brought back to the Cabinet Member for approval.

Lawyer Consulted: Liz Culbert

Date: 13/08/08

Equalities Implications:

An equalities impact assessment has not been carried out in relation to the development of the proposed strategic vision however this would be carried out as part of the development of the strategy. It would be key to the success of the overall plan that the regeneration of the area is an inclusive document in addressing the physical barriers to access and therefore important to include a wide range of stakeholders in the consultation process. The results and outcomes of consultation sessions will be incorporated into the strategy and action plan.

Sustainability Implications:

Sustainability issues will be addressed as part of the implementation processes as each phase is rolled out or each issue dealt with. Consideration will be given to the materials and products used to ensure that they are meeting the Council's sustainability agenda.

Crime & Disorder Implications:

One of the key reasons in taking short-term actions and developing a strategic vision is to specifically address anti social behaviour and to improve community safety in this area of the city. The plan would look to improve and enhance the area making it a safer place for all who work in and visit the area.

Risk and Opportunity Management Implications:

The proposals to develop a strategic vision for the regeneration of Madeira Drive when approved would work towards delivering the council's strategic objectives and would impact positively on the council and the communities it serves.

Corporate / Citywide Implications:

None.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 No other alternatives considered.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 Officers now require Cabinet Member approval in order to take forward both the short term and long term initiatives that have been outlined in this report.

SUPPORTING DOCUMENTATION

Appendices:

None.

Documents In Members' Rooms

None.

Background Documents

None.

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 48
Brighton & Hove City Council

Subject: Gating Orders – Protocol for Implementation
Date of Meeting: 11 September 2008
Report of: Director of Environment
Contact Officer: Name: **Simon Bannister** Tel: **29-3925**
E-mail: simon.bannister@brighton-hove.gov.uk
Key Decision: No
Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 In April 2006, under the Clean Neighbourhoods & Environment Act 2005 (through inserting addition clauses into the Highways Act 1980) councils were given the power to restrict access to alleyways with a highway classification through the application of a 'Gating Order' – a mechanism which allows for alleyways to be closed 24/7 or for certain times without removing the underlying highway status and based upon the reduction of crime and antisocial behaviour.
- 1.2 Gating Orders are currently delivered by the Environment Improvement Team, and a number of requests for Gating Orders have been received from resident communities. The intention of this protocol is to assist in managing demand for this work by outlining the steps which an enquiry will be subject to and an indication of how we may prioritise applications, and ensuring that resident communities seeking a Gating Order are aware of the process followed and the issues and likely timescale involved in taking forward their request.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member approves the attached protocol (See Appendix A) which will be used to inform the councils response to requests for Gating Orders.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The power to grant Gating Orders came available in April 2006 and the power to implement a Gating Order is discretionary.
- 3.2 The Environment Improvement Team (EIT) delivered the first Gating Order for Brunswick Row in Brighton in September 2007.
- 3.3 The EIT are currently considering requests for Gating Orders in 8 locations around the City. The EIT is able to process up to 2 Gating Orders at any time, and guidance for council officers and for resident communities on how requests

may be prioritised and what criteria is used for taking requests forward will be of value in managing expectations.

4. CONSULTATION

- 4.1 Consultation has been carried out internally and with key external partners. The following have been contacted for views: Sussex Police, Crime Reduction Initiatives, BHCC Antisocial Behaviour Team, Community Safety Team, Conservation, Highways, Planning and Legal.
- 4.2 Responses to the consultation are outlined in Appendix B.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

The delivery of Gating Orders is currently being managed through the Environment Improvement Team agreed budget, although no dedicated budget exists. A funding source for each order will need to be identified before being implemented. The protocol does reference to the financial constraint

Finance Officer Consulted: Patrick Rice Date: 06/08/08

Legal Implications:

Section 2 of the Clean Neighbourhoods and Environment Act 2005 has introduced new sections 129A to 129G in the Highways Act 1980. This enables a council to restrict public access to any public highway by gating it within certain hours of the day (if applicable), without removing its underlying highway status. Although the Clean Neighbourhoods and Environment Act enables gating in a similar manner to the Countryside and Rights of Way (CROW) Act 2000, the 2005 Act goes further to make provision for anti-social behaviour together with power to revoke and vary.

It is advised that all required conditions are complied with in making a gating order as Section 129D of the Highway Act allows individuals to challenge an order in the High Court if the conditions for making it have not been complied with.

Lawyer Consulted: Ginika Ogidi Date: 07/08/08

Equalities Implications:

An Initial Screening Checklist has been completed which concludes that a full Equality and Diversity Impact Assessment is not necessary for this protocol. A copy of the completed checklist is available from the Environment Improvement Team.

Sustainability Implications:

This protocol has no identified sustainability implications.

Crime & Disorder Implications:

A Gating Order is a measure aimed at supporting reduction in crime and antisocial behaviour. The attached protocol will assist the council in delivering appropriate and effective Gating Orders.

Risk and Opportunity Management Implications:

As guidance to support the delivery of existing work, the attached protocol has no negative or additional risk management implications.

Corporate / Citywide Implications:

The delivery of Gating Orders support Corporate Priority 4 – A fair enforcement of the law/4.1 Reduce Crime and Antisocial Behaviour. The attached protocol will assist the council in delivering appropriate and effective Gating Orders.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 None considered.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 Considerable interest in Gating Orders has been expressed by resident communities, but the council currently lacks a framework for responding to requests or delivering Gating Orders. Additionally the process is poorly understood, leading to frustration and misplaced expectations on behalf of resident communities.

7.2 The attached protocol offers a step by step 'roadmap' which will assist the council in managing demand and offer clarity and realistic timescales and an idea of priorities to resident communities making requests for Gating Orders.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A - Protocol for the assessment and delivery of Gating Orders
2. Appendix B - Summary of responses to consultation
3. Appendix C – Guidance to the making of Gating Orders – Home Office

Documents In Members' Rooms

1. Guidance to the making of Gating Orders – Home Office

Background Documents

None.

Protocol for the assessment and delivery of Gating Orders

Introduction

As a Highway Authority, Brighton & Hove City Council have a general obligation to “assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority” and to “prevent, as far as possible, the stopping up or obstruction of ... the highways for which they are the highway authority” (From the Highways Act 1980 S130 ‘protection of Public Rights’)

Throughout this protocol, these obligations should be borne in mind, establishing the presumption that highway access should remain uninterrupted unless the evidence and process detailed below can clearly demonstrate that temporary gating is fully justified in all aspects.

In April 2006, under the Clean Neighbourhoods & Environment Act 2005 (through inserting addition clauses into the Highways Act 1980) councils were given the power to restrict access to alleyways with a highway classification through the application of a ‘Gating Order’ – a mechanism which allows for alleyways to be closed 24/7 or for certain times without removing the underlying highway status and based upon the reduction of crime and antisocial behaviour. A Gating Order is seen as ‘temporary’ in that it does not permanently affect the highway status of the alleyway and that an Order can be revoked or amended by the issuing authority at any time. No upper time limit has been set for the life of an Order; however Gating Orders should be reviewed annually to ensure that they continue to be justified as a useful crime reduction intervention.

Information relating to current or planned Gating Orders is available on the BHCC Website, and the Environment Improvement Team is responsible for maintaining the register of Gating Orders issued by the council.

To date one order (Brunswick Row) has been delivered and others are being considered. The publicity generated by the initiative has led to a growing level of interest from residents living on or around problematic alleyways.

Gating Orders are currently delivered by the Environment Improvement Team, and the level of enquiries received exceeds the capacity of the Team to respond directly. The intention of this protocol is to assist in managing demand for this work by outlining the steps which an enquiry will be subject to and an indication of how we may prioritise applications, and ensuring that resident communities seeking a Gating Order are aware of the process followed and the issues and likely timescale involved in taking forward their request.

1. Procedure for responding to requests for gating

1.1 Sites will only be considered for Gating if they meet the key criteria set down in the Clean Neighbourhoods & Environment Act 2005:

- (a) premises adjoining or adjacent to the highway are affected by crime or anti-social behaviour;
- (b) the existence of the highway is facilitating the persistent commission of criminal offences or anti-social behaviour; and

(c) it is in all the circumstances expedient to make the order for the purposes of reducing crime or anti-social behaviour.

1.2 Stage one - Initial investigation

To make an initial assessment regarding the potential of a Gating Order or other intervention at the site, the following steps will be taken:

- a)** A generic community safety survey will be circulated to properties within and around the affected area. This will not specifically mention Gating or any other intervention, but will seek to identify the main issues and concerns in more detail which will assist in consideration of a range of potential interventions.
- b)** Site plans showing highway classification and BHCC freehold at and around the site will be obtained
- c)** Ward councillors will be contacted with a request for any additional information or comments
- d)** The issue will be raised at the relevant Local Action Team (LAT)/Sussex Police Joint Action Group (JAG) with a request for background information/comments
- e)** The Antisocial Behaviour (ASB) Team and Crime Reduction Initiatives (CRI) will be contacted for any background information/comments/site history/antisocial behaviour diaries
- f)** BHCC Conservation and Planning will be contacted to advise on heritage issues and any relevant planning history or known proposed developments material to the location.

The above information will be collated into a brief feasibility report outlining the issues and potential interventions, and this report will recommend the next steps. If the feasibility report findings are that a Gating Order would not be suitable for the location, this information and reasons will be shared with local stakeholders, and alternative interventions will be explored as appropriate.

If the feasibility report concludes that a Gating Order could provide a useful intervention, the process will move to Stage 2 below. It is estimated that Stage one would take from 4 – 8 weeks to complete

1.3 Stage Two – Developing a proposal

If the initial investigation indicates that a Gating Order may be a suitable intervention at the site the following detailed work will be undertaken:

- a)** Detailed evaluation against the criteria and recommendations set out in the Home Office guidance 'Clean Neighbourhoods and Environment Act- Guidance relating to the making of Gating Orders'
- b)** Detailed supporting evidence to establish the key criteria (1.1 a-c above) regarding crime and antisocial behaviour
- c)** Pre- consultation contact with the key statutory stakeholders as identified in the Clean Neighbourhoods & Environment Act 2005
- d)** Work with residents within and adjoining the affected area and key local stakeholders to design a workable scheme.
- e)** Pre consultation with BHCC Planning and Conservation Departments

At the close of this stage, a report will be submitted to the AD Public Safety which will consider the practical, legal and crime prevention aspects of the proposal, as well as the likelihood of the proposal being formalised as a Gating Order.

If the report findings indicate that an eventual Gating Order would not be feasible for any reason, or would not meet the full conditions of the Act, the recommendation would be to consider any further alternative interventions as appropriate. If the report findings indicate that a scheme could be put forward which would meet the requirements of the Act, and was feasible in all other aspects, the report recommendation would be to formalise the proposal into a draft Gating Order and to proceed with wider consultation and publication according to the requirements of the Act.

Because this stage is more complex, and is largely dependent upon input from bodies and individuals outside of the council, it is not possible to put a clear timescale on this work. We would hope however that stage two could be concluded within a period of 6 months.

1.4 Stage Three – consultation and publication

- a) With the support of BHCC Legal Department, the proposal would be redrafted as a draft Gating Order
- b) As early as possible in Stage Three, the Local Access Forum would be given a copy of the draft order and invited to comment.
- c) The draft order would be published for wider consultation in accordance with the Act, and all relevant bodies and individuals would be informed.
- d) At the close of the public consultation period, and in the light of submissions received, the following options would be considered i) withdraw the draft Order, ii) amend the draft Order and re consult and iii) submit the draft Order to Environment Cabinet Member Meeting (CMM) for formal agreement
- e) If option i) or ii) were deemed appropriate, the process would return to the steps outlined in Stage Two, and these would be reviewed in the light of the public consultation with a second Stage Two report produced and acted upon as above.
- f) If option iii) were deemed appropriate, the AD for Public Safety would seek to place the Draft Order before Environment CMM for consideration and approval.

1.5 Stage Four – Approval and implementation

- a) If Environment CMM did not approve the draft order, the process would be guided by whatever recommendations, requests or conditions as imposed by Environment CMM.
- b) If Environment CMM did approve the Draft Order, implementation would continue in line with appropriate legislative criteria.

1.6 Objecting to a proposed Gating Order

- a) Throughout all stages of the process we will seek full input from the resident community and other interested parties in developing a proposal, and

informal objections and suggestions will be sought and welcomed at any time.

- b) Stage Three of the process, which includes the formal publication of a Draft Order within the community, in local press and on the council website will include the opportunity to raise formal objections to a proposed Gating Order.
- c) Statutory consultees identified in the Clean Neighbourhoods & Environment Act 2005 have the right to call for a public enquiry to a proposed Gating Order, and individuals may challenge an Order in the High Court.

2. Evidence of crime/antisocial behaviour

In gathering evidence in respect of a – c above, the following sources will be used:

2.1 Reported crime and incident statistics: Sussex police will be contacted for details on reported crime and incidents at and around the location.

2.2 Evidence from the local Neighbourhood Policing Team: This can include testimony from PC's or PCSO's who patrol the area and may include their view on the role of the affected area in 'facilitating the persistent commission of criminal offences or anti-social behaviour' details from their policing activities and comments and feedback which they have received from the community. Any Police testimony gathered in this way will be passed to the council via the relevant LAT or JAG.

2.3 Resident testimony: where residents or businesses have requested a Gating Order they will normally be asked to complete an incident diary or to make statements testifying to the nature of activities and their impact. The council will work with residents to support them in preparing their testimony and will give advice on how this information may be presented and which detail should be included.

Additionally, information will be sought from relevant council or partner agencies including CRI, Drug and Alcohol Action team (DAAT) and the Antisocial Behaviour Team

2.4 Priorities and key criteria:

Because resources are limited within the council to deliver Gating Orders, the following notes regarding setting priorities have been developed:

It is unlikely that more than 2 Gating Orders can be developed at any one time and priority will depend partly on when the site is drawn to our attention, but also on the following factors

Type of crime/activity - the following activities/offences will be given a higher priority:

- Public Place Violent Crime
- Acquisitive crime - eg burglary and theft
- Sexual assault
- Hate crime
- Drug dealing
- Harassment/victimisation

For offences of this nature, resident testimony must be supported by reported crime statistics with a serial number issued for each offence submitted.

2.5 Other relevant criteria

a) Street layout

Do residential properties front on to or have direct access on to the highway in question?

Generally, a higher priority will be given to sites which have direct residential access, rather than (for example) alleys which follow a side or rear boundary with no direct residential access.

b) Use and access

Does the highway enjoy legitimate day time use as a through route for non-residents?

If this is the case, the presumption would be against 24/7 gating and a variable – night time only or weekend evening only would need to be explored

Does the highway form part of a longer pedestrian or cycle route?

If this is the case, the presumption would be against 24/7 gating and a variable – night time only or weekend evening only would need to be explored

3) Key partners

- Is the proposal supported by the Chief Constable or appropriate senior police officer for the area?
- Is the proposal supported by the ward councillors for the area?
- Are any of the residents within the effected area likely to object to the proposals?

If the police or ward councillors do not support the proposal, or if any resident within the affected

area is likely to object to the proposal, it is probable that the proposal will not succeed.

4) Setting a timescale

Subject to the four stages identified above, the timescale for an individual project will additionally be affected by the following:

- a) Type of offences and priority level (see above)
- b) Quality of evidence – those projects relying mostly on resident testimony will usually be subject to an observation/monitoring period of 6 – 12 months between stage 2 and 3.
- c) Alternative interventions – where alternative interventions have been identified, then projects may be put on hold at any time to give an opportunity for alternatives to be delivered and monitored.
- d) Public consultation – depending upon the outcome of the consultation elements, projects may be revised or withdrawn at any time during the development process
- e) The issuing of a Gating Order is a *power* not a *duty*. This means that – even where the key tests are deemed to be met – the City Council is not obliged to issue a Gating Order, although the general obligations of equality of access to services and consistency would require that reasonable requests receive a considered response.
- f) The City Council does not have a dedicated budget to fund gating schemes, and identifying resources should be an early consideration in any proposal (and lack of available resources would justify refusal to progress with an Order or to delay its implementation)

- g) This protocol is intended by way of general guidance and without prejudice to considering each case on its merit.

Protocol for the assessment and delivery of Gating Orders

Consultation summary

The following departments/offices were contacted for their comments re the draft protocol:

- Sussex Police
- Crime Reduction Initiatives
- BHCC Antisocial Behaviour Team
- BHCC Community Safety Team
- BHCC Highway Operations
- BHCC Planning
- BHCC Legal
- BHCC Conservation

The following responses were received:

Sussex Police

I think the report is good and clarifies the issues well. My only comments are as follows;

1. 2.2 - what is an NSPT - I would refer to them as a Neighbourhood Policing Team or Neighbourhood Specialist Team
2. 2.4 - change assault to PPVC (public Place Violent Crime) and the two thefts to acquisitive crime such as burglary and theft.
3. "Crime number required" - may not get a crime number for every incident but a serial number will be given. This could also be used in evidence for an order and will be a better reflection of what is reported.
4. Do you need to list all the other crime types as this could cover anything and this list makes it a bit prescriptive?

Chief Inspector Laurence Taylor

The final draft protocol document has been amended to incorporate changes suggested by CI Taylor

BHCC Highway Operations

Thanks for this, and I think it's a good piece of work which lays out reasoning, priorities and timescales very well. My only comments are:

May be better to explain what LAT/JAG, and any other abbreviations actually are.

Can you include in your opening section a bit about why we start from the presumption that the highway should remain open and accessible (our duty, access rights, etc)? I know you mention this further down when talking about each individual assessment but it would help to include in the beginning so that councillors and others can see that there are good reasons why gating is not taken lightly and that we

usually have a duty to keep open rather than close up, except under the circumstances you list

Although it's a protocol rather than a policy, does it need to be Equality Impact Assessed?

The final draft protocol document has been amended to incorporate changes suggested by Highway Operations

BHCC Conservation

Following a telephone conversation, the following amendments were agreed and incorporated:

In stage 1 of request conservation should be contacted to give initial views on any particular heritage aspects and planning should be asked for any relevant planning history and in stage 2 - as a detailed scheme is prepared - planning should be approached for advice on consent/widths etc...

BHCC Legal Services

Following a telephone conversation, the following amendments were agreed and incorporated:

In the member report; include the comment that the power to grant Gating Orders is discretionary

In the protocol document:

- Highlight that the issuing authority can revoke or amend Orders at any time
- Refer to the annual review of Gating Orders and to the Public Register
- Refer in more detail to the methods for publication of a proposed Gating Order within the wider community
- Include information on objections to proposed Gating Orders

**CLEAN NEIGHBOURHOODS AND
ENVIRONMENT ACT 2005**

**GUIDANCE RELATING TO THE MAKING OF
GATING ORDERS**

March 2006

INTRODUCTORY

1. Section 2 of the Clean Neighbourhoods and Environment Act 2005 introduces a new power that allows councils to make, vary or revoke gating orders in respect of highways within their area. This is achieved by inserting new sections 129A to 129G in the Highways Act 1980 which will enable councils to restrict public access to any public highway by gating it (at certain times of the day if applicable), **without removing its underlying highway status**. Local authorities will be able to make “gating” orders on grounds of anti-social behaviour as well as crime.
2. Powers to close alleyways were first introduced by the Countryside and Rights of Way Act 2000 (CROW Act 2000); this enables alleyways, which are also rights of way, to be closed and gated for crime prevention reasons. But they do not enable alleyways to be gated expressly to prevent anti-social behaviour and they exclude many alleyways that are public highways but not recorded as rights of way. Also, under these provisions the removal of rights of passage is irrevocable.
3. The Clean Neighbourhoods and Environment Act 2005 provisions enable a council to gate a highway in a similar manner to the CROW Act 2000 power but it:
 - a) doesn't first require the highway to be designated by the Secretary of State,
 - b) enables gating to take place if highway suffers from crime and/or anti-social behaviour,
 - c) enables the council to continue with a gating order, even if objections are made (if it is considered in the best interests of the local community to do so).
4. The power to make a gating order will be commenced on 1 April 2006.
5. **This guidance is not statutory, but we recommend that local authorities read the guidance and use it where practicable as it will help avoid some operational difficulties. It has been written with the help of practitioners by the Home Office, the Department for Transport and the Department for Environment, Food and Rural affairs.**

CONDITIONS FOR MAKING A GATING ORDER

General principles:

6. In general, rights of way do not cause or facilitate crime. The provisions in the Clean Neighbourhoods and Environment Act are framed in a way that limits their use to alleyways where it can be shown that persistent crime and anti-social behaviour is expressly facilitated by the use of certain rights of way.
7. The Government considers that these powers will be particularly important in enabling the closure of those back (or side) alleys where they are demonstrably the source of crime in built up areas, particularly housing estates. The rationale behind the formulation of these powers was to assist in strictly urban areas and, in practice, if a footpath is the only means of access to the rear of a terrace of properties, it may well be easier to demonstrate whether the way itself is facilitating persistent crime, than in an open rural setting, where there might be a number of means of access to premises.
8. This provision is intended to be used as a deterrent for temporary closures while the crime or ASB is persistent. Following the reduction of the crime or the ASB, the highway restrictions can be varied or revoked.
9. If the intention is permanently gate the highway (i.e. removing the highway status), the provisions introduced by the Countryside and Rights of Way Act 2000 (CROW Act) should be used. However, given the longer timescales under the CROW Act, and that the condition of the highway may warrant quick action, you can use the Clean Neighbourhoods and Environment Act 2005 provisions to gate the highway while seeking a CROW Act order to revoke the highway status.
10. Section 129A of the Highways Act 1980 sets out these general principles, asserting that a council must be satisfied, before making an order, that the area surrounding the relevant highway suffers from crime or anti-social behaviour and would act as a useful crime/anti-social behaviour reduction measure.
11. Local authorities should also be satisfied that residents and members of the public who use the relevant highway would not be inappropriately inconvenienced by its gating, and should be satisfied that alternative access routes exist. However this should not restrict the gating of highways that are in such a dangerous condition, that gating it is in the best interest of all concerned.
12. The health implications of the order should also be considered as gating orders could potentially encourage the use of cars if the alternatives are too long or lack pedestrianised sections. This should be balanced against the health impacts facing pedestrians from the ongoing crime or ASB in the alleyway. In these situations a Health Impact Assessment could be

carried out if there is any doubt over the availability of alternate routes and/or the proposed times the gates will be closed.

Issues of Mobility:

13. Special consideration should be given to the impact a potential order might have on disabled users of the highway to ensure that alternative routes are free from obstructions and are suitably paved. During the installation of the gates consideration should be given to the height of the locks and the ease at which they can be opened and closed

Consideration of other tools to tackle crime and ASB:

14. Gating orders are not the only solution to tackling crime and anti-social behaviour on certain thoroughfares. Before proposing an order, local authorities should give consideration as to whether there are alternative interventions that may be more appropriate (and cost effective) for tackling the specific problems they are facing without having to gate the highway. Nevertheless, gating orders should not be seen as a last resort.

PUBLICITY

15. Gating orders can have implications for various groups of people, such as walkers who may oppose the termination of certain rights of way. For this reason, it is essential that gating orders are satisfactorily publicised before they are made. Local authorities must publicise a notice to this effect in a local paper and on their website. In order to save costs, this notice does not need to be excessively large and does not need to include a lot of information. The legislation states that the notice should include the highway affected and the general effect of the order. However, in practise this information will be included in the proposed order itself, so the notice only needs to:

- include a draft of the proposed order:
- identify alternative routes that members of the public may take; and
- invite representations (in writing) as to whether or not an order should be made, within a period of notice that is at least 28 days.

16. A similar notice, including all the information stated above, should also be placed on or adjacent to the relevant highway at both ends, in order that people who want to use the highway can see that it is to be gated. These need to be visible enough to draw their attention, and make it clear what the implications of the order will be. The regulations do not specify a minimum time period that these notices should be up before the gating order comes into force. This is because local circumstances may make this difficult to achieve. However, wherever possible, these notices should be assembled to coincide with the notices published on the website and local paper, i.e. for a minimum of 28 days before the gating order is made. It is the responsibility of the council to ensure that notices are maintained in a condition that ensures they remain visible and legible.

17. It is not only necessary to make this notice available to the general public. Certain groups which may be directly affected should be specifically informed of the planned order through receipt of a copy of the order. These include:

- all occupiers of premises adjacent to or adjoining the relevant highway;
- any authority through which the gated highway will run including:
 - Any other council, including parish and town councils;
 - Police authorities (informing the chief of police);
 - fire authorities;
 - NHS Trusts;
- any Local Access Forum through whose area the relevant highway passes
- other public bodies and companies that do maintain or provide services on or around the locality in which the relevant highway will be situated including:
 - statutory undertakers;
 - gas or electricity services providers;
 - water services providers;
 - communications providers;
- anyone who requests a copy of the notice; and
- anyone who has asked to be notified of any proposed gating orders.

18. The council should also inform anyone they reasonably consider might have an interest in the proposed order. This could include a wide range of groups, and it is the responsibility of the applying council to decide who this might include. However, it is recommended that councils also notify a variety of groups that are likely to take an interest in the gating of a highway. The Department of the Environment Circular 2/1993 sets out organisations who should be contacted under other rights of way legislation and you may wish to consult this.

The majority of highways will be urban alleyways that suffer from ASB and crime, however rural highways can suffer from ASB and crime too. Therefore, it is important to ensure that any group who has a particular interest in the highway on which the order will be made is given an opportunity to comment. For example these may be the appropriate National Park, the Chiltern Society and the Peak and Northern Footpaths Society. In the majority of these cases you should be seeking to engage with these organisations early in the process in order to effectively consider all interventions to tackle the ASB and crime.

19. It is important that people who use these relevant highways understand why a gating order has been proposed. Therefore, it is recommended that Local Authorities provide a justification and evidence for the order before it is made. Ideally, this evidence and justification should appear on the notice in the newspaper, with details of where members of the public can find more information if necessary.

REPRESENTATIONS FROM INTERESTED PARTIES

20. Before a gating order can be made it is essential that local authorities consider all representations as to whether or not an order should be made. If there is considerable objection to the order, it is necessary to be absolutely sure that there are sufficient grounds for the order to be made. Particular attention should be given to Section 129A of the Highways Act 1980, balancing crime and anti-social behaviour concerns against the impact it will have on users of the highway and local residents. Section 129D of the Highways Act 1980 allows individuals to challenge an order in the High Court if the conditions for making it have not been complied with. To ensure full impartiality, you may want to consider the use of an external evaluation, for example a Health Impact Assessment.
21. A full justification, with evidence should be something that local authorities have on file to provide to anyone who objects to this order, or who requests an explanation for the proposed order. Your responses to those who object should be comprehensive, and specifically address their concerns. It is in the interests of all parties to conclude this process promptly and without unnecessary delay. Ideally, consideration should be concluded 28 days (or less) after the final date in which written representations can be made.

PUBLIC INQUIRIES

22. While it is important to consider all representations, certain authorities' representations as to whether a gating order should be made will bear more significance. Consequently, an objection from these bodies will automatically cause a public inquiry to be held, if the relevant highway passes through their area. These authorities include:
- the chief officer of a police force;
 - a fire and rescue authority;
 - any council (including parish councils); and
 - an NHS trust, NHS foundation trust or NHS primary care trust.
23. Objections from these authorities should be made in writing, giving reasons for their actions, within the prescribed period of notice (which is not less than 28 days).
24. If objections are received from other individuals, the council can still conduct a public inquiry where it is appropriate to do so.
25. A gating order should not be made until this public inquiry has been concluded and a decision has been made. Consequently, before proposing a gating order, it is highly recommended that you work in partnership with these authorities to ensure that the general consensus is positive. By taking these initial steps, it should be possible to make progress without the need for a potentially costly public inquiry. If objections are still received in writing, the council can avoid an inquiry if they make the requisite changes to the proposal. Public inquiries should

only be instigated as a last resort, when fundamental differences exist between authorities that discussion and negotiation have failed to alleviate.

26. If a public inquiry is inevitable, then the council must adequately advertise this fact. This may include the display of notices in roads or delivering letters to local premises. However, local authorities must publish a notice in a local newspaper (at least once) and write to those who have already made representations as to the making of the order. Again, this notice does not have to be excessively large, but it should include:

- The title and draft of the proposed order (including its general effect);
- the name of the council;
- the identity of the relevant highway, with enough detail, either by description or specification, so that people understand which highway is being referred to;
- A statement referring to the initial notice advertising the order, notifying people that a public inquiry is to be held;
- the date, time and place of the inquiry and the name of the inspector;
- information as to where further information can be found on the proposals for the relevant gating order. Opening and closing times of these premises should be included; and
- the address to which any representations for consideration by the inspector should be sent.

Appointing an Inspector:

27. It is the responsibility of the council to appoint an individual to conduct the inquiry. The council should ensure that this inspector is suitably qualified and fully impartial. Impartiality is essential because the applying authority must be able to defend their actions in court if the situation arises where the order is legally challenged. Any evidence of the authority compromising the independence of the inquiry would invalidate the order's existence. In order to ensure that independence is preserved, it is recommended that the council appoint someone from the Planning Inspectorate.

28. The procedure of the public inquiry is determined by the inspector, but should allow any person to make representations or appear at the inquiry if they wish. The inspector may refuse to listen to any representations if he feels they are irrelevant. After the inquiry has been concluded to his satisfaction, the inspector will then be in a position to make a decision, and all relevant agencies should comply fully with the verdict.

FORM AND CONTENT OF A GATING ORDER

29. In reality, gating orders are quite simple straightforward documents. Firstly, the order must include a statement asserting that the council have met the

conditions set out in Section 129A(3) of the Highways Act, 1980. In effect, this means that you must state that the council is satisfied that anti-social behaviour and/or crime exists in the area around the gating order, that the existence of such behaviour is exacerbated by the highway and that a gating order would be beneficial for tackling crime and anti-social behaviour in the area. You will not need to include large amounts of detail and so this initial statement should be kept fairly brief.

30. In addition to the initial statement, the order should include:
- the dates and times that the public right of way will be restricted;
 - The location where the gating order will be situated;
 - details of any persons who are excluded from this restriction; and
 - the name and contact details of the person who is responsible for maintaining any gate authorised by the order.
31. There is no statutory model, upon which gating orders should be based.

REGISTER OF GATING ORDERS

32. After an order has been made, it is necessary that they continue to be exhibited in a manner that will draw people's attention to them. Prior to the making of the order a copy of the gating order should have been in place at each end of the highway for at least 28 days, inviting representations as to whether or not the order should be made. This should now be replaced by a copy of the gating order alone, in such a manner that it is still visible to members of the public. Therefore, it is recommended that this notice is again placed in a prominent position at each end of the highway. This notice should be in place for as long as the order is in force and the public's right to use the highway is suspended, and it is the council's responsibility to ensure that it remains visible and legible.
33. A copy of the order should also be placed in a prominent position in the council for at least 12 months from the date the order is made, and should also be published on the council's website as well.
34. A register of all orders and all proposed making, varying and revocation of orders should be kept and maintained by each council. This must be open between 9am and 5pm each day for inspection by members of the general public and councils must supply any copies of these documents to anyone who requests them and pays a reasonable charge, (decided by the council).

PROVISION OF KEYS AND MAPS

35. A number of individuals and groups will have legitimate purpose or business to pass through gates. These can include, but is not limited to, property owners and occupants, statutory undertakers, such as telecommunication companies and utility companies, the emergency services and of course council officers on business.

36. Therefore, early in the process of developing these gating orders, councils should undertake an assessment of the likely number of individuals needing keys to enter the particular highway subject to the gating order.
37. It is important that maps are updated quickly, and it is important that they are issued to the relevant groups who will need them. **In particular it is very important that the emergency services have access to accurate maps. Failure to provide up to date information on the limited passage of gated highways may impact on the speed at which emergency services can provide their service.**

VARYING, REVOKING AND REVIEWING A GATING ORDER

38. Once a gating order is in place, it is possible for the council who originally applied for the order to vary or revoke the order. However, any variation will need to comply with the key principles of reducing crime and anti-social behaviour while not excessively inconveniencing users of the gated highway. Consequently, to revoke or vary an order, it is necessary to follow the same procedure required for making the initial order, i.e. advertising the order in a paper, notifying relevant agencies and individuals, considering representations, and prompting a public inquiry when certain bodies object. In order to follow this correctly, the requirements set out in this guidance should be followed.
39. There is no maximum limit to how long a highway can be gated. However, it is recommended that councils review each of their orders on an annual basis. This review should evaluate whether the gating order is acting as a useful crime or anti-social behaviour reduction measure. It should also assess the impact it is having on the community and discussions should be held with local residents to gauge whether the limited access is causing excessive inconvenience.

VERSION

40. This guidance is version 1 and was published on 24 March 2006.
41. It is important that this guidance remains up to date and relevant. To help us ensure this, if you have any comments on the content or suggestions for improvements please email them to together@homeoffice.gsi.gov.uk using the subject line "Alleygating guidance".

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 49

Brighton & Hove City Council

Subject: Nature Conservation and Development
Supplementary Planning Document (SPD)

Date of Meeting: 11 September 2008

Report of: Director of Environment

Contact Officer: Name: **Matthew Thomas** Tel: **29-2371**
E-mail: matthew.thomas@brighton-hove.gov.uk

Key Decision: Yes Forward Plan No. ENV2887

Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

1.1 The report sets out the results of consultation undertaken on the draft Nature Conservation and Development Supplementary Planning Document ("SPD") and seeks approval of the changes made as a result of these representations. It recommends adoption of the SPD to support the implementation of policies QD 17, 18, and NC1-4 of the Brighton & Hove Local Plan. The Summary of Responses to public consultation is attached as Appendix 1 and the draft SPD is attached as Appendix 2. Copies of the annexed documents are available in the Members' Rooms.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member notes the results of the public consultation exercise (Appendix 1) and to endorse the changes made to the draft Nature Conservation and Development SPD.
- 2.2 That the Cabinet Member adopts the Nature Conservation and Development SPD as part of the Local Development Framework, subject to any minor grammatical and non-material text and illustrative alterations agreed by the Director of Environment in consultation with the Cabinet Member for Environment.
- 2.3 That the Cabinet Member agrees that the Nature Conservation and Development SPD be implemented on 1 October 2008.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

3.1 Early stakeholder consultation on Issues & Options for the SPD took place in December 2005. A workshop was attended by representatives of the Council's Wildlife Advisory Group and local and national nature conservation groups. A summary of the findings was sent to all attendees and their comments invited.

Responses informed the format and content of the draft Nature Conservation and Development SPD.

- 3.2 The resulting SPD provides a clear, sequential process for developers to follow to ensure national and local policy on biodiversity is achieved. It introduces 4 steps, from an initial assessment of a potential development site, through to the aftercare of biodiversity post-development. This standard approach promotes the smooth running of the application process by ensuring the nature conservation implications of development are predictable and workable and that only relevant development proposals are affected. The SPD also includes a range of good practice case studies.
- 3.3 Detailed annexes include a list of notable habitats and species found in Brighton and Hove, a summary of legislation and policy relating to biodiversity, a 'hazard prevention checklist' for biodiversity on development sites and a comprehensive list of useful contacts and further advice.
- 3.4 The first draft Nature Conservation and Development SPD was reported to Environment Committee in September 2006 and approved for consultation with stakeholders and other groups. The subsequent consultation took place during autumn 2006. There was strong support for both the concept and content of the draft SPD.
- 3.5 In response to the consultation, Annex 6, which relates to calculating developer contributions towards nature conservation, was extensively redrafted. A second draft of the SPD and Annexes was subsequently approved by Environment Committee on 8 November 2007 for the purpose of statutory public consultation. This took place for a period of six weeks from 12 February to 25 March 2008.
- 3.6 In response to comments made during the second statutory consultation, as detailed in Appendix 1 to this Report, the following amendments have been made to the draft SPD:
 - More emphasis has been placed on 'ecological services' and the multi-functional benefits of building nature into urban areas.
 - More reference has been made to the need to ameliorate the potential effects of climate change.
 - References to planning policy have been revised and updated where relevant since the first draft was produced.
 - Revisions and additions have been made to Annex 7 (lists of ornamental plants with nature conservation value).
 - Minor changes to the text have been made which together provide greater clarity and strengthen the case for the integration of biodiversity into new development.

4. CONSULTATION

- 4.1 As noted in paragraph 3.5 above, statutory public consultation on the second draft SPD was undertaken for 6 weeks in February-March 2008. Among those who contributed were Government agencies, Brighton & Hove City Council officers; members of the public; environment and community groups and businesses.
- 4.2 The second draft SPD was sent to several hundred organisations, groups and/or individuals and publicised on the council's website and in the Brighton & Hove Argus. A workshop was also held on 13th March 2008 specifically to assess whether the revised Annex 6 addressed previously raised issues. A total of 14 written representations were received and 9 organisations were represented at the workshop (details are provided in Appendix 1).
- 4.3 Both the Environment Agency and Natural England were strongly supportive. Twelve of the respondents welcomed the SPD as a means of improving the biodiversity value of development within Brighton and Hove. One member of the public was critical of some of the detailed content of the SPD but did not object to publication of the document in principle.
- 4.4 Annex 6 attracted the greatest level of comments from the respondents to the original consultation. All respondents accepted that the revised annex provided clarity and consistency. After taking account of national planning guidance and the operation of the revised annex, all the outstanding concerns raised by the second consultation were resolved (See Appendix 1) and therefore no further changes have been proposed.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

There are no direct financial implications arising from the recommendations contained within this report.

Finance Officer Consulted: Patrick Rice

Date: 08/08/08

Legal Implications:

The formal consultation on the draft SPD complied with regulations 17 and 18 of the Town and Country Planning (Local Development) (England) Regulations 2004. The Sustainability Appraisal, which accompanies the draft SPD, complies with Section 39 of the Planning and Compulsory Purchase Act 2004. No adverse human rights implications have been identified as arising from the report. The adopted SPD will be a material planning consideration in the determination of relevant planning applications.

Lawyer Consulted:

Hilary Woodward

Date: 04/08/08

Equalities Implications:

Local Development Framework Core Strategy Equality Impact Assessment (EQIA) issues relevant to this SPD have been considered. Monitoring and implementation measures have been put in place to evaluate the impact of this SPD as a result.

Sustainability Implications:

The SPD aims to secure protection and enhancement of biodiversity within the city. Proposed amendments include additional references to ameliorate the effects of climate change. Inclusion of biodiversity within new development within the city will assist urban cooling and reduce storm-water runoff amongst other benefits. The SPD was subject to a Sustainability Appraisal.

Crime & Disorder Implications:

None identified.

Risk and Opportunity Management Implications:

None identified.

Corporate / Citywide Implications:

None identified.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 As part as the SPD development process, alternative options were discussed with stakeholders at the early consultation phase. The Sustainability Appraisal tested the possibility of 'doing nothing' and looked at other options for delivery.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To make Members aware of the representations made on the SPD and officers recommended responses.
- 7.2 To ensure there is detailed, up to date, clear and locally relevant advice to all those with an interest in the development process on the integration of biodiversity into development.
- 7.3 To improve the biodiversity value of development in Brighton and Hove and make sure all developments adequately address national planning guidance on biodiversity.
- 7.4 To enable the local planning authority to prepare for implementation of the SPD and local planning applicants/agents to familiarise themselves with its contents.

SUPPORTING DOCUMENTATION

Appendices:

1. Summary of responses to public consultation, March 2008.
2. Nature Conservation and Development SPD.

Documents In Members' Rooms

1. Summary of responses to public consultation, March 2008.
2. Nature Conservation and Development SPD.
3. Nature Conservation and Development SPD – annex document.
4. Sustainability Appraisal.

Background Documents

1. Minutes Environment Committee of 8th November 2007 (item 92 on agenda).
2. Consultation Statement.
3. Sustainability Appraisal.

Draft Nature Conservation and Development SPD: Statement of Representations to public consultation, March 2008.

Respondent	Summary of Main Comments	Response to Main Comments
Natural England	Excellent document which offers a clear and comprehensive guide to conserving and enhancing biodiversity, particularly as applied within the framework of planning policy and legislation at a international, regional and local level. We are particularly impressed with the approach put forward for developer contributions.	Noted.
	Annex 6 helps to quantify what is meant by the word 'enhancement' which figures a number of times in Planning Policy Statement 9. Again this represents a step forward highlighting to developers exactly what would be required on a particular site should they wish to take it forward for development.	Noted
	Include reference to Brighton to Newhaven Cliffs SSSI and Castle Hill SAC/SSSI in Annex 1	Minor change. Reference to both sites included.
	Refer to relevant Local Plan policies and to emerging LDF policies.	No Change. The draft SPD has been written to apply to both the Local Plan and the emerging LDF. Local Plan policies have not been referred to explicitly because they will soon be superseded; at the time of writing, LDF policies are in development.
	Alter the contributions expected for developments of 1 or 2 dwellings, removing these from the 'small scale' category and including them in the 'medium/large scale' category.	No change. The categories of development used are consistent with those used in the Sustainable Construction SPD and reflect planning research.
	Improve links between the City's emerging green infrastructure network policy and this SPD	No change. A separate SPD is planned to address green infrastructure.
Environment Agency	Welcome the production of the SPD. In particular we consider that it provides a clear process to guide how nature conservation should be incorporated at all stages of the planning process.	Noted.

	Paragraph 5.15: Reference could be made to the possibility of affecting the integrity of ecological networks	Minor change. Reference to green networks made.
	Paragraph 5.36: Stronger approach could be adopted by replacing “all development <i>is expected</i> to contribute” with “all development <i>must</i> contribute...”	Minor change. Recommended text substituted.
	Paragraph 5.38 (3): We support the adoption of a creative approach to the maximization of nature conservation benefits; but greater emphasis is needed on multi-functional benefits	Minor change. Reference to multi-functional benefits included.
	Paragraph 5.38 (10): Support the inclusion of green roofs; highlight further the opportunities they provide, for example they support adaptation to climate change and can provide additional open space.	Minor change. Reference to green roofs now includes their wider benefits.
	Draw a clearer distinction between extensive and intensive roofs. Extensive roofs, whilst better than a traditional roof, are of little benefit to biodiversity. Further they will not be so good in providing the other benefits that a more intensive green roof can afford.	No change. Green roof specialists maintain that extensive roofs can also deliver important benefits for biodiversity.
Sussex Wildlife Trust	Welcome the production and adoption of this document, which sets out clearly how the Council will adhere to national guidance on nature conservation through planning decisions.	Noted.
	Compensation is the final stage identified in the process and this should be the case in practice. Compensation measures should be closely monitored over time to ensure success and a contingency fund should be available for any remedial action that may be required.	Noted.

Appendix 1

	Concerned that the calculator detailed in Annex 6 underestimates the true cost of the creation and maintenance of nature conservation features. Figures do not seem adequate to cover equipment and materials as well as professional assessment and advice.	Minor change. The figures in Annex 6 are based on real costs, excluding professional advice and land purchase. Note has been inserted clarifying costs which have been excluded.
Prestonville Community Association	Welcome the intention of the proposed SPD.	Noted.
	It is important that developers and their clients are helped to implement conservation measures effectively. Poorly thought out, 'bolt on' features will not serve any useful purpose.	Noted. Detailed guidance will be offered as part of the development control process and through Planning Advice Notes as required.
	The council should give more weight to planning enforcement, on the grounds that environmental damage may lead to serious public order and safety issues if developers ignore planning requirements. Essential this is addressed if the aims of the SPD are to be implemented successfully.	Noted.
Older People's Council	Broadly welcome the proposals in the draft Supplementary Planning Document and are impressed by the scope of the document and the attention to detail.	Noted.
	Implementation may lead to delays to an already lengthy planning process	The SPD is written to reduce uncertainty and to establish a clear process and therefore speed up the planning process.
Brighton and Hove Organic Gardening Group	Document seems very positive, particularly the commitment to enhance as well as maintain biodiversity. Hopes the Council will be rigorous in enforcing the measures outlined.	Noted.

Appendix 1

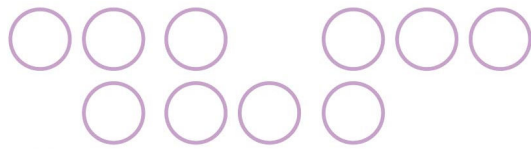
	Compensation for habitat loss should include a large punitive payment (to be imposed on a discretionary basis). The amount proposed for mitigation is not large in relation to the overall costs of a large development, and would not deter unscrupulous developers from destroying habitat after they had obtained planning permission.	No change. The recommended changes do not follow national guidance on planning obligations.	
	Planning Policy Guidance 3 superseded by PPS 3	Minor change. Text updated.	
	Various detailed changes to the lists of ornamental plants of wildlife value recommended	Minor change. Text amended to incorporate recommended changes.	
56	Consultation Meeting on Annex 6 (developer contributions): King's House, 13 th March 2008. Represented: Brunswick Developments, Natural England, B&HCC, DP Architects, Water Works Consulting, Eco-Logically, Council for the Protection of Rural England, Parker Dann	Consider weighting nature points in favour of maximising wildlife gain, rather than the cost of creating them.	No change. Developer contributions must be directly related to the proposed development and fairly and reasonably related to it in scale and kind in order to meet national policy requirements.
	Starts from a theoretical position which bears no relation to the existing site features and does not relate at all to the development proposed or the characteristics of the site. Hard to justify that the same developer contribution costs would be applied to a site covered in tarmac as with a site covered in rich scrubland (for example) where a good deal of avoidance costs would already be generated.	No change. All calculations are based on the site size and existing biodiversity interest and therefore do relate to the characteristics of the site. In so far as relating to the requirements of PPS 9, site size and existing biodiversity value are the most relevant attributes to biodiversity potential. The same costs would not be applied to a site where existing features are preserved (their area would be deducted from the total) as to a site with no existing value.	
	Poorly thought out, 'bolt on' features will not serve any useful purpose.	Noted. Detailed guidance will be offered as part of the development control process and through Planning Advice Notes as required.	

	<p>The use of section 106 agreements to achieve the commuted sums, where nature conservation features cannot be provided on site is the only means to enforcing costs. However section 106 agreements must meet the following tests:</p> <ul style="list-style-type: none"> (i) Relevant to planning; (ii) Necessary to make the proposed development acceptable in planning terms; (iii) Directly related to the proposed development; (iv) Fairly and reasonably related in scale and kind to the proposed development; and (v) Reasonable in all other respects. <p>Given that the menu of works has yet to be determined, cannot say whether they will be relevant to any development proposed. Given that they are off site and pre determined, cannot see how they can be directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development and necessary to make the proposed development acceptable.</p>	<p>No change. The menu of works is set out in Annex 6 from which developers can select items which together account (in 'nature points') for the total area of the development site (excluding any features preserved in situ). This is required to properly address the requirement in PPS 9 for all development to maximise biodiversity benefits and fully addresses all the tests described.</p>
	<p>Starting with a premise that 100% of a site should be of biodiversity value may not be reasonable. If similar assumptions were made about maximising other needs, costs to developers would be prohibitive.</p>	<p>No change. In order to ensure a development is relevant to planning and necessary to make the proposed development acceptable in planning terms, it must meet the requirement to maximise opportunities to build-in biodiversity set out in PPS 9 para 14. Other needs to not have this 'maximise' requirement.</p>
	<p>The distinctions drawn between different sizes of development need to be reviewed. A householder application for a small extension should not be put in the same category as a development of two new houses.</p>	<p>No change. The categories of development used are consistent with those used in the Sustainable Construction SPD and reflect planning research.</p>
	<p>The text should explicitly recognise that because of the financial implications to some schemes, it may not be possible to implement the SPD in all cases.</p>	<p>No change. All planning gain is subject to negotiation as part of the development control process. Inserting this text would only reduce certainty for developers.</p>

	The menu of options needs to be broadened to give more choice to developers.	No change. The menu must address Biodiversity Action Plan targets and promote habitats and species which can reasonably be incorporated into development schemes. However the existing menu also includes an option to suggest additional habitats.
	Some of the definitions of nature conservation features would benefit from more flexibility.	No change. The definitions are required to be fairly detailed to ensure real biodiversity gain is delivered.
Hanna Waldbaum	The SPD should require green roofs and walls on all new developments.	No change. To be sufficiently adaptable to all development scenarios the SPD offers a menu of options rather than attempting to prescribe any one feature. This was specifically requested during consultation on the first draft.
Stuart Derwent	Various recommendations to change the style of wording to give more emphasis to the support of national biodiversity standards and to give greater clarity to the meaning of the text .	Minor changes. Text revised at various places.
	How are the nature conservation features maintained post-development?	No change. Existing planning mechanisms are in place to require features to be maintained by developers.
	Would rather see "New Benefits" as Stage A3 to demonstrate the importance of enhancing nature conservation.	No change. The stages follow a logical sequence; existing features need to be properly addressed before looking at the creation of new features.
David Brookshaw	'ACCESS AREAS' should be included because they comprise unimproved chalk grassland in Brighton & Hove	No change. Access Areas are not primarily designed for nature conservation, although in practice all such sites are also Sites of Nature Conservation Importance in Brighton and Hove and therefore already addressed by the draft SPD.

Appendix 1

John Patmore, Eco-logically	SPD remains poorly drafted and muddled, with different segments from statutory legislation and advice strung together inconsistently.	Noted
	Corporate social responsibility (CSR) targets should be referenced as a reason for addressing the SPD.	Minor change. Reference to CSR included.
	It is uncompetitive to list just one organisation as the appropriate professional body. Other appropriate organisations exist. There are extremely competent ecologists who do not wish to belong to such knowledge and experience.	No change. The draft SPD does not require membership of any professional body in order to submit full ecological surveys as part of development proposals.
	No mention of churchyards as an urban habitat	No change. Churchyards are not currently included in the national, regional or local BAPs
	Pleased to note the recommendation that plants of local provenance is encouraged. Phrase should be strengthened to read: 'should not be used unless there is adequate reason for using plants from other sources agreed with the council ecologist'.	Minor change. Recommended textual change included.
	Various changes to the lists of plants recommended for use in Brighton and Hove to exclude all species which are not endemic to the local area	No change. Restricting the use of plants to endemics takes no account of the urban nature of much of Brighton and Hove or of Climate Change effects on local botany.
	Why are opportunities for progressing the RSS 'Regional Biodiversity Targets' not included?	No change. Such targets are addressed by the SPD where they are relevant to development in Brighton & Hove.



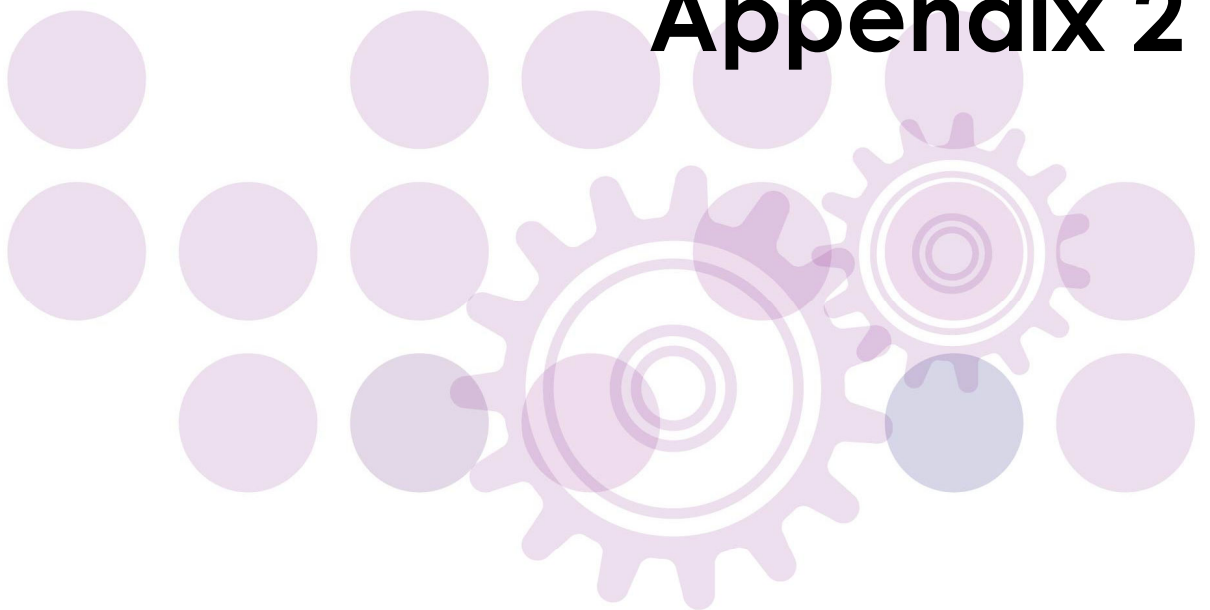
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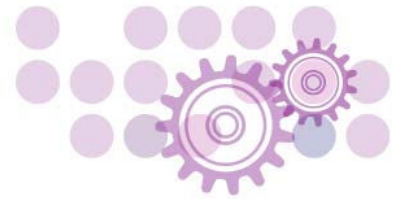
Brighton & Hove City Council's Local Development Framework

Nature Conservation and Development

Appendix 2



Brighton & Hove



What is an SPD?

A *Supplementary Planning Document (SPD)* is one of the material considerations that can be taken into account when determining a planning application. It forms a part of the *Local Development Framework (LDF)* and is intended to elaborate upon policies in the *Development Plan Documents (DPD)*. This SPD is one of a series produced by Brighton & Hove City Council and it is to be read in conjunction with the DPD. Each SPD has been subject to a period of formal consultation and approval under the LDF. In preparing this SPD the council has had particular regard to Government policy as set out in *Planning Policy Statement 1: Delivering Sustainable Development* and *Planning Policy Statement 9: Biodiversity and Geological Conservation*.

NOTE: Illustrations will be added to the approved version

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1 Introduction

1.1 Brighton & Hove City Council has a statutory duty under the Natural Environment and Rural Communities Act 2006 to have regard, so far as is consistent with the proper exercise of its functions, to the purpose of conserving biodiversity¹. Nature conservation is regarded as a key test of sustainable development. The local planning process addresses this duty by the inclusion of a number of nature conservation policies in local planning documents. These include policies NC1 to NC4, QD17 and QD18 of the Brighton & Hove Local Plan 2005, which will be succeeded by policies in the Local Development Framework. This SPD explains how such planning policies should be interpreted and applied. It is intended for use by planning applicants, council officers and local people concerned with the conservation of biodiversity in development.

1.2 Other SPDs of particular relevance to biodiversity conservation in Brighton and Hove include :

- SPD 06 'Trees and Development Sites'.

Application

1.3 This SPD addresses two types of development scenario:

- Development proposals for sites with no current nature conservation value.
- Proposals affecting existing areas of nature conservation value.

1.4 Many development proposals have the potential to benefit local biodiversity. For example even small home extensions might incorporate a House Sparrow nest box under the eaves, or a 'green wall'. A small proportion of proposals affect existing biodiversity and these can avoid unnecessary loss by taking account of its value throughout the planning process.

1.5 This document is suited to developers who take a proactive approach to design and who aim to build quality developments. The guidance set out in this SPD will enable developers to meet the Council's aim for high ecology ratings under the Code for Sustainable Homes and also to address corporate social responsibility issues.

¹ Natural Environment and Rural Communities Act 2006 Part 3 paragraph 40 (1)

Aims

1.6 The aims of this SPD are:

- To ensure that the key principles of national planning guidance on biodiversity and nature conservation² are fully met locally and specifically that local planning decisions maintain, enhance, restore or add to biodiversity in Brighton and Hove.
- To ensure the Local Biodiversity Action Plan (LBAP)³ is fully integrated into the local planning process.
- To ensure best practice is followed consistently and openly.
- To minimise the cost to development and streamline the application process by ensuring nature conservation implications are as predictable as possible and that only relevant development proposals are affected.
- To contribute to the City Council's commitment to sustainable development.

2 Definitions

Nature Conservation Features

2.1 Biodiversity can be simply defined as 'the variety of life on earth'⁴. Local, biodiversity-related planning policies refer to 'nature conservation features' which can be defined as having the dual functions of contributing to local biodiversity and providing opportunities for people to experience and benefit from it. The benefits to local people provided by nature conservation features are wide ranging. They include valuable 'ecosystem services', such as mitigating the damaging effects of air pollution and climate change, as well as aesthetic and amenity benefits. For example, installing green roofs helps to reduce summer temperatures in urban areas, slows storm water runoff and can lower energy consumption.

2.2 Nature conservation features include:

² See Planning Policy Statement 9; Biodiversity and Geological Conservation, ODPM August 2005 p3 para. 1

³ For further information on Biodiversity Action Planning see www.ukbap.org.uk and www.citywildlife.org.uk

⁴ Working with the grain of nature. A biodiversity strategy for England. DEFRA 2002 para. 1.1

- species and their habitats (including feeding, resting and breeding areas);
- geology and geomorphology;
- semi-natural elements of the landscape with particular cultural or historical significance; and
- features which provide links or stepping stones from one habitat to another.

Annex 1 lists species and habitats of particular value in Brighton and Hove.

Nature Conservation Sites

2.3 The most important sites for nature conservation within the boundary of Brighton and Hove are designated as:

- Special Areas of Conservation (SACs) - European importance;
- Sites of Special Scientific Interest (SSSIs) - national importance;
- Local Nature Reserves (LNRs) - local importance
- Sites of Nature Conservation Importance (SNCIs) - local importance.

2.4 The boundaries of local SSSIs, LNRs and SNCIs are shown on the Brighton & Hove Local Plan Proposals Map and can also be viewed on www.CityWildlife.org.uk.

2.5 Most nature conservation features occur outside designated sites and to be sustainable, it is important that development identifies, conserves and enhances such features.

3 Legislation and policy base: Key messages

3.1 Nature conservation planning policy in Brighton and Hove is supported by a comprehensive legal and policy base at national, regional and county levels. A review of this is provided in **Annex 2**. Key messages for development include:

- The local planning authority has a statutory duty to have regard to conserving biodiversity as part of the planning process.
- The local planning authority is expected to ensure its planning decisions are based on up-to-date information on local nature conservation features.
- Nature conservation features of value frequently occur outside designated sites and these should be conserved, enhanced and additional features created as part of development.

- Maintaining current levels of biodiversity is not sufficient. The Council is expected to produce and implement a Local Biodiversity Action Plan which should set out how adequate provision for biodiversity will be made, including through the development control process.
- Brighton and Hove supports several sites, habitats and species of particular importance (see **Annex 1**). The council has a particular responsibility to promote their maintenance and long-term conservation as part of the planning process.

4 A step by step guide to building nature into development

4.1 Adopting the approach summarised in Table 1 will ensure best practice for integrating nature into development is achieved. This is explained in more detail in the following sections.

Table 1: Successfully integrating nature conservation features into development

<p>Stage A: Preparing to submit a planning application</p> <p>A1 First impressions Are existing nature conservation features likely to be affected by the development (refer to Annex 3)?</p> <p>Yes – go to A.2 No – go to A.5</p> <p>Although the advice of an ecologist should be sought where feasible, this stage can be carried out by applicants, planning officers and the public. Ensure that the findings of this stage are reported as part of outline and full planning applications.</p>
<p>A2 Nature Conservation survey Must be carried out by a qualified ecologist. Take account of any nature conservation features within the development site and wider area (refer to Annex 1). Compile any relevant information from existing sources - Sussex Biodiversity Record Centre, Booth Museum, www.CityWildlife.org.uk.</p>
<p>A3 Mitigation Working with the consultant ecologist, ensure the layout and design of the development avoids wherever possible and minimises harm to the features identified in A1 and A2. Ensure less obvious impacts are considered, such as effects outside the development boundary, activities during the construction phase, pipes and underground cables, shading and light pollution (refer to Annex 5). Failure to avoid damaging impacts may lead to application refusal.</p>
<p>A4 Compensation If damage to nature conservation features cannot be avoided entirely, it may be possible to compensate for these residual effects, or as a last resort, calculate a commuted sum (refer to Annex 6). Applications which do not compensate for damage to nature conservation features will be refused.</p>
<p>A5 Conservation</p>

All development should deliver adequate provision for biodiversity (refer to **Annexes 6 and 7**).

Stage B: Submitting a planning application

Ensure the application includes a nature conservation report. See section 6

Stage C: Planning Permission Granted - Construction phase

Ensure good practice is followed during construction. See section 7

Stage D: Aftercare

Ensure adequate provision is made for ongoing conservation management. See section 8

5 Stage A: Preparing to submit a planning application

Introduction

5.1 It is a common misconception that surveys for protected species and other nature conservation features can be postponed until after determination and then addressed by condition. Part IV of ODPM Circular 06/2005 makes plain that this practice is not acceptable in almost all cases. Failure to take account of the presence of nature conservation features as part of initial scheme design is a regular cause of unnecessary delay in the development control process and can lead to application refusal on nature conservation grounds.

5.2 It is essential that adequate ecological information is gained from the earliest stages of all development proposals, including those addressed by outline planning applications. This can be achieved by following a two-part process:

- *First impressions* – a brief scope of the application site and its surroundings to locate any features which may be of nature conservation value (Table 1, Stage A1)
- *Nature Conservation survey* – if the scope locates features of potential value, a more thorough assessment of the area is carried out (Table 1, Stage A2).

Stage A1: First Impressions

5.3 The majority of developments in Brighton and Hove have no significant effect on existing nature conservation features. A small proportion are at risk of damaging the City's natural assets and in most cases such damage

can be avoided if the threat is identified at the earliest stage of a development proposal. This can be achieved by carrying out a 'first impressions survey' of the nature conservation value of the site. This survey is a quick and simple process which can be carried out without ecological expertise (although advice from an ecologist at this stage is preferable).

5.4 **Annex 3** contains a checklist to carry out a first impressions survey. It can be used by developers, planners or (where access is available) the public to assess the nature conservation value of a proposed development site and its surroundings. Annex 3 has been compiled to detect the majority of nature conservation features of value, although it is important to note for example, that protected species can occur in very unlikely places. Local knowledge and ecological advice can be invaluable and should be sought where feasible.

5.5 The results of the first impressions survey should be reported as part of the planning application, quoting any relevant indicator number from the table in Annex 3. If the survey reveals that nature conservation features may be affected, a full nature conservation survey and report is required to be submitted as a part of the planning application. The results of the first impressions survey and (if required) the full nature conservation survey are required for an application to be validated. Guidance on the report may be sought from the Council Ecologist (see 'further advice', **Annex 4**) prior to the application being submitted.

5.6 Attempts to exclude or remove nature conservation features could constitute a criminal offence and should never be undertaken.

Stage A2: Nature Conservation Survey

Choosing Consultants

5.7 Nature conservation surveys should be carried out by suitably qualified and experienced ecologists. These should normally be eligible for membership of an appropriate professional body, such as the Institute of Ecology and Environmental Management (IEEM, see **Annex 4**, 'Useful Contacts'). Where a formal Environmental Impact Assessment is required, membership by a consultancy or individual of the Institute of Environmental Management and Assessment (IEMA) is a useful indication of competence. The IEEM has also published guidance on carrying out Ecological Impact Assessments (see <http://www.ieem.org.uk/ecia/index.html>).

5.8 It is important to ensure that the appointed consultant is qualified and experienced in those fields that require survey. Additionally some protected species can only be handled or trapped by personnel holding Government licences. Detailed guidance on procedures for dealing with

protected species is provided in Part IV of ODPM Circular 06/2005 (see <http://www.communities.gov.uk/index.asp?id=1144318>).

5.9 Ecologists who have experience of dealing with urban environments and in particular the Brighton and Hove area, are likely to be able to make contact with the local relevant organisations efficiently, undertake survey work rapidly, and accurately assess the implications of a scheme in relation to the local context. Council policy encourages the employment of local labour where possible. A list of ecological consultants who have carried out work in Brighton and Hove is provided in **Annex 4**.

Survey Methodology

5.10 The survey should take account of all the possible nature conservation features identified by the first impressions survey and any others which may later become apparent. Standard survey methods are available for assessing different species groups. These are discussed in detail in 'Guidance on Survey Methodology', published by IEEM and available on the Internet at www.ieem.org.uk/Guidance%20on%20Survey%20Methodology.pdf. Survey reports supporting planning applications are expected to adhere to these guidelines. Note that timing is an important consideration for most species surveys. If it is necessary to vary the method used from accepted good practice this should be clearly explained, as should the effect on the reliability of the results. CIRIA has published guidance on the optimal timing for carrying out specialist ecological surveys and mitigation which is available on the Internet at <http://www.ciria.org/pdf/calendar.pdf>.

5.11 In addition to surveys for particular species, all surveys should also use established methods to assess the plant communities and habitat types present on site. Acceptable habitat assessment methods are the 'extended Phase 1' and the 'Integrated Habitat System' (see the IEEM guidance referred to in paragraph 4.10 for full details).

5.12 As part of an ecological survey, consultants should take account of previous species records for the site. These are available for the Brighton and Hove area from the Sussex Biodiversity Record Centre, The Booth Museum and the CityWildlife web site (see **Annex 4**).

5.13 The methods, results and conclusions of any nature conservation survey must be compiled and submitted in writing as part of the planning application.

Stage A3: Mitigation

5.14 The findings of ecological surveys should be taken into careful consideration at the earliest design stage of a development. Possible conflicts can be addressed by having the information available at the

right stage and by taking an imaginative approach to site design to avoid harm, informed by advice from an ecologist as part of the design team. The objective should be to mitigate potentially negative impacts and integrate existing biodiversity into the scheme. Impacts on existing nature conservation features should be avoided wherever possible and any residual impacts should be minimised. To aid this process a hazard prevention checklist is provided in **Annex 5**.

5.15 In assessing the potential impact of a proposal on nature conservation features, applicants should ensure that all stages of the development are considered. Frequently the disturbed area of the development site during construction is greater than that normally shown on application drawings. Impacts may also extend beyond the site boundary long after construction has completed, for example due to shading, increased light pollution or predation by domestic pets. Damaging impacts on the integrity of networks of habitat through fragmentation should also be considered.

5.16 Applicants should ensure that they take account of the potential effects of a development on all the life stages of species listed in **Annex 1**, taking account of the following essential requirements:

- Food
- Water
- Shelter
- Reproduction
- Dispersal

For example, preserving a Great Crested Newt breeding pond within a development would not be sufficient to conserve the species, if its terrestrial habitat is destroyed.

5.17 The potential habitat fragmentation and isolation effects of a development on the wider environment should be considered. For example, removing a hedgerow or line of trees could sever a bat feeding route with consequential effects on a breeding colony, even if the colony itself is preserved. Developers should therefore consider the use of appropriate species, the creation of buffer zones, stepping stones and wildlife corridors to ensure the development is integrated into the wider environment.

5.18 Applicants should also consider that some potential effects will be acute and easily detectable, while others may be long term and may only become apparent some months or years after construction is complete.

5.19 Damaging impacts on nature conservation features may be identified which cannot be avoided without jeopardising the viability of the

development. These impacts should be clearly described and a full explanation given as part of both outline and full planning applications. Applicants should be aware that if the council considers the nature of the damage outweighs other material considerations, the application will be refused. This is particularly relevant for proposals involving impacts on designated nature conservation sites or protected species.

Stage A4: Compensation

5.20 In cases where damaging impacts on nature conservation features are identified which cannot be mitigated, compensation, either on or off-site, will be required.

5.21 The objective of compensation is to restore or recreate the nature conservation feature damaged by a development. Compensatory measures should provide, as a minimum, no net loss to the overall quality or area of the nature conservation feature within Brighton and Hove. In some cases a greater quantity of the replacement feature may be required, particularly in cases where there is uncertainty about the quality of the replacement. It may also be necessary to take account of other factors, such as LBAP targets and the effects of climate change. For example some species may be used in compensation schemes in preference to others found in the original habitat because of their known tolerance of the predicted climate in Brighton and Hove. The advice of an experienced ecologist should be sought.

5.22 Compensation should not be regarded as an alternative to avoidance and should only be considered if avoidance is unachievable. The integrity of a nature conservation site as a whole can be adversely effected by a damaging development affecting a proportion of it, even if compensatory measures are carried out elsewhere. Furthermore there is usually a high degree of uncertainty over whether compensation will achieve the nature conservation value of the original, at least within a reasonable period of time. Therefore proposals involving compensatory measures must demonstrate why mitigation is not possible to achieve. Alternative solutions should be described and discussed in the planning application. For compensation to be acceptable, the importance of the development must also clearly outweigh the harm caused.

5.23 It may be necessary to implement compensation measures some time before the development itself proceeds. Some features, such as artificial badger setts, hedgerows and ponds, usually need time to mature and function ecologically before they will offer effective alternative habitat. Applicants should ensure such considerations are fully taken into account in the timing and phasing of development proposals.

Compensation Options

5.24 Compensation can take the form of:

- The translocation of existing nature conservation features to:
 - a new location within the development site, or (if this is not possible)
 - a new location within Brighton and Hove.
- The re-creation of new nature conservation features within the development site or Brighton and Hove to replace those lost or damaged.
- A commuted sum paid to the council to improve or create equivalent nature conservation features elsewhere in Brighton and Hove.

5.25 Applications involving compensation proposals should consider the above options in that order, for example only including proposals to recreate nature conservation features if translocation is not possible.

5.26 If it is not possible to translocate or re-create nature conservation features within the development site, an applicant may choose to carry out equivalent measures on land elsewhere in Brighton and Hove.

Translocation

5.27 In some cases translocation may be the only compensation option available, for example if legally protected species are involved. Translocation proposals must be described in detail as part of the planning application. To be acceptable to the local planning authority, proposals must include descriptions of:

- The technique to be used to collect and move the feature, including timing
- The equipment to be used
- The personnel involved
- The location, size and physical characteristics of the donor and receptor sites
- Any habitat management of the donor and receptor areas which may be required before and after the proposed translocation.

5.28 Species and habitat translocation proposals should adhere to the recommendations set out in 'A Policy for Conservation Translocations of Species in Britain' and 'A Habitats Translocation Policy for Britain' published by the Joint Nature Conservation Committee and available for download from the Internet at http://www.jncc.gov.uk/pdf/species_policy.pdf and http://www.jncc.gov.uk/pdf/habitats_policy.pdf. If it is necessary to vary the

method used from accepted good practice this should be clearly explained, as should the effect on the reliability of the results.

5.29 To achieve sustainable development, the area of habitat available for species and habitats in Brighton and Hove should at least be maintained and wherever possible increased as a consequence of development proposals. The following translocation proposals are therefore not acceptable:

- translocation of habitats or species to sites outside the city boundary and;
- translocation of species to sites which already support good populations of the same species, or when habitat enhancement to accommodate the increased population size cannot be reasonably achieved.

5.30 Guidance on the identification of suitable translocation sites may be sought from the Council Ecologist (see 'further advice', **Annex 4**) prior to the application being submitted. The council has identified an area of land within its ownership which is suitable for reptile translocation, should other translocation options not be possible.

Re-creation

5.31 Re-creation proposals should adhere to the guidance set out in **Annex 7**. In cases where a delay is inevitable before a new habitat performs the same ecological functions as that lost, the application must also explain how all reasonable efforts will be made to 'pump prime' the habitat to provide compensatory features of equivalent value, e.g. by including nest boxes to compensate for loss of bird breeding habitat, in addition to replanting an area of scrub suitable for nesting birds.

5.32 Applicants may wish to refer to the series of habitat creation and maintenance handbooks published by the British Trust for Conservation Volunteers and available online at: <http://shop.btcv.org.uk/shop/level2/59/level>.

Commuted Sums

5.33 In some cases it may not be possible for a developer to either mitigate or compensate for the effects of development on nature conservation features within the development site or wider Brighton and Hove. In certain circumstances the development may still be justified, taking account of the planning policy context. In such circumstances a financial payment will be required to be paid to the council via a planning obligation, secured through a S.106 Agreement. The purpose of such a payment would be to pay for the council to secure adequate compensatory

measures, to ensure the sustainable development objectives of local planning policy are achieved. Guidance on calculating an appropriate payment is provided in **Annex 6**.

Compensation and Irreplaceable Nature Conservation Features

5.34 It is not practically possible to compensate for the loss of some nature conservation features. Applications involving proposals to compensate for loss or damage to the following nature conservation features will be refused in all but exceptional circumstances:

- ancient woodland,
- veteran trees
- ancient hedgerows
- ancient chalk grassland

5.35 Ancient woodland can be identified using the provisional East Sussex Inventory of Ancient Woodland (Nature Conservancy Council 1984) which can also be viewed on the Internet at www.magic.gov.uk (by running the Habitat Inventories option). It should be noted that ancient woodland of less than 2 ha which may occur in Brighton and Hove is not included in this inventory.

Stage A5: Delivering Adequate New Provision for Biodiversity

5.36 Planning policy requires development to improve and extend nature conservation features wherever possible and local planning authorities are expected to actively pursue and maximise such improvements. All development in Brighton and Hove is required to improve and extend existing nature conservation features and add new features, irrespective of the original nature conservation value of the development site or its size.

5.37 Given the diversity of opportunities created by developments it would not be appropriate to precisely prescribe the amounts or types of nature conservation features which should be provided in every situation. Instead Table 6.2 of **Annex 6** (and its supporting text) should be used to achieve the required number of 'habitat points' for a development. The table uses a menu of options to provide maximum flexibility to developers while also ensuring that nature conservation is adequately delivered in accordance with policy requirements.

5.38 In providing nature conservation features, all developments should adhere to the following principles:

1. Clearly distinguish between the nature conservation benefits offered and any existing features retained or compensated for;

2. Ensure that adequate provision is made for all nature conservation features (new and existing) to be managed appropriately. Sustainable practice should be employed in any landscaping scheme, including :
 - the use of only peat-free composts, mulches and soil conditioners.
 - avoiding the use of pesticides (which include herbicides, insecticides, fungicides and slug pellets);
3. Take a creative approach to maximising nature conservation, particularly those which deliver multi-functional benefits. For example incorporating sustainable urban drainage systems can also deliver open space and wildlife benefits. Promoting wildlife gardening in the gardens of show homes can have important educational benefits, and minimising impermeable paved areas can reduce storm water runoff and create opportunities for new habitats.
4. Address the regional water shortage through water conservation measures such as rainfall harvesting and using rainwater irrigation and drought-resistant plants;
5. Ensuring that new biodiversity benefits are fully integrated through the scheme, not fragmented into isolated pockets or restricted to peripheral parts of the development site;
6. Take account of the wider landscape and ecological context of the development to ensure opportunities to promote the connectivity of habitats are maximised.
7. Ensure that adaptation to and amelioration for the effects of climate change are fully taken into account (likely climate change impacts include extended periods of summer drought, periods of heavy rainfall in winter, warmer summers, strong winds and more intense summer storms);
8. Ensure the plant species used to create new nature conservation features are appropriate to Brighton and Hove, the local context and the development (**see Annex 7**). In the urban area, these need not be native but they should be chosen to maximise the biodiversity of the site and to avoid any negative impacts on areas of LBAP habitat in the vicinity;
9. Seek to contribute to the achievement of LBAP objectives (for further information see the 'useful contacts' section and **Annex 1. Annex 7** contains more detailed guidance about the creation and management of selected nature conservation features in the local context) and

10. Wherever possible take opportunities to include biodiversity onto the fabric of buildings, for example:

- Consider the incorporation of 'green roofs' on both flat and pitched roofs and planted 'green walls'. Such features promote urban biodiversity and offer other important sustainability benefits, such as reduced energy consumption, adaptation to climate change and opportunities for new open space. Locally native vegetation and local growing media should be used. Green roofs and green walls are however not appropriate to Listed Buildings, Buildings of Local Interest and traditional buildings. Green roofs are also not appropriate to new buildings in conservation areas where the roofs are not concealed behind parapets. Where it can be demonstrated that these restrictions prevent applications from fully achieving the habitat points required under Table 6.2 of **Annex 6**, compensation for this shortfall will not be required.
- For technical guidance on incorporating nature conservation features into buildings see www.ciria.org/buildinggreener and www.livingroofs.org.uk. For advice on creating new habitats elsewhere see <http://shop.btcv.org.uk/shop/level2/59/level>. The Council Ecologist may also be contacted for informal, pre-application advice (see contacts, **Annex 4**).

5.39 Where biodiversity is not provided for adequately, sufficient explanation should be provided. In such cases a commuted sum will be required equivalent to the cost of creating the required features, taking account of the guidance and standards set out in **Annex 6**.

6 Stage B: Submitting a Planning Application

6.1 By the time a planning application is ready for submission, a 'first impressions' survey should have been undertaken and depending on the outcome, a nature conservation survey may also have been completed. The process described in stages A3 to A5 of this SPD should also have been carefully thought through. All planning applications should include:

- a list of any relevant Annex 3 indicator numbers (if there are none, then this should be stated);
- a statement explaining the steps planned to address any existing nature conservation value and
- appropriate proposals for new biodiversity provision.

Nature Conservation Reports

6.2 All applications where a full nature conservation survey is required must submit a Nature Conservation Report before the application can be validated.

6.3 Nature Conservation Reports should (refer to Table 1):

- Describe how stages A1 and A2 have been achieved
- Locate and describe existing nature conservation features of value, with scale plans where appropriate.
- Describe how stages A3, A4, A5, C and D would be achieved.
- Provide contact details, qualifications and experience of all relevant personnel.

6.4 Following the good practice set out in this SPD will avoid unnecessary delay during the determination process and will ensure nature conservation makes a positive contribution to new developments.

6.5 Applicants are advised to also consider SPD03 (Construction & Demolition Waste), SPD06 (Trees and Development Sites) and SPGBH 21 (Brighton & Hove Sustainability Checklist) before submitting a planning application.

7 Stage C: Planning Permission Granted: the Construction Phase

7.1 During construction it is essential that steps are taken to ensure all personnel understand the nature conservation objectives of the development. Temporary signage of sensitive areas is advisable and regular checks of the nature conservation features and any protective fencing should be carried out. Nature conservation reports should describe the measures which will be taken to ensure existing nature conservation features are conserved during the construction phase (see **Annex 5**). Such reports should also address:

- Identification of and contact details for responsible personnel.
- Timing of works to minimise the risk of disturbance to protected and other species.
- Procedures for dealing with unexpected discoveries, such as previously undetected protected species or injured wildlife. If a protected species is found after planning permission has been granted, the developer should stop work immediately and contact Natural England for further advice.

8 Stage D: Aftercare

8.1 Planning applications should include costed maintenance specifications and monitoring proposals for each of the nature conservation features addressed and describe how these aspects would be implemented. This could include a description of the resources required, the personnel involved and a procedure for ensuring that any new owner/occupiers are made aware of their responsibilities.

9 Hypothetical good practice case studies

The two case studies below are hypothetical and any resemblances to actual developments, planned or implemented, are entirely incidental. Please see Annex 6 for further details.

1. Small back-land housing development

A proposal to develop a former private garden of 0.1 hectares for 9 terraced houses appeared to offer few opportunities for urban biodiversity, but biodiversity loss was successfully minimised and new opportunities for wildlife created.

The Site

The development site was typical of a large back garden in suburban Brighton with a mix of vegetable gardens, fruit trees and flower borders, adjacent to the city-wide green network/ Greenway.

The Proposal

The proposal involved developing the site for 9 terraced three-story houses with small courtyard gardens. Access to the site from an adjacent road was provided, although the development itself is car-free. The proposal was supported by a strong policy base encouraging high density development on previously developed land but it also had to demonstrate that there would be no net loss of biodiversity and that opportunities to increase biodiversity had been maximised, in order to meet biodiversity policy requirements.

Taking account of Biodiversity

A1: First Impressions Survey

During the initial visit, the architect carried out a 'first impressions' survey of the potential biodiversity of the site, using **Annex 3** to this SPD. The following indicators of biodiversity were identified:

Biodiversity Indicators	Indicator number	Notes (indicators of:)
Amenity or native scrub or more than 10 bushes	1	Nesting birds

Compost heaps in mature gardens	5	Slow-worm
Hedges (including garden hedges) in or adjacent to the development site	9	Nesting birds
Pathways passing under thick vegetation; small excavations in grassed areas.	15	Badger

A2: Nature Conservation Survey

On the basis of the findings of this survey, the developer employed a consultant ecologist to carry out an ecological survey of the site and to make recommendations for mitigation, compensation and enhancement. The consultant was employed in good time to ensure the survey could be carried out at the appropriate season and so that their recommendations could be integrated into the development from the earliest design stages.

The ecological survey discovered several species listed in **Annex 1** to this SPD. These included a large population of Slow-worm over the whole site. Badger, House Sparrow, Pipistrelle Bat, and Song Thrush were also found to use the site but were not resident. A pond of 7m² was also discovered.

A3: Mitigation

The findings of the ecological survey formed the basis for a strategy for minimising harm and maximising the biodiversity value of the development. This was achieved in the following ways:

Access for badgers to the adjacent green network / Greenway was retained via a 'badger corridor' to mitigate for the effects of the development on local badger populations.

A4: Compensation

Loss of the mature garden as Slow-worm habitat was unavoidable. The developer was unable to provide land under their control to re-create the habitat off-site. However, using Table 6.1 of Annex 6, the developer agreed to pay the council a commuted sum of £1,000 to maintain for 10 years 0.1 ha of new Slow-Worm habitat at a pre-agreed site in the ownership of the council. The developer's consultant ecologist prepared the translocation site and carried out the reptile translocation.

A 7m² pond was also created on communal green space within the development to compensate for the one lost.

A5: New Benefits

300m² of green roofs were fitted to sections of the roofs of the new houses. Although these were new nature conservation features, use of a chalk grassland plant community on the roofs also provided compensatory feeding habitat for House Sparrow, Pipistrelle Bat, Song Thrush and other wildlife, and therefore contributed to targets in the Local Biodiversity Action Plan (LBAP).

100m² of green wall was fitted to one end of the block of houses and five bat boxes and five bird boxes for House Sparrow were fitted to the wall behind it to provide opportunities for these species to become established on site, to enhance its biodiversity value and address LBAP targets.

A green, open space was created in front of the new houses, including 50m² of wildlife-friendly amenity planting and the 7m² compensatory pond (fenced) to provide visual interest for the householders and a feature for wildlife. The amenity planting was integrated into 100m² of Local Area for Play. The householders make an annual payment to a management company to maintain the space in accordance with a pre-agreed management plan (secured through the Section 106 agreement). The space also provides opportunities for the householders to actively participate in habitat management and to be involved in an annual review of priorities.

Calculation of ‘Nature Points’ (refer to Annex 6)

Total number of habitat points required: 1,000 – 7 (pond) =		993
Habitat points earned by the enhancement measures:		
300m ² of chalk grassland green roof at 2.3 points per m ² :		690
80m ² green wall at 2.3 points per m ² :	184	
30m ² of amenity planting at 3.7 points per m ² :		111
6 bird boxes at 0.5 points per box		3
5 bat boxes at 1 point per box	5	
Total number of points earned by the development:		993
Shortfall (993-993)	0	
Total commuted sum (reptiles translocation)		£1,000

2. Public building adjacent to a Local Nature Reserve

A proposal to provide a new public facility close to a Local Nature Reserve ensured that biodiversity plays an enhanced role in improving quality of life for the local community.

The Site

The development site comprised 0.3 ha of amenity grassland in a neighbourhood of Brighton and Hove which had been identified as suffering from multiple deprivation.

The Proposal

The development proposal involved creating a new 1,500m² floorspace community facility on two floors, including a nursery, office space, a computer suite, coffee bar and training facilities.

Taking account of Biodiversity

A1: First Impressions Survey

The council-led proposal was put together by a multi-disciplinary team to ensure the final scheme would be socially, environmentally and economically sustainable. In accordance with the requirements of Section 40 of the NERC Act 2006, biodiversity considerations were integrated into the scheme from the outset and the costs factored into the funding bid.

A 'first impressions' survey found that the development site was of low biodiversity value. No additional survey (stage A2) was therefore required and the scheme concentrated on delivering biodiversity gain and contributing to LBAP targets. Its proximity to a Local Nature Reserve (LNR) was also recognised as an asset which would help to promote the community-building objectives of the development.

A3: Mitigation and A4: Compensation

None required.

A5: New Benefits

Biodiversity features were integrated into the new community facility, including a green roof', 'green walls' and ten wall-mounted nest boxes for House Sparrow. The roof was vegetated with a native chalk grassland seed mix to contribute to LBAP targets. This also helped to disguise the building in long-views from within the LNR. Surrounding landscaping used wildlife-friendly plants, including a variety of scented species in open space attached to the nursery. Spiny *Pyracantha*, was grown against the walls of the facility to provide berries and nesting opportunities for birds, and as a deterrent to climbing teenagers! Green wall planting at the rear of the facility was installed to deter graffiti. A species-rich hedgerow was grown along the boundary of the site with the LNR to help screen long views and provide a new habitat for nesting birds and other wildlife.

Calculation of 'Nature Points' (refer to Annex 6)

Total number of habitat points required:		3,000
700m ² chalk grassland green roof at 2.3 points per m ² :		1,610
200m ² green wall at 2.3 points per m ²	460	
10 bird nest boxes at 0.5 points per box		5
150m ² of amenity planting at 3.7 points per m ² :		555
65m hedgerow at 4.5 points per m		292.5

Total	2,922.5
Unallocated:	77.5
Total commuted sum (£70 per nature point)	£5,425

The commuted payment was used to improve the access path to the LNR and erect an interpretation board.

10. Glossary of terms

BAP and LBAP: Biodiversity Action Plans and Local Biodiversity Action Plans (BAPs & LBAPs) review the current resource of habitats and species and establish broad objectives for improvement into the future. They also set specific targets for achieving the broad objectives and identify methods of delivery, resources and a programme of action. BAPs exist at national and local levels.

BREEAM: The Building Research Establishment's Environmental Assessment Method has been used to assess the environmental performance of both new and existing buildings. It is regarded by the UK's construction and property sectors as the measure of best practice in environmental design and management. For further information see www.breeam.org.

Climate Change: Current projections are for hotter, much drier summers and warmer, wetter winters in the UK. These changes would have marked effects on existing biodiversity. However nature conservation features can ameliorate climate change, for example by reducing storm water runoff and cooling summer heat. Further information can be found on the Internet at www.defra.gov.uk/wildlife-countryside/resprog/findings/climatechange-biodiversity/index.htm.

BAP, LBAP, NCR, SPD, SACs, SSSI, LNR : Local Nature Reserves are statutory nature conservation designations made by local authorities under the National Parks and Access to the Countryside Act 1949.

Green Roof: A roof supporting vegetation. **Biodiverse roofs** are designed to support species-rich habitats such as chalk grassland. Brown Roofs use recycled rubble to support specialist plant communities. For more information see www.livingroofs.org

Green Wall: Walls deliberately designed to support climbing vegetation. These are commonly fitted with purpose-built supporting frames but more sophisticated schemes can include irrigation and support whole plant communities such as the 'vertical garden' at the Musée du Quai Branly in Paris.

Local Area of Play (LAP): Is a play space catering for children up to 6 years of age. It has a minimum activity zone area of 100 m² and should include planting to enable children to experience natural scent, colour and texture.

Sustainable development is development which meets present needs without compromising the needs of the future. True sustainable development achieves mutual benefits for economic, social and environmental objectives, rather than 'trading off' one objective against another.

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Në qoftë se dëshironi që ky informacion të përkthehet nëgjuhën shqipe ju lutem shënoni '✓' në kuadratin përkatës dhe dorëzojeni këtë në cilëndo zyrë të Këshillit të Rrethit.

Albanian

"إذا كنت ترغب في الحصول على هذه المعلومات مترجمة للغة العربية, يرجى وضع علامة في الخانة المبيّنة و إعادة هذا إلى أي مكتب من مكاتب مجلس البلدية".

Arabic

'আপনি যদি এই তথ্যটির অনুবাদ [বাংলা ভাষায়] পেতে চান তাহলে অনুগ্রহ করে পাশের বক্সে টিক দিয়ে যে কোন কাউন্সিল অফিসে পাঠিয়ে দিন'

Bengali

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Cantonese

"اگر مایلید این اطلاعات به زبان (فارسی) ترجمه شود، خواهشمندیم شکل مربع را علامت زده و فرم را به هر آدرس شهرداری که در اختیار دارید پس بفرستید."

Farsi

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French

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Mandarin

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Portuguese

Eğer bu bilgilerin Türkçe tercümesini isterseniz, lütfen kutuyu işaretleyip herhangi bir Belediye bürosuna götürünüz.

Turkish

Other (please state)

This can also be made available in large print, in Braille or on audio tape

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

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 50

Brighton & Hove City Council

Subject:	Estate Agents Boards in Historic Areas		
Date of Meeting:	11 September 2008		
Report of:	Director of Environment		
Contact Officer:	Name:	Roger Dowty	Tel: 29-2103
	E-mail:	roger.dowty@brighton-hove.gov.uk	
Key Decision:	No		
Wards Affected:	Central Hove, Brunswick & Adelaide, Regency, St Peters & North Laine, Queens Park, East Brighton.		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 Approval is sought to make a proposal to the Government's South East Regional Office (GOSE); the effect of this proposal would be to bring under planning control the erection of residential for sale or to let boards within the city's central conservation areas.
- 1.2 Public consultation has taken place, as requested by the former Environment Committee; the responses were mostly strongly in favour of such a proposal.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member approves that a proposal is made to the Government Office for the South East for a Regulation 7 Direction on residential properties within those conservation areas described in paragraph 7.2 and as illustrated in appendices 1 and 2.
- 2.2 That the Cabinet Member notes that the proposal should have the effect of removing from the categories of deemed consent in the Town and Country Planning (Control of Advertisements) Regulations 1992, advertisements relating to the sale or letting of residential premises.
- 2.3 That the Cabinet Member authorises the Director of Environment to carry out all further consultation required by statute and at the times prescribed.
- 2.4 That the Cabinet Member approves that, in the remaining conservation areas, the existing voluntary agreement between the council and the Brighton & Hove Estate Agents Association (BHEAA) be reconfirmed; the effect of which will be to restrict the number of advertisement boards to one per property.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 In 2004, at the request of the council, GOSE approved a direction which brought under planning control the erection of residential 'for sale / to let' boards in front of historic buildings that make up the city's finest architectural set pieces. The removal of these boards has hugely improved the appearance and enjoyment of these squares and terraces; an action that has been well received by residents and estate agents alike. So much so that residents in neighbouring streets have called for similar controls.
- 3.2 At its meeting on 8 November 2007 the Environment Committee asked that a proposal, to extend the controls to other historic areas, be brought forward for decision after further consultation.
- 3.3 Wide consultation has been undertaken through the council's community newspaper 'City News', and every estate and letting agent within the city has been consulted by letter. Discussions have been held with the BHEAA and with the council's Conservation Advisory Group (CAG), and all responses are reported in section 4 below.
- 3.4 Regulation 7 Directions enable the Secretary of State to bring under planning control a specific class or description of advertisement that would ordinarily not require consent. Such directions can be made for a specified period or indefinitely. The case for such legal action may be in the interests of amenity including impact on areas of historic or architectural importance, or public safety.
- 3.5 Government guidance is that a resident's right to erect a board under the 'deemed consent' provision should not be withdrawn without clear justification, and that the designation of a conservation area does not automatically justify the making of a regulation 7 direction.

4. CONSULTATION

- 4.1 There has been consultation on 3 options; (i) retain the existing status quo, ie continue the voluntary agreement to restrict boards to one per property, (ii) ban boards in all conservation areas and (iii) restrict the additional controls to particular streets or neighbourhoods. All agents within the city were consulted by letter. An article inviting public comment was included in the council's City News January 2008 edition. A period of 6 weeks was allowed for responses.
- 4.2 The BHEAA has advised that not all agents working in the city are members of the association and not therefore bound by the voluntary agreement. Enforcement of this agreement is therefore patchy. The BHEAA favours additional control but only in selected conservation areas. It would be content with a direction covering those conservation areas within the area indicated in appendix 1, but its preference would be to exclude from this central area those areas immediately north of Eaton Road, Hove ie the Hove Station, Denmark Villas, Willett Estate (part) and The Drive Conservation Areas and to exclude the area around and north of Brighton College, ie the College Conservation Area.

- 4.3 CAG strongly support additional controls; most certainly within those central conservation areas indicated in paragraph 7.2 and in appendix 1. The group agreed that the impact was less in the suburban conservation areas, yet the majority view was that the controls should nevertheless be extended to apply to all conservation areas.
- 4.4 Responses were received from 11 individual agents. The majority (9no) supported some additional control; of these 5 felt it would be sufficient to restrict control to the more densely populated residential and seafront locations.
- 4.5 Many respondents to the City News consultation cut out and completed a brief questionnaire. The City News article and questionnaire are in appendix 3. Many others replied in more detail by letter. An overwhelming majority of the 135 responses thought boards inappropriate in all conservation areas. Of these 34 suggested boards were unacceptable throughout the city. Particular areas mentioned as meriting additional control were for the most part within the higher density central areas of Brighton and Hove where houses in multi occupation predominate. A few respondents, including the Friends of Brunswick Square and Terrace, consider that the controls should extend to adverts displayed on the inside of windows. Letters of support for additional controls were also received from the Lansdowne Area Residents Association, the Montpelier and Clifton Hill Association, and the East Brunswick Residents Association, and from councillors representing the Queens Park ward.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

The cost of presenting the proposal to the government office and any consequential publicity and statutory notifications will amount to some £4,000. This will be borne by the planning strategy and project's revenue budget. The recommendations may lead to a small increase in the number of planning applications but these can be managed within existing staffing resources.

Finance Officer Consulted: Patrick Rice *Date: 05/08/08*

Legal Implications:

The ultimate decision on making a regulation 7 direction rests with the Secretary of State for Communities and Local Government, after further consultation. She may modify the council's proposals in the light of any objections received, by reducing but not extending the area of land specified in the proposal. No implications under the Human Rights Act have been identified.

Lawyer Consulted: Ann Wilkinson *Date: 05/08/08*

Equalities Implications:

None identified.

Sustainability Implications:

None identified.

Crime & Disorder Implications:

None identified.

Risk and Opportunity Management Implications:

There is a strong expectation that a proposal should come forward. A balanced view needs to be taken that draws support from both residents and agents.

Corporate / Citywide Implications:

The proposal will accord with the priority to protect and enhance the city's historic built environment.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 Option of no change. After consultation this option has been rejected. Estate agents, who potentially have most to lose from the additional controls, agree that within those higher density central area where streets comprise housing converted to flats, the voluntary agreement is not successful. Enforcing the complex advert regulations is resource intensive and very few boards are found to be in breach. The harmful visual impact from the boards that are legally erected outweighs any benefits to estate agency businesses.
- 6.2 Extension of controls to all conservation areas. After consultation, this option has been rejected. In the suburban and outlying conservation areas, the boards are fewer in number and have much less impact on the character and appearance of the streets. They are not an ever-present feature of the street scene. In these areas agents give greater value to the boards. The impact on estate agency businesses is likely to outweigh the environmental benefits.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 A strong case can be made to bring under planning control the erection of boards within those central conservation areas, where the impact on the setting of groups of historic buildings is greatest, where the case for on site advertising is weak, and where boards create significant harmful visual impact on areas that draw visitors to the city. In other conservation areas the impact of such boards is much less harmful and in these areas the existing voluntary agreement appears to be working satisfactorily.
- 7.2 In order to publicise, monitor and enforce any proposal in an efficient manner, it is recommended that the proposal is applied to those conservation areas, where there is a significant number of flats: namely The Avenues, Brunswick Town, Cliftonville, College, Denmark Villas, The Drive, East Cliff, Hove Station, Kemp Town, Montpelier & Clifton Hill, North Laine, Old Hove, Old Town, Regency Square, Valley Gardens, West Hill, and the Willett Estate.

SUPPORTING DOCUMENTATION

Appendices:

1. Extent of proposed Regulation 7 Direction (map)
2. Areas affected by the proposed direction(s).
3. Estate Agent Boards – have your say

Documents In Members' Rooms

None.

Background Documents

1. Responses to the consultation and associated correspondence.

Extent of proposed Regulation 7 Direction.



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Areas affected by the proposed direction(s):

The Avenues Conservation Area

Albany Mews
Albert Mews
Church Road (part)
Town Hall.
First Avenue
Fourth Avenue
Grand Avenue
Kings Mews
Kingsway: (Part)
Including Kings Gardens, Queens
Gardens, and Adelaide Mansions.
Queens Place
Second Avenue
St. Johns Place
The Drive (part)
Third Avenue
Victoria Grove

Brunswick Town Conservation Area

Adelaide Crescent.
Alice Close.
Alice Street.
Brunswick Mews.
Brunswick Place.
Brunswick Road.
Brunswick Square.
Brunswick Street East.
Brunswick Street West.
Brunswick Terrace.
Cambridge Road.
Cavendish Mews
Chapel Mews.
Church Road: (part).
Cross Street.
Donkey Mews.
Farm Road.
Farman Street
Holland Mews.
Holland Road: (Part).
Golden Lane (part)
Gwydyr Mansions
Ivy Mews
Ivy Place
Kerrison Mews
Lansdowne Place.
Lansdowne Road: (Part).
Lansdowne Square.
Lansdowne Street.

Brunswick continued

Little Western Street (West)
Lower Market Street.
Palmeira Avenue: (part).
Palmeira Square.
Rochester Close: (part)
Rochester Gardens: (part).
Salisbury Road: (part).
St. Johns Road.
Upper Market Street.
Waterloo Street.
Western Road: (part).
York Road

Cliftonville Conservation area

Albany Villas
Blatchington Road: (part).
Church Road : (part).
Courtenay Terrace
Eaton Road: (part).
Hova Villas
Hove Place
Kings Esplanade: (part).
Kingsway: (part).
Land between: Goldstone Villas, rear
of 1-13 Denmark Villas, Eaton Villas
and Blatchington Road.
Medina Place
Medina Terrace
Medina Villas
Norton Close (northern end)
Osborne Villas
Seafield Road
St. Catherine's Terrace
Sussex Road: (part).
Ventnor Villas.
Victoria Cottages
Victoria Terrace

College Conservation Area

Belle Vue Gardens
Canning Street
College Terrace
Eastern Road (Part)
Sutherland Road
Walpole Road
Walpole Terrace

Denmark Villas Conservation Area

Denmark Villas: (part)

Eaton Villas: (part).

The Drive Conservation Area

The Drive: (Part).

Wilbury Road: (part).

Eaton Road: (part).

East Cliff Conservation Area

Abbey Road

Atlingworth Street

Bedford Street

Belgrave Place

Bloomsbury Place

Bloomsbury Street

Broad Street

Burlington Street

Camelford Street

Cavendish Street (part)

Chapel Terrace

Chapel Terrace Mews

Charles Street

Charlotte Street

Chesham Place

Chesham Road

Chesham Street

Chichester Close

Chichester Place (Part)

Clarendon Place

Clarendon Terrace

College Gardens

College Mews

College Place

College Road

College Street

Crescent Place

Devonshire Place

Dolphin Mews

Dorset Gardens

Dorset Street

Eastern Road (part)

Eastern Street

Eastern Terrace

Eastern Terrace Mews

Eaton Place

Edward Street (part)

George Street

Grafton Street

Great College Street

High Street (part)

Little George Street

Lower Rock Gardens

East Cliff continued

Madeira Place

Madeira Drive (part)

Manchester Street

Margaret Street

Marine Gardens

Marine Parade (part)

Marine Square

Marine Terrace Mews

Millfield Cottages

Montague Place (part)

Montague Street (part)

New Steine

New Steine Mews

Paston Place

Percival Terrace

Portland Mews

Portland Place

Princes Street

Rock Place

Rock Street

Royal Crescent

Seymour Square

Seymour Street

St. George's Road

St. George's Terrace

St. James's Avenue

St. James's Court

St. James's Street (part)

St. John's Mews

St. Mark's Mews

St. Mark's Street

St. Mary's Square

Steine Gardens

Steine Street

Sudeley Place

Sudeley Street

Sudeley Terrace (part)

Sussex Mews

Telegraph Street

Upper Bedford Street (part)

Upper Rock Gardens

Upper St. James's Street (part)

Upper Sudeley Street (part)

Wentworth Street

Wyndham Street

Hove Station Conservation area

Goldstone Villas (part):

Hove Park Villas (part):

Denmark Villas (part):

Eaton Villas (part) :

Station Approach :

Kemp Town Conservation Area

Arundel Place (part)
Arundel Terrace
Bristol Gardens (part)
Bristol Place (part)
Chichester Place (part)
Chichester Terrace
Church Place (part)
Duke's Mount
Eastern Road (part)
Esplanade
Kemp Town Place
Lewes Crescent
Madeira Drive (part)
Rock Grove
Sussex Square

**Montpelier & Clifton Hill
Conservation Area**

Belvedere Terrace
Bishops Walk
Borough Street
Boundary Passage
Church Street (part)
Clifton Hill
Clifton Mews
Clifton Place
Clifton Road
Clifton Terrace
Crown Street
Crown Gardens
Dean Street
Denmark Terrace
Dyke Road (part)
Hampton Place (part)
Marlborough Street (part)
Montpelier Crescent
Montpelier Place
Montpelier Road (part)
Montpelier Street
Montpelier Terrace
Montpelier Villas
Mount Zion Place (part)
Norfolk Road
Norfolk Square (part)
Norfolk Terrace
Powis Grove
Powis Road
Powis Square
Powis Villas
Regent Hill (part)
Spring Street (part)

Montpelier & Clifton Hill continued

St. Michael's Place
Temple Gardens (part)
Temple Street
Upper North Street (part)
Vernon Gardens
Vernon Terrace
Victoria Place
Victoria Road
Victoria Street
Vine Place
Western Road Brighton (part)
Windlesham Avenue (part)
Windlesham Road (part)
Wykeham Terrace

North Laine Conservation Area

Blenheim Place (part)
Bond Street
Bond Street Cottages
Bond Street Laine
Bond Street Row
Cheltenham Place
Church Street (part)
Foundry Street
Frederick Gardens
Frederick Place (part)
Frederick Street
Gardner Street
Gloucester Passage
Gloucester Road
Gloucester Street
Jew Street
Jubilee Street
Kemp Street
Kensington Gardens
Kensington Place
Kensington Street
King Street (part)
North Place
North Road (part)
North Street (part)
Orange Row
Over Street
Pelham Square
Pelham Street (part)
Pimm's Gardens
Portland Street (part)
Queens Gardens
Queens Road Quadrant (part)
Regent Street
Robert Street

North Laine continued

St. George's Mews
 Sydney Street
 Tichborne Street (part)
 Tidy Street
 Trafalgar Court (part)
 Trafalgar Lane
 Trafalgar Street (part)
 Trafalgar Terrace
 Upper Gardner Street
 Vine Street
 Windsor Street (part)

Old Hove Conservation Area

Brooker Place: (west)
 Church Road: (part).
 Connaught Road
 Hove Street: (part)
 Kingsway: (part)
 Namric Mews
 Sackville Road: (part).
 Seafield Road: (West)
 St Aubyns Gardens
 St Aubyns
 Stirling Place: (part)
 Vallance Gardens
 Vallance Road

Old Town Conservation Area

Bartholomew Square
 Bartholomews
 Boyces Street
 Brighton Place
 Brighton Square
 Duke Street
 Dukes Lane
 East Street
 Grand Junction Road (part)
 Kings Road
 Lewes's Buildings
 Little East Street
 Market Street
 Meeting House Lane
 Middle Street
 Nile Street
 North Street (part)
 Old Steine (part)
 Pool Passage (part)
 Pool Valley (part)
 Prince Albert Street
 Regent Arcade
 Ship Street

Old Town continued

Ship Street Gardens
 South Street, Brighton
 Steine Lane (part)
 Union Street
 West Street (part)

Regency Square Conservation Area

Bedford Place
 Bedford Square
 Cannon Place (part)
 Castle Street
 Cavendish Place
 Clarence Gardens
 Clarence Square (part)
 Golden Lane (part)
 Kings Road (part)
 Little Preston Street
 Little Western Street (East)
 Montpelier Road (part)
 Norfolk Buildings
 Norfolk Mews
 Norfolk Place
 Norfolk Square (part)
 Norfolk Street
 Oriental Place
 Preston Street
 Queensbury Mews
 Regency Mews
 Regency Square
 Russell Square
 Russell Mews
 Sillwood Place
 Sillwood Road
 Sillwood Street
 Sillwood Terrace (part)
 St. Margaret's Place
 Stone Street (part)
 Western Road, Brighton (part)
 Western Street
 Western Terrace

Valley Gardens Conservation Area

Albion Street (part)
 Castle Square
 Church Street (part)
 Ditchling Road (part)
 Gloucester Place
 Grand Junction Road (part)
 Grand Parade
 Hanover Crescent

Valley Gardens continued

Hanover Mews
Hanover Place
Hanover Street
Hanover Terrace
Islingword Road (part)
Lewes Road (part)
London Road (part)
Marine Parade (part)
Marlborough Place
New Road
North Road (part)
North Street (part)
Old Steine (part)
Palace Place
Park Crescent
Pavilion Buildings
Pavilion Parade
Pavilion Street
Pheonix Place
Pool Valley (part)
Princes Place
Queens Place
Richmond Gardens
Richmond Place
Richmond Terrace
Rose Hill (part)
Southover Place
Southover Street (part)
St. George's Place
St. James's Place
St. James's Street (part)
St. Peter's Place
Steine Lane (part)
Union Road
Waterloo Place
York Place

West Hill Conservation Area

Albert Road
Alexandra Villas
Alfred Road
Bath Street
Buckingham Close
Buckingham Place
Buckingham Road
Buckingham Street

West Hill continued

Camden Terrace
Centurion Road
Chatham Place

Church Street (part)
Clifton Street
Clifton Street Passage
Compton Avenue
Dyke Road (part)
Dyke Road Mews
Guildford Road
Guildford Street
Howard Place (part)
Junction Road (part)
Kew Street
Leopold Road
New Dorset Street
North Gardens
North Road (part)
Providence Chapel
Queens Road (part)
Railway Street
St. Nicholas Road
Surrey Street
Terminus Place
Terminus Road
Terminus Street
Upper Gloucester Road
West Hill Place
West Hill Road
West Hill Street

Willett Estate Conservation Area

Cambridge Grove
Cromwell Road : (part)
Eaton Gardens
Eaton Grove
Eaton Road: (part)
Norton Close ((part)
Norton Road
Salisbury Road: (part)
Selbourne Road
The Drive: (part).
Tisbury Road
Wilbury Grove
Wilbury Road

Estate Agent Boards –have your say.

Your views please on whether we need further controls

Estate agents' 'for sale or to let' boards on posts fixed to gate posts or railings are an all too common sight on our streets. Even in small numbers they can detract from views of the sea or of Regency houses with their curved fronts, railings, and balconies.

They also make a big impact in streets where there are a lot of flats because of the large number of boards involved. Some people don't mind them, and view them as a commercial necessity. Others feel they are no longer necessary or are visually intrusive - and should be removed or improved upon.

The council's environment committee believes our conservation areas would look better if there were additional planning restrictions over estate agents boards - particularly in the higher density central residential areas.

But the local association of estate agents asks its members to restrict boards to just one per property.

In the city's finest historic streets and squares – such as Brunswick Square and Lewes Crescent - there is already a ban on the fixing of 'for sale' flag boards to boundary walls or area railings.

The council, residents and estate agents all agree that this ban has improved the appearance of these streets.

The council is now looking to extend the controls to other residential areas of architectural or historic interest. But we would like to hear your views before finalising any proposals.

Please write to: Roger Dowty, Design and Conservation Manager, Hove Town Hall, Norton Road, Hove BN3 3BQ. Or email conservation@brighton-hove.gov.uk.

Or you can simply tick one of the boxes in the panel below and return it to Roger Dowty at Hove Town Hall.

The council needs your responses by the end of February.

If you agree with any of the following statements, simply tick the appropriate box.

1. The local estate agents association has a voluntary code that allows just one board per property. This works fine and should remain.
2. Boards should be banned in all conservation areas.
3. Tighter controls are needed in particular streets or neighbourhoods. (please name them)

.....
.....

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 51

Brighton & Hove City Council

Subject:	Proposed Changes to Planning Policy Statement 6: Planning for Town Centres Consultation		
Date of Meeting:	11 September 2008		
Report of:	Director of Environment		
Contact Officer:	Name:	Carly Dockerill	Tel: 29-2382
	E-mail:	carly.dockerill@brighton-hove.gov.uk	
Key Decision:	Yes	Forward Plan No. ENV2914	
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The purpose of this report is to consult members on the changes proposed to Planning Policy Statement 6 (PPS6) – *Planning for Town Centres*. This report seeks Cabinet Members' endorsement of the Council's consultation response to PPS6 Communities and Local Government (CLG).
- 1.2 The current Planning Policy Statement 6 (PPS6) – *Planning for Town Centres* and the proposed changes to PPS6 can be viewed on the internet at www.communities.gov.uk.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member notes the changes and implications regarding national policy advice outlined in this report.
- 2.2 That the Cabinet Member endorses the draft response to CLG as set out in Appendix B of this report.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Planning White Paper, *Planning for a Sustainable Future* (HM Government 2007) announced that the current approach in Planning Policy Statement 6: *Planning for town centres* (PPS6) to assessing the impact of proposals outside town centres would be reviewed.
- 3.2 The White Paper said that Government would consult on proposals for policy changes and that new guidance would be prepared. The Government would consider how best to address competition considerations in town centre policy, taking into account the conclusions of the Competition Commission inquiry into the groceries market, before finalising any changes to policy.

- 3.3 This consultation now seeks views on these proposed policy changes.
- 3.4 The emphasis on the importance of maintaining the health and vitality of town centres that was established in PPS6 and PPG6 is retained in the proposed changes. The main types of land use to which the policy applies are:
- Retail (including warehouse clubs and factory outlet centres);
 - Leisure, entertainment facilities, and the more intensive sport and recreation uses (such as cinemas, restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, bowling alleys and bingo halls);
 - Offices, both commercial and those of public bodies;
 - Arts, culture and tourism (theatres, museums, galleries and concert halls, hotels, and conference facilities); and
 - Small-scale community facilities (including health centres, pharmacies, post offices, libraries and job centres).
- 3.5 The proposed changes to PPS6 set out the key objective for town centres as the promotion of vital and viable city, town and other centres by:
- Planning for growth of existing centres; and
 - Promoting and enhancing existing centres, by focusing development in such centres and encouraging a wide range of services in a good environment, accessible to all;
 - Promote competition between retailers and enhance consumer choice by making provision for a range of shopping, leisure and local services, which allow genuine choice to meet the needs of the entire community and particularly socially-excluded groups.
 - Raising the productivity growth rate of the UK economy – through tackling market failures around investment, innovation, competition, skills and enterprise and maximising job opportunities for all.
 - Supporting efficient, competitive and innovative retail, leisure, tourism and other sectors; and
 - Improving accessibility.
- 3.6 The main revisions that the PPS6 consultation recommends are:
- To remove the requirement for an applicant to demonstrate ‘need’ for a proposal which is in an edge of centre or an out of centre location and is not in accordance with an up to date development plan strategy.

- To introduce a more detailed ‘impact assessment’ framework which assesses economic, social and environmental criteria so that local authorities can assess in more detail, the impacts on the town centre. It tests whether impact is positive or negative on town centre consumer choice and retail diversity; investment and town centre trade and gives local authorities the powers to cap the size of large retail developments where this test is justified. Regenerative and employment effects that developments might provide would also be a consideration.
 - To keep the ‘sequential test’ that requires developers to seek the most central sites first.
 - To test the design quality of the development.
 - To make clear that where negative impacts on the town centre are significant this will normally justify a refusal of planning permission.
 - To require that local authorities proactively plan their town centres; to plan for sustainable growth through policies which are responsive to economic change.
 - To actively promote customer choice and competition, meaning that LPAs would be given the opportunity help to create the right conditions to help retail diversity flourish.
 - To support the use of conditions in order to limit unit sizes, specify the maximum overall floor space permitted, and limit the range of goods sold.
- 3.7 The new proposals strengthen current PPS6 and give local authorities more scope to refuse out of town development proposals that threaten the survival of high streets and small shops.

4. CONSULTATION

- 4.1 Internal consultation with Economic Development and Tourism has been undertaken, and their comments incorporated into this report accordingly.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

There are no direct financial implications arising from the recommendations contained within this report.

Finance Officer Consulted: Patrick Rice

Date: 06/08/08

Legal Implications:

Once issued the policies contained in PPS6 will be material planning considerations which local planning authorities will need to take into account in the determination of relevant planning applications. It is not considered that any adverse human rights implications arise from this report.

Lawyer Consulted:

Hilary Woodward

Date: 04/08/08

Equalities Implications:

The proposed changes to PPS6 set out to promote the needs of socially excluded groups and improve accessibility.

Sustainability Implications:

The proposed changes promote retention of existing shopping centres where they are most accessible.

Crime & Disorder Implications:

None identified.

Risk and Opportunity Management Implications:

None identified.

Corporate / Citywide Implications:

Retaining the town centre as a competitive Regional Shopping area is essential to the economy of the city.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The report considers the draft guidance in comparison to the status quo.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To ensure there is detailed, up to date, clear advice to all those with an interest in the development process on relevant town centre issues.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A: Outline of Proposed Changes to PPS6.
2. Appendix B: Consultation response to CLG: Proposed Changes to PPS6

Documents In Members' Rooms

None.

Background Documents

1. Proposed Changes to Planning Policy Statement 6: Planning for Town Centres Consultation, July 2008 see website;
<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements/planningpolicystatements/pps6/>

Outline of Proposed changes to PPS6

i) Objectives:

There are two clear objectives of the proposed changes to the document. The first objective is to ensure the changes support current and prospective town centre investment, which contributes to economic prosperity and to the government's social and environmental goals. The second objective is to ensure that planning promotes competition and consumer choice and does not unduly or disproportionately constrain the market.

ii) Regional Spatial Strategies:

With regard to regional spatial strategies, the new proposals recommend a minor change which is to ensure that the regional planning body, where appropriate assess the need for new centres in areas of planned major growth such as in identified growth areas and proposed eco-towns.

iii) Local Development Frameworks and Area Action Plans:

In assessing the need for new floorspace for retail, leisure and other main town centres uses, local planning authorities should take into account both quantitative and qualitative considerations as well as relevant market information and economic data including price signals. Local planning authorities should also ensure that when identifying and allocating sites, the allocations should not be unduly restrictive.

The guidance recognises the contribution that a broad range of retailer representation can have to an area as well as the provision of a larger store as an anchor to strengthen a centre's retail offer and the provision of smaller shops to add character and vibrancy to a centre and enhancing consumer choice.

Local authorities should also seek to promote competitive town centre environments which may include where appropriate, giving priority consideration to whether the established character and diversity of their town centres should be protected and enhanced.

The revisions support the use of conditions in limiting the minimum/maximum unit sizes in proposed retail developments, which could perhaps encourage smaller businesses. The use of conditions would also ensure that 'ancillary development' remains ancillary, that maximum floorspace levels could be specified and the range of goods able to be sold be limited, where appropriate.

iv) Need test:

In accordance with recommendations set out in Kate Barker's Review of Land Use Planning, the proposals remove the requirement for an applicant to demonstrate 'need' for a proposal which is in an edge of centre or out of centre location and which is not in accordance with an up to date development plan strategy. The need test is seen as a 'blunt tool' that is not achieving the ends it was designed for, tending to distort competition and deny consumers choice. These elements are actively supported by the revisions.

v) Impact test:

The existing impact test has been replaced by a new impact assessment framework which the government will require applicants with a proposal in an out of centre location to undertake. It tests whether impact is positive or negative on town centre consumer choice and retail diversity; investment and town centre trade and gives local authorities the powers to cap the size of large retail developments where this test is justified. In addition, LPAs would be required to account for the regenerative or employment benefits that non-town centre developments provide, which are only 'material considerations' in the current guidance.

vi) Sequential Approach:

This test remains as per existing PPS6 to ensure that a sequential approach to site selection should be applied to all proposals, except to extensions to retail development. The preference is for town centre sites, followed by edge of centre sites and only then out of centre sites. The revisions also state that edge of centre sites that are well connected to town centres via pedestrian links should be considered favourably.

Appendix B Draft Consultation Response to CLG

Proposed Changes to Planning Policy Statement 6: Planning for Town Centres Consultation

In answer to the consultation questions set out in the proposed changes to PPS6;

1) Will the proposed changes support current and prospective town centre investment?

Brighton & Hove City Council welcomes the proposed changes to PPS6. The Council is hopeful that it will provide a clear and composite statement of planning policy that can be incorporated into the preparation of the Local Development Framework and Area Action Plans. The proposed changes remain consistent with the Council's vision for the future of its defined town centres. It is considered that the proposed changes will support current and prospective town centre investment. The sequential test and new impact test should ensure that investment is directed to town centres where possible. The emphasis on customer choice and competition, and the use of conditions which may support smaller businesses will help the LPA to enable retail diversity to flourish.

2) Does the scope of the new impact test achieve the right balance and is it robust enough to thoroughly test the positive and negative impacts of developments outside town centres?

The Council welcomes the more detailed 'impact test' which will give local authorities more power to prevent large developments which could put smaller shops and town centres at risk. It is considered that the right balance is achieved. Firstly, by testing adherence to local development plans ensuring earmarked peripheral developments are not affected, and secondly by assessing impacts on investment, current and future trade, competition and diversity in local centres. Any detailed practice guidance should be published at the same time as the revised guidance.

"The Council particularly welcomes the more detailed impact consideration relating to the impact on town centre vitality and viability (3.19e(v)), which now includes the impact on local consumer choice and retail diversity in terms of the range, type and quality of goods. This consideration is particularly important in a city like Brighton, where so much of the centre's interest, prosperity, culture, attraction and retail offer results from the large proportion of small independent retailers and other small businesses. It is an important element of the forthcoming LDF that these businesses continue to be promoted and protected from the potential impact of large scale retail developments both within and outside the Council's defined shopping centres."

3) Is there scope to simplify and streamline the various impact considerations further?

No, the impact assessment considerations listed in para 3.19e and 3.19g of the consultation document are integral to robustness of any impact test. The council also welcomes the publication of a detailed practice guidance note at the same time as

the revisions for assessing the impact of proposals in order to ensure consistency. It is considered imperative that any additional practice guidance is produced at the same time as revised PPS6. Any nationally available sources of information relating to the suggested impact indicators should be referenced in this practice guidance, so that a common means of assessment can be undertaken in-house by the LPA and by applicants. This would also help to enable consistency and avoid over-lengthy pre-application negotiation between the planning authority and developers.

4a) Is the consideration of consumer choice and retail diversity as part of assessing the impact of a proposal appropriate and will it be sufficient to help promote competition?

Yes, combined with the LDF, maintaining and enhancing consumer choice is entirely appropriate within an impact test, as local authorities will have more tools to shape developments around their vision for town centres. Reference to the contribution that smaller shops can make to the character and vibrancy of centres is welcomed and is highly relevant to Brighton & Hove. Competition between firms generates choice for the consumer, hence this consideration of choice and diversity is also considered to be sufficient in promoting competition. The consultation paras 2.18a to 2.18c which relate to this question are fully supported.

5a) It has been suggested by some stakeholders that we should consider limiting impact assessments to larger development proposals and that it should be confined to retail developments. PPS6 and our proposed revisions maintain a flexible approach to the preparation of impact assessments for all main town centre issues and do not limit assessments to larger developments or retail proposals. Do you think our flexible approach should be retained?

Yes, a flexible approach should be retained as in some cases developments smaller than 2,500 sq metres in size may have a considerable impact on a centre.

6a) Are the existing health check indicators in Chapter 4 sufficient to enable informed judgements to be made about the various impact considerations which have been identified?

Yes, with reservations that health check indicators on their own do not tell the whole story of the vitality of a centre. Background documents and primary research also provide strong evidence to add context to the hard data. The addition to para 4.4 on health check indicators around land values and the length of time key sites have remained undeveloped should be treated with caution. For example, land may remain undeveloped for non-market reasons and undeveloped land also restricts supply of premises which can have the effect of inflating property prices.

7a) Do you agree with the proposed approach to the Practice Guidance which will support PPS6?

The approach is supported by the council. The Practice Guidance should be released alongside PPS6 and not following its publication, in order to ensure consistency in its application.

8) Other comments?

The Council supports the objectives of the proposed changes to continue to reinforce development to town centres by keeping the important 'sequential test'.

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 52
Brighton & Hove City Council

Subject:	Closure of Brighton Parking Information Centre – Improvement of Services		
Date of Meeting:	11 September 2008		
Report of:	Director of Environment		
Contact Officer:	Name:	Austen Hunter	Tel: 29-2245
	E-mail:	austen.hunter@brighton-hove.gov.uk	
Key Decision:	No		
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The centralisation of cashier services allowed Hove Parking Information Centre to relocate to larger premises with more capacity. The lease on the Parking Information Centre at North Road will shortly be due for renewal. This presents an opportunity for services to be centralised at one location resulting in improved customer service.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member approves the centralisation of Parking Information Services to Hove Town Hall and closure of North Road Parking Information Centre by the end of September 2008.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 On 28 February 2008 Budget Council approved the centralisation of cashier services to Brighton and closure of their Hove Town Hall accommodation. It was decided that Hove Parking Information Centre would take advantage of this and relocate to the offices vacated by cashiers at Hove Town Hall.
- 3.2 In June 2008 Hove Parking Information Centre relocated to the former cashier service accommodation. The new accommodation at Hove suited parking services requirements exactly and offers better access and a better quality environment for the customers of the service and indeed staff working in parking services.
- 3.3 The premises previously occupied by Hove Parking Information Centre has now been put up for commercial lease.
- 3.4 Following the relocation to the former cashier offices Hove parking Information Centre extended its opening hours to start at 8.45 every morning. The

centralisation of the Parking Information Centres would allow for further trials of extended opening hours for example late opening one day per week. This is currently not possible with staff working at two sites.

- 3.5 There is significantly more capacity at Hove with up to seven counters available instead of the three counters at the former Parking Information Centre. In order to make the most of these facilities and provide better queue management which has historically always been a problem at Hove Parking Information Centre we also need sufficient staff resources at one location which can be achieved through centralisation.
- 3.6 Brighton Parking Information Centre has seen a decline in the volume of transactions over the past year and Hove Parking Information Centre has seen an increase. Overall approximately 68% of all transactions by value are now carried out at Hove Parking Information Centre which has better public transport links and parking facilities.
- 3.7 In line with e-government obligations Parking Services has put a great deal of information on-line including application forms and almost all parking transactions can be carried out by post. The consolidation of both Parking Information Centres would free up resources to further invest in our on-line services with the aim of reducing the need for people to visit the Parking Information Centres in person.
- 3.8 Brighton & Hove City Council is very unusual in having two parking information centres. Most authorities do not have even one dedicated Parking Information Centre. For example, Southampton and Manchester only provide limited facilities as part of their general enquiries front office. Birmingham does not provide any walk in facility with all parking applications and enquiries being dealt with by post as they feel that this is the most efficient means of dealing with applications.
- 3.9 Should the proposed centralisation be agreed, advanced publicity of the change would be provided through posters at both Parking Information Centres and on the council's web pages as well as through press releases.

4. CONSULTATION

- 4.1 Staff at both Parking Information Centres have been informally consulted about these proposals and are broadly supportive of consolidating the Parking Information Centres given that this will provide a better working environment for staff.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

The centralisation of Parking Information Services to Hove Town Hall would provide financial efficiencies, including savings on the leased costs of the Brighton site. These efficiencies would allow investment in service delivery improvements such as extended opening hours and on line services.

Finance Officer Consulted: Patrick Rice

Date: 12/08/08

Legal Implications:

There is no legal requirement or duty which would prevent the Council from centralising the Parking Information Service to one location in the City and the proposals do not raise any employment law considerations as all current staff will be re-located to the Hove Office.

Lawyer Consulted:

Liz Culbert

Date: 13/08/08

Equalities Implications:

The Blue Badge office has already relocated from North Road to improved facilities at Hove Town Hall where there is an interview room with disabled access which is now available to the public.

Sustainability Implications:

Operating from one base will reduce overall energy consumption. It is expected that the investment in on-line and telephone service access which will be possible if services are centralised will in due course reduce the number car journeys to the Parking Information Centre.

Crime & Disorder Implications:

None identified.

Risk and Opportunity Management Implications:

The proposals provide an opportunity to meet the corporate objective of making better use of public money. There is a risk of adverse publicity if this is perceived as a cut in service rather than providing a better service at a single location. Whilst some customers would have further to travel to visit the centralised Parking information Centre the maximum distance for anyone living in the Controlled parking Zone where permits are required would be 2.8 miles and Hove town Hall has excellent public transport access.

Corporate / Citywide Implications:

None identified.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 None considered.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 Centralising the Parking Information Centres into better facilities at Hove would mean that an improved, more consistent service could be provided to customers. There would be the possibility of extending opening hours, for example, a trial of opening late one night per week, through better use of existing staff resources.

- 7.2 Almost all transactions, such as paying a Penalty Charge Notice, can also be carried out by telephone, post or online. Merging facilities will present the opportunity to invest further in these alternative means of contact. For example, Parking Services are currently working on a system of on-line permit renewals. Centralising services would also allow for a trial of the issuing of waivers by telephone.

SUPPORTING DOCUMENTATION

Appendices:

None.

Documents In Members' Rooms

None.

Background Documents

None.

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 53
Brighton & Hove City Council

Subject: Cycling Demonstration Town – Additional funding
Date of Meeting: 11 September 2008
Report of: Director of Environment
Contact Officer: Name: **Claire Whitehouse** Tel: **29-3856**
E-mail: claire.whitehouse@brighton-hove.gov.uk
Key Decision: Yes Forward Plan No. *ENV2173*
Wards Affected: All

FOR GENERAL RELEASE

The late inclusion of this item in the Forward Plan is because advance notification on funding would facilitate inclusion in the Capital Programme and improved delivery.

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To inform the Cabinet Member for Environment of a further external funding award to enable the City Council to build on its status as a Department for Transport [DfT] Cycle Demonstration Town [CDT] to a Cycle Town [CT], alongside 17 other towns with similar status.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member welcomes that the City Council has been successful in retaining its designated status as a Department for Transport Cycling Town.
- 2.2 That the Cabinet Member gives delegated authority to the Director of Environment to enter into a Funding Agreement on behalf of the City Council with Cycling England upon formal notification of funding.
- 2.3 That the Cabinet Member approves that a further report is brought to a future Cabinet Member Meeting that details a programme of works in relation to specific schemes.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 In October 2005, the City Council was selected as one of six national 'Cycle Demonstration Towns' [CDTs] to promote cycling as a safe and healthy way to move around the city. This designation also secured up to £1.5 million of funding to invest alongside the city council's planned investment in cycling-related measures and initiatives.
- 3.2 The programme of works that has been invested in over the past three years or so include:

- (i) the introduction of Personal Travel Planning, making use of individual marketing techniques;
 - (ii) creating safe cycling routes to city schools;
 - (iii) developing European-guided projects of engineering excellence;
 - (iv) setting up a Cycle Training Centre of Excellence;
 - (v) developing a high profile Walking and Cycling Participation Mark involving leading businesses and individuals in the community; and,
 - (vi) developing a wide range of partners to promote cycling as a friendly, fun and accessible mode of transport for all.
- 3.3 The original funding bid was based on data that indicated that although there has been growth in cycling trips in Brighton and Hove since 2000, there were still a significant number of journeys that could potentially be undertaken by other forms of transport, including cycling. For example, 45% of workers in the city who use a car to get to work drive less than three miles.
- 3.4 Based on the achievements of the original funding and programme of works, Cycling England indicated that at the start of 2008 and near the end of 2007/08 further funding would be available for successful bids from local authorities for a further three years. DfT via Cycling England informally approved the funding allocation for a further 3 years and formal notification is awaited for the period commencing November 2008.

4. CONSULTATION

- 4.1 A consultation strategy will be identified and ward members will be informed prior to any works, with consultation taking place on any scheme identified as part of the Cycling Towns works. The consultation strategy will identify and involve key stakeholders, both external and internal, through public consultation and ward member briefings as part of any scheme.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

The Department for Transport will provide funding of approximately £1.6 Million for cycling promotion divided between the financial years 2008/2009, 2009/2010 and 2010/2011 but with the grant years running from 1 October to 30 September.

The grant can be used for either capital or revenue works and the split is at the discretion of the Authority.

As part of the bid the City Council had to provide match funding. This has been done by using spend on previously agreed schemes and as such there will be no additional funding required.

Finance Officer Consulted: Karen Brookshaw

Date: 07/08/08

Legal Implications:

Funding is provided subject to the Funding Agreement which is currently being finalised between the City Council and Cycling England. Apart from those terms no other legal issues arise directly from the report. There are no adverse considerations in relation to the Human Rights Act

Lawyer Consulted:

Liz Culbert

Date: 07/08/08

Equalities Implications:

In principle agreement to accept the additional funding from the DfT does not have any direct equalities implications. Improving awareness and provision for cycling increases overall transport choice for residents and visitors, especially for those without access to a car. Each element of the Cycling Towns programme will ensure that equalities issues are addressed, as appropriate.

Sustainability Implications:

In principle agreement to accept the additional funding from the DfT does not have any direct sustainability implications. Encouraging sustainable forms of transport, such as cycling, will contribute towards reducing air and noise pollution in the city, and will help to mitigate climate change through a reduction in carbon emissions.

Crime & Disorder Implications:

There are no direct crime and disorder implications associated with an in principle agreement to accept the additional funding from the DfT.

Risk and Opportunity Management Implications:

Regular monitoring and communication with Cycling England will ensure that relevant risks are identified and actioned accordingly.

Failure to complete any committed works could result in loss of part of the funding. For implementation of physical schemes independent safety audits will be carried out to ensure that safe designs have been implemented.

Corporate / Citywide Implications:

Continuation of the Cycling Towns status as a project and investment in cycling facilities will particularly contribute towards the following new corporate priorities of:

- Protecting the environment while growing the economy
- Reducing inequality by increasing opportunity
- Open and transparent city leadership

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 There are no alternative options associated with informing the Cabinet Member of successful funding from the DfT and Cycling England.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To seek approval for acceptance for funding from DfT and Cycling England following Brighton and Hove's second successful bid for external funding and national status as a Cycling Town.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A - DfT Press Release on Cycling Towns Funding dated 19 June 08

Documents In Members' Rooms

None.

Background Documents

None.

BRISTOL APPOINTED UK'S FIRST CYCLING CITY
£100M PACKAGE FOR CYCLING IN 12 TOWNS AND CITIES

Transport Secretary Ruth Kelly today appointed Bristol as the UK's first official Cycling City, and announced a further 11 Cycling Demonstration Towns across England.

Bristol and the 11 towns have succeeded in winning a share of the record £100m investment package to pioneer innovative ways to increase cycling in their areas. Proposals include improving cycling infrastructure such as dedicated cycle lanes, increasing bike parking provision and cycle training and promoting the benefits of cycling.

Today's announcement aims to encourage 2.5 million more adults and children to take up cycling, improve their fitness and beat the traffic.

Bristol wants to double the number of people cycling over the next three years, by:

- creating the UK's first on-street bike rental network, modelled on the successful Paris scheme;
- establishing a 're-cycling' scheme, providing free bikes to those in deprived communities;
- building a state-of-the-art facility for cyclists in the city centre providing showers, bike parking and lockers so commuters can have a wash and brush up before starting work;
- creating a dedicated cycleway to link the suburbs with the city centre opening up new, safer options for commuters who currently rely on their cars;
- more than doubling the number of children receiving cycling training.

Ruth Kelly said:

"The UK's first ever Cycling City and 11 new Cycling Demonstration Towns will pioneer new ways of encouraging people to get on their bikes.

"A quarter of journeys made every day by car are less than two miles. Cycling is an alternative that could bring real health benefits to millions of adults and children, as well as helping them save money and beat congestion.

"The first step in persuading people to leave their cars at home is to offer them a real choice. Providing a step change in cycling facilities, dedicated cycle lanes, more training and information will have a big impact on how people choose to travel.

"I look forward to seeing these towns and cities put their plans into action and urge other communities across the country to follow their lead."

The further 11 Cycling Demonstration Towns will build on the work of the existing six Cycling Demonstration Towns appointed in 2005, which have seen significant increases in cycling levels. They are Blackpool, Cambridge, Chester, Colchester, Leighton/Linslade, Shrewsbury, Southend on Sea, Southport with Ainsdale, Stoke, Woking and York.

Phillip Darnton, Chairman of Cycling England, added:

"We have learnt from our European neighbours, such as the Netherlands, that increased and sustained investment is the key to getting more people enjoying the benefits of cycling. The funding that Bristol and the other 11 towns have been awarded is designed to create a real step change in levels of cycling, starting in 2008 and for years to come.

"Beyond well co-ordinated, consistent investment in cycling, and the introduction of policy measures to encourage it, cycling crucially needs determined and persistent high-level leadership. We are delighted that the

Government has championed this and Cycling England's other projects which aim to increase national cycling levels by 20 per cent overall by 2012."

The Government has already announced it is investing an unprecedented £140 million in cycling to increase the provision of Bikeability training to help half a million children cycle safely by 2012; build 250 new Safe Links to School as well as create the UK's first-ever Cycling City and appoint further Cycling Demonstration Towns, as announced today.

Notes to Editors

1. The £100m package breaks down as £47 million for the cycling demonstration towns and city until March 2011, with at least match funding from each place to ensure local commitment. It includes £7m awarded to the first six Cycling Demonstration Towns who were first established in 2005.
2. Applicants were chosen from a shortlist of 19 local authorities, out of an original 74 bids. Panel members were Philip Darnton (Chair of Cycling England); John Grimshaw (Cycling England Board member and founder of Sustrans); Lynn Sloman (Cycling England Board member and Director of Transport for Quality of Life); Tony Russell (leads Cycling England local authority advice team); Steve Garidis (Cycling England's Programme Manager) and Martin Ellis (Cycling Team, Department for Transport)
3. There are currently six Cycling Demonstration Towns. These are Aylesbury, Brighton, Darlington, Derby, Exeter and Lancaster. Further details of these schemes, and applicants for this year, can be seen at <http://www.cyclingengland.co.uk>
4. Cycling England is the national body co-ordinating the development of cycling across England. It was launched by the Minister for Local Transport in March 2005, replacing the previous National Cycling Strategy Board, and is supported by a number of Government Departments, including health, education, planning and sport as well as transport.
5. Bikeability is a new training standard designed to provide children with the on-road skills they need to handle modern traffic conditions. It was launched in March 2007. See <http://www.bikeability.org.uk>

Public Enquiries: 020 7944 8300
Department for Transport Website: <http://www.dft.gov.uk>

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 54

Brighton & Hove City Council

Subject:	North Street Mixed Priority Route (MPR) Road Safety Scheme – Stage 2 Objections representations to Traffic Regulation Orders and Notice for Road hump entry treatments		
Date of Meeting:	11 September 2008		
Report of:	Director of Environment		
Contact Officer:	Name:	Owen McElroy	Tel: 29-0368
	E-mail:	owen.mcelroy@brighton-hove.gov.uk	
Key Decision:	Yes	Forward Plan No. <i>Procedural Rule 16 complied with</i>	
Wards Affected:	All	Regency, St Peters & North Laine	

FOR GENERAL RELEASE

The late inclusion of this item in the Forward Plan is because officers have been able to prepare the report earlier than anticipated following the closing date for objections to the Traffic Regulation Orders.

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The North Street Mixed Priority Route (MPR) Stage 2 proposals are an essential part of a road safety scheme designed to address the high level of bus/pedestrian collisions in this transport corridor and has been undertaken in partnership with Sussex Police, Brighton & Hove Buses, and local community and traders groups.
- 1.2 Approval of the preferred scheme together with authority to advertise Traffic Orders under the Road Traffic Regulation Act 1984 was given at the Cabinet Member Meeting (CMM) for Environment on 4th July 2008.
- 1.3 The Orders propose the introduction of a southbound traffic flow in Ship Street, between North Street and Duke Street, introduce loading bays and associated loading restrictions in North Street and parts of Ship Street and Western Road, remove the Taxi rank in North Street and introduce a shared taxi rank and loading bay in Castle Square. A notice has been advertised to construct flat topped road humps in King Place and Ship Street. The TRO notice is attached in Appendix A and the TRO plan is attached as Appendix B.
- 1.4 This report is to enable the Cabinet Member to consider objections and representations received to the various traffic orders proposed in connection with the above scheme and to seek approval for the proposals to be implemented in part.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member approves the Brighton & Hove City Council South Central Brighton Controlled Parking Zone (Area Z) Traffic Regulation Order 2007 Amendment Order No * 2008, Ship Street/North Street & King Place/North Street Road Hump Entry treatment.
- 2.2 That the Cabinet Member for Environment defers consideration of the Brighton & Hove (Ship Street) (One Way Traffic) Order 2008 pending the outcome of a related review by the Environment and Community Safety Overview and Scrutiny Committee.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 A number of objections have been received to the proposal for one way southbound operation in Ship Street, and an objection has also been received to the proposed shared taxi and loading bay in Castle Square on the grounds that it is not required. A summary of objections/comments received and officers' responses are attached in Appendix C
- 3.2 Issues raised in relation to measures agreed by the 4th July Environment CMM for Ship Street are subject to a review by the Environment and Community Safety Overview and Scrutiny Committee. Therefore, it is considered appropriate to wait until that committee has met and considered those issues before considering objections to the TRO measures in Ship Street
- 3.3 In accordance with the undertaking given in the Environment CMM report 4th July 2008 officers are giving further consideration to the inclusion of a northbound contraflow cycle lane between Duke Street and Ship Street.
- 3.4 It is possible to continue to proceed with the implementation of Stage 2 of the Mixed Priority Route scheme pending resolution of the issues concerning Ship Street.

4. CONSULTATION

- 4.1 The scheme proposals were put to public consultation at public exhibition in February/March 2008.
- 4.2 After further consultation with members and stakeholders detailed proposals were drawn up.
- 4.3 Advertisement of Traffic Regulation Orders subsequently followed, in accordance with statutory requirements. Notices were put on street for the 25th July 2008. The notice was also published in the Argus newspaper on the 25th July 2008. Detailed plans were also available to view at Hove Library, Jubilee Library and at the City Direct offices at Bartholomew House and Hove Town Hall.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

The full cost of implementing the scheme, including construction, signing and lining, amendments and advertisements for Traffic Orders will be met by the North Street Mixed Priority Route budget. This is detailed in the Environment CMM report and minutes for 4 July 2008.

Finance Officer Consulted: Karen Brookshaw

Date: 04/08/08

Legal Implications:

Before making Traffic Orders, the Council must consider all duly made, unwithdrawn objections. In limited circumstances it must hold public inquiries and may do so otherwise. It is usually possible for proposed orders to be modified, providing any amendments do not increase the effects of the advertised proposals. The Council also has powers to make orders in part and defer decisions on the remainder. Orders may not be made until the objection periods have expired and cannot be made more than 2 years after the notices first proposing them were first published. Orders may not come into force before the dates on which it is intended to publish notices stating that they have been made. After making orders, the steps which the Council must take include notifying objectors and putting in place the necessary traffic signs.

Relevant Human Rights Act rights to which the Council should have regard in exercising its traffic management powers are the right to respect for family and private life and the right to protection of property. These are qualified rights and therefore there can be interference with them in appropriate circumstances.

Lawyer Consulted:

Stephen Dryden

Date: 04/08/08

Equalities Implications:

The proposed measures will be of benefit to many road users, especially pedestrians, and those with mobility difficulties.

Sustainability Implications:

The proposed improvements will facilitate a safer and more attractive environment for all users through balancing their needs, particularly between pedestrians and vehicles in terms of the space available.

Crime & Disorder Implications:

The implementation of the scheme will result in a more attractive and vibrant environment, which should increase activity levels in the area, and discourage crime and disorder.

Risk and Opportunity Management Implications:

Failure to complete the scheme on time would result in the loss of part or the entire DfT element of the funding. Following guidelines from the Institute of Highways and Transportation, independent safety audits will be carried out to ensure that safe designs have been implemented.

Corporate / Citywide Implications:

The mixed priority route scheme will contribute towards the following corporate priorities. Through the reduction of road casualties and enhancement of the public realm it will “protect the environment while growing the economy” and by improving access for vulnerable pedestrians it will “reduce inequality by increasing opportunity”.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The primary objective for the North Street Mixed Priority Route is to address the particular road safety problems that have resulted in casualties to people and therefore casualty data have been taken into account in designing appropriate engineering measures. Options were considered as part of public consultation and approval for the preferred scheme was given at July Environment CMM.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To seek approval in part of the advertised traffic orders to enable implementation of the scheme, given that objections that have been received cannot be upheld.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – TRO Notice.
2. Appendix B – TRO plan
3. Appendix C - Summary of representations received

Documents in Members' Rooms

None

Background Documents

1. Environment CMM Report and minutes 4th July 2008
2. Proposed Traffic Regulation Orders and Road hump notice

**BRIGHTON & HOVE CITY COUNCIL
ROAD TRAFFIC REGULATION ACT 1984
HIGHWAYS ACT 1980**

Appendix A

THE BRIGHTON & HOVE (SHIP STREET)(ONE-WAY TRAFFIC) ORDER 2008

**THE BRIGHTON & HOVE CITY COUNCIL SOUTH CENTRAL BRIGHTON
CONTROLLED PARKING ZONE (AREA Z) TRAFFIC REGULATION ORDER 2007
AMENDMENT ORDER No.* 2008**

**SHIP STREET/NORTH STREET & KING PLACE/NORTH STREET
ROAD HUMP ENTRY TREATMENT**

NOTICE is hereby given that Brighton & Hove City Council ("the City Council") proposes to make the above named orders under the relevant Sections of the Road Traffic Regulation Act 1984 as amended. The effects will be to introduce a southbound traffic flow in Ship Street, between North Street and Duke Street, introduce loading bays and/or associated loading restrictions in North Street and parts of Ship Street and Western Road, remove the taxi rank in North Street and introduce a shared taxi rank and loading bay in Castle Square.

NOTICE is further given by the City Council, pursuant to powers contained in Section 90A (1), 90 (C) and 90 (D) of the Highways Act 1980 as amended, of its proposals to construct flat-topped road humps in King Place and Ship Street, both with a maximum height of 75mm, from the kerblines of North Street, northwards or southwards for a maximum distance of 10 metres.

A copy of the proposed orders, plan showing the roads affected, copies of the orders to be amended, Road Hump Notice and a statement of the City Council's reasons for proposing to make the order may be examined at the City Direct centres situated at Bartholomew House, Bartholomew Square, Brighton, between 9.00 am - 4.30 pm Monday to Friday and at Hove Town Hall, Norton Road, Hove, 8.45am - 4.30 pm Brighton Jubilee Library, Jubilee Street Monday - Tuesday 10.00am-7.00pm, Wednesday 10.00am - 5.00pm, Thursday 10.00am- 8.00pm, Friday 10.00am - 5.00pm and Saturday 10am - 4.00pm and Hove Central Library, Church Road, Tuesday 9.30am - 7.30pm, Wednesday to Friday 9.30am to 5.30pm, Saturday 9.30am to 5.00pm, closed Mondays.

Library Staff will not be able to answer questions on the proposal and all enquiries should be addressed to Mr D Abbott (details below).

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 the Director of Environment, Highway Engineering and Projects, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (reference Mr D. Abbott) or by email to dave.abbott@brighton-hove.gov.uk not later than the 18th August 2008.

Jenny Rowlands
Director of Environment
Brighton & Hove City Council
King's House
Grand Avenue
HOVE BN3 2LS

25th July 2008

BRIGHTON & HOVE CITY COUNCIL
ROAD TRAFFIC REGULATION ACT 1984
THE BRIGHTON & HOVE (SHIP STREET)
(ONE-WAY TRAFFIC) REGULATION ORDER 2008

Brighton & Hove City Council ("the Council") in exercise of its powers under Sections 1(1), 2(1) to (3), 4 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act"), as amended, and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of that Schedule, hereby make the following Order.

1. This Order may be cited as the "BRIGHTON & HOVE (SHIP STREET) (ONE-WAY TRAFFIC) REGULATION ORDER 2008" and shall come into operation on the ** day of **** 2008.
2. In this order the following expressions shall have the meanings hereby assigned to them:
 - (1) "the Act" means the Road Traffic Regulation Act 1984;
 - (2) "Chief Officer of Police" means the Chief Officer of the Police Authority for the area of the Council or an authorised representative;
3. No person shall, except with the permission of a police constable in uniform, cause or permit any vehicle, to proceed in that length of Ship Street between North Street and Dukes Street, otherwise than in a southerly direction.

THE COMMON SEAL of)
 BRIGHTON & HOVE CITY COUNCIL)
 was affixed hereto on the day of)
 Two thousand and)
 in the presence of: -)

Authorised Officer

BRIGHTON & HOVE CITY COUNCIL

**BRIGHTON & HOVE CITY COUNCIL
SOUTH CENTRAL BRIGHTON CONTROLLED PARKING ZONE
(AREA Z) TRAFFIC REGULATION ORDER 2007
AMENDMENT ORDER No.** 2008**

Brighton & Hove City Council ("the Council"), in exercise of their powers under Sections 1, 2, 4, 32, 35, 35A, 45, 46, 47, 49, 51, 53, 61, 63A and 117 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("the Act"), as amended, Part 6 of the Traffic Management Act 2004, and of all other enabling powers, after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby make the following Order :-

1. This Order shall be cited as the Brighton & Hove City Council South Central Brighton Controlled Parking Zone (Area Z) Traffic Regulation Order 2007 Amendment Order No.* 2008 and shall come into operation on the ** day of ** 2008. When this Order comes into operation the Brighton & Hove City Council South Central Brighton Controlled Parking Zone (Area Z) Traffic Regulation Order 2007 shall be amended as follows:-
 - (i) In Schedule 2 Part 1 – No Loading/Unloading At Any Time, add the following items:-
 - (a) Item 13a – North Street, north side, from its junction with Dyke Road eastwards to the western kerblines of Windsor Street.
 - (b) Item 13b - North Street, north side, from the western kerblines of King Place eastwards to a point 25.5 west of the eastern flank wall of the Chapel Royal.
 - (c) Item 13c - North Street, north side, from a point 20.5 metres west of the eastern flank wall of 173 North Street eastwards to the junction with Castle Square.
 - (d) Item 13d - North Street, south side, from its junction with Dyke Road eastwards to a point 104 metres east of the eastern kerblines of Ship Street.
 - (e) Item 13e - North Street, south side, from the western kerblines of East Street, westwards for a distance of 64 metres.
 - (f) Item 13f - Ship Street, both sides, from the southern kerblines of North Street, southwards for a distance of 25 metres.
 - (g) Item 13g - Western Road, south-east side, from the southern kerblines of North Street, south-westwards for a distance of 35.5 metres.
 - (ii) In Schedule 2 Part 3 (No Loading Monday to Saturday, 9am to 6pm), delete Item 22 relating to Ship Street.
 - (iii) In Schedule 2 Part 6 (No Loading 8am to 11pm), delete Item 11 to 15 relating to North Street.

- (iv) In Schedule 2 Part 7 (No Loading 8am to 9.30am & 11am to 6pm), delete Items 4&5 relating to North Street.
- (v) In Schedule 9 – Loading Only 24 hours of any day, delete Item 4a, Castle Square
- (vi) In Schedule 9 – Loading Only 24 hours of any day, add the following items:-
 - (a) Item 18a – North Street, north side, from a point 5 metres east of the eastern flank wall of 173 North Street eastwards for a distance of 16 metres.
 - (b) Item 18b – North Street, south side, from a point 67 metres east of the eastern kerbline of West Street eastwards for a distance of 22 metres.
 - (c) Item 18c – North Street, south side, from a point 101 metres east of the eastern kerbline of West Street eastwards for a distance of 22 metres.
 - (d) Item 18d – North Street, south side, from a point 18 metres east of the eastern kerbline of Ship Street eastwards for a distance of 16 metres.
 - (e) Item 18e – North Street, south side, from a point 48 metres east of the eastern kerbline of Ship Street eastwards for a distance of 18 metres.
 - (f) Item 18f – North Street, south side, from a point 28 metres west of the western kerbline of East Street westwards for a distance of 24 metres.
 - (g) Item 18g – Western Road, south side, from a point 18 metres south-west of the southern kerbline of North Street south-westwards for a distance of 11 metres.
- (vii) In Schedule 10 Part 1 – Taxi Ranks, delete Item 6 North Street.
- (viii) In Schedule 10 Part 2 – Taxi Rank & Loading Bay add Item 2 – Castle Square, south side, from a point 21 metres east of the eastern kerbline of East Street eastwards for a distance of 30 metres.

THE COMMON SEAL of)
 BRIGHTON & HOVE CITY COUNCIL)
 was affixed this day of)
 two thousand and eight)
 in the presence of: -)

Authorised Officer

**BRIGHTON & HOVE CITY COUNCIL
HIGHWAYS ACT 1980**

SHIP STREET/NORTH STREET& KING PLACE/NORTH STREET

ROAD HUMP ENTRY TREATMENT

1. NOTICE is hereby given by the Council, that, pursuant to powers contained in Sections 90A (1), 90 (C) and 90 (D) of the Highways Act 1980, as amended, it proposes to construct the following road humps:-

Ship Street

Flat-topped road hump, with a maximum height of 75mm, from the southern kerblines of North Street, either side of the junction, southwards for a maximum distance of 10 metres.

King Place

Flat-topped road hump, with a maximum height of 75mm, from the northern kerblines of North Street, either side of the junction, northwards for a maximum distance of 10 metres.

2. A copy of the Notice, drawing showing the lengths of road affected and a statement of the Council's reasons for constructing the humps may be examined at :-

- The City Direct centres situated at Bartholomew House, Bartholomew Square, Brighton, Monday to Friday 9am-4.30pm and at Hove Town Hall, Ground Floor Norton Road, Hove, Monday to Friday 8.45am to 4.30pm.
- Brighton Jubilee Library, Jubilee Street Monday and Tuesday 10am-7pm, Wednesday and Friday 10am-5pm, Thursday 10am-8pm, Saturday 10am-4pm.
- Hove Central Library, Church Road between, 9.30 am - 7.30 pm Tuesday, 9.30 am - 5.30 pm Wednesday to Friday and 9.30 am - 5.00 pm Saturday (closed all day Monday)

Library Staff will not be able to answer questions on the proposals and all enquires should be addressed to Mr D Abbott (details below)

3. All objections and other representations relating to the proposals must be made in writing and all objections must specify the grounds on which they are made and should be sent to Mr D Abbott, Highway Engineering & Projects, Bartholomew House, Bartholomew Square, Brighton, BN1 1JE or by e-mail to dave.abbott@brighton-hove.gov.uk no later than 18th August 2008.

Jenny Rowlands
Director of Environment
King's House
Grand Avenue
HOVE
BN3 2LS

Dated 25th July 2008

**BRIGHTON & HOVE CITY COUNCIL
ROAD TRAFFIC REGULATION ACT 1984
HIGHWAYS ACT 1980**

**THE BRIGHTON & HOVE (SHIP STREET)(ONE-WAY TRAFFIC)
ORDER 2008**

**THE BRIGHTON & HOVE CITY COUNCIL SOUTH CENTRAL BRIGHTON
CONTROLLED PARKING ZONE (AREA Z) TRAFFIC REGULATION
ORDER 2007
AMENDMENT ORDER No.* 2008**

**SHIP STREET/NORTH STREET & KING PLACE/NORTH STREET
ROAD HUMP ENTRY TREATMENT**

Statement of Reasons

The proposals for North Street, Ship Street and Western Road are part of a package of measures aimed at reducing road traffic accidents in North Street, particularly those involving pedestrians. The measures are also designed to improve conditions for pedestrians and cyclists, which is in accordance with the Council's policies on supporting sustainable modes of transport.

Jenny Rowlands
Director of Environment
Brighton & Hove City Council
King's House
Grand Avenue
HOVE
BN3 2LS

25th July 2008

BRIGHTON & HOVE CITY COUNCIL
BRIGHTON & HOVE
SOUTH CENTRAL BRIGHTON CONTROLLED PARKING ZONE (AREA Z)
TRAFFIC REGULATION ORDER 2007

Brighton & Hove City Council (hereinafter referred to as "the Council"), in exercise of their powers under Sections 1, 2, 4, 32, 35, 35A, 44, 45, 46, 47, 49, 51, 53, 55, 61, 63, 63A, 66, 117, to the Road Traffic Regulation Act 1984 ("the Act"), as amended by the Local Government Act 1985, the Road Traffic Regulation (Parking) Act 1986, Sections 19 and 21 of the Road Traffic Act 1988, the Parking Act 1989 and the Road Traffic Act 1991 as modified by SI 2001 No. 2272, and of all other enabling powers, after consultation with the Chief Officer of Police in accordance with Part III and Part IV Schedule 9 to the Act, hereby make the following Order :-

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PART I - GENERAL

1. This Order shall come into operation on the 7th day of May 2007 and may be cited as "Brighton & Hove City Council SOUTH CENTRAL BRIGHTON CONTROLLED PARKING ZONE (AREA Z) TRAFFIC REGULATION ORDER 2007"
2. This Order is made for the purpose of a general scheme of control of waiting and parking in a stated area, being the streets stated in Schedule 1 to this Order.
3. In this Order, except where the context otherwise requires, the following expressions have the meanings assigned to them:-

- "Ambulance" means a Motor Vehicle which is constructed or adapted, and primarily used for carriage of person to a place where they will receive, or from a place they have received, medical treatment and which by reason of design, marking or equipment is readily identifiable;
- "Bus" means a Public Service Vehicle as described in the Public Passenger Vehicles Act 1981 as amended by the Transport Act 1985;
- "Car Club" means a community car club or similar organisation (including any person or organisation acting on behalf of such club or organisation) approved in writing by the Council for the purposes of this order;
- "Car Club Parking Place" means a length of road authorised to be used as a Parking Place by Article 102 of this Order;
- "Car Club Parking Space" means a space in a Car Club Parking Place which is provided for the leaving of a vehicle of a class specified in Article 112 of this Order;
- "Car Club Permit" means a permit issued under the provisions of Part 15 of this Order;
- "Car Club Permit Holder" means a person or organisation to which a Car Club Permit has been issued under the provisions of Part 15 of this Order;
- "Car Club Vehicle" means a "Motor Vehicle" which does not exceed 5 metres in length provided by a Car Club or by the Council for the use of persons who have paid any relevant membership or other car club fee and by means of a real-time or advance booking system may have use of the vehicle for a specified period and which displays the Car Club Permit issued by the Council;
- "Carer" is a person who has to visit a Resident or Residents who need(s) to be cared for by virtue of physical or mental infirmity;
- "Carer's Permit" means a Permit issued in accordance with the provisions of Part 11 of this Order;
- "Carer's Permit Holder" means a person to whom a Carer's Permit has been issued in accordance with the provisions of Part 11 of this Order;
- "Chief Officer of Police" means the Chief Officer of Police for Brighton & Hove;
- "Director of Environment" means an officer appointed by the Council for the time being and shall include his authorised agent and representative and any successor of his;
- "Disabled Person's Parking Place" means a length of road authorised to be used as a Parking Place by Part 8 of this Order;

- "Disabled Person's Parking Space" means a space in a Disabled Person's Parking Place which is provided for the leaving of a vehicle of the classes specified in Article 33 of this Order;
- "Disabled Person's Badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 or is a badge issued in another part of the European Union and designed to the same European standard;
- "Disabled Person's Parking Disk" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;
- "Doctor's Parking Place" means a length of road authorised to be used as a Parking Place by Part 12 of this Order;
- "Doctor's Parking Space" means a space in a Doctor's Parking Place which is provided for the leaving of a vehicle of the classes specified in Article 66 of this Order
- "Doctor's Permit" means a Permit issued in accordance with the provisions of Part 12 of this Order;
- "Doctor's Permit Holder" means a person to whom a permit has been issued in accordance with the provisions of Part 12 of this Order;
- "Driver" in relation to a vehicle waiting in a Parking Place or any other place referred to in this Order, means the person driving the vehicle at the time it was left in the Parking Place or other place;
- "Fully Registered Person" means, as defined by Section 55 of the Medical Act 1983, a fully registered medical practitioner, or a visiting EU practitioner;
- "Goods" includes cash or other valuable securities; and "delivering" and "collecting" in relation to any Goods includes checking the Goods for the purpose of their delivery or collection;
- "Goods Vehicle" means a vehicle constructed or adapted for use for the carriage of goods or burden of any description, and not drawing a trailer.
- "Initial Charge" has the meaning assigned to it by Section 46(1) of the Act of 1984;
- "Invalid Carriage" has the same meaning as in Section 136 of the Act of 1984;
- "Licensed Taxi" means in England and Wales, a vehicle licensed under section 37 of the Town Police Clauses Act 1847;

- "Loading Bay" means a length of road authorised to be used as a Loading Bay by Parts 9 and 19 of this Order.
- "Motor Cycle" has the same meaning as in Section 136 of the Road Traffic Act of 1984;
- "Motor Cycle Parking Place" means a length of road authorised to be used as a Parking Place by Part 10 of this Order;
- "Motor Vehicle" means a mechanically propelled vehicle not being a Motor Cycle or an Invalid Carriage and which:
 - (a) is adapted to carry not more than 7 passengers inclusive of the Driver;
 - (b) has an unladen weight not exceeding 2540 Kilograms;
 - (c) does not exceed 2.25 metres in overall height
- "Parking Attendant" means a person authorised by or on behalf of Brighton and Hove Council under Section 63A of the Act of 1984 to supervise and enforce the restrictions imposed by this Order;
- "Parking Place" means a length of road authorised by this Order to be used as a parking place;
- "Parking Space" means a space in a Parking Place which is provided for the leaving of a vehicle of the classes specified in Articles 17, 66, 79 and 113 of this Order;
- "Passenger Vehicle" has the same meaning as "Motor Vehicle";
- "Pay and Display Parking Place" means a length of road authorised to be used as a Parking Place by Part 13 of this Order;
- "Pay and Display Parking Space" means a space in a Pay and Display Parking Place which is provided for the leaving of a vehicle of the classes specified in Article 79 of this Order;
- "Pedal Cycle" means a pedal bicycle, pedal tricycle or, a pedal cycle having four or more wheels, not being in any case capable of being mechanically propelled;
- "Penalty Charge" and "Reduced Penalty Charge" means a charge set by the Council under the provisions of Sections 66 and 74 of the Road Traffic Act 1991 with the approval by the Secretary of State for Environment, Transport and Regions which is to be paid in the manner described in the Penalty Charge Notice within twenty-eight days of the date of the notice or fourteen days of the date of the notice in the case of a reduced penalty charge.

- "Penalty Charge Notice" means a notice containing the information contained in Section 66 of the Road Traffic Act 1991 issued by a Parking Attendant in accordance with the provisions of that Section;
- "Permit" means a permit issued in accordance with the Articles and Schedules of this Order.
- "Permit Holder" means a person to whom a Permit has been issued under the provisions of Parts 5, 6, 7, 11, 12, 14 and 15 of this Order;
- "Permit Parking Place" means a length of road authorised to be used as a Parking Place by Article 17 of this Order;
- "Permit Parking Space" means a space in a Permit Parking Place, which is provided for the leaving of a vehicle of the classes specified in Parts 3, 5, 6, 7, 8, 11, 12, 13, 14 and 15 of this Order;
- "Police Vehicle" means a vehicle used by a police officer in exercise of his duties as a member of Sussex Constabulary;
- "Postal Packets" has the same meaning as in Section 87 of the Post Office Act 1953;
- "Prescribed Hours" means those days and hours described in the Schedules to this Order;
- "Protective Cover" means a transparent holder issued by the Council for the protection and display of a permit under the provisions of Parts 5, 6, 11, 12, 13, 14 and 15 of this Order;
- "Public Service Vehicle" has the same meaning as in section 1 of the Public Passenger Vehicles Act 1981, as amended by the Transport Act 1985;
- "Public Telecommunications Operator" has the same meaning as in Section 9 of the Telecommunications Act 1984;
- "Registered Keeper" means:-
 - (a) the person who keeps a vehicle and whose name appears on the Vehicle Registration Certificate of that vehicle, or
 - (b) the person who keeps a vehicle that is registered in the name of his employer or that is subject to a hire or lease agreement;
- "Relevant Position" means a position where a valid Permit or pay and display ticket is readily visible from the front or nearside of the vehicle or in the case of a Disabled Person's Badge or Disabled Person's Parking Disc the meanings are as described in the legislation referred to under those expressions in this Part of this Order;

- "Resident" means a person whose usual place of abode is a premises the postal address of which is within the list of streets in Schedule 15 to this Order. Usual place of abode means the applicant must reside at that address for no less than 5 nights per week;
- "Resident's Parking Permit" means a Permit issued by the Council to a Resident in accordance with the provisions of Part 6 of this Order;
- "Restricted Road" means any road or part of a road specified in Schedules 1 and 2 to this Order;

PROVIDED THAT the expression "Restricted Road" shall not for the purposes of Articles 6 and 7 of this Order include any part of a highway designated or authorised to be used as a Parking Place by any Order for the time being in force in respect of a Restricted Road

- "Statutory Undertaker" has the same meaning as in Section 329 of the Highways Act 1980;
 - "Ticket Machine" means an apparatus of a type and design approved by the Secretary of State for the Environment for the purpose of this Order being apparatus designed to indicate the time by a clock and to issue numbered Parking Tickets indicating that a charge has been paid and showing the date and time of their validity.
 - "Traffic Sign" means a sign or road marking of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under, Section 64 of the Act.
 - "Visitor's Permit(s)" means a Permit (or block of Permits) issued to a Resident for use by a Resident's visitor in a Permit Parking Place in accordance with the provisions of Part 7 of this order.
4. (1) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment
- (2) The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulations made or having effect as if made under the Act, or by or under any other enactment.
5. Not Used.

PART 2 - WAITING OF VEHICLES

6. Subject to the provisions of Article 7 and 8 of this Order no person shall except upon the direction or with the permission of a Police Officer in uniform or a Parking Attendant use cause or permit any vehicle to wait in any Restricted Road during the Prescribed Hours.
7. (1) Nothing in Article 6 of this order shall prevent any person from causing or permitting a vehicle to wait in a Restricted Road during the Prescribed Hours;
 - (a) for as long as may be necessary to enable a person to board or alight from the vehicle provided that the vehicle cannot reasonably be used for the same purpose in any other road.
 - (b) for as long as may be necessary to enable the vehicle (if it cannot reasonably be used for the same purpose in any other road) to be used in connection with the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of any Restricted Road or the laying, erection, alteration or repair in or adjacent to any Restricted Road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or any telegraphic line or Traffic Sign.
 - (c) for the purpose of loading or unloading the vehicle while the vehicle is in actual use in connection with the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository, except that no vehicle shall wait for any such purpose in any part of a Restricted Road specified in Schedule 2 to this Order during the Prescribed Hours unless notice is given 48 hours in advance to the Director of Environment or a duly authorised officer and his consent is obtained.
 - (d) if the vehicle is being used for the Fire Brigade's, Ambulance service or Police purposes, or it is a vehicle in the service of a local authority being used in pursuance of its statutory powers or duties and that vehicle cannot reasonably be used for the same purpose in any other road
 - (e) if the vehicle is a Licensed Taxi waiting upon any duly authorised stand
 - (f) if the vehicle is waiting owing to the Driver being prevented from proceeding by circumstances beyond his control or if such waiting is necessary in order to avoid an accident
 - (g) if the vehicle is in the service of or employed by the Post Office and is waiting in any Restricted Road while Postal Packets addressed to premises adjacent to that road are being unloaded from the vehicle,

or, having unloaded there from, are being delivered, or while Postal Packets are being collected from premises or posting boxes adjacent to that road, or is in use in conjunction with the cleaning of telephone kiosks adjacent to that road provided that the vehicle cannot reasonably be used for such purpose in any other road and for as long as may be necessary in conjunction with these purposes

- (h) Not Used
- (i) for as long as may be necessary to enable the vehicle if it cannot reasonably be used for such purposes in any other road to be used in connection with posting or removing advertising material in the form of posters on or from, or cleaning windows or chimneys in, premises adjacent to that road
- (j) if Goods are sold from the vehicle by a person licensed by the Council to sell Goods from a stationary pitch situated in such Restricted Road
- (k) if the vehicle is displaying a Disabled Person's Badge in the Relevant Position and a Disabled Person's Parking Disc (on which the badge holder or other person in charge of the vehicle has marked the time at which the period of waiting began) and is waiting for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle in such Restricted Road), except that no such vehicle shall wait during the Prescribed Hours in any part of a Restricted Road specified in Schedule 2 to this Order.

Loading and Unloading of Goods

8. Nothing in Article 6 of this Order shall prevent any person from causing or permitting a vehicle to wait in any Restricted Road during the Prescribed Hours for as long as may be necessary for the purpose of delivering or collecting Goods or merchandise or loading or unloading the vehicle at premises adjoining that road provided that;
- (1) Not Used
 - (2) The Driver of a vehicle waiting for any such purpose shall move the vehicle on the instructions of a Police Constable in uniform or a Parking Attendant whenever such moving may be reasonably necessary for the purpose of preventing obstruction
 - (3) Under Section 3 (1) and (2) of the Road Traffic Regulation Act 1984 no vehicle shall wait during the Prescribed Hours in any part of a Restricted Road specified in Schedule 2 to this Order for the purpose of delivering or collecting goods or merchandise or loading or unloading the vehicle.

as may be necessary to enable it to be removed or its position to be altered as the case may be

42. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a Parking Place by virtue of Article 40 of this Order such arrangements as may be reasonably necessary shall be made for the safe custody of the vehicle

PART 9 - AUTHORISATION AND USE OF LOADING BAYS

43. (a) Each length of road specified in Schedule 9 to this order, bounded on one side by the edge of the carriageway and which has a width throughout of not less than 1.8 metres unless otherwise stated, and defined by line markings on the other three sides and designated by the word "Loading Only" marked on the carriageway adjacent to the bay, is hereby authorised to be used, subject to the following provisions to this Order, as a Loading Bay.
- (b) Nothing in paragraph (a) of this Article shall restrict the power of the Council, for preventing obstruction of the streets, by order on the occasion of any public procession, rejoicing or illumination, or where the streets are thronged or liable to be obstructed, to close the Loading Bay.
44. Save as provided in this Order no person shall except upon the direction or with the permission of a Police Constable in uniform or of a Parking Attendant use cause or permit any vehicle to wait at any time other than for the purpose of loading or unloading Goods or burden of any description in any of the Loading Bays referred to in Article 43 (a) of this Order.
45. A Driver shall not use a Loading Bay:-
- (a) so as unreasonably to prevent access to any premises adjoining the road, or the use of the road by other persons, or so as to be a nuisance; or
- (b) when a Loading Bay has been closed in accordance with the provisions of Article 43 (b) of this Order and the Council has exhibited notice of such closing on or near the Loading Bay.
46. The Driver of a vehicle using any of the Loading Bays referred to in Article 43 shall stop the engine as soon as the vehicle is in position in the Loading Bay and shall not start the engine except when about to change the position of the vehicle in or to depart from the Loading Bay.
47. No person shall use a vehicle, while it is in any of the Loading Bays referred to in Article 43, in connection with the sale of any article to persons in or near the Parking Place or in connection with the selling or offering for hire of his skills or services.

48. The Driver of a vehicle, while it is waiting in any of the Loading Bays referred to in Article 43, shall not carry out or permit the carrying out of any repairs or other work to the vehicle except such as may be necessary to enable the vehicle to be moved from the Loading Bay.
49. Subject to the proviso hereto, when a vehicle is left in the Loading Bays in contravention of any of the provisions contained in Articles 43, 44, 45, 46,47 and 46 of this Order, a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed from the Loading Bay;
- PROVIDED that when the vehicle is waiting in a Loading Bay in a position other than that provided by Article 43 of this Order, a person authorised in that behalf by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with the provisions of that Article.
50. Any person removing a vehicle or altering its position by virtue of Article 49 of this Order may do so by towing or driving the vehicle or in such other manner as may be necessary to enable it to be removed or its position to be altered as the case may be.
51. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a Loading Bay referred to in Article 43 by virtue of Article 49 of this Order, such arrangements as may be reasonably necessary shall be made for safe custody of the vehicle.

PART 10 - AUTHORISATION AND USE OF MOTORCYCLE PARKING PLACES

52. Each length of road specified in Schedule 7 to this Order is hereby authorised to be used, subject to the following provisions of this Order for waiting by Motor Cycles only at all times.
53. The limits of each Parking Place therein shall be indicated on the carriageway by placing and maintaining thereon appropriate Traffic Signs.
54. Every Motor Cycle shall so stand that every part of the vehicle is within the limits of a Parking Place specified in Schedule 7 of this Order.
55. The Driver of a vehicle shall not use a Parking Place specified in Schedule 7 of this Order:
- (1) so as to unreasonably prevent access to any premises adjoining the road or the use of the road by other persons or so as to be a nuisance or

117. Each length of road specified in Schedule 12 to this Order and having a width throughout of not less than 1.8 metres is hereby authorised to be used at all times as a Parking Place for Ambulances only and each length of road specified in Schedule 13 to this Order and having a width throughout of not less than 1.8 metres is hereby authorised to be used at all times as a Parking Place for Police Vehicles only subject to the following provisions of this Part of this Order.
118. The limits of each Ambulance Parking Place or Police Parking Bay shall be indicated by the Council on the carriageway by appropriate Traffic Signs and road markings.
119. Save as provided in this Order no person shall except upon the direction or with the permission of a Police Constable in uniform or of a Parking Attendant use cause or permit any vehicle other than an Ambulance to wait at any time in any Parking Place specified in Schedule 12 of this Order or any vehicle other than a Police Vehicle to wait at any time in any Parking Place specified in Schedule 13 of this Order.

PART 17 - AUTHORISATION AND USE OF TAXI RANKS

120. Each length of road specified in Part I of Schedule 10 to this Order bounded on one side by the edge of the carriageway and which has a width throughout of not less than 1.8 metres unless otherwise stated, and defined by line markings on the other three sides and designated by the word "TAXIS" marked on the carriageway adjacent to the bay, is hereby authorised to be used subject to the provisions of this Order as a Taxi Rank.
121. Each Taxi Rank specified in Part I of Schedule 10 to this Order is hereby authorised to be used by a Licensed Hackney Carriage only.
122. No person shall except upon the direction or with the permission of a Police Constable in uniform or of a Parking Attendant use cause or permit any vehicle other than a Licensed Hackney Carriage to wait in a Taxi Rank at any time in the lengths of road specified in Part I of Schedule 10 to this Order.

PART 18 - AUTHORISATION AND USE OF PUBLIC SERVICE VEHICLE PARKING PLACES

123. Each length of road specified in Schedule 14 to this Order is hereby authorised to be used subject to the provisions of this Order as a Parking Place for Public Service Vehicles only at all times.
124. The limits of each Public Service Vehicle Parking Place shall be indicated by the Council on the carriageway by appropriate Traffic Signs and road markings.

125. Save as provided in this Order no person shall except upon the direction or with the permission of a Police Constable in uniform or a Parking Attendant use cause or permit any vehicle other than a Public Service Vehicle to wait at any time in any Parking Place referred to in Article 123 of this Order.
126. Nothing in Article 125 of this Order shall render it unlawful for a person to cause or permit a vehicle to wait in any Public Service Vehicle Parking Place referred to in Article 123 of this Order:-
- (a) If the vehicle is being used for removal of any obstruction to traffic;
 - (b) If the vehicle is being used in the service of a local authority in exercise of statutory powers or duties and whilst being so used in such service it is necessary for the vehicle to wait in the Public Service Vehicle Parking Place;
 - (c) If the vehicle is being used for police, fire brigade, or ambulance purposes;
 - (d) In any case where the person in control of the vehicle:-
 - (i) is required by law to stop;
 - (ii) is obliged to stop so as to prevent an accident;
 - (iii) is prevented from proceeding by circumstances beyond his control; or
 - (e) If the vehicle is being used in connection with any of the following operations, namely:-
 - (i) Demolition or excavation work on or adjacent to that Public Service Vehicle Parking Place;
 - (ii) The maintenance, improvement or reconstruction of the road in which that Public Service Vehicle Parking Place is situated;
 - (iii) The laying, erection, alteration or repair on or adjacent to that Public Service Vehicle Parking Place of any sewer or of any main pipe or apparatus for the supply of gas, gas electricity, or of any telecommunications system, as defined in the Telecommunications Act 1984; or
 - (iv) The placing, maintenance or removal of any Traffic Sign, if the vehicle cannot conveniently and lawfully be used for that purpose in any part of any street which is not a Public Service Vehicle Parking Place or outside the specified hours.

PART 19 - AUTHORISATION AND USE OF TAXI RANK & LOADING BAY

127. Each length of road specified in Part 2 of Schedule 10 to this Order bounded on one side by the edge of the carriageway and defined by line markings on the other three sides and designated by the word "TAXIS & LOADING ONLY"

marked on the carriageway adjacent to the bay, is hereby authorised to be used, subject to the provisions to this Order, as a Taxi Rank & Loading Bay.

128. Each Taxi Rank specified in Part 2 of Schedule 10 to this Order is hereby authorised to be used by a Licensed Hackney Carriage only.
129. Save as provided in this Order no person shall except upon the direction or with the permission of a police constable in uniform or a Parking Attendant use cause or permit any vehicle to wait in the "Taxi rank & Loading Bay" other than a "licensed taxi" or for the purpose of loading or unloading Goods or burden of any description in the "Taxi rank & Loading Bay" referred to in Article 127 of this Order.

PART 20 - HIERARCHY OF RESTRICTIONS

130. The Schedules specified in Schedules 1 to 14 to this order are to form a hierarchy whereby Schedule 1 is superseded by schedules 2, 3, 4 and 5 (except where road markings, on roads listed in schedules 3, 4 and 5 indicate a restriction under Schedule 1) which are in turn superseded by Schedules 6, 7, 8, 9, 10, 11, 12, 13 and 14.

PART 21 - AMENDMENT AND REVOCATION OF TRAFFIC REGULATION ORDERS

131. When this order comes into effect:
- (a) When this order comes into operation The Central Brighton (Controlled Parking Zones) (Areas A, B, C, D, E, F, G, J, K, L & Q) Consolidation Order 2001 shall be revoked in its entirety.

PART 22- LIST OF SCHEDULES

Schedule 1

Part 1 - No Waiting at any Time

Part 2 - No Waiting Monday - Saturday, 9.00 am to 6.00 pm

Schedule 2

Part 1 - No Loading/Unloading, At Any Time

Schedule 2 Part 1

No Loading/Unloading, At Any Time

Item No	Street Name	Side of Road	Description
1	Bond Street	West	Whole length
2	Bond Street	East	From the northern kerbline of North Street, northwards for a distance of 40 metres
3	Bond Street	East	From the southern property boundary of no. 31 Bond Street, northwards to the northern property boundary of no. 28 Bond Street
4	Bond Street	East	From a point 5 metres south of the southern kerbline of Church Street, southwards for a distance of 6 metres
5	Duke Street	South	From the eastern kerbline of Middle Street, eastwards for a distance of 25 metres
6	Hampton Place	East	From the northern kerbline of Western Road, northwards for a distance of 43 metres
7	Hampton Place	West	From the northern kerbline of Western Road, northwards for a distance of 15 metres
8	Hampton Place	West	From the northern property boundary of no. 3 Hampton Place, southwards for a distance of 17 metres
9	Mariborough Street	West	From a point 18 metres north of the northern kerbline of Western Road, northwards to the southern kerbline of Upper North Street
10	Montpelier Road	East	From the southern kerbline of Western Road, southwards for a distance of 21 metres
11	Montpelier Road	East	From the southern property boundary of no. 28 Montpelier Road northwards for a distance of 17 metres
12	New Road	East	From a point opposite the northern property boundary of no. 13 New Road, northwards to a point 2 metres south of a point opposite the northern property boundary of no. 16 to 19 New Road
13	New Road	West	From a point 2 metres north of the northern property boundary of no. 14 New Road, northwards for a distance of 14 metres
14	Old Steine	East	From a point 12 metres north of the northern kerbline of St James Street, northwards for a distance of 18 metres
15	Old Steine	East	From the southern kerbline of St James Street, southwards to the northern kerbline of Steine Street
16	Preston Street	West	From the southern kerbline of Western Road, southwards for a distance of 22 metres
17	Regent Hill	East	From the northern kerbline of Western Road, northwards to a point opposite the southern property boundary of no. 17 Regent Hill

18	Regent Hill	East	From the southern kerbline of Upper North Street, southwards for a distance of 15 metres
19	Regent Hill	West	From the northern kerbline of Western Road, northwards for a distance of 60 metres
20	Regent Hill	West	From the southern kerbline of Upper North Street, southwards for a distance of 20 metres
21	Ship Street	East	From the northern kerbline of Prince Albert Street, northwards for a distance of 46 metres
22	Ship Street	East	From a point 3 metres south of the southern property boundary of no. 44 Ship Street, southwards for a distance of 26 metres
23	St Margarets Place	Both	Whole length
24	Upper North Street	South	From the western kerbline of Marlborough Street, westwards for a distance of 8 metres
25	Upper North Street	North	From a point 3 metres east of the eastern property boundary of no. 103 Upper North Street, eastwards for a distance of 25 metres
26	Upper North Street	South	From the eastern kerbline of Regent Hill, eastwards for a distance of 12 metres
27	West Street	East	From the northern kerbline of Kings Road, northwards to a point 5 metres south of the southern kerbline of South Street
28	West Street	West	From the southern property boundary of no. 39 West Street, northwards to the southern kerbline of North Street

Schedule 2 Part 3

No Loading/Unloading, Monday to Saturday, 9.00 am - 6.00 pm

Item No	Street Name	Side of Road	Description
1	Boyce's Street	North	Whole length
2	Boyce's Street	South	From the eastern kerbline of West Street, eastwards for a distance of 8 metres
3	Cannon Place	East	From the southern kerbline of Russell Road, southwards for a distance of 15 metres
4	Cannon Place	East	From the northern kerbline of Kings Road, northwards for a distance of 48 metres
5	Cannon Place	West	From the northern kerbline of Kings Road, northwards for a distance of 32 metres
6	Cannon Place	West	From the southern kerbline of Clarence Square, southwards for a distance of 13 metres
7	Castle Street	Both	From the eastern kerbline of Preston Street, eastwards for a distance of 6 metres
8	Castle Street	East	From the northern property boundary of no. 39 Castle Street, northwards for a distance of 16 metres
9	Castle Street	West	From a point 5 metres north of the northern kerbline of Stone Street, southwards to a point 5 metres south of the southern kerbline of Stone Street
10	Castle Street	East and South	From a point 2 metres south of the southern property boundary of no. 38 Castle Street, southwards and then westwards to a point 10 metres east of the eastern property boundary of no. 30 Castle Street
11	Castle Street	West and North	From the northern property boundary of no. 7 Castle Street, southwards and then westwards to a point 11 metres east of the eastern property boundary of no. 8 Castle Street
12	Clarence Square	South	From opposite a point the rear property boundary of no. 1 Clarence Square, eastwards for a distance of 12 metres
13	Hampton Street	Both	From the western kerbline of Spring Street, westwards for a distance of 15 metres
14	Hampton Street	Both	From the eastern kerbline of Hampton Place, eastwards for a distance of 30 metres
15	Preston Street	East	From a point 6 metres north of the northern kerbline of Stone Street, southwards to a point 6 metres south of the southern kerbline of Stone Street
16	Preston Street	East	From a point 6 metres north of the northern kerbline Castle Street, southwards to a point 6 metres south of the southern kerbline of Stone Street
17	Prince Albert Street	North	From the western property boundary of no. 17 Prince Albert Street, eastwards for a distance of 38 metres

18	Regency Road	Both	From the western kerbline of West Street, westwards for a distance of 8 metres
19	Regent Hill	West	From the southern property boundary of no. 21 Regent Hill, northwards for a distance of 16 metres
20	Russell Road	Both	From the western kerbline of West Street, westwards for a distance of 35 metres
21	Russell Road	Both	From the eastern kerbline of Cannon Place, eastwards for a distance of 67 metres
22	Ship Street	Both	From the southern kerbline of North Street, southwards for a distance of 45 metres
23	South Street	Both	From the eastern kerbline of West Street, eastwards for a distance of 10 metres
24	Stone Street	Both	From the eastern kerbline of Preston Street, eastwards for a distance of 6 metres
25	Stone Street	Both	From the western kerbline of Castle Street, westwards for a distance of 6 metres
26	West Street	East	From the northern kerbline of Boyce's Street, northwards to the southern kerbline of North Street
27	West Street	East	From the southern kerbline of Boyce's Street, southwards for a distance of 15 metres
28	West Street	East	From a point 2 metres north of the southern property boundary of no. 67 West Street, southwards to the southern property boundary of no. 77 West Street
29	West Street	West	From the southern kerbline of Regency Road, southwards to the northern kerbline of Russell Road
30	West Street	West	From the southern kerbline of Russell Road, southwards to the northern property boundary of the Kingswest Boulevard Entertainment Centre
31	West Street	West	From the northern kerbline of Regency Road, northwards for a distance of 8 metres
32	West Street	West	From the northern property boundary of No. 33 West Street, northwards for a distance of 16 metres
33	West Street	West	From the northern kerbline of Kings Road, northwards for a distance of 35 metres
34	West Street	East	From a point 5 metres south of the southern kerbline of South Street, northwards to a point 5 metres north of the northern kerbline of South Street

Schedule 2 Part 6

No Loading/Unloading 8.00 am - 11.00 pm

Item No	Street Name	Side of Road	Description
1	Western Road	North side	From the eastern kerbline of its junction with Montpelier Road, eastwards for a distance of 89 metres.
2	Western Road	North side	From a point 25 metres east of the eastern kerbline of its junction with Hampton Place, eastwards for a distance of 18.5 metres.
3	Western Road	North side	From a point 14.5 metres east of the eastern kerbline of its junction with Spring Street, westwards for a distance of 37.5 metres.
4	Western Road	North side	From a point 12 metres east of the eastern kerbline of its junction with Dean Street, westwards for a distance of 28 metres.
5	Western Road	North side	From a point 20.5 metres east of the eastern kerbline of its junction with Crown Street, westwards for a distance of 39 metres.
6	Western Road	North Side	From a point 45.5 metres west of the western kerbline of its junction with Regent Hill, eastwards for a distance of 125 metres.
7	Western Road	North Side	From the western kerbline at its junction with Dyke Road, westwards for a distance of 59 metres.
8	Western Road	South side	From the western kerbline of its junction with Dyke Road, eastwards to a point 57 metres east of the eastern kerbline of its junction with Clarence Square.
9	Dyke Road	North-east side	From the tangent point of the southern kerbline of its junction with Church Street, south-eastwards to the western kerbline of Queens Road.
10	Dyke Road	South-west side	From a point 19.5 metres north-west of the northern kerbline of its junction with Western Road, south-eastwards and eastwards to the western kerbline of West Street.
11	North Street	North side	From the eastern kerbline of its junction with Queens Road, eastwards to a point 3.5 metres east of the eastern kerbline with its junction with Portland Street.
12	North Street	North side	From a point 4 metres west of its junction with King Place, eastwards to a point opposite the eastern kerbline of its junction with East Street.
13	North Street	South side	From the eastern kerbline of its junction with West Street, eastwards for a distance of 91 metres.
14	North Street	South side	From a point 27 metres east of the eastern kerbline of its junction with Ship Street, westwards for a distance of 60 metres.

15	North Street	South side	From a point 64.5 metres east of the eastern kerbline of its junction with Ship Street, eastwards for a distance of 117 metres.
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Schedule 2 Part 7

No Loading/Unloading 8.00am - 9.30am and 11.00am - 6.00pm

Item No	Street Name	Side of Road	Description
1	Western Road	North side	From a point 89 metres east of the eastern kerbline of its junction with Montpellier Road, eastwards to a point 25 metres east of the eastern kerbline of its junction with Hampton Place.
2	Western Road	North side	From a point 75 metres east of the eastern kerbline of its junction with Regent Hill, eastwards for a distance of 31 metres
3	Western Road	South side	From the eastern kerbline of its junction with Montpellier Road, eastwards to a point 57 metres east of the eastern kerbline of its junction with Clarence Square.
4	North Street	South side	From a point 27 metres east of the eastern kerbline of its junction with Ship Street, eastwards for a distance of 37.5 metres.
5	North Street	South side	From the western kerbline of its junction with East Street, westwards for a distance of 63 metres.

Schedule 9

Loading Only 24hrs on any day

Item No	Street Name	Side of Road	Description
1	Bartholomews	south	From a point opposite the property boundary of nos. 4/5 Bartholomews, westwards for a distance of 16metres
2	Black Lion Street	east	From a point 37 metres south of the southern kerbline of Prince Albert Street, southwards for a distance of 6.6 metres
3	Cannon Place	east	From a point 14 metres south of the southern kerbline of Russell Road, southwards for a distance of 45 metres
4	Cannon Place	west	From a point 35 metres north of the junction with Kings Road, northwards for a distance of 23 metres
5	Church Street	south	From a point 1metre east of the property boundary of nos. 2/3 Church Street, eastwards for a distance of 13metres
6	Church Street	south	From a point adjacent to eastern the property boundary of no. 1 Church Street, eastwards for a distance of 24metres
7	Church Street	south	From a point opposite 8metres west of the eastern property boundary of no. 1 Marlborough Place, westwards for a distance of 20metres
8	Dyke Road	south	From a point 1 metre north of the southern property boundary of no. 11 Dyke Road, northwards for a distance of 9metres
9	East Street	west	From a point 2metres south of the property boundary of nos. 6/7 East Street, southwards for a distance of 12metres
10	East Street	west	From a point 2metres north of the northern property boundary of nos. 16to19 Eat Street, southwards for a distance of 10metres
11	Gardner Street	east	From a point 1metre north of the property boundary of nos. 56/57 Gardner Street, northwards for a distance of 35metres
12	Gardner Street	east	From a point 2metre north of the property boundary of nos. 38/39 Gardner Street, northwards for a distance of 31metres
13	King Place	north	From a point 6metres east of the western property boundary of no. 143 North Street, westwards for a distance of 11metres
14	King Place	west	From a point 8metres north of the southern property boundary of nos. 139to142 North Street, northwards for a distance of 11metres
15	King's Road	south	From a point adjacent to the western property boundary of no.5 King's Road, eastwards for a distance of 15metres
16	New Street	east	From a point adjacent to the property boundary of nos. 26/27 New Street, southwards for a distance of 35metres

Schedule 9

Loading Only 24hrs on any day

Item No	Street Name	Side of Road	Description
17	New Street	east	From a point opposite the property boundary of nos. 13/14 New Street, southwards for a distance of 36metres
18	Oriental Place	west	From a point 2metres north of the property boundary of nos. 34/35 Oriental Place, northwards for a distance of 18metres
19	Preston Street	east	From a point adjacent to the property boundary of nos. 60/61 Preston Street, northwards for a distance of 17metres
20	Preston Street	east	From a point opposite the property boundary of nos. 28/29 Preston Street, northwards for a distance of 17metres
21	Preston Street	east	From a point adjacent to the property boundary of nos. 85/86 Preston Street, northwards for a distance of 20metres
22	Prince Albert Street	northeast	From a point opposite the southern property boundary of no. 59 Ship Street, southwards for a distance of 15metres
23	Queensbury Mews	east	From a point adjacent to the southern property boundary of no 9 Queensbury Mews, northwards for a distance of 18metres
24	Regency Square	east	From a point adjacent to the property boundary of nos. 56/57 Regency Square, northwards for a distance of 12metres
25	Regency Square	north	From a point adjacent to the property boundary of nos. 27/28 Regency Square, eastwards for a distance of 12metres
26	Regency Square	west	From a point adjacent to the southern property boundary of no. 4 Regency Square, northwards to a point adjacent to the northern property boundary of no. 4 Regency Square
27	Regency Square	west	From a point 4metres south of the southern property boundary of no. 14 Regency Square, northwards for a distance of 12metres
28	Ship Street	east	From a point opposite the Property boundary of nos. 29/30 Ship Street, northwards for a distance of 18metres
29	Ship Street	west	From a point 10metres north of the northern property boundary of no. 2 Ship Street, northwards for a distance of 19metres
30	Western Road	north	From a point 43.5 metres east of the eastern kerbline of its junction with Hampton Place, eastwards for a distance of 14 metres.
31	Western Road	north	From the western kerbline of its junction with Crown Street, westwards for a distance of 23 metres.
32	Western Road	north	From the eastern kerbline of its junction with Crown Street, eastwards for a distance of 20.5 metres.
33	Western Road	north	From a point 45.5 metres west of the western kerbline of its junction with Regent Hill, westwards for a distance of 21 metres.

Schedule 10 Part 1

Taxi Rank

Item No	Street Name	Side of Road	Description
1	East Street	east	From a point 4metres south of the southern kerbline of Castle Square, southwards for a distance 34metres
2	East Street	centre	From a point 4metres south of the southern kerbline of Castle Square, southwards for a distance 15metres
3	East Street	west	From a point 7metres south of the southern kerbline of Castle Square, southwards for a distance 33metres
4	New Road	east	From a point opposite to 3metres south of the southern property boundary of no. 7 New Road, southwards for a distance of 21metres
5	Norfolk Road	east	From a point 3metres north of the southern property boundary of no. 52 Norfolk Road, northwards for a distance of 14metres
6	North Street	North side	From a point 4 metres west of the western kerbline of its junction with King Place, westwards for a distance of 17 metres.
7	Pool Valley	east	From a point 11 metres north of the northern kerbline of Grand Junction Road, northwards for a distance of 20 m
8	Pool Valley	west	From a point 6 metres south of the southern kerbline of Old Steine, southwards for a distance of 14 metres
9	Preston Street	north	From a point 1metre north of the southern property boundary of no. 3 Preston Street, northwards for a distance of 16metres
10	Queen Square	centre	From a point adjacent to the property boundary of nos. 9/10 Queen Square, southwards for a distance of 33metres
11	Queen Square	east	From a point 15 metres north of the northern kerbline of North Street, northwards for a distance of 18 metres
12	West Street	east	From a point adjacent to the property boundary of nos. 77/78 West Street, southwards to a point adjacent to the southern property boundary of no. 81 West Street
13	West Street	west	From a point opposite the property boundary of nos. 78/79 West Street, southwards for a distance of 25metres
14	Western Street	east	From a point 11metres south of the southern property boundary of no.37 Western Street, southwards for a distance of 16metres

Schedule 10 Part 2

Taxi Rank & Loading Bay

Item No	Street Name	Side of Road	Description
1	Western Road	North side	From a point 14.5 metres east of the eastern kerbline of its junction with Spring Street, eastwards for a distance of 14 metres.



Scale: 1/1250

Date: July 2008

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NORTH STREET
Mixed Priority Route Stage 2
Proposed Traffic Regulation Orders

Summary of objections and representations received to the North Street Road Safety Scheme Stage Two Advertised Traffic Orders and Notice

Who	Nature of Objection(s)	Officer's Response
	Proposed Ship Street One way southbound	
Resident	One way operation in Ship Street will impede cyclists and is contrary to DfT guidance and the results of the consultation	It is proposed to defer consideration of objections to the one way operation in Ship Street pending the outcome of the related review of the Ship Street measures/TRO by the Environment and Community Safety Overview and Scrutiny Committee.
Resident	One way operation in Ship Street will impede cyclists and is contrary to DfT guidance and best practice and the results of the consultation. No safety audit has been conducted on this option	It is proposed to defer consideration of objections to the one way operation in Ship Street pending the outcome of the related review of the Ship Street measures/TRO by the Environment and Community Safety Overview and Scrutiny Committee.
Brighton & Hove Friends of the Earth	One way operation in Ship Street will impede cyclists and is contrary to the results of the consultation. There has been no safety or cycle audit carried out on this option.	It is proposed to defer consideration of objections to the one way operation in Ship Street pending the outcome of the related review of the Ship Street measures/TRO by the Environment and Community Safety Overview and Scrutiny Committee.
Bricycles and CTC	One way operation in Ship Street will impede cyclists and is contrary to DfT guidance and the results of the consultation. The previous safety audit did not identify any problems with two way cycling in Ship Street.	It is proposed to defer consideration of objections to the one way operation in Ship Street pending the outcome of the related review of the Ship Street measures/TRO by the Environment and Community Safety Overview and Scrutiny Committee.
Ward Cllr	One way operation in Ship Street will impede cyclists and is contrary to DfT guidance. This proposal was not put forward in the consultation and is against the majority wishes of those who participated.	It is proposed to defer consideration of objections to the one way operation in Ship Street pending the outcome of the related review of the Ship Street measures/TRO by the Environment and Community Safety Overview and Scrutiny Committee.
Sustrans	One way operation in Ship Street will impede cyclists and is contrary to DfT guidance. This proposal was not put forward in the consultation. This option has not been safety audited.	It is proposed to defer consideration of objections to the one way operation in Ship Street pending the outcome of the related review of the Ship Street measures/TRO by the Environment and Community Safety Overview and Scrutiny Committee.
Resident	One way operation in Ship Street will impede cyclists and is contrary to DfT guidance. This proposal was not put forward in the consultation and is against the majority wishes of those who participated. This option has not been safety audited	It is proposed to defer consideration of objections to the one way operation in Ship Street pending the outcome of the related review of the Ship Street measures/TRO by the Environment and Community Safety Overview and Scrutiny Committee.
Brighton & Hove City Cycle Forum	One way operation in Ship Street will impede cyclists and is contrary to DfT guidance. This proposal was not put forward in the consultation and is against the majority wishes of those who participated. This option has not been safety audited	It is proposed to defer consideration of objections to the one way operation in Ship Street pending the outcome of the related review of the Ship Street measures/TRO by the Environment and Community Safety Overview and Scrutiny Committee.
Brighton & Hove Bus Company	This proposal was not put forward as an option in the consultation and runs counter to the aims of the scheme in that it will continue to encourage rat running through the area. The proposal will cause congestion and delays to Bus services. In conjunction with the raised table for pedestrians at the junction with North Street the southbound manoeuvre will give rise to pedestrian/vehicle conflict.	It is proposed to defer consideration of objections to the one way operation in Ship Street pending the outcome of the related review of the Ship Street measures/TRO by the Environment and Community Safety Overview and Scrutiny Committee.
Member of the Public	One way operation in Ship Street will encourage through traffic at speed increasing pedestrian accidents. This proposal was not put forward in the consultation.	It is proposed to defer consideration of objections to the one way operation in Ship Street pending the outcome of the related review of the Ship Street measures/TRO by the Environment and Community Safety Overview and Scrutiny Committee.
Ward Cllr	This proposal was not put forward as an option in the consultation and runs counter to the road safety aims of the scheme	It is proposed to defer consideration of objections to the one way operation in Ship Street pending the outcome of the related review of the Ship Street measures/TRO by the Environment and Community Safety Overview and Scrutiny Committee.

Who	Nature of Objection(s)	Officer's Response
Resident	One way operation in Ship Street will impede cyclists. This proposal was not put forward in the consultation. There are no compelling road safety reasons to propose changes at this junction. Any changes should be made as part of a comprehensive review of the Old Town area otherwise traffic could increase on adjoining roads.	It is proposed to defer consideration of objections to the one way operation in Ship Street pending the outcome of the related review of the Ship Street measures/TRO by the Environment and Community Safety Overview and Scrutiny Committee.
	Proposed Shared Loading and Taxi Bay in Castle Square	
Member of the Public	The street is already dominated by taxis and this area would be better used as part of a public square	The proposed shared area is intended to be used for loading during the day and by taxis at night. Adjoining premises have a requirement for loading facilities and there is a safety need to separate loading vehicles and through traffic. A night time overspill facility has been requested by the taxi trade in connection with the adjoining taxi rank in East Street to prevent obstruction by waiting taxis. Footways will be widened in the area to give more space for pedestrians. The proposal therefore forms an essential part of the overall scheme.