

Subject:	Valley Gardens Phase 3 (Royal Pavilion to Seafront) Results of public consultation and approval of Final Preliminary Design		
Date of Meeting:	7 February 2019		
Report of:	Executive Director - Economy Environment & Culture		
Contact Officer:	Name:	Oliver Spratley	Tel: 01273 290390
	Email:	oliver.spratley@brighton-hove.gov.uk	
Ward(s) affected:	St Peter's & North Laine, Queen's Park, Regency		

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

- 1.1 The council's adopted City Plan Part 1 (2016) identifies the Valley Gardens corridor as a Special Area (policy SA3). Valley Gardens Phase 3 is also a Local Transport Plan [LTP4] project planned to complete the final and southern-most section of a strategic sustainable transport corridor that will contribute towards the council's and city's economic growth, regeneration, planning, public realm and transport objectives.
- 1.2 In June 2018 this Committee approved the Phase 3 project development and delivery programme. As set out in the programme, following the completion of a thorough technical outline options appraisal, a preferred, single design option was presented to, and approved by this Committee (October 2018) for public consultation. The project's draft Business Case, required to secure, £6.0 million worth of Local Growth Fund money from the Coast to Capital [C2C] Local Enterprise Partnership [LEP] was approved by this committee in November 2018 and submitted to the LEP in December 2018. The C2C LEP Board approved the LGF Business Case for Valley Gardens Phase 3 (£6.0 million), 22 January 2019, subject to a funding agreement.
- 1.3 As agreed by this committee in October 2018, this report outlines the results of the Phase 3 preferred option public consultation. The questionnaire results are summarised in Appendix 1, and Appendix 2 summarises how responses from the stakeholder engagement have been taken into account when considering significant revisions to the preferred design option. As an outcome of the consultation and stakeholder review process, the proposed Final Preliminary Design shown in Appendix 3 of this report, firmly establishes the principles that will be incorporated into the project's next stage. Many other responses received will also be reviewed and considered during the detailed design stage.
- 1.4 Approval of the recommendations within this report will enable the project to progress to the detailed design stage, in line with the programme approved by this Committee in June 2018.

2. RECOMMENDATIONS:

- 2.1 That the Committee notes the results of the public consultation and stakeholder engagement on the preferred design option for the Valley Gardens Phase 3 project, as set out in Appendix 1 and Appendix 2 of this report.
- 2.2 That the Committee approves the Final Preliminary Design for the Valley Gardens Phase 3 project, as attached in Appendix 3 of this report, and agrees that it should be progressed to the detailed design stage which will include further public consultation and stakeholder engagement.
- 2.3 That the Committee agrees that officers progress design work for the proposed improvements to the A259/Duke's Mound/Madeira Drive junctions, in liaison with the council's Waterfront project team.
- 2.4 That the Committee authorises officers to procure professional services/contract(s) for the detailed design and construction stages of the Valley Gardens Phase 3 project, and notes that this authorisation will enable officers to procure and award either a design and build contract or separate contracts for the design stage and the construction stage, and notes that an update on these procurements will be provided to a future committee meeting.
- 2.5 That the Committee approves the revised design of the Marlborough Place - Edward Street junction, as shown in Appendix 3 of this report, which will supersede the design of the southernmost section of the Valley Gardens Phases 1&2 project agreed by this Committee in December 2017, and agrees that the design can be progressed to the detailed design stage and delivered as part of the current construction programme for Valley Gardens Phases 1&2.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 To achieve the project's agreed objectives, the main features of the preferred option which was agreed for public consultation by this committee in October 2018 include:
 - A simpler road layout with all general traffic to the east of the Steine Gardens
 - Controlled junctions that can be linked and managed to reduce congestion, and improve traffic flows and safety, including a new signalised junction at the A23/A259 junction by the Palace Pier to replace the current roundabout
 - A priority bus, taxi and coach 'loop' on the south and west of Old Steine
 - Improved crossing alignment for pedestrians and cyclists
 - Better connections to The Lanes and St James's Street
 - Creation of a new 350 metre two-way, segregated cycle lane
 - Creation of new public spaces in front of Royal Pavilion and Royal Albion Hotel
 - A revitalised Steine as an enhanced destination with new public spaces to support tourism, events and local commerce
- 3.2 The public consultation, stakeholder engagement and design workshop processes are explained in more detail in section 5 of this report. The design

process has also been supported by a Design:South East [D:SE] review panel to ensure independent project design quality assurance. The second design review panel was held in October 2018 to review the outline technical options appraisal framework methodology and the preferred option. The preferred outline option was unanimously supported by the panel of transport design and urban/landscape design experts as the best outline option through which to develop and achieve the project's objectives.

3.3 Summary results of the public consultation, stakeholder engagement and design workshops, are set out in Appendices 1 and 2 of this report. A full copy of a report of the results of the consultation questionnaire has been placed in Members' Rooms for further reference. The consultation resulted in nearly 830 responses from individuals, groups and organisations. Some examples of the analysis results show that:

- 55% or more respondents agreed with proposals to provide more direct walking routes and improve pedestrian crossing points;
- 52% or more respondents agreed with improved cycle routes and improved cyclist crossing points;
- 44% or more respondents agreed with proposals to improve getting on and off buses and getting to/from bus stops;
- people expressed concern about changes to the 'art deco' bus shelters, increases in anti-social behaviour, loss of space for buses, conflicts between pedestrians and cyclists, parking in the city centre, the loss of the 'Aquarium' (Palace Pier) seafront roundabout and associated increased delays for drivers, especially on the A259, and potential effects on the economy.

3.4 A number of the comments received with regards to possible design risks, such as those stating that new public spaces might attract anti-social behaviour, can be mitigated though detailed design stage. Design ideas provided by members of the public through the public consultation for developing the new public spaces will be reviewed and considered at detailed design stage, where there is scope to do so, and used to help inform the brief for the next stage of design. The design ideas for change of use for the 'art deco' bus stops will be used to help inform a feasibility study to be conducted by the council's Property & Design Team.

3.5 The responses received through the Public Consultation and stakeholder engagement have been taken into account and considered in relation to the projects core design objectives. The outcome of this process is a design revision specification being produced and used to develop the outline preferred option in to a proposed Final Preliminary Design. The principles of the revisions that are now proposed include:

- Creation of a new 280 metre south bound priority lane for buses, taxis and coaches
- Improved junction alignments to provide direct, convenient connections and more space for pedestrians and cyclists on the seafront promenade
- Improved east-west cycle connectivity across junctions, especially with the North Street area
- Improved north-south connections for cyclists and the realignment of the new north-south cycle lane

- Footpaths to create more direct links with North Street, The Lanes, St James's Street and the Seafront across the Steine Gardens
 - Indicative locations for blue badge holder and doctor parking bays and loading bays
 - Changes to improve the operation of the Marlborough Place – Edward Street junction which forms the interface between Phases 1&2 and Phase 3 of the Valley Gardens project, which will improve journey times for all vehicles and cyclists.
- 3.6 Other design changes to be included in the Final Preliminary Design are also summarised in Appendix 2. Consultation responses not specifically reflected in the revised plan relating to matters such as the detailing of landscape and public realm design, and other matters, will be carried over and explored during the detailed design stage. Two key requirements that have been identified in connection with the proposal to make the western end of Madeira Drive one-way are the need to manage the safe passage of large vehicles, such as coaches, onto and off the A259 via the Duke's Mound junction; and the need to review and alter the arrangements for the loading/unloading, parking and turning of vehicles in Madeira Drive.
- 3.7 It is proposed that improvements to the A259/Duke's Mound/Madeira Drive junctions will be delivered as a priority as part of the council's planned Enabling Works for the Waterfront project, which will be funded by LGF money already secured from the C2C LEP for that project. The current timeframe for this investment is the same as that for Phase 3, providing the opportunity to ensure that the works can coincide and be managed during the Phase 3 construction period. The design work will also take into account the need for other road-user movements in these locations such as walking and cycling.
- 3.8 Option appraisal work will be undertaken on the road layout of the western end of Madeira Drive between the Palace Pier and the Colonnade, in order to continue to enable current activities to occur within the one-way and two-way sections of Madeira Drive in this area, such as blue badge holder bays, loading/servicing, coach passenger pick-up and drop-off and arrangements for events, and will also consider other provision such as for taxi passengers.
- 3.9 Public consultation and stakeholder engagement feedback has also highlighted issues relating to a number of adjacent locations to the Phase 3 project area, such as Pool Valley, the full length of Madeira Drive, and St James's Street. These suggestions and ideas have been noted and will be retained for consideration as part of any respective future projects that may come forward in those locations in the future.
- 3.10 During the development of the preferred option for Phase 3, potential improvements to optimise the operation of the Marlborough Place – Edward Street junction (the interface with Phases 1&2) were identified. These will deliver journey time savings for all vehicles within the corridor and improved north-south and east-west cycle connectivity and it is proposed that this design, as illustrated in Appendix 3 of this report, is adopted and included in the current construction programme for Phases 1&2.
- 3.11 Subject to the approval of this report's recommendations, the detailed design stage will be further informed by the completion of a Stage 1 Road Safety Audit.

- 3.12 This Committee is being presented with the Final Preliminary Design of the Preferred Option so that it can consider and approve progression on to the detailed Highway Technical Design stage. The detailed Highway Technical Design will progress the detail of the highway design including detailed construction information such as construction depths, highway geometry confirmation, drainage, signage and street furniture plans and the highway dimensions required for Traffic Regulation Orders, in addition to further refinement of estimated scheme costs and construction phasing plans.
- 3.13 Subject to this committee's agreement, officers will finalise options for procurement of the professional services/contract(s) that are required for the detailed design and construction stages of the Phase 3 project. These will include either a design and build contract or separate contracts for the design stage and the construction stage. Once the most appropriate option has been identified, officers will begin the procurement process, engaging with the council's Procurement Advisory Board where necessary, and updates or decisions that are required will be reported to a future committee meeting.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 A robust, two stage options appraisal framework was used during the preliminary design stages of Phase 3 as planned and reported to this Committee, June, October, and November 2018. The single, preferred option was approved for consultation by this Committee in October 2018 and took into account the development of a longlist of 44 possible combinations of design options and a more detailed consideration of 4 specific designs and layouts.
- 4.2 This report and previous reports fully explain the processes that have been adopted, and the decisions made, to develop the project so far. This has included a full options appraisal of different options (including various combinations of design principles such as a roundabout or traffic signals at the A23/A259 junction, and the retention or closure of the road link next to the 'art deco' bus stops. The outcome of this work concluded that the preferred option (Option 1) worked more efficiently and best met the project's objectives. The public consultation and stakeholder engagement conducted to date has informed revisions to the preferred option, which are now included in the Final Preliminary Design, as shown in Appendix 3 of this report.
- 4.3 The council has also developed its programme to ensure that the LEP's requirements for LGF money to be spent by March 2021 can be met, and expect this to be further emphasised in the draft Funding Agreement that is issued by the LEP after a Business Case has been approved. Therefore, any significant delay would be a major critical risk to the project.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 An initial survey of people using the Phase 3 area was undertaken in early 2018 in order to elicit a better understanding of how the public regards the Phase 3 area in terms of how it currently performs. This information has helped to inform how the site area might be improved to support transport and travel movements

operation, and to help inform the development of accessible high quality public realm. The results were reported to this committee in June 2018.

- 5.2 Following this Committee's approval of the single preferred option in October 2018, a six week period of formal public consultation was conducted and completed on 25 November 2018. The public consultation included two static exhibitions held at Hove Town Hall Customer Services and Jubilee Library. Both of these exhibitions were staffed for three days, including a Saturday. During this period the council's consultation portal provided access to an electronic questionnaire as an alternative to using hard copy consultation forms and material. The consultation was supported by the council's communications team with a campaign that included extensive use of social media to promote the public consultation.
- 5.3 In addition to the public consultation, stakeholder engagement has been conducted with all key transport operators and representatives of user groups using collaborative themed design workshops. To support the design process for the preferred option, the project has also been presented to, and discussed by, The Connected City Transport Partnership to test and develop ideas.
- 5.4 Historic England, Brighton & Hove Conservation Advisory Board, and The Regency Society have also been consulted following the public consultation period. Supportive and constructive letters have also been provided by The Brighton Society and Friends of the Earth. Other meetings, engagement and design workshops include those held with Possability People to develop accessibility and equalities related improvements which will be ongoing through the detailed design stage. Brighton Experience has been engaged in relation to potential public art and wayfinding design opportunities. Meetings have also included those with local doctor's surgeries, solicitors, and Property Management companies, and retail businesses. Key Tourism Alliance members, and events management companies, Emergency services including Police, East Sussex Fire & Rescue Service, and South East Coast Ambulance Service have been engaged and further meetings will be held to ensure their views are fully taken into account during the further development of the scheme. As outlined above, letters of support and also those critiquing the outline preferred option have also been taken into account, and a number of representations about the project have been received by this committee expressing concern about particular aspects of the design and possible negative consequences on the city's economy.
- 5.5 Views shared by a number of business interests and stakeholders within the city have also been expressed stating that the consultation has not been adequate, that awareness of it was limited, and that the Preferred Option will have negative consequences for the city such as the potential impacts of the design on traffic flows, congestion and parking and servicing, for the city's visitor economy in particular. These views have been acknowledged and responded to where possible and a number of meetings have been held with groups and individual representatives in order to review and discuss them, and officers will ensure that any lessons learnt will be incorporated into future projects.
- 5.6 Internal consultation within the council has included City Parks, the council's Property and Design team to understand short, medium, and long-term access requirements to council freehold property, and the Events Manager. The

Equalities Team have been regularly consulted during the process to ensure that the project objectives are realised to support protected groups' access to the seafront - for example, at the seafront junction.

- 5.7 The results of the public consultation questionnaire on the preferred option agreed by this committee are summarised in Appendix 1 of this report, and these have been used to inform revisions to the outline preferred single option design. Changes resulting from stakeholder workshops are outlined in Appendix 2. The revision of the plan based on the consultation process outcomes sets out the final design principles for the project which have been developed into a Final Preliminary Design for the project, which is illustrated in Appendix 3 of this report.
- 5.8 Further consultation and stakeholder engagement is planned to be undertaken during the detailed design stage and will also form part of the Traffic Regulation Order process to enable construction.

6. CONCLUSION

- 6.1 Overall, the responses to the consultation have been generally favourable and constructive and indicate clear support for the majority of the proposals included in the design. Views have also been expressed stating that some people are against the proposals, or that it is not required or that it is not considered to be a priority.
- 6.2 As outlined in this report, the preferred option has been significantly improved following public consultation and internal and external stakeholder and partner engagement, resulting in the recommended Final Preliminary Design. Further improvements and optimisation of Phase 3 scheme development and the integration with Phases 1&2 will be achieved through the progression of Phase 3 to detailed design.
- 6.3 The enhanced plan and design promotes the development of a sustainable integrated transport corridor combined with new public realm. This plan supports and promotes the regeneration of Old Steine in line with the council's adopted City Plan policy for the area that affords a revitalised setting for heritage assets including the Steine Gardens, Royal Pavilion and Royal Albion Hotel, and addresses the aims and objectives of both the council's and C2C LEP's strategies and policies.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications

- 7.1 The current budget expected to be available for the project to the end of 2020/21 has previously been reported as £7.25m. This includes £6.0m worth of Local Growth Funding [LGF] grant agreed by the Coast to Capital [C2C] Local Enterprise Partnership [LEP] Board's decision on the council's Business Case on 22 January 2019); and a committed local contribution of £1.25m as the LEP requires a local authority to provide a local funding contribution which is at least 15% of the project cost. £1.25m is therefore above the minimum sum that the council should commit to, based on the £6.0m LGF figure. This sum can come from a number of funding sources within the Local Authority including the Local

Transport Plan capital programme, Section 106 contributions, revenue income contributions or any other budgets or sources that may be considered appropriate.

- 7.2 Within the Business Case submitted to the LEP for its consideration and approval on 22 January, the estimated total project cost estimate for the Preferred Option is currently £7.840m (pre-tender value) which includes adequate contingency sums to cover design, construction and inflation. Assuming that the council cannot access greater than £6.0m worth of LGF, this means that the local funding contribution would need to be increased to £1.840m in order to meet the LEP's requirements for allocating Local Growth Fund [LGF] money. Within the Business Case, it is acknowledged that the council has provisionally allocated £1.250m to fund the local contribution towards the capital costs of the project. It proposes that the estimated, additional £0.590m that may be required as a local contribution for a £7.840m scheme will initially be expected to be sought from private-sector developer contributions via the Planning process. These could include existing sites or those that come forward in the future and include the costs of works secured through legal ('Section 106 and 278') agreements. Alternatively, Community Infrastructure Levy [CIL] fees could be used, subject to the CIL process and future council decisions on that matter.
- 7.3 As is the case with many major projects, costs can change as the project progresses and designs are developed and refined, and consultation results are taken into account. The amount of the council's local contribution for this project, and its sources, will need to be refined through the detailed design phase and be confirmed as part of the council's annual budget setting and regular TBM monitoring and management processes. The next key stage will be to revise the cost estimate for the design layout within the proposed Final Preliminary Design.
- 7.4 A sum of £0.200m has been included within the 2018/19 Local Transport Plan [LTP] capital programme for Preliminary Design and is sufficient to cover the cost of the work which will have been completed during this financial year. Subject to the decision made by this committee on the Final Preliminary Design, any further proposed contributions that could be required from the 2019/20 LTP capital programme will be included in the March 2019 Policy Resources & Growth Committee report.
- 7.5 The additional design costs for the revised Marlborough Place – Edward Street junction will be funded from within the budget allocated to Phase 3. The costs of construction will be funded from within the budget allocated to Phases 1&2, subject to possible changes to the works contract. The works to the A259/Duke's Mound/Madeira Drive junctions have been discussed with council's Major Projects Team and consideration is being given to fund these from the £12.1m LGF allocation as part of the overall Waterfront Project Enabling Works project.

Finance Officer Consulted: Rob Allen

Date: 21/02/2019

Legal Implications

- 7.6 The proposed Phase 3 project will be planned and constructed within the existing highway boundary and within land owned by the council. Advice will need to be sought as to whether any of the detailed design proposals will require planning permission.

- 7.7 Release of the LGF to the council is subject to a funding agreement between the council and the LEP that will be drawn following the LEP's approval of the LGF allocation of £6.0 million to the council at its 22 January 2019 Board meeting.
- 7.8 The council will need to conduct the procurements referred to in the recommendations in compliance with its Contract Standing Orders and the Public Contracts Regulations 2015. In the event that a contract is over the threshold (£4,551,413 in the case of a public works contract) then the council will publish a notice in the Official Journal of the European Union.

Lawyer Consulted: Elizabeth Culbert

Date: 28/01/2019

Equalities Implications:

- 7.9 An Equalities Impact Assessment (EqIA) has been drafted and is attached in Appendix 4. As outlined in the EqIA the design workshop with Possability People in October 2018 has been used to inform the revision of the preferred option (Appendix 5). Internal workshops with Equalities and Accessibility officers have taken place.
- 7.10 The workshops raised a number of points related to the existing environment and recognised the opportunity that the Phase 3 project presents to significantly improve the environment for protected groups across the Old Steine and access to the seafront. Attendees at the workshop supported features included in the outline preferred option such as direct crossing points on the seafront junction and wider footways generally. Aspects of the preferred option that could potentially be improved include increased blue badge holder parking bays; segregated facilities for cyclists; and avoiding use of 'floating bus stops' if possible. The proposed location of some street furniture and trees would also create obstructions for some disabled people, and the plan does not show enough seating opportunities.
- 7.11 In response to these comments, the revised plan now includes an increase in blue badge holder parking bays. The revised option now shows connected segregated cycle paths throughout the corridor with further detail to be finalised throughout the plan at junctions in the next stage of design. Matters such as seating and street furniture will be dealt with in more detail and finalised during the detailed design stage and will be informed by further workshops with Possability People and other representative groups.
- 7.12 Further consultation and collaborative design will be conducted at the detailed design stage.
- 7.13 The scheme aims to provide an inclusive and accessible space by:
- Improving access for mobility impaired users
 - Improving access for visually impaired users
 - Providing connectivity between green / public spaces
 - Providing wide unobstructed footways
 - Improving access to the seafront
 - Providing / maintaining access to essential services
 - Providing opportunities for resting and seating

Sustainability Implications:

- 7.14 The main aim of this city centre project is to help regenerate the Valley Gardens corridor by designing an integrated, safe and sustainable transport corridor, as set out in the council's LTP4 and City Plan Part 1 (Policy SA3).
- 7.15 The Core Design Objectives include supporting interventions to improve people's travel experiences, which is integral to promoting and supporting sustainable communities, and sustainable business opportunities.

Any Other Significant Implications:

Crime & Disorder Implications:

- 7.16 The city's SAG (Safety Advisory Group) has been consulted and primary contacts established for future engagement including all emergency services. The detailed highway and public realm design will aim to mitigate the risk of crime and anti-social behaviour as part of the later detailed design stages.

Risk and Opportunity Management Implications:

- 7.17 A risk register is maintained at project and at project board level. The project is being contained within its original geographic extents to maintain the project programme schedule and minimise any additional impacts on the projects resource levels. All opportunities will continue to be explored directly with the relevant key stakeholders and explored further through the next stage of design. Road Safety Audits will be carried at the appropriate stages of the continuing design. The committee decisions sought in this report are required to ensure that there is no delay to the project programme. Any significant delay would be a critical project risk in terms of financing the project given the need to drawdown the LGF funding by end of March 2021. The final budget for the scheme will be finalised following the drafting of a funding agreement with the C2C LEP.

Public Health Implications:

- 7.18 The aim of the project is to develop an integrated, sustainable transport corridor which includes new infrastructure to support and increase active travel. Increased pedestrian and cycling movements across and through this city centre corridor are key and achievable outcomes to increase positive health outcomes and to improve air quality. The scheme will include future proofing infrastructure for electric charging points for all vehicles where there is scope to do so, to promote cleaner travel.
- 7.19 Noise and air quality records have been compiled as part of the project's evidence base for monitoring outcomes aligned to the developing Benefits Management Plan and project evaluation and were included in the BC submitted to the LEP. A new air quality monitor has been installed this summer on the east of the Steine. Measures will be included at the detailed design stage that support and encourage smoother flowing driver behaviour where possible, to reduce emissions associated with public health issues.

Corporate / Citywide Implications:

- 7.20 The Benefits Management Plan included in the BC submitted to the LEP captures all council and stakeholder/partner service interests to ensure continuity and, wherever possible, improvements in service delivery. Benefits will be monitored following project construction. A review of City Clean operations, infrastructure and access requirements, will also be integral to the ongoing design process.

SUPPORTING DOCUMENTATION

Appendices:

1. Valley Gardens Phase 3 Preferred Single Option Public Consultation Report Summary
2. Summary of significant proposed revisions to preferred option
3. Valley Gardens Phase 3 Final Preliminary Design plan (including Marlborough Place - Edward Street junction revision)
4. Valley Gardens Phase 3 Draft Equalities Impact Assessment
5. Valley Gardens Phase 3 Equalities Workshop Summary
6. Minute Extract Item 41- Valley Gardens Phase 3- (Royal Pavilion to Seafront) Approval of Business Case from the Environment, Transport & Sustainability Committee meeting held on 27 November 2018

Documents in Members' Rooms

1. Valley Gardens Phase 3 Preferred Single Option Public Consultation Full Report

Background Documents

1. Valley Gardens Phase 3 Public Consultation material
2. Valley Gardens Phase 3 Public Consultation Stage 1 report (July 2018)
3. Local Transport Plan [LTP4] (2015)
4. City Plan Part 1 (2016)
5. C2C LEP Strategic Economic Plans
6. 2013 Valley Gardens Concept Design
7. Approved Scheme for Valley Gardens Phases 1&2
8. Report and minutes : June 2018 ETS Committee - Agenda item 7: Valley Gardens Phase 3

9. Valley Gardens Phase 3 - Stage 1 Report : Preliminary Design Approach (August 2018)
10. Valley Gardens Phase 3 - Stage 2 : Options Development and Assessment Summary (Technical Note, Aug 2018)
11. Report and minutes : October 2018 ETS Committee – Agenda item 29: Valley Gardens Phase 3 – (Royal Pavilion to Seafront) Approval of preferred option for consultation and further development
12. Report and minutes : November 2018 ETS Committee – Agenda item 45: Valley Gardens Phase 3 – (Royal Pavilion to Seafront) Approval of outline Business case