

# Brighton & Hove City Council

## Transport & Sustainability Committee

## Agenda Item 29

**Subject:** A23 Phase 1 Active Travel Scheme - TRO-26-2023

**Date of meeting:** 3 October 2023

**Report of:** Executive Director Economy, Environment & Culture

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**Ward(s) affected:** Preston Park

**For general release**

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

1.1 This report seeks committee approval for the making of a Traffic Regulation Order (TRO) for the Active Travel Funded A23 Phase 1 Walking, Cycling and Accessibility Improvement scheme (A23 Active Travel Scheme). It outlines the results of the TRO consultation as required for alterations to the Public Highway for implementation.

1.2 Central government released their 'Gear Change' vision document in July 2020 setting out the national ambition to make walking, wheeling and cycling the natural choice for short journeys, or as part of a longer journeys. This was accompanied by Local Transport Note 1/20 (LTN 1/20) which sets out a step change in how Local Authorities must deliver cycling improvements. These three policy documents have been utilised when designing the proposed improvements along with feedback from residents, businesses and stakeholder groups

### 2. Recommendations

2.1 That the Committee, having taken account of all duly made representations and comments, agrees that TRO-26-2023 is approved and can proceed to implementation stage for Parking Permit Zone J changes only, with the amendments to the Parking Permit Zone Q arrangement, as detailed at Section 4.3 and Appendix 3 being pursued by officers under a future TRO.

2.2 That the committee delegates authority to officers to commence the A23 Active Travel Scheme Phase 1 (Phases 1a and 1b) to the construction phase and to procure the Works Contract under the authority of the Executive Director, subject to available funding.

### 3. Context and background information

3.1 The A23 Active Travel Scheme is being delivered with the Department for Transport's (DfT) Active Travel Fund (ATF). This scheme forms part of the Tranche 2 Active Travel Fund. This project aims to introduce permanent

alterations to the highway to improve access and encourage active and inclusive travel such as walking, wheeling and cycling. The scheme will also provide benefits for other sustainable transport options including bus users whilst also providing safety improvements for all road users, including motor vehicles.

- 3.2 Of the £2.367m funding provided by the DfT for Tranche 2 of the ATF, £909,000 has been allocated to the A23 Active Travel Scheme. Further funding has also been secured from Section 106 developer contributions and the Council's Local Transport Plan capital budget.
- 3.3 The A23 is a key strategic transport corridor for sustainable travel, identified in the Local Cycling and Walking Infrastructure Plan as priority route 4 and is part of the National Cycling Network (NCN 20).
- 3.4 In addition, the Council has committed to being net carbon neutral by 2030, the Carbon Neutral Programme identifies the transport sector for the largest share of the required cut in carbon emissions in the City and includes a key action to develop a public realm which enables active travel.
- 3.5 The citizens' Climate Assembly, held in autumn 2020, noted a representative group of residents' own recommendations for improvement. This included 'cyclists should be prioritised over cars through well designed cycle networks that are safe and practical for day-to-day use as well as leisure' and the 'creation of healthier low traffic/pedestrianised communities'.
- 3.6 At the Special Environment Transport and Sustainability (ETS) Committee meeting held on 18 December 2020 the Committee agreed to progress work on the five schemes presented in the 'Emergency Active Travel Fund – Tranche 2 Transport Schemes and Plans for Consultation' Report, of which the A23 Active Travel Scheme was included.
- 3.7 In February and March of 2021, a six-week citywide public consultation was undertaken and the results were reported back to ETS Committee on 2 July 2021, along with preliminary designs for the A23 as part of the 'Active Travel Fund' report.
- 3.8 The Committee agreed to the preliminary design for the A23 Active Travel Scheme and instructed officers to undertake further public consultation and return to a future ETS Committee with detailed design recommendations on the scheme.
- 3.9 During the preliminary design stage, the scheme was separated into three phases;
  - Phase 1 – The junction of Preston Road (A23) & Argyle Road to the junction of Preston Road (A23) & Cumberland Road
  - Phase 2 – The junction of London Road (A23) & Cumberland Road to the junction of London Road (A23) & The Deneway
  - Phase 3 – The junction of London Road (A23) & The Deneway to just south of the junction of London Road (A23) & Mill Road.

- 3.10 Officers undertook further consultation with residents, businesses and stakeholders from October to December 2021 and results were presented at ETS Committee in March 2022. This included a recommendation that the committee approved the A23 Phase 1 design as presented and officers could subsequently proceed with advertising the associated TRO.
- 3.11 A final round of engagement took place across Spring 2023 and this meaningful stakeholder feedback was incorporated, where possible, into the final design for A23 Active Travel Scheme Phase 1.
- 3.12 Following the final design process, due to affordability, Phase 1 has been split into two further phases: 1a and 1b. Phase 1a encompasses Argyle Road to north of the Stanford Avenue junction and Phase 1b encompasses north of the Stanford Avenue junction to south of the Preston Drove junction. The scheme will be progressed in chronological order with current funding priority given to Phase 1a. Phase 1b will be progressed if future funding becomes available. Current design drawings can be seen at Appendix 5.
- 3.13 To enable the scheme delivery, TRO-26-2023 was advertised to enable legal enforcement of the proposed changes to parking and waiting restrictions within the scheme boundaries. The TRO was advertised from 19 May 2023 for a period of 21 days. Details of the advertised order can be seen in Appendix 1.

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

- 4.1 The main alternative option would be to not approve the TRO. This would risk the effective progression of the scheme and implementing changes as requested in the TRO comments would jeopardise the potential to achieve an LTN 1/20 compliant scheme, which is a funding requirement. Moreover, this would be contrary to the wishes of the local businesses, active travel forums and others in the area who have been supportive of this measure when engaging with the Council.
- 4.2 Further to analysis of the responses received to TRO-26-2023, consideration has been given to amend the proposal for Zone Q changes on Dyke Road Drive. Officers therefore propose not proceeding with the original changes proposed on Dyke Road Drive under TRO-26-2023 and instead implementing the revised arrangement that can be seen at Appendix 3 via a future TRO.
- 4.3 The revised proposal has been developed following feedback received from local businesses. Notably that there is the need for additional disabled parking provision for patients receiving treatment at the denture specialist clinic on the corner of Dyke Road Drive and Preston Road (Parking Permit Zone Q). This revised arrangement provides more space for all road users on the approach to the junction.
- 4.4 The second most common response theme related to a perception that the cycle lane was not continuous at the Dyke Road Drive junction. This is not correct and officers provided further explanation to these respondents that

priority is continuous for those using the cycle lane across Dyke Road Drive. As these comments are not related to the proposed changes advertised under the TRO they are not considered relevant.

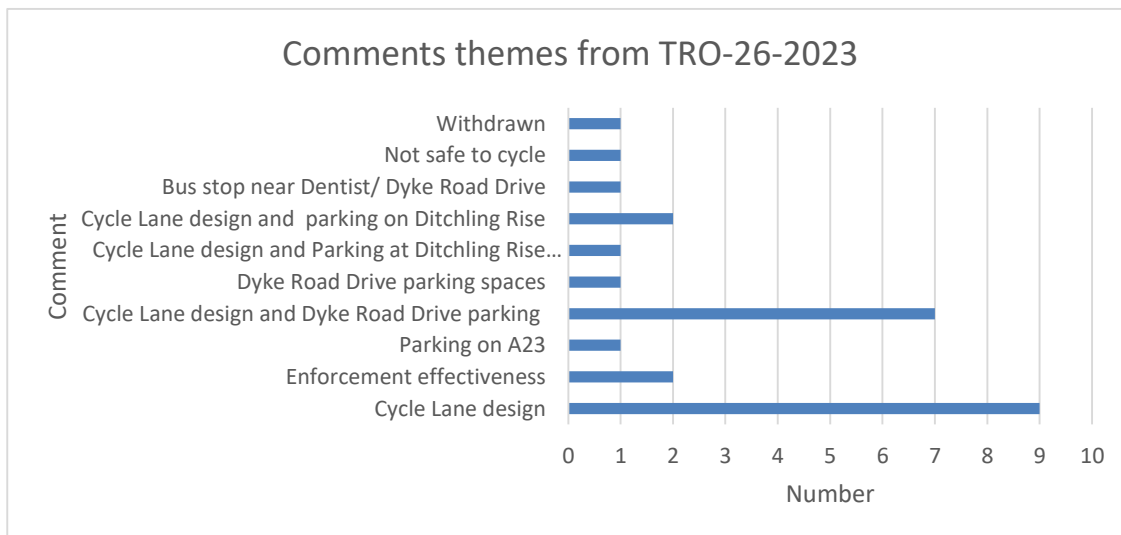
4.5 Parking revenue implications have been analysed and if TRO-26-2023 is implemented, with the proposed Dyke Road Drive amendments as per Appendix 3, officers estimate the parking income will generate an increase in income of over £260 gain per year, compared to the current arrangement. If only Parking Permit Zone J changes are implemented then officers estimate the parking income will generate an increase in income of over £70 gain per year, compared to the current arrangement.

## 5. Community engagement and consultation

5.1 TRO-26-2023 was advertised on 19 May 2023 for 21 days. The Notice was advertised in the Brighton Argus, available to view and comment online and notices put up at the affected locations. Officers also engaged with several stakeholders who provided comments during the 21-day advertisement period.

5.2 In total 25 responses were received to the TRO consultation. Including 22 objections and 3 comments of support. A summary of the comment key themes is included below at Figure 1, full comments can be seen at Appendix 2.

**Figure 1. comment themes**



5.3 Of the 22 objections received most were related to the cycle lane design, as the TRO did not advertise cycle lane design for comment, these comments are not considered relevant to the principle of the TRO itself. Moreover, although 22 objections were received 82 % [18] stated in their comment that they support the scheme in principle.

5.4 The secondary common theme was objection to the proposed arrangement of the new parking bays on Dyke Road Drive. Objections noted a perception

that this arrangement would push cyclists into the middle of the lane on the eastbound approach and that enhanced disabled bay provision was required to serve the patients receiving treatment at the denture specialists on the corner of Preston Road and Dyke Road Drive. An alternative solution addressing the Dyke Road Drive concerns is detailed at Section 4.2 of this report.

- 5.5 The next two main concerns relate to objections to the parking bay proposal on Ditchling Rise and enforcement effectiveness. The proposed Ditchling Rise arrangement proposes one 'shared' Pay and Display and Permit Holder net increase and conversion of three current Permit Holder bays to 'shared' Pay and Display and Permit Holder bays; this has been done to mitigate potential loss to parking revenue resultant from the full TRO proposal. Enforcement effectiveness concerns are noted and the potential future 'Red Route' scheme along this route is anticipated to enhance the council's enforcement capabilities.

## **6. Conclusion**

- 6.1 TRO-26-2023 was advertised following due process and representations considered. Officers recommend that the provisions of the TRO for Parking Permit Zone J are made permanent and the proposed amendments to the Parking Permit Zone Q are pursued under a future TRO, as set out in Section

## **7. Financial implications**

- 7.1 The costs associated with the recommendations of this report will be contained within existing approved capital budgets. The capital budget of this project will be funded by DfT's ATF Tranche 2, S106 developer contributions and the council's Local Transport Plan capital budget. The Active Travel Fund Tranche 2 grant of £2.376m is funding various schemes of which the whole A23 Active Travel Scheme has been earmarked with £0.909m funding from this grant. Any significant variations to budget will be reported as part of the council's monthly budget monitoring process.
- 7.2 The TRO includes removal and changes to parking bays resulting in a negligible increase in income. This will have a small positive impact on parking income, though any significant variations to budget will be reported as part of the council's monthly budget monitoring process.

Name of finance officer consulted: John Lack    Date consulted: 18/09/2023

## **8. Legal implications**

- 8.1 The Council regulates traffic by means of orders made under the Road Traffic Regulation Act 1984. The procedure for making such orders is contained in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 which require public notice of proposed orders to be given and for the relevant documents to be placed on deposit for public inspection. Any person may object to the making of an order. The Council's Constitution provides that decisions on TROs are made by the Transport & Sustainability

Committee where there are either six or more unresolved objections or the matter has been called in.

Name of lawyer consulted: Katie Kam      Date consulted: 14/09/2023

## **9. Equalities implications**

- 9.1 An Equalities Impact Assessment has been carried out and approved, see Appendix 4.

## **10. Sustainability implications**

- 10.1 The report recommendations in the context of the wider Active Travel scheme will have a positive impact on sustainable travel and transport. The measures will improve the transport network for sustainable modes of transport by reallocating road space and enhancing pedestrian infrastructure. This will give opportunities for more people to switch to low carbon modes of transport from single occupancy cars.

## **11. Other Implications**

### **Public health implications:**

- 11.1 Enabling greater uptake of active travel across the City will provide both short and long-term benefits to the mental and physical health of residents. This approach supports the implementation of the Brighton & Hove Health and Wellbeing Strategy.

## **Supporting Documentation**

### **1. Appendices**

1. TRO-26-2023
2. TRO comments
3. Proposed Zone Q Dyke Road Arrangement for TRO amendment
4. A23 Phase 1 Active Travel Scheme Equalities Impact Assessment
5. A23 Phase 1 Active Travel Scheme Design Drawings

### **2. Background documents**

1. [Local Cycling and Walking Infrastructure Plan \(LCWIP\)](#)
2. [Emergency Active Travel Fund – Tranche 2 Transport Schemes and Plans for Consultation – ETS Report 18 December 2020](#)
3. [Active Travel Fund – Special ETS Report 21 July 2021](#)
4. [A23 Active Travel Scheme – Phase 1 – ETS Report 15 March 2022](#)