

Brighton & Hove City Council

Cabinet

Agenda Item 57

Subject: Update Report on Western Road Resurfacing Works and Red Route

Date of meeting: Thursday, 17 September 2026

Report of: Corporate Director Operations

Lead Officer: Name: Corporate Director- Operations

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Wards affected: Brunswick & Adelaide; Regency;

Key Decision: Yes

Reason(s) Key: Is significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions (wards).

For general release

1. Purpose of the report and policy context

- 1.1 On 20 March 2025 Cabinet approved the design and implementation of a Red Route in Western Road between Holland Road and Montpelier Road. This report seeks permission to proceed with the Experimental Traffic Regulation Order (ETRO) for Western Road and requests that Cabinet notes the need for resurfacing programme for this section of Western Road. This is aligned with the Council Plan objective to 'Make it easier for people to move around the city'
- 1.2 The Council has subsequently received a Pre-Action Protocol letter and responded, both letters are included in Part 2 of the report. This report provides Cabinet with more detailed information about the primary aim of the scheme, to reduce congestion and improve bus reliability along this key transport corridor. Cabinet is also asked to note the considerations made with reference to the issues highlighted in the Pre-Action Protocol letter and is seeking a fresh new decision from Cabinet in light of this additional information.

2. Recommendations

- 2.1 Cabinet notes the issues raised in the Pre-Action Protocol (PAP) correspondence, the updated Equality Impact Assessment, and the nature and scope of the proposed monitoring in relation to the primary aim of the scheme. The primary aim or purpose of the scheme is to reduce congestion

in the area to allow for improved bus reliability during the experimental period.

- 2.2 Cabinet agrees to the implementation of the Experimental Traffic Regulation Order for Western Road between Holland Road and Montpelier Road should proceed, having reviewed this additional information.
- 2.3 Cabinet notes the resurfacing programme for this section of Western Road.

3. Context and background information

Resurfacing Works

- 3.1 The council is progressing a major carriageway reconstruction and resurfacing scheme on Western Road between Holland Road and Montpelier Road. The scheme is required due to the condition of the existing carriageway and will involve substantially more work than a conventional resurfacing project, including excavation and reconstruction of the underlying road structure together with associated drainage and highway works.
- 3.2 The route is one of the city's busiest transport corridors, carrying significant volumes of traffic, public transport, deliveries and pedestrian activity. The works will result in a much more durable surface and reduce the need for future repairs.
- 3.3 Ground investigations and trial holes are being undertaken to confirm the existing road construction and inform the final engineering design. Subject to the completion of the necessary approvals and permits, construction is currently programmed to commence on 28 September 2026 and is expected to take approximately 45 days.
- 3.4 Delivering the scheme before the winter period will help prevent further deterioration of the carriageway and reduce the need for reactive maintenance.
- 3.5 Due to the scale of the reconstruction, significant traffic management arrangements will be required during construction. Detailed planning is underway with key stakeholders, including public transport operators, to minimise disruption and maintain access wherever possible.

Red Routes

- 3.6 In April 2024 Red Routes were introduced in London Road, Preston Road and Lewes Road primarily to improve bus services and tackle anti-social parking along key routes into and out of the city.
- 3.7 Monitoring of those routes has noted improvements in bus reliability as a result of reduced congestion and reductions in bus passenger injuries and reductions in road traffic collisions.

- 3.8 Bus journey times and network reliability can be adversely affected by vehicles stopping on double yellow lines and by loading activity occurring in unsuitable locations.
- 3.9 On 20 March 2025 Cabinet approved the design and implementation of a Red Route in Western Road between Holland Road and Montpelier Road.
- 3.10 On 26 May 2026 the Cabinet Member for Transport & City Infrastructure approved the implementation of an Experimental Traffic Regulation Order (ETRO) for the scheme, following completion of the detailed design process and public engagement.
- 3.11 The proposed Red Route introduces dedicated loading bays, disabled parking provision and camera-enforced double red line restrictions intended to improve the movement of traffic while maintaining access to businesses and services. Camera enforcement is not an automated process and PCNs are not issued automatically. Trained Enforcement Officers actively monitor restrictions, review any potential contraventions and capture evidence. Before a PCN is issued, the recorded evidence is reviewed and verified by a second authorised officer to ensure the contravention has been correctly identified and that sufficient evidence exists to support enforcement action. Western Road is one of the busiest transport corridors in the city and accommodates a high frequency of bus services alongside significant retail, hospitality, servicing and pedestrian activity.
- 3.12 The ETRO process enables the Council to monitor impacts in real-world conditions and make amendments where appropriate before any decision is made regarding the introduction of a permanent Traffic Regulation Order.
- 3.13 Following publication of that decision, the Council received Pre-Action Protocol (PAP) correspondence included in Part 2 of this report from representatives of the Western Road Community Group challenging the proposed implementation of the ETRO, A summary of the issues raised can be found in appendix 5
- 3.14 The Council instructed external Counsel and issued a formal response to the matters raised in that correspondence.
- 3.15 This report updates Cabinet on the issues raised through the PAP process, provides an update on equalities and implementation arrangements and seeks approval to proceed with the Experimental Traffic Regulation Order.

Statutory Purposes

- 3.16 The proposed measures will be implemented through an Experimental Traffic Regulation Order (ETRO), which allows the scheme to operate for up to 18 months, with a statutory six-month period following implementation during which formal objections and representations can be submitted and considered before any decision is taken on whether the measures should be made permanent. The ETRO is made under section 9 Road Traffic

Regulations Act for purposes under s1 Road Traffic Regulations Act 1984 only. Specifically, to reduce congestion created by long term parking issues and thereby improve bus journey times through this critical bus corridor through which up to 700 buses per day travel in both directions). Evidence of the congestion is demonstrated by the number of calls received by our enforcement contractor (almost one per week) complaining about large numbers of vehicles parked on double yellow lines in this short stretch of road and requesting that immediate enforcement action be taken. This is despite one of the highest rates of on foot enforcement visits in the city with a total of 705 visits from April 2026 to the beginning of August 2026.

- 3.17 As explained in 6.2 of this report the cost to the authority of addressing this long running congestion issue and thereby improving bus reliability includes the provision of additional staff and associated costs which largely outweighs any potential incidental income in the longer term. The objective is to improve compliance with the restrictions and improve traffic flow. Experience with previous red routes and other enforcement schemes has followed a similar pattern.
- 3.18 The budgeted provisional assessment of additional net income that would be raised is £50k from the introduction of this scheme. This should be viewed in the context of the overall council parking surplus from permits, enforcement, on street parking etc. of £22.5m in 2024-25 (see published parking annual report). The PAP Letter has (incorrectly) argued that a dominant purpose of the proposed scheme is to raise revenue. For the reasons set out in this report that is not correct, but the historical matters that letter relies upon to support a suggestion that now the dominant purpose remains revenue raising are dealt with further in appendix 6. The proposals include an approach that when enforcement commences a minimum of a two-week period of warning letters followed by a two-week period of non-enforcement will alert any habitual illegal parking

Section 122 Road Traffic Regulation Act 1984 Balancing Duty

- 3.19 In exercising its powers under the Road Traffic Regulation Act 1984, the Council must, pursuant to section 122, secure the expeditious, convenient and safe movement of vehicular and other traffic, including pedestrians, whilst having regard to factors including access to premises, local amenities, the effect on the wider road network and environmental considerations. Officers have reviewed the Western Road Experimental Traffic Regulation Order (ETRO) proposal against those statutory requirements. The general need to and benefits of enhancing bus provision through faster, more reliable, and safer services is well established in national guidance running from Bus Back Better in 2021 to current 2026 guidance, as well as through the BSIP adopted by the Council in 2021 and the 2025 refresh. It should be noted that Brighton & Hove is recognised as having one of the highest per person levels of bus use in England, outside London.

Road Safety Evidence

- 3.20 The Council acknowledges that Western Road has different characteristics to those corridors where Red Routes have previously been introduced in the city and that collision data does not identify incidents specifically attributable to vehicles loading or stopping at the kerbside. However, the objectives of the proposed ETRO are not limited solely to collision reduction. The scheme is intended to improve bus reliability, reduce congestion, improve traffic flow and address obstructive stopping activity on a corridor that accommodates high levels of bus movements, servicing activity, pedestrian activity and general traffic.

Whilst the Council has considered evidence from existing Red Routes elsewhere in the city, officers do not rely on those outcomes as direct predictors of the impacts on Western Road. Rather, they provide evidence that Red Route interventions are capable of delivering transport and road safety benefits in heavily trafficked urban corridors. The purpose of the ETRO is to establish whether those benefits can be achieved in the specific circumstances of Western Road and to gather corridor-specific evidence before any decision is taken regarding a permanent order. Given the significant reduction in collision data in previous red route schemes it does appear reasonable to assume that reducing congestion through providing dedicated bays could have a positive effect in Western Road.

Ability of the Scheme to Achieve its Objectives

- 3.21 The Council acknowledge that the proposed scheme does not prohibit all stopping activity along Western Road. The scheme includes bus stops, loading bays and disabled bays in order to maintain access to businesses, services and public transport.

The purpose of the scheme is therefore not to eliminate all stopping activity or all potential hazards. Rather, it is intended to manage kerbside activity within designated locations and reduce instances of obstructive or inappropriate stopping that contribute to congestion and delay. Reducing unregulated stopping activity whilst maintaining controlled provision for essential uses is consistent with the Council's duties under section 122 and represents a proportionate approach to balancing competing demands on limited highway space.

Footfall Evidence

- 3.22 It is recognised that changes in footfall are influenced by a wide range of factors including economic conditions, seasonal variation, development activity, weather and wider changes in travel behaviour. It is therefore not possible to attribute any change in footfall solely to the introduction of a Red Route.

For this reason, there is no reliance on claims that a Red Route will necessarily increase footfall on Western Road. Rather, evidence from other corridors indicates that slightly increased footfall has occurred following implementation of Red Routes, although the precise contribution made by

the schemes cannot be isolated. Footfall impacts remain uncertain and will require monitoring as part of the experimental period.

Air Quality Evidence

- 3.23 It is recognised that air quality outcomes are similarly affected by a range of factors, including traffic composition, vehicle technology, wider transport trends and background environmental conditions, as well as a potential reduction in engine idling.

Red Routes alone are not necessarily responsible for changes in air quality observed elsewhere in the city. However, reducing unnecessary congestion and improving traffic flow are generally recognised as factors capable of contributing to improved air quality. The evidence available from existing corridors provides some indication of potential benefits, but the specific effects on Western Road cannot be determined in advance and should therefore be assessed through the monitoring arrangements associated with the ETRO.

Economic Impacts

- 3.24 The importance of Western Road as a significant retail, leisure and commercial destination is acknowledged and concerns regarding potential impacts on independent businesses, servicing activity and customer access are noted.

The scheme has been developed with regard to these considerations through engagement with businesses, site assessments and review of loading requirements. It is recognised that Western Road contains a concentration of businesses that rely on front-of-premises servicing and that the corridor differs from some other locations due to limited rear servicing opportunities. The provision of new loading bays supports continued accesses to businesses for servicing.

These factors are of significance within the section 122 balancing exercise. However, they are balanced against the objectives of improving bus reliability, reducing congestion and improving traffic flow along one of the city's busiest transport corridors in line with the Council Plan objective of 'Making it easier for people to move across the city'. The ETRO process has been selected specifically because it enables economic impacts to be monitored in operation and allows adjustments to be made if evidence demonstrates that modifications are required. As with previous red routes footfall will be monitored during this experimental period.

Traffic Displacement and Conservation Areas

- 3.25 Concerns regarding the potential displacement of parking and servicing activity into adjacent residential streets, including streets within or adjoining the Brunswick Town Conservation Area and around Brunswick Square are recognised.

Potential displacement effects have been considered during development of the proposal. Some degree of behavioural change may occur following implementation, but the scale and significance of any displacement cannot be reliably determined in advance. Accordingly, monitoring of adjacent streets will form part of the assessment of the ETRO. In addition to this and to mitigate, increased Civil Enforcement Officer presence in those streets will take place during the experimental scheme and on an ongoing basis to dissuade any displacement effects.

Loading Bay Provision

- 3.26 The adequacy of loading provision has been a key consideration in the design of the scheme. The location and size of proposed loading bays has been informed by site visits with Road Safety officers, stakeholder engagement and consultation feedback. The maximum distance between the proposed loading bays and a business is approximately 70 metres. Although it should be noted that the ability to deliver is currently sometimes hampered by inappropriate parking.

Concerns regarding loading provision in the western section of the corridor are noted and that loading requirements vary between businesses throughout the day. For this reason, information about the frequency and size of vehicle deliveries was gathered as part of the Your Voice consultation. Loading bay occupancy and utilisation will form a specific part of the monitoring programme during the experimental period.

The ETRO process provides flexibility to amend the location, size or operation of loading bays where monitoring evidence demonstrates that changes are required. It is considered that the proposed loading arrangements provide an appropriate starting position for an experimental scheme whilst retaining sufficient flexibility to respond to operational experience.

Overall Section 122 Assessment

- 3.27 The uncertainties and concerns identified in relation to safety evidence, economic effects, displacement, loading provision, air quality and footfall are noted. Having considered the matters above it is considered that the factors identified in section 122 of the Road Traffic Regulation Act 1984 have been appropriately balanced against the potential benefits and the requirements of Section 122 satisfied. Based on previous red route schemes, the council reasonably expects reduced congestion, improved bus reliability and associated benefits.

The nature of these uncertainties identified in this report support the use of an Experimental Traffic Regulation Order rather than weigh against it, as the ETRO process allows the Council to gather Western Road-specific evidence, monitor impacts, engage with stakeholders and make modifications where necessary before determining whether any arrangements should become permanent.

4. Analysis and consideration of alternative options

- 4.1 The option of not proceeding with the Experimental Traffic Regulation order in Western Road was considered. However, based on the areas where red routes have been introduced there are significant potential benefits to relieving congestion in the Western Road area, such as improved road safety and bus journey times.
- 4.2 The option of implementing a permanent Traffic Regulation Order from the outset was considered. The learning from the introduction of Red Routes in Lewes Road and London Road using Experimental Traffic Regulation Orders has shown that engagement with businesses and disabled groups is necessary after the Red Route has been implemented and this can require rapid adjustments to the initial design of the scheme, which are much more easily facilitated through the Experimental Traffic Regulation Order process.

5. Community engagement and consultation

- 5.1 Consultation on the design of the scheme was held at LAT meetings and the Cabinet Member for Transport & City Infrastructure. Meetings were also held on the scheme design with the Disabled Car User Advisory Group.
- 5.2 Over 4,700 leaflets were sent to residents in the area inviting them to comment on the proposed red route between 24 November 2025 – 4 January 2026. 1,032 responses were received and a summary of their feedback can be found in appendix 1
- 5.3 Fifty per cent of respondents said they believed the red route would improve safety, 53 per cent said it would speed up bus journeys and 56 per cent felt it would help keep traffic moving. People with disabilities and Blue Badge holders were concerned about access. More disabled bays will be introduced on both Western Road and its side streets. We will be monitoring the use of these bays continuing to engage with disabled groups. Businesses asked for more loading bays and some raised concerns that business could be negatively affected by the red route with a decline in footfall.

6. Financial implications

- 6.1 As with any introduction of new enforcement schemes across the city there is likely to be a short-term spike in the Penalty Charge Notice income, however this would be a short-term impact only and cannot be quantified. Any additional income received will be reported to Cabinet through the revenue TBM reports.
- 6.2 As noted above, the primary aim of the Western Road scheme is to reduce congestion, not revenue generation. Although a short-term increase in income is expected this is largely offset by the cost of cameras and enforcement staff. Experience of the introduction of previous red routes

indicates that compliance with the new restrictions improves quickly resulting in a fall in Penalty Charge Notices issued after the initial peak. Therefore, overall impact of this scheme on parking budgets has been budgeted at £50k annually as part of the savings exercise for 26/27

- 6.3 The tendered value of Western Road resurfacing works is £988,431 and will be covered by the Highways maintenance Block funding awarded by the Department for Transport (DfT). This has no budgetary impact on the council as a result

Name of finance officer consulted: David Wilder Date consulted 26/8/2026:

7. Legal implications

- 7.1 The Council has powers under sections 9 and 10 of the Road Traffic Regulation Act 1984 ("RTRA 1984") to make an Experimental Traffic Regulation Order ("ETRO") for the purposes of carrying out an experimental scheme of traffic control, to test proposed traffic management measures. The proposed ETRO would introduce Red Route restrictions along Western Road on an experimental basis, which will enable the Council to assess the effectiveness of the measures in reducing congestion and thereby improve bus journey times.
- 7.2 In exercising its powers, the Council must have regard to its duties under section 122 of the RTRA and the report sets out in detail these considerations and comes to an overall assessment and conclusion that the ETRO is justified. The Council must also have regard to its network management duty under section 16 of the Traffic Management Act 2004 to secure the expeditious movement of traffic on its road network and facilitate the movement of traffic on other authorities' networks; the proposed ETRO seeks to secure the expeditious movement of traffic along this section of its road network. The Council must have regard to equality considerations under section 149 of the Equality Act 2010 (the Public Sector Equality Duty); section 9 of the report sets out how the Council has paid due regard to these considerations.
- 7.3 The Council must ensure that the statutory consultation and notification requirements are fully complied with and that all representations received are properly considered as part of any subsequent decision-making process.

Name of lawyer consulted: Katie Kam Date consulted (19 08 2026):

8. Risk implications

- 8.1 There is a risk that businesses along the route area could be less able to receive their deliveries. Although the area is already suffering from significant congestion which can hamper deliveries. Ten loading bays have been included in the scheme design, with a total of 140 meters of loading space to meet these needs based on the required size of delivery vehicle.

The Experimental Traffic Regulation Order process together with engagement with businesses allows for rapid changes to the size and location of loading bays.

- 8.2 There is a risk that parking activity can be displaced to side streets. To mitigate this Civil Enforcement Officers will be deployed to patrol side streets along the red route area.

9. Equalities implications

- 9.1 Officers held three meetings with the Disabled Car User Advisory Group specifically on the red route proposals. The group highlighted that the introduction of a red route could negatively impact disabled people's access to Western Road, including attending healthcare and other appointments, undertaking everyday shopping/leisure, receiving deliveries.
- 9.2 These meetings have helped informed the location of disabled bays along the red route and their location close to health facilities as well as an even distribution along the area (see appendix 3). On Western Road a 3-hour maximum stay in disabled bays to prevent long term parking and improve access to these bays is proposed. As with Lewes and London Road red routes drivers and taxis will be able to drop off disabled passengers along the red route. In Upper Market Street a new disabled bay is being introduced close to the WellBN Brunswick clinic. In addition to this a further 4 disabled bays are being proposed along Western Road.
- 9.3 An EIA has been prepared which considers the feedback from the Disabled Car User Advisory Group meetings and the feedback from the Your Voice consultation. The aim of the red route is to relieve congestion and improve bus journey times including for disabled bus passengers.
- 9.4 The main positives identified in the EIA are:
- Ease of traffic flow and designated bays allows for safer roads with clearer sight lines for traffic
 - 7,000 disabled people in the city have free bus passes and rely on buses to travel safely and easily around the city, and bus reliability is expected to improve.
 - Red routes, loading and disabled bays provide for enough time for carers to pick up and drop off disabled clients • Improved traffic flow benefits emergency vehicle access
 - Clearer road layout improves safety for people with visual impairment
- 9.5 The main negatives identified in the EIA are:
- People with sight impairments can be affected by difficulties navigating and seeing changes to signage, barriers, and judging distances from other people.

- New restrictions being introduced can be anxiety-inducing for some people with mental health issues or neurodivergence due to uncertainty around the changes and rules.
- Changes to restrictions could limit access by Blue Badge holders with severe mobility issues to some locations within the scheme area.
- May impact those requiring door-to-door transport services
- Could affect those who need frequent rest stops due to mobility issues

9.6 Mitigations to address these negative impacts are being put in place as set out at paragraph 9.2. Overall, it is recognised that Blue Badge holders can currently experience difficulties accessing shops in the area due to the number of bus stops, pedestrian crossings and the volume of vehicles parked on yellow lines under the current restrictions. The proposed change in the restrictions will provide new disabled bays solely for the use of Blue Badge holders to access the area although it is acknowledged that they will not always be sufficiently close to shops or may be occupied. The scheme should however benefit disabled bus passengers through more reliable bus services in this busy transport corridor and throughout the city.

In conclusion, it is acknowledged that the proposed scheme may have some negative impacts for certain groups, but has sought to minimise these through engagement, design changes, mitigation measures and ongoing monitoring. Having balanced these impacts against the anticipated benefits of improved bus reliability, traffic flow, road safety and accessibility for public transport users amongst others, the Council considers that the overall impact is positive and that any remaining adverse impacts are justified and proportionate in the context of the wider public benefits the scheme is intended to deliver.

10. Sustainability implications

10.1 Experience from the Lewes and London Road red routes shows that they can reduce congestion along the route and make the area more attractive for cyclists and other forms of active travel. Improvements to bus reliability have also been observed, which encourages more sustainable forms of travel with the aim of improving air quality in the area.

11. Health and Wellbeing Implications:

11.1 The purpose of the red route is to relieve congestion and make the area safer for drivers, bus passengers and cyclists, which can also encourage active travel. Air quality improvements have been observed in areas where other red routes have been introduced.

12. Conclusion

12.1 Following the March 2025 Cabinet decision to approve the design and implementation of a red route in Western Road officers have now completed the design of the scheme based on feedback from pre-engagement and the Your Voice survey. As part of the Experimental Traffic Regulation Order

process amendments to the design shown in appendix 4 can be made promptly as part of further public engagement.

- 12.2 Experience following the introduction of red routes in other areas of the city has shown there can be benefits in terms of road safety and bus reliability without negatively affecting footfall in the area.

Supporting Documentation

1. Appendices

1. Consultation and Engagement Summary
2. Equality Impact Assessment
3. Disabled bay location plan
4. Western Road ETRO Plan
5. Summary of Pre-Action Protocol letter and response
6. Chronology

2. Background documents

1. Cabinet Report: Red Routes, 20 March 2025.
2. Cabinet Member Decision Report: Permission to Proceed with Experimental Traffic Regulation Order for Western Road Red Route, 26 May 2026.
3. Bus Service Improvement Plan programme documentation.
4. Council Plan 2023-2027
5. City Transport Plan 2035
6. Local Cycling and Walking Infrastructure Plan