

<b>Subject:</b>	<b>Better Bus Areas – Edward St and Eastern Road – TRO Objections</b>		
<b>Date of Meeting:</b>	<b>8<sup>th</sup> October 2013</b>		
<b>Report of:</b>	<b>Executive Director of Environment, Development &amp; Housing</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Emma Sheridan</b>	<b>Tel: 29- 3862</b>
	<b>Email:</b>	<b>Emma.sheridan@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>Queens Park</b>		

**FOR GENERAL RELEASE**

*Note: The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that additional time was needed to assess, investigate and respond to the objections received to ensure that a full report could be provided.*

**1. SUMMARY AND POLICY CONTEXT:**

1.1 The purpose of this report is to address comments and objections to the draft Traffic Regulation Orders (TRO) which were advertised following approval of the scheme proposals at the Environment, Transport and Sustainability Committee of 9th July 2013. The traffic orders outline the proposed introduction of :

1. An eastbound cycle lane from the junction of Edward Street and Pavillion Parade to the junction of Edward Street and Upper Rock Gardens
2. An eastbound bus lane (bus, cycle and taxis permitted) from the junction of Eastern Road with Upper Rock Gardens to the junction of Eastern road with Freshfield Road
3. A westbound bus lane (bus, cycle and taxis permitted) from the junction of Eastern Road with Freshfield Road to the junction of Edward St with Pavillion Parade
4. Associated changes to waiting and loading restrictions.

**2. RECOMMENDATIONS:**

2.1 That, having taken account of all duly made representations and objections, the Environment, Transport and Sustainability Committee approves as advertised the following orders:

- **TRO-17a-2013** Brighton & Hove (Edward Street & Eastern Road) (Bus Lane) Order 201\*

- **TRO-17b-2013** Brighton & Hove Outer Areas (Waiting, Loading and Parking) and Cycle Lanes Consolidation Order 2013 Amendment No.\* 201\*

With the following amendments:

The addition of an exemption to allow loading and unloading in the bus and cycle lanes at times other than 7am-10am and 4pm-7pm for the reasons set out in paragraphs 4.8 - 4.10.

- 2.2 That any subsequent requests deemed appropriate by officers are added to the proposed scheme during implementation and advertised as an amendment Traffic Regulation Order once construction of the scheme is complete.

### **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 In March 2012 Brighton and Hove successfully secured £3.48 million transport funding from the Department for Transport for the Better Bus Area (BBA) Project "Better Buses for a Growing City." With local resources contributed by Brighton & Hove City Council and our bid partners Brighton and Hove Bus Company, a total fund of £5.82m was achieved.
- 3.2 The area covered by the project focuses on unlocking bus market growth to the north and east of the city centre, both areas having been identified as areas for economic growth. It is anticipated that the package of measures being implemented will support the key development sites in the project area, address the capacity issues that exist on the two strategic corridors and remove significant bottlenecks in the network through the introduction of bus priority measures.
- 3.3 In addition to securing improvements in terms of journey times for bus passengers, the infrastructure works proposed will also improve the environment for pedestrians and cyclists.
- 3.4 Public consultation was undertaken on the scheme proposals between 15th May and 25th June 2013. This included sending out 9004 surveys to residential addresses in the area and 784 surveys being sent out to commercial/business addresses in the area. The survey was also available on-line via the Council's website consultation portal and was covered by the local Argus newspaper. Officers attended 4 local residents group meetings and 2 public exhibitions were held in the area.
- 3.5 1151 responses were received in total, with 297 of these (25.8%) received online through the council's consultation portal and 854 (74.2%) as paper survey forms returned by mail or collected at public exhibitions/residents meetings. A significant majority of respondents were local residents (73%), while 23% stated that they travelled through the area and a further 19% indicated they worked or owned a business in the area.
- 3.6 When asked whether they supported the proposals to give priority to bus users, pedestrians and cyclists as shown in the consultation leaflet, 62.5% (701) respondents supported the proposed changes. The most frequent specific

reasons provided for supporting the proposals were:

- Support for the pedestrian and cycling improvements
- Belief that the proposals would improve safety
- Support for improvements to the public realm

3.7 Of the 37.5% (420) of respondents who did not support the proposals the main reasons stated were:

- That the scheme was a waste of money or the money should be spent elsewhere
- That Edward Street should be left as it is
- That the scheme would increase congestion and pollution
- That the scheme is anti-car
- That they did not support bus priority/bus lanes

3.8 Given the high level of support for the proposals amongst respondents, the recommendation on 2013 in the report to the Environment, Transport and Sustainability Committee Meeting was to proceed with advertising of the TRO for the Edward Street and Eastern Road Bus & Cycle lane element of the scheme.

#### **4. COMMUNITY ENGAGEMENT AND CONSULTATION**

4.1 The draft Traffic Regulation Orders (TROs) were advertised on 21<sup>st</sup> August 2013 with the closing date for comments and objections on 10<sup>th</sup> September 2013.

4.2 Notices were put on street for 21<sup>st</sup> August 2013 which outlined the proposal. The notice was also published in The Argus newspaper. Detailed plans and the TROs were available to view at the City Direct Offices at Bartholomew House and Hove Town Hall. A plan detailing the proposals is shown at Appendix A.

4.3 Business and commercial properties along the length of Edward Street and Eastern Road were directly mailed with hard copies of the Orders and all relevant notices.

4.4 The notices were sent to all statutory consultees such as the Emergency services.

4.5 The notices were also available to view and to respond to directly on the Council website.

4.6 In total, 4 items of correspondence were received in response to the TROs. The comments / objections submitted are provided in Appendix B.

4.7 1 item of correspondence, from Brighton and Hove Bus Company, was received in support of the proposals, while the remaining 3 items of correspondence were objections to the proposals. It should be noted that the balance of support or objection to a TRO is not a measure of the overall level of support or opposition towards a scheme. The extensive public consultation conducted previously provided this opportunity and as noted, the results suggested a strong level of support for the scheme. This strong level of support has been accepted by the Environment, Transport and Sustainability Committee at its previous meeting on 9<sup>th</sup> July 2012, where cross-party support was given to proceed to the next stage of the process, namely advertising of the TRO.

- 4.8 The correspondence that stated an objection to the TRO has been reviewed in order to understand the various reasons behind the objections. Each objection is listed below with officers response to it provided.
- 4.9 2 objections were received from businesses on Edward Street objecting to the loading restrictions. 1 objection relates specifically to a lack of loading facilities from Upper Rock Gardens to Chapel Street and 1 objection relates specifically to the lack of loading facilities by 163 Edward Street and the impact the scheme will have on local trade.
- 4.10 It is acknowledged that some loading capacity would be of benefit in this area to accomodate exisiting need. Officers will therefore revise the scheme accordingly to incorporate a loading facility in this area outside of peak hours. As such the proposals will be amended to allow loading and unloading to take place outside the hours of 7am-10am and 4pm-7pm.
- 4.11 1 of the objections referred to in paragraph 4.8 also raised concerns about the safety of the scheme due to the number of side roads along Edward Street.
- 4.12 The scheme is subject to independent Road Safety Audit at 2 stages in the design process and again following construction. Any recommendations arising from this process will be incorporated into the final designs.
- 4.13 The third objection to the TROs (from an address outside the area) outlined a significant number of different objections to the scheme proposals. The different reasons presented are outlined below together with officers' responses to each concern raised:
- 4.14 The respondent makes general objection to the loss of loading space, however, no specific requests for provision made at any specific locations.
- 4.15 All commercial properties on Edward Street were contacted by direct mail with the details of the proposals and invited to respond regarding any specific objections to the loading restrictions. This enabled officers to determine the exact locations that would be affected by the proposed loading restrictions. 2 responses where received and officers response to those and this general objection are provided in paragraphs 4.10.
- 4.16 The respondent objects to the scheme on principle in that it reduces road space for general traffic, with the belief it will cause congestion and rat running on Carlton Hill and St James Street and that that the scheme will lead to bus delays on Eastern Road and will provide little benefit for buses.
- 4.17 In order to ensure the impacts of the scheme are well understood, the citywide transport model has been utilised to predict the impact on general traffic both on Edward Street itself and the surrounding road network. The results suggest that the reduction in the capacity on Edward Street, to allow for the Bus & Cycle lanes, can be accommodated without an adverse operational impact for general traffic both on the corridor and in the wider area. The modelling suggests that there would be some displacement of traffic onto parallel routes, however, as the traffic disperses over a number of different routes, the impact will be diluted and

- that the junctions receiving diverted Edward Street flows would still operate within capacity.
- 4.18 The transport model indicates that the scheme will have significant benefits for bus journey times and the scheme is supported by the Brighton and Hove Bus and Coach company primarily as result of the improvements that it will bring to bus journey times and reliability.
  - 4.19 The respondent objects on the basis of opposition to the scheme from local residents in Carlton Hill and St James (the respondent is not a resident in either of these areas) and that the provision of a cycle lane is unneeded and unwanted.
  - 4.20 Whilst the results of the public consultation demonstrated a significant level of support for the proposals, it also highlighted the fact that some people are strongly opposed to the scheme and the principles that underlie it. However, the majority of respondents are in favour of the proposals, with the provision of improved cycle facilities one of the main reasons given for supporting the scheme. This provides a full mandate to continue with implementation of the scheme as originally proposed. The issues raised by representatives of the Carlton Hill and St James Street communities were fully considered in the report to this Committee on 9th July 2013.
  - 4.21 The respondent objects on the basis of a belief that the scheme will exacerbate existing traffic issues as two lanes narrow to one at the Freshfield Road junction with Eastern Road.
  - 4.22 Traffic modelling has not shown this is not likely to be a problem. The current congestion experienced by eastbound traffic on Eastern Road at the junction with Freshfield Road can be attributed in many ways to the current merging of two lanes to one as Eastern Road crosses this junction. The move to a single lane of carriageway for general traffic for the length of the road will serve to remove this bottleneck and rather than cause problems should improve eastbound flows through this junction.
  - 4.23 The respondent objects on the grounds that the scheme is in violation of DoT (sic) guidance which "strictly prohibits schemes which are designed with the intention to just negatively impact on general traffic"
  - 4.24 The scheme has been funded directly by the Department for Transport (DfT), in line with the guidance and bidding process set out by the Department. The intention of the scheme is to improve bus services along this corridor and to provide an improved environment for pedestrians and cyclists.
  - 4.25 The respondent objects due to the lack of economic impact assessment for the scheme.
  - 4.26 It is only necessary to undertake a full economic assessment when applying for Department for Transport (DfT) Major Scheme funding, which is not the case in this scenario. The economic benefits of the scheme were included within bid to the Department for Transport for this scheme and have been assessed by the Department as part of the bidding process. In addition in requesting the transference of capital funding within scheme elements of the Better Bus Areas

programme to accommodate the additional spend on this scheme, Department for Transport officers have reviewed the scheme to date and approved the additional spend.

- 4.27 The respondent objects to the permanence and expense of the scheme and its introduction prior to a long term trial to prove the effectiveness of the measures.

### **Conclusions**

- 4.28 The recommendation is that the scheme should be progressed due to the reasons outlined within the relevant background and consultation responses. Amendments to the scheme have been made to take into account the objections received.
- 4.29 Any additional amendments to the approved schemes deemed necessary through the formal consultation will be introduced during the implementation stage and advertised through a traffic regulation amendment order.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 5.1 The costs associated with the consultation on and any subsequent implementation of the measures outlined in this report will be largely met from the Better Bus Areas Fund which is external funding provided from the Department for Transport. Some local match funding was required and has been agreed as part of Local Transport Plan (LTP) budget for 2013-14.
- 5.2 Over the remaining year of the project, to the end of the 2013/14 financial year, there is £1,020k of capital funding (£770k from BBA funding and £250k from LTP) and £200k in revenue funding (all BBA funding) identified specifically for these works. This represents an increase of £250k in BBA capital funding from that reported to the Committee in July 2013 and follows approval given by DfT to transfer funds across scheme elements within the BBA allocation. The increase in costs for the scheme is in response to the results of the public consultation which gave a high priority to the urban realm improvements and road surfacing aspects of the scheme.
- 5.3 If the works do not go ahead the BBA funding would need to be returned to the DfT.

*Finance Officer Consulted: Name Jeff Coates Date: 02/10/2013*

### Legal Implications:

- 5.4 The Traffic Orders have been advertised according to the Road Traffic Regulation Act 1984 and the relevant procedure regulations. As there are unresolved objections and representations they are now referred to this meeting for resolution.
- 5.5 The Council may hold a public inquiry before making any Order, and must usually do so where there are unresolved objections to orders that would have the effect of prohibiting loading outside of the hours of 7 am to 10 am and 4 pm

to 7pm. As the scheme as amended will only prohibit loading in the bus and cycle lanes at peak times an inquiry is not necessary in this case.

- 5.6 The Council is under a duty to exercise its powers under the Act to secure the safe and convenient movement of traffic and the provision of adequate on and off-street parking facilities. It must also take into account any implications that orders would have for access to premises, local amenity, air quality, public transport provision and any other relevant matters. When considering whether to designate parking places, the Council must consider both the interests of traffic and the interests of owners and occupiers of adjoining property.
- 5.7 In carrying out consultation the Council is under a general duty to ensure that any consultation is fair. This means that consultation must be carried out when proposals are being formulated, that adequate time and information about proposals must be given to consultees to ensure that they can provide a proper response, and that any consultation responses must be properly considered in reaching the decision.
- 5.8 The Council is under a legal duty as a public authority to consider the human rights implications of its actions. Parking and traffic restrictions have the potential to affect the right to respect for family and private life and the right to protection of property. These are qualified rights which means they may be restricted where this is for a legitimate aim, necessary and proportionate.

*Lawyer Consulted:*

*Carl Hearsom*

*Date: 02/10/13*

Equalities Implications:

- 5.9 The scheme will be designed in line with industry best practice and guidance to ensure all facilities are fully accessible to all members of society. The scheme should improve conditions for vulnerable road users and has the potential to ease community severance by aiding the development of healthy and sustainable places and communities which will enable children, young people and adults to make more and better use of their local streets.

Sustainability Implications:

- 5.10 The measures outlined in this report will assist in meeting One Planet Living objectives by promoting and encouraging greater use of sustainable transport, and particularly overcome current barriers to walking, cycling, and bus use. It is predicted that significant reductions in travel by private car would result from implementation of the schemes, with people instead choosing to travel by walking, cycling or bus due to their increased attractiveness and viability made possible through the improvements identified. The scheme will seek to enhance health by encouraging active travel amongst local people and reducing the causes of air pollution along the corridor, namely excessive levels of motorised traffic.

Crime & Disorder Implications:

- 5.11 There are no Crime & Disorder implications arising directly as a result of this

report

Risk and Opportunity Management Implications:

- 5.12 If approval not given at this meeting for consultation it is unlikely that the allocated budget for this scheme will be spent within the current financial year and the funding received from the Department for Transport for this programme will have to be returned. This in turn could have potentially negative impacts for future funding bids to the Department.

There is a risk that the outcome of the amendment to the loading restrictions in Traffic Regulation Orders could restrict the realisation of the full benefits of the scheme in terms of bus journey time savings. Officers will monitor this following implementation.

Public Health Implications:

- 5.13 Increasing the number of pedestrians and cyclists and encouraging greater use of public transport will directly lead to improved public health through increasing the use of active modes and therefore the amount of exercise undertaken by local people. Reducing the number of people travelling by private vehicle could also lead to an improvement in air quality which in turn will improve public health.

Corporate / Citywide Implications:

- 5.14 Edward Street/Eastern Road is a key route into the City and therefore the citywide transport model has been utilised to fully understand and address any potential impacts on strategic traffic flow. The proposed scheme will assist the Council to meet its strategic objectives and will contribute to the Councils and partners wider objectives, including those set out in the Corporate Plan and the Sustainable Community Strategy.
- 5.15 Edward Street/Eastern Road is proposed as a construction traffic route (eastbound) for traffic serving the development of Royal Sussex County Hospital. Officers have considered the implications of the scheme on traffic flows during this period and consider that they will be negligible in terms of traffic congestion. The scheme proposals will ensure that during the hospital redevelopment bus routes are kept free flowing and that cyclists have increased protection from construction traffic using this route.

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 The only other option at this stage would be to discontinue the scheme and return the funds to Department for Transport. This is not considered to be a practical option and would be contrary to the wishes of the majority of the respondents to the public consultation.

**7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 To seek approval to proceed to implementation of the Edward Street and Eastern Road Better Bus Areas Scheme after taking into consideration of the duly made



representations and objections. These proposals and amendments are recommended to be taken forward for the reasons outlined within the report.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Appendix A – Edward Street/Eastern Road Scheme Plan
2. Appendix B - List of Objections / Comments

### **Documents in Members' Rooms**

None

### **Background Documents**

1. BHCC Better Bus Areas Bid
2. Agenda item 76 BHCC Transport Committee: 30<sup>th</sup> April 2013 – Better Bus Areas Report
2. Agenda item 16 BHCC Environment, Transport and Sustainability Committee: 9<sup>th</sup> July 2013 - Better Bus Areas – Results of public consultation on Edward Street transport proposals.

