

Subject:	Old Town Transport Plan (East Street) TRO		
Date of Meeting:	7 October 2014		
Report of:	Executive Director, Environment Development & Housing		
Contact Officer:	Name:	Tom Campbell	Tel: 29-3328
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Ward(s) affected:	Regency		

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

- 1.1 To consider objections received to the advertising of Traffic Regulation Orders (see Appendix 1) in relation to closing a portion of East Street to traffic between 11am and 7pm each day.
- 1.2 The Public Space Public Life Study was adopted as council policy in 2007 and is a long term Public Realm vision for the city. It says “East Street is an example of a *heavily used street* [by pedestrians], *whose quality and character drastically deteriorate when moving south, resulting in a poor connection between lively areas in The Lanes and the Seafront.*”
- 1.3 East Street is used by over 20,000 people a day at peak times and acts as a showcase for the city but, although it is the major pedestrian road in the Old Town, it is currently dominated by vehicles with poor facilities for pedestrians. This Order will create a pedestrianised route for 8 hours a day along one of the city’s key walking network links, connecting the seafront, the Lanes and the Pavilion.

2. RECOMMENDATIONS:

- 2.1 That, having taken account of all duly made objections and representations, the Committee approves the following orders:
 - Brighton & Hove (East Street) (Prohibition of Driving) Order 20** (TRO-21c-2012)
 - Approve the Brighton & Hove Various Controlled Parking Zones Consolidation Order 2008 Amendment Order No.** 20** (TRO-21g-2014) with the following amendments:
 - a) The proposed conversion of an existing pay and display bay to a shared permit and pay and display bay will be removed for the reasons set out at paragraph 3.17 of the report.

- 2.2 That, in response to requests received during the consultation process, that the Committee agrees to the advertisement of a further two Traffic orders:
- A Traffic Regulation Order seeking to ban the right turn movement from King's Road on to the seafront.
 - A Traffic Regulation Order seeking to convert the turning head on Bartholomews to a Pay & Display parking space.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The Old Town Transport Plan is a continuation of the Council's Walking Network programme. The proposal for a Walking Network was initially agreed by Policy & Resources Committee as part of a package of capital schemes in the previous Local Transport Plan 2006/7-2010/11.
- 3.2 On 2 October 2012 Transport Committee approved the Old Town Transport Plan in principle and authorised officers to advertise the relevant Traffic Regulation Orders.
- 3.3 Due to the nature of the proposals it was necessary to hold a Public Inquiry following a number of unresolved objections to the Orders. The Public Inquiry was held in May 2013 and the Inspector's report received in October 2013 (see Appendix 2).
- 3.4 On 14 Jan 2014 ETS Committee approved the Ship Street closure element of the scheme and this element has now been implemented.
- 3.5 At the same Committee meeting the HGV ban (after 11am each day) was formally approved. Implementation of the HGV ban requires a non-standard road sign and therefore DfT authorisation for the wording of the sign is currently being sought. Implementation will occur once the wording has been approved.
- 3.6 This report details how the Council can progress with the East Street element of the scheme in compliance with the findings of the Public Inquiry.
- 3.7 The purpose of the East Street Traffic Order is to prevent vehicles accessing East Street (north of King's Road) between 11am and 7pm each day and to remove the existing access prohibition in Little East Street.
- 3.6 The Public Inquiry findings (East Street element)
Following the Inquiry the Inspector recommended that the East Street Order should not be made in its current format. The reasons he gave for his recommendation were exclusively directed to the implications of redirecting the traffic along Little East Street. Specifically, the issues relating to Little East Street raised by the Inspector concerned:
- Pedestrian / vehicle conflict
 - Possible reduction in the outside amenity area of the Northern Lights bar
 - Lack of formal loading facility for Little East Street businesses

- Recommendation to carry out a formal safety review looking specifically at the impact on Little East Street.
- 3.7 The entire East Street element of the scheme was reviewed by the Public Inquiry and the Inspector did not raise any issues about the wider scheme.
- 3.8 The Council has sought independent legal advice on the way forward. Counsel has advised that in order to satisfy the ruling of the Inspector the Council should take the actions bullet-pointed below.
- Ensure that the design is assessed via a full Road Safety Audit.
 - Re-design the scheme where necessary and ensure, through the Road Safety Audit, that none of the concerns raised by the inspector are present in the re-design.
 - Consult with local businesses on the re-design
- 3.9 Completion of these actions would '*show sufficient compliance under Regulation 13 of the 1996 Regulations*' and allow the Council to proceed with the East Street element of the scheme:
- 3.10 Safety Issues
Following the Public Inquiry, further vehicle counts, speed surveys, visibility analysis, and an internal safety review were undertaken. These informed a revised plan for the area (see Appendix 3), which added safety features (guard railing at the car park exit and a speed cushion for vehicles), and a new loading bay. The plan was submitted for independent safety audit (see Appendix 4).
- 3.11 The independent safety auditor found that all elements of the scheme were low risk.
- 3.12 The safety auditor was asked to pay particular attention to the risk to pedestrians emerging from frontages (particularly the disabled entrance at Dr Brighton's pub) and the car park exit. The auditor (using analysis of visibility splays, speed surveys, traffic counts and professional expertise) found that the safety risk at these locations was low.
- 3.12 There were four issues identified in the risk assessment and these are outlined in Appendix 5 with the design team response.
- 3.13 In light of the 'low risk' conclusion of the independent safety review it is considered that the current proposal complies with the specific safety issues highlighted by the Inspector.
- 3.16 Loading Provision
The Inspector noted that '*the scheme does not include provision for a loading bay offset from the main alignment of the street.*' Therefore the new proposal includes a loading bay at the point where Little East Street meets Bartholomews.
- 3.17 The original plan proposed removing a Pay & Display bay in order to accommodate the loading bay. However in consultation local businesses have expressed a desire to retain the parking space. Therefore to accommodate the loading bay it is now recommended that a shared residents / pay and display bay

is relocated to the turning head space in Bartholomews, which would be redundant once the access restriction on Little East Street is lifted.

3.18 Dr Brighton's pub currently receives a beer delivery once a week to its hatch at the southern end of Little East Street. Northern Lights also receives a beer delivery to the passageway adjacent to the property. The delivery vehicle parks on the carriageway and this does not currently cause congestion problems but local businesses have raised concerns that this could cause a problem in the future. The scheme therefore includes the creation of passing points adjacent to the loading locations to ensure the beer deliveries do not cause congestion. The passing points will be created in areas of footway that lead to dead-ends and are off the pedestrian desire line.

3.19 Northern Lights

The Inspector expressed concern that the proposals would decrease the area licensed to Northern Lights for tables and chairs. Further vehicle tracking analysis has been carried out in this area and has confirmed that passing vehicles will clear the licensed area by a minimum of 1.4 metres. This Order will therefore not require a reduction in the area licensed to Northern Lights for tables and chairs.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

4.1 The proposals have been extensively examined at a Public Inquiry. Therefore the only realistic option available to the Council if it wishes to progress these plans is to follow the recommendations of the Inspector's Report.

5. COMMUNITY ENGAGEMENT & CONSULTATION

5.1 The Old Town project has been through extensive public consultation over the last 2 years. A consultation history is attached as Appendix 6. At the Public Inquiry the Inspector confirmed he was satisfied with the quality and quantity of consultation for the scheme.

5.2 In Summer 2012 a public consultation was held in which 3,500 people were given information and 580 responses received.

5.3 Following consultation a recommended scheme based on consultation was presented to Transport Committee on 2 October 2012. The inclusion of the East Street closure element was prompted partially by a petition received from a number of businesses on East Street requesting the measure.

5.4 The proposed Traffic Regulation Order was advertised on 20 August 2014 with the closing date for comments and objections on 10 September 2014.

5.5 Detailed plans and the draft traffic Regulation Orders were available to view at Bartholomew House, Hove Town Hall, Brighton Jubilee library and Hove Central Library.

- 5.6 The documents were also available to view and to respond to directly on the Council's website.
- 5.7 The Brighton Lanes Traders were sent details of the Order at the start of the consultation period and were invited to meet with Officers to discuss the scheme in person. The group accepted the invitation and a consultation meeting was held on 5 September 2014.
- 5.8 Every address on Little East Street was written to individually inviting them to meet with Officers to discuss the scheme. 3 businesses have accepted this offer.
- 5.9 During the consultation period officers held 3 meetings with Northern Lights bar. 2 meetings were held with Dr Brighton's pub, and two meetings were held with Into You Tattoo shop.
- 5.10 30 responses were received. 26 were objections and 4 in support.
- 5.11 The predominant issues raised in objections are listed below in order of number of times mentioned (highest first):
- The effect on Little East Street businesses / ambiance
 - Safety
 - The effect on business deliveries
 - Level of consultation
 - Congestion
 - Impact on East Street pedestrians
 - Lack of 2-way cycling
- 5.12 A summary of the consultation and a detailed response is contained in Appendix 7.
- 5.13 As a result of consultation the following amendments have been made:
- 5.14 Passing points
Dr Brighton's and Northern Lights receive a weekly beer delivery every Tuesday. Currently this causes little disruption but there was concern that the forecast additional traffic may cause congestion at delivery times. Following discussions with the businesses Officers have amended the plan to include passing points adjacent to the delivery locations.
- 5.15 Safety railing
Safety railing was included in the proposal to increase safety for pedestrians exiting the Lanes Car park. The independent Safety Auditor noted that the risk to pedestrians in this area was currently 'very low' and that the introduction of guard railing may not alter risk levels. Consideration was given to removing this proposal from the plan, however local businesses (particularly Into You, whose shop is immediately opposite the car park exit) have expressed a preference for keeping the railing and it therefore will remain in the plan.
- 5.16 Speed Hump
As above, the safety auditor noted that existing speeds in the street were very low and the introduction of the speed hump may not alter risk levels. However

both Northern Lights and Into You indicated that they felt the speed hump would reduce speed (particularly of the occasional very fast vehicle) and should be installed. It has therefore been retained in the plan.

5.17 Right turn ban on to seafront

During consultation Little East Street businesses reported that congestion was sometimes being caused by vehicles waiting to turn right on to the seafront, causing a queue behind them. This manoeuvre is also considered to be a potential safety risk. Therefore a recommendation of this report is that Officers are authorised to pursue a Traffic Order to ban right turns in this location.

5.18 One-Way enforcement

The issue of drivers occasionally ignoring the one-way designation of Little East Street was raised by Northern Lights. In response it has been agreed to renew the No Entry markings and raise the issue with the police for targeted enforcement.

5.19 Install Double Yellow Lines and repeater signs

Into You expressed concern that drivers will not be aware of the parking restrictions and will cause congestion in the street by parking in potential loading locations. Officers agreed to enhance the standard double yellow line markings with repeater signage to discourage illegal parking. Parking enforcement will also be increased during the early weeks of the scheme to ensure drivers are aware of the restrictions from the beginning.

6. CONCLUSION

6.1 This Order will create a pedestrianised route along one of the city's key walking network links. East Street is used by hundreds of thousands of visitors every year and acts as a showcase for the city but, although it is the major pedestrian road in the Old Town, it is currently dominated by vehicles with poor facilities for pedestrians.

6.2 On a typical summer weekend over 17,500 pedestrians use East Street over a 12 hour period (1,479 per hour). The city's Public Space Public Life Study has recommended that East Street, as a street that experiences much higher pedestrian than vehicular traffic, should be made pedestrian priority.

6.3 The closure of East Street has been consulted on twice through the Traffic Regulation Order process, and once via a Public Inquiry. It has very strong support of businesses on the road.

6.4 The Public Inquiry recommended the effect on Little East Street was looked into in more detail and the council has now done this. An independent safety audit has confirmed that road safety is a low risk, increased loading provision has been provided to help businesses and ensure no congestion is caused, and it has been confirmed that existing tables and chairs areas will not be affected.

6.5 During the hours of closure Little East Street will experience higher volumes of traffic as a result of the closure. However overall traffic volumes will remain very low and before 11am and after 7pm there will be little or no increase in traffic.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The capital costs associated to the recommendations in the report will be funded from the Local Transport Plan (LTP) capital programme. The total budget allocation for the Old Town Transport Plan project in the 2014-15 financial year is £33,000.

Any potential loss of parking income associated with the removal of on-street Pay and Display spaces will impact on the existing Parking revenue budget within the Transport service. It is difficult to estimate the potential loss of income as it is not possible to predict whether vehicles will be displaced elsewhere, migrate to off-street parking or be discouraged from parking.

Finance Officer Consulted: Steven Bedford

Date: 18/09/14

Legal Implications:

- 7.2 The Council has powers to implement controlled parking zones pursuant to the Road Traffic Regulation Act 1984 (the Act), sections 6, 9, 45, 46, 49 and 124, in particular. The Council has powers to implement the prohibition of driving pursuant to Sections 1(1), 2, 3 and 4 and Part IV of Schedule 9 of the Act.
- 7.3 In addition Section 122 of the Act imposes a duty on the Council to have regard (so far as practicable) to securing the "expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway".
- 7.4 There are minimum requirements for consultation, publication and consideration of objections that must be met before any Traffic Order can be made and which are set out in the Road Traffic Regulation Act 1984 and in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.
- 7.5 The Council must ensure that the consultation process is carried out at a time when proposals are still at their formative stage, that sufficient reasons and adequate time must be given to allow intelligent consideration and responses and that results are properly taken into account in finalising the proposals.
- 7.6 After the proposals are formally advertised, the Council can, in the light of objections and other representations received, decide to re-consult either widely or specifically when it believes that it would be appropriate before deciding the final composition of any associated orders. Where there are unresolved objections to the Orders, then the matter is required to return to Environment, Transport & Sustainability Committee for a decision.
- 7.7 There are no Human Rights implications to bring to Members attention.

Lawyer Consulted: Katie Matthews

Date: 09.09.14

Equalities Implications:

- 7.8 The scheme has been independently safety audited to ensure that it is safe for disabled (and able-bodied) people. In particular the disabled exit to Dr Brighton's has been examined by the auditor who has concluded it is a low safety risk.
- 7.9 Local disability groups have been consulted throughout the project. The provision of dropped kerbs in the Old Town currently is poor. The Federation of Disabled, through its Get Involved Group, have worked with officers to produce a report listing locations within the Old Town, including East Street and Little East Street, that require accessibility improvements and the majority of these have been implemented. Officers are continuing to work with the group to ensure that disability issues that occur during implementation are addressed.

Sustainability Implications:

- 7.10 The Old Town Transport Plan is part of the Council's sustainable transport strategy and will help to encourage the use of sustainable transport and reduce the negative effects of vehicles within the old Town area.

SUPPORTING DOCUMENTATION

Appendices:

1. Traffic Regulation Orders
2. Extract from Public Inquiry report relating to East Street / Little East Street
3. Scheme Plan
4. Safety Audit
5. Response to Safety Audit
6. Consultation History
7. Consultation summary and response

Documents in Members' Rooms

1. Copy of TRO responses