

Subject:	Valley Gardens Detailed Design		
Date of Meeting:	28th November 2017		
Report of:	Executive Director – Economy, Environment & Culture		
Contact Officer:	Name:	Tracy Beverley	Tel: 01273 293813
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Ward(s) affected:	All		

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

- 1.1 Enhancing Valley Gardens has been an objective of Brighton & Hove City Council (the 'council') for a number of years. The longstanding recognition of the need to improve Valley Gardens is reflected in a number of core strategic documents, these include past and current Local Transport Plans [LTPs] and the approved City Plan Part 1. In 2014, the role of the corridor was further emphasised when it was designated as one of four Priority Development Areas in the Coast to Capital Local Enterprise Partnership's [LEP's] Strategic Economic Plan, which sets out its ambitions, investments and proposals for realising sustainable economic growth by 2021.
- 1.2 The key principles of the Valley Gardens proposal are to simplify the existing highway network making the journey through Valley Gardens less complicated, more legible and safer for all users. Creating an improved public realm and green space area will unlock its potential as a 'Gateway to the City', designed to encourage greater use and enjoyment of the area. Designs will facilitate better movement for walking & cycling; provide high impact, low maintenance features which can facilitate a range of events, while contributing to improvements in air quality, community safety, and flood risk management.
- 1.3 The Valley Gardens project Business Case sets out the various local and regional benefits relating to personal safety, sustainable transport, environment and the economy. The Business Case also sets out how Valley Gardens can play a vital role in planning for the future if delivered as part of a package of wider strategic improvements across the city, including more use of Intelligent Transport Systems.
- 1.4 The preliminary highway design for the Valley Gardens, Phase 1&2 project was approved at the November 2016, Environment, Transport and Sustainability Committee (ETS). The associated preliminary greenspace design was approved at ETS in June 2017. The greenspace Planning Application, BH2017/02583, was submitted to the council in July and Planning Permission was granted at Planning Committee on the 8th November 2017.
- 1.5 This report provides Members with an overview of the design progression since last approved and presents the detailed highway and greenspace design for

Phase 1&2. The report also provides Members with an outline of the proposed next stages of the Valley Gardens project, including the procurement and Traffic Regulation Order (TRO) processes.

2. RECOMMENDATIONS:

2.1 That Committee;

- (i) Approve the Valley Gardens (Phase 1&2) detailed highway and greenspace design as contained in Appendix 1, and support the outlined Traffic Regulation Order principles and approach, granting permission for officers to liaise with local businesses and residents to finalise the detail of the Experimental Traffic Regulation Order.
- (ii) Grant delegated authority to the Executive Director, Economy Environment & Culture to procure and award a contract for the construction works required to build Phase 1 and Phase 2 of the Valley Gardens Scheme using Hampshire County Council's Gen-3 Civil Engineering, Highways and Transportation Infrastructure Works Framework *Two* 2016 – 2020 provided the value of the contract comes within the approved capital budget for the Valley Gardens project; and
- (iii) Grant approval for the instigation of the procedures for the exchange of highway to greenspace and the appropriation of greenspace to enable the exchange of green space to highway, as set out in section 7.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The Valley Gardens design brief for Phase 1 & 2 was established by the council's former Transport Committee in July 2012. Early concept designs were developed and considered at Committee in 2013. In October 2014 the Environment, Transport & Sustainability Committee approved the refined highway design which included a change from two lanes to one lane of general traffic in each direction on the east side of the scheme, thus retaining the Elm trees along Grand Parade.
- 3.2 The Valley Gardens concept scheme formed the basis of the Business Case that was submitted to the LEP in mid-2014. It was successful in securing £8m of Government Local Growth Fund [LGF] from the Coast to Capital Local Enterprise Partnership [LEP] when it was considered and approved by the LEP area's Local Transport Body early in 2015.
- 3.3 In June 2015 an Independent Review was commissioned to ensure the proposed scheme would accommodate proposed general traffic movements. Following this review the preliminary highway design was unanimously approved at the ETS Committee meeting in November 2016, and the associated greenspace preliminary design was approved in June 2017. Since preliminary designs were approved officers have been developing the detailed design which is presented in this report.
- 3.4 The Planning Application required to support the greenspace design was submitted in July 2017. As part of this process a range of specialists were consulted including; the Archaeological Society, Sussex Police, Conservation

Advisory Group, Arboriculturalist's, and internal officers from; Sustainability, Environmental Health, Heritage, City Parks and Transport teams. At the 8th November 2017 Planning Committee Planning Permission was granted.

- 3.5 Due to the nature and location of the Valley Gardens Scheme this should not be seen in isolation but as part of the City Transport Network and therefore will be supported by the emerging Traffic Network Management Strategy. The Network Management Strategy will set out how the council, as the Transport Authority, will manage the highway network and fulfil its Network Management Duty. It will also explore the challenges the council faces, and identify actions to be taken to tackle these challenges.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The fundamental principles of the design remain the same as approved in the November 2016 ETS Committee meeting. The design provides north and southbound general traffic lanes on the eastern side of the gardens and creates a new two-way public transport corridor with priority features for bus, taxi and coach operators on the western side of the gardens. The proposal allows private vehicles limited access to the public transport corridor. Better pedestrian and cycle links are proposed on both highway and greenspace areas. Simplified junctions and new signal equipment is proposed and new and extended grassed, planted and hardscape areas within the green space.

- 4.2 Some of the detailed elements of the design have developed in response to stakeholder comments, buildability, technical and Road Safety Reviews and the detailed plans, including changes made, were presented at the November Transport Partnership. Appendix 2 presents further details of the design changes which include the following;

- Changes to the layout at Edward Street Junction to further accommodate bus movements in anticipation for Valley Gardens Phase 3
- Lengthened bus stops to improve accessibility for users
- Conversion of proposed Zebra crossing at Marlborough place to a Toucan Crossing to enable better traffic control and management, particularly important during peak periods
- Taxi Rank alterations at York Place to better accommodate Taxi use following engagement with Taxi operators.
- Changes to pedestrian crossings including a wider crossing and central refuge at St Peters Place (east) responding to stakeholder comments and safety audits
- A reduction in the number of proposed trees in the highway following GPR investigations.
- Addition of contraflow cycle lanes to both Gloucester Road and Trafalgar Street and additional areas of shared cycle lanes and a Toucan crossing to assist secondary cycle routes (east / west) and to facilitate the new bike hire scheme and provide better connectivity to the rest of the City Cycle Network.

- 4.3 A number of complementary citywide measures will support the operation of the Valley Gardens scheme including the Bus Network Review, a study into the Bus Network with the view to identify and inform bus network improvement schemes. Valley Gardens will also benefit from a range of traffic signal equipment

upgrades. The use of intelligent signals will seek to improve efficiency of all junctions and support the wider developing Intelligent Transport System (ITS) being introduced to complement the emerging Traffic Network Management Strategy.

- 4.4 One of the measures specifically introduced into the Valley Gardens scheme will be Micro Optimised Vehicle Actuation (MOVA). MOVA is traffic signal control technology that is specifically designed to maximise the operational efficiency of a junction or crossing. MOVA allows the signals to continually adjust the green time required for each approach by assessing the number of vehicles approaching the signals, whilst at the same time determining the impact that queuing vehicles would have on the overall operation of the junction. Consequently MOVA sites can reduce overall queues and delays for users.
- 4.5 Since the preliminary greenspace design was approved officers have worked with Landscape Architects, Highway consultants and specialists to further develop the detailed design for the gardens. This work includes specifying the materials within the gardens including hard and soft landscape areas, developing tree specifications and planning species, developing soil specifications, materials selection, amenity lighting, seating and power facilities for events.
- 4.6 The Management and Maintenance Plan for the greenspace has been developed in coordination with City Parks officers. It is proposed that the main construction contractor will maintain the greenspace for the initial establishment period, following this; maintenance will be managed by the City Parks team. The design has been developed taking into account limited available maintenance budgets and also antisocial issues seen in adjacent greenspace areas, particularly The Level.
- 4.7 A number of processes will be utilised to ensure works are coordinated with other developments and to limit the impact on the rest of the transport network. At a strategic level Valley Gardens will continue to report to the Strategic Delivery Board where major projects, such as Shelter Hall, and other developments affecting the City are monitored and coordinated.
- 4.8 Officers have presented the Valley Gardens scheme at Network Coordination meetings and alerted statutory undertakers, through forward planning notices, of the proposed scheme location and construction timescales. This is to ensure that no planned maintenance work is carried out during the construction phase of Valley Gardens.
- 4.9 Before construction commences a permit to work on the Highway must be obtained through the Brighton & Hove Traffic Management Permit Scheme. This scheme is designed to improve the strategic and operational management of the road network through planning, scheduling and management of activities to minimise disruption on the Highway. The scheme will enable the council to coordinate the construction of Valley Gardens with other activities throughout the highway network therefore limiting disruption.
- 4.10 Local contractors have been appointed to develop options for the Traffic Management arrangements during the construction phase. This work was developed with input from key stakeholders to demonstrate how traffic could be

effectively managed during the construction phase while simultaneously; safely managing traffic flows, minimising disruption to all users, particularly local bus services and maintaining access for business and residents.

- 4.11 The resulting Traffic Management report outlines how the traffic can be managed using clear construction phases and managing traffic flows with; local lane diversions, temporary traffic management, strategic and advisory diversion routes. Using a phased working approach it is possible to maintain north and southbound traffic flows for the majority of the construction phase. It is intended the phase plans will be adopted by the main, the report can be seen in appendix 3.
- 4.12 During the construction phase there will be a series of Temporary Traffic Regulation Orders (TTRO) required to support the temporary traffic arrangements during construction. It will be the responsibility of the appointed contractor to ensure these are advertised through the standard legal process, this will be managed and overseen by BHCC officers.
- 4.13 Post construction, a final Traffic Regulation Order (TRO) is required to support and enforce parking restrictions, banned turns, flow direction and operation of the proposed bus gates on the western corridor. The general principles of the TRO are proposed below and presented in Appendix 4. It is proposed that a Restricted Parking Zone on the western corridor is implemented with loading and parking bays provided at key locations, where feasible. Due to the sensitive nature of the eastern corridor it is proposed restrictions will include; no waiting, no loading, no parking, methods for enforcement will be considered along this route including the option to introduce Red Routes. On the western corridor Bus Gates will assist with traffic management and will be enforced by Automatic Number Plate Recognition (ANPR) cameras. It is proposed that Bus Gates will restrict all vehicles except, buses, taxis, emergency vehicles and those listed on a council 'White List' at key points along the corridor.
- 4.14 Officers have considered a range of TRO options for regulation of traffic movements and parking once the scheme is fully operational. In consultation with internal officers, consultants and legal teams it is proposed that an Experimental Traffic Regulation Order is advertised to support the scheme once operational. The Experimental TRO process will enable officers to put the Order in place based on the above principles and for the first 6 months allows users to comment on the Order. No later than 18 months after the Order has been in place officers must then report to Committee with recommendations to make amendments or make permanent a TRO, taking into account all representations from users.
- 4.15 The benefits of using an Experimental Order to support the Valley Gardens scheme will be to enable users to experience the scheme and its layout before making representations, this will allow adequate time for all to review the operation of the scheme. This approach will allow users to make practical representations based on their experience rather than on complex proposals in advance of the final build. An informal discussion to assist with the development of the detail within the Experimental Order may be carried out with residents and businesses before the final proposed Experimental Traffic Regulation Order is presented at Committee.

- 4.16 The majority of the highway and greenspace works will be delivered through the main construction contract, with the exception of signals and camera equipment which will be procured under existing contracts. The main construction contract will be tendered and delivered through the Hampshire GEN-3 Framework, which has been identified as appropriate for use. The council can use this Framework to procure and obtain a competitive and best value contract for the delivery of the Valley Gardens construction works. This Framework enables access to contractors who are experienced in the construction of multimillion pound schemes and experienced in the associated management processes including; quality control, programming and phasing, traffic management, stakeholder liaison, customer relations, value engineering, cost control and risk management.
- 4.17 Previous design options have been considered throughout the project lifespan. Key options have been presented in previous committee reports, these reports are listed under background documents in the supporting documents section of the report. It is proposed the detailed design will be delivered as set out in appendix 1. Any changes required to the design layout during the construction phase will be reported to the Project Board.
- 4.18 Scalability was considered during the development of the Business Case. This included scaling-up to include the implementation of Phase 3 of the Valley Gardens project providing a continuous project along the A23 from the A259 Grand Parade junction to The Level. Although funding for Phase 3 has been approved in principle by the Government, it has not yet been fully approved as it requires the further submission of a full Business Case to the LEP/LTB. Any funding bid and then decision would be likely to be made once significant progress is made with Valley Gardens Phases 1&2.
- 4.19 A 'do nothing' option is likely to result in the council repaying the ring-fenced £2.8 million already received from the LEP. The remaining amount of the £8m (£5.2m) would also be expected to no longer be available to the council. The further £6 million agreed in principle for Phase 3 of Valley Gardens would also be likely to be retracted.
- 4.20 Significant underground site investigations have been carried out using Ground Probing Radar, trial pits and carriageway cores to determine the current quality of the carriageway, location of statutory undertaker's equipment, potential underground hazards such as basements. The results have been utilised to inform and develop the proposed design. During construction there may be further underground obstructions which require site changes to the approved design. This will be managed by the site manager and project team reporting to the project board.
- 4.21 It is anticipated that the procurement stage will be completed in March 2018 and the appointed contractor will start preparatory works in April 2018 with the site works commencing in June 2018. It is anticipated the construction duration is likely to be approximately 24 months in length. Key milestones are included in appendix 5.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Since the start of the project substantial community engagement and consultation has been carried out to develop the concept designs for Valley Gardens through various workshops and targeted community and stakeholder engagement events.
- 5.2 During the detail design process officers and consultants have carried out design review meetings with internal stakeholders including City Parks, Events, Parking and Highways, City Clean, Property and Legal teams. External stakeholders have included members of the Taxi Forum, Bus operators and representatives from the Safety in Action group, Transport Partnership, walkers, cyclists and disabled user groups. The green space design was subjected to a separate consultation during the planning application process.
- 5.3 Prior to construction the appointed works contractor will be required to produce a full stakeholder communication plan and to adhere to this during the construction phase.
- 5.4 Regular updates to the Strategic Project Board, the Economic Delivery Board, Transport Partnership, The Valley Gardens Project Board and Updates through 1-1's with lead Members and Directors will continue throughout the project lifespan. Frequent updates to the Local Economic Partnership will continue and briefings will be offered to ETS Members during the construction phase period.

6. CONCLUSION

- 6.1 The Valley Gardens detailed design has developed using an iterative process while ensuring the design principles remain constant. In order to progress Valley Gardens project to the procurement and construction phase, it is recommended that the Committee approve the presented designs and approve the recommendations as set out in section 2.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The approved capital budget for the Valley Gardens project from 2015/16 onwards is £10.126m, funded from Local Growth Fund grant (£8.000m), Local Transport Plan (LTP) capital programme (£1.712m) and Section 106 and other external contributions (£0.414m). The cost of construction fees associated with the recommendations in this report will be funded from the approved capital budget.
- 7.2 Any variation between project costs and the approved budget will be reported as part of the council's budget monitoring process and any budget re-profile will require Policy, Resources and Growth Committee approval. Additionally, any profiling adjustment will need to be reported to the Local Enterprise Partnership.
- 7.3 The Local Enterprise Partnership have approved Local Growth Fund grant of £8.000m towards the capital costs of the project, which is subject to compliance with grant conditions based on the original scheme business case. £2.800m of

the total £8.000m Local Growth Funding has been received to date and is ring-fenced for this project. In the event that the project does not proceed, this funding will be repaid to the Local Enterprise Partnership.

Finance Officer Consulted: Gemma Jackson

Date: 01/11/2017

Legal Implications:

- 7.4 In accordance with Part 4 of the council's constitution, Environment Transport and Sustainability Committee is the appropriate decision making body in respect of the recommendations set out in paragraph 2 above, subject to paragraph 7.7 below.
- 7.5 The estimated construction contract value is £7.8 million and the procurement of the contract is therefore governed by the Public Contracts Regulations 2015. The procurement of contracts through framework agreements must comply with all relevant public procurement legislation as well as the council's CSOs.
- 7.6 A mini-competition under the Framework Agreement will be carried out to select a contractor in accordance with CSO 7.6.
- 7.7 If the value of the preferred tender return following mini competition exceeds the allocated Valley Gardens capital budget officers will need to take a further report to Policy, & Resources & Growth Committee in order to obtain authority to proceed to award.
- 7.8 In order to implement the design of the Valley Gardens project an exchange of land has to take place between the highway and the green space. Under the proposed design over 4500 square metres of highway is to become green space and nearly 1600 square metres of green space is to become highway. A net gain of nearly 3000 square meters transferred to greenspace. Appendix 6 shows where the exchanges are, the council is both the highway authority and the owner of the green space.
- 7.9 Under section 256 Highways Act 1980 the council as highway authority may for the purpose of straightening or otherwise adjusting the boundaries of the highway enter into an agreement with the owner of land adjoining or lying near the highway providing for the exchange of any such land for land on which the highway is situated. Once the exchange is completed the land which formed part of the highway will be freed from the public right of way over the land.
- 7.10 Under section 256 equivalent areas of land do not have to be exchanged and a highway authority can transfer to an adjoining land owner a greater or lesser area of land than it receives back. The proposed exchange must be advertised and any objections referred to the magistrates court.
- 7.11 The council is both the highway authority and the owner of the green space and the exchange of land will need to be approved and recorded.
- 7.12 Section 122 Local Government Act 1972 allows the council to appropriate for any purpose for which the council are authorised to acquire land by agreement any land which belongs to the council and is no longer required for the purpose for

which it is held immediately before the appropriation. In the case of the appropriation of open space land section 122 (2A) provides that the proposed appropriation must be advertised and any objections considered. The green space falls within the definition of open space land.

- 7.13 Approving the recommendation to instigate the procedure for the exchange of highway and green space and the appropriation of the green space will demonstrate that the council is complying with the requirements of the Highways Act 1980 and the Local Government Act 1972.
- 7.14 Under section 14 Road Traffic Regulation Act 1984 a traffic authority may make a temporary traffic regulation order restricting or prohibiting traffic on a temporary basis on a road or any part of a road where works are or are proposed to be carried out on or near the road.
- 7.15 An experimental traffic order (ETRO) can be made under section 9 of the Road Traffic Regulation Act 1984. An ETRO is similar to a permanent traffic regulation order in that it imposes traffic and parking restrictions and can contain any provision which could be contained in an ordinary traffic regulation order. An ETRO can only stay in force for a maximum of 18 months while the effects of the traffic and parking restrictions are monitored and assessed (and any changes made if necessary). The traffic authority can then decide whether or not to continue the ETRO on a permanent basis.

Lawyer Consulted: Elizabeth Culbert

Date: 26/10/2017

Equalities Implications:

- 7.16 The developed design will be in line with industry best practice guidance to ensure all proposals are accessible to all members of society. The overall aim of the Valley Gardens proposal is to make the movement and place functions of Valley Gardens as inclusive as possible by redressing current environmental conditions that discourage use by all groups, and is arguably especially unpleasant for older and younger people. A full Equalities Impact Assessment is being developed.

Sustainability Implications:

- 7.17 The Phase 1 & 2 Valley Gardens proposals will include measures that will improve sustainability in a number of ways within the corridor. The measures outlined in this report will promote, encourage and provide for, greater use of sustainable transport, and particularly overcome some of the current barriers to greater levels of walking, cycling. The measures also contribute to the objectives of the Brighton & Lewes Downs Biosphere. The proposed scheme will seek to reduce the impacts of poor Air Quality and include measures that will help improve the green space and Sustainable Urban Drainage Systems.

Any Other Significant Implications:

- 7.18 The Corporate / Citywide implications; The project directly supports the objectives of the Local Enterprise Partnership's Strategic Economic Plan, the City Plan and Local Transport Plan, Conservation Area and Enhancement Plan,

Biosphere, Air Quality Management Area, Seafront Strategy, Open Spaces Strategy, One Planet Living, Public Space Public Life, the London Road SPD and the LR2 study.

SUPPORTING DOCUMENTATION

Appendices:

1. Valley Gardens detailed design Highway and Greenspace
2. Key Highway Design Changes
3. Traffic Management Report
4. Traffic Regulation Order General Principles
5. Key Project milestones
6. Land Exchange plans

Documents in Members' Rooms

1. None

Background Documents

1. Valley Gardens (Phase 1& 2) Business Case – 2014
2. Valley Gardens Phase 1& 2 Committee Reports (2014-2015)
3. Valley Gardens Preferred Preliminary Highway Design, 29th November 2016
4. Valley Gardens Preferred Preliminary Green Space design, 27th June 2017
5. Brighton and Lewes Downs Biosphere Project
6. Open Spaces Strategy (2017- 2027)
7. Planning Application BH2017/02583 – Victoria Gardens North and South, Grand Parade, St Peters Church, York Place (Valley Gardens) Brighton Full Planning
8. Planning Committee Report, 8th November, 2017