

Subject:	Emergency Active Travel Fund – Tranche 2 transport schemes and plans for consultation		
Date of Meeting:	18 December 2020		
Report of:	Executive Director Economy, Environment & Culture		
Contact Officer:	Name:	Laura Wells	Tel: 01273 291028
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Ward(s) affected:	All		

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

- 1.1 At the Environment, Transport and Sustainability (ETS) committee on 29 September 2020 it was agreed that a report would be brought to a Special Committee meeting to agree the measures being taken forward and the associated consultation plan for the Emergency Active Travel Fund Tranche 2.
- 1.2 The Council is continuing to respond to the Covid-19 pandemic by providing safe access to walking and cycling routes in the city, in line with government instructions and funding. Government first announced the Emergency Active Travel Fund on 9 May 2020 and this funding has come in two tranches.
- 1.3 This report outlines the proposals for further temporary and permanent active travel measures to be implemented under the second tranche of funding and the detail of the associated plans for meaningful public consultation prior to them being put in place
- 1.4 In announcing the second Tranche of funding, government also announced the fund will be referred to as the Active Travel Fund, so hereafter shall be referred to as this within this report.

2. RECOMMENDATIONS:

That the Committee:

- 2.1 Agree to progress work on the five schemes presented in this report, to be delivered using Tranche 2 of the Active Travel Fund from Government.
- 2.2 Approve the plan for meaningful public and stakeholder consultation on these schemes, attached at Appendix 1, prior to their implementation.
- 2.3 Agree the proposed terms of reference for a new Active & Inclusive Travel Forum to facilitate positive and proactive discussion amongst key stakeholders on schemes and initiatives that support active and accessible travel for all and enable inclusive user experiences to inform future proposals.

- 2.4 Note the use of urgency powers in accordance with the Council's Standing Orders in August 2020 in relation to the temporary A259 cycle lane.

3. BACKGROUND INFORMATION

- 3.1 On 9 May 2020, Government issued statutory guidance note – 'Traffic Management Act 2004: network management in response to Covid-19' - instructing Local Authorities to take swift action "within weeks" to meaningfully reallocate road space to cycling and walking to provide the shortfall in transport capacity and further support change in travel habits before the restart of the economy takes full effect. To allow Local Authorities to implement these walking and cycling schemes, a £250million fund was also announced: the Emergency Active Travel Fund.
- 3.2 The Council was successful in bidding for funding from the first tranche of the Emergency Active Travel Fund and was awarded £663,625 to deliver a number of temporary schemes within eight weeks. The schemes were agreed by ETS Committee on 23 June 2020 as part of the Covid-19 Urgent Response Transport Action Plan ('Action Plan') and were successfully delivered by the Council within the required timeframe.
- 3.3 The Tranche 1 temporary schemes were introduced using the Experimental Traffic Regulation Order (ETRO) process. This has provided the flexibility to adapt the schemes in response to feedback and observations during the experimental period. A number of the ETROs have been amended since their introduction. This includes significant changes to the A259 temporary on-road cycle lane approximately one week after installation. A section of cycle lane between the Palace Pier Roundabout and West Street was removed using urgency powers by officers. The rationale for this was to ensure the bus network was running reliably by 5 September before schools reopened, as local bus operators expressed significant concerns about the impact of the scheme on local bus journey times when it was implemented. A record of the use of urgency powers to remove this section of the A259 temporary cycle lane is included in Appendix 2 for the Committee to note.
- 3.4 In July the Government announced indicative allocations for a second tranche of Active Travel funding and invited bids from Local Authorities for further temporary, low-cost schemes and permanent schemes with a short lead time. As with Tranche 1 the Department for Transport made it clear that bids must seek to meaningfully reallocate road space to pedestrians and cyclists, including along strategic corridors, to alter the status quo. Government also indicated that funding in the second tranche would depend on how swiftly and effectively authorities implemented the plans for which they received funding in the first tranche.
- 3.5 The Council submitted its bid for Tranche 2 of the Active Travel Fund in early August and on 13 November 2020 the government announced that Brighton & Hove City Council had been successful in securing £2,376,000; 100% of its indicative allocation.

- 3.6 On 16 October 2020 all Local Authorities received a letter from Grant Shapps, Secretary of State for Transport, in advance of a funding announcement for the Active Travel Fund Tranche 2 (attached at Appendix 3). This set out that government would only support and fund future schemes where *“genuine plans to consult communities”* have been demonstrated as well as schemes embracing *“good design principles.”*
- 3.7 A funding allocations letter was issued by the Secretary of State on 13 November 2020 (attached at Appendix 4), and on 20 November further guidance on consultation was issued by the Department for Transport alongside the award of Tranche 2 funding (attached at Appendix 5). The Secretary of State notes in his letter dated 13 November 2020 *“Consultation should include objective tests of public opinion, such as scientific polling, to cut through the noise and passion schemes can generate and gather a truly representative picture of local views. It can engage stakeholders, including local MPs, but it should not be confused with listening only to the loudest voices or giving any one group a veto.”* And goes on to add *“Very few changes to anything will command unanimous support, and we do not ask for it in these schemes. But there is clear evidence that for all the controversy they can sometimes cause, ambitious cycling and walking schemes have significant, if quieter, majority support.”*
- 3.8 In addition, the ‘Traffic Management Act 2004: network management in response to Covid-19’ document was updated by DfT on 13 November, particularly with regards to consultation. This guidance and the expectations of the Secretary of State have both been considered in the development of the consultation plan outlined in this report.
- 3.9 The focus both from DfT and locally is on long as well as short term issues and recovery. DfT note in their letter of 20 November that the Tranche 2 schemes should have more of an emphasis on increasing cycling and walking in the longer term in line with Government objectives set out in the national vision ‘Gear Change’. The council has committed to be carbon neutral by 2030 and investing in active travel schemes is a key element of this.

4. ACTIVE TRAVEL FUND TRANCHE 2 SCHEMES

- 4.1 For Tranche 2 of the active travel measures the delivery of the following schemes is proposed:
- **Old Shoreham Road A270** – continuation of temporary segregated cycle lanes from Hangleton Road to near the western city border (Applesham Way / Wolseley Road)
 - **Kingsway / Wellington Road A259** – continuation of temporary segregated cycle lanes from Fourth Avenue to the west
 - **London Road A23** – permanent upgrade of existing cycle lane to segregated cycle lanes and upgrades to key junctions
 - **Western Road** – permanent improvements for pedestrians, cyclists and bus users along this key corridor, to tie in with the Highway Maintenance Challenge Fund (HMCF) funding the council has already secured

- **Madeira Drive** - this scheme has already been agreed at ETS committee in September and work has begun on phase 1 – the road is now operating one-way eastbound following the full closure previously. Future works to be completed in phase 2 include provision of a cycle lane, increasing the number of blue badge bays, and changing orientation of pay & display parking– the scheme is being delivered under an Experimental Traffic Regulation Order and therefore consulted separately to the above (further information is provided in the ‘Consultation’ section below).

4.2 Some details have been amended from the original bid document in August, namely the substitution of a proposed temporary segregated cycle lane on Marine Parade with the changes proposed for Madeira Drive. The Marine Parade temporary cycle scheme was not achievable in the short term due to several factors including:

- Short term deliverability issues for this as a temporary scheme as there is a need to fit in with longer term plans for this area currently at design stage, including Valley Gardens Phase 3
- The need to consider bus movement and for which a temporary scheme would be particularly problematic due to not only the arrangements at bus stops themselves but bus movements approaching the Palace Pier Roundabout westbound, which would likely be adversely affected by a temporary scheme

4.3 Therefore, the Marine Parade route has been removed from this programme, this change has also been agreed with DfT. Further solutions are being considered for this route in the longer term within the strategic Local Cycling and Walking Infrastructure Plan (LCWIP), currently in development.

5. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

5.1 A ‘do nothing’ option has been considered, but is not appropriate as this is likely to result in:

- Pandemic emergency and further movement restrictions, social distancing and inability of the public transport network to support pre-covid levels of movement;
- Damage to the economy as people feel unsafe to travel;
- Inability for residents to comply with government guidance on ‘physical distancing’;
- Increased road danger as a result of higher vehicular traffic levels, speeds, collisions and harmful emissions;
- Modal shift away from sustainable modes to private cars;
- Increased inequalities as those that can work from home do so, or drive. National research shows these tend to be higher income earners;
- Weaker and less diverse economy as small businesses struggle to adapt to new conditions;
- Negative impacts on young people and children travelling independently and actively to schools;
- Difficulty in reaching our goal of carbon neutrality;
- A reduction in future funding allocations for local transport projects (from DfT); and
- Less safe conditions for cycling and walking for those who currently use or want to use these modes.

6. COMMUNITY ENGAGEMENT & CONSULTATION PLAN

- 6.1 This section of the report summarises the proposed public consultation plan for the Tranche 2 schemes, which is detailed further in Appendix 1.
- 6.2 At the 29 September 2020 ETS committee it was agreed to pause implementation of Tranche 2 schemes to ensure local residents and stakeholder groups are consulted and are able to input into the process. Officers were asked to plan a window of no less than 6-weeks to allow for meaningful consultation to take place, whilst not placing the Tranche 2 funding at risk.
- 6.3 Additionally, a condition of the Department for Transport grant award is that appropriate consultation takes place before scheme construction starts. Local Authorities must provide assurance of this by publishing their consultation plans by 11 December 2020 and confirming by 31 March 2021, that reasonable levels of consultation have been carried out and reasonable adjustments to schemes made in response to concerns. DfT have noted in their letter and guidance of 20 November 2020 that *'By "consultation plans" we mean plans for consultation activities, not consultation documents on the schemes themselves. These should set out when consultation activities are happening, who is being consulted and how they are being consulted so that it is transparent and clear to local stakeholders how local consultation is being undertaken.'*
- 6.4 DfT have set out a five-point plan for meaningful consultation which is set out in Appendix 1. If the conditions set out are not met, DfT will reduce future funding allocations for local transport measures. We are also awaiting further guidance from DfT for the undertaking of public surveys and opinion polls.

The proposed Tranche 2 consultation plan

- 6.5 A six-week period of public and stakeholder consultation is proposed to start no later than 1 February 2021 in order to fulfil the requirements set by ETS Committee and the Department for Transport. The outcomes of the consultation will then be presented to ETS committee, alongside final scheme proposals for approval, whose design will have been influenced by the consultation responses.
- 6.6 The consultation will entail four separate scheme consultations within the consultation period, for the Old Shoreham Road, A259 Kingsway / Wellington Road, A23 London Road and Western Road. For Madeira Drive the consultation will be through the Experimental Traffic Regulation Order (ETRO) formal process.
- 6.7 For Old Shoreham Road and A259 Kingsway / Wellington Road schemes, the whole scheme will be consulted on (i.e. also including phase 1 of both schemes, implemented in Tranche 1).
- 6.8 The objectives of the consultation will be to:
- Meaningfully consult with a wide audience of those who may be affected by / interested in the scheme/s,
 - Gather quantitative and qualitative feedback on the draft proposals to inform the scheme/s final design and implementation, and

- Identify key concerns / impacts of the proposals that may need to be managed and/or mitigated as part of the final design and implementation of schemes.

6.9 The approach to consultation will follow the Council’s community engagement principles, namely to:

- ◆ Have a clear purpose and ensure responses influence decisions,
- ◆ Tailor the consultation to people’s needs,
- ◆ Be inclusive,
- ◆ Use local knowledge and intelligence to target resources, and
- ◆ Be open and transparent.

6.10 Consultation methods for schemes are proposed as follows:

Delivery method	Audience	Details
Online questionnaire – BHCC website	City residents / businesses / visitors / groups or stakeholders with an interest / general public	Providing details of the schemes (including basic plans) and asking for responses via an online questionnaire. Accessible versions of the questionnaire will be available on request, i.e. paper copies / other languages. The online consultation portal hosting the questionnaire meets web content accessibility guidelines, including for use with speech recognition software and screen readers
Leaflet	Properties directly affected by schemes	Providing details of the proposed schemes (including basic plans) and asking for responses –submitting views via the online questionnaire or requesting a paper copy or other formats if required
Postcard	Wider boundary of properties affected	Providing summary information about the proposed schemes and inviting respondents to go online or request a paper questionnaire
Public opinion surveys	Representative members of the public	Building on the recent work of the Climate Assembly in Brighton & Hove, and to fulfil the DfT requirements for opinion polls, it is proposed that separately to the scheme-specific questionnaires, public opinion surveys will be carried out before and after implementation of schemes in order to understand the level of public feeling on active travel and the need for change in the city
Online – BHCC website and social media	Wider residents, businesses	Information to be put on the BHCC website and circulated via BHCC online channels to promote the consultation more widely with those not directly affected, with an option to request a paper questionnaire

Local community groups	Stakeholder groups (including community groups / partnerships, active travel groups, disability groups, older peoples' groups) and their members / users	Email information to be sent to known stakeholder groups in the city, including those who can disseminate information to hard-to-reach groups including older people
Online information sessions	Stakeholder groups	Hold online sessions for community and stakeholder groups, to present information and take questions, like would take place in a session in person. Stakeholders and community groups for the area of the city concerned to be invited to sessions for each proposed scheme
Local disability groups	Local residents with disabilities	<p>Accessible versions of the consultation information to be produced in conjunction with key disability groups in the city, in line with public sector accessibility regulations.</p> <p>Information to be disseminated to local equality and disability networks, including via the BHCC equalities team</p> <p>Focus group/s to be facilitated in conjunction with disability groups, to gather qualitative feedback about the impacts of the proposals from people with disabilities and older people.</p>
Email / phonecalls	Schools / Workplaces in affected areas	<p>Messaging to be distributed by School / Workplace Travel Teams, asking for the information to be forwarded to staff / parents & carers. Information to be disseminated to Workplace Active Travel & Health Partnership and potential for an online meeting to be held for the group</p> <p>Specific engagement to take place with the Business Improvement District and Chamber of Commerce, with option offered for online meetings to present the scheme / Q&A session</p>
Pupil engagement / feedback sessions	School pupils in areas near proposals (subject to school involvement)	Work to be carried out with the School Travel Team and Sustrans, who are already operating in schools, to inform and engage pupils in proposals being put forward and seeking feedback

Emails / phonecalls / meetings if required	Statutory stakeholders (e.g. emergency services) Transport operators Royal Mail Members of Parliament All Ward Councillors	To be undertaken by BHCC Project Manager for each scheme as standard
Partnership / stakeholder meetings	Key partner organisations including e.g. Transport Partnership, Equalities and Inclusion Partnership	Attend existing partnership and stakeholder meetings as scheduled during the consultation period (subject to invitation) to present information on the proposals, collect feedback and invite any further formal feedback from organisations via the online questionnaire
Online meeting / emails	Youth Council / Youth Climate Assembly	Present information to the assembly / council and to seek views and invite feedback

- 6.11 The impact of Covid-19 means that consultation activities will have to be planned in line with the latest government guidance and rules. This is likely to limit the Council's ability to hold face-to-face workshops or meetings as part of the consultation.
- 6.12 To ensure the consultation is fully accessible, additional consideration has been given to varying formats, including offering translation into different languages, interpretation and Easy Read.
- 6.13 A separate questionnaire will be carried out for each scheme so that the unique details of each change can be shared and directly affected properties can be notified of the most relevant impacts. These separate questionnaires will run during the same time period under a single consultation, so that overarching messaging, communications and wider promotion can be coordinated and released city-wide. As noted above, for Madeira Drive this will be dealt with separately to the four main scheme consultations for this plan, as it is being dealt with earlier than the other schemes and through the ETRO process. Communications activities will highlight the Madeira Drive element of the consultation and how feedback can be provided on the formal consultation for that scheme.
- 6.14 Public opinion surveys will also be carried out before and after scheme implementation, on a broader level, to understand the level of public feeling on active travel and the need for change in the city. These will build on the

knowledge gained as part of the recent Climate Assembly for Brighton and Hove, where the decarbonisation of transport was the focus.

- 6.15 Further detailed guidance is anticipated from DfT with regards to survey content, this will advise Local Authorities on the undertaking of effective public opinion surveys alongside survey frameworks and example questions.
- 6.16 The consultation will largely focus on conceptual designs for the Tranche 2 schemes, enabling public feedback to truly shape the final designs brought forward for approval. Because of this, it may also be necessary to undertake further public consultation on detailed designs later in 2021.

Public feedback survey on the current temporary changes

- 6.17 As the first tranche of temporary transport changes were introduced quickly, the Council received a high volume of public feedback and launched a public feedback survey to effectively channel and constructively collate and analyse the many views being shared. The survey has not been promoted as a formal consultation on the temporary schemes, as this is being conducted as part of the ETRO process. However, the results of the survey are reported to the committee as part of progress updates on the Action Plan, alongside other monitoring data.
- 6.18 To avoid confusion about where and how the public can formally submit their views on Tranche 2 proposals and to provide sufficient time to collate and analyse the survey results for the next Action Plan committee update, the existing public survey will close on 31 December 2020. This amends the current publicised closure date of 31 January 2021.
- 6.19 The highest number of responses to the public survey have been in relation to the A270 Old Shoreham Road and A259 temporary cycle lanes. To ensure people's views on these schemes can continue to be captured and so that the Tranche 2 proposals for these areas can be viewed holistically, the intention is to incorporate these elements into the planned period of formal consultation on Tranche 2.

Wider messaging and communications

- 6.20 Alongside the proposed consultation plan for Tranche 2, a communications plan has been developed to promote awareness of, and participation in, the consultation exercises, both in the run up to and during the consultation period. The plan details the approach and activities that will communicate not only *what* changes are proposed and *how* to respond, but also *why* they are needed and the *impact* they will have.
- 6.21 To improve the accessibility of the consultation and associated communications the Council is working in partnership with the pan-disability charity PossAbility People. This working relationship will also involve their support in gathering more qualitative feedback from the disabled community during the consultation period.

Stakeholder engagement on active travel

- 6.22 It is proposed that an Active and Inclusive Travel Forum be established with its purpose to provide a positive, proactive arena for the exchange of information and views on schemes and ideas that support more active forms of transport. This includes identifying issues/user experiences which can inform the development of future schemes and practical solutions to problems. In addition, the aim of the Forum will be to strengthen links between key stakeholders, providing an opportunity to develop initiatives in partnership that encourage people of all ages and abilities to travel more actively and influence behaviour change.
- 6.23 To ensure stakeholder engagement on the proposed changes is coordinated, well-managed and usefully informs the development and implementation of Tranche 2 schemes its inaugural meeting will take place during the public consultation period to feed representative views into this process.
- 6.24 It is envisaged that the Forum will meet throughout the delivery of the Active Travel Fund schemes and overarching Urgent Response Transport Action Plan, as well as tying in with the development of other key transport projects, such as the Local Cycling and Walking Infrastructure Plan (LCWIP) and the Local Transport Plan 5 (LTP5).
- 6.25 The creation of an Active and Inclusive Travel Forum is also intended to satisfy the Committee's request to establish a cycle forum; its resolution in response to a deputation on barriers to cycling heard earlier in the year.
- 6.26 Suggested terms of reference for an Active and Inclusive Travel Forum are in Appendix 6.

7. CONCLUSION

- 7.1 This report and accompanying documents set out the proposals for the Active Travel Fund Tranche 2 measures to be taken forward and associated consultation plan.
- 7.2 The ongoing response to Covid-19 both short and long term means it is essential that the Active Travel Fund Tranche 2 schemes are put in place in line with the wider Action Plan. DfT have stated that Tranche 2 is more about 'cementing the benefits and legacy of change' and our proposals reflect this. These schemes take advantage of external funding sources to address the Covid-19 response locally as well as longer term issues. Failure to put in place measures may cause further issues around social distancing and affect the Council's ability to provide alternative active travel choices to the public. Failure to propose schemes for active travel which are consulted on meaningfully may also put the council's funding at risk.

8. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 8.1 The actions and activities contained within this report will be funded from the Emergency Active Travel Fund grant (Tranche 2). The council has confirmed grant funding totalling £2,376,000 from government's Active Travel Fund Tranche 2 which will fund this work (notification letter from the Department for Transport dated 20 November 2020). The split of this grant funding is 80% Capital (£1,900,800) and 20% revenue (£475,200). Spending against this grant funding is required to be committed by the end of March 2021 and spent by the end of March 2022.
- 8.2 Schemes being approved at this committee are not at the detailed design stage and therefore the potential financial impact on parking revenue is not yet known. The detailed design of the relevant schemes will be brought back to committee for consideration and/or approval which will include any financial impact on parking revenues.

Finance Officer Consulted: Jess Laing

Date 08/12/2020

Legal Implications:

- 8.3 The schemes presented in this report can be implemented by means of traffic regulation orders using the Council's powers as highway authority under the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004.
- 8.4 The letter of 16 October 2020 from the Secretary of State for Transport and the statutory guidance entitled 'Traffic Management Act 2004: network guidance in response to Covid-19' requires local authorities to carry out consultations with all groups in the local community over proposed changes to the road network. The Council has a relatively broad discretion as to how such consultation is carried out but it should be widely publicised using various channels of communication.
- 8.5 The consultation steps set out in this report demonstrate that the Council will be following good practice in its efforts to engage with the local community over the planned schemes.

Legal Officer Consulted: Stephanie Stammers

Date: 8 December 2020

Equality Implications:

- 8.6 Statutory guidance issued in May 2020 by Government reiterates that the public sector equality duty continues to apply as Local Authorities make changes to their road networks in response to Covid-19, and the needs of disabled people and those with other protected characteristics must be considered. Accessibility requirements apply to temporary measures as they do to permanent ones.
- 8.7 The Council will aim to ensure that communications about the Tranche 2 changes and consultation on the proposals are inclusive and accessible. As well as making information available in different formats and languages to meet varying needs, it will be produced in plain English and tailored wherever possible. The planned consultation methods also include targeted activities with underrepresented and protected groups, to ensure their views of these are particularly considered.

- 8.8 In addition, equality impact assessments will be carried out on each proposed scheme and these will be available publicly. This may help respondents consider any potential disproportionate impacts of the proposals as they share their views.

Sustainability Implications:

- 8.9 The measures will improve the transport network for sustainable modes of transport by reallocating road space.

Public Health Implications:

- 8.10 The measures will support the improvement of public health through enhanced opportunities for physical distancing during the pandemic whilst travelling, securing essential supplies and exercising. Enabling greater uptake of active travel across the city will provide both short and long term benefits to the mental and physical health of our residents. This approach supports the implementation of the Brighton & Hove Health and Wellbeing Strategy.

Corporate / Citywide Implications:

- 8.11 The measures will support the existing Local Transport Plan 4 and the development of the new Local Transport Plan 5.

SUPPORTING DOCUMENTATION

Appendices:

1. Active Travel Fund Tranche 2 - Consultation Plan
2. Officer Decision Record – A259 Cycle Lane
3. Emergency Active Travel Funding update – Letter from the Secretary of State, October 2020
4. Active Travel Funding Tranche 2 Allocations – Letter from Secretary of State, November 2020
5. Active Travel Fund Tranche 2 Grant Award – Letter and guidance from the Department for Transport, November 2020
6. Active and Inclusive Travel Forum Terms of Reference

Background documents:

1. Urgent Response Transport Action Plan update – September 2020
2. Department for Transport - Traffic Management Act 2004: network management in response to Covid-19 – updated 13 November 2020