

Brighton & Hove City Council

Special Transport & Agenda Item 5 Sustainability Committee

Subject: A259 Active Travel Improvement Scheme - Fourth Avenue to Wharf Road

Date of meeting: 21 June 2023

Report of: Executive Director, Economy, Environment & Culture

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Wards affected: All

Note: The special circumstances for non-compliance with Council Procedure Rule 7, Access to Information Rule 5 and Section 100B (4) of the Local Government Act as amended (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that the meeting was convened at short notice.

Note: Reasons for urgency

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 (as amended), (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) were that a decision needed to be taken before the next ordinary committee due to the financial implications of standing down the contractors.

For general release

1. Purpose of the report and policy context

1.1 This report provides an update on the A259 Fourth Avenue to Wharf Road Active Travel Scheme and makes recommendations on how to proceed. This follows a request by the Administration to review the whole of the seafront pedestrian and cycle provision between West Street and Wharf Road. The aim is to further enhance the road layout to better support all road users including pedestrians and cyclists, by creating a bi-directional cycle lane for the whole route. This report focuses on the current proposals for the Active Travel Scheme A259 Fourth Avenue and Wharf Road.

1.2 Central government released their 'Gear Change' vision document in July 2020 which sets out the national ambition to make walking and cycling the natural choice for short journeys, or as part of a longer journey. Accompanying this is Local Transport Note 1/20 (LTN 1/20) which sets out a step change in how Local Authorities must deliver cycling improvements.

2. Recommendations

The Committee is asked to agree either recommendations 2.1 to 2.3 or recommendation 2.4:

- 2.1 That the Committee agrees to redesign the A259 Fourth Avenue to Wharf Road scheme.
- 2.2 That the Committee notes that significant additional funding will be required to redesign and deliver the final scheme. The final scheme design and funding requirements will be subject to a further report to this committee, including funding sources such as other external grant or reallocation of the Councils Programme.
- 2.3 That Committee delegates authority to the Executive Director, Economy, Environment & Culture to take all steps necessary to terminate the current call-off Contract for the A259 Fourth Avenue to Wharf Road Active Travel Scheme and notes the financial implications of both the stand-down charges and termination fees as detailed in section 7 of this report.

OR

- 2.4 That the Committee agrees the works agreed by ETS Committee in March 2022 continue.

3. Context and background information

- 3.1 The Active Travel scheme A259 Fourth Avenue – Wharf Road received approvals to proceed, following consultation, at Environment, Transport and Sustainability (ETS) Committee in February 2021 and in July 2021. Design and construction approval was given by ETS Committee in March 2022. The final Traffic Regulation Order Consultation was presented and approved by ETS in September 2022. At this meeting members also agreed to commence the construction phase and to procure the Works Contract.
- 3.2 The Works were procured under the new Brighton & Hove City Council Highway Framework via a mini competition. R.J. Dance were appointed as the winning bidder and an NEC4, Option B call-off Contract was awarded to R.J. Dance in January 2023. Due to delays in mobilisation the start date for the works was agreed as 12th June 2023.
- 3.3 The Administration has asked officers to review and redesign this scheme, particularly to look at ways to further enhance the road layout for all users particularly pedestrians and cyclists.
- 3.4 The redesign will address three key concerns. Firstly, where possible the cycle lanes in both the east and west direction should be adjacent to each other and not separated by footways, effectively providing bi-directional cycle lanes in line with national standards (LTN 1/20). Secondly, that the scheme is redesigned to reduce loss of vehicle running lanes wherever possible. Thirdly, to ensure the cycle route is as direct as possible and avoids detours for example around King Alfred Leisure Centre.

- 3.5 As a result of the estimated timescales for redesign, the current Works Order cannot be maintained due to the financial implications of the stand-down charges currently estimated at £18,747 per week. Furthermore, Under NEC4 the Contract can be terminated by any party if the new estimated Completion date is delayed by more than 13 weeks. Therefore, recommendation 2.3 is to terminate the Works contract with immediate effect. This means the council will not incur the weekly stand-down charge beyond termination.
- 3.6 The council's first Local Cycling and Walking Infrastructure Plan (LCWIP) was approved by the ETS committee in March 2022. This sets out strategic plans for routes and areas in the city to receive active travel improvements. The A259 is a priority strategic route in the LCWIP. West of the city, the A259 also features as a priority route in the Adur & Worthing LCWIP, and West Sussex County Council (WSSCC) have recently consulted on plans for active travel improvements from the Brighton & Hove border to Shoreham-by-Sea, which include pedestrian improvements and a bi-directional cycle lane on the south side of the A259.
- 3.7 As well as the A259 being a priority strategic LCWIP route, it also forms part of the National Cycle Network (NCN route 2), which currently follows the A259 from West Street to Fourth Avenue, then King's Esplanade and the promenade, then back onto the A259, then down Wharf Road / Basin Road South. This route is currently disjointed and confusing. The proposals to improve the A259 for cyclists also include the potential to re-route the NCN2 route onto the direct A259 route, between Brighton and Shoreham-by-Sea.

4. Analysis and consideration of alternative options

- 4.1 Officers have developed design options for the A259 Fourth Avenue – Wharf Road and these were consulted upon and subsequently approved in accordance with the available budget.
- 4.2 The approved design considered public feedback from the consultations and was designed in accordance with the Department for Transport's LTN1/20 guidance. A full bi-directional cycle lane was not achievable within the budget available but remained the long-term aspiration for the route. This will now be incorporated into the new design.
- 4.3 A redesign will require approximately 6 months. This will allow for the preliminary and detailed design stages, required Road Safety Audits and limited internal consultations. Significant design changes would be subject to further consultation and committee approvals.
- 4.4 There are limited design options to prevent the loss of traffic lanes and implement bi-directional cycle lanes. However, the most appropriate solution will be investigated during the feasibility design stages.
- 4.5 In order to provide LTN1/20-standard bi-directional cycle lanes and footways, and maintain traffic running lanes, the design is likely to require the removal of the central reservation between Hove Street South and Wharf Road. This will result in additional scheme costs, however throughout the redesign process officers will make every effort to limit scheme costs.

- 4.6 The A259 Active Travel Fourth Avenue – Wharf Road scheme is part-funded by Central Government Active Travel Fund, there is a chance that future funding of this nature may be at risk if a scheme is not implemented. However, it is intended that a redesigned scheme is brought forward.
- 4.7 If schemes cannot be progressed or appropriate consultation is not completed, Active Travel England / Department for Transport will work with authorities to identify appropriate alternative schemes that remain consistent with the objectives of the original bid and DfT's strategic objectives for the Fund. If no alternative solution can be found, the Department reserves the option to recover funding for specific schemes and by reducing a future grant payment to the authority.

5. Community engagement and consultation

- 5.1 The consultation was conducted in line with the Active Travel Consultation Framework and the Consultation Plan for the A259 Active Travel Walking, Cycling and Accessibility scheme was further informed by additional engagement with Ward Members
- 5.2 Two open days were also hosted in December 2021 at the King Alfred Leisure Centre where officers were present to answer questions and provide information about the proposals in detail and advise on how to formally provide feedback. Numerous stakeholder meetings were hosted by council officers with a wide range of groups and organisations from the community.
- 5.3 For the consultation survey, 8000 leaflets were posted to businesses and residents 854 responses (95%) were received from city residents and 43 responses (4.8%) from residents in other, mostly neighbouring, authorities. The consultation results showed general support for the scheme with 51% of respondents in favour of proposals to widen pavements in the area and 67% agreed with the improvement of pedestrian crossing points, 46% of respondents agreed with improving the cycle routes. The redesign of the scheme will further improve all of these elements.
- 5.4 In total the council received 48 responses to the Traffic Regulations Order consultation, including 13 objections, 34 comments of support and 1 general comment. This further consultation indicated that 71% of respondents were in favour of alterations. Due to the level of objections exceeding 5, officers brought this matter to ETS committee for a decision, where further approvals to proceed to construction were granted.

6. Conclusion

- 6.1 The A259 Active Travel Fourth Avenue to Wharf Road redesign will require up to six months for redesign and therefore the current call-off Contract would be terminated to avoid elongating costly stand-down charges. The new design proposals are likely to result in a scheme which intends to provide a permanent, higher quality bi-directional cycle lane which maintains many of the benefits of the previous scheme and seeks to maintain vehicle running lanes where possible. However, due to the higher quality scheme and additional infrastructure required to repurpose the road space additional funding will be required from the Capital Programme or another source and will be the subject of a future report.

- 6.2 A new timeframe for the scheme redesign will be communicated to the funding body Active Travel England along with the impact on the wider Active Travel funded programme. Officers will seek to ensure this does not lead to a loss of Active Travel Grant Funding or jeopardise future bids.

7. Financial implications

- 7.1 The current call-off Contract with R.J.Dance is £0.739m. There is additional work by sub- contractors, contingencies and project management costs with the final scheme value estimated to be £0.940m. Active Travel Fund Tranche 2 has allocated £0.171m; the remaining £0.769m is funded from the 2022/23 & 2023/24 Local Transport Plan (LTP) capital allocation.
- 7.2 Stand-down charges of £0.019m per week apply from 12/06/23 until either the contract is terminated or the council reinstates the works. If termination is instigated, the stand-down charges will cease but there will be a termination fee. This termination fee would be based on a claim for Defined Costs for Plant and Material and Defined Costs reasonably incurred in the expectation of completing the works.
- 7.3 The Council has been awarded a total of £7.247m from the Active Travel Fund made up Tranche 1 £663,000 (including A259 West Street to Fourth Avenue), Tranche 2 £2.376m (including A259 Fourth Avenue to Wharf Road), Tranche 3 £1.208m and Tranche 4 £3m (A259 Wharf Road to western city border). Future government funding of this nature is at risk if the schemes are not progressed to the design standards and within pre agreed timescales.
- 7.4 It is anticipated that the redesign will require internal resources for another six months at a cost of approximately £0.072m and that final scheme construction costs will be significantly increased to deliver the further improvements. Therefore, additional capital budget funding would need to be secured potentially through reallocations of the Council's Capital Budget or other funding sources if available. A full detailed cost estimation will be carried out as part of the detailed design process and reported back to Committee along with funding options for variations to the capital budget.

Name of finance officer consulted: John Lack Date consulted 19/06/23

8. Legal implications

- 8.1 The amounts due on termination will be calculated in accordance with the contract terms. As an interim measure, the Council has issued a Prevention Notice to the contractor in accordance with the terms of the contract to stand the contractor down pending further committee review and a decision regarding termination.
- 8.2 The committee should consider all the legal, practical and financial implications prior to reaching a decision. This is to ensure that the decision reached is legally sound and cannot be subject to judicial review.

Name of lawyer consulted: Alice Rowland
Date consulted: 19/6/23

9. Equalities implications

- 9.1 DfT's Local Transport Note 1/20 (LTN1/20) which sets the standards for cycling design, and which Local Authorities receiving the Active Travel Fund Tranche 2 funding must abide by states: (4.5.11): Local authorities are bound by the Equality Act 2010 in discharging their functions, which includes managing their road networks. Designers should provide infrastructure that is accessible to all, and the dimensions and other features set out in this guidance should help ensure that their designs comply with the Public Sector Equality Duty.
- 9.2 Officers have conducted an Equality Impact Assessment (EqIA) for the current approved scheme. As part of the scheme development, officers have also consulted with various disability interest groups including guide dogs for the blind and BADGE. Additionally, Possability People were commissioned to undertake an Accessibility Audit, the results of which have informed the currently approved scheme.
- 9.3 The redesigned scheme would be informed by an updated Equalities Impact Assessment.

10. Sustainability implications

- 10.1 The measures will improve the transport network for sustainable modes of transport. This will provide opportunities for more people to switch to low carbon modes of transport from single occupancy car use.

1. Appendices

None

1. Background documents

1. February 2021, Environment, Transport & Sustainability Committee, Active Travel Scheme A259.
2. July 2021, Environment, Transport & Sustainability Committee, Active Travel Scheme A259.
3. September 2022, Environment, Transport & Sustainability Committee, Active Travel Scheme A259.