

Subject:	Old Town Traffic Regulation Order		
Date of Meeting:	15 January 2013		
Report of:	Strategic Director, Place		
Contact Officer:	Name:	Tom Campbell	Tel: 29-3328
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Ward(s) affected:	Regency		

FOR GENERAL RELEASE

Note: The special circumstances for non-compliance with Council Procedure Rule 3, Access to Information Procedure Rule 5 and Section 100B(4) of the Local Government Act 1972 (items not considered unless the agenda is open to public inspection at least five days in advance of the meeting) were that the report could not be finalised until all of the objections had been received and reflected fully in the report.

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The purpose of this report is to consider comments and objections received in relation to proposed Traffic Regulation Orders. The Traffic Regulation Orders authorise traffic management restrictions in the Old Town area of Brighton (the area bounded by West Street, North Street, East Street, and Kings Road).

2. RECOMMENDATIONS:

- 2.1 That, having taken account of all duly made representations and objections, the Committee approves as advertised the following order;
- a) Brighton & Hove (Boyces Street) (Prohibition of Driving) Order 20** (TRO-21a 2012)
- 2.2 That the Committee authorises Officers to request an Independent Inspector to hold a public inquiry into the following orders:
- a) Brighton & Hove (Brills Lane) (Prohibition of Driving) Order 20** (TRO-21b-2012)
 - b) Brighton & Hove (East Street) (Prohibition of Driving) Order 20** (TRO-21c-2012)
 - c) Brighton & Hove (Prince Albert Street) (Prohibition of Driving) Order 20** (TRO-21d-2012)
 - d) Brighton & Hove (Ship Street) (Prohibition of Driving and One-Way Traffic) Order 20** (TRO-21e-2012)
 - e) Brighton & Hove (Old Town) (Weight Restriction) Order 20** (TRO-21f-2012)

- f) Brighton & Hove Various Controlled Parking Zones Consolidation Order 2008 Amendment Order No.** 20** (TRO-21g-2012)
- g) Brighton & Hove (Waiting & Loading/Unloading Restrictions and Parking Places) Consolidation Order 2008 Amendment Order No.** 20** (TRO-21h-2012)

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The Old Town Transport Plan is a continuation of the council's Walking Network programme.
- 3.2 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.
- 3.3 The first phase focussed on King's Road between Middle Street and Black Lion Street and was implemented in early 2009. The second phase involved closing the southern end of East Street to traffic and installing a new pedestrian crossing across the A259. It was implemented in Spring 2012.
- 3.4 In September 2009 Cabinet approved *'the commencement of feasibility, design and consultation of a Phase 3 which will examine the potential of further measures in the East Street area.'* Through early feasibility work it became apparent that any changes to traffic management in East Street would have significant implications for the surrounding area. Therefore it was felt that the scheme needed to consider traffic management in the Old Town as a whole.
- 3.5 In 2010 Baker Associates carried out a review of literature regarding the economic benefits of pedestrianising city centres. They found that:
 - Turnover for restaurateurs and retailers increases significantly over and above that in other comparable 'vehicular streets'.
 - A larger proportion of businesses located within pedestrianised area reported an increase in profits than those located outside those zones.
 - It can be stated with relative certainty that measures to reduce car access to a shopping centre are more likely to benefit a centre than to harm it.
 - In the UK the most successful schemes have been invariably those undertaken in the primary shopping areas where the quality of retail outlets has meant that the advantages pertain to areas of high pedestrian movement.
- 3.6 The same study also noted that *"there is a clear cut consensus from all those involved professionally at least: pedestrianisation is of clear benefit to retail. However, many indicate that retailers are initially very reticent to accept schemes before their implementation."*
- 3.7 In October 2012 Transport Committee approved the Old Town Transport Plan in principle and authorised officers to advertise the relevant Traffic Regulation Orders.

3.8 The need for a Public Inquiry

The law states that a public inquiry must be held if there is an unresolved objection to a Traffic Regulation Order that would have the effect of prohibiting loading or unloading of vehicles of any class (i) at all times, (ii) before 07:00 hours, (iii) between 10:00 and 16:00, or (iv) after 19:00, or if the passage of public service vehicles would be restricted and there is an objection from an operator of an affected service.

3.9 With the Old Town orders, the orders relating to Brills Lane, East Street, Prince Albert Street and Ship Street all involve a prohibition of driving either at all times or at times that are outside the hours set out above.

3.9 This means that consideration must be given to whether or not to recommend that a statutory Public Inquiry be held to ensure that the City Council is provided with independent advice on the balance between the benefits to the amenity of Brighton & Hove and the interests of those objecting to the proposals before making the order permanent.

3.10 The Council will be responsible for meeting the costs of the inquiry, which will include paying for the inquiry venue, the Inspector, and legal representation. It is not possible to give a precise figure as this will depend on the length of the hearing and the number of people wishing to give evidence. A reasonable estimate for the upper limit of the potential costs would be £25,000 although it cannot be guaranteed that this would not be exceeded.

3.11 The Planning Inspectorate has been consulted and the earliest possible date for a public inquiry would be in May 2013.

3.11 Due to the importance of the orders in question to the overall Old Town scheme it is recommended that a public inquiry be held to consider the making of the TROs.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

Pre- TRO consultation

4.1 In Summer 2012 two traffic management options were put forward for public consultation. Both involved closing the junction of Ship Street and North Street to reduce levels of through traffic. Option A involved restricting all motor vehicles other than those which legitimately required access from entering the Old Town. Option B retained the right for all traffic to enter the area but used traffic management changes to reduce the amount of traffic that would use the area. A 'do nothing' option was also available.

4.2 A copy of the consultation material is attached as Appendix 1.

4.3 A public consultation on the plans was carried out from 14th June until 27th July 2012. Information leaflets and questionnaires were mailed to 2436 property addresses. 1436 of these were in the local area. As the area is important for its historic character, a further 1000 consultation packs were sent to random city-wide addresses.

- 4.4 Ward Members were consulted during development of consultation material as well as the formal consultation period.
- 4.4 Two public exhibitions were held in the local area at:
- Friends Meeting House, Ship Street, Thursday 14 June, 12 noon-8pm and Saturday 16 June, 9am to 5pm
 - Bartholomew House, Bartholomew Square, Thursday 28 June, 8.45am to 4.45pm
- 4.5 The consultation was also advertised on the BHCC's website and Twitter feed. It was featured on BBC TV news, BBC radio and in the Evening Argus, where it was the most popular story on the Argus website for 2 days. Stakeholder groups were also sent information.
- 4.6 565 responses were received, 197 of these (35%) were received on-line through the council's consultation portal and 368 (65%) were survey forms returned by mail or collected at public exhibitions.
- 4.7 The mailing response rate was approximately 16.5% which is an average response rate for a consultation. 17% of the total number of respondents were residents of the Old Town.
- 4.8 Consultation Results
The main findings of the consultation were:
- 66% were in favour of a traffic improvement scheme (either Option A or Option B)
 - Amongst businesses 50% favoured a traffic improvement scheme and 50% wanted no change.
 - Amongst residents of the Old Town, 55% wanted a new scheme.
 - Of the 2 options, Option A (45%) was more popular than Option B (21%).
 - In general people would like vehicular access (for those with legitimate reasons to enter the area) to be permitted at all times. If there were to be a timed restriction the most popular times to restrict vehicular access were during the middle of the day.
 - The majority of respondents favoured the closure of Boyce's Street to traffic.
- 4.9 TRO Consultation
The proposed Traffic Regulation Orders (TROs) were advertised on 5 December 2012 with the closing date for comments and objections on 28th December 2012.
- 4.10 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. A plan detailing the proposals is attached as Appendix 2.
- 4.11 The documents were also available to view and to respond to directly on the Council website.
- 4.12 Copies of all objections have been placed in Members Rooms. A summary of those objections follows:

4.13 **Brighton & Hove (Boyces Street) (Prohibition of Driving) Order 20** (TRO-21a-2012)**

2 objections were received from:

- The Brighton Lanes Traders group
- GMB (Hackney Carriage and Private Hire Drivers Section)

4.14 Objections were made on the following grounds:

- Congestion would increase within the Old Town and surrounding roads.
- Deliveries access for businesses would suffer.
- Businesses would suffer from loss of trade.
- There would be a derogatory effect on the Lanes
- There would be reduced access for elderly and disabled people.
- Taxi journey times and fares would increase.

4.15 **Recommendation:** Boyce's Street is a narrow street unsuitable for large amounts of traffic, however it is currently used as a through-route to exit the Old Town, or as a shortcut to avoid congestion at the West Street / King's Road traffic signals. The businesses of Boyce's Street have requested that traffic be reduced and this Order will eliminate through traffic whilst retaining access for businesses. It is recommended that the Order is approved.

4.16 **Brighton & Hove (Brills Lane) (Prohibition of Driving) Order 20** (TRO-21b-2012)**

5 objections were received from:

- Local residents
- The Brighton Lanes Traders group
- GMB (Hackney Carriage and Private Hire Drivers Section)

4.17 Objections were made on the following grounds:

- Vehicular access for residents would be restricted.
- Deliveries access for businesses and residents would suffer.
- Servicing of buildings in the area would not be possible.
- Anti-social behaviour would increase, particularly at night.
- There would be reduced access for elderly and disabled people.
- Taxi journey times and fares would increase.
- There would be a derogatory effect on the Lanes
- Congestion would increase within the Old Town and surrounding roads.
- Businesses would suffer from loss of trade.

4.18 **Recommendation:** Closing East Street to traffic is a key element of the Old Town scheme, creating a pedestrian-friendly route from the seafront to the Pavilion and allowing businesses to have outdoor tables and chairs.

4.19 As Brills Lane is a feeder road on to East Street it is not possible to fully close East Street but allow Brills Lane to remain open. If Brills Lane were not closed to traffic then the southern section of East Street would not be traffic-free, disrupting the pedestrian route at a key point, and the section of King's Road between East Street and the seafront would not be traffic-free. This section of King's road has been in need of regeneration for a number of years and the

opportunity to improve it through pedestrianisation and outdoor seating would be missed if Brills Lane were not closed.

- 4.20 Currently local residents and businesses can access a short stay loading bay outside the entrance of Clarendon Mansions. This loading bay will remain but will only be accessible before 11am and after 7pm. Outside these times an alternative loading bay is available 30 metres away outside the Grosvenor Casino.
- 4.21 It is recommended that the Order is referred to Public Inquiry.
- 4.22 **Brighton & Hove (East Street) (Prohibition of Driving) Order 20** (TRO-21c-2012)**
6 objections were received from:
- Local residents
 - The Brighton Lanes Traders group
 - GMB (Hackney Carriage and Private Hire Drivers Section)
 - A local business owner
- 4.23 Objections were made on the following grounds:
- Vehicular access for residents would be restricted.
 - Deliveries access for businesses and residents would suffer.
 - Servicing of buildings in the area would not be possible.
 - Anti-social behaviour would increase, particularly at night.
 - There would be reduced access for elderly and disabled people.
 - Taxi journey times and fares would increase.
 - There would be a derogatory effect on the Lanes
 - Congestion would increase within the Old Town and surrounding roads.
 - Businesses would suffer from loss of trade.
- 4.24 **Recommendation:** Closing East Street to traffic is a key element of the Old Town scheme, creating a pedestrian-friendly route from the seafront to the Pavilion and allowing businesses to have outdoor tables and chairs. The Order will also remove traffic in the section of King's Road between East Street and the seafront, which has been in need of regeneration for a number of years. The Order was advertised following the request of a number of local businesses and no objections have been received from businesses located on East Street.
- 4.25 Businesses will be able to receive deliveries before 11am or after 7pm. Although it is accepted that this will cause some inconvenience evidence of similar measures elsewhere suggests that businesses will adapt to the new arrangements. Outside these times alternative loading bays are available in Bartholomews or on Grand Junction Road.
- 4.26 Currently local residents and businesses can access a short stay loading bay outside the entrance of Clarendon Mansions. This loading bay will remain but will only be accessible before 11am and after 7pm. Outside these times an alternative loading bay is available 30 metres away outside the Grosvenor Casino.

- 4.27 Taxis will be able to service the bars and restaurants on East Street in the evenings from 7pm. Outside these hours they will need to drop off passengers on the surrounding roads.
- 4.28 The timed closure of East Street may result in an increase in traffic on Little East Street. However the effect on Little East Street will be mitigated by traffic choosing to use the area before 11am in order to access East Street and a general reduction in overall traffic levels in the area as a result of other measures, such as the closure of Ship Street as an entrance to the Old Town.
- 4.29 It is recommended that the Order is referred to Public Inquiry.
- 4.30 **Brighton & Hove (Prince Albert Street) (Prohibition of Driving) Order 20** (TRO-21d-2012)**
4 objections were received from:
- The Brighton Lanes Traders group
 - GMB (Hackney Carriage and Private Hire Drivers Section)
 - 2 local business owners
- 4.31 Objections were made on the following grounds:
- Deliveries access for businesses would suffer.
 - Businesses would suffer from loss of trade.
 - Congestion would increase within the Old Town and surrounding roads.
 - Taxi journey times and fares would increase.
 - There would be reduced access for elderly and disabled people.
 - There would be a derogatory effect on the Lanes
 - There would be a reduction in parking spaces.
- 4.32 **Recommendation:** The closure of Prince Albert Street will create a traffic-free area in the centre of the Old Town. Currently at peak times pedestrians are forced on to narrow footways despite the flow of traffic being relatively low.
- 4.33 The principle of the Old town scheme is to create 2 loops for traffic (one that enters via Middle Street and exits via Ship Street and one that enters via Black Lion Street and exits via Little East Street / East Street). These loops will ensure that the Old Town remains accessible for vehicles but is not used as a through route. The closure of Prince Albert Street will ensure there is no through-traffic transferring from one loop to another.
- 4.34 There is currently a loading bay on Prince Albert Street that will not be accessible. Businesses will be able to use alternative loading bays in Ship Street. Although it is accepted there will be some inconvenience to businesses regarding loading, evidence suggests that schemes such as this ultimately benefit businesses within the pedestrianised area.
- 4.35 A section of Pay & Display parking (approximately 3 spaces) will be removed, however the majority of on-street parking in the surrounding streets will remain. The disabled parking space will be relocated to a space outside the pedestrianised area.
- 4.36 It is recommended that the Order is referred to Public Inquiry.

4.37 **Brighton & Hove (Ship Street) (Prohibition of Driving and One-Way Traffic) Order 20** (TRO-21e-2012)**

64 objections were received from:

- Brighton & Hove Streamline Taxis (61 objections)
- The Brighton Lanes Traders group
- GMB (Hackney Carriage and Private Hire Drivers Section)
- A local business owner

4.38 Objections were made on the following grounds:

- Deliveries access for businesses would suffer.
- Businesses would suffer from loss of trade.
- Congestion would increase within the Old Town and surrounding roads.
- Taxi journey times and fares would increase.
- There would be reduced access for elderly and disabled people.
- There would be a derogatory effect on the Lanes

4.39 The principle of the Old town scheme is to create 2 loops for traffic (one that enters via Middle Street and exits via Ship Street and one that enters via Black Lion Street and exits via Little East Street / East Street). These loops will ensure that the Old Town remains accessible for vehicles but is not used as a through route. Preventing vehicles from entering the Old Town from the north via Ship Street is essential for preventing through-traffic

4.40 It is accepted that some additional traffic will be generated in streets surrounding the Old Town as a result of vehicles not being able to enter the area from the north. However a large proportion of this traffic currently is through-traffic and it is not appropriate for these vehicles to be using the Old Town. This Order will significantly reduce overall traffic levels and improve the character of the area.

4.41 Ship Street will be open to traffic between 8am and 11am to allow deliveries to businesses. Outside these times alternative loading bays will be available in the section of Ship Street south of Duke Street.

4.42 It is recommended that the Order is referred to Public Inquiry.

4.43 **Brighton & Hove (Old Town) (Weight Restriction) Order 20** (TRO-21f-2012)**

1 objection was received from:

- The Brighton Lanes Traders group

4.44 Objections were made on the following grounds:

- There would be a derogatory effect on the Lanes.
- Will cause congestion.

4.45 Only a small number of HGVs use the area, however they have a detrimental effect on the narrow streets of the Old Town. This Order will allow HGVs to access the area before 11am if necessary.

4.46 It is recommended that the Order is referred to Public Inquiry.

4.47 **Brighton & Hove Various Controlled Parking Zones Consolidation Order 2008 Amendment Order No.** 20** (TRO-21g-2012)**

2 objections received from:

- The Brighton Lanes Traders group
- A local resident

4.48 Objections were made on the following grounds:

- Congestion would increase within the Old Town and surrounding roads.
- Deliveries access for businesses would suffer.
- There would be a reduction in parking spaces.
- There would be a derogatory effect on the Lanes.

4.49 **Recommendation:** There are currently approximately 50 on-street Pay & Display parking spaces in the Old Town currently. This Order will result in the loss of approximately 18 spaces (9 on East Street, 4 on Ship Street, 3 on Prince Albert Street and 2 on King's Road). The loss of these spaces is essential for the implementation of the Old Town scheme. Overall loading provision will be increased under this Order.

4.50 It is recommended that the Order is referred to Public Inquiry.

4.51 **Brighton & Hove (Waiting & Loading/Unloading Restrictions and Parking Places) Consolidation Order 2008 Amendment Order No.** 20** (TRO-21h-2012)**

1 objection received from:

- The Brighton Lanes Traders group

4.52 The objection was made on the following grounds:

- An unnecessary measure that is confusing for motorists.

4.53 **Recommendation:** A contraflow cycle lane already exists in this location. This Order moves the lane from one side of the street to the other to accommodate the reversal of traffic flow.

4.54 It is recommended that the Order is referred to Public Inquiry.

5. **FINANCIAL & OTHER IMPLICATIONS:**

Financial Implications:

5.1 The cost of the TRO's has been met from the budget of £50,000 which was specifically allocated to the Old Town Project from within the LTP allocation in 2012-13. The cost of the Public Inquiry, estimated to be £25,000, will be funded from the LTP allocation for 2013-14.

Finance Officer Consulted: Karen Brookshaw

Date: 07/01/13

Legal Implications:

- 5.2 The Council regulates traffic by means of orders made under the Road Traffic Regulation Act 1984. Procedural regulations require public notice of orders to be given and any person may object to the making of an order. Any unresolved objections to an order must be considered by the Transport Committee before it can be made.

A public inquiry must be held if there is an unresolved objection to a TRO that would have the effect of prohibiting loading or unloading of vehicles of any class (i) at all times, (ii) before 07:00 hours, (iii) between 10:00 and 16:00, or (iv) after 19:00, or if the passage of public service vehicles would be restricted and there is an objection from an operator of an affected service.

Orders that would have the effect of preventing access to premises by vehicles for more than 8 hours out of any period of 24 hours must be submitted to the Secretary of State for Transport for consent to their making if the owners and occupiers of premises on the road have objected.

The Council is under a duty to exercise its powers under the Act secure the safe and convenient movement of traffic and the provision of adequate on and off-street parking facilities. It must also take into account any implications that orders would have for access to premises, local amenity, air quality, public transport provision and any other relevant matters.

In carrying out consultation the Council is under a general duty to ensure that any consultation is fair. This means that it must be carried out when proposals are being formulated, that adequate time and information about proposals must be given to consultees to ensure that they can provide a proper response, and that any consultation responses must be properly considered in reaching the decision.

The Council is under a legal duty as a public authority to consider the human rights implications of its actions. Parking and traffic restrictions have the potential to affect the right to respect for family and private life and the right to protection of property. These are qualified rights and therefore there can be interference with them where this is necessary, proportionate and for a legitimate aim.

Lawyer Consulted: Carl Hearsom

Date: 04/01/13

Equalities Implications:

- 5.3 Local disability groups have been consulted. The major points to emerge from consultation were concerns around cycling, seating, quality of paving and parking, and these will be taken into account during detailed design.
- 5.4 There are currently 11 disabled parking spaces in the Old Town and further 2 that were temporarily removed from Brills Lane when the southern end of East Street was closed. It is recommended that all 13 disabled parking spaces remain, although it will be necessary to relocate some of them.
- 5.5 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 that require accessibility improvements. As part of this scheme the most important of these improvements are installed and

that the council makes a commitment to install all of them in the long term as budget allows.

Sustainability Implications:

5.6 The scheme will contribute towards the following Sustainable Community Strategy Priorities:

- A fair balance between the needs of pedestrians and cyclists, public transport users and motorists.
- A healthier and higher-quality built environment

Crime & Disorder Implications:

5.7 The police responded to consultation and the concerns of the Local Action Teams were considered when designing the scheme. The Old Town is within the Cumulative Impact Zone and the primary crime and disorder implication of these proposals will be on the night-time economy.

Risk and Opportunity Management Implications:

5.8 Safety Auditor advice has been used to inform the proposals. The scheme will be monitored once implemented and changes made if necessary.

Public Health Implications:

5.9 The Ship Street Doctor's Surgery is located within the Old Town. Staff and patients will be permitted vehicular access to these areas under these proposals.

The scheme forms part of the Walking Network programme. The programme is designed to improve pedestrian facilities along the most heavily-used pedestrian routes in the city, with the intention to increase walking levels and achieve the associated health benefits.

Corporate / Citywide Implications:

5.10 The Old Town scheme will reduce traffic and improve the character of the area, contributing towards the council priorities of 'creating a more sustainable city.'

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 Do nothing. The scheme was proposed as it was felt that over time the amount of traffic and conflict with pedestrians in the Old Town had risen to inappropriate levels and a change was required. A 'do nothing option' was put forward during consultation and received support from 32% of respondents.

6.2 Implement traffic reduction measures on East Street alone. This option was considered at the outset, however initial feasibility work showed that any changes made to East Street would have implications for traffic flow in the rest of the Old Town. Therefore a scheme looking at improvements to the whole area was considered appropriate.

6.3 Amend the proposals to exclude loading prohibitions so that a Public Inquiry is not necessary. The principle of the scheme is to reduce traffic in the Old Town and the closure, or partial-closure, of certain roads is essential to achieving this

aim. Loading prohibitions cannot be excluded without seriously affecting the effectiveness of the overall scheme.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The Old Town is the thriving heart of the city and one of the major destinations for tourists and locals. However the area is not appropriate for the high levels of traffic it currently experiences. These proposals seek to reduce levels of traffic by eliminating unnecessary journeys in the area whilst maintaining access for residents and businesses.

SUPPORTING DOCUMENTATION

Appendices:

1. Pre-TRO Consultation Material
2. Plans detailing the proposed Traffic Regulation Orders

Background Documents

1. None