

Subject:	Access to the South Downs National Park – Ditchling Road		
Date of Meeting:	5th December 2013		
Report of:	Executive Director of Environment, Development & Housing		
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Ward(s) affected:	Patcham and Hollingdean & Stanmer		

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The purpose of the report is to authorise the appropriation of small areas of land at Ditchling Road currently in Brighton & Hove City Council (BHCC) Corporate Landlord agricultural portfolio for highway purposes.
- 1.2 Proposals to improve walking, cycling and public transport facilities on Ditchling Road were reported to the Environment, Transport and Sustainability (ETS) Committee on 8th October 2013.
- 1.3 The report requested permission to proceed with implementation of walking, cycling and public transport facilities on Ditchling Road to create an environment which positively supports people walking, cycling and using public transport to access the South Downs National Park (SDNP). Following recommendations made in the report ETS committee instructed officers to submit a further report to Policy & Resources Committee recommending that small areas of the western verge adjacent to Ditchling Road not currently held for highway purposes are appropriated for Highway use (See Appendices 5, 6 & 7 for plans).

2. RECOMMENDATIONS:

- 2.1 That the Policy and Resources Committee authorises the appropriation of the areas of land highlighted on the plans (See Appendices 5, 6 & 7) should they be required for the construction of the shared pedestrian and cycle path.
- 2.2 That the Executive Director Finance & Resources be instructed to undertake necessary formalities for appropriation of the land including the negotiation of any necessary variations to the tenant farmer's lease.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The proposals for Ditchling Road were given permission to proceed by ETS committee. While there are some elements of the proposals which need further investigation, the construction of the off road path can proceed pending permitted development and planning permission.

Funding for the path is time sensitive; as such construction work needs to start on the off-road path in January 2014.

3.2 The proposed improvements for Ditchling Road are designed to create a safe and welcoming environment which positively encourages and supports people to walk, cycle and take the bus or indeed a combination of those transport options. Woodbourne Avenue to Coldean Lane, Ditchling Road and the green spaces either side are fully within the South Downs National Park boundary. This section of road also has a poor casualty record with two fatalities, two serious and 4 slight injuries recorded in the last 3 years. Traffic speed was cited as a contributory factor in half of the collisions over this three year period. .

3.3 The current proposals for Ditchling Road include the following elements:

- (a) Introduction of a gravel surface (self-binding) shared cycle and pedestrian path on the west grass verge area
- (b) Removing lining to encourage a reduction in speed
- (c) Introduction of courtesy crossings where they are most needed
- (d) Improving bus stop provision on the east and west side of the road
- (e) Improving lay-bys to protect wildlife areas
- (f) Creating wildflower areas for wildlife and bees
- (g) Speed limit reduction from 60mph to 40mph

The element of the proposals requiring further investigation are for livestock grids to allow for open grazing in future and to clearly identify the national park.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

4.1 It may be that following detailed design and construction work the areas of land referred to in this report are not required. This report highlights those areas in case there should be a need. The project cannot afford delay to construction should these areas of land be required due to funding timescales.

5. COMMUNITY ENGAGEMENT & CONSULTATION

5.1 Results of public consultation regarding the proposals at Ditchling Road were highlighted in the report taken to ETS Committee on 8th October 2013, including a full report showing a breakdown of the results.. 62% of those responding to the consultation were in favour of the proposals overall.

5.2 Internal consultation and discussion with the Estates Team, Cityparks, officers involved in management of Hollingbury Golf Course, Biosphere Project officer, Planning, Legal, Public Transport and Road Safety has been held. External consultation with partners has assisted in developing the initial proposals. Partners from the SDNP Authority assisted in the appointment of the consultant design agency.

5.3 Discussion and email exchanges have taken place with the BHCC Estates Team to understand the implications and due process for any land within the Estates portfolio to be designated for Highway use.

6. CONCLUSION

- 6.1 The Ditchling Road proposals are designed to create pleasant walking, cycling and public transport environment for people to access the South Downs National Park. The off-road path is a key part of achieving this environment.
- 6.2 Though some of the verge area is already in the Highway Authority boundary it is likely that the width of the shared path will vary as it runs alongside Ditchling Road. Allowing Highways to consider appropriate use of all area of the verge up to the fence, bunding or vegetation boundary will allow greater flexibility in design and construction while ensuring that necessary formalities are in place.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 Capital costs of the proposals will be funded from £0.337m of Linking Communities funding from the Department of Transport, £0.075m of Local Sustainable Transport Fund and £0.025m from the 2013-14 Local Transport Plan capital programme. The cost of officer time associated to the scheme will be met from the existing Transport Planning revenue budget. The financial implications in relation to appropriation of land for highway and the surrender of it from the farm business tenancy will be met by this budget also.

Finance Officer Consulted: Steve Bedford

Date: 11/11/13

Legal Implications:

- 7.2 Section 122 of the Local Government Act 1972 empowers a local authority to appropriate land for any purpose for which the council is authorised by the 1972 Act (or any other enactment) to acquire land by agreement and which is no longer required for the purposes for which it is currently held. However appropriation under this section is subject to the rights of other persons in respect of the land concerned.

The Council may not appropriate under subsection (1) above any land consisting or forming part of an open space unless before appropriating the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed appropriation which may be made to them.

As the area to be appropriated forms part of a farm tenancy the Council's Valuer would need to enter into negotiations with the farm tenant which would require the tenant to surrender part of their holding. A reduction in the rent payable by the tenant may be a natural consequence of these negotiations. Once agreed the surrender of part would need to be documented by way of a deed of surrender.

*Lawyer Consulted:
Culbert*

*Carl Hearsum/ Joanne Dougnaglo/Elizabeth
Date: 12/11/13*

Equalities Implications:

- 7.3 An Equality Impact Assessment is planned to support the proposals and final construction arrangements. The EIA will be carried out alongside other assessments required for planning permission by the South Downs National Park Authority.

Sustainability Implications

- 7.4 The proposals for Ditchling Road will promote and encourage greater use of sustainable transport, and particularly overcome current barriers to walking, cycling, and bus use. It is predicted that reductions in travel by private car would result from implementation of the scheme, with people instead choosing to travel by walking, cycling or bus due to their increased attractiveness and viability made possible through the improvements identified. The scheme will seek to enhance health by encouraging active travel amongst local people.

Any Other Significant Implications:

Public Health Implications:

- 7.5 There is a clear need to improve public health by increasing ease of access to travel actively for both utility and leisure trips. Creating an environment which carefully supports people to travel in a sustainable, active way along Ditchling Road will help BHCC meet its obligations. Increasing the number of pedestrians and cyclists and encouraging greater use of public transport will directly lead to improved public health through increasing the amount of exercise undertaken by local people. Reducing the number of people travelling by private vehicle will also lead to an improvement in air quality which in turn will improve public health.

Corporate / Citywide Implications:

- 7.6 Creating an environment conducive to walking & cycling along Ditchling Road, into the South Downs National Park meets LTP3 objectives to:
- Create safe and attractive streets and places that everyone can use responsibly
 - Enable greater access to a wide range of goods, services, and places, including the city's natural environment.

SUPPORTING DOCUMENTATION

Appendices:

1. Scheme plan
2. General layout x-section
3. Photoshop impression no. 1
4. Photoshop impression no.2
5. Land ownership plan showing existing Highway Authority areas and areas outside of HA use required by off-road path area.
6. Detail of northern section of land required (appx 1.5m wide and 60m long, currently part of leased area to tenant farmer)
7. Detail of southern section of land required (not part of areas leased to tenant farmer)

Documents in Members' Rooms

None.

Background Documents

1. Bid to DfT LSTF fund (Tranche 2) – 2NP LSTF
2. Local Transport Plan 2011 – Brighton & Hove City Council