

<b>Subject:</b>	<b>Old Town Transport Plan</b>		
<b>Date of Meeting:</b>	<b>14 January 2014</b>		
<b>Report of:</b>	<b>Executive Director Environment Development &amp; Housing</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Tom Campbell</b>	<b>Tel: 29-3328</b>
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<b>Ward(s) affected:</b>	<b>Regency</b>		

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

- 1.1 This report summarises the report of the Planning Inspectorate that was received following a Public Inquiry into the Old Town Transport Plan proposals and outlines the recommended actions to move the project forward.

**2. RECOMMENDATIONS:**

- 2.1 That, the Committee requests the Executive Director Environment, Development & Housing re-advertise the following Order with the modifications described in section 3 of this report:

- BRIGHTON & HOVE (EAST STREET)(PROHIBITION OF DRIVING) ORDER 20\*\*

and that the Committee notes that any representations or objections will be brought back for consideration to a future Committee.

- 2.2 That the Executive Director Environment, Development & Housing reviews the following Order:

- BRIGHTON & HOVE (PRINCE ALBERT STREET)(PROHIBITION OF DRIVING) ORDER 20\*\*

after the implementation of the Ship Street / North Street closure Order (referred to at recommendation 2.3) and brings back any proposals in relation to this Prince Albert Street Order to a future Committee.

- 2.3 That, having taken account of all duly made representations and objections, the Committee approves the following Order and authorises the Executive Director Environment, Development & Housing to request the authorisation of the Secretary of State:

- BRIGHTON & HOVE (SHIP STREET)(PROHIBITION OF DRIVING AND ONE-WAY TRAFFIC) ORDER 20\*\*

2.4 That, having taken account of all duly made representations and objections, the Committee approves the following Order and authorises the Executive Director Environment, Development & Housing to request the authorisation of the Secretary of State:

- BRIGHTON & HOVE (OLD TOWN)(WEIGHT RESTRICTION) ORDER 20\*\*

### **3. CONTEXT/ BACKGROUND INFORMATION**

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 October 2012 Transport Committee approved the Old Town Transport Plan in principle and authorised officers to advertise the relevant Traffic Regulation Orders. Copies of all objections and representations received in relation to the advertisement of the Order are available to view in Members' Rooms.

3.6 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.

3.7 With the Old Town orders, the orders relating to Brills Lane, East Street, Prince Albert Street and Ship Street all fulfilled the above criteria and therefore a Public Inquiry was held on 17-19 May 2013.

3.8 Following the Inquiry the Inspector's Report was received in October and a summary of its findings is outlined below. A full version is attached as Appendix 1.

### 3.9 Inquiry findings

The following paragraphs summarise the main findings of the report for each traffic Order that the Inquiry considered and the recommended actions for each element:

#### 3.10 **BRIGHTON & HOVE (BRILLS LANE)(PROHIBITION OF DRIVING) ORDER 20\*\***

3.11 The effect of this Order would be to prevent vehicles travelling along Brills Lane or the southern end of East Street between 11am and 7pm each day.

3.12 The Inspector's main concern was the effect on local business due to loss of loading facilities and, to a lesser degree, the loss of parking spaces for local residents. He felt that the advantages of reduced traffic in the area would be relatively small and that they would not outweigh the disadvantages.

3.13 It would be possible to address the Inspector's concerns to some degree by providing further alternative loading or parking provision. However it would not be possible to eradicate these issues entirely and doubt would remain as to whether the advantages could be considered to outweigh the disadvantages. Therefore it is not recommended to proceed with this Order.

#### 3.14 **BRIGHTON & HOVE (EAST STREET)(PROHIBITION OF DRIVING) ORDER 20\*\***

3.15 The effect of this Order would be to prevent vehicles travelling along East Street between 11am and 7pm each day.

3.16 The Inspector felt that the proposals would benefit the area by moderately improving road safety, implementing the aims of Local Policy TR9 (pedestrian priority measures in the Old Town), and helping local businesses. However the report also raised concerns that the impact on Little East Street of re-directed traffic during the hours that East Street was closed had not been sufficiently examined. In particular he highlighted:

- The risk to pedestrians that will exist as a result of increased traffic flows
- The possible reduction in amenity outside Northern Lights (concerning tables and chairs)
- The emergence into traffic of pedestrians leaving Dr Brighton's
- The scheme not providing a loading bay offset from the main carriageway alignment, risking loading and unloading activities interrupting the free flow of traffic
- The fact that no formal safety review had been carried out at that point.
- The Inspector also noted that the Order had been advertised with an error in that it stated that the closure would extend as only as far as King's Road rather than Grand Junction Road. He stated that a modification to correct this error would amount to a substantial change to the Order and that affected parties had not been given the opportunity to comment on such a change.

- 3.17 Given that the Inspector recognised the benefits of the proposal it is possible to proceed with the Order. However the council must take into account the findings and recommendations of the Inspector as detailed above. In order to address the issues raised by the Inspector it is proposed to:-
- Redesign Little East Street to remove the road safety issues identified above, to allow loading to occur where it will not impede traffic, and to accommodate tables and chairs licensed areas.
  - Consult with local businesses on the re-design.
  - Ensure that the re-design is assessed via a full Road Safety Audit in accordance with the Design manual for Roads and Bridges.
  - Re-advertise the Order with the correct road names and with details of the re-design of Little East Street.
- 3.18 The Inspector also noted that the Order had been advertised with an error in that it stated that the closure would extend only as far as King's Road, rather than Grand Junction Road. He stated that a modification to correct this error would amount to a substantial change to the Order and that affected parties had not been given the opportunity to comment on such a change.
- 3.19 The Road Safety team have carried out an audit of the area and a draft design has been produced that mitigates the road safety risks in this area. The design will be consulted on with local businesses and will be submitted to an independent Road Safety auditor for comment and, subject to the outcome of those processes it is recommended that a notice of the modified proposals is advertised to ensure that all affected parties have a full opportunity to comment on the proposed changes. Any objections would be brought back to a further meeting of the Committee.
- 3.20 **BRIGHTON & HOVE (PRINCE ALBERT STREET)(PROHIBITION OF DRIVING) ORDER 20\*\***
- 3.21 This Order would prohibit vehicles from entering the section of Prince Albert Street between Ship Street and Black Lion Street.
- 3.22 The Inspector felt that this Order would be beneficial by facilitating the passage of pedestrians, improving the visibility of shopfronts and enhancing the shopping environment for pedestrians. The reduction in vehicular traffic would reduce the associated environmental impacts to some extent and the scheme would increase the potential for other amenity improvements such as further use of outside seating for cafes. However the Inspector did state that in his opinion the closure of Prince Albert Street would be unlikely to reduce west-east traffic in any material way. It is proposed to obtain further evidence/data on this issue through traffic counts following the closure of Ship Street.
- 3.23 The Inspector was concerned about the effect on the operation of the Friends Meeting House and other local businesses due to the removal of a loading bay, and about how access to the Wooley Bevis Diplock car park would be retained.
- 3.24 Since the Inquiry officers have met with the Friends Meeting House and have agreed in principle a re-design that would accommodate a loading bay in the new scheme. An amendment to the order has also been drafted that would allow vehicles access to the Wooley Bevis Diplock car park.

- 3.25 It is recommended that this Order is reviewed following implementation of the Ship Street closure Order. This will allow the impact of the Ship Street closure on traffic flow in Prince Albert Street to be assessed and further consultation with the Friends Meeting House and other affected businesses to take place.
- 3.26 **BRIGHTON & HOVE (SHIP STREET)(PROHIBITION OF DRIVING AND ONE-WAY TRAFFIC) ORDER 20\*\***
- 3.27 This Order concerns the section of Ship Street between Duke Street and North Street. It would reverse the one-way flow from southbound to northbound, impose an 'access only' restriction, and close the road to all vehicles before 8am and after 11am each day.
- 3.28 The Inspector agreed that this measure would significantly reduce rat running through the Old Town and that this reduction in traffic would facilitate the passage of pedestrians, improve the visibility of shopfronts and enhance the shopping environment for pedestrians. The reduction in vehicular traffic would reduce the associated environmental impacts in the Old Town to some extent and the scheme would increase the potential for other amenity improvements such as further use of outside seating for cafes.
- 3.29 The proposed daily hours of closure would have the effect of preventing access to premises by vehicles for more than 8 hours in a 24 hour period. Therefore it is necessary to seek the formal approval of the Secretary of State before implementation. It is therefore recommended that officers are requested to seek the Secretary of State's approval and implement the measure once approval has been granted.
- 3.30 **BRIGHTON & HOVE (OLD TOWN)(WEIGHT RESTRICTION) ORDER 20\*\***
- 3.31 This Order would ban HGVs from the Old town after 11am each day.
- 3.32 The Inspector noted that HGVs were not well suited to the Old Town, due to the narrow streets and historical character of the area. He felt they were unduly dominant, giving rise to a number of problems, including: blocked commercial frontages, which causes lost trade; and, passing traffic being forced to encroach onto footways in order to pass, to the detriment of pedestrian safety.
- 3.33 The proposed daily hours of closure would have the effect of preventing access to premises by vehicles of the specified class (HGVs) for more than 8 hours in a 24 hour period. It is therefore necessary to seek the formal approval of the Secretary of State before implementation. It is therefore recommended that officers are requested to seek the Secretary of State's approval and implement the measure once approval has been granted.
- 3.34 Timescale  
Were the Committee to approve the report's recommendations the expected timescale for implementation would be as follows:

15 Jan 2014	Submission made to Secretary of State for authorisation to implement Ship Street / North Street closure.
Feb 2014	Secretary of State decision.  If authorisation granted, implement Ship Street / North street closure.  HGV ban implemented.
March 2014	Review Prince Albert Street following implementation of Ship Street / North Street closure.
29 April 2014	ETS Committee Meeting to consider: <ul style="list-style-type: none"> <li>• Result of Prince Albert Street review.</li> <li>• East Street TRO and Little East Street safety scheme.</li> </ul>
May / June 2014	If applicable, implement Prince Albert Street and East Street.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 If the council were to consider any option other than following the recommendations of the Inspector it would lead it open to potential legal challenge.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 The Old Town project has been through extensive public consultation detailed in previous reports. The Public Inquiry was the culmination of consultation on the scheme and details of all consultation feedback is contained within the Inspector's Report attached as Appendix 1.

#### **6. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 6.1 These will be funded from the Local Transport Plan (LTP) capital budget. Within this there is an allocation of £80,000 for the Walking Networks Programme for 2013/14.

*Finance Officer Consulted: Jeff Coates*

*Date: 12/12/13*

### Legal Implications:

6.2 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.

Where the Council proposes to make an Order with modifications that appear to it to make a substantial change to the Order, it must give anyone affected a chance to comment on the modifications and ensure that those comments are taken into account when reaching a decision.

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.

The Council is obliged to take into account the Inspector's report and any objections and comments made to it when reaching a decision on whether an Order should be made. The Council is not bound to follow the Inspector's recommendations, but it must give them due and proper consideration and any departure from them must be supported by proper evidence and reasons.

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 offstreet 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: 17/12/13*

### Equalities Implications:

6.3 Equalities implications formed a consideration of the Inspector and therefore no negative equalities implications are deemed to arise from the recommendations following the Public Inquiry.

### Sustainability Implications:

- 6.4 The Old Town Transport Plan is part of the council's sustainable transport strategy and will help to encourage the use of sustainable transport and reduce the negative effects of vehicles within the old Town area.

### **SUPPORTING DOCUMENTATION**

#### **Appendices:**

1. Old Town Transport Plan – Planning Inspectorate's Report

#### **Documents available in Members' rooms:**

1. Copies of objections and representations made to advertisement of Traffic Orders

#### **Background Documents**

1. Transport Committee minutes, 15 Jan 2013
2. Transport Committee minutes, 2 Oct 2012