

Subject:	Dyke Road – pedestrian and cycle facilities – Objections to TRO (TRO-27a-2013 and TRO-27b- 2013)		
Date of Meeting:	4th March 2014		
Report of:	Executive Director of Environment, Development & Housing		
Contact Officer:	Name:	Abby Hone	Tel: 29-0390
	Email:	abby.hone@brighton-hove.gov.uk	
Ward(s) affected:	Hove Park and Preston Park		

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 (as amended), (items not considered unless the agenda is open to inspection at least five days in advance of the meeting) was due to the need for officers to commission an additional independent assessment of the proposed changes to the pedestrian crossing facilities.

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 The purpose of this report is to address comments and objections to the draft Traffic Regulation Orders (TRO) associated with the introduction of pedestrian and cycle facilities at Dyke Road between the junctions of The Upper Drive and Old Shoreham Road; specifically mandatory cycle lanes and removal and relocation of vehicle parking to enable the cycle facilities to be installed. Proposals for the facilities were brought to Environment, Transport and Sustainability (ETS) committee on 8th October 2013 requesting permission to conduct informal public consultation. Results of the informal consultation were acknowledged and permission to advertise TROs associated with the scheme was agreed at ETS committee on 26th November 2013.

2. RECOMMENDATIONS:

- 2.1 That, having taken account of all duly made representations and objections, the Environment, Transport and Sustainability Committee approves as advertised the following orders:

- Brighton & Hove Various Controlled Parking Zones Consolidation Order 2008 Amendment Order No. * 20** (ref. **TRO-27a-2013**)

Dyke Road – relocation and removal of Shared permit and Pay & Display Parking in the section of Dyke Road between Old Shoreham Road and The Upper Drive and relocation of a motorcycle bay. Additional double yellow lines will also be implemented where needed to prevent obstruction.

- Brighton & Hove Outer Areas (Waiting, Loading and Parking) and Cycle Lanes Consolidation Order 2013 Amendment Order No.* 201* (ref. **TRO-27b-2013**)

Dyke Road - new lengths of mandatory cycle lane on east side of the road between Old Shoreham Road and The Upper Drive and on west side between Old Shoreham Road and Port Hall Road.

Note: Where a cycle facility is 'mandatory' civil enforcement officers are able to legally enforce the facility against vehicle parking and thus keep the facility safe for people to cycle along it.

A link to the documents associated with the draft TRO (Notice, Traffic Regulation Order detailing measurements, Statements of Reasons and associated plans) can be found in background documents to this report.

- 2.2 That any minor adjustments deemed appropriate by officers are added to the proposed scheme during implementation and advertised as an amendment Traffic Regulation Order (for example, some of the parking may be specifically required for disabled users only, the location to the bus stop may need to switch with parking, thereby increasing parking space)
- 2.3 That given the level of interest generated by advertisement of TROs associated with the scheme in relation to formal crossing provision a report is brought back to this committee once all elements of the scheme are implemented except the proposed changes to the two existing pelican crossings and the guardrailing outside the entrance to Windlesham School . The implementation of cycle facilities, changes to parking and bus stop arrangements are not dependent on the type of formal crossing. The opportunity to review incremental change at Dyke Road will enable members of the committee to experience the physical changes that also have potential to inform any final recommendations and decision by a future committee in relation to the type of formal crossing arrangements and associated railings.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 A report requesting permission to informally consult on proposals to improve cycle and pedestrian facilities at Dyke Road was first taken to ETS committee on 8th October 2013. A subsequent report detailing the outcome of the informal consultation was taken to ETS on 26th November 2013. The result of the consultation showed 65% of those who responded were in favour of the proposals overall and permission was requested to advertise associated Traffic Regulation Orders. Links to both reports and supporting documents, including analysis of informal consultation results are included in background documents to this report.
- 3.2 The series of improvements proposed for Dyke Road between Old Shoreham Road and The Upper Drive/ Highcroft Villas have been designed to create a welcoming and supportive environment which positively encourages people to walk, cycle and use public transport along this busy section of Dyke Road. There are a high number of schools and colleges in the area (demonstrated by

the Trip Attractor map in **Appendix 1**). An increasing number of students are due to attend sixth forms at BHASVIC and Cardinal Newman following development at both establishments. There are also plans for an Open Air Theatre in Dyke Road Park expected to seat 400 people. More people travelling to, or through the area puts greater pressure on the transport network. Such pressure makes it important to provide a street environment fit for the future and one that helps people, particularly young people, to travel safely, independently and sustainably. From Old Shoreham Road to The Upper Drive there are currently no dedicated cycle facilities, the proposals help create another important link towards a high quality strategic cycle network. There is also scope to improve and simplify the walking and bus waiting environment.

3.3 Proposals include:

- Dedicated cycle facilities
- Simplified pedestrian crossing facilities
- Raised crossing at junction of Port Hall Road
- Re-aligning public highway where needed and removal of unnecessary street clutter
- Improved bus stop areas
- Relocation and removal of parking facilities where necessary

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 While a good solution could be to create an 'urban clearway' with removal of all parking and waiting restrictions along this section of Dyke Road, it was considered impractical for some users of Dyke Road Park. It is also unlikely that residents, businesses and users of Dyke Road Park would support the removal of all parking, loading and waiting restrictions.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Informal consultation on the proposals, including detail of the impact on parking facilities in Dyke Road was held between 21st October 2013 and 17th November 2013. A report highlighting the results was taken to ETS committee on 26th November 2013, a link to the report including an analysis of the consultation results is included in background documents to this report. The draft Traffic Regulation Orders (TROs) were advertised on 16th December 2013 with the closing date for comments and objections on 13th January 2014. A period of 28 days rather than the standard 21 days was advised by B&HCC legal to take account of the TROs being advertised during the Christmas period.
- 5.2 The Ward Councillors for the areas affected were sent TRO information directly, as were other statutory consultees such as the Emergency Services.
- 5.3 Notices were put on street for 16th December 2013 which outlined the proposed TROs. The Notice was also published in The Argus newspaper. The TRO documents were also available to view at City Direct Offices at Bartholomew House and Hove Town Hall.

Objections

- 5.4 A total of 68 people have objected to the TROs overall. 9 people objected to TRO-27a- 2013 only and 59 people objected to both TRO-27a-2013 and TRO-27b2013. 75 pieces of correspondence were received (7 of those pieces of correspondence were the same people responding separately to each TRO associated with the scheme). The correspondence stating an objection to the TROs has been reviewed in order to understand the various reasons behind the objections. The comments made in all 75 pieces of correspondence have been reflected in the summary of themes and responses included in **Appendix 3** of this report.
- 5.5 The most common objection theme was not associated directly with the TROs advertised but in relation to the type of formal crossing provision being proposed. The second highest theme was related to the shared use path proposed for cycles (northbound only) and pedestrians on the north-east pathway adjacent to Dyke Road park. The shared use facility also does not require a TRO to implement. The third highest number of comments received was in relation to the reduction and relocation of parking which is directly related to TRO-27a-2013.
- 5.6 When early discussions were held with representatives of Friends of Dyke Road Park about improving cycle and pedestrian access along Dyke Road some concerns were raised around changing formal crossing facilities from light controlled to Zebra. As a result a question in the informal consultation questionnaire specifically asked: Should the existing crossings be changed to raised and widened zebra crossings? The crossings were highlighted on the informal consultation plans. 55% of those who responded to the questionnaire were in favour of changing from light controlled to Zebra.
- 5.7 The number of comments related to proposed changes to formal crossing arrangements has resulted in officers commissioning a further independent assessment of the existing crossing arrangements (see **Appendix 2**). The report highlights benefits and dis-benefits to both types of formal crossing but overall concludes that:

'Both pedestrians and vehicles will experience less delays overall if both signalised crossings were replaced with Zebra crossings. There would be brief peak periods where vehicle delays would be increased by zebra crossings.

There is little justification for facilitating cycle crossing at either location with signals.

There would be some benefit to raising both crossings, this benefit would be greater at the southern crossing.

There is no definitive safety argument in favour of either a Zebra or signalised crossing at each location, both crossing types would be sufficiently safe.

In relation to guard railing the report concludes: It would be beneficial to remove all of the guard railing at both crossing' (pgs.31 & 34 **Appendix 2**)

- 5.8 The introduction of dedicated cycle facilities (lanes) was well supported at informal consultation stage (64%). Dyke Road has a very restricted width to accommodate dedicated cycle lanes if two-way general traffic is to remain. Public highway width is also considerably restricted by the number of mature trees lining the street, both adjacent to the carriageway and footways. Opportunities to create dedicated cycle facilities become increasingly restricted when parking facilities are to be retained. By working through how best to accommodate parking, cycle facilities and a decent pedestrian/bus waiting environment a shared use path was deemed the best possible solution against recognised constraints at the section of route on the west side of Dyke Road north of Porthall Road. Fears of cycle user and pedestrian collisions have been cited by some people objecting to the TROs. A response is included in **Appendix 3**.
- 5.9 A number of Highway Authorities in the UK implement shared use areas for pedestrians and cycles, B&HCC have generally taken the opportunity to segregate where possible and integrate on short sections only, for example at Old Shoreham Road. Proposals for Dyke Road include widening some of the upper footway area adjacent to Dyke Road Park which is being proposed as shared for cycle users heading northbound only. While we anticipate the lower path in Dyke Road Park will become more pedestrian dominated the proposals do not restrict pedestrians from using the upper path as well. If vehicle parking is to be retained alongside the west side of Dyke Road adjacent to the Park then cycle users should not be put in a position of conflict with vehicles parking.
- 5.10 The proposal to remove parking at the southern end of Dyke Road opposite BHASVIC was considered very carefully. 55% of those responding to the informal consultation supported the removal and relocation of parking opposite BHASVIC. Constraints of the area already highlighted in consultation documents show it is not possible to introduce a minimum standard 1.5m width dedicated cycle facility on both sides of the carriageway, fit for the purpose of young people cycling to school, on a road with high traffic volume and a 30mph speed limit without removal of some parking. The proposals have sought to mitigate the impact of the removed parking by assessing availability in adjacent controlled parking areas and increasing the number of general shared pay and display parking facilities adjacent to Dyke Road Park. A total of 15 shared pay and display parking spaces, two disabled bays and one motorcycle bay are proposed to be removed.
- 5.11 It should be noted that the balance of support or objection to a TRO is not a measure of the overall level of support or opposition towards the scheme as proposed. The public consultation conducted previously provided this opportunity and as noted, the results indicated a good level of support for the scheme overall. This level of support has been accepted by the Environment, Transport and Sustainability Committee at its previous meeting on 26th November 2013 where cross-party support was given to proceed to the next stage of the process, namely advertising of associated TROs.
- 5.12 While the results of the public consultation demonstrated a good level of support for the proposals, it also highlighted that some people are opposed to the scheme and the principles that underlie it. However, the majority of respondents are in favour of the proposals, including the provision of improved cycle facilities.

This provides a full mandate to continue with implementation of the scheme as proposed. In relation to changes to the crossing proposals 55% of those who responded were in favour of changing crossing arrangements to zebras. It is a commonly held perception that changing crossing facilities from light controlled (pelican) to pedestrian demand controlled (zebra) constitutes a 'down-grade' in crossing provision. As the Pedestrian Crossing and Guardrailing Assessment report concludes (**Appendix 2**) there are benefits to be gained for all users from the crossing arrangements proposed through due process. This arrangement is no less safe and shows a positive outcome for pedestrian priority through reduced delay.

- 5.13 B&HCC's road safety campaign messaging to all road users is very clear 'Share the road, share the responsibility'. The scheme proposed for Dyke Road and its composite elements re-enforce this message, encouraging greater engagement from all users with the physical environment and people using the street. The scheme supports people to think and act appropriately in a traffic calmed street environment and then to behave and respond accordingly.

6. CONCLUSION

- 6.1 The recommendation is that all elements of the scheme should progress except those relating to the two existing pelican crossings and guard railing outside the entrance to Windlesham School. Allowing the opportunity for ETS committee members and members of the public to observe some of the physical changes in place, designed to bring a street environment more conducive to walking, cycling and taking the bus, will help the committee reach their final decision in relation to these reserved matters.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 It is anticipated that the capital costs of the scheme will be funded from the Local Transport Plan (LTP) capital programme and Section 106 developer contributions. An allocation of £100,000 in 2013-14 and an indicative allocation of £50,000 in 2014-15 financial years have been made for the scheme from the Local Transport Plan (LTP) capital programme. Section 106 development contributions of approximately £90,000 have been requested subject to planning approval to extend BHASVIC Sixth Form College.

The cost of officer time associated to the scheme will be met from within existing Council revenue budgets.

It is anticipated that the impact of the removal of pay and display parking provision will result in a loss of income of between approximately £7,000 and £10,000 per annum.

Finance Officer Consulted: Steven Bedford

Date: 13/02/14

Legal Implications:

- 7.2 The amendment orders which are the subject of this Report's recommendation are made under the provisions of the Road Traffic Regulation Act 1984. The procedure for advertising the orders is contained in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. Any person may object to an order and any duly made but unresolved objections must be considered by this Committee.

Statutory authority for the provision of cycle tracks is found in section 65 of the Highways Act 1980.

Lawyer Consulted: Hilary Woodward

Date: 17/2/14

Sustainability Implications:

- 7.4 The measures outlined in this report 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:

Crime & Disorder Implications:

- 7.5 The scheme as proposed is likely to have a positive impact through increased use of sustainable transport modes and increasing natural surveillance by encouraging more people on foot and on bike to use the area.

Public Health Implications:

- 7.6 There is a clear need to improve public health by increasing ease of access to travel actively for both utility and education related trips. Creating an environment which carefully supports people to travel in a sustainable, active way along Dyke 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:

- 7.7 Creating an environment conducive to walking & cycling along Dyke Road, 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.
- 7.8 The proposals support two City Council priorities for 2013-15:

- Tackling inequality
- Creating a more sustainable city

SUPPORTING DOCUMENTATION

Appendices:

1. Trip Attractor map, showing density of schools
2. Pedestrian Crossing and Guardrailing Assessment report
3. Summary of themes & officer responses to TRO objections

Documents in Members' Rooms

1. Pedestrian Crossing and Guardrailing Assessment report
2. Summary of themes and officer responses to TRO objections
3. TRO responses

Background Documents

1. Traffic Regulation Order documents for TRO-27a-2013 and TRO-27b-2013 (including TRO plans to accompany TRO notices advertised, 3No. plans total):
<http://www.brighton-hove.gov.uk/content/parking-and-travel/parking/traffic-regulation-order-tro-proposals>
2. Dyke Road – cycle and pedestrian facilities – Permission to consult report:
[http://present.brighton-hove.gov.uk/Published/C00000823/M00004788/\\$\\$Supp15448dDocPackPublic.pdf](http://present.brighton-hove.gov.uk/Published/C00000823/M00004788/$$Supp15448dDocPackPublic.pdf)
3. Dyke Road – cycle and pedestrian facilities – Consultation results & permission to advertise TROs;
[http://present.brighton-hove.gov.uk/Published/C00000823/M00004789/\\$\\$Supp15561dDocPackPublic.pdf](http://present.brighton-hove.gov.uk/Published/C00000823/M00004789/$$Supp15561dDocPackPublic.pdf)