

Subject:	Valley Gardens		
Date of Meeting:	July 1st 2014		
Report of:	Executive Director Environment Development & Housing		
Contact Officer:	Name:	Jim Mayor	Tel: 294164
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Ward(s) affected:	All		

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

- 1.1 The report seeks approval to implement a course of action that would enable improvements to the northern section of Valley Gardens to be delivered between June 2015 and February 2017.

2. RECOMMENDATIONS:

That Committee:

- 2.1 Agrees that the Business Case required to secure funding from the Local Growth Fund (LGF) should be submitted to the Coast to Capital Local Enterprise Partnership (LEP) to enable delivery of physical improvements to the northern section of Valley Gardens (the Scheme), as summarised at Appendices 1 to 4 of the report;
- 2.2 Agrees that a cross party working group be established to oversee delivery of the Scheme;
- 2.3 Authorises the Executive Director Environment, Development and Housing to take all steps necessary, conducive or incidental to the implementation of the Scheme, following consultation with the cross party working group in relation to any proposed changes to the approved Scheme;
- 2.4 Notes that a cross-sector Management Group will be established to investigate and trial innovative ways to manage and maintain the public spaces of Valley Gardens to minimise additional future maintenance pressures on the parks service.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 At Transport Committee in March 2013, members agreed that:

- The principles established by the Valley Gardens Concept Scheme as outlined in the report (provided at that Committee) should guide future improvements in and around Valley Gardens.

- Further work should be undertaken, incorporating full public consultation, to develop the public realm aspects of the Concept Scheme, specifically the public parkland spaces and hard landscaped civic spaces.
- Early consideration should be given to the preparation of bids for external funding that would assist in developing and implementing elements of the Valley Gardens proposals.

Consultation & Developing the Design

- 3.2 A further stage of full public consultation was carried out in September 2013 to test feedback on the emerging detail of the proposal. 80 people took part in the consultation. Feedback was generally positive. The six most popular elements of the proposals were enhanced pedestrian environment / access (16 comments), improved cycling environment (12), more coherent road design (10), enhanced biodiversity / planting (9), more usable public space (8) and increased numbers of trees (7).
- 3.3 The six least popular elements were a perception that there would still be too much traffic (10), loss / narrowing of green space (9), loss of the Mazda fountain (4), creation of a new public square in Marlborough Place (3), and concern there were not enough trees (3) / that the road system may not work (3).
- 3.4 The design has subsequently been updated and now retains a larger amount of open space than the existing arrangement. The western kerb-line of Victoria Gardens South is retained (the option presented at Committee in March 2013 saw this kerb-line move into the green space to accommodate a new public square at Marlborough place). In relation to other concerns, opportunities to reduce levels of traffic are beyond the scope of the proposal, although it is expected that the scheme will significantly reduce the perceived and physical impact of traffic. The future of the Mazda fountain has not been decided. Inclusion of 265 new trees in the scheme is considered to provide significant enhancement and the viability of the proposed vehicular infrastructure has been further tested through detailed modelling undertaken to inform production of the draft Business Case for LGF funding discussed in this report. Further details of the latest design are included in the draft Business Case available in Member's Rooms.

Funding Opportunities & Business Case

- 3.5 Following March 2013 Transport Committee, an opportunity arose for the council to access significant capital funding for major (originally defined as £5 million or more) transport schemes in Brighton & Hove, such as the Valley Gardens project. The government confirmed that it was devolving its budget for such works to a local level – a process often referred to as 'devolved funding'.
- 3.6 This has been progressed through a new government initiative involving the setting up of Local Transport Bodies [LTBs], which comprise local authorities and the LEP. In May 2013, the Coast to Capital LTB, which is attended by the council's Lead Member for Transport (as agreed by March 2013 Policy & Resources Committee), requested applications for projects which were considered eligible for the devolved funding budget (which totals £24.2 million). Three projects for Brighton & Hove were submitted (Valley Gardens;

strengthening of the former Free Shelter Hall seafront structure; and an Intelligent Transport Systems [ITS] package for traffic management. These were assessed and scored against recognised government-based criteria primarily related to supporting delivery of housing, jobs and employment floor-space. Project applications were also assessed independently by the LEP's consultants to ensure consistency.

- 3.7 Out of the 14 projects put forward by the 3 local authorities, Valley Gardens (northern section) achieved the highest score and was prioritised by the LTB in July 2013 to be progressed, through the development of the Business Case. This decision primarily allocated £8 million from the 'devolved funding' budget to the Valley Gardens project, and this will be secured if the Business Case is approved by the LEP. If the project is not progressed for any reason, the devolved funding will be reallocated to other projects by the LEP. This decision has now been further confirmed through its inclusion in the LEP's Strategic Economic Plan [SEP] submission to the government, which also reaffirms the commitment to deliver other projects in the city, such as seafront structure strengthening and Shoreham Harbour Regeneration. Decisions on funding for those other transport projects will be made once the government announces the allocation of the LGF to LEPs, which is expected in July 2014.
- 3.8 For the prioritised Valley Gardens (north) project, progressing from provisional to full approval for the funding is dependent on being able to robustly demonstrate to the LEP that the scheme fulfils its potential to deliver LGF objectives, whilst ideally offering a positive Benefit Cost Ratio (BCR) of at least 2:1 over a 50 year period.
- 3.9 Over recent months further work has been undertaken to better understand and demonstrate Valley Gardens' ability to meet these criteria. The outcome of this work, presented in the draft Business Case (and summarised in the attached appendices), provides confidence that Valley Gardens successfully meets LEP criteria – an assumption supported by positive indicative feedback from LEP officers following informal review of the document.
- 3.10 It should be noted that any award of funding would be dependent on the council making a contribution towards the scheme. The suggested match funding contribution from the Local Transport Plan is £500,000 in each of 2015/16 and 2016/17. The size of local contribution is not fixed, although a 'target' of 20% suggested.

Moving Towards Delivery

- 3.11 If members agree that the Business Case should be formally submitted to the LEP, the document will be submitted on July 2nd. It is likely that a final decision on funding will be made by the LEP in November 2014, following a period of independent analysis, assessment and consultation. The provisional funding is allocated in financial years 2015-16 and 2016-17.
- 3.12 Whilst the principles of the scheme presented in the Business Case will remain unchanged, it is likely that details will develop and change as designs continue to

be refined. An example is the specific arrangement of junctions, which cannot be finalised until further micro-modelling and detailed design has taken place.

- 3.13 It is not practical to deliver the project within funding timescales if all decisions relating to such potential amendments are made at Committee. Therefore it is recommended that members agree that:
 - 3.13.1 the scheme should be delivered in line with the project plan included in Appendix 4 of the draft Business Case (and Appendix 4 of this report), and
 - 3.13.2 future decisions relating to scheme delivery should be delegated to the Executive Director for Environment Development and Housing, following consultation with a cross party working group.
- 3.14 The cross party working group will feature 1 member from each party represented on the Environment Transport and Sustainability Committee.

Interim Arrangements

- 3.15 An enhanced public space will create increased management and maintenance liabilities, at a time when traditional park management services are facing increasing resource pressures.
- 3.16 This report's final recommendation is that a group of partners including the council and University of Brighton should work together to form a Management Board to help identify innovative ways to meet the resource challenge.
- 3.17 One of the ways in which the Management Board will meet the maintenance and management challenge is by investigating relationships with partner organisations that can take on elements of traditional parks responsibility to mutual benefit.
- 3.18 It is recommended that potential enhancements (such as natural planting and events) are trialled in Valley Gardens in the months leading to implementation of the final scheme in order to refine management and maintenance partnerships and approaches. This process should include testing of SUDS (Sustainable Urban Drainage System) features. Details of trials will be agreed by the cross party working group.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The current Valley Gardens design proposal has evolved as the preferred option following months of careful consideration and dialogue with stakeholders. The principles of the preferred scheme have been previously agreed by members at Transport Committee. A full description of scheme option analysis and associated process is set out in Section 10 of the draft Business Case.
- 4.2 It is considered highly unlikely that a similar opportunity to access significant and sufficient funding to make sizeable improvements in this section of Valley Gardens will arise in the foreseeable future. Failure to access funding through submission of the business case would therefore prevent the council from realising the improvements to Valley Gardens that all political parties represented

on the ETS Committee have historically supported. Specifically, the city would not realise the benefits set out in the draft Business Case.

- 4.3 Failure to establish a cross party working group and award the Executive Director delegated decision making powers could necessitate additional, relatively minor decisions to be referred back to ETS Committee, severely compromising the council's ability to deliver the project within funding timescales.
- 4.4 Failure to test management / maintenance partnership approaches and interventions such as SUDs in the short term would reduce opportunities for those elements to be tested and refined ahead of full scheme implementation, increasing risk to the council.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The Valley Gardens proposals have been informed by a detailed consultation process, as described in Section 11 of the draft Business Case. At Transport Committee in March 2013, members considered messages of support for the scheme from a wide range of city stakeholders, demonstrating the many benefits that can be realised through the improvements. Consultation and dialogue with the community will continue as the project progresses through further design refinement, trials and implementation.

6. CONCLUSION

- 6.1 Improving Valley Gardens is a longstanding objective of the council.
- 6.2 Members are presented with a proposal for improvements that has significant levels of stakeholder support. The proposal is accompanied by a Business Case that is considered very likely to enable the northern section of the proposal to be delivered by mid-2017.
- 6.3 Failure to support the recommendations would see improvements in Valley Gardens to be delayed for the foreseeable future. A similar opportunity may not arise to improve Valley Gardens and realise associated benefits.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The total capital cost of the scheme is estimated at £10.006m. Of this £0.370m has already been funded from existing allocations for Valley Gardens within the Local Transport Plan budgets for 2013/14 and 2014/15. This leaves £9.636m planned to be spent over 2015/16 and 2016/17. It is expected that £8.000m will be funded from the Local Growth Fund and £1.636m will be provided from local resources as matched funding. This matched funding element consists of £1.345m from the Local Transport Plan allocations and £0.291m from Section 106 contributions and other sources.

- 7.2 If funding is agreed by the LEP and the scheme goes ahead then the project will need Policy & Resources Committee approval to be added to the capital programme. This can be done through the budget monitoring (TBM) reports.
- 7.3 It is possible that the enhanced public space will result in increased maintenance liabilities. If this is the case the cross-sector Management Group will need to be tasked with identifying ways of containing these within existing budgets.

Finance Officer Consulted: Jeff Coates

Date: 12/06/2014

Legal Implications:

- 7.4 The Transport Act 2000, as subsequently amended by the Local Transport Act 2008, introduced a statutory requirement for local transport authorities to produce a Local Transport Plan [LTP], to keep the LTP under review and to alter the LTP if considered appropriate. The LTP provides the policy framework for capital investment in schemes and measures to maintain, manage and improve the city's transport network.
- 7.5 The council has to follow the rules on consultation set out by the government and the courts. The council needs to ensure that any consultation process is carried out at a time when proposals are still at their formative stage, that sufficient reasons and adequate time are given to allow intelligent consideration and responses and that responses are properly taken into account in finalising any proposals.
- 7.6 The preparation of and recommendations set out in this report have had due regard to the legal requirements referred to above. It is not considered that any adverse human rights implications arise from the report.

Lawyer Consulted: Elizabeth Culbert

Date: 05/06/14

Equalities Implications:

- 7.7 An Equalities Impact Assessment is planned but has yet to be completed. The overall aim of the Valley Gardens proposal is to make the movement and place functions of Valley Gardens as inclusive as possible by redressing current environmental conditions that discourage use by all groups, and is arguably especially unpleasant for older and younger people.

Sustainability Implications:

- 7.8 The proposal improves Air Quality, Noise Quality and introduces Sustainable Urban Drainage System features that enable the area to better accommodate future flash flooding events. The proposals provide an enhanced environment for the National Elm Collection and create an Arboretum to protect that heritage into the future, whilst additional planting and reduction in severance created by current transport infrastructure will enhance the area's biodiversity. Achieving a better balance of space between different movement modes also encourages sustainable transport choice. Overall the scheme objectives support those of Biosphere, as explained further in the full Business Case.

Any Other Significant Implications:

- 7.9 *Crime & Disorder:* Encouraging positive use and ownership of Valley Gardens will reduce actual and perceived instances of Crime and Anti-Social Behaviour.
- 7.10 *Risk and Opportunity Management:* Although large in scale, component parts of the proposal are straightforward to deliver. Therefore levels of risk are considered to be relatively low. A full risk assessment is included in Section 20 of the draft Business Case.
- 7.11 *Public Health:* By simplifying vehicular infrastructure and encouraging sustainable transport, the proposal is forecast to reduce likelihood of collisions and encourage walking and cycling to a financial benefit of at least £5.46m over 20 years. More information is provided in Appendix 7 of the draft Business Case.
- 7.12 *Corporate / Citywide Implications:* The proposal directly supports objectives of the City Plan, Local Transport plan, Conservation Area and Enhancement Plan, Biosphere, Air Quality Management Area, Seafront Strategy, One Planet Living, Public Space Public Life, the London Road SPD and the LR2 Study. Further information is provided in Section 16 of the draft Business Case.

SUPPORTING DOCUMENTATION

Appendices:

1. Scheme Description (Business Case Extract)
2. Financial Case (Business Case Extract)
3. Economic Case (Business Case Extract)
4. Project Plan (Business Case Extract)
5. Draft Cross Party Working Group Terms of Reference

Documents in Members' Rooms

1. Draft Business Case

Background Documents

1. Valley Gardens Public Realm Analysis October 2011
2. Valley Gardens Concept Scheme Delivery Plan July 2013