

BRIGHTON & HOVE CITY COUNCIL
ENVIRONMENT, TRANSPORT & SUSTAINABILITY COMMITTEE

4.00pm 7 FEBRUARY 2019

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillor Mitchell (Chair) Horan (Deputy Chair), Wares (Opposition Spokesperson), Littman (Group Spokesperson), Atkinson, Brown, Miller, Peltzer Dunn, Robins and West

PART ONE

61 PROCEDURAL BUSINESS

61(a) Declarations of substitutes

61.1 There were none.

61(b) Declarations of interest

61.2 There were none.

61(c) Exclusion of press and public

61.3 The Chair read the following statement:

“Members will be aware of the letter received a short while ago from a firm of solicitors and they will obviously be wanting to have clear legal advice in relation to this. I’ve asked Elizabeth Culbert to set this out in a Part Two session before we consider the report and after the public involvement part of the meeting as it would be very unfair to keep people waiting.

61.4 In accordance with section 100A of the Local Government Act 1972 (“the Act”), the Committee considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the business to be transacted or the nature of proceedings, that if members of the press and public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100(I) of the Act).

61.5 **RESOLVED-** That the press and public be excluded for a period of the meeting in order for the committee to receive legal advice in relation to the letter received from the council’s Head of Legal Services.

62 CHAIRS COMMUNICATIONS

62.1 The Chair provided the following communications:

“I’d like to inform those present that this meeting is being webcast live and will be capable of repeated viewing”

63 PUBLIC INVOLVEMENT**(B) WRITTEN QUESTIONS****(i) Aquarium Roundabout**

63.1 Beatrice Segura Harvey put the following question:

“BHCC reports the number of accidents in this area but numbers in relation to volume of traffic are actually low. It is widely believed that the only most serious injury encountered by a pedestrian in proximity to the Aquarium Roundabout in the last five years was caused by a collision between a cyclist and a pedestrian. Is it possible for Brighton & Hove City Council to verify or clarify this?”

63.2 The Chair provided the following reply:

“Any collision on our roads and pavements that results in a casualty is very regrettable, but they do occur and we investigate them to see what we can do to try and reduce them. We do that by making casualty reduction a very high priority and by working with Sussex Police and other partners as part of the Sussex Safer Roads Partnership to review collision and casualty data that comes from Police records.

Within the whole Valley Gardens Phase 3 project area, which stretches down the A23 corridor from Edward Street to the busy, A259 seafront junction and across the Old Steine to North Street, we know that there have been 154 collisions resulting in 193 casualties in the 5 year period of 2013 to 2017.

Approximately 40% of the incidences within the Phase 3 area have occurred at the roundabout junction, either on it or on the approaches to it. And of those, I can confirm that Police records show that there were a total of 11 people seriously injured and that one of those people was pedestrian injured as a result of a collision with a vehicle.

With regard to the numbers of collisions in relation to traffic volumes, the data also shows that vulnerable road users, such as pedestrians, cyclists and motorcyclists are disproportionately affected by the current road layout, with over 75% of serious injuries caused to these user groups, compared to just over 15% of collisions resulting in serious injury to car or van occupants”

63.3 Beatrice Segura Harvey asked the following supplementary question:

“Could you provide data specific to the Aquarium Roundabout itself because the information provided seems to be from a wider area”

63.4 The Chair provided the following reply:

“I believe I have provided information relating to the Aquarium Roundabout itself but the whole scheme was model across the whole Phase 3 area because you can’t just look at one part in isolation without there being a knock on effect to another part. There are the other junctions in the Phase 3 area that also have relatively high accident rates”

(ii) Aquarium Roundabout

63.5 David Rochford put the following question:

“It is universally accepted that roundabouts are safer than traditional signal-controlled stops. Roundabouts reduced injury crashes by 75 percent at and around intersections where traffic lights were previously used. As well as being safer calmer and improving traffic flow, they are also cheaper to install and maintain than T junctions. Wider circulatory roundabouts are judged to be more future-proof and appropriate in a coming age of autonomous electric vehicles. On what basis did consultants ‘prefer’ a signalised junction over an improved remodelled roundabout?”

63.6 The Chair provided the following reply:

“I am not a technical expert on junction design, but I have been advised that the data that you have referred to is from an American institute and therefore, assuming that its assessments are based on data from that country, I am not sure if its conclusions are representative of junctions in the UK.

Traffic volumes and travel patterns are likely to be very different, as are our highway and traffic signal designs and operation and in Brighton & Hove, we are different from much of the UK, as our daily travel data shows we have relatively high levels of sustainable transport use such as walking and cycling, and low levels of car ownership, plus we have a significant number of visitors resulting in seasonal variations. There is some UK research that shows that other authorities are also changing roundabouts to traffic signals because of the benefits for pedestrians and cyclists, as well as benefits and disbenefits for traffic and drivers.

However, the design of junctions will vary for many different reasons and the relative safety of those junctions will also vary for different road users. For the Palace Pier junction, our consultants have looked at a variety of different possible junction designs. These were all assessed and tested in a consistent way in order to consider how well they would help fulfil the project’s various objectives. This included technical traffic modelling to assess journey times. In overall terms, the conclusions of this work are that traffic signals take up less space; they enable more direct and convenient crossing for pedestrians and cyclists; they can be linked with other junctions to help manage movement; and they will also use technology enabling them to sense and balance demands on each arm of the junction by optimising traffic flow and people movement in a very flexible way.

Identifying and using technology is a really important part of our role within the council, and we do need to move with the times and adapt and change. So I am also pleased to see that you have also acknowledged this through your reference to autonomous vehicles. I am sure that when we and all other councils know more about them and what is required to accommodate them, we will begin to adapt or redesign our roads with a greater degree of certainty. But in the meantime we have to deal with our immediate problems using our current knowledge and advice. Once that future technology is more certain and is playing a much greater part in our everyday lives, I

have no doubt that our travel choices and patterns will be very different and we will start to see many aspects of our city's roads and pavements change".

63.7 David Rochford asked the following supplementary question:

"Given that item 3.3 of the results of the public consultation report highlights people expressed concern about the loss of the roundabout it doesn't identify that 62% of those expressed an opinion were against its removal along with numerous businesses and traders associations or the level of impact this has on other aspects of the scheme. Is this indicative of the consultation only being listened to and acted upon when it endorses the proposed plan or only requires minor amendments? And why has this not been revisited given the consultation identified it as a vastly unpopular move?"

63.8 The Chair provided the following reply:

"The second round of public consultation following the first round last spring, sought to illicitate from members of the public whether the proposed design (option 1), reflected the feedback that was received in the public consultation last spring which covered a wide-range of points and priorities including road safety, better facilities for pedestrians and cyclists. Therefore, we feel that a fully optimised and technically efficient T-junction fits those priorities better than the current, totally unmanaged roundabout".

(iii) Valley Gardens consultation

63.9 Martin Christie put the following question:

"Valley Gardens Forum's dialogue with Coast 2 Capital informed us that there is no requirement for the agreed funding to be drawn down this financial year. Also that, as Valley Gardens 3 is a vitally important, once in a generation project, a suitable and appropriate timespan should be taken to ensure that it is done planned properly. Is the botched and rushed consultation and planning due to the electoral timetable of Councillor elections in May?"

63.10 The Chair provided the following reply:

We are aware that the newly-formed Valley Gardens Forum has been in contact with the Local Enterprise Partnership, which I am sure has welcomed that engagement and the Forum's interest and involvement in its business and decision-making processes. The LEP is the primary funder of all three phases of the Valley Gardens project, following their inclusion in its Strategic Economic Plan produced in 2014 and the subsequent allocation by the LEP of 14 million pounds of Local Growth Fund money that the Government assigned to the LEP to be spent on the project. This funding is only available to be drawn down by the council from the LEP until March 2021. It is that date which is the critical one in this process, rather than the end of this financial year, and during all of our discussions with the LEP about Phase 3 since 2017, the LEP has taken every opportunity to remind us of that including to myself personally and just recently, when the LEP considered and approved our Business Case.

I completely agree that a project of this scale and importance should be developed over an appropriate timescale and that the decisions that are made at each stage are fully informed, transparent and democratic. As a council, that is exactly what we are doing,

and as a committee we considered and agreed a deliverable programme for Phase 3 at the earliest opportunity and I am pleased to say that we are keeping to that programme. We are not taking any short-cuts and I can fully assure you that the programme was certainly not influenced by the timing of the forthcoming local election in May.

63.11 Martin Christie asked the following supplementary question:

“The LEP told us that there were conditions on the funding award, can you tell us what those conditions are?”

63.12 The Chair provided the following reply:

“We have recently received some communication from the LEP and are studying that in detail and we will be making our comments back to them in the next week or so”

(iv) Air pollution

63.13 Gary Farmer put the following question:

“Harmful road traffic pollutants are at their most dangerous within the first 100m of the traffic with a drop off to near background levels within 200m downwind and 300m upwind. Current levels around the Old Steine already breach WHO targets and European law. This proposal doubles traffic on one side of the road within 10m of residences & businesses with increased stop-start traffic, buses in conflict with private vehicles, lorries & coaches – noise levels doubled, acknowledged increased levels of air pollution. How can BHCC, Green Party councillors consider this acceptable for Brighton and the people who live here?”

63.14 The Chair provided the following reply:

“Forgive me for repeating my answer from a previous question, but I have been advised that the data that you have referred to in your question is from American sources and is understood to apply to interstate freeways. It would therefore be relevant to motorways in this country. However, your concerns about air quality are fully understood. The Valley Gardens corridor is located within the city’s Air Quality Management Area. However, the Old Steine area benefits from its more open nature and as such does not experience the same concentrations of emissions as monitoring sites further north within the Valley Gardens corridor, and air quality levels on the southern and eastern side of the Old Steine are below the Government’s exceedance thresholds that require action to be taken.

As part of the development of this project, air quality has been considered alongside all of the other factors that we are seeking to address here, such as the movement of people and vehicles; the layout of roads, pavements and areas and of course, road safety. Design options were informed by a high level, technical analysis of environmental issues, including noise and air quality. Smoother traffic flows, more trees, wider pavements and greater use of sustainable travel for some journeys, together with the adoption of lower emission vehicles over time will help to mitigate the effects of air quality

Further assessments based on the Final Preliminary Design will be undertaken, and a new air quality monitor has already been located to the east of the Old Steine to assist

with this work. The monitoring results will enable officers to fully understand the likely effects of the proposed changes and will also be monitored carefully after completion”.

63.15 Gary Farmer asked the following supplementary question:

“Why hasn’t a localised air quality survey or any noise modelling taken place to date?”

63.16 The Chair provided the following reply:

“We measure air quality across the city. The reason why the specific air quality monitor has now been installed is because we know we are about to make changes to that area and therefore, we want to be careful”

(v) Valley Gardens Phase 3

63.17 On behalf of Tam Duy Dao, Gary Farmer put the following question:

“The reviewed plan has now added additional parking for 6 bays in front of listed buildings opposite the historic Victoria Fountain in which I live. In addition to 6 lanes of traffic outside my house how does the scheme which is designed to "ease traffic" imagine that 6 parking bays, a bus stop and 6 lanes of traffic waiting outside my house will in anyway make our lives, my home, my health, the facilities and events that use this avenue and the environment any better?”

63.18 The Chair provided the following reply:

“I can appreciate your concerns when living in this very busy part of the city centre on the main route to and from the seafront, where there are many different activities taking place on a daily basis and throughout the year. In considering your concerns, there are a number of factors to perhaps consider that may have a bearing on how this area will operate in the future. Driver speeds should be smoother and within the 20mph limit, helped by linking all of the traffic signals at all of the junctions together so that flows are optimised to reflect particular demands or conditions; the existing bus stop will remain but the management of the parking spaces has still to be finalised; many of the city’s buses in this area will have very modern, low-emission engine technology to reduce pollution; the location is fairly open and near to the sea so pollutants should disperse better than within a more enclosed area. All of these changes have the potential to deliver much-needed improvements in this area and the proposed design will also enhance the historic Steine Gardens and enable more people to enjoy them, including yourself I hope”.

63.19 On behalf of Tam Duy Dao, Gary Farmer asked the following supplementary question:

“Why will you not stop, pause, really listen and really engage with the community”

63.20 The Chair provided the following reply:

“Thank you Mr Farmer. Firstly, I do not believe anyone is stupid, whatsoever. Secondly, before this process started I made it very, very clear to officers that I wanted consultation to mean consultation. I wanted the consultation in its broadest sense to take a variety of

forms in tandem so not only the wider forms of consultation that you have mentioned such as via social media and on the council's website but also paper leaflets and also a whole series of specialised workshops with key interest groups to look at the plans in detail and this is what we have done. We did not come to this as you well know last May with a plan saying that is what we want to do. What we came with Mr Farmer, was a series of questions for people on how they perceived the area as it currently is. How they use it, why they use it, how they travel through it, what are the barriers to them being able to use it and enjoy it and how they think it could be improved. That was all we asked, we did not ask people's opinion on anything, we wanted to elicit from them the qualitative information. On that was built our first key section of priorities and on that we built the options".

(vi) Valley Gardens Phase 3 Business Case

63.21 Nic Roe put the following question:

"Outside of the desk based research conducted by appointed consultant Mott Macdonald, what, if any, qualitative research, detailed third party advice or consultation was carried out in preparation of the approved Business Case for the project?"

63.22 The Chair provided the following reply:

"The council's Business Case that was submitted to, and approved by, the Coast to Capital Local Enterprise Partnership has achieved the release of the 6 million pounds of Local Growth Fund money. The information included within it ensured that it fully complied with the LEP's requirements and therefore all the necessary research or advice that the LEP would have expected to have been included, was provided or referenced within it. The Business Case was prepared by a consultant which has the appropriate expertise to undertake this work, and which has successfully secured other Local Growth Fund money for the council.

Prior to the Business Case preparation, the initial public survey that was carried out during the Spring period that I have just alluded to could be described as qualitative, as it sought people's views about their experience of the area and how it might be improved. The consultants also carried out site visits and this qualitative research was subsequently combined with quantitative research which informed the decisions taken on the Preferred Option, which formed the basis of the Business Case that was prepared".

63.23 Nic Roe asked the following supplementary question:

"I have yet to hear any direct support for the Business Case. You have claimed to have spoken to and listened to all businesses concerned however, no business here is supporting the business case. So why do we always hear that there is support from so many businesses? Can you provide us with the names of the companies and organisations that you say are in support of Option 1?"

63.24 The Chair provided the following reply:

“There were very many companies and businesses who responded to the consultation and I am not sure that here today, I can list those companies in public session. I will take advice and I will respond to you further”.

(vii) Valley Gardens Phase 3 Design

63.25 Andy Roberts put the following question:

“Apart from Council Officers, the Project Board and external consultants Mott Macdonald, were any other councillors, other BHCC departments, organisations, businesses or lobby special interest groups involved in selecting and drawing up the ‘preferred’ Option 1 from a working list of 44 plans and the eventual shortlist of 4 plans?”
“Apart from Council Officers, the Project Board and external consultants Mott Macdonald, were any other councillors, other BHCC departments, organisations, businesses or lobby special interest groups involved in selecting and drawing up the ‘preferred’ Option 1 from a working list of 44 plans and the eventual shortlist of 4 plans?”

63.26 The Chair provided the following reply:

“Through a number of reports to consecutive meetings of this committee, the way that the council has approached the development of possible design options for this phase of Valley Gardens has been well-documented. To summarise that technical work, I can confirm that officers initially took account of the council’s policies and the feedback from public survey in April 2018. They have also had the benefit of hearing the opinions of independent experts who are part of the respected Design: South East Review Panel and one of those early meetings involved councillors and other council officers. They have received and assessed a range of technical reports, as well as the outputs from the council’s computer-based traffic model, which have been produced by Mott Macdonald, our consultant. Detailed briefings on this work were arranged for leading councillors from all parties to demonstrate how this analysis was being conducted. That body of work informed the development of the long- and short list of options, which were then reported back to and considered by, this committee, and the decisions was taken to consult on what is referred to as Option 1 – the Preferred Option. It was at that point that the process of collecting a wider range of external views began, during the main period of consultation in October and November last year. This included seeking opinions and suggestions from a number of people and groups, including local residents, businesses, workers and visitors, and other stakeholders – some individually, others with representatives of groups of people. Furthermore, all of the many views expressed in the public representations made to this committee were received and fully considered as part of the consultation. During the process, we have also engaged and regularly updated the city’s Transport Partnership, which includes representatives from a number of varied interest groups and organisations within the city, and which has considered and advised on many transport proposals and issues in the city for many years”.

63.27 Andy Roberts asked the following supplementary question:

“For public information, will you please release all 44 plans that were considered in 2018?”

63.28 The Chair provided the following reply:

“I am not sure I can commit to that at this stage and I will seek officer advice”.

(viii) Valley Gardens Phase 3 Design

63.29 Mirek Golabek put the following question:

“Under Section 106 of the Town and Country Planning Act 1990 relating to the land at 6-7 Old Steine a sustainable transport contribution sum paid to the council was £20,000 for a footway island.

Initial option 1 plans did not meet this criteria and were reviewed. The revised plans do not meet this requirement, there is no footway island and concerns regarding the space and how it is vital for the viability of businesses in the area have been paved over. Why has the council ignored this matter and will we receive the island as agreed 5 years ago?”

63.30 The Chair provided the following reply:

“I can assure you that we have looked at this opportunity when planning and designing the changes to the roads and pavements within the Phase 3 area. The principle of the proposed pedestrian improvement that was identified 5 years ago has therefore been taken into account. This was to extend the pavement outside the site and realign the Prince’s Street junction. I am not aware if there was a suggested, or an agreed, design for these works when the planning decision was made, but the designs that have now been developed for Valley Gardens do seek to improve the pedestrian environment and routes in this area and include these changes. The design has therefore taken the previous planning decision into account in order to ensure that the commitment is fulfilled, and further work will be done as part of the detailed design, which will be consulted on”.

63.31 Mirek Golabek asked the following supplementary question:

“Local businesses, particularly Brighton & Hove Language School have expressed the need for the space to remain open but the revised plan is no different from the original one. Could you provide any evidence that you have listened to local businesses?”

63.32 The Chair provided the following reply:

“With respect, I believe my answer has demonstrated that we are still listening and we are making changes”

63.33 Councillor Miller asked if the Section 106 funding secured by the council as part of the planning permission could be used as a contribution towards the project’s construction costs, as he understood that they were only available for up to 5 years and should therefore be returned after that period in 2019.

63.34 The Chair stated that she did not have the specific information available and would asked officers to write to Councillor Miller.

(ix) Valley Gardens Event Space

63.35 Julian Caddy put the following question:

“The Business Case for the Valley Gardens redevelopment cites several references to enhancing quality and capacity of event spaces. However, the quality for mid to large-scale events will be severely compromised through the lack of adequate allowance for power, water, waste and access, and capacity will be greatly reduced across VG Phases 1-3. New, often smaller, events sites are created without adequate consultation, while existing ones (Victoria Gardens, St Peter’s Church North and Old Steine) are either left unimproved or rendered unsuitable for future use. What assurance can the Committee give that fit-for-purpose space will indeed increase within current plans?”

63.36 The Chair provided the following reply:

I am aware that officers have been in direct discussions with yourself and other event organisers, as well as the council’s Events Manager, and those discussions have covered all three phases of the Valley Gardens scheme.

I believe that you have also had a comprehensive email from Nick Hibberd, our Executive Director, about event space and Phases 1&2. We are therefore aware of the need to consider surfaces, access, power, and water supplies and waste and drainage and are considering all of these within the design and construction of each phase. This could either include actual infrastructure, or works that enable the introduction of that infrastructure in the future – for example by providing the necessary ducting that would be required.

We are pleased to have been able to incorporate some new public spaces into the design for Valley Gardens Phase 3 that can be used within the city’s existing event calendars, or may enable us to attract new or different events to this part of the city centre to increase its attractiveness to residents and visitors alike. I certainly expect that these changes will ensure that the areas of public realm that we retain and enhance, or introduce, within the Valley Gardens corridor will be able to be used by people all year around and enable our exciting events calendar to continue.

63.37 Julian Caddy asked the following supplementary question:

“Would it not be better to reallocate the funds to the existing event spaces that are already well used and well-loved rather than creating spaces for hypothetical events?”

63.38 The Chair provided the following reply:

“Any of the event spaces either existing or the new ones that could potentially be created, I think it’s very important for us as we move through to the detailed design stage to actually understand the potential for the new spaces and what could and couldn’t be accommodated there but also to properly understand the needs of the existing events that we hope will continue in the area. I think this is where an ongoing engagement with yourself but also with event organisers will help. You remember we walked the area and spoke with the people running the attractions direct and that was the source of some really good information and I’d like to ensure that engagement continues”

(C) DEPUTATIONS**(i) Valley Gardens Phase 3- to express the concerns of the Valley Gardens Forum- Daniel Nathan**

63.39 The Committee considered a deputation that expressed concern with regard to the consultation and engagement undertaken with the local community during Phase 3 of the Valley Gardens scheme, fears for the implications for air quality on the east side of the Old Steine should the current proposals go ahead, concern for the events held in that area of the city. The deputation requested that the current process for Valley Gardens Phase 3 be paused to reset relations and develop a new scheme.

63.40 The Chair provided the following response:

Thank you for your deputation on behalf of the signatories who have submitted it and the wider Valley Gardens Forum.

The future of our city – how it grows and how people move about within it is at the heart of everything that the council does. It always has been and areas like the city centre, Valley Gardens and our seafront have been established as priorities for improvement and enhancement for very many years. They are valued by residents and are a major draw for visitors and we have to make sure that they are safe and accessible for people to reach on foot after they have arrived here so that they can visit attractions such as Churchill Square, the Royal Pavilion, the Palace Pier, the Sealife Centre, the Volks railway, the i360 and the many clubs, bars, cafes and restaurants, to name but a few. Those priorities have been arrived at through discussion and debate which has involved listening to everybody's views. Most recently, the council has held many events to help people and local councillors consider what the future vision for the city could be in 2030 - transport and travel, retail activity and air quality were all included. I acknowledge that you have brought together a variety of interests within the Forum to discuss and consider the proposals that have been developed for this particular phase of the Valley Gardens scheme.

And am sorry that you consider that the Forum's views have not been fully represented and that its views have not been listened to. We have been listening and we will continue to listen. I know that there have been individual meetings with project officers and that some members of the Forum have met collectively with our Executive Director, and there will be further consultation and engagement on the project after today's meeting and decision.

The scheme's design has also stayed true to principles of the concept design for the corridor approved by the council. General traffic on the east, public and sustainable transport on the west with better connections into the main part of the city centre. One of the main changes that has occurred is with the area around the 'art deco' tram shelters, which was a result of a thorough, technical assessment of a number of options for Phase 3. That assessment was based on the objectives for the project that this committee considered and agreed in June last year. Maintaining that link would require two additional, safely controlled junctions that would have increased journey times for all road users with the associated delay and disbenefits that would create and that is what our technical modelling demonstrated.

I can assure you that the processes associated with public involvement for this and other council committees have been applied consistently and in line with our agreed

procedural requirements. Those procedural rules were last reviewed and agreed by Full Council in December 2018.

Your concerns about potential air quality and noise problems have been recorded alongside others that have been received, and as I have indicated in the responses to a number of the public questions this afternoon, it will be fully assessed by our experts and appropriate mitigation will be designed, if required.

This council is not 'anti-car' but we are pro-people, and to achieve the right balance between those things in this constrained city, sometimes requires difficult decision making. Once made, those decisions are based on evidence, research and technical assessment. Sometimes we can't agree, and Park + Ride is an example of that. However, it is still part of our overall policies and referred to in Parts 1 and 2 of the City Plan. Sometimes, the amount of funding required is simply not available or we have to competitively bid for it with other councils across the country where we are not always successful.

I do not think that there is any argument about where in the city the £14million worth of Local Growth Fund money that the council has secured from the LEP can be spent. The money has been allocated to the council for the Valley Gardens project - £8 million for Phases 1&2 and £6 million for Phase 3. The proposals that the council made to the LEP for this specific project and many others in the city in 2013 were accepted and they were included within the LEP's Strategic Economic Plan and allocated Government funding to deliver them. They have then had to meet the LEP's further requirements for robust Business Cases. For Valley Gardens, both have been fully compliant with the LEP's requirements, and subsequently discussed and approved by its Economic Board. Your request for a pause is one that the council has already considered based on other similar representations, both at this committee and very recently at a Full Council meeting. While recognising the cases put forward, the democratic decisions that were made were not to agree to a pause or delay and to therefore continue with the project and move forward in line with its agreed programme.

I agree with you that Valley Gardens will have an impact for a generation – a generation that deserves to live in a city with clean air, better, good quality open spaces, accessible public transport, easier movement for pedestrians and cyclists and where a balance is restored between those important priorities and the dominance of the motor car. That is our vision and I would like to think that we can work with you to achieve it.

63.41 **RESOLVED-** That the Committee note the deputation.

64 ITEMS REFERRED FROM COUNCIL

64.1 No items were referred from Full Council to the Committee.

65 MEMBER INVOLVEMENT

65.1 No items were received from Members.

66 VALLEY GARDENS PHASE 3 (ROYAL PAVILION TO SEAFRONT) RESULTS OF PUBLIC CONSULTATION AND APPROVAL OF FINAL PRELIMINARY DESIGN

66.1 The Chair provided the following statement:

“I now propose that we resolve to exclude the press and public under Section 100(A) Section 4 of the Local Government Act 1972 because as I previously mentioned we need to consider the letter from the solicitors that we all received earlier today”

66.2 **RESOLVED-** That the Committee move into close session thereby excluding the press and public from the session.

66.3 The Chair reconvened the meeting into public session at 6.10pm.

66.4 On behalf of the Conservative Group, Councillor Wares moved the following motion as shown below in bold italics. The motion was read out by the Head of Legal Services:

2.1 That the Committee agrees to defer the decision to a future meeting of the committee pending receipt of further independent legal advice

66.5 Councillor Miller formally seconded the motion.

66.6 The Chair put the motion to the vote which failed.

66.7 The Committee considered a report of the Executive Director, Economy, Environment & Culture that set out the results of the public consultation and stakeholder engagement on the preferred design option for Valley Gardens Phase 3 and requested approval of the Final Preliminary Design, approval to progress design works for the proposed improvements to the A259/Duke's Mound/Madeira Drive junctions, authorisation to procure professional services/contract(s) for the detailed design and construction phases of the Valley Gardens Phase 3 project and approval of the revised design of the Marlborough Place/Edward Street junction.

66.8 In reference to the funding from the Waterfront project, Councillor Littman asked how much that was likely to be, what date it might become available and if there would be any conditions of use. Furthermore, Councillor Littman asked for assurance that should there be a shortfall in funding, that there would not be any cheapening of the public realm elements of the project.

66.9 The Head of Transport Policy & Strategy explained that a total of £12m in Local Growth Fund (LGF) money had been allocated of to the Waterfront project and the timescales from drawing down that money from government was the same period as for the Valley Gardens project. The cost and budget setting for the Valley Gardens project would be taken into account during the budget setting and TBM process.

66.10 Councillor Littman asked for clarification on the specific sum allocated for the work on Duke's Mound.

66.11 The Head of Transport Policy & Strategy explained that the precise figure required was not yet known as the works required had not yet been developed fully however, signal junctions of what might be required cost in the region of £500,000 and there would also be work required the bottom of Dukes Mound to ensure large articulated vehicles could make manoeuvres safely.

- 66.12 Councillor Wares stated his disappointment that the report, that should be neutral and fact-based, used subjective language. Councillor Wares noted that the Chair and Executive Director would be walking round the location on the following Monday and asked if they would be meeting members of the Valley Gardens Forum as well as local businesses and stakeholders. Councillor Wares asked for confirmation that the Final Preliminary Design was fully supported by bus operators as the optimum scheme available and that they did not feel they were making the best of a bad design.
- 66.13 The Head of Transport Policy & Strategy apologised for any inappropriate tone of language and assured Councillor Wares that would be reviewed. The Head of Transport Policy & Strategy stated that a number of discussions had been held with bus companies and operators and meeting held also been held with the Bus Passenger Group. Those discussions were ongoing and were helpful in terms of refinement and development of the scheme and there had been no formal correspondence on the current position.
- 66.14 The Chair stated that she would be meeting with members of the Valley Gardens Forum and anybody else who wished to come along.
- 66.15 Councillor Wares asked if it could be confirmed that the success of the project design now hinged on the alterations at Dukes Mound. Councillor Wares also asked for advice on what circumstances had changed that now enabled a safe right turn from Pool Valley.
- 66.16 The Head of Transport Policy & Strategy stated that the changes in Dukes Mound were proposed to support the alterations on Madeira Drive. Regarding the right-turn from Pool Valley, this was something that arose in the feedback from the consultation and an issue that would be explored with any changes subject to a road safety audit.
- 66.17 Councillor Wares stated that the taxi trade had requested a right-turn however, this did not relate to Pool Valley rather the right-turn exiting Little East Street on to the A259. Referring to page 33 of the agenda, Councillor Wares asked why the list of business and interest groups not include all of those who had made representations to the council only those that had completed the consultation form. Councillor Wares noted that the following had made representations objecting to the design of the project: North Laine, Brighton Seafront & Kemptown Traders Associations, Brighton Fringe, Brighton Events groups, Brighton & Hove Taxi Forum, Tourist Alliance, Brighton Pavilion Language College, Brighton & Hove Restaurant Association, Brighton Grassroots Music Venues, Sainsbury's Local, Marlborough Pub & Theatre, Palace Pier, Royal Albion Hotel, Brighton Hotel Action Team, Kingscliffe Society and other business, residents, stakeholders and transport groups.
- 66.18 The Principal Transport Planner explained that those included on page 33 of the agenda were all the representations made via the online consultation. Letters had also been received with some making a direct reference to the consultation and others an indirect reference. The Principal Transport Planner added that officers were in the process of responding to all the letters and provided assurance that all representations had been considered in the revision of the design.

- 66.19 Councillor Wares asked if any consideration had been given to the assertion that taxi fares from the Volks Tavern would increase by £7 per journey due to the diversions the project would create. In addition, Councillor Wares asked what route eastbound traffic approaching the proposed T junction would take in order to travel westbound and what route would be taken by HGV's with many roads in the city centre weight restricted. Furthermore, Councillor Wares asked for explanation as to how the project had moved from a regeneration project into a social engineering project effectively forcing cars off the road.
- 66.20 The Head of Transport Policy & Strategy explained that there had been no consideration in the modelling of very specific taxi journeys. In relation to a change in route from eastbound to westbound, the Head of Transport Policy & Strategy stated that the alternative route would be to continue through the junction and turn into Lower Rock or Upper Rock Gardens, but other routes were available too. The Head of Transport Policy & Strategy added the project would have some effect on journey times however, the revisions to the scheme had reduced those anticipated increases and the project would bring a number of positive impacts to enable people to use sustainable and public transport.
- 66.21 Councillor Wares noted that there was a new southbound bus lane and a new junction at Dukes Mound and highlighted that these had not been subject to traffic modelling as designs until this point. Councillor Wares stated that there was no data to support the introduction of an additional junction and the committee were asked to take a leap of faith. Councillor Wares asked if any additional information would be provided to support the revisions before the committee decided to proceed with the scheme.
- 66.22 The Chair stated that absolute commitment could be provided that Members would continue to have oversight of the project and the ability to question throughout the detailed design phase.
- 66.23 A consultant from Mott MacDonald clarified that modelling across the Valley Gardens Phase 3 study area had very recently been undertaken and that had seen an improvement to bus journey times. It was also forecast that there would be an improvement to overall journey times due to the introduction of an additional bus lane.
- 66.24 Councillor Wares asked if that modelling included the Dukes Mound junction as that was now part of the scheme area.
- 66.25 A consultant from Mott MacDonald explained that the model did not extend to Dukes Mound but did include displaced traffic that would have otherwise exited from Madeira Drive on to the roundabout.
- 66.26 Councillor Wares stated that he had proposed a cycle lane through Pool Valley to divert cyclists away from the main junction however, he had been told the cycle path would be too narrow at 3.5m. Councillor Wares asked if it was true that in other areas of the overall project, there were cycle lanes that were 3.5m wide or less. Councillor Wares asked if any studies on noise or air pollution had been undertaken to predict what may happen in those areas due to the project.

- 66.27 A consultant from Mott MacDonald explained that there were cycle paths in other areas of the scheme that would be 3.5m however, these were not in a confined space such as Pool Valley. It was explained that the issue with a cycle lane through Pool Valley was that the blind corners made it potentially unsafe for cyclists and pedestrians. Furthermore, a cycle lane through Pool Valley would join the A259 that would necessitate a further crossing point that would increase journey times. The Head of Transport Policy & Strategy explained that the issue of noise and air pollution would form part of the detailed design via monitoring and computer software programme and mitigation measures would be made if that showed the threshold for both would be exceeded.
- 66.28 Councillor West noted that Brighton Fringe has expressed their frustration regarding the perceived loss of event space and the lack of provision of facilities such as electrical points and water. Councillor West asked if those points would be addressed in the revised scheme. Councillor West noted that local elections were forthcoming and asked what formal mechanism would be put in place post-May. Councillor West explained that previously a Member working group had been in place and it may be useful for that to be re-established.
- 66.29 The Chair stated that the Administration intended to operate a slightly different process until May for Member involvement in the project where leading councillors were involved at every stage and workshops were held with Members and interest groups with other very detailed engagement.
- 66.30 The Principal Transport Planner explained that meetings had been held with events organisers and the design showed there would be hard surfacing for accessing event space and there would be additional supplementary space for events. Issues such as power supply, drainage and water would be considered as part of the detail design phase and if there was appropriate electrical load in relation to the areas already identified in Phases 1 and 2, these would be implemented. The Assistant Director, City Transport provided assurance that there would be close working with the power network providers regarding provision of electrical supply, but this would be subject to a high voltage supply in the Old Steine area. The same process would be undertaken with the water company and it was explained that the council's Head of Sport & Leisure who manages the Events Manager had recently joined the project Programme Board to provide expertise.
- 66.31 Councillor West replied that the response did not provide the assurance he was seeking and asked if the Fringe Festival would be engaged on their specific needs.
- 66.32 The Executive Director, Economy, Environment & Culture stated that events organisers had been in dialogue with the council throughout the process and that engagement would continue. The Executive Director explained that he had undertaken lengthy correspondence with the CEO of Brighton Fringe to discuss their specific needs and that had also happened through Phases 1 and 2 of the scheme. The Executive Director added that there was regular attendance by the council at Fringe Board meetings and he personally would be attending their meeting next week. The Executive Director stated that he understood that event organisers were awaiting assurance, but this was because feasibility work was still being undertaken.

- 66.33 Councillor Peltzer Dunn noted that the junction at Dukes Mound had not been part of the consultation and he was very concerned about the effects it would have upon traffic. Councillor Peltzer Dunn asked what the treatment of traffic movement from East Street on to the A259 would be as it was currently outside the study area.
- 66.34 The Executive Director, Economy, Environment & Culture stated that this was a matter that had recently arisen through the consultation and issue that would be looked at as part of the detailed design.
- 66.35 Councillor Peltzer Dunn noted that if the no right turn from East Street onto the A259 was retained, traffic would turn eastbound with no option to go westbound for a significant period. Councillor Peltzer Dunn stated that because this area was outside the study area, these extra vehicle movements would not be considered and there was potential for tailbacks on the A259 and increased traffic through Lower and Upper Rock Gardens.
- 66.36 A consultant from Mott MacDonald explained that whilst figures were not available for traffic exit from East Street, figures on the number of vehicles using the current roundabout to perform a U-turn was available and that figure was less than half a percent of all traffic which was an extremely small number of vehicles.
- 66.37 Councillor Peltzer Dunn asked if traffic movement figures for the proposed junction at Dukes Mound, including the number of coaches, was now available.
- 66.38 A consultant from Mott MacDonald stated that figures were available for vehicles currently exiting Madeira Drive on to the Aquarium Roundabout and therefore, the number of vehicles that would be displaced in closing the westbound exit. The forecast figure for vehicles that would now exit Dukes Mound on to the A259 was 270 during the AM peak and 160 during the PM peak.
- 66.39 Councillor Peltzer Dunn stated that many of those vehicles would be long vehicles such as HGV's or coaches and noted that it was likely that the junction would have to be a four-phase traffic signal, similar to that at Wharf Road North. Councillor Peltzer Dunn stated that this would likely cause delay and asked what impact that would have on the study area.
- 66.40 A consultant from Mott MacDonald answered that given the distance away the junction would be from the study area, it was not expected that there would be any impact on journey times in the study area.
- 66.41 Councillor Peltzer Dunn disagreed with this view point adding that he would not want to commute through this area of Brighton at peak times as delays were certain.
- 66.42 Councillor Atkinson stated that the proposals were not specifically aimed at motorists and were modelled on existing traffic volume to enhance co-existence between all users and to improve air quality in the local environment. Councillor Atkinson stated that in June 2018, the committee had tasked officers to design the final phase of the Valley Gardens scheme, a design that would be governed by a set of objectives, based on the consultation results and in October 2018, the committee approved the preferred design to be consulted upon. Councillor Atkinson stated that the design process itself had been

reviewed by a panel of transport and urban design experts and this unanimously supported the preferred design including removal of the Aquarium Roundabout. Councillor Atkinson stated that the preferred design had been consulted upon with a wide-range of businesses, stakeholders and interest groups as well as residents which had led to a number of revisions to the final preliminary design. Councillor Atkinson highlighted that the LEP timetable stipulated that the funding for the project would need to be spent by 2021. Councillor Atkinson continued that all design options had been painstakingly appraised and the preferred option had been demonstrated to meet the project objectives and be the safest and most efficient option for pedestrians, motorists and pedestrians. Councillor Atkinson stated that he was aware of the genuine concerns expressed however, the feedback received was not unanimous with 60% of respondents to the consultation in favour of the preferred option. Councillor Atkinson stated that the proposals were an opportunity to transform the city for the better and urged the committee to move ahead whilst continuing consultation on the finer detailed design.

66.43 Councillor Littman echoed the comments made by Councillor Atkinson adding that the idea that the project was social engineering was wrong. Councillor Littman referred to the policy context, sustainability and public health sections of the report that clearly stated that the project was planned to improve a sustainable transport corridor and that was what the project had been from the outset. Councillor Littman stated that a sustainable transport project that encouraged people to use buses, cycle and to walk should come as no surprise. Councillor Littman explained that officers and Members had been required to progress the scheme far more swiftly than was desirable due to the Administration's two-year delay. Councillor Littman expressed his support for a Member Project Board and was encouraged to hear the Chair's support for involvement of lead Members and asked as to the finer detail of that. Councillor Littman stated that any delay at this stage would be endangering the project and he would be supporting the recommendations.

66.44 Councillor Wares stated that he had asked a number of questions and the answers to those questions had given the impression that there was no clear idea about what would happen in relation to traffic outside the boundaries of the scheme. Councillor Wares stated that he expected the scheme proposals to lead to chaos and there had been a consistent ignorance of the situation and the council had refused to listen to the suggestions of industry leaders as to what was wrong with the proposals. Councillor Wares stated that the scheme did appear to be a social engineering project and he believed it would lead residents and tourists to go elsewhere. Councillor Wares added that the Administration had delayed the project for two years to the point it was now rushed and there could be no pause to review because time was running out to draw down the funding. Councillor Wares stated that his Group had now requested on three separate occasions for a pause and that had been rejected by the two other political groups three times. Councillor Wares stated he was now exasperated in asking the committee to listen to what it was being told by said industry leaders, businesses, traders, interest groups and residents. Councillor Wares explained that the project was still at the stage where it could be re-thought and re-considered and to agree the recommendations would be a demonstration that the council did not listen or care. Councillor Wares stated that to pause and review the scheme was the right thing to be by the city.

66.45 On behalf of the Conservative Group, Councillor Wares moved a motion to amend recommendations 2.2, 2.3 and 2.4 as shown below in bold italics and where struck through:

- 2.2 That the Committee approves the Final Preliminary Design for the Valley Gardens Phase 3 project, as attached in Appendix 3 of this report, and agrees that it should be progressed to the detailed design stage which will include further public consultation and stakeholder engagement ***subject to the 2019/20 Local Transport Plan Capital Budget being agreed in March 2019 by Policy, Resource & Growth Committee.***
- 2.3 That the Committee agrees that officers progress design work for the proposed improvements to the A259/Duke's Mound/Madeira Drive junctions, in liaison with the council's Waterfront project team ***subject to a report being brought to this Committee detailing the proposal including the costs associated with the design and recommendations from the Waterfront project team.***
- 2.4 That the Committee authorises officers to procure professional services/contract(s) for the detailed design and construction stages of the Valley Gardens Phase 3 project, ***subject to recommendation 2.2*** and ~~notes that this authorisation will enable officers to procure and award either a design and build contract or separate contracts for the design stage and the construction stage, and notes that an update on these procurements will be provided to a future committee meeting.~~ ***and that the Committee agrees that prior to considering authorisation for the procurement of contract(s) for construction services of the Valley Gardens Phase 3 project, a report will be brought to a future meeting of this Committee detailing the outcome of the consultation and stakeholder engagement detailed in recommendation 2.2.***

66.46 Introducing the motion, Councillor Wares stated that contributions were sought from the 2019/20 Local Transport Plan capital programme however, that was yet to be agreed therefore, the amendment to recommendation 2.2 made that clear. In relation to the amendment proposed to recommendation 2.3, Councillor Wares explained that he was concerned that resources from the Waterfront team would be misspent to correct mistakes in the Valley Gardens project and therefore, clear reporting was required from the Waterfront project team. In relation to the amendment proposed for 2.4, Councillor Wares stated that if the report was agreed as per the report, that would allow officers delegate powers to progress the scheme to its conclusion apart from the necessary TRO's. Councillor Wares stated that instead, the project needed to progress stage by stage including the feedback from the detailed design stated and it was far too in advance to be considering appointing contractors.

66.47 Councillor Brown formally seconded the motion stating that it would ensure the committee was kept up to date on the project in a transparent manner.

66.48 Councillor West stated that he would not be supporting the amendment. Councillor West explained that 40% of households in the city did not own a car and it was important to them that public transport worked well, and the proposals would give opportunity for people who travel actively to do so safely. Councillor West contended that the project gave opportunity to enhance a key area of the city centre. Councillor West stated that

Phase 3 was the most complex of the overall project and that level of complexity deserved a longer and more detailed period of engagement with all stakeholders however, that had not been possible due to the delay to Phases 1 and 2 instigated by the Administration. Councillor West elaborated that the report itself stated that there were lessons to be learned. Councillor West explained that whilst the delay was regrettable, the scheme was the right one even in the time pressured situation. Councillor West explained that there had been many good revisions to the project through the most recent consultation in particular, the north to south cycle lane and better cycle segregation in a number of areas. Councillor West noted that the consultation had received a good number of responses and those responses had been broadly supportive of the scheme design and had agreed with the removal of the Aquarium Roundabout in favour of a controlled junction. Councillor West stated that he did not support the desire to delay the scheme as it would present a very real risk of losing the project funding unnecessarily. In addition, Councillor West stated that he had some concerns about event space and the impact of any funding gap and he hoped if revisions had to be made, that would not come at the expense of improvements to the environment and public realm. Councillor West concluded that he supported the report recommendations as it would be to the benefit of everyone and he hoped the scheme could be moved on swiftly.

- 66.49 The Chair thanked Councillor West for his contribution that made a number of pertinent points and expressed her commitment to working together as the scheme progressed.
- 66.50 Councillor Robins agreed with the comments made by Councillor Littman that the proposals were not an attempt to shut down traffic but an attempt to open up the public realm in the area and that was why he had come to support the scheme after an initial apprehension. Councillor Robins explained that he was familiar with the events programme in his role as Chair of the Tourism, Development & Culture Committee. Councillor Robins stated that there were difficulties in where events could be staged and the redevelopment of the area outside the Royal Pavilion would provide greater opportunity for a variety of different and new events such as a Christmas Market.
- 66.51 Councillor Wares clarified that he was not against public realm improvements but did believe that the proposals were not a workable scheme. Furthermore, those that were suggesting ideas and alternatives and telling the council the scheme would not be a success were not being listened to. Councillor Wares stated his certainty that there was a better way of achieving the objectives of the scheme than the current proposal and many people believed that proposal was not the right one. In relation to the Aquarium Roundabout, Councillor Wares explained that the transport system in that area was not broken and further changes were compounding the issue. Councillor Wares supplemented that on occasion it was right to stop and re-think decisions and this was one of those times. Councillor Wares expressed his belief that the LEP were unlikely to withdraw funding for the scheme if they understood a delay was to ensure a better proposal came forward.
- 66.52 Councillor Peltzer Dunn stated that he supported the motion as the amended recommendation 2.2 as it made explicit that the project would be subject to agreement of the 2019/20 LTP capital budget as it would anyway and there would be no further delay. The amended recommendation 2.3 would likewise not cause delay as it was not in the original Phase 3 scheme. Councillor Peltzer Dunn explained that the amended

recommendation 2.4 was of most importance as it ensured democratic oversight and residents had elected councillors to take that responsibility, not officers. To do otherwise and as the report proposed would be an abdication of responsibility.

66.53 Councillor Littman stated that whilst he believed the Valley Gardens Forum had made outstanding progress from a standing start, members of the committee were also being lobbied by other groups such as the local Friends of the Earth and Bricycles to agree the project and begin work. Councillor Littman stated that every decision made by the council and Members was a balance and there would never be a scheme that benefited every group. It was down to Members to make a choice on the decision that would be for the good of the city and he had no doubt that the scheme as proposed was very good and there were no grounds whatsoever to pause the process.

66.54 The Chair then put the Conservative Group motion to the vote. At the request of Councillor Wares, the Chair agreed to a recorded vote with the following outcome:

Councillor Atkinson: Against
Councillor Brown: For
Councillor Horan: Against
Councillor Littman: Against
Councillor Miller: Not Present
Councillor Mitchell: Against
Councillor Peltzer Dunn: For
Councillor Robins: Against
Councillor Wares: For
Councillor West: Against

66.55 Therefore, the motion failed.

66.56 On behalf of the Green Group, Councillor West moved a motion to add a recommendation 2.6 as shown in bold italics below:

2.6 That the above recommendations are agreed subject to obtaining independent legal advice to the satisfaction of officers, after consultation with the Chair and Opposition Spokespersons.

66.57 Introducing the amendment, Councillor West noted that the committee had received legal advice in response to the solicitors Letter received and whilst he did not wish to delay the project, it would be prudent and responsible to seek independent legal advice to reinforce soundness of the decision.

66.58 Councillor Littman formally seconded the motion.

66.59 The Chair put the motion to the vote which passed.

66.60 The Chair then put the recommendations, as amended to the vote. At the request of Councillor Wares, the Chair agreed to a recorded vote with the following outcome:

Councillor Atkinson: Against
Councillor Brown: For

Councillor Horan: Against
Councillor Littman: Against
Councillor Miller: Not Present
Councillor Mitchell: Against
Councillor Peltzer Dunn: For
Councillor Robins: Against
Councillor Wares: For
Councillor West: Against

66.61 Therefore, the recommendations, as amended were agreed.

66.62 **RESOLVED-**

- 1) That the Committee notes the results of the public consultation and stakeholder engagement on the preferred design option for the Valley Gardens Phase 3 project, as set out in Appendix 1 and Appendix 2 of this report.
- 2) That the Committee approves the Final Preliminary Design for the Valley Gardens Phase 3 project, as attached in Appendix 3 of this report, and agrees that it should be progressed to the detailed design stage which will include further public consultation and stakeholder engagement.
- 3) That the Committee agrees that officers progress design work for the proposed improvements to the A259/Duke's Mound/Madeira Drive junctions, in liaison with the council's Waterfront project team.
- 4) That the Committee authorises officers to procure professional services/contract(s) for the detailed design and construction stages of the Valley Gardens Phase 3 project and notes that this authorisation will enable officers to procure and award either a design and build contract or separate contracts for the design stage and the construction stage, and notes that an update on these procurements will be provided to a future committee meeting.
- 5) That the Committee approves the revised design of the Marlborough Place - Edward Street junction, as shown in Appendix 3 of this report, which will supersede the design of the southernmost section of the Valley Gardens Phases 1&2 project agreed by this Committee in December 2017, and agrees that the design can be progressed to the detailed design stage and delivered as part of the current construction programme for Valley Gardens Phases 1&2.
- 6) That the above recommendations are agreed subject to obtaining independent legal advice to the satisfaction of officers, after consultation with the Chair and Opposition Spokespersons.

67 ITEMS REFERRED FOR FULL COUNCIL

67.1 No items were referred to Full Council for information.

The meeting concluded at 8.00pm