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| Subject: | Active Travel Fund – Old Shoreham Road | | |
| Date of Meeting: | 10th August 2021 | | |
| Report of: | Executive Director Economy, Environment & Culture | | |
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| Ward(s) affected: | All | | |

FOR GENERAL RELEASE

By reason of the special circumstances for non-compliance with Council Procedure Rule 3 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) the Chair of the meeting has been consulted and is of the opinion that this item should be considered at the meeting as a matter of urgency. The special circumstances are that the item is to be considered before the 11 August 2021 in compliance with a resolution of the Committee.

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 At the Special Environment, Transport and Sustainability (ETS) committee meeting on 21st July 2021, the committee agreed that an Urgency Sub-Committee be convened before 11th August 2021 to consider the removal of the phase 1 cycle lanes on Old Shoreham Road.
- 1.2 In addition, the ETS committee agreed an amendment for Council officers to explore “alternative” local routes for a temporary scheme including, but not limited to, Portland Road and New Church Road, in consultation with local residents and bring a report back to the committee with potential options.
- 1.3 On Friday the 30th of July the Minister of State for Transport wrote to all Council Leaders of English transport and highway authorities (see appendix 3) setting out the Government’s expectations in relation to active travel schemes. The letter states: “Schemes need time to be allowed to bed in; must be tested against more normal traffic conditions; and must be in place long enough for their benefits and disbenefits to be properly evaluated and understood”.
- 1.4 On the same day revised statutory Guidance was published under section 18 of the Traffic Management Act 2004, The Guidance states that “Schemes must not be removed prematurely or without proper evidence. And any decisions on whether to remove or modify them must be publicly consulted on with the same rigour as we require for decisions to install them”.
- 1.5 Nationally, government released their ‘Gear Change’ vision document in July 2020 which sets out the national ambition to make walking and cycling the natural choice for short journeys, or as part of a longer journey. Accompanying

this is Local Transport Note 1/20 (LTN 1/20) which sets out a step change in how Local Authorities must deliver cycling improvements.

- 1.6 The government has since published its 'Gear Change'; One Year On' document which reflects on the Active Travel successes of the past year, evident in the 46% national growth in cycling. The document also sets out government's future expectations for local authorities to maintain momentum, stating, "We will reduce funding to councils which do not take active travel seriously, particularly in urban areas" and also states that an "authority's performance on active travel will help determine the wider funding allocations it receives, not just on active travel."
- 1.7 On Friday 20th July the government announced it would be withholding £277,520 of Capability Funding that the Council had successfully bid for until further assurances had been sought as to the status of the Old Shoreham Road Cycle lane.
- 1.8 Locally, the new Local Transport Plan 5 (LTP5) is being developed to help everyone move around the city more safely, sustainably, and easily. The initial direction of travel document ('Developing a new Transport Plan for Brighton & Hove') was presented to the ETS committee on 22nd June 2021 and the committee agreed to the vision, key outcomes and principles set out in this. One of the key principles is shifting how people travel – prioritising walking and cycling for shorter journeys and public transport for longer journeys.
- 1.9 The Local Cycling & Walking Infrastructure Plan (LCWIP) is in development and the draft strategic network identifies many strategic and priority routes, including all the routes being taken forward in the Active Travel Fund. The LCWIP will set out the strategic network for walking and cycling and will assist the council in seeking funding for improvements. For this report, it is important to note that the Old Shoreham Road and New Church Road feature as priority routes in the draft LCWIP cycling network, and Portland Road features as a strategic route.
- 1.10 The LCWIP work defines the importance of a strategic, comprehensive network for the city to enable and unlock potential for walking and cycling. The development of this network features specific routes but is the sum of its parts – to enable journeys by cycle a comprehensive safe network of routes is needed serving all areas of the city, otherwise modal shift may not be possible.
- 1.11 In addition, the council has committed to being net carbon neutral by 2030. The Carbon Neutral Programme identifies the transport sector for the largest share of the required cut in carbon emissions in the city and includes a key action to develop a public realm which enables active travel.
- 1.12 Therefore, the purpose of this report and recommendations is:
 - to set out information to assist in committee discussions for the implications for the removal of the existing temporary cycle lane on Old Shoreham Road; and
 - address some early considerations in exploring alternative local routes such as New Church Road and Portland Road, as agreed at the Special Environment, Transport and Sustainability (ETS) committee meeting on 21st July 2021

2. RECOMMENDATIONS:

- 2.1 That the Committee notes the newly published statutory guidance, published under Section 18 of the Traffic Management Act, in relation to the removal of temporary lanes as summarised above in paragraph 1.3 of this report.
- 2.2 The Committee notes the government's decision to withhold £277,520 of Capability Funding that the Council had successfully bid for due to the committee's decision on the 21st July 2021 to seek a report to consider the removal of the Old Shoreham Road Cycle Lane Phase 1 as summarised in paragraphs 4.6 and 4.7 of this report.
- 2.3 That the committee agree to retain the Phase 1 temporary cycle lane on Old Shoreham Road due to the negative impact its removal would have on road safety, the environment, equality, and wider funding opportunities. This would also allow for appropriate monitoring to take place as set with the newly updated statutory guidance issued under section 18 of the Traffic Management Act 2004.
- 2.4 That the Committee agrees to progress the development of improvements to the Phase 1 Old Shoreham Road Cycle Lane as a temporary scheme (from The Drive to Hangleton Road) as set out in Appendix 2, including temporary changes to increase vehicle capacity at the Olive Road / Stapley Road junction. Committee also agrees that further monitoring is undertaken in accordance with the newly updated statutory guidance issued under section 18 of the Traffic Management Act 2004.
- 2.5 In the event that the committee seeks to remove Phase 1, that the committee agrees to retain the section of Phase 1 between Holmes Avenue and The Drive for the reasons set out in the report and that further monitoring is undertaken in accordance with the newly updated statutory guidance issued under section 18 of Traffic Management Act 2004.
- 2.6 In the event that the Committee agrees to retain the scheme that Officers begin further monitoring of the scheme, to be reported back at a future committee.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 On 9th May 2020 Government released the Emergency Active Travel Fund to allow authorities to provide reallocated road space to cyclists and pedestrians within weeks to allow people to better socially distance and have alternatives to public transport in the early stages of the pandemic. There was £250 million available nationally in the Emergency Active Travel Funding to support Local Authorities in the installation of temporary projects for the Covid -19 pandemic for Tranche 1 and also for the creation of longer-term projects for Tranche 2.
- 3.2 On 11th May 2020 road space on both sides of the Old Shoreham Road, A270 for 2.7kms was temporarily reallocated to cyclists, with new road markings and temporary signs in place. This was done as part of the Council's urgent response to the pandemic, in accordance with the Council's network management duty under the Traffic Management Act 2004 and the statutory guidance "Traffic Management Act 2004: network management" in response to COVID-19.

- 3.3 On 5th June 2020 the BHCC Emergency Active Travel Fund Tranche 1 bid was submitted for more than £700,000 to deliver 21 different temporary transport measures, including the addition of light segregation (plastic wands) along the Old Shoreham Road temporary cycle lanes.
- 3.4 DfT conducted manual surveys in June 2016 and 2020 at Lullington Avenue in Hove, as well as the Council conducting a manual survey in July 2020. The introduction of the cycle lanes has shown increased cycling volumes along this route by up to 61% between 2016 data collected by the DfT and a seven-day count of cycles following the implementation of the lanes in July 2020. The DfT survey conducted in 2020 also recorded a 98.5% increase of cycles from their 2016 figure. The Council also conducted an additional manual survey in June 2021, this showed a 23% decrease in cycling levels compared to the 2016 baseline; however, this survey was affected by very poor weather and is not considered an accurate reflection of current usage. We advise further monitoring is needed as travel restrictions are lifted.
- 3.5 On the 25th June 2020 BHCC was awarded £663,625 from central government as part of the Emergency Active Travel Fund (Tranche 1) and light segregation was installed along the Old Shoreham Road.
- 3.6 BHCC Active Travel Fund bid for Tranche 2 was submitted on 7th August 2020 for circa £2.7m to deliver 5 key walking and cycling schemes with a range of complementary measures, including detail on phase 2 of the Old Shoreham Road. £2.376m was awarded to BHCC on the 13th November 2020.
- 3.7 At the Environment, Transport & Sustainability Committee on the 18th December 2020 the committee agreed to progress with the five Active Travel Schemes outlined, including Old Shoreham Road, and to undertake a public consultation as per the Consultation Plan agreed by the committee. The consultation included consulting on the first phase of the temporary cycle lanes on Old Shoreham Road and the seafront, so that the schemes could be considered as a whole.
- 3.8 On the 1st February 2021 BHCC launched a city-wide consultation on the Active Travel Fund schemes as directed in the Consultation Plan, running until 14th March. The scope of this consultation, in line with DfT requirements, was not designed to be a 'referendum' on the necessity of walking and cycling infrastructure. The consultation covered opportunities for improvements and included a public opinion survey covering attitudes towards walking and cycling, in line with DfT guidance. A referendum style approach to the continuation of the lane was not part of the scope.
- 3.9 A report summarising this consultation was taken to the Environment, Transport & Sustainability (ETS) committee on 21st July 2021 where members were recommended to keep the Phase 1 Old Shoreham Road cycle lane in place with improvements, but not to proceed with Phase 2 to the western border. Members at the committee recommended that no improvements to the existing temporary cycle lanes be made, nor any pedestrian improvements in the area and that a special subcommittee be convened before the 11th August 2021 to consider the full implications of the removal of the Phase 1 cycle lanes on Old Shoreham Road.

4. SUMMARY – IMPLICATIONS OF OLD SHOREHAM ROAD REMOVAL

Context of cycle lane location

- 4.1 The temporary cycle lane was put in place on Old Shoreham Road as the route offers a vital east-west route into the city with ample space for implementing a wide, safe cycling facility in line with national cycle design standards LTN 1/20. The route is identified as a key route within the draft LCWIP and because of its proximity to schools and creates a natural link to the existing cycle facility which runs eastwards from The Drive.
- 4.2 It is worth noting that the new design standards pay considerable additional consideration to the needs of all types of users of varying cycling abilities, as well as more vulnerable road users such as disabled persons. The wide, often two-lane carriageway on the Old Shoreham Road was put in place in the 1970s prior to the A27 now being in place. In the context of current highway design standards, principles and objectives, the construction of a dual carriageway today within a compact residential area would not be appropriate.
- 4.3 The introduction of the temporary cycle lane on Old Shoreham Road has had no implications in terms of parking reduction, and the route does not feature significant amounts of 'active frontages' e.g., shops which may have had loading bay requirements etc. This further indicates why Old Shoreham Road is an ideal route to include in the City's Cycle Network, as it was implemented so easily with minimal disruption with regard to, for example, bus stops or removal of parking. These unique factors of this route would not be the case for many other routes in the city which would take much more consideration when implementing.
- 4.4 The draft LCWIP identifies the Old Shoreham Road as a priority cycling route, key to the city's strategic cycling network. The LCWIP work is based on evidence including the Propensity to Cycle Tool, a national tool used for cycle planning; this tool shows great potential for uptake of cycling on this route which serves many communities including Hangleton, Portslade and Mile Oak.
- 4.5 Looking permanently to improvements on the Old Shoreham Road is key, and this will come through the LCWIP and when future funding can be adequately secured, however the temporary cycle lane has shown the potential for small-scale improvements and the impact that this new space can have on journeys. There are limitations of a temporary scheme however, and it is important to build on the temporary cycle lane to bring permanent improvements for this space including wider benefits for other road users. These improvements will not be realised through removal. Monitoring data showed that cycling increased since the implementation of the temporary scheme and is having an effect on modal shift.
- 4.6 In March 2021 local authorities with previous 'Access Grant' fund status were invited to bid for further funding under the Government's new Capability Fund initiative, with the aim of providing investment into Active Travel related initiatives to complement the roll out of walking and cycling infrastructure. Brighton & Hove City Council's Capability Fund bid included proposals to use the funding towards

adult and child cycle training courses, workplace travel planning, school travel planning, personalised travel planning, gamification (the 'Better Points' rewards app), an e-bike pilot, LCWIP network planning and design & development. It also presented how we would ensure an inclusive approach to behaviour change projects, including a focus on underrepresented groups in cycling and meet requirements on evaluation and monitoring to assess impact on modal shift. The bid includes funding for 5 posts to deliver the projects.

4.7 On Friday 30th July 2021, the Transport Minister announced it would be withholding the Capability Funding grant from Brighton & Hove City Council until it had sought further assurances as to the status of the Old Shoreham Road Cycle Lane. It should be noted that without this funding the Council would not be able to proceed with a campaign of projects that fall under this remit. These projects include but are not limited to the following:

- Schools Cycle Training
- Schools Travel Campaigns, such as Walking to School Week
- Adult Cycle Training
- Walking Route Promotions, including funding for our Walking Project Officer
- Workplace travel planning, including supporting workplaces to return post-pandemic.

Context of road safety and traffic

4.8 Retaining the cycle lane does not restrict access for residents who choose or have to drive, as the route is still served by carriageway widths well within current standards. However, the removal of a cycle facility would significantly reduce the safety of many residents choosing to make journeys by bike. While many cyclists also drive and drivers also cycle, by making these alterations to the road to remove existing safe cycling infrastructure, this will have the effect of removing residents' options to choose safe cycle routes where they live. While having the cycle lanes in place has reduced available road space for vehicles, vehicles are still provided with a safe option to travel on this route. This raises a significant concern about equality, for these people that have been able to use sustainable transport.

4.9 In January of this year, the council unanimously agreed to sign up to the Road Danger Reduction Charter. Signatories pledge to "Actively promote cycling and walking, which pose little threat to other road users, by taking positive and co-ordinated action to increase the safety and mobility of these benign modes."

4.10 Following a consultation, the Government is revising the highway code to include a 'hierarchy of road users' in order to "improve safety for pedestrians, particularly children, older adults and disabled people, cyclists and horse riders". This is expected to come into force in the autumn of this year. Protected cycle lanes have been proven to improve road safety for all road users, particularly those travelling by bicycle.

- 4.11 The consultation data showed us that of those respondents who said they had cycled on the Old Shoreham Road since the temporary cycle lane has been in place, 14.1% of those had previously cycled that journey, but using another route. The latent demand on this route, which is being realised via the temporary cycle lane and can be further realised in keeping and improving the route in place, is key. The Old Shoreham Road cycle lane was introduced during lockdown and recent Government announcements have urged councils to leave temporary cycle measures in place to give them time to establish.
- 4.12 Cycling is a sustainable mode of travel, while it is clearly evidenced that the impact of motor vehicles on our roads leads to increasing pollution, thereby reducing air quality and impacting upon the safety of our roads. High volumes of motor vehicle traffic have significant impacts for sustainability and contribute significantly toward the climate emergency. Creating space for safe cycling is a key part of efforts expressed both through national government and local policy, urging a shift in modes of travel towards sustainable change. This also forms one of the key agreed principles of the Local Transport Plan 5 and the Climate Assembly.
- 4.13 Traffic speeds along the Old Shoreham Road have been a serious concern for residents over the years with petitions and letters having been received by the Council from local residents calling for traffic calming along the route. By reducing road widths, with vehicles less likely to speed and attempt overtaking manoeuvres, the installation of cycle lanes act as a traffic calming feature. The removal of the cycle lane would negate these traffic calming benefits and greater incidents of fast moving traffic will likely mean this section of the road would become less safe and potentially lead to more accidents. The area has had one recent road fatality, in September 2017, an elderly pedestrian crossing Old Shoreham Road at Lullington Avenue.
- 4.14 While the temporary scheme is predominantly cycling-based, proposed improvements for pedestrians have been evident in the scheme, as reducing the traffic to one lane has removed traffic from the nearside lane and so traffic noise and fumes are further away from frontages and pedestrians, as well as making it easier to cross the road. Further improvements can be made for pedestrians through the planned scheme as presented to July committee, and these improvements suggest enhanced improvements to the route for pedestrians (e.g. crossings). This can be further enhanced by looking to permanent funding and solutions for the route.
- 4.15 There has also been an increase in the average number of people choosing to travel by bike along these protected routes, including many children and parents travelling to and from schools. From many of these people we have seen a behaviour change in their mode of travel: based on the consultation conducted in February – March 2021 35.9% of those who have cycled the lanes since installation said that their previous mode of travel on this route was by car. The removal of the cycle lanes is likely to lead to a suppression of this desire to travel via sustainable travel and a modal shift towards cars. Based on the consultation, 431 of the respondents who currently use the cycle lane said they would have previously cycled on the footway (4.1% of respondents who had used the cycle lane) which increases the likelihood of pedestrian/cycle conflict. Should the

lanes be removed these users are likely to return to cycling on the footway, due to a lack of a safe alternative on this direct route.

- 4.16 DfT conducted manual surveys in June 2016 and 2020 at Lullington Avenue in Hove, as well as the Council conducting a manual survey in July 2020. The introduction of the cycle lanes has shown increased cycling volumes along this route by up to 61% between 2016 data collected by the DfT and a seven-day count of cycles following the implementation of the lanes in July 2020. The DfT survey conducted in 2020 also recorded a 98.5% increase of cycles from their 2016 figure.

Sustainability context

- 4.17 In April 2021, the UK Government announced the world's most ambitious climate change target, to reduce greenhouse gas emissions by 78% by 2035, compared to 1990 levels. This followed the recommendation of the UK Climate Change Committee's 6th Carbon Budget report. Since then, a UK Transport Decarbonisation Strategy has been published which emphasises the need to improve sustainable choices for travel.
- 4.18 Delivering this rapid transition to net zero requires all sectors to contribute and make substantial changes in the next decade, starting immediately. For transport, the Climate Change Committee's pathway reduces surface transport emissions by around 70% by 2035. This will require take-up of low-carbon technologies, low-carbon fuels and efficiency improvements for petrol and diesel vehicles, and significant behaviour change to reduce travel demand and shift journeys onto lower-carbon modes of transport such as cycling and walking.
- 4.19 The Climate Change Committee's scenario assumes that approximately 9% of car miles can be reduced (e.g., through increased home-working) or shifted to lower-carbon modes (such as walking, cycling and public transport) by 2035, increasing to 17% by 2050. The opportunities presented to lock-in positive behaviours seen during the COVID-19 pandemic are key enablers.
- 4.20 In December 2018, BHCC committed to cutting greenhouse gas emissions, with a target for the city to be carbon neutral by 2030. In 2018, the most recent year for which greenhouse gas emissions data is available, transport contributed 419,000 tonnes of CO₂e (carbon dioxide equivalent), equivalent to 33.4% of emissions in the city of Brighton & Hove. Emissions attributable to walking and cycling are so small as not to be measurable, so the overwhelming majority of the emissions came from cars, vans, lorries, buses, and aviation. Emissions from transport have reduced much more slowly over the last decade in Brighton & Hove, than emissions from domestic or commercial settings.
- 4.21 Promoting active travel, along with providing safe infrastructure, is a critical element in reducing greenhouse gas emissions in BHCC and meeting the council's climate target. It is an option which is immediately available, unlike some technologies which are still at trial stage like hydrogen fuel for freight. Active travel is a low-cost travel choice compared to some of the more challenging and expensive measures such as large-scale transition to electric vehicles. There are additional co-benefits to health from a more active lifestyle and improved air quality.

Implications of keeping the cycle lane in

- 4.22 Retaining the cycle lanes and further improving them will likely lead to additional modal shift toward cycling as the early monitoring data has shown such modal shift is already underway. As outlined above the consultation data demonstrates many residents choose to cycle where they had previously driven.
- 4.23 The council has a number of outreach projects in the city such as cycle training, School Travel Plans, and infrastructure schemes all of which work towards creating a safe cycle network for a range of users of varying abilities. Further information on the benefits and approach for developing cycling can be found in the Government's report - A Moment of Change: Increasing Cycling Uptake. Routes, particularly those connected well to schools, support the aims of these projects and streams of work.
- 4.24 Maintaining the cycle lanes will also mean we maintain the road safety benefits for both cyclists and pedestrians. Additional modal shift towards cycling will assist the Council in meeting its commitments for carbon reduction, public health, and sustainable transport, among others.

Implications of partially maintaining the cycle lane from Holmes Avenue to The Drive

- 4.25 Between Hangleton Road and Holmes Avenue there was previously a formal dual carriageway with lane markings delineating two lanes in both directions. One lane in each direction was reallocated as a separated cycle lane from May 2020 onwards.
- 4.26 From the section from Holmes Avenue to the Sackville Road junction, although wide, the road previously acted as an informal two-lane carriageway in places but was predominately only wide enough for one lane of traffic to travel safely in both directions. The introduction of the cycle lane in this section has assisted in creating more disciplined movement of traffic creating a safer environment, which is particularly important given this stretch has a high number of residential frontages. Removing the cycle lane will not introduce significant additional capacity for vehicular traffic along this section of the route.
- 4.27 This is also the case for the section of the route from Sackville Road to The Drive – no significant additional vehicular capacity would be gained by removing the cycle lane. The cycle lane also connects from here into a wider cycle network including Old Shoreham Road to the east and The Drive / Grand Avenue to the south.
- 4.28 It is therefore recommended that whatever the broader decision by this committee on the Phase 1 cycle lanes, the section from Holmes Avenue to The Drive should be retained as there is no substantive benefit to vehicular traffic from its removal. DfT require us to improve safety for cyclists and increase provision of facilities, not remove them unnecessarily. Local Authorities who have removed cycle lanes without good reason have been known to face consequences from DfT, for example reduced future funding or inability to access future funding.

Implications of removing the cycle lane

- 4.29 It must be taken into consideration that no consultation has been taken into the removal of the cycle lane on Old Shoreham Road. This is now contrary to the revised statutory guidance published by Government, which states that any decisions on whether to remove or modify them must be publicly consulted on with the same rigour as we require for decisions to install them. While significant consultation was conducted at the beginning of the year on proposed alteration and extension of the cycle lanes, this did not propose their removal as an option. The guidance monitoring must be undertaken in 'normal traffic' conditions. The guidance also states, "Adjustments may be necessary to take account of real-world feedback, but the aim should be to retain schemes and adjust, not remove them, unless there is substantial evidence to support this".
- 4.30 The above notwithstanding the detail of road safety, considerations have been set out above and states that the removal of the cycle lane would significantly reduce the safety of cyclists in this area, this would also be contrary to agreed key outcomes of the Local Transport Plan 5, approved at June ETS committee, including for '*Safe, healthy and welcoming streets and neighbourhoods*'.
- 4.31 When an area has the introduction of additional or new road space, this has the effect of inducing traffic. Induced demand refers to when new space is created, and motor vehicles fill this space. Over time a critical mass is reached between accessibility of motor vehicle and space. In previous decades we have dealt with the additional congestion by providing further space for vehicles, however this then repeats the problem by seeing the space filled again. In a modern transport planning context, it would not be appropriate to construct a road with this much vehicle capacity in a built-up residential area, as the space on the road itself induces traffic.
- 4.32 In summary from a road safety perspective, while taking road space for cycling has led to reduced road space for vehicles, this route has still remained an option for vehicles to use throughout. By removing the cycle lanes, it would remove the only safe option for cycling along this route, risking the physical safety of cyclists in this area.
- 4.33 The council must also consider future funding risks. Warnings from government with regard to removing cycle lanes underline the risk that this may potentially damage the council's reputation and have implications for our credibility in terms of future funding bids to government. For example, West Sussex County Council have been excluded from the Tranche 3 funding round for removing cycle lanes.
- 4.34 Full financial implications are set out below but in summary the costs of removal are estimated to be £50,000. This would not be able to be funded by the DfT's Active Travel Fund, as this funding is for putting in place improvements to walking and cycling, not removing and reducing them. The funding would need to be sourced from other council budgets or reserves.

- 4.35 In terms of equalities, full implications are set out in the section below and in the accompanying Equalities Impact Assessment (EIA) in appendix 1. In summary, removal of the Old Shoreham Road cycle lane would disproportionately impact: young people and families cycling and walking to educational institutions and other destinations; women as they are more likely to travel with children and less likely to cycle if they feel unsafe; as well as disabled people – the consultation has shown that some disabled people are now cycling on the Old Shoreham Road and feel safer and more confident as a result of the temporary cycle lanes. Furthermore, to be in receipt of the Tranche 2 funding we must comply with DfT's Local Transport Note 1.20 (LTN1/20) cycle design guidance, which states that infrastructure must be accessible for all. Removing the cycle lane and leaving users without a safe cycle facility on this part of this network would not be consistent with this.
- 4.36 The cumulative impact also needs consideration - replacing the temporary cycle lanes with alternative, less direct routes may discourage commuters from travelling actively into the city for work rather than driving, leading to a potential increase in congestion. Removing the cycle lanes may also increase road safety risk to vulnerable road users as detailed above. Additionally, the removal of the cycle lanes may increase levels of air pollution and congestion as people who previously cycled on the route may return to using their car.

5. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 5.1 The Environment, Transport and Sustainability committee have asked officers to explore alternative local routes for a temporary scheme including but not limited to, Portland Road and New Church Road, in consultation with local residents and bring a report back to the committee with potential options.
- 5.2 The temporary cycle lanes on Old Shoreham Road and the seafront were put in place in Spring / Summer 2020, within weeks, due to central government expectations set out in the statutory guidance referred to above for the need for safe routes to urgently be put in place to increase space for active travel and reduced capacity on public transport. The proposed extensions and improvements to these schemes were suggested in the Tranche 2 bid in August 2020 and have been developed in further detail over the last year.
- 5.3 Other areas where sustainable routes can be provided (such as Portland Road and New Church Road), do not function as a direct access alternative for existing users of that route and can only be considered as an addition to existing routes and not as an alternative. For example, the pupils who attend the below schools that are in and around Old Shoreham Road would not directly benefit from a cycle route in a different part of the city that is not geographically linked to the location of the below schools:
- Hove Park Upper School and Sixth Form centre, 1,214 Pupils
 - Bilingual Primary school, 544 Pupils
 - The Drive Preparatory School, 180 Pupils
 - Goldstone Primary, 669 Pupils
 - Benfield Primary, 256 Pupils
 - Cardinal Newman Catholic School, 2,452 Pupils
 - Cottesmore St Mary's Catholic Primary School, 422 Pupils

- Aldrington CofE Primary School, 434 Pupils

*source for pupils' numbers: Department for Education formal registry.

This is totalling 6,171 pupils who would suffer detriment to their existing option to travel via this existing route, which is well connected to these locations. It is considered that these school pupils are unlikely to secure a benefit from the loss of the Old Shoreham Road route and a new route on Portland Road.

- 5.4 The funding can only be spent on active travel schemes compliant with LTN 1/20 Cycling Design Guidance. Reallocation to new active travel schemes elsewhere in the city is not considered feasible at this time. This is because of the timescales to design, consult and implement schemes means there is insufficient time to enable delivery by the March 2022 funding deadline, even if DfT were to agree to this in principle. Obtaining their agreement is not certain and early indications, including through the decision to withhold funding, are that the DfT would see the removal of the Old Shoreham road cycle lane in a very negative light.

Consideration of alternative routes

- 5.5 Considering new temporary cycle route schemes now, a year on from the initial schemes being put in place, is not considered appropriate. This is due to a number of reasons, principally that the urgency with which we were previously required to implement schemes has now changed, the capacity on public transport has now returned, and that large schemes (including temporary schemes) will require prior consultation, in line with DfT guidance on Tranche 2 of the Active Travel Fund, learning lessons from Tranche 1
- 5.6 There is therefore no potential to bring in new temporary cycle route schemes at this late stage of the Tranche 2 funding, not least because of the time pressures to deliver schemes by end of March 2022, which means there would not be time to design, consult on and deliver completely new schemes given the need for a comprehensive and inclusive consultation process. This applies to not only New Church Road and Portland Road but any other new temporary routes that may be considered at this late stage of the Tranche 2 funding.
- 5.7 Notwithstanding the above, the nature of New Church Road and Portland Road are very different to Old Shoreham Road, including but not limited to the following factors – availability of space, number of bus routes / bus movements / bus stops, active frontages, parking and loading requirements; all of which would make the implementation of a temporary scheme extremely difficult technically and could only be overcome or mitigated with long term engineering solutions which would require significantly more funding.
- 5.8 New Church Road (along with Church Road / Western Road) features as a priority route in the strategic cycling network as part of the draft LCWIP, and Portland Road features as a strategic route. This is due to their differing functions and catchments, along with other key east-west cycle routes in the city such as the A259 and A270 Old Shoreham Road. It is important strategically that a joined up, comprehensive cycle network is achieved in the city in order to facilitate the change to active travel needed for carbon reduction and other committed outcomes.

- 5.9 While the LCWIP sets out the strategic need for these routes, the document is high level and does not detail the *type* of intervention required. This comes at a later stage when the scheme is developed in more detail (including consultation). The presence of schemes in the LCWIP will allow the council to make the case for future funding to improve the areas not only for cyclists but for pedestrians, public transport users and disabled drivers.
- 5.10 There are currently plans in development for active travel improvements on Portland Road. As part of the delivery of the on-going S106 (developer funded) programme of works, plans are being developed to introduce a series of junction improvements along sections of Portland Road. Key aims of the scheme are to improve visibility at junctions via build-outs and/or raised tables, improve pedestrian safety through improved visibility and reduced crossing distances, speed reduction on Portland Road through the introduction of central hatch markings to visually narrow the carriageway and through tighter junctions to slow turning vehicles, improved cycle safety through the introduction of parking buffer zones and cycle symbols to encourage cyclists to take a primary position adjacent to hazards such as junctions and parked vehicles, improved cycle infrastructure with the addition of cycle parking along the corridor. These plans are currently at the design stage with a view to implementing the outcomes this financial year. The scheme will include improvements to the following junctions along the corridor: Ingram Crescent (East & West), Coleman Avenue, Portland Road, School Road, Grange Road and Rutland Gardens.
- 5.11 The Wish & Westbourne area has been proposed as a ‘Mini Hollands’ area to be considered for further feasibility funding in the council’s Expression of Interest to DfT in August 2021. This includes both Portland Road and New Church Road as well as the wider area. The New Church Road / Church Road corridor has also been submitted for feasibility funding as part of the Active Travel Fund bid to DfT. The schemes could therefore be considered in further detail as part of these funding proposals or a related strategic funding proposal if these are unsuccessful.
- 5.12 In summary, the option of considering New Church Road and Portland Road as a replacement to the cycle lane to Old Shoreham Road is not straightforward as these routes do not serve the same parts of the city. The options for a similar temporary lane in these locations has been reviewed and it is not considered appropriate to proceed with these cycle lane schemes or others on a temporary basis using Tranche 2 funding, nor that these can be delivered within this timescale. It is recommended that existing means to deliver these routes in addition to the Old Shoreham Road continue to be explored, in line with plans to facilitate a cycle network for the city.

6. COMMUNITY ENGAGEMENT & CONSULTATION

- 6.1 Public and community engagement was carried out extensively on the existing and proposed improvements to the Old Shoreham Road cycle route (and three other Active Travel Fund schemes) in February and March 2021. Full details of this consultation can be found in the 21st July ETS committee report.

- 6.2 The consultation showed that respondents were concerned about road safety and other issues in the city - across the issues of air quality, traffic noise, traffic congestion and road safety, over 50% of respondents agree or strongly agree that the council should act. The area which most respondents agree with is to improve road safety (78.2%).
- 6.3 In terms of themed responses to open comments, the most common themed comments included that the cycle lanes are causing congestion / pollution / noise; that it's dangerous and confusing, and the perception that cyclists are not using it and still using the pavement. Following these top three comments were the themes of general positive and general negative comments.
- 6.4 Over 75% of respondents who have used the temporary cycle lane since its installation said they felt safe or very safe while using it during the day. Opinions on the existing temporary cycle lane from The Drive to Hangleton Road varied considerably depending on how people travelled in the area. Cyclists who have used the lane commented positively on it, whereas nonusers were more likely to be negative. Cyclists and pedestrians in the area also gave higher levels of positive comments compared to car drivers.
- 6.5 Last summer two petitions were circulated relating to the cycle infrastructure on the Old Shoreham Road. One was for the removal of the cycle facilities which received 4,610 signatures; and the other was to make the facilities permanent which received 5,135 signatures.
- 6.6 No additional consultation or engagement has been carried out between the 21st July committee and writing this report due to the timescales. This is in direct contradiction to the new Department for Transport's Section 18, Traffic Management Act 2004 guidance as issued on the 30th July 2021. The Department for Transport has released this statement with the newly revised guidance: "any decisions on whether to remove or modify them (Transport scheme) must be publicly consulted on with the same rigour as we require for decisions to install them. This guidance lays out new standards for consultation, including the use of objective methods, such as professional polling, to provide a genuine picture of local opinion, rather than listening only to the loudest voices."

7. CONCLUSION

- 7.1 This report sets out the implications of removing Phase 1 of the Old Shoreham Road cycle lane. The implications of proceeding with the scheme removal would be far-reaching and detrimental in many areas, including for road safety, environment, public health, financially and equalities.
- 7.2 Furthermore, the removal of schemes would hamper progress on the aim of delivering high-quality infrastructure and is likely to significantly affect our future ability to gain funding for making wide-ranging permanent improvements to benefit all. As stated, this process for removal also contradicts the revised recently published statutory guidance referred to in this report.
- 7.3 The recommendations therefore propose retaining the Phase 1 section of Old Shoreham Road temporary cycle lanes.

- 7.4 Whatever the broader decision by this committee on the Phase 1 cycle lanes, the recommendation is that the section from Holmes Avenue to The Drive should be retained as there is no substantive benefit to vehicular traffic from its removal. Furthermore, the removal of this section would only serve to reduce the safety and environment amenity for all those using it.

8. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 8.1 The council was awarded £2,376,000m through Tranche 2 of the Active Travel Fund and £0.249m was allocated to further improvements to the phase 1 temporary cycle lane on Old Shoreham Road.
- 8.2 Should these funds not be used as intended within the grant application then the council would need to request reallocation from the DfT although the timescales to design, consult and implement an alternative scheme by March 2022 is not believed to be achievable. Reallocation within the city is not certain and potentially this grant funding would be lost.
- 8.3 If the committee agrees to remove the phase 1 temporary cycle lane on Old Shoreham Road, this will cost an estimated £0.050m; however, if the section between Holmes Avenue and The Drive grant is retained this will reduce to £0.020m. There is no funding set aside to cover this cost and the Active Travel funding cannot be used for this purpose. Therefore, this additional cost would need to come from existing capital resources within the Local Transport Plan and so expenditure plans for this capital programme would need to be reprioritised to accommodate this additional expenditure.
- 8.4 The DfT have stated in a letter to all transport authorities that schemes need to be allowed to bed in and tested against normal traffic conditions; premature removal of schemes without time to demonstrate a difference would waste taxpayers money. The DfT can and have sanctioned councils who have removed the phase 1 active travel measures by removing funding and/or removing access to future Active Travel Funding rounds.
- 8.5 Whilst it is not certain how the DfT would view the removal of the Old Shoreham Road cycle lane, there is a high risk the council would not be able to bid for Tranche 3 of the Active Travel Fund where the council would be expecting to bid for £3-£3.5 million to support the Local Cycling and Walking Infrastructure plan. This is evidenced by the DfT barring West Sussex Council from bidding.
- 8.6 In addition, the council is due to receive £0.278m through the Capability Fund from the DfT which is being used to support a range of transport behaviour change projects for example, child cycle training courses and targeted support for underrepresented groups in cycling (e.g., Women). The DfT have notified the council that they will be writing shortly to seek additional assurances in relation to the Active Travel Fund's schemes before releasing this funding and have cited concerns over Active Travel measures being removed in Brighton and Hove. The potential loss of this revenue grant has no alternative funding and will reduce the capacity of the council to support transport behaviour change.

Finance Officer Consulted: James Hengeveld

Date: 02/082021

Legal Implications:

- 8.7 The Old Shoreham Road cycle lanes were introduced by the Council, as local traffic authority, using powers available to it under its network management duty set out in section 16 of the Traffic Management Act 2004. Section 16 states that a local traffic authority is a “network management authority”.
- 8.8 The statutory guidance referred to in the report was published under section 18 of the 2004 Act. Section 18(2) requires that in performing its network management duties a network management authority shall have regard to such guidance.
- 8.9 Insofar as the Old Shoreham Road cycle lanes were introduced under the 2004 Act, as opposed to by way of traffic regulation order (TRO), there is no TRO to revoke in connection with their removal. However, in considering whether the cycle lanes should be removed the Committee must have regard to the statutory guidance issued under section 18 of the 2004 Act and as referred to in this report.

Lawyer Consulted:

Name Hilary Woodward

Date: 2/8/21

Equalities Implications:

- 8.10 Statutory guidance from Department for Transport (DfT) updated in February 2021 reiterates that the public sector equality duty continues to apply as Local Authorities make changes to their road networks in response to Covid-19. The Council must ensure that elements of a scheme do not discriminate, directly or indirectly, and must consider their duty to make reasonable adjustments anticipating the needs of those with protected characteristics. The guidance emphasises that groups representing disabled people and others with protected characteristics should be consulted at an early stage of scheme development and accessibility requirements apply to both temporary and permanent measures.
- 8.11 DfT’s Local Transport Note 1.20 (LTN1/20) which sets the standards for cycling design, and which Local Authorities receiving the Active Travel Fund Tranche 2 funding must abide by, states: (4.5.11): *Local authorities are bound by the Equality Act 2010 in discharging their functions, which includes managing their road networks. Designers should provide infrastructure that is accessible to all, and the dimensions and other features set out in this guidance should help ensure that their designs comply with the Public Sector Equality Duty.*
- 8.12 Officers have conducted an Equality Impact Assessment (EIA) in July 2021, as is standard with proposed alteration to the public highway. This EIA specifically considers the disproportionate equality impacts that may come about by removing the temporary cycle lanes on Old Shoreham Road.

- 8.13 The EIA finds that overall, the removal of the temporary cycle lanes on Old Shoreham Road (A270) is likely to have a disproportionate impact on families, particularly children, women and disabled persons who are using the lanes as a safe, protected cycling route to access the city and local education settings together.
- 8.14 The report finds that “Feedback from recent public consultation indicates that more people who previously did not feel safe or confident cycling on Old Shoreham Road now do, following the introduction of the protected cycle lanes, including disabled people. It is likely that these people will return to using other modes of transport to travel in the area if the temporary cycle lanes are removed. This may increase congestion and lead to poorer air quality in the area. It will also have an impact on people’s level of physical activity and health.”
- 8.15 It is therefore important that the proposed changes or the removal of the cycle lane on the Old Shoreham Road meet physical accessibility standards, so as not to negatively impact on disabled people and the safe reopening of the city by supporting people to access employment, education, retail, and leisure.
- 8.16 Data from the city’s Local Transport Plan shows that more than half of children walk scoot or cycle to primary and secondary schools in the city. In addition, more than half of resident’s commute to work by foot, cycle, or public transport. Over a third of households in the city do not own a car or have one available.
- 8.17 Additional data also shows that around 158 people a year are seriously injured on the city’s roads. More than half of the people killed or seriously injured on the city’s roads are pedestrians or pedal cyclists.
- 8.18 The Future of Mobility review conducted by the Government Office for Science explores inequalities in mobility and access in the UK transport system. The reports states that that the lowest income households have higher levels of non-car ownership.
- 8.19 Current experiences and challenges show that children generally lack the ability to travel independently due to their age. They are more likely to not have access to their own private transport. This makes them more vulnerable to the effects of social isolation and community severance when transport is not available. In particular, the availability and affordability of transport can contribute to children’s access to important social resources.
- 8.20 Access to transport affects attendance at before or after school clubs and extracurricular activities, with some children likely to be more reliant on public transport or active travel modes, if their parents or carers are not available to provide connections via private car. Safety is a key part of all our travel experiences, and this is especially prevalent for children, who have a less developed judgement of speed and special awareness. Road casualty data highlights that children have historically tended to be disproportionately involved in accidents as pedestrians (58% of recorded fatalities were children in 2018) and car passengers (31% of recorded fatalities were children in 2017).

Sustainability Implications:

- 8.21 The measures will reduce the transport network for sustainable modes of transport by reallocating road space toward motor vehicles. vehicles and dissuade residents and visitors from traveling by sustainable modes. The Old Shoreham Road cycle lane is a key part of the sustainable transport network and removal would have a negative impact on sustainability. The wider sustainability implications have been outlined in paragraphs 4.17 to 4.21.

Brexit Implications:

- 8.22 No direct implications.

Crime & Disorder Implications:

- 8.23 No direct implications.

Risk and Opportunity Management Implications:

- 8.24 Each component project maintains a risk register. Significant risks or those where the risk has increased are reported to the Active Travel Fund Project Board. This meets monthly and agrees actions to manage and mitigate these risks where required.
- 8.25 Key opportunities are also noted as they are identified by officer or raised in consultation with resident and key stake holders. These are then taken to the Active Travel Fund Project Board to be discussed and progressed as seen fit.

Public Health Implications:

- 8.26 Retaining the cycle lane on Old Shoreham Road would have positive short and long term public health impacts. If the lane is removed this is likely to further limit the uptake of active travel across the city and provide both short- and long-term detriment to the mental and physical health of our residents. This approach would go against the objectives of the Brighton & Hove Health and Wellbeing Strategy which states that “Brighton & Hove will be a place which helps people to be healthy” with areas for action including:
- More people will travel actively, and walking and cycling will be prioritised, benefitting physical and mental health.
 - Air quality will be improved
- 8.27 The development of the Health & Wellbeing Strategy was informed by robust public health evidence including Public Health England’s review of the health benefits of walking and cycling, which shows that:
- people who cycle have improved metabolic health and a reduced risk of premature mortality
 - cycling reduces the risk factors for a number of diseases, including cardiovascular disease, respiratory disease, some cancers, and Type II diabetes

- cycling also has positive effects on mental health and general wellbeing. The mental health and neurological benefits include reduced risk of dementia, improved sleep quality, and a greater sense of wellbeing
 - in environmental terms, health benefits accrue for the general population from a reduction in pollution due to car use and a decrease in road congestion
 - the evidence is that the health benefits of cycling outweigh any potential health risks and harms – for example from injury or pollution
- 8.28 Public Health England also concluded that the weight of evidence suggests that if walking and cycling can be increased, they have potential to lead to important health gains at the population level, and thus benefit the NHS and the wider health and care system.
- 8.29 By widening the road to two lanes again induced traffic would be created, which is covered in more detail in section 4 for the Old Shoreham Road. This will not reduce traffic nor the polluting footprint of the road and is likely to see the air quality for the area reduced which will have a knock-on effect to people’s health and wellbeing.
- 8.30 Furthermore, by removing high quality cycle facilities from key routes serving communities and facilities such as schools and employment, the potential for usage of active travel will be decreased and residents will be more likely to need to use their cars rather than walking or cycling, thus reducing benefits to their physical and mental health & wellbeing.
- 8.31 Limiting uptake of active travel across the city will provide both short- and long-term detriment to the mental and physical health of our residents. This approach goes against the implementation of the Brighton & Hove Health and Wellbeing Strategy. This is likely to lead to additional cost to the National Health Service, contribute toward obesity, as well as other life debilitating illness and reduce road safety which is like to lead to increase accident rates.
- 8.32 As outlined in B&HCC’s own [2019 Air Quality Annual Status Report](#) for the combined influence of pollutants in the air, the latest national figure for deaths brought forward is 36,000. For Brighton & Hove Public Health Outcome Framework estimate for PM_{2.5} plus NO₂ is 175 death a year.
- 8.33 Furthermore, by removing high quality cycle facilities from key routes serving communities and facilities such as schools and employment, the potential for usage of active travel will be decreased and residents will be more likely to need to use their cars rather than walking or cycling, thus reducing benefits to their physical and mental health & wellbeing.

Corporate / Citywide Implications:

- 8.34 The measures to maintain the recommended sections of the temporary cycle lane on will support the two of the three key principle of the new Local Transport Plan 5, as agreed by the ETS committee on 22 June 2021. Or, Removal of the temporary cycle lane on Old Shoreham road will move away from these, which are as follows:
- Avoiding or reducing the frequency and length of trips we make by vehicles

- Promote walking and cycling for shorter journeys, and public transport for longer journeys.

SUPPORTING DOCUMENTATION

Appendices:

1. Equality Impact Assessment
2. Proposed Plans OSR
3. Letter from Minister of State for Transport

Background Documents

1. Local Transport Note 1/20
2. New Local Transport Plan 5
3. Developing a new Transport Plan for Brighton & Hove
4. Local Cycling & Walking Infrastructure Plan (LCWIP)
5. Traffic Management Act 2004
6. UK Transport Decarbonisation Strategy