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# Report to Brighton & Hove City Council

by I Jenkins BSc CEng MICE MCIWEM

an Inspector appointed by Brighton & Hove City Council

Date: 22 October 2013

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## ROAD TRAFFIC REGULATION ACT 1984

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

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

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

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

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

**BRIGHTON & HOVE VARIOUS CONTROLLED PARKING ZONES  
CONSOLIDATION ORDER 2008 AMENDMENT ORDER NO.\*\* 20\*\***

**BRIGHTON & HOVE (WAITING & LOADING/UNLOADING RESTRCTIONS  
AND PARKING PLACES) CONSOLIDATION ORDER 2008 AMENDMENT  
ORDER NO.\*\* 20\*\***

Dates of Inquiry: 17, 18 and 19 July 2013.

Ref: DPI/Q1445/13/5

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## CASE DETAILS

- Brighton & Hove City Council (BHCC) in the exercise of its powers under sections 1(1), 2, 3 and 4 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (as amended) (RTRA) proposes to make the following Orders:
  - Brighton & Hove (Brills Lane)(Prohibition of Driving) Order 20\*\* (TRO21b);
  - Brighton & Hove (East Street)(Prohibition of Driving) Order 20\*\* (TRO21c);
  - Brighton & Hove (Prince Albert Street)(Prohibition of Driving) Order 20\*\* (TRO21d);
  - Brighton & Hove (Ship Street)(Prohibition of Driving and One-way Traffic) Order 20\*\* (TRO21e); and,
  - Brighton & Hove (Old Town)(Weight Restriction) Order 20\*\* (TRO21f).
- BHCC in the exercise of its powers under sections 1, 2, 3, 4, 19, 32, 35, 35A, 43, 44, 45, 46, 46A, 47, 49, 51, 53, 55, 61, 63, 63A, 66, 117, and 124(l) (c) & (d) of the RTRA and the Traffic Management Act 2004 proposes to make the following Orders:
  - Brighton & Hove Various Controlled Parking Zones Consolidation Order 2008 Amendment Order No. \*\* 20\*\* (TRO21g); and,
  - Brighton & Hove (Waiting & Loading/Unloading Restrictions and Parking Places) Consolidation Order 2008 Amendment Order No.\*\* 20\*\* (TRO21h).
- The Orders were published on 5 December 2012, and overall there were 68 duly made objections outstanding at the commencement of the Inquiry.

**Summary of Recommendations: I recommend that: TRO21b, TRO21c and TRO21d should not be made; TRO21e and TRO21f should be made; and, TRO21g and TRO21h should be made subject to modifications.**

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### 1 PREAMBLE

1.1 I have been appointed by BHCC to conduct the Inquiry, which was held at the Hilton Metropole Hotel, to hear representations and objections concerning the proposals by BHCC to make 7 Traffic Regulation Orders (TROs) as set out above. I carried out an unaccompanied site visit prior to the Inquiry on 16 July 2013, and further unaccompanied site visits on 17, 18 and 19 July 2013.

*Numbers of objectors and supporters*

1.2 All of the 68 original duly made objections were outstanding at the start of the Inquiry. They were made by:

- 1) C Payne;
- 2) Dr R Paun and Dr M Paun (RMP);
- 3) Mr C Middleton (CMi) and Mr S Lauchlan;
- 4) D and R Gibson-Leigh;
- 5) Brighton Lanes Traders (BLT);
- 6) M and G Daniels;
- 7) Brighton & Hove Streamline Ltd employees (BHSL) (61 no. objections); and,
- 8) GMB Brighton & Hove Taxi Section (GMB).

1.3 Appearances at the Inquiry included Mr S Lauchlan on behalf of the Clarendon Mansions Residents' Association (CMRA), CMi, RMP, BLT and BHSL. In addition, 3 other parties<sup>1</sup> appeared at the Inquiry to object to one or more of the Orders. In response to the Inquiry notifications letters/emails of objection were received from 13 parties<sup>2</sup>.

1.4 In addition to the Council, 3 interested parties<sup>3</sup> appeared at the Inquiry in support of the draft Orders. In response to the Inquiry notifications letters/emails of support were received from 5 parties<sup>4</sup>

#### *Statutory formalities*

1.5 At the Inquiry the Council confirmed that all statutory formalities had been complied with and this was not disputed by any of the other parties present.

1.6 The Council also confirmed that it had consulted the Chief Officer of Police concerning the Orders and that no objections were received.

#### *Scope of this Report*

1.7 This report contains a brief description of the locality to which the Orders relate, the gist of the evidence presented and my conclusions and recommendations. Lists of inquiry appearances and documents are attached. Statements and proofs of evidence that were submitted are identified; these may have been added to or otherwise extended at the Inquiry through oral evidence.

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<sup>1</sup> Brighton Old Town Local Action Team, Mr P-E Hawthorne and Brighton Quaker Meeting House.

<sup>2</sup> ID3-Old Town Public Inquiry Representations- nos. 1, 2, 3, 5, 8, 9, 10, 11, 12, 13, 14, 16 and 17. At the Inquiry the Council confirmed that, in light of the impact of TRO21d, representation no. 5 must be regarded as an objection.

<sup>3</sup> A representative of a group of petitioners who I have referred to as the East Street Business-Petitioners, Child Friendly Brighton and Brighton & Hove Living Street Group.

<sup>4</sup> ID3-Old Town Public Inquiry Representations- nos. 4, 6, 7, 15 and 18.

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## 2 DESCRIPTION OF THE LOCALITY

- 2.1 The Council is proposing to introduce a set of traffic management measures in the historic heart of Brighton, known as the Old Town. This would involve the closure of several roads to vehicular traffic either entirely or at specified times of the day. The Old Town is situated between North Street, West Street and the seafront.

## 3 LEGAL/PROCEDURAL MATTERS

### ***New evidence***

- 3.1 A number of those parties who appeared submitted new written evidence at the Inquiry. There were no objections to this from the parties present whose cases they opposed or other people. Consequently, I determined that it would not prejudice the interests of anyone to accept those submissions.
- 3.2 CMRA expressed concern that the *Old Town Traffic Improvement Proposals July 2012 Consultation Report* did not contain a full copy of the petition from the East Street Business-Petitioners (ESBP). However, the report did contain a full list of the relevant names and a full copy of the petition was included in the Council's evidence circulated before the Inquiry. I am content that the identified omission from the Consultation Report has not prejudiced the interests of any party.

### ***Order modifications***

- 3.3 During the course of the Inquiry the Council proposed modifications to a number of the Orders.

#### *TRO21c*

- 3.4 The published draft Order indicates that the prohibition of driving would apply on East Street from a point 13 metres south of the southern kerbline of Steine Lane to its junction with King's Road. However, at the Inquiry the Council confirmed that this description did not properly reflect its intentions, which were to extend the restriction in East Street beyond the junction with King's Road to the junction with Grand Junction Road, which adjoins the southern end of East Street. The Council proposed a modification to the draft TRO, replacing the reference to King's Road, which had been made in error, with reference to Grand Junction Road. I will refer to this proposed modification as TRO21c(1).

#### *TRO21d*

- 3.5 In response to evidence from Brighton Quaker Meeting House (BQMH) concerning the need for access to be maintained for funerals, the Council proposed a relaxation to the prohibition of driving along Prince Albert Street. The effect would be to allow a vehicle being used in connection with a funeral taking place at BQMH to proceed along the restricted section of Prince Albert Street. I will refer to this proposed modification as TRO21d(1).
- 3.6 No. 15 Prince Albert Street is the premises of Woolley Bevis Diplock

(WBD). It is situated to the east of the section of highway which would be closed as a result of TRO21d and to the west of the junction between Black Lion Street and Prince Albert Street. Vehicles are prohibited from turning left into Prince Albert Street from Black Lion Street as the former is a one-way street with traffic flow from west to east. Consequently, TRO21d would prevent vehicles from travelling to the car park of WBD. The Council considers that it may be possible to address this through the promotion of a modification to TRO21d, with the aim of allowing any vehicle being used to access No. 15 to turn left at the head of Black Lion Street. I will refer to this proposed modification as TRO21d(2).

#### *TRO21g*

- 3.7 Concerns were raised that the closest loading area to the restricted section of Prince Albert Street (TRO21d) would be around 70 metres away to the east and west. In response the Council indicated that it may be able to provide a loading bay closer to the eastern end of the restricted area at a point 2 metres east of the property boundary of Nos. 21/21a Prince Albert Street for a distance of 5 metres. The Council indicated that this alternative, if approved, would be around 50 metres from the eastern end of the restricted section of highway. I will refer to this proposed modification as TRO21g(1).

#### *TRO21h*

- 3.8 The Council confirmed that references to the *Brighton & Hove (Waiting & Loading/Unloading Restrictions and Parking Places) Consolidation Order 2008* in both the title and body of TRO21h were incorrect. The 2008 Order referred to has been the subject of consolidation. TRO21h should be entitled '*Brighton & Hove Outer Areas (Waiting, Loading and Parking) and Cycle Lanes Consolidation Order 2013 Amendment Order No. \*20\*\**' and the effect of the Order would be to amend the *Brighton & Hove Outer Areas (Waiting, Loading and Parking) and Cycle Lanes Consolidation Order 2013*. The practical effect of the Order would be no different to that advertised. I will refer to this proposed modification as TRO21h(1).

## **4 THE CASE FOR THE COUNCIL**

*The material points made by the Council in its written and initial oral submissions:*

### ***Background of the scheme***

- 4.1 The Old Town's development around centuries old street layouts, including the narrow pedestrian alley known as The Lanes, means that the area is far from ideal for motorised traffic. Past decades have witnessed an ever increasing amount of vehicular traffic on the roads; those in Brighton and the Old Town are no exception.
- 4.2 In 1973 the Old Town was designated as a Conservation Area under the *Town and Country Planning Act 1971* and in 1974 was declared to be of outstanding architectural and historical importance by the then Secretary of State for the Environment. The Old Town Conservation Area contains over 100 Grade II Listed Buildings of architectural and historical interest.

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Part of Duke Street, between Middle Street and West Street, was pedestrianised in 1983 and further pedestrianisation projects were implemented in 1989 and 1990.

- 4.3 Policy TR9 of *The Brighton & Hove Local Plan 2005* (LP) identified Ship Street and the Old Town as '*pedestrian priority areas (pedestrianisation and pedestrian priority measures)*'. The reasoned justification for the policy indicates that pedestrian priority means creating areas that make it easier for pedestrians to move around and can include better crossing points, pavement widening and traffic calming. Pedestrianisation involves excluding motor vehicles from areas for all or part of the time. The reasoned justification for the Policy confirms that it remains important however, that freight deliveries can be made efficiently and that pedestrian priority areas reflect the needs of people with disabilities who may rely on the use of a car.
- 4.4 More comprehensive consideration was given in 2005 to pedestrianisation in the Council's *Full Local Transport Plan 2006/7 to 2010/11*, which set out the Council's intention to implement 'an identifiable and accessible Walking Network' firstly by identifying popular destinations and areas of attraction in Brighton and secondly by creating 'walking corridors' between them. Those corridors would be the focus of substantial pedestrian improvements including, amongst other things: the widening of footway space where possible to reduce pedestrian congestion and improve accessibility; and, short pedestrianised sections where the right mix of land uses and other circumstances allow. Subsequent Local Transport Plans produced by the Council continue to regard the promotion and provision of facilities for pedestrian movement as a high priority in the city.
- 4.5 *Public Space Public Life: Study for Brighton and Hove City Council, 2007* by Gehl Architects and Landscape Projects (PSPL) was adopted as Council Policy in 2007. The study identified a hierarchy of pedestrian routes based on volume of pedestrian traffic. This became known as the Walking Network. The first phase of the Council's development of the Walking Network was implemented in early 2009. It involved the section of King's Road between Middle Street and Black Lion Street. Later that year Ship Street became one-way southbound between North Street and Duke Street. The second phase, which was implemented in spring 2012, involved closing the southern end of East Street to traffic and installing a new pedestrian crossing across Grand Junction Road.
- 4.6 The study also identified that in the city problems with overcrowding and congestion on pavements is often caused by the street layout that prioritises car traffic and leaves too little space for pedestrians. Streets such as Ship Street and East Street, which experience much higher pedestrian than vehicular traffic, should be designed to accommodate the relative volume of traffic. In September 2009, the Council approved '*the commencement of feasibility, design and consultation of a Phase 3-examine the potential of further measures in the East Street area*'. During the course of these feasibility studies it became clear to the Council that any further changes to traffic management in the East Street area would have significant implications on the wider surrounding area of the Old Town. It was therefore felt that Phase 3 of the Walking Network

Programme needed to incorporate traffic management measures in the Old Town as a whole. This was the genesis of the present scheme.

- 4.7 In the summer of 2012 the Council undertook public consultation on two traffic management options, Options A and B, both of which were consistent with: the aim of reducing traffic; and, the PSPL strategy. The purpose of the public consultation was to establish how people used the area currently and what sort of traffic management they would like to see in the future. The consultation process revealed clear overall support for a change in road layout to reduce traffic in the Old Town, with 66% of respondents supporting either Option A or B. The preferred design, which is neither Option A or B, was developed and refined following the consultation process.
- 4.8 The scheme has been designed with the aim of reducing overall traffic levels in the Old Town. Very broadly speaking this is achieved in the following ways:
- Preventing southbound through traffic from entering the Old Town at the Ship Street/North Street junction;
  - Restricting west-east traffic through the Old Town by the full closure of Prince Albert Street and an access only restriction in Boyce's Street;
  - The full closure of East Street and Brills Lane from 1100 hrs to 1900 hrs, with access only at other times;
  - The resulting re-routing of traffic by the creation of two one-way loops through the Old Town, with no connection between the loops. Traffic entering the Old Town via Middle Street would have to leave via Ship Street and traffic entering via Black Lion Street would have to exit via East Street or Little East Street.

### ***The Orders***

- 4.9 8 associated TROs were advertised on 5 December 2012. 7 of these TROs are the subject of this Inquiry. The eighth<sup>5</sup> was approved as advertised by the Council's Transport Committee on 15 January 2013.

#### *TRO21c*

- 4.10 This Order would prohibit motorised vehicles, with a few exceptions, such as emergency vehicles, from using a section of East Street between 1100 hrs and 1900 hrs. There would be an access only restriction at all other times.
- 4.11 The Order as advertised indicates that the section of the street to which it relates is from a point 13 metres south of the southern kerblineline of Steine Lane to its junction with King's Road. However, at the Inquiry it was identified that this description did not properly reflect the Council's intentions, which were to extend the restriction in East Street beyond the junction with King's Road to the junction with Grand Junction Road. The Council's view is that this was well understood by objectors.

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<sup>5</sup> Brighton & Hove (Boyce's Street)(Prohibition of Driving) Order 20\*\*.



Dr R Paun's representations identify his understanding is that 'under the current proposals, the pedestrianised zone of East Street would end on Grand Junction Road.' The substitution of Grand Junction Road for King's Road in the Order, modification TRO21c(1), would amount to a minor change and not a change to the nature of the scheme.

- 4.12 This Order is necessary to create a pedestrianised route along one of the city's key walking network links. East Street is used by hundreds of thousands of visitors every year and acts as a showcase for the city. Although it is the major pedestrian road in the Old Town, it is currently dominated by vehicles with poor facilities for pedestrians.
- 4.13 The PSPL indicates that studies from around the world suggest that a maximum pavement volume for comfortable pedestrian movement is 13 people per minute per metre width of footpath. The Council's traffic survey undertaken on Saturday 20 June 2012<sup>6</sup> indicates that at peak times East Street has pedestrian flows of 38 people per minute on its east side and 27 people per minute on its west side. To accommodate this flow of people pavement widths would need to be 2.92 metres (east) and 2.07 metres (west), whereas they are 1.93 metres and 1.98 metres.
- 4.14 During the hours of closure of East Street, traffic would be diverted down Little East Street. Currently this street is a pedestrian area with access for loading, which takes place on the main carriageway area. The street is not ideal for large flows of traffic and the Council has sought to reduce the impact on Little East Street in the following ways:
- Swept path analysis has confirmed that large vehicles would be able to manoeuvre through Little East Street, although this would be likely to involve some encroachment onto footway areas. However, the timed closure of East Street would allow deliveries to be made before 1100 hrs in order that larger vehicles would exit via East Street rather than Little East Street;
  - The closure of Prince Albert Street would force vehicles in the western part of the Old Town to exit via Ship Street instead of Little East Street; and,
  - The closure of the Ship Street entrance to the Old Town via North Street would prevent through traffic, reducing overall traffic levels.
- 4.15 The closure of East Street has been consulted on through the Traffic Regulation Order process, and now through the public Inquiry process, and has very strong support of businesses within the street. For local residents the closure would cause inconvenience and the Council understands the objections, but believes that the advantages of improving this key pedestrian link in the centre of Brighton is of greater importance. Furthermore, although inconvenience would be caused, this would not amount to a restriction of access to a residential building.

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<sup>6</sup> BHCC.E1 survey no. 5-Proof of Evidence Tom Campbell.

*TRO21b*

- 4.16 TRO21b would prohibit motorised vehicles, with few exceptions, such as emergency vehicles, from using Brills Lane between 1100 hrs and 1900 hrs. There would be an access only restriction at all other times.
- 4.17 The Order is necessary to ensure that the benefits of closing East Street are realised. If Brills Lane were not closed it would mean that vehicles would need to exit Brills Lane via East Street and King's Road. This in turn would mean that the section of East Street south of King's Road could not be pedestrianised in accordance with TRO21c(1).
- 4.18 Even though, in the absence of the proposed restriction, a relatively small number of vehicles would use Brills Lane, they would have a disproportionate effect. The improvement of the pedestrian link between the seafront and The Lanes, an important long term objective set out in numerous strategies and policies of the Council, would not be possible. No tables or chairs, a key part of improving the amenity of the area, would be able to be sited on the southern part of East Street, if Brills Lane were to remain open.
- 4.19 Closing Brills Lane would cause inconvenience for the residents of Clarendon Mansions and a small number of businesses that use it to access their buildings. The Council understands their objections, but believes that the advantages of improving this key pedestrian link in the centre of Brighton is of greater importance. Although inconvenience would be caused, this would not amount to a restriction of access to a residential building.

*TRO21d*

- 4.20 This Order would result in the closure of a section of Prince Albert Street to motorised traffic, with a few exceptions, such as emergency vehicles.
- 4.21 The closure of Prince Albert Street would help to reduce traffic by removing the ability to travel west-east through the Old Town. It is acknowledged that local businesses would find it harder to load and unload. However, loading facilities are available in nearby locations.

*TRO21e/TRO21h*

- 4.22 TRO21e would reverse the one-way direction of travel of motorised vehicles along Ship Street from southbound to north bound. Furthermore, it would prohibit vehicles, with certain exceptions, from travelling along Ship Street between its junctions with Duke Street and North Street between 1100 hrs and 0800 hrs the following day. In the period 0800 hrs to 1100 hrs vehicles would be allowed to travel along this section of highway for access only.
- 4.23 This Order would remove much of the inappropriate traffic currently in the Old Town, by preventing vehicles entering the Old Town from the north via Ship Street and then 'rat running' to the south. Currently, a significant proportion of traffic entering Ship Street drives straight

through the area and exits within 5 minutes<sup>7</sup>. This type of traffic is not appropriate to the narrow streets and historical character of the Old Town. There are roads surrounding the Old Town designed to accommodate large flows of traffic, such as West Street and King's Road, and this Order is designed to move through-traffic onto those routes.

4.24 The Order would mean that vehicles currently entering the Old Town via the North Street/Ship Street junction would be required to make a longer journey in order to enter the area. Although this is not ideal, the Council considers that the inconvenience caused by a detour of around 500 metres is outweighed by the benefit of overall traffic reduction.

4.25 TRO21h would ensure that the contra-flow cycle lane remains in Ship Street.

*TRO21f*

4.26 This Order would prohibit heavy goods vehicles (HGVs), with few exceptions, such as emergency vehicles, from entering the Old Town between 1100 hrs and midnight.

4.27 The Council does not believe that HGVs are appropriate in the Old Town, due to the narrow streets and historical character of the area. However, the Order acknowledges that HGVs may be necessary for some businesses and therefore, they would be permitted before 1100 hrs each day. The Council considers that the inconvenience to businesses and suppliers of rescheduling some deliveries would be outweighed by the benefit to the area as a whole of being free of HGVs for most of the day.

*TRO21g*

4.28 This Order would formalise the removal of parking bays at locations where they are not viable due to the effect of other Orders. For example, there cannot be a pay and display space on a road that has been closed. All affected parking bays for disabled badge holders would be relocated to ensure that there is no reduction in the total number of this type. On East Street and Ship Street redundant parking bays would be converted to loading bays to ensure that loading activity works smoothly outside the hours of closure.

**Legislation**

4.29 A TRO may only be made where it appears to the authority making the Order that it is expedient to make it for one or more of the qualifying purposes set out in section 1(1) of the RTRA.

4.30 The Council considers that the following qualifying purpose is met by TRO21e:

- (a) *for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of*

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<sup>7</sup> BHCC.E1-Proof of Evidence Tom Campbell.

*any such danger arising.*

The junction of Ship Street and North Street has been identified as an accident hotspot. In 2008 a report to the Council's Environment and Community Safety Overview and Scrutiny Committee regarding the North Street Mixed Priority Route Road Safety Scheme stated that the *Ship Street/North Street junction has been identified as one of the 26 high priority casualty reduction sites in the city.* As part of the scheme Ship Street, which was previously two-way, was made one-way southbound from North Street to Duke Street in 2009.

However, the report also stated that the one-way southbound measure does not preclude the opportunity to undertake works such as: full or timed closure of the junction at some point in the future, as part of any further works that may be required to improve the safety or operation of the junction; or, wider proposals, such as urban realm improvements in the Old Town area and at such a time when the substantive city centre road works programme is at an end.

Since the introduction of the measure in September 2009 there have been 10 accidents at the junction. This is a significant number for such a junction. Therefore, the Council believes a timed closure of the Ship Street/North Street junction is justified on road safety grounds. The scheme would help to reduce accidents at this location as the majority of accidents have occurred as a result of vehicles turning into Ship Street from North Street. The proposal would eliminate that movement.

The Council considers that all of the proposed TROs meet the following qualifying purposes:

- (c) *for facilitating the passage on the road or any other road of any class of traffic (including pedestrians).*

The Old Town proposals are part of the Council's Walking Network Programme and seek to improve the area for pedestrians. While pedestrians form the majority of users, their passage is often impeded due to the effect of a relatively small number of vehicles dominating the highway.

- (d) *for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property.*

The Old Town is the historical core of Brighton and an area rich in heritage. The present levels of traffic are unsuitable for such an area. The proposals seek to implement the conservation recommendations of several key planning strategies. Particular reference is made to the Council's

Design Guidelines for Conservation Areas<sup>8</sup>, which states that wherever possible, traffic management schemes should be implemented to reduce traffic congestion in Conservation Areas and other sensitive locations where it is a problem.

- (f) *for preserving or improving the amenities of the area through which the road runs.*

The proposals would allow for amenity improvements such as further use of outside seating for cafes, street entertainment and events. The section of East Street immediately to the north of Bartholomews is already pedestrianised and benefits from all these things, making it a successful popular place.

- 4.31 In respect of TRO21g, which concerns the designation of paying parking places on highways, section 45 of the RTRA is relevant. The Council must have, and has had, regard to matters set out in section 45(3). That is:

- (3) *In determining what parking places are to be designated under this section the authority concerned shall consider both the interests of traffic and those of the owners and occupiers of adjoining property, and in particular the matters to which the authority shall have regard include:*
- a. The need for maintaining the free movement of traffic;*
  - b. The need for maintaining reasonable access to premises; and,*
  - c. The extent to which off-street parking accommodation, whether in the open or under cover, is available in the neighbourhood or the provision of such parking accommodation is likely to be encouraged there by designation of parking places under this scheme.*

- 4.32 TRO21g would have the effect of removing some disabled badge holder parking bays and pay & display parking bays, whilst providing new bays for disabled badge holders and new loading bays. These amendments are necessary to support the changes made by the Old Town scheme as a whole. Currently in the Old Town there are a total of 405 parking spaces of which 50 are on-street pay & display spaces. 18 of these on-street spaces would be lost. This is a small proportion of the overall number of parking spaces. Furthermore, as the vast majority of visitors to the Old Town arrive on foot, it is not anticipated that this would have a significant impact.

### ***Design and consultation***

- 4.33 In deciding precisely how traffic flows can be reduced and pedestrianisation increased in the Old Town, difficult choices must

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<sup>8</sup> Inspector's note: at the Inquiry the Council confirmed that its 'Brighton Interim Supplementary Planning Policies and Design Guidelines for Conservation Areas, Buildings of Local Interest and Listed Buildings', 1998, which post dated its 1979 'Conservation in the Old Town' document, is no longer extant.

inevitably be made. The Council believes that the TROs would provide a solution to the problems that have been identified. In designing that solution it has been necessary to take into account a variety of different interests. The Council recognises and accepts that it is not possible to fully accommodate every such interest. In particular it recognises that the scheme would result in longer traffic movements for some road users, and some inconvenience for local residents, businesses and their suppliers, and visitors to the Old Town.

- 4.34 Against this it is necessary to consider what the scheme is intended to achieve and the benefits that would result from it. If this is done, the Council considers that the case for making the TROs is overwhelming, with the benefits far outweighing the inconveniences to some. In particular the scheme would:
- 1) Reduce overall traffic levels, in particular by eliminating unnecessary through traffic;
  - 2) Create fully pedestrianised areas at key locations and times;
  - 3) Increase the proportion of loading activities occurring before 1100 hrs;
  - 4) Ban HGVs from the Old Town area after 1100 hrs;
  - 5) Improve road safety at the Ship Street/ North Street junction; and,
  - 6) Reduce the environmental impacts of traffic (air quality, noise pollution and ambiance)
- 4.35 The consultation process undertaken in 2012 showed clear overall support for a change in road layout that would reduce traffic in the area. There is no serious challenge to the conclusion that a reduction of traffic in the Old Town and a measure of increased pedestrianisation are generally desirable goals.
- 4.36 The Council has received numerous expressions of support for the scheme and it is also apparent that a number of the objectors support the broad principle of the scheme. The issues which have arisen are generally, but not exclusively, related more to particular design aspects of the scheme and their alleged impact on different sections of the residential and commercial community.

### **Objections**

- 4.37 Overall, there are a relatively minor number of objections to the scheme. There were a total of 68 objections received to the TROs in December 2012 of which 61 came from taxi drivers working for Brighton & Hove Streamline Ltd and related to TRO21e<sup>9</sup>. 18 further representations have been received since then, of which 13 are objections<sup>10</sup>.
- 4.38 The broad thrust of the objections can be summarised as follows:

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<sup>9</sup> ID1.

<sup>10</sup> ID3.

- 1) Road closures , particularly in East Street and Prince Albert Street, would damage commercial interests in the Old Town because deliveries would become more difficult and road users, who are potential customers, would stay away from the area;
- 2) The two loop system would not solve congestion problems;
- 3) Little East Street is an unsuitable alternative route when East Street is closed;
- 4) The road closures would result in inconvenience and loss of amenity to local residents; and,
- 5) Journeys by taxi would be longer, more expensive and less convenient, particularly for disabled passengers.

#### *Impact on business*

- 4.39 The Council does not accept that commercial deliveries would become substantially more difficult during timed road closures, although does accept that there would be a slight increase in overall journey distances. For some deliveries the same loading bays would be in use. For others while alternative loading bays would have to be used, these would only be 20 or 30 metres further away, with the exception of deliveries into Prince Albert Street where alternative bays would be 70 to 100 metres away. The Council has further considered this particular element of the scheme and has identified a pay and display space only 50 metres further away that could be converted to a loading bay with a minor modification to an Order, TRO21g(1). Again the Council considers that the benefits the scheme would bring would outweigh these modest disadvantages.
- 4.40 The Council rejects the theory that the effect of the road closures and increased pedestrianisation would be to deter visitors and shoppers and therefore have a detrimental effect on businesses. Research, such as the Ecolane Ltd report entitled *'The impact of pedestrianisation on retail economic activity-a review of the evidence'*, has shown that pedestrianisation schemes generally have a positive effect on local business. The Council has no reason to believe that this would not be the case in the Old Town, not least due to the popularity of the area and the significant level of pedestrianisation already present.

#### *Highway conditions*

- 4.41 The Council does not accept that traffic flows would increase and congestion would worsen. A priority of the scheme is to reduce traffic in the Old Town. While this may increase traffic to some extent on North Street, West Street and King's Road, those 3 roads are much more appropriate for heavy traffic than the narrow streets of the Old Town. Furthermore, research by Cairns et al (2001)<sup>11</sup> suggests that in schemes such as this displacement traffic does occur but total traffic levels reduce as some traffic chooses not to make the journey at all.

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<sup>11</sup> BHCC.E2-Proof of Evidence Tom Campbell.

- 4.42 The Council does not accept that drop-off points within the Old Town would become more congested. The scheme would not reduce greatly the area that taxis are able to drop passengers off within the Old Town. Passengers bound for East Street during the hours of closure could be dropped off at Bartholomews, King's Road or the East Street taxi rank.
- 4.43 Little East Street is currently signed as a pedestrian zone with access for loading. The Council's traffic forecasts indicate that traffic flow along Little East Street is predicted to rise by around 85 vehicles per hour between 1100 hrs and 1900 hrs. The Council has not carried out a formal safety review to consider the potential for conflict between the proposed additional traffic and existing activity associated with businesses and pedestrians within this street. It considers that the proposed increase would be modest in size and could be accommodated without difficulty.

*Residential amenity*

- 4.44 Objections from local residents are made exclusively by occupants of Clarendon Mansions (CM). In summary, their objections are as follows:
- 1) The Council has abused the democratic process by failing to consult properly, in that it has put forward a preferred scheme which is neither Option A nor B in respect of which the public were consulted in July 2012;
  - 2) The Council made a commitment in 2011/12 during an earlier phase of the Walking Network Programme that Brills Lane would not be closed and therefore such closures should not now be permitted or residents should be exempt from the Brills Lane restrictions.
  - 3) The proposed timed closure of East Street and Brills Lane with the consequent loss of use of the loading bay outside the front door of CM as well as the 2 parking spaces to the rear would breach the residents' rights under the European Convention on Human Rights (ECHR).
- 4.45 As to the alleged abuse of the democratic process, it is of course accepted that in carrying out public consultation the Council is under a general duty to ensure that any consultation is fair. It is submitted that the Council acted entirely fairly, as it:
- 1) Carried out its consultation exercises at a time when the proposals were being formulated;
  - 2) It gave adequate time and information for consultees to consider the proposals and to formulate a response;
  - 3) It considered all responses received before making the draft TROs; and,
  - 4) The final scheme under the proposed TROs was subject to the statutory traffic order publication and consultation process with which the Council complied.
- 4.46 There is no unfairness in the Council ultimately not choosing either Option A or B as its preferred design. Furthermore, there is no obligation on a promoting authority to have prepared a final design at the



consultation stage. The real question, in terms of fairness, is whether the preferred design, taken as a whole, is so radically different from that upon which the consultation was sought that it cannot be said that the public have been given a fair opportunity to comment meaningfully at all. The Council submits that this question must be answered firmly in the negative. As a result of the consultation on Options A and B the Council has developed and refined its design to increase pedestrianisation and reduce traffic flow in the Old Town rather than radically depart from it.

- 4.47 In any event, the preferred scheme is subject to the statutory consultation process; members of the public have objected to the TROs; the Council has readily accepted the need for a Public Inquiry; and, an independent Inspector has been appointed to consider all the objections and representations made. Far from being abused, the appropriate democratic processes are very much in evidence.
- 4.48 As to the alleged commitment that Brills Lane would remain open permanently, the Council does not accept that such a commitment was given. Discussions were held with residents concerning the stopping up of the southern end of East Street to facilitate the provision of a crossing as part of the second phase of the Walking Network Programme. In order to help residents make deliveries a loading bay was installed outside the entrance to CM (CMLB). Furthermore, 2 parking spaces, which could be used by residents with permits, were established on Brills Lane. Comments at the time were made during, and in the limited context of, the earlier phase of the programme and were confined to the implementation of that phase. No comments or commitments were made which would have fettered the design of future schemes.
- 4.49 Residents could not be exempted from the proposed restrictions for the following reasons:
- The route along East Street from the seafront to the Pavilion is a key link in the Walking Network, as identified by the PSPL strategy. On busy days the street is used by close to a thousand people per hour. Although pedestrianisation of the whole of East Street is not specifically identified as a requirement by policy, officers consider that it is necessary in order to meet the aims of the PSPL strategy. A single vehicle using the CMLB would significantly reduce the effect of pedestrianisation, causing a physical obstruction and a visual deterrent;
  - If residents were exempt from the restrictions they would need to exit the area via King's Road. This section of King's Road has been underused for many years and is in need of regeneration. The closure proposed in this scheme would allow businesses there to place tables and chairs outside their premises, which it is hoped would help increase trade and attract new businesses to the street. An exemption for residents would mean that no tables and chairs licences could be granted; and,
  - At peak times there is a heavy flow of pedestrians on East Street. A vehicle carrying out a turning manoeuvre in the vicinity of the CMLB would create a safety risk, particularly given that pedestrians would be treating the road as if it is pedestrianised.

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- 4.50 Pursuant to section 6 of the Human Rights Act 1998, it is unlawful for a public authority to act in a way which is incompatible with a Convention right. In exercising its traffic management powers it is accepted that the Council must have regard to Article 8 of the ECHR, the right to respect for private and family life, and Article 1 of the 1<sup>st</sup> Protocol, protection of property. These Convention rights are qualified rights, in that interference with them is justified in certain specified circumstances.
- 4.51 CMRA argues that the closure of East Street and Brills Lane between 1100 hrs and 1900 hrs, and the loss of use, during that time, of the loading bay outside the front door of Clarendon Mansions would represent a significant loss of amenity to residents of Clarendon Mansions. CMRA says residents would have the basic right to enjoy their homes severely curtailed. The Council does not agree.
- 4.52 The issue of whether the Council's proposals are incompatible with residents' Convention rights should be addressed in the following way:
- 1) Would implementation of the Council's proposals interfere with the rights of Clarendon Mansion residents to respect for their private and family lives and their homes?
  - 2) If so, is such interference nonetheless permissible because it is in pursuit of a legitimate objective, in accordance with the law, and proportionate to the objective in question?
  - 3) Would implementation of the Council's proposals interfere with the peaceful enjoyment by Clarendon Mansions residents of their property; that is, their homes?
  - 4) If so, is that interference, being either deprivation of property or control of use of property, justified because it strikes a fair balance between competing interests?
- 4.53 The Council submits that the scheme, and in particular the matters complained of by CMRA, would not interfere with the residents' Article 8(1) rights or their Article 1 of the 1<sup>st</sup> Protocol rights.
- 4.54 CMRA give 7 examples of alleged interferences:
- 1) Items delivered to Clarendon Mansion by special delivery, and presumably couriers, would not be made;
  - 2) Elderly residents and families with small children would not have vehicular access right up to the front door;
  - 3) Use of the 2 parking spaces to the rear of CM would be restricted;
  - 4) Disabled people would have to convey themselves 30 metres or more to access their own homes;
  - 5) There would be impaired access for emergency vehicles;
  - 6) Utilities and maintenance vehicles would be unable to park by the building and may refuse to attend for appointments; and,
  - 7) Moving home would not be possible.

- 4.55 It is not accepted that the timed road closures of East Street and Brills Lane are acts sufficient to amount to an interference with the home, private and family life or the peaceful enjoyment of possessions and it is considered that CMRA has presented an exaggerated picture of the anticipated difficulties. For example, it is not the case that there would be no permitted access at all times of the day and night for emergency vehicles. The East Street and Brills Lane TROs make provision for such access.
- 4.56 Furthermore, it is not accepted that deliveries, appointments or removals would be impeded, let alone rendered unlikely or impossible, when there is an alternative loading bay in front of the Grosvenor Casino (GCLB), only 30 metres from the front door of CM. Usage surveys at the GCLB, carried out in April 2013, found that on one day the loading bay was full for 2 minutes during the proposed hours of closure. On the second day the bay was full for 32 minutes. Surveys undertaken in March 2013 show the bay was full for longer<sup>12</sup>. Nonetheless, the Council considers overall that the surveys indicate that there would be space available for residents to use the loading bay.
- 4.57 In this context, it should also be remembered that the existing CMLB is not restricted to the exclusive use of CM residents. It may also be used, for example, by businesses at the southern end of East Street. There can never be any guarantee that it would always be vacant when a visitor to CM wants to use it. Nor is it accepted that an elderly or disabled resident or visitor would inevitably have to walk 30 metres or more to reach the front door of Clarendon Mansions, as they could time their visit to avoid restrictions. As regards the impact of the restrictions on the use of the 2 parking spaces on Brills Lane, the Council is investigating the possibility of providing 2 alternative parking spaces for residents with permits at a location which is around 150 metres from CM.
- 4.58 In considering possible breaches of Convention rights, it is useful to consider an alternative scenario. If CM benefitted from, for example, an underground car park, and a space in that car park had been demised to each resident of CM as part of their leasehold interest in the property, the residents might well have a good argument for saying that the closure of East Street and Brills Lane for 8 hours during the day was an unjustified interference with their home and the peaceful enjoyment of their property, as for a significant part of every day they would be unable to use their vehicles consistently with the rights their landlord had granted to them. The present case, however, is a far cry from that scenario.
- 4.59 If, however, the Council is wrong and the scheme would be an interference with Convention rights, then the Council submits first, that such interference would be of a minimal nature and second, that it would be justified in any event. In making the TROs for one or more of the qualifying purposes, the Council is pursuing a legitimate objective in accordance with the law, and the closure of East Street and Brills Lane is, in the context of the scheme and its aims, proportionate to this objective. Furthermore, if the Orders control use of the residents' property in some

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<sup>12</sup> ID34.

way, it would be justified because, allowing for the wide margin of appreciation available to the Council, it strikes a fair balance between the competing interest of the residents, the Council, and members of the public who would benefit from the scheme.<sup>13</sup>

- 4.60 The Council accepts that residents of Clarendon Mansions would suffer some inconvenience, but considers that such inconvenience does not amount to a breach of their Convention rights and is outweighed by the benefits that the scheme would bring.

#### *Taxis*

- 4.61 The Council accepts that some taxi journeys would be longer, primarily due to the closure of Ship Street to southbound traffic at North Street. However, it estimates this would involve a maximum journey increase of 530 metres. Calculated on the basis of distance, as opposed to time, this would equate to a fare increase of less than 80 pence. The Council does not dispute that the current tariff regime also allows for fares to be calculated on the basis of journey time and if delays were encountered, the increase could be significantly greater. The Council also accepts that some drop-off points would be slightly further away from some Old Town destination points than at present. Nonetheless, the Council is firmly of the view that the closure of this junction is a key element of the scheme that would help reduce overall traffic in the Old Town. In particular through the elimination of through traffic. It considers that the benefit of reduced overall traffic outweighs the very modest disadvantage to some taxi users.
- 4.62 For all of the above reasons the Council is firmly of the view that the draft TROs have been made for qualifying purposes and that these objections do not raise sufficient grounds for the Inspector to recommend that the Council's proposals be rejected or modified.

#### *Equalities issues*

- 4.63 The Council as a public body is subject to the Public Sector Equality Duty in section 149 of the Equalities Act 2010. It must, in the exercise of its functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
  - Advance equality of opportunity between people who share a protected characteristic and those who do not; and,
  - Foster good relations between people who share a protected characteristic and those who do not.
- 4.64 Disability and age are 2 of the protected characteristics.
- 4.65 At every committee stage of the Walking Network Programme the equalities implications have been reported. For this third stage, in the

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<sup>13</sup> The Council relies on J.A. Pye (Oxford) Ltd-v-UK (2008) 46 EHRR 45, James-v-UK (1986) 8 EHRR 35 and Hounslow LBC-v-Powell [2011] 2 AC 186.

last 2 committee reports, the following was noted:

*'Local disability groups have been consulted. The major points to emerge from consultation were concerns around cycling, seating, quality of paving, and parking, and these were taken into account during detailed design.*

*There are currently 11 disabled parking spaces in the Old Town and a further 2 that were temporarily removed from Brills Lane when the southern end of East Street was closed. It is recommended that all 13 disabled parking spaces remain, although it would be necessary to relocate some of them.*

*Provision of dropped kerbs in the Old Town is currently poor. The Federation of Disabled, through its Get Involved Group, have worked with officers to produce a report listing locations within the Old Town that require accessibility improvements.'*

4.66 The issues raised have been addressed in the following ways:

- The scheme does not propose any additional cycling provision;
- Seating does not fall within the remit of this scheme at this time as the primary concern is traffic management. Urban realm improvements, including seating, would be implemented at a later stage, if budget becomes available;
- Paving is being improved at key points throughout the area following a visit with wheelchair users to identify problem locations. The majority of these improvements are drop kerbs. The Council has committed to install every drop kerb identified in the Get Involved Group report; and,
- The number of disabled parking spaces would remain the same, with 3 spaces being relocated.

4.67 The needs of minority groups have been considered throughout the evolution of the scheme. The Council believes that the proposals would benefit those with accessibility problems in the following ways:

- A reduction in traffic generally would make the area safer for disabled, elderly and infirm people, particularly when crossing roads;
- The proposed pedestrianised areas would provide significantly more road safety. In addition to the removal of traffic, disabled people would also benefit from the increased road space available. Currently the crowded footways in the Old Town are particularly difficult for people in wheelchairs or who are elderly or infirm, to navigate;
- The scheme would not introduce shared space areas. These areas have caused disabled people significant problems where they have previously been installed in Brighton, such as New Road. Disabled users, particularly the visually impaired, have reported that New Road is difficult for them to use, due to the lack of clear delineation between the carriageway and the footway. They have found that neither they nor their guide dogs have the normal

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visual or physical clues to locate the safe space on the highway and therefore find themselves in conflict with traffic. As a result many visually impaired people no longer use New Road.

- 4.68 The scheme would cause some inconveniences for people with mobility issues. The taxi trade has highlighted difficulties that may face people if they cannot be dropped off at their destination. BQMH has expressed concern about less mobile people who would not have vehicular access to Prince Albert Street. CM residents have described potential problems for disabled and elderly people accessing their building. The Council accepts that these difficulties may arise. However the majority of people with mobility issues are able to convey themselves short distances. Furthermore, under the existing arrangements, due to congestion in the area, it is not always possible for passengers to be dropped off immediately outside their destination and it is necessary to walk short distances. It is hoped that, by walking a short distance or timing their visit to avoid East Street restrictions, people would not be prevented from accessing any part of the Old Town. The Council considers that the scheme has ensured that alternative provision for people to be dropped off has been provided at locations within a reasonable distance of all parts of the Old Town subject to proposed closures.
- 4.69 On Prince Albert Street the Council has accepted that the alternative loading bay, at 70 metres away, may cause problems and has therefore proposed to install a new loading bay at a nearer location. For CM the alternative loading bay is 30 metres from their entrance. The Council considers that the majority of disabled people are likely to be able to travel this distance if required. 2 replacement parking bays for disabled badge holders, in place of those removed from Brills Lane, would also be available near to the King's Road/Little East Street junction.
- 4.70 The Council has had due regard to the specific issues raised by those with protected characteristics, but has had to balance these with the wider objectives that the scheme would bring. The Council considers that taken as a whole the scheme would advance equality of opportunity in that the improved layout would benefit people with protected characteristics of age and disability in removing or minimising the disadvantages caused by streets focussed on vehicles rather than pedestrians. The steps taken would meet the needs of these specific users and improve their ability to participate in public life. Overall, the scheme would contribute to the fostering of good relations between those who share protected characteristics, by increasing their opportunities to participate and interact with others, and those who do not. The Council considers that the scheme would contribute to the third aim of the Act by making it easier for those with protected characteristics to access services in the Old Town area, thus removing a potential source of discrimination.

## 5 THE CASE FOR THE SUPPORTERS

*Where the same point is raised by successive supporters I do not repeat it. The material points are:*

### **East Street Business-Petitioners (ESBP)**

- 5.1 ESBP comprise the 12 business signatories to a petition that was submitted in support of the scheme at the original consultation stage. A number of other businesses and individuals have since also indicated their support<sup>14</sup>. The scheme would greatly improve the Old Town area and fully reflects the city's community, sustainability, economic and tourism strategies. It is the final stage of a larger plan to improve the walking network in the Old Town area. The first 2 phases have been implemented and it would be a terrible loss to see the final and crucial stage blocked.
- 5.2 The scheme would increase accessibility for all, particularly the elderly and mobility impaired. At present conflicts between cars and mobility vehicles are commonplace as there isn't adequate space for both. The reduction in traffic that would result from the proposal would be beneficial to the area by removing some of the environmental impacts of traffic quality and improving the appearance of what is classified as a historic town centre. The proposed environment would encourage relaxed walking, which has been proven to increase a city's economy.
- 5.3 East Street in particular, has developed as a key trading street over the years, retaining near full occupancy during hard times and businesses have shown a real eagerness to improve the area. Increased pedestrian traffic would be likely to increase trade, not only for East Street, but also a wider area.
- 5.4 As regards the impact on delivery access, approximately 60% of East Street businesses directly affected have indicated that the benefits of the scheme far outweigh the adjustments that they would have to make as a result of the proposed restrictions. The additional loading bays proposed would help and the ability to service buildings before 1100 hrs and after 1900 hrs seems adequate to most. During delivery times road conditions would be busy. However, the majority of businesses have deliveries before 1100 hrs anyway.
- 5.5 There is no research to support the contention of some objectors that anti-social behaviour would increase. On the contrary, increased visibility due to removed parking and open spaces usually improve the atmosphere of a public street. The issues with night time noise would not necessarily increase or decrease due to the proposal, as after 1900 hrs the restriction on East Street would no longer apply.
- 5.6 It has clearly been indicated that the majority of traffic is using the area as a cut through and if this is no longer an option, congestion in the Old

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<sup>14</sup> ID3-Old Town Public Inquiry Representations- Representation 18 and ID7-petition handed in at the Inquiry.

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Town would reduce. As regards access for taxis, during the daytime most businesses send their clients to the taxi rank at the northern end of East Street, as it is usually overflowing with taxis and offers a quick exit in all directions. For drop offs there would still be lots of choice within the vicinity, with easy access to East Street.

- 5.7 The Old Town area is failing to deliver its potential as a vibrant, historical centre offering a comfortable network of lanes and streets filled with unique retail and hospitality premises. It has periods of high capacity usage that simply make it appear disorganised and dangerous. So for the sake of safety and pride in the city's offering, the scheme is essential.

### **Child Friendly Brighton (CFB)**

- 5.8 CFB is often asked where the child friendly parts of the town are, and incredibly there are not any complete areas that are fully safe, notwithstanding that many of the businesses appeal to families. CFB would like to see a clear route around the Old Town along which families with young children can walk freely and securely, with no traffic between 1100 hrs and 1900 hrs. The streets in question have footways which are so narrow that there is not enough room to walk along with children and a push chair. This is particularly the case at weekends and during school holidays, when the number of families visiting Brighton, and the Old Town in particular, increases significantly. Confusion, and consequently, danger arises where pedestrianised and un-pedestrianised streets meet with no clear signage. The proposal would provide a very clear pedestrianised route into the city, thereby significantly improving safety.

### **Brighton & Hove Living Street Group (BHLSG)**

- 5.9 When it comes to sharing our roads, for vulnerable road users, such as pedestrians and cyclists, the UK has the poorest record in Western Europe. Figures from the Department for Transport indicate that in the year to June 2012 deaths and serious injuries rose year on year by 5% for pedestrians and 9% for cyclists. Living Streets is a national charity that stands up for the interests of pedestrians, including the large number of visitors who come to Brighton's Old Town every year. BHLSG campaigns to create safe, attractive and enjoyable streets where people want to walk.
- 5.10 In Brighton & Hove over a third of households do not own a car. Furthermore, the city has the highest proportion of people walking to work in the southeast and the highest growth rate in cycling to work outside London. The scheme would support these trends.
- 5.11 There is a growing body of evidence to show that pedestrian friendly equals business friendly. New York City's *Measuring the Streets: New Metrics for 21<sup>st</sup> Century Streets* indicates that streets which safely accommodate pedestrians and cyclists are especially good at boosting small businesses.
- 5.12 PSPL identified that in the city problems with overcrowding and congestion on pavements is often caused by the street layout that prioritises car traffic and leaves too little space for pedestrians. Crowding



is a sign of low quality walking. It is bad for: commerce, as people have difficulty stopping to look at window displays; for safety, as pedestrians move into the road; for those with special needs, such as wheelchair users as they generally need more space than is available; and, for encouraging walking, as it is an unpleasant experience. Crowding is common in East Street, with the result that people walk along the carriageway.

- 5.13 Streets should be safe, attractive and enjoyable places for everyone. They are social places and not just corridors for traffic. It is not possible to have a comfortable, encouraging, rewarding walking and cycling environment where the needs of motorised traffic receives priority. More walking and cycling means healthier people and lower costs to society resulting from poor health. Poor health from inactivity costs society dearly. Road casualties cost even more.

*The following supporters did not appear at the Inquiry:*

**Twenty One Wines (TOW)**

- 5.14 TOW is totally in support of pedestrianising Prince Albert Street and surrounding areas. Furthermore, the proposed ban on HGVs is essential for the safety and well being of those who walk and work on Prince Albert Street. Every day public safety is put at risk by forcing pedestrians to walk on the carriageway to get around a van, HGV or other vehicle parked on the pavement. In addition, vehicles parked in this manner tend to block our shop front, causing us to lose trade. The larger HGVs when parked force others to mount the pavement on the other side of the road in order to get past, causing more safety issues. These practices should be enforced against by the Council. Restricting vehicle access after 1100 hrs would improve the environment.

**Franco's Barbers & Lara**

- 5.15 Large trucks and lorries pull onto the pavement in Prince Albert Street on a daily basis, causing access difficulties for the premises and pedestrians. The Old Town should be pedestrianised between 1000 hrs and 1600 hrs.
- 5.16 **Time Out Café (TOC)**
- 5.17 We have witnessed many accidents, some serious involving pedestrians and vehicles on the road outside our premises. Many pedestrians appear not to realise that cars are allowed down East Street or simply cannot see them due to the volume of pedestrians. We also have the problem of cars speeding around the corner into King's Road with no regard for pedestrians.
- 5.18 At present TOC is very restricted with the numbers of tables and chairs that we can have outside the premises, whilst still allowing sufficient access for pedestrians and wheelchair users. Closing East Street would potentially give us and other businesses in the street the opportunity to extend our outside facilities, vastly improving the look of the street and increasing business.

## 6 THE CASES FOR THE OBJECTORS

*Where the same point is raised by successive objectors I do not repeat it. The material points are:*

### **Clarendon Mansions Residents' Association (CMRA)**

- 6.1 CMRA objects to TRO21b and TRO21c.
- 6.2 CM, which contains 12 flats, is situated on a corner site at the junction between East Street and Grand Junction Road. Residents of CM participated in the public consultation exercise which offered 2 clear options, A and B, both of which included traffic restrictions, but provided access to businesses and residents. Both options would have been acceptable to CMRA. However, as a direct result of lobbying by a small group of vested interests on East Street, in the form of ESBP, the Council officers grafted into the proposed scheme a provision to remove vehicle access between 1100 hrs and 1900 hrs, which had not been consulted upon. CMRA is deeply concerned about the integrity of the democratic decision making process, when the interests of a tiny minority of businesses are placed ahead of the findings of mass public consultation. Furthermore, it is not convinced that the Council's Transport Committee was in full possession of the facts when it decided to support the scheme.
- 6.3 The scheme is badly planned with a lack of attention to detail and understanding by the Council's representatives in relation to many critical aspects. For example: the level of use of GCLB; the illegal parking that goes on within it; how and how often Brills Lane is used to service The Haunt; and, how much traffic uses Brills Lane on a daily basis.
- 6.4 The proposed changes would have massive implications for residents of CM. CMRA objects to losing access to the CMLB, especially after being told less than a year ago by the Council that Brills Lane would stay open. This would represent a significant loss of amenity to CM residents, which CMRA believes places restrictions on the use of residents' property in a manner which is questionable under Articles 1 of the 1<sup>st</sup> Protocol and 8 of the Human Rights Act.
- 6.5 At the Inquiry, CMRA put to the Council that, as a consequence of the proposed restrictions, an elderly resident, who is dependent on taxis coming to the front door due to infirmity, would have to leave her home before 1100 hrs in order to get to a doctor's appointment at say 1400 hrs and then not return to her home until after 1900 hrs, when she could be returned to the front door. The Council's response that this would be acceptable is shocking.
- 6.6 The Council suggested that the GCLB, which is around 30 metres away from the entrance to CM, is the solution to the needs of CM residents in terms of vehicle access and loading or delivery during the timed closure. The Council contends that the GCLB is larger than most, with the implication that residents would be upgrading. In fact, it is a standard sized loading bay, which sits inside the road markings of a former bus stop. As a result people also park and offload in the area just outside the loading bay, even though that area is not a formal loading bay or parking space. It appears that the illegality of such parking and offloading does

not perturb the Council. The Council when questioned also appeared unaware of the presence of a communal bin next to the GCLB. This services CM and various flats next to the casino as well as tourists on the seafront. CMRA understands that the Council has plans to add more bins as part of a recycling initiative, which would take up more space. Consequently, there is little potential to increase the size of the GCLB.

- 6.7 The Council's survey of the use of the GCLB in March 2013 indicates that on the first day the periods during which the bay was full exceeded 1 hour in total and over 3 hrs on the second day. However, in addition a number of vehicles were parked illegally in the vicinity of the bay, which may, in CMRA's view, have used the bay if parking enforcement was more rigorous in the area.
- 6.8 The Council has failed to provide any evidence concerning the current use of Brills Lane, notwithstanding that it maintains that the lane must be closed in order for the East Street restrictions to work. Brills Lane is effectively an alleyway, primarily used at present by private commercial refuse removal firms servicing the rear of an East Street night club and providing access to the stage door of The Haunt music venue. It is also the access route to the loading bay outside CM, which was provided by the Council as part of the second phase of its Walking Network Programme. After entering Brills Lane, there is a sharp bend, which has the effect of slowing down vehicles before they emerge onto the southern section of East Street. The Council has confirmed that it does not regard this piece of road as an accident 'hot spot' or problem.
- 6.9 The Council's contention is that following the pedestrianisation of East Street it would be dangerous for vehicles to undertake 3-point turns in the vicinity of the CMLB. In fact, the southern end of East Street has been closed off to vehicular through traffic for over a year and since then the area of East Street between King's Road and Grand Junction Road has been used as a shared surface. The only legitimate use of the area outside CM by vehicles is offloading of people and goods using the loading bay or delivery and collection of laundry from the back entrance of the Queens Hotel, which involves a large vehicle undertaking a 3-point turn. No accidents have occurred in that time as far as CMRA knows and the Council has not produced any evidence to the contrary. The Council's claim that the use of this area as a shared surface would give rise to safety problems is unsupported. It is the view of the CMRA that Brills Lane could safely be left open without impacting on the Council's further pedestrianisation ambitions for East Street. If it appeases those concerned about potential accidents from vehicles moving from Brills Lane through to King's Road, then further traffic slowing measures, such as a speed bump, could be introduced along with appropriate signage.
- 6.10 The section of King's Road in question already contains businesses which have tables and chairs sharing the pavement space with pedestrians. The Council has produced no evidence of any accident 'black spot' here. The Council has suggested that the scheme would make King's Road more appealing and attractive, implying that it had become, for the want of a better phrase, 'low rent'. This would doubtless come as a surprise to the decidedly up market gift shop, the classy beauty salon, the art gallery

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and Tapas restaurant, which are located there. Furthermore, in light of the Council's apparent ambition to have pedestrians walking in a straight line down East Street to the seafront pedestrian crossing at Grand Junction Road, it is unclear how incentivising people to turn into King's Road would contribute to that desire.

- 6.11 Insufficient thought has also been given to the implications of using Little East Street as an exit from The Lanes during the restricted period. On the initial section of the street there are tables and chairs right up to the pavement edge, obliging pedestrians to step into the road, close to the first of 2 sharp bends in the alignment of the street. The disabled access door to Dr Brightons opens onto the short section of road between the 2 bends and customers also use the area outside this door as a smoking area. A short distance from the second bend there is a fire exit from Dr Brightons. In comparison with allowing the space outside Clarendon Mansions to be used as a shared surface by vehicles and pedestrians, the Little East Street situation would be far more dangerous, with the potential for vehicles to be travelling at speed.

**Mr C Middleton (CMi)**

- 6.12 I object to TRO21b and TRO21c.
- 6.13 I work from home at CM and I am a self-employed author, journalist, magazine editor/proprietor and semi-professional musician. The ability of couriers to deliver and collect packages in a timely manner from CM is critical to my business. I believe the scheme would introduce very significant risks. It is impossible to arrange for all such visits to be made prior to 1100 hrs and there is a strong possibility that couriers may refuse to deliver to CM during the restricted hours proposed, when the CMLB would not be accessible. Few couriers or delivery drivers are likely to spend long periods of time trying to find a viable alternative place to pull over.
- 6.14 GCLB is frequently unavailable and even if it were available, there is no guarantee that a courier would use it, as it would involve leaving their vehicle unattended and out of sight as well as travelling around 30 metres on foot, in some cases with heavy items. I have recent experience, when short-term road works outside CM prevented access to the CMLB, of a courier deciding not to deliver, notwithstanding that GCLB could have been used. If the scheme proceeds the capacity of the GCLB would be likely to be fully utilised every day, between around 1530 hrs and 1800 hrs, just by vehicles which would normally use Brills Lane when loading bands and equipment into The Haunt venue.
- 6.15 Similar concerns arise in relation to tradesmen called to CM. Recently when a neighbour needed a boiler serviced an engineer refused to come on the basis that access was too difficult. It took a number of days to find a tradesman to do the work. Separately, as a musician, I need to be able to load and unload my equipment safely and securely. This often involves several trips between CM and the vehicle.
- 6.16 The Council sought the views of the public on the basis of 2 options, A and B. Option A received the most support and the next largest group

voted for no change. 52% wanted vehicles that required access to be granted it at all times. The Council has ignored those unambiguous views, favouring instead the position promoted by the petition of a vocal minority of East Street businesses, that a timed closure should be put in place. I am not anti-pedestrian. On the contrary, I do not drive. Furthermore, no one supports East Street and the Old Town more than I. I shop in East Street and eat in the Old Town every day. Whilst part of the community, neither I, nor to my knowledge other residents of CM, were approached by those organising the petitions, which are cited by the Council as support for TRO21b and TRO21c. Furthermore, the petitions are solely concerned with East Street and make no mention of the closure of Brills Lane and the removal of access for residents. The Council's approach has been undemocratic.

- 6.17 The southern section of East Street, between King's Road and Grand Junction Road, already operates as a shared area by pedestrians and vehicles. Pedestrians congregate there by day and especially at night. They do so safely, despite the fact that Brills Lane is open and the loading bay in use. At the Inquiry the Council admitted that it had no idea of the number of vehicles currently using Brills Lane, notwithstanding that it considers formal restrictions are necessary to curtail that use. In practice, the amount of traffic from Brills Lane into this area is small, such that it may as well remain open.
- 6.18 Cutting off vehicular access to the building would make it slower and harder for emergency services to access CM. While they always have a right of way, pedestrianisation of East Street would be likely to lead to the deployment of street side tables and chairs by some businesses, which would make emergency access more difficult.
- 6.19 The area directly outside the entrance to CM was pedestrianised when the southern end of East Street was stopped up and a crossing constructed as part of a previous phase of the Walking Network Programme. This is now an area where drinkers and clubbers from local venues congregate at night, and it is used by illegal street traders and buskers, among others, during the day. This has caused a significant increase in the levels of disruption experienced by residents of CM and the scheme would be likely to exacerbate this situation.

**Dr R Paun and Dr M Paun (RMP)**

- 6.20 Our objections relate primarily to TRO21b and TRO21c.
- 6.21 We live at CM, are semi-retired and while we try to minimise the use of our car, it is necessary for a number of activities. Currently, residents have access to 2 permitted parking spaces on Brills Lane. In addition, when the southern end of East Street was closed as part of a previous phase of the Walking Network Programme, the Council provided the CMLB in order to facilitate the delivery needs of residents. Notwithstanding that the parking provision is entirely inadequate, we accepted the scheme. The proposed restrictions would entirely remove or drastically restrict our use of those facilities, making everyday life very difficult.

- 6.22 Although we normally walk to a local supermarket, when we have a lot to buy we go to a supermarket further away by car. We often do other errands at the same time. If the proposed restrictions are put in place we would have to rush out to do the shopping, bring it back and move the car from the loading bay before 1100 hrs. We also look after our small grand-daughters and routinely bring them back to CM. Whilst we usually travel by bus, once or twice a week we journey by car or taxi. In our experience the GCLB is rarely unoccupied. Even if it were available, we dread the thought of having to lift them out of the vehicle in the GCLB, with traffic passing close by along busy Grand Junction Road, and then carrying them, together with their paraphernalia round to our front door. The proposed scheme would also make access more difficult for the elderly and disabled visitors that come to stay with us from time to time.
- 6.23 One of our neighbours, who has three children, would have to face the difficulties of restricted access on a daily basis. Sometimes when she returns home at the end of the school day she is able to use one of the two permitted parking spaces on Brills Lane. With the proposed restrictions in place, those spaces would not be available until after 1900 hrs. She would have to face the prospect of unloading in GCLB, if it is available, and then finding a parking space elsewhere.
- 6.24 We say that Brills Lane should remain open and the restrictions on East Street should only extend as far south as its junction with King's Road. Whilst this would make little difference to the pedestrianised zone, it would make the lives of CM residents bearable.

**Brighton Old Town Local Action Team (BOTLAT)**

- 6.25 Although the terms of reference of BOTLAT relate to the promotion of public safety, by custom and practice, it has become a proxy for resident representation. There is widespread opposition to the scheme. The Council has suggested that, prior to the consideration of the proposed scheme by the Council's Transport Committee, residents of CM were consulted on it through BOTLAT. However, no such consultation was received by BOTLAT.
- 6.26 The stated aim of the options upon which the Council undertook consultation, A and B, was to prevent/deter through traffic, whilst maintaining access for those with a specific reason to be there. The Council has indicated that the proposed scheme does not include a wholesale access only restriction, as it decided that it would be best to implement a 'lighter touch scheme' in the first instance, enabling the Council to monitor the impacts and continue to work with businesses. The same consideration has not been given to the needs of residents.
- 6.27 East Street is a mixed commercial and residential street. There were 12 commercial signatories to the petition submitted to the Council in support of the closure of East Street. One of those businesses is no longer trading. Furthermore, those who signed have alternative vehicular access to their premises that they can use in the event that the proposed restrictions are put in place and so they would be unaffected. Many of them would also potentially benefit, if they are allowed to place tables

and chairs outside their premises during the restricted hours. In contrast, access through Brills Lane, whilst a small road, is very important to the daily lives of others in the immediate vicinity.

- 6.28 The timed closure of East Street would result in increased traffic through Little East Street and the junction with King's Road which is known locally to be a dangerous and congested junction. Furthermore, it is not clear why these measures are needed during the week when traffic in the Old Town is fairly quiet, as opposed to weekends which are certainly busier.

**Brighton & Hove Streamline Ltd (BHSL)**

- 6.29 BHSL's original objection related to TRO21e.
- 6.30 With the presently proposed TROs the Council fails to reflect the majority view against the timed road closures, implied in consultation responses. Instead, they have elected to follow the petition of a very small minority of traders in East Street, 12 of more than 50 businesses, some of whom no longer trade. It is apparent that the Council has taken this action as it furthers its unstated aim of pedestrianisation.
- 6.31 The Council has indicated that elderly and disabled people would continue to be able to access the majority of the Old Town by taxi. However, it accepts that the proposal would cause inconvenience to some people. While the additional length of taxi journeys would not be huge the journey time and consequently the cost would often be significantly more. King's Road in particular is frequently gridlocked on summer weekends and BHSL recently recorded a journey time between the West Street junction and Black Lion Street of around 18 minutes. This would add around £6 to the fare, rather than the 80 pence estimated by the Council on the basis of increased journey length. The additional cost of taxi journeys has been grossly understated by the Council and the impact of this would fall mainly on the elderly, infirm and disabled.
- 6.32 No attempts have been made to fully understand or consider the logistics of businesses that may be impacted. Consequently, the proposals would act to their detriment. Insufficient regard has been had to the traffic pressures likely to be caused outside the Old Town area due to the restrictions within it. Delivery vehicles would be looking for places to unload, with insufficient and overloaded dedicated space. Taxis would be stopping to pick up and drop off at places convenient to passengers within easy reach of The Lanes and this would include Private Hire vehicles which are unable to use the East Street taxi rank for that purpose. Other passenger vehicles could also be looking for stopping points for their passengers. The overall impact is likely to be further congestion, obstruction and pollution, particularly at times of peak traffic on King's Road and around Old Steine. Almost inevitably there would be a knock on effect on bus timetables and public safety.
- 6.33 There has been acknowledgement, not least in consultation Option A, that there is the ability to monitor and police restricted access areas. The Option A consultation material identified potential measures for controlling access included barriers, CCTV or permits. There is no reason that technology could not be used to enforce a limited access regime for

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taxis and permit and/or blue badge holders. No thought has been given to applying these means to restrict access for traffic that has no legitimate business in Old Town, thereby preventing 'rat running' through to the seafront.

- 6.34 There is no clear evidence to justify the closure of Ship Street access from North Street. The Council assert that the timed closure of this junction is justified on road safety grounds. This is not supported by the accident statistics provided by the Council. They relate to a 44 month period between September 2009 and April 2013. During that period there were 10 recorded accidents at the North Street/Ship Street junction. However, only one accident, which had a recorded severity of slight, involved a turning manoeuvre.
- 6.35 The Council also suggests that the closure is necessary to reduce through traffic in Old Town. However, with the ability to restrict access, there is no need to do so. Similarly, there is no necessity for the closure of any part of Prince Albert Street or indeed East Street. Limiting access to permitted vehicles is feasible and would achieve the stated aim of reducing traffic flows throughout the area.
- 6.36 The Council has failed to show justification for the proposed TROs and BHSL asks that the scheme be amended to reflect the foregoing or be withdrawn completely.

#### **Brighton Lanes Traders (BLT)**

- 6.37 The BLT has no objection to pedestrianisation of The Lanes in principle. However, it objects to all of the proposed Orders and believes that the current proposal is nothing more than a second rate road closure and the Council is being disingenuous to claim otherwise. BLT has grave concerns with respect to the evolution of the preferred scheme and in particular in relation to the manner in which the consultation was undertaken, the response to the consultation and the subsequent railroading of a proposal that was never included in the initial consultation. Option A was preferred, rather than Option B, which suggested that East Street would become an access only area, and around a third of participants voted for no change. A majority of respondents favoured allowing access for vehicles in the Old Town at all times and of the minority that favoured timed restrictions the most popular period was the middle of the day. The closure now proposed for East Street between 1100 hrs and 1900 hrs was never put forward and is not supported by the results of the consultation. Furthermore, the consultation document cites traffic conditions on a Saturday. If this is the issue, it could be resolved by closing East Street on a Saturday only, using collapsible bollards similar to those used currently in Gardener Street in the North Laine area of Brighton. Despite BLT's attempts to do so, the Council has not engaged with BLT during the development of the scheme.
- 6.38 We take issue with the evidence used by the Council in support of the scheme. The Ecolane Ltd research entitled '*The impact of pedestrianisation on retail economic activity-a review of the evidence*' is now 13 years old, it was undertaken in a different economic climate and



deals with retail, which is not the only type of business in The Lanes. The statistics refer to German and Swedish towns and although Bristol City and Leicester City are quoted they do not have the same geographical traits, seafront status nor tourist trade Brighton & Hove enjoys. BLT considers that these statistics are plainly irrelevant. Indeed the Council is also quoting from '*Street enhancement, road and traffic management schemes*', which is dated December 1998, a different millennium. These documents do not deal with the current night-time economy issues where safety and lighting would be a better use of taxpayers money. Actually the latter states 'street enhancement should enhance the character of Conservation Areas'. This is most certainly not going to be achieved through this scheme. In this case, with a budget of only £50,000, there is no money for street furniture, lighting or landscaping. This is not a fair imposition on one of the most visited destinations on the south coast. BLT's view is that the Council should wait for the funds to be in place to do this iconic area justice.

- 6.39 BLT also has concerns in relation to the more practical issues. Car parks need access, delivery vans too, and loading bays need to be clearly marked and available. The running of a business in The Lanes is all about logistics; stock, staff and supplies. These would become more difficult under the proposal. Businesses would be likely to suffer due to extra payments incurred for specific time related deliveries or potentially a lack of supply, if deliveries cannot be flexible enough to arrive before 1100 hrs. Many of The Lanes businesses do not open until around 1000 hrs, leaving only a very limited opportunity for deliveries before the restricted period. Furthermore, the closure of Prince Albert Street would force delivery vehicles to unload in Brighton Place, making access difficult for pedestrians.
- 6.40 These streets are not used as short cuts to the seafront and just filling them with cheap obstacles rather than addressing the whole is likely to create more congestion and therefore pollution. The so called through traffic from Ship Street to Bartholomews, the premise the Council puts forward for closing Prince Albert Street, is more often than not vehicles that are delivering people to the area, or delivering goods to shops. The assumption that it is a short cut through to the seafront is again not something that can be substantiated, as there is really nowhere for these vehicles to be heading other than east along the seafront forcing them into the Brighton Pier roundabout, which is already one of the busiest in the city.
- 6.41 Another major concern is safety. Whilst BLT has not been given accurate and up to date information on accidents that occur in The Lanes, anecdotally these are fortunately low at present. This proposal flags up two points that could change this. Firstly, Little East Street, is a totally unsuitable exit from the Old Town. It is a very narrow chicane with a Council run car park pedestrian entrance, on-street parking and several businesses trading off it. The change in its status to the main exit from the Old Town simply creates a very real and serious pedestrian/vehicle conflict. This is further highlighted by the confusing bottleneck at the exit junction with King's Road, Grand Junction Road and the entrances to both Queens Hotel and Thistle Hotel car park. Secondly, the proposal also contorts the routes that emergency vehicles would have to take and

that may lead to delays. Prince Albert Street would be closed off, so no access there, and East Street is now proposed to be a 'café culture style, tables and chairs area, which incidentally would still be very difficult to negotiate even as a pedestrian. Life would be made extremely difficult for emergency services responding quickly to say a restaurant kitchen fire when the best route is littered with tables and chairs.

- 6.42 To add to our concerns, there are other problems with safety which would occur should three new development proposals commence. They are the development of the now Brighton Antiques Building in Meeting House Lane, the development of Poplar Place, and the recently submitted application to redevelop parts of Brighton Square including the construction of a hotel. All these would require safe access and egress for not only the construction but also the end use. These developments together with the Council's proposal would put more pressure on North Street as the main bus artery route and it is here that deaths occur between pedestrians and buses. No amount of road closure in The Lanes would address this.
- 6.43 In summary the principle of pedestrianisation for The Lanes is acceptable. BLT is not opposed to it, on the contrary. Examples worldwide and also here in Brighton & Hove illustrate that with the correct consultation and a budget that reflects the heritage and quality of the area, a well thought out scheme could truly enhance economic vitality. We are not convinced that the proposal would deliver this and consider that this plan should be abandoned.

**Mr P-E Hawthorne (PEH)**

- 6.44 The main thrust of my evidence is that the proposed TROs, to all intents and purposes, set up pedestrianised zones, which is fundamentally different from the agreed and preferable policy of the Local Plan, namely pedestrian priority zones. LP Policy TR9 clearly seeks a pedestrian priority approach rather than pedestrianisation. This Policy is not identified for replacement by the emerging Brighton & Hove Local Development Framework City Plan. Although the Council's LTP refers to the introduction of short pedestrianised sections, it makes no reference to the pedestrianisation of whole streets.
- 6.45 Pedestrian priority areas are fundamentally different from pedestrianised areas. Whereas pedestrianised zones ban vehicular traffic, pedestrian priority zones introduce shared space where pedestrians can feel just as safe because they have priority over vehicles. This does not result from signs announcing speed limits, rather pedestrian security comes more from narrowing the street with street furniture so that cars proceed at a cautious speed, and from blurring of separate spaces by lowering or removing pavements. There are a number of examples in Europe of successful pedestrian priority zones. Furthermore, this approach is already applied successfully in Brighton's New Road and occurs de facto at Black Lion Street and Market Street as well as a number of other locations in the city.
- 6.46 The Council has indicated that its Walking Network policy emerged from the PSPL report. However, it was published in 2007 and is now out of

date. One reason for this is that it pre-dated the deregulation of licensing laws, which caused a significant increase in the night-time economy that Brighton is now famous for. In any event, while this report advocates pedestrian priority, no reference is made to pedestrianisation. Gehl advocates the provision of shared surfaces to promote pedestrian priority. The scheme appears not to have the budget to achieve this.

- 6.47 On 2 October 2012 the Council's Transport Committee asked officers to implement a scheme which was described as seeking to reduce the volume of traffic in the area whilst retaining access for those who need it. In order to achieve this the TROs should be amended to allow local access at all times, whether for residents, local businesses, the disabled or taxis, and prohibiting only through traffic. An ideal means of monitoring this would be the number plate recognition type system used in London in relation to congestion charging. However, permits enforced by traffic wardens would do. The 'local only' access restriction on Tongdean Lane in Brighton, works without any money spent on enforcement. Changes such as these would fulfil the terms of the Council's policies.
- 6.48 In contrast with the TROs as drafted, the approach I advocate would not dispense lightly with the Human Rights of residents and businesses, nor the equality rights of disabled and less-able people wishing to visit the areas of the Old Town suggested for pedestrianisation. The Council confirms that elderly and disabled passengers would no longer be able to access some parts of the Old Town by taxi. These would include East Street during the restricted hours. It acknowledges that this would inconvenience some people. This would not meet the Council's aim of retaining access for those who require it.
- 6.49 The Council indicates that studies of similar schemes elsewhere show that pedestrianisation schemes generally have a positive effect on local business. It cites the Ecolane<sup>15</sup> study entitled '*The impact of pedestrianisation on retail economic activity*'. However, a number of the schemes studied in that report whilst classified there as pedestrianisation, involved pedestrian priority, with loading at any time. Furthermore, a number of studies indicate<sup>16</sup> that the introduction of pedestrian priority measures can successfully reduce road traffic accident rates.

### **Brighton Quaker Meeting House (BQMH)**

- 6.50 The BQMH provides a service to the community, hiring out its space. It is used throughout each day for a wide range of activities, such as training courses and workshops for community groups and commercial organisations. Concerts regularly take place there along with public meetings, exhibitions and theatre productions. The hire charges are kept as low as possible, so that the building can be used by community groups

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<sup>15</sup> BHCC.E4-Proof of Evidence Tom Campbell.

<sup>16</sup> D8-TRL Report TRL654-Pilot home zone schemes: summary of schemes-prepared for Traffic Management Division, Department for Transport 2006. Safety in residential areas: The European viewpoint, by Joop H Kray, 1987. Evaluation of Pedestrian Priority Zones in the European Area by UCL, 2009.

who otherwise would not be able to have events in the city centre.

- 6.51 The BQMH entrance is along the section of Prince Albert Street which would be closed as part of the proposed scheme and where parking and loading facilities would consequently be lost. The proposal raises 2 particular concerns: access for funeral parties; and, access for loading/unloading. BQMH hosts 1 or 2 funerals each month and on those occasions it is important that some parking space is available close to the entrance, not least to allow a coffin to be transferred over a relatively short distance. Furthermore, a loading bay is required in a convenient location to service the other activities in the building, which can involve significant amounts of equipment and materials. As a result of the proposal the nearest loading bay would be around 70 metres away. A closer facility is required. Some visitors who are older or have mobility disabilities need vehicular access. BQMH could not operate fully if access is restricted.
- 6.52 Without these facilities the BQMH would be likely to lose income, which is used to subsidise other work in the community, often involving people from disadvantaged backgrounds.

*The following objectors did not appear at the Inquiry:*

**C Payne (CP)**

- 6.53 I object to TRO21d.
- 6.54 I work in the Old Town and, if this proposal goes ahead, I would probably have to look for another job, as the shop would lose a lot of custom. There is a high turnover of cars in the parking bays along Prince Albert Street and with the loss of those spaces, customers are likely to go elsewhere. Furthermore, deliveries would not be possible as our stock doesn't often arrive until after 1100 hrs.

**D and R Gibson-Leigh**

- 6.55 We live in CM and object to TRO21b and TRO21c.
- 6.56 We consider that these Orders would severely restrict access to our home. As it is, taxis no longer pick up or stop outside our front door due to the pedestrianisation of part of East Street. Recently when we needed our boiler serviced an engineer refused to come on the basis that access was too difficult. The proposed restrictions would exacerbate these access difficulties. Furthermore, if Brills Lane is closed off the GCLB would be the only option for vehicles servicing the many bars and clubs in the area. Deliveries would have to be dragged on foot through Brills Lane causing noise and disturbance to residents.
- 6.57 The proposal appears to be for the benefit of tourists and shoppers on East Street, while ignoring the needs of residents. The Council should leave Brills Lane open and signpost it 'access to residents only'.

**GMB Brighton & Hove Taxi Section (GMB)**

- 6.58 The GMB object to TROs 21b-e.

6.59 Elderly and disabled passengers travelling by taxi may not be able to reach their destinations. The proposed measures would force taxis to divert from their normal routes to access the Lanes and the seafront hotels. The extra travelling time to reach those destinations from the railway station and most areas to the north and west of the The Lanes would increase costs for the taxi user and pollution in general. The increased costs may deter vulnerable taxi passengers from travelling at all.

6.60 The proposal would reduce the number of drop-off points in The Lanes, leading to congestion at the remaining locations in and around the Old Town.

### **S Garity**

6.61 I live in CM and object to TRO21b and TRO21c. The consultation undertaken by the Council did not include the restrictions which are now proposed and so nobody has had the opportunity to offer alternatives. The 1900 hrs to 1100 hrs 'window' for access would intensify morning and evening deliveries and refuse collection activity, giving rise to additional noise at times when many residents are likely to be at home.

### **G Bashi**

6.62 I live at CM and object to TRO21b and TRO21c. As part of phase 2 of the Walking Network Programme, residents of CM lost the use of metered parking spaces and loading bays that were formerly available on East Street. Instead the Council provided a loading bay outside the front entrance to CM and 2 parking spaces to the rear in Brills Lane. It is not fair that phase 3 of the programme should now remove those amenities, agreed by the Transport Department, by restricting access to them for most of the day.

### **The Haunt (TH)**

6.63 TH objects to TRO21b and TRO21c. Brills Lane provides access to the service points of a number of businesses that back onto it. In addition to the waste control areas for all of the units in the adjacent Savoy Centre, there are entrances to TH and Ganda Media from Brills Lane.

6.64 TH is one of the leading live music venues in the country and hosts major international touring acts. One prerequisite for a live venue of this type is easy street level access for loading. This is provided by our rear entrance on Brills Lane. Our front entrance is unsuitable as it has a significant number of steps and is used by customers. If Brills Lane is closed the large trucks that deliver equipment to the venue would have to stop at the end of the road and wheel significant amounts of heavy equipment along Brills Lane to the loading entrance.

6.65 The Brills Lane entrance to unit 4 of the Savoy Centre is also the main entrance to Ganda Media, a large print company that serves local and national businesses. Throughout the day large amounts of raw materials are loaded in and similar amounts of printed matter are loaded out through this entrance. They would also be forced to load from the end of the lane and in inclement weather this could cause significant problems

to the paper materials they use.

- 6.66 Therefore, the closing of Brills Lane for loading access would have an adverse effect on 2 businesses of a significant size.

**Woolley Bevis Diplock (WBD)**

- 6.67 WBD are the lessees of No.15 Prince Albert Street and also act for the freeholders. The premises include a car park at the front of the building, which is used by staff and visiting clients. It is absolutely essential for the purposes of our business that free access is available at all times. Any restriction on the access to and use of our car park would constitute a serious loss of amenity which would significantly devalue not only the premises but also our business. Furthermore, it is essential that we continue to enjoy free access to our car park without a requirement for any permits or other documentation from the Council.

**Northern Lights (NL)**

- 6.68 NL, which is the only Nordic place in town and acts as a base for the local Scandinavian community, objects to TROs 21b-g.

- 6.69 At the moment Little East Street is primarily a pedestrian zone, with access for loading. It has sharp bends and consequently vehicles that use it see pedestrians at the last minute. Increasing traffic along this street would be likely to lead to accidents. Furthermore, NL's business would suffer, as people are less likely to want to eat at the tables and chairs outside with passing traffic.

**Pietro Addis & Sons Ltd**

- 6.70 As a result of the proposal it is likely that more businesses would park outside our premises during the day to make deliveries. This would have the effect of blocking views from the seating area outside our premises, which accounts for a large part of our business. This would not meet the Council's stated aim of promoting further use of outside seating.

**The Witch Ball Antique Print & Map Shop**

- 6.71 We object to all the Orders. We have regular deliveries of stock which cannot be arranged before 1100 hrs. Furthermore, removal of parking spaces as proposed would make the trading situation more difficult.

**7 COUNCIL'S RESPONSE**

***ESBP, CFB and BHLSG***

- 7.1 ESBP, CFB and BHLSG appeared at the Inquiry in support of the Orders. CFB highlighted the existing dangers to pedestrians posed by traffic. ESBP represented a number of businesses in East Street who support the scheme and provided evidence of the support of others in the form of petitions. BHLSG provided an independent research based view of the positive benefits of further pedestrianisation in Old Town. In addition, a number of parties made written representations to the Inquiry in favour of the Orders and even some objectors have indicated that some aspects

of the scheme are positive. Notwithstanding that the concerns raised by objectors are genuine, the Council considers that no serious or overwhelming challenge has been made to the integrity of the scheme as a whole.

### **TOC**

- 7.2 Whilst TOC asserts that many accidents have occurred outside its premises, which is sited at the junction of East Street and King's Road, the Council does not have any accident data which supports that contention.

### **CMRA, CMi and RMP**

- 7.3 The concerns of CMRA have taken a lot of Inquiry time. A significant gulf remains between CMRA and the Council concerning the closure of Brills Lane and the resulting loss of the CMLB, outside their front door, for a period of time each day. The Council has undertaken a survey of CMLB loading bay activity on the 17 and 19 April 2013 between 1100 hrs and 1900 hrs. On the first day the periods during which the bay was full totalled over 2 hours and on the second day around three-quarters of an hour. On both days there were vehicles parked in the vicinity of the bay for much longer periods. CMRA acknowledged that there is no guarantee now that the loading bay outside Clarendon Mansions would always be available when residents want to use it. The Council has not carried out a survey of the loading activity in Brills Lane, which would include that associated with businesses such as The Haunt, to identify the level of loading activity which may be displaced to the GCLB as a consequence of the TRO21b. Nonetheless, the Council maintains that the GCLB would provide residents with an acceptable alternative. The Council does not accept that it would always be too busy. Furthermore, the Council considers that it may be possible to extend the capacity of the GCLB within the bounds of the former bus stop within which it is situated, although the feasibility of this has not yet been investigated.
- 7.4 The Council is unequivocal that widening the footway along one side of the southern section of East Street would not negate the need for the Brills Lane closure. Although widening the footway on one side by around 1 metre would cater for the 38 people per minute identified by the Council's survey, it would not be sufficient to cater for possible increases in the future. This would not result in a high quality walking corridor and it would not fit with the Council's vision or policies. To allow Brills Lane to stay open with the use of the CMLB would spoil the heart of the scheme, which is to secure an unbroken, high quality walking route to the seafront. It would be undesirable to retain that missing link. Furthermore, widening footways would narrow the road, such that a vehicle would not be able to pass another that is loading.

### **BHSL and PEH**

- 7.5 The Council has provided the Police record of accidents at the Ship Street/North Street junction. Whilst there has been some debate over the nature of the accidents, there is no significant challenge to the Council's position that it is a problem junction in terms of safety.

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- 7.6 Whilst the outline details of Option A which were published as part of the consultation indicated that potential methods for controlling access include barriers, CCTV or permits, the budget that is currently available would not be sufficient to fund such measures.
- 7.7 The Council does not accept that congestion would worsen. However, it acknowledges that some journeys would be longer.
- 7.8 BHSL accepted that at present East Street is not a comfortable route for wheel chair users. This situation would be improved by TRO21c.
- 7.9 The Council does not accept PEH's analysis of a shared space solution being acceptable in East Street. Its view remains that East Street is too narrow to achieve the type of result seen in New Street, even if the budget could accommodate a similar level of surfacing modifications.

**BLT**

- 7.10 The Council does not accept that it would be much more difficult for Lanes Traders to operate in the pedestrian heartland of the Old Town. The scheme involves the loss of only one loading bay. The Council has not assessed how often the alternative loading bays to the east and west are unoccupied or the likely additional demands on them resulting from the loss of the loading bay on Prince Albert Street. Nonetheless, the Council considers that this loss would result in no more than a minor inconvenience for those traders and they would adapt to the change.
- 7.11 Whilst BLT criticises references made by the Council in evidence to the Ecolane Study, it confirmed at the Inquiry that it is not aware of a more recent study.

**BQMH**

- 7.12 BQMH raised 2 concerns. The first related to access for funerals. The Council proposes a modification to TRO21d to address that matter, by allowing vehicles being used in connection with funeral services to enter Prince Albert Street, TRO21d(1). The second related to the loss of access to a loading bay outside the premises and the distance of around 70 metres to the alternative originally proposed by the Council. The Council may be able to provide a new loading bay in the area between Black Lion Street and Market Street which is currently occupied by pay and display parking spaces. However, Transport Committee approval would need to be sought. Furthermore, the Council acknowledges that the provision of such a bay closer to the premises than had originally been proposed may allay, but not fully address BQMH's concerns.

**WBD**

- 7.13 TRO21d as originally drafted would close the section of Prince Albert Street which is used to access the car park of WBD. At the Inquiry the Council proposed a modification to the Order, TRO21d(2), with the aim of allowing vehicles used to access WBD premises or premises on Meeting House Lane to turn left into Prince Albert Street from Black Lion Street as an exemption to the general prohibition of driving in that direction.



However, the Council is unable to confirm how this exemption would either be signed or work in practice.

## 8 CONCLUSIONS

*Bearing in mind the submissions that I have reported, I have reached the following conclusions, references being given in square brackets [] to earlier paragraphs where appropriate.*

- 8.1 A TRO may only be made where it appears to the authority making the Order that it is expedient to make it for one or more of the qualifying purposes set out in section 1 of Part 1 of the RTRA [4.29]. Therefore, if I am to recommend that the Orders are made, it is necessary to consider the following matters:
- Whether or not each Order would fulfil one or more of the qualifying purposes set out in section 1 of Part 1 of the RTRA; and,
  - Whether, in each case, the advantages to be conferred by the proposed Order would outweigh any disadvantages or losses likely to arise as a result of the Order, either to members of the public generally or persons whose properties adjoin or are near the associated highway.
- 8.2 CMRA, among others, has suggested that the manner in which the scheme of TROs has been brought forward by the Council is undemocratic [6.2]. However, there is no obligation on a promoting authority to have prepared a final design at the consultation stage and in this case the design was subsequently refined and approved by the Council. The draft Orders have been the subject of a statutory consultation process and those objectors and supporters who wished to, have had an opportunity to air their views at a public Inquiry instigated by the Council [4.45-4.47]. Based on the evidence presented, I consider it unlikely that the interests of anyone have been prejudiced by the approach taken by the Council to developing and promoting the draft Orders.
- 8.3 ***BRIGHTON & HOVE (BRILLS LANE)(PROHIBITION OF DRIVING) ORDER 20\*\* (TRO21b)***
- 8.4 Brills Lane is a narrow alleyway off which the rear entrances of a number of commercial premises are accessed. The lane leads from Grand Junction Road to the section of East Street that lies between King's Road, to the north, and Grand Junction Road, to the south. I will refer to this section of East Street as 'East Street (south)'. Whilst vehicles may leave East Street (south) along King's Road they are prohibited from entering it from the north. The layout of East Street (south) comprises: a central area of carriageway; footways to the west and east; and, a pedestrianised area at the southern end of East Street adjacent to Grand Junction Road. Although the carriageway contains the CMLB parking is otherwise restricted. The developed frontage along the western side of the road is characterised by the rear elevation of a hotel and on the east side there are a number of nightclubs and Clarendon Mansions, which is situated above a vacant public house.
- 8.5 The Order would prohibit motorised vehicles, with few exceptions, such as emergency vehicles, from using Brills Lane between 1100 hrs and

- 1900 hrs and there would be an access only restriction at all other times [4.16]. As vehicles can only enter East Street (south) from Brills Lane, these restrictions would also apply to East Street (south) by default.
- 8.6 Although the pedestrianisation of East Street (south), at least for part of the day, is clearly an aspiration of Council officers, it is not a requirement of policy [4.49]. The proposed restrictions would be likely to reduce the numbers of vehicles using East Street (south) and King's Road. However, there is no dispute that the levels of vehicular traffic from Brills Lane into that area are already small [4.18, 6.17] and consequently, could not in my view, be said to dominate the area. Nor do I regard such levels as unsuitable having regard to the existing character of the road or adjoining property. This Order would not fulfil qualifying purpose (d) set out in section 1(1) of the RTRA [4.30].
- 8.7 In my judgement, the loss of low levels of traffic would be unlikely to give rise to a material reduction in the environmental impacts of traffic hereabouts. Furthermore, given the types of development that front onto the southern section of East Street, such as the rear of a hotel and night club, I consider that the potential for tables and chairs to be deployed is likely to be limited [4.18]. Any benefit to the amenity of the public of such facilities would be likely to be offset by the adverse effect that noise associated with its use would have on the living conditions of neighbouring CM residents [6.19]. I give little weight to the Council's contention that the Order may facilitate the regeneration of the section of King's Road immediately to the west of East Street, as it is currently characterised by a mixture of commercial units, a number of which appear to be relatively high quality establishments and it is not dilapidated in appearance. The restriction of through traffic which is proposed may increase the potential for more tables and chairs outside King's Road premises and this amenity improvement would fulfil qualifying purpose (f) set out in section 1(1) of the RTRA. However, I saw that a number of these premises already have outside seating areas and so I consider that this would be unlikely to represent a significant benefit. [4.49, 6.10]
- 8.8 The proposed limitations on vehicular movements would reduce the potential for conflict with pedestrians, thereby facilitating their passage along East Street (south) and King's Road, and in this regard the Order would fulfil qualifying purpose (c) set out in section 1(1) of the RTRA. However, given the low levels of vehicular traffic that are likely to use this route legitimately, any benefit to the free flow of pedestrians would be small. Whilst I understand that East Street (south) has been known to become congested with illegally parked vehicles, this is a matter to be resolved by the enforcement authorities [7.3]. Visibility is good in the vicinity of the CMLB such that on the occasions when vehicles need to turn in that area, in my view, they are unlikely to come into conflict with pedestrians [4.49]. CMRA has indicated that the carriageway of East Street (south) has operated as a shared surface since the southern end of East Street was pedestrianised and to its knowledge no accidents have occurred as a result [6.9]. The Council has not provided any evidence to the contrary.
- 8.9 I consider that while the Order would be likely to fulfil qualifying purposes

(c) and (f) set out in section 1(1) of the RTRA [4.30], the associated benefits would be small. I turn now to consider disadvantages likely to be associated with the Order.

- 8.10 As part of the works associated with an earlier phase of its Walking Network Programme, which included shutting the southern end of East Street to vehicular traffic and the loss of some parking, the Council determined that it would be necessary to provide the CMLB and 2 parking spaces on Brills Lane to meet local needs [4.48]. The Council's survey of CMLB and the evidence of other parties indicate that this loading bay is used to meet both commercial and residential needs<sup>17</sup> [6.14-15]. Whilst the survey indicates that it may not often be used to its full capacity, it strikes me that use would be likely to increase in the event that existing parking restrictions elsewhere in East Street (south) were to be routinely enforced. I understand that Brills Lane is also used on a frequent basis for loading activities associated with The Haunt and other businesses in the Savoy Centre. The Council has not surveyed that activity. [6.14, 6.64-65, 7.3]
- 8.11 Whilst the Order makes allowance for emergency services' access at all times, it would render CMLB and Brills Lane inaccessible for loading activity between 1100 hrs and 1900 hrs each day. The Council has suggested that the loading activity from those locations could be accommodated in the GCLB [4.39, 4.56, 7.3]. If this is correct, I consider it likely that the elderly resident of CM, who whilst described as infirm, routinely walks to and from the CMLB to be picked up by taxi, would also be able to walk around to the GCLB for that purpose [6.5]. This alternative loading bay is offset from the main alignment of Grand Junction Road and consequently I consider that it would be possible to safely unload children from an offside door of a vehicle parked in the loading bay. As RMP routinely transport their grand-children by bus, I consider it unlikely that they would find it unduly onerous to take them on foot between CM and the GCLB, even in poor weather conditions. Whilst the elderly and disabled visitors they have from time to time may not be able to walk between CM and GCLB, in my view, it would not be unreasonable to expect a wheelchair to be used to facilitate such trips, given that the route is flat. [6.22]
- 8.12 I consider that it is unlikely that couriers, who are paid to deliver, would routinely fail to do so on the basis that the 30 metres between the GCLB and CM would be too far to travel on foot [6.14]. I also give little weight to the experience of CM residents that some tradesmen have refused to service the premises when access is difficult, as other, willing tradesmen were subsequently found. Given that vehicles can be locked, I consider that CMi's concern that he may not be able to load and unload his musical equipment between CM and the GCLB safely and securely to be unfounded. [4.55-57, 6.15, 6.56].
- 8.13 Whilst I consider that the use of GCLB, assuming it is available, would undoubtedly amount to an inconvenience as far as CM residents are concerned, the impact would be more significant in the case of local

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<sup>17</sup> ID26.

businesses such as The Haunt, with daily movements of significant amounts of heavy equipment being much more time consuming. It seems likely that the proposed regime would harm those businesses [6.63-6.66].

- 8.14 In any event, the Council's GCLB surveys<sup>18</sup> indicate that it is already often in use, sometimes at full capacity for significant periods of the day [4.56]. Based on the evidence presented, I consider that it would be unlikely to have capacity to also routinely meet the current demands on the CMLB and Brills Lane. This being the case the impact on the amenity of local residents and the efficient operation of local business, including self-employed home workers, with reference to the types of issues referred to above would be far greater.
- 8.15 The proposed Order would also render the parking spaces in Brills Lane inaccessible for a significant part of the day and this would also be likely to inconvenience local residents. Whilst the Council has indicated that it is investigating the provision of 2 alternative spaces around 150 metres further away, those arrangements have not been finalised and so I give the possibility little weight. [4.57]
- 8.16 In the context of the impact of the Order on residents of CM, my attention has been drawn to Article 8 (1)<sup>19</sup> and Article 1<sup>20</sup> of the 1<sup>st</sup> Protocol of the *Human Rights Act 1998 (as amended)* (HRA). I agree with the Council that the reduced availability to local residents of a public loading bay and two on-street parking spaces would not amount to an interference with either [4.53]. Nonetheless, I consider overall that the Order would be likely to have an unacceptable effect on the local facilities that local residents and businesses rely on and it would conflict with the aims of LP Policy TR9.
- 8.17 I give little weight to the suggestion of the Council that it may be possible to extend the capacity of the GCLB within the bounds of the former bus stop within which it is situated, as this has not been investigated and I understand that the Council already has plans to use some of that space to site refuse collection facilities [6.6, 7.3].
- 8.18 I conclude on balance that the disadvantages associated with the proposed Order would outweigh any advantages and that it would not be expedient for the qualifying purposes set out in section 1(1) of the RTRA to make TRO21b.

***BRIGHTON & HOVE (EAST STREET)(PROHIBITION OF DRIVING)  
ORDER 20\*\* (TRO21c)***

- 8.19 This Order would prohibit motorised vehicles, with a few exceptions, such as emergency vehicles, from using a section of East Street between 1100 hrs and 1900 hrs each day. There would be an access only restriction at all other times. [4.10]

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<sup>18</sup> ID34.

<sup>19</sup> Everyone has a right to respect for his private and family life, his home and his correspondence.

<sup>20</sup> Every Natural or legal person is entitled to the peaceful enjoyment of his possessions.

- 8.20 The published draft Order indicates that the prohibition would apply on East Street from a point 13 metres south of the southern kerblines of Steine Lane to its junction with King's Road. However, at the Inquiry the Council identified that this description did not properly reflect its intentions, which were to extend the restriction in East Street beyond the junction with King's Road to the junction with Grand Junction Road. The Council has proposed a modification to the Order, TRO21c(1), to reflect its intention and considers that it would amount to a minor amendment [4.11].
- 8.21 Notwithstanding the admission by a number of residents of CM that they had assumed the scope of the Order was intended to extend to Grand Junction Road, I do not share the Council's optimism that its intentions would have been understood by all [4.11]. In my judgement, there can be no certainty that others would have interpreted it in the same way. The advertisements used to publicise the draft Order and the public Inquiry indicated that the proposed restrictions would extend southwards to King's Road. The plan that was published alongside the draft Orders identifies King's Road and it is apparent that East Street extends beyond it to meet Grand Junction Road. On the face of it, this information clearly indicates that the restrictions would stop at the junction of East Street with King's Road.<sup>21</sup>
- 8.22 Furthermore, I consider that the inclusion of the additional length of East Street as proposed by the Council would amount to a substantial modification to the Order. I cannot be sure that it would not prejudice the interests of someone if the Order were to be modified in accordance with TRO21c(1) without publication first [4.46]. I conclude that it would not be expedient to make the Order in the modified form proposed. I will proceed to consider the Order as originally drafted.
- 8.23 East Street, which is predominantly characterised by buildings of a historic appearance, with a mixture of shops, restaurants, cafes and other commercial units at ground floor level, is the most intensively used pedestrian route within the Old Town. Whilst pedestrian movements far outnumber vehicle movements, the current highway layout does not reflect this balance [4.12].
- 8.24 The Council has indicated, with reference to PSPL guidelines and a pedestrian survey undertaken on Saturday 30 June 2012, that at peak times East Street's footways are overcrowded [4.13]. However, based on the PSPL guideline of maximum pavement volume for comfortable pedestrian movement of 13 people per minute per metre width of footpath and with reference to the survey<sup>22</sup>, it appears to me that the periods over which that was the case were relatively short lived. Furthermore, PSPL indicates that pedestrian levels tend to be significantly lower during the week than at weekends<sup>23</sup>. A comparison between the pedestrian volumes recorded in the Council's surveys on Saturday 30

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<sup>21</sup> ID2, ID16 and ID35.

<sup>22</sup> BHCC.E1-Proof of Evidence Tom Campbell.

<sup>23</sup> BHCC.D4. I consider that the findings of PSPL remain relevant insofar as they relate to daytime conditions in the Old Town [6.46].

June 2012 and Wednesday 27 June 2012 add further weight to that view<sup>24</sup>. The weekday pedestrian flow being around a third of the level of that recorded at the weekend. Based on this evidence, it appears likely to me that the periods during which East Street footways are overcrowded are limited and closure of the street for a period every day to address this particular matter would not be justified.

- 8.25 BHLSG have provided evidence which indicates that pedestrians tend to use East Street as a shared surface, walking along the carriageway<sup>25</sup> and I saw this myself. I have had regard to the view of TOC that accidents involving pedestrians and vehicles are commonplace close to the junction of East Street with King's Road and I acknowledge that the scheme would reduce the risk of pedestrians coming into conflict with pedestrians [5.17]. However, the Council has confirmed that it has no evidence of accidents occurring at the location referred to by TOC [7.2]. Under these circumstances, I give TOC's unsupported assertion little weight. I give only moderate weight to the benefits of the Order in terms of improved highway safety along the section of East Street to which the restrictions would apply.
- 8.26 Nonetheless, the proposed limitations on vehicular movements would allow pedestrians to use the full width of the section of East Street the subject of the Order unimpeded by vehicular traffic between 1100 hrs and 1900 hrs and outside those hours the interference of traffic would be less than at present, due to the proposed access only restriction. In this way the scheme would ease the manner in which pedestrians move along East Street to some degree and it would be likely to improve the visibility of shopfronts and enhance the shopping environment for pedestrians. A reduction in vehicular traffic would reduce the environmental impacts of traffic to some extent and the scheme would increase the potential for other amenity improvements such as further use of outside seating for cafes. I consider that the Order would be likely to fulfil qualifying purposes (c), (d) and (f) set out in section 1(1) of the RTRA [4.30].
- 8.27 I give no weight to the Council's *Design Guidelines for Conservation Areas*, which are no longer extant [4.30]. However, the scheme would accord with the aims of LP Policy TR9 insofar as it gives encouragement to the introduction of pedestrian priority measures in the Old Town. This includes pedestrianisation, providing that freight deliveries can still be made and the scheme reflects the needs of people with disabilities who may rely on the use of the car. [4.3]
- 8.28 Whilst the proposal would limit the period when deliveries could be made along the restricted section of East Street, I understand that a number of businesses have alternative accesses and there is no evidence before me to show that this would pose insurmountable difficulties. On the contrary, the submissions of ESBP indicate that a significant number of the affected businesses support the scheme [5.4]. The closure of the road to traffic between 1100 hrs and 1900 hrs may cause some inconvenience for people with mobility issues, as they would be unable to

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<sup>24</sup> BHCC.E1-Proof of Evidence Tom Campbell.

<sup>25</sup> D11-page 1.

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reach destinations along the restricted length of road by car or taxi [4.68, 6.31]. However, it would be possible for people to be dropped off reasonably close to East Street from where destinations are only likely to be a short walk away [6.32, 6.48]. Furthermore, I consider that any disadvantages in this respect would be offset by the benefits of not being impeded by vehicles when moving through East Street [4.67].

- 8.29 I consider it likely that, in keeping with the findings of the Ecolane Ltd report entitled *'The impact of pedestrianisation on retail economic activity-a review of the evidence'*, the proposed scheme would be likely to have a positive effect on businesses along the restricted section of East Street [4.40]. No more applicable or up to date study has been drawn to my attention [6.38, 7.11].
- 8.30 However, due to the proposed restrictions on the use of East Street it would be necessary to provide an alternative exit route from the Old Town. For this purpose the prohibition against driving along Little East Street, which is currently designated as a pedestrian zone with access for loading only, would be lifted [4.14]. Consequently, all traffic that has entered the Old Town along Black Lion Street which wishes to exit between 1100 hrs and 1900 hrs would have to use Little East Street. The Council has estimated that during that period the additional traffic flow would be around 85 vehicles per hour [4.43]. Outside that period other vehicles may also choose to exit that way and this could include HGVs which have serviced businesses between the start of Black Lion Street and Bartholomews Square. The Council has indicated that whilst swept path analysis indicates that large vehicles would be able to negotiate Little East Street, they may encroach onto footway areas [4.14].
- 8.31 Little East Street is not laid out as a traditional highway with a central carriageway bounded by raised kerbs with footways beyond. Instead, the main area of carriageway is separated from the margin of the highway on its eastern side by a shallow drainage channel. Travelling in a southerly direction along the street, I saw that a pedestrian exit from a car park leads onto the western side of the highway [6.41]. To the east outside Northern Lights although the margin of the highway is relatively wide, it is used for the most part to site tables and chairs that provide an outside eating area [6.69]. Beyond Northern Lights there is a sharp right hand bend in the street followed shortly after by a sharp left hand bend around the rear corner of Dr Brightons. A rear door of these premises, which is signed as disabled access, and a side door open onto Little East Street at points where the adjacent margin of the highway is relatively narrow [6.11].
- 8.32 In my judgement, the proposed increase in traffic would increase the risk to pedestrians emerging from the neighbouring car park and may also reduce the area where tables and chairs can be sited outside Northern Lights [6.41]. However, of greater concern is the prospect that people may emerge from Dr Brightons onto the highway with little to protect them from passing traffic and little warning that traffic is approaching as intervisibility is limited by the bends in the road. The Council has not carried out a formal safety review to consider the potential for conflict between the new traffic and existing activity associated with businesses



and pedestrians that use the street. Under these circumstances, I give little weight to the view of the Council that the additional traffic resulting from the scheme could be accommodated without difficulty [4.43]. I consider that the scheme would be likely to have a material adverse effect on highway safety in Little East Street.

- 8.33 The Council has indicated that at present vehicles loading and unloading in Little East Street do so from the main area of carriageway [4.14]. The scheme does not include any provision for a loading bay offset from the main alignment of the street. Under these circumstances, there would be a significant risk that loading vehicles would interrupt the free flow of traffic out of the Old Town.
- 8.34 I give little weight to concerns raised about the access requirements of possible future construction projects within the Old Town, as there appears to be no certainty at this stage that they will proceed [6.42].
- 8.35 Nevertheless, I consider on balance that the advantages of the Order would be likely to be outweighed by the disadvantages, with particular reference to the likely adverse affects in Little East Street. The modification suggested by the Council would not address the disadvantages likely to result from the Order. I conclude that it would not be expedient for the qualifying purposes set out in section 1(1) of the RTRA to make TRO21c.

***BRIGHTON & HOVE (PRINCE ALBERT STREET)(PROHIBITION OF DRIVING) ORDER 20\*\* (TRO21d)***

- 8.36 This Order would result in the closure of a section of Prince Albert Street to motorised traffic, with a few exceptions, such as emergency vehicles [4.20]. The consequent removal of traffic from the affected area would facilitate the passage of pedestrians. Furthermore, it would be likely to improve the visibility of shopfronts and enhance the shopping environment for pedestrians. The reduction in vehicular traffic would reduce the associated environmental impacts to some extent and the scheme would increase the potential for other amenity improvements such as further use of outside seating for cafes. I consider that the Order would be likely to fulfil qualifying purposes (c), (d) and (f) set out in section 1(1) of the RTRA [4.30].
- 8.37 However, the Council has indicated that the principal reason for the closure of a section of Prince Albert Street is to reduce the amount of traffic that travels from west to east through the Old Town, not least to minimise the volume of traffic that uses Little East Street as an exit [4.14, 4.21]. The Council's traffic survey dated 26 April 2008 indicated that around 40% of the traffic entering Ship Street left the Old Town within 5 minutes [4.23]. It takes the view that much of this is likely to be through traffic. In contrast, BLT has suggested that the proportion of that traffic travelling from Ship Street to Bartholomews is more likely to be delivering people or goods to shops [6.40]. I have some sympathy for that view, not least as the Council's more recent *Traffic Modelling for Old*

*Town Scheme* report<sup>26</sup> takes the view that any through traffic 'rat running' from North Street to the A259, along the seafront, is currently likely to exit along Ship Street. This amounted to around 30% of the inflow from North Street. To my mind, this is a reasonable assumption as the alternative route along Prince Albert Street, East Street and the King's Road is much longer and does not offer any significant advantage in terms of progress along the A259. Furthermore, if BLT is correct the eastbound drivers, if diverted down Ship Street as a result of the proposed Order, may well re-enter the Old Town along Black Lion Street to reach their original drop-off/delivery destination. In short, the closure of Prince Albert Street would be unlikely to materially reduce west-east traffic.

- 8.38 BQMH's concern with respect to access to its premises for funerals could be resolved by modifying the Order in accordance with TRO21d(1). This would have the effect of relaxing the proposed prohibition on driving insofar as funeral vehicles calling at BQMH are concerned [6.51, 7.12]. I consider that this would amount to a minor change to the Order and it would be unlikely to prejudice the interests of anyone to proceed with it without further publicity. However, BQMH's concerns with regard to the loss of the Prince Albert Street loading bay, which is local to the entrance to the meeting house, are not so easily resolved. Activities within the building can involve the delivery of significant amounts of material and equipment [6.51]. The closest alternative loading area would be around 70 metres away and the intervening route involves footways that are not particularly wide. The Council has indicated that it may be able to provide a new loading bay around 50 metres to the east of the eastern end of the closed section of Prince Albert Street and that TRO21g could be amended to include this (TRO21g(1)) [7.12]. Given that the entrance to the meeting house is towards the western end of the section of Prince Albert Street that would be closed, this would be unlikely to address BQMH's concerns in any material way. The proposal would be likely to have a notable detrimental effect on the BQMH operation [6.52]. The Council acknowledges that other local businesses would also find it harder to load and unload [4.21].
- 8.39 Furthermore, the Council has confirmed TRO21d would prevent vehicles from travelling to WBD's car park [7.13]. I accept that this would be likely to amount to a serious loss of amenity, which would devalue the property and also the business, particularly as it would no longer be as accessible to clients [6.67]. These matters were not disputed by the Council at the Inquiry. The Council suggested that it may be possible to ensure access to No. 15 and properties on Meeting House Lane by modifying the Order, TRO21d(2), to exempt vehicles accessing those properties from the one-way restriction along Prince Albert Street. However, at the Inquiry the Council was unable to confirm how this suggestion, which has not been subject to public consultation, would either be signed or work in practice [7.13]. I give this suggestion little weight as there is a significant degree of uncertainty as to whether adequate access could be provided.

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<sup>26</sup> BHCC.E6-Proof of Evidence Tom Campbell.

8.40 I consider on balance that the advantages of the Order would be outweighed by the disadvantages. The modifications suggested by the Council would not satisfactorily mitigate the disadvantages likely to result from the Order. I conclude that it would not be expedient for the qualifying purposes set out in section 1(1) of the RTRA to make TRO21d.

***BRIGHTON & HOVE (SHIP STREET)(PROHIBITION OF DRIVING AND ONE-WAY TRAFFIC) ORDER 20\*\* (TRO21e)***

- 8.41 TRO21e would reverse the one-way direction of travel of motorised vehicles along Ship Street from southbound to north bound. Furthermore, it would prohibit vehicles, with certain exceptions, from travelling along Ship Street between its junctions with Duke Street and North Street between 1100 hrs and 0800 hrs the following day. In the period 0800 hrs to 1100 hrs vehicles would be allowed to travel along this section of highway for access only [4.22].
- 8.42 Whilst I understand that the North Street/Ship Street junction has previously been identified by the Council as an accident hot-spot, the evidence presented does not support its assertion that the majority of accidents have occurred as a result of turning and that the Order is justified on road safety grounds [4.30]. The Accident Analysis System record<sup>27</sup> provided in evidence by the Council indicates that of the 10 accidents that took place at the junction in the 44 month period between September 2009 and April 2013, only one, with a severity of slight, involved a turning manoeuvre [6.34]. In my judgement, the Order would be unlikely to fulfil qualifying purpose (a) of section 1(1) of the RTRA.
- 8.43 The Council's *Traffic Modelling for Old Town Scheme* report<sup>28</sup> indicates that a significant proportion, around 30%, of the traffic that enters Ship Street at its junction with North Street continues along Ship Street to leave the Old Town and can be regarded as through traffic. I have not been provided with any compelling evidence to the contrary. The closure of this junction as proposed would prevent this 'rat running' activity. Consultation Options A and B, which between them were supported by 66% of respondents, both included the closure of this junction [4.7]. I am not convinced that the imposition of a limited access regime at this junction for groups such as taxis, rather than closing it, would be as effective [6.33, 6.47]. Groups of vehicles such as this may equally contribute to through traffic. My view in this regard is reinforced by the GMB's acknowledgement that some taxi drivers cut through the area from the north to reach seafront hotels [6.59].
- 8.44 Drivers travelling to the Old Town who would normally use the North Street/Ship Street junction would have a longer journey. While this would be likely to increase traffic to some extent on North Street, West Street and King's Road, those 3 roads are much more appropriate for heavy traffic than the narrow streets of the Old Town [4.41]. Furthermore, given that these are relatively major routes, I consider it unlikely that the number of diverted vehicles would materially increase

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<sup>27</sup> BHCC.E1-Proof of Evidence Tom Campbell.

<sup>28</sup> BHCC.E6-Proof of Evidence Tom Campbell.

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traffic flows, or, as a consequence, congestion and pollution, on these highways [6.32].

- 8.45 The reduction in Old Town traffic that would result from the Order would facilitate the passage of pedestrians. Furthermore, it would be likely to improve the visibility of shopfronts and enhance the shopping environment for pedestrians. The reduction in vehicular traffic would reduce the associated environmental impacts in the Old Town to some extent and the scheme would increase the potential for other amenity improvements such as further use of outside seating for cafes. I consider that the Order would be likely to fulfil qualifying purposes (c), (d) and (f) set out in section 1(1) of the RTRA [4.30].
- 8.46 I understand that King's Road in particular is frequently busy on summer weekends and this would greatly increase journey times. Where taxis are concerned this would, in turn, significantly increase fares [6.31]. Whilst BHSL has suggested that this impact would fall most heavily on the elderly, infirm and disabled who use such services, it appears that this is not a matter which was raised as a concern by the local disability groups consulted by the Council [4.65]. Furthermore, I am conscious that at other times, when the main roads are free flowing, fare increases would be relatively modest and in any event, under the existing arrangements the Old Town itself is not immune from congestion [4.61, 4.68, 6.30]. In addition, elderly, infirm and disabled visitors would be among those to benefit most from reduced traffic on the streets in the Old Town. This would, amongst other things, make crossing streets easier and provide additional space on the streets, easing crowding on footways, which can be a particular problem for wheelchair users [4.67]. Having had regard to the specific issues raised in relation to those with protected characteristics, I consider that this Order would comply with the aims of the Equalities Act 2010 [4.63-70].
- 8.47 Access would be allowed to Ship Street between 0800 hrs to 1100 hrs in order that businesses can be serviced. The limited timeframe for such activities may necessitate a change of practice among some businesses, such as those that don't currently open until 1000hrs, in order that their servicing needs can be met [6.39, 6.69]. Nonetheless, in my judgement the inconvenience to businesses would be likely to be outweighed by the benefit to the area of reduced traffic.
- 8.48 I consider on balance that the advantages of the Order would outweigh the disadvantages likely to be associated with it. I conclude that it would be expedient for a number of the qualifying purposes set out in section 1(1) of the RTRA to make TRO21e.

***BRIGHTON & HOVE (OLD TOWN)(WEIGHT RESTRICTION) ORDER  
20\*\* (TRO21f)***

- 8.49 This Order would prohibit heavy goods vehicles (HGVs), with few exceptions, such as emergency vehicles, from entering the Old Town between 1100 hrs and midnight [4.26].
- 8.50 Whilst not used by all, HGVs are used to service some businesses [4.27]. They are not well suited to the Old Town, due to the narrow streets and

historical character of the area. They are unduly dominant, giving rise to a number of problems, including: blocked commercial frontages, which causes lost trade; and, passing traffic being forced to encroach onto footways in order to pass, to the detriment of pedestrian safety [5.14-15]. I consider that the restriction proposed strikes an appropriate balance between the competing needs, such that the inconvenience to businesses and suppliers of rescheduling some deliveries would be outweighed by the benefit to the area as a whole of being free of HGVs after 1100 hrs.

- 8.51 Whilst the early morning would be busier, the reduction in Old Town traffic over the remainder of the day that would result from the Order would facilitate the passage of pedestrians. Furthermore, it would be likely to improve the visibility of shopfronts and enhance the shopping environment for pedestrians. The absence of these dominant visual forms for much of the day would improve the amenity of the area. In my judgement, the Order would be likely to fulfil qualifying purposes (c), (d) and (f) set out in section 1(1) of the RTRA [4.30].
- 8.52 I consider on balance that the advantages of the Order would outweigh the disadvantages likely to be associated with it. I conclude that it would be expedient for a number of the qualifying purposes set out in section 1(1) of the RTRA to make TRO21f.

***BRIGHTON & HOVE VARIOUS CONTROLLED PARKING ZONES  
CONSOLIDATION ORDER 2008 AMENDMENT ORDER NO.\*\* 20\*\*  
(TRO21g)***

- 8.53 The Order would formalise the removal of parking bays at locations where they are not viable due to the effect of the other Orders. For example, there cannot be a pay & display space on a road that has been closed. TRO21g seeks to ensure that where disabled parking spaces would be removed, or have been lost, replacements are provided elsewhere. On Ship Street and East Street redundant parking bays would be converted to loading bays to ensure that loading activity works smoothly outside the hours of closure. [4.28]
- 8.54 Whilst I do not support TRO21b or TRO21c, the provisions of this Order involving reductions in pay & display spaces to make way for additional loading bays in East Street and King's Road would be necessary to facilitate loading to and from premises before 1100 hrs, whilst also maintaining a free flow of traffic. Changes of the same type would be necessary on Ship Street, for the same reasons, and are provided for by the Order. TRO21g would also make provision for 2 new parking spaces for disabled badge holders in King's Road to replace spaces lost under a previous phase of the Walking Network Programme [4.32].
- 8.55 The provisions of this Order related to modifications to the parking and loading facilities within Prince Albert Street would not be necessary, as I do not support the closure proposed under TRO21d. In my judgement, they should be struck from the Order and will refer to this modification as TRO21g(2).
- 8.56 For the reasons set out above I consider that the Order as drafted should

not be made. However, the Order modified in accordance with TRO21g(2) would fulfil qualifying purpose (c) of section 1(1) of the RTRA and having had regard to the provisions of section 45(3) of the RTRA, I consider that any disadvantages associated with it would be outweighed by the benefits. I conclude that it would be expedient for one of the qualifying purposes set out in section 1(1) of the RTRA to, subject to modification TRO21g(2), make the Order.

***BRIGHTON & HOVE (WAITING & LOADING/UNLOADING RESTRCITIONS AND PARKING PLACES) CONSOLIDATION ORDER 2008 AMENDMENT ORDER NO. \*\* 20\*\* (TRO21h)***

- 8.57 I have already indicated at paragraph 3.8 that the Order needs to be modified in accordance with modification TR021h(1).
- 8.58 TRO21e would reverse the one-way direction of travel of motorised vehicles along Ship Street from southbound to north bound [4.22]. TRO21h modified in accordance with TRO21h(1) would compliment that Order by altering the cycle lane provision there to maintain the contra-flow [4.25]. In this way it would fulfil qualifying purpose (c) of section 1(1) of the RTRA and the benefits of the Order in respect would outweigh any disadvantages. I conclude that it would be expedient for one of the qualifying purposes set out in section 1(1) of the RTRA to, subject to modification TRO21h(1), make the Order.

**9 RECOMMENDATIONS**

- 9.1 I recommend that Brighton & Hove (Brills Lane)(Prohibition of Driving) Order 20\*\* should not be made.
- 9.2 I recommend that Brighton & Hove (East Street)(Prohibition of Driving) Order 20\*\* should not be made.
- 9.3 I recommend that Brighton & Hove (Prince Albert Street)(Prohibition of Driving) Order 20\*\* should not be made.
- 9.4 I recommend that Brighton & Hove (Ship Street)(Prohibition of Driving and One-way Traffic) Order 20\*\* should be made.
- 9.5 I recommend that Brighton & Hove (Old Town)(Weight Restriction) Order 20\*\* should be made.
- 9.6 I recommend that Brighton & Hove Various Controlled Parking Zones Consolidation Order No. 20\*\* modified in accordance with TRO21g(2) should be made.
- 9.7 I recommend that Brighton & Hove (Waiting & Loading/unloading Restrictions and Parking Places) Consolidation Order 2008 amendment Order No. 20\*\*, modified in accordance with TRO21h(1) and re-titled Brighton & Hove Outer Areas (Waiting, Loading and Parking) and Cycle Lanes Consolidation Order 2013 Amendment Order No. \*20\*\* should be made.

*I Jenkins*  
INSPECTOR

**APPENDIX 1 - APPEARANCES**

## FOR THE COUNCIL:

Miss K Selway

Of Counsel

Instructed by Mr C Hearsum BHCC.

She called

Mr T Campbell

BHCC.

## SUPPORTERS OF THE ORDERS:

Ms O Reid

East Street Business-Petitioners.

Mrs S Plail

Child Friendly Brighton.

Mr S Young

Brighton &amp; Hove Living Streets Group.

## OBJECTORS TO THE ORDERS:

Mr S Lauchlan

Clarendon Mansions Residents' Association.

Mr C Middleton

Local resident and sole-trader.

Dr R Paun

Local resident.

Dr M Paun

Local resident.

Mrs C Brennan

Brighton Old Town Local Action Team.

Mr L Paine

Brighton &amp; Hove Streamline Ltd.

Mr S Wilkie

Brighton Lanes Traders.

Mr P-E Hawthorne

Interested person.

S Boyer

Brighton Quaker Meeting House.

G Rosenberg

Brighton Quaker Meeting House.



**APPENDIX 2-Statements of case, proofs of evidence and statements.**

- D1 Statement of case and opening statement-BHCC.
- D2 Proof of evidence-Mr T Campbell.
- D3 Proof of evidence and closing statement-Mr S Lauchlan.
- D4 Statement-Mr C Middleton.
- D5 Statement -Mrs C Brennan.
- D6 Statement-Mr S Wilkie
- D7 Statement-Mr L Paine.
- D8 Statement-Mr P-E Hawthorne.
- D9 Statement-Ms O Reid.
- D10 Statement-Mrs S Plail.
- D11 Statement-Mr S Young.

**APPENDIX 3 - INQUIRY DOCUMENTS LIST**

- ID1 Letters of objection to the Orders.
- ID2 Notice of Public Inquiry.
- ID3 Old Town Public Inquiry Representations.
- ID4 BHCC opening statement.
- ID5 Public Inquiry display boards.
- ID6 BHCC.E6-Traffic Modelling for Old Town Scheme.
- ID7 Petition in support of the Orders.
- ID8 CMRA email trail, last dated 9 March 2013.
- ID9 TRO Objections.
- ID10 Consultation letter to the Chief Officer of Police.
- ID11 Equalities issues.
- ID12 Brighton & Hove Outer Areas (Waiting, Loading and Parking) and Cycle Lanes Consolidation Order 2013.
- ID13 Brighton & Hove Various Controlled Parking Zones Consolidation Order 2008.
- ID14 Plan identifying 'The Lanes'.
- ID15 Equalities and Human Rights Commission website extract.
- ID16 Plan published with the TROs.
- ID17 Explanation of the difference between access and loading.
- ID18 Photo of Pedestrian Zone road sign at the northern section of East Street.

- ID19 TRO21d(1).
- ID20 TRO21c(1).
- ID21 TRO21g(1).
- ID22 PSPL page 101.
- ID23 Plan showing proposed location of alternative parking bays.
- ID24 Corrected version of page 13 of ID4.
- ID25 Amended version of page 3 of ID4
- ID26 CMLB survey.
- ID27 Little East Street swept path.
- ID28 Photos of East Street (south), Little East Street and GCLB.
- ID29 Plan of new disabled bay in Prince Albert Street.
- ID30 Minute of Environment Cabinet Member Meeting, 19 February 2009.
- ID31 Hounslow LBC v Powell (SoS CLG), Leeds CC v Hall, Birmingham CC v Frisby. [2011] UKSC 9.
- ID32 James and others v the United Kingdom (application no. 8793/79) Strasbourg 21 February 1986.
- ID33 J.A. Pye (Oxford) Ltd and J.A. Pye (Oxford) Land Ltd v the United Kingdom (application no. 44302/02) Strasbourg.
- ID34 GCLB survey.
- ID35 Advertisement of the TROs.
- ID36 TRO21d(2).
- ID37 TRO21h(1).
- ID38 Bundle of Traffic Regulation Orders.

### APPENDIX 3 - ABBREVIATIONS

Abbreviation	Meaning
BHCC	Brighton & Hove City Council.
BHLSG	Brighton & Hove Living Streets Group.
BHSL	Brighton & Hove Streamline Ltd.
BLT	Brighton Lanes Traders.
BOTLAT	Brighton Old Town Local Action Team.
BQMH	Brighton Quaker Meeting House.
CFB	Child Friendly Brighton.
CM	Clarendon Mansions.
CMi	Mr C Middleton.
CMLB	Loading bay on East Street outside Clarendon Mansions.
CMRA	Clarendon Mansions Residents' Association.
East Street (south)	The section of East Street between its junctions with King's Road and Grand Junction Road.
ESBP	East Street Business-Petitioners.
GCLB	Grosvenor Casino loading bay.
GMB	GMB Brighton & Hove Taxi Section.

HRA	Human Rights Act 1998 (as amended).
NL	Northern Lights.
PEH	Mr P-E Hawthorne.
PSPL	<i>Public Space Public Life: Study for Brighton and Hove City Council, 2007</i> by Gehl Architects and Landscape Projects.
RMP	Dr R Paun and Dr M Paun.
RTRA	Road Traffic Regulation Act 1984 (as amended).
TH	The Haunt.
TOC	Time Out Café.
TOW	Twenty One Wines.
The TROs	The 7 Traffic Regulation Orders the subject of the Inquiry.
TRO21b	Brighton & Hove (Brills Lane)(Prohibition of Driving) Order 20**.
TRO21c	Brighton & Hove (East Street)(Prohibition of Driving) Order 20**.
TRO21c(1)	Modification described in paragraph 3.4 (see ID20).
TRO21d	Brighton & Hove (Prince Albert Street)(Prohibition of Driving) Order 20**.
TRO21d(1)	Modification described in paragraph 3.5 (see ID19).
TRO21d(2)	Modification described in paragraph 3.6 (see ID36).
TRO21e	Brighton & Hove (Ship Street)(Prohibition of Driving and One-way Traffic) Order 20**.
TRO21f	Brighton & Hove (Old Town)(Weight Restriction) Order 20**.
TRO21g	Brighton & Hove Various Controlled Parking Zones Consolidation Order 2008 Amendment Order No. ** 20**.
TRO21g(1)	Modification described in paragraph 3.7 (see ID21).
TRO21g(2)	Modification described in para 8.55.
TRO21h	Brighton & Hove (Waiting & Loading/unloading Restrictions and Parking Places) Consolidation Order 2008 Amendment Order No.** 20**.
TRO21h(1)	Modification as described in paragraph 3.8 (see ID37).
WBD	Woolley Bevis Diplock.