

Dear Mr Sharrock

I am writing to you on behalf of Brighton Lanes Traders Group in the heart of the Brighton city centre about our serious concerns with the Council's current plans for the final phase of their Valley Gardens scheme.

Whilst everyone welcomes improvements to the city centre it is imperative that the bigger picture is looked at. Businesses in Old Town generate millions of pounds for the city economy and employ many hundreds of staff. However, consideration for local trade in the context of the Valley Gardens scheme has been scant to none.

The regeneration of Valley Gardens should have been an opportunity to support the important business and tourist sector. The chosen selective consultation that took place at the formative stages of the project precluded local small businesses, in our view, flouting the councils' statutory duties. Pedestrianisation in front of the Royal Pavilion will see buses turning right at the foot of St. James's Street towards North Street plus from another direction they will also be turning at the same junction to go north from Old Steine leading to even more congestion than there is now. The North Street scheme that was foisted on us, again with little consultation has led to worsened congestion and pollution has worsened. If lessons are to be learnt it is important that the council conduct a full and open Environmental Impact Assessment for this scheme.

Displacement of economic activity to other areas is likely, therefore the council should be committed to managing their networks with the aim of 'securing the expeditious movement of traffic' not only to implement well planned transport solutions so that people will organically choose not to use cars but will actively be encouraged to visit the area. The punitive Valley Gardens Scheme Phase 3 of a signal controlled T-junction scheme in place of the Aquarium roundabout will increase journey times on the A259 seafront road and will hinder the free-flow of traffic. Again air quality is likely to further decrease, as has been the case in North Street. Collaborative decision-making at the early stages should have come up with a plan to direct pedestrians and visitors through the city's trading and shopping areas:

It is not too late to re-think this final phase - to manage this scheme sustainably with a considered approach to tackling congestion juxtaposing constraints to the predicted levels of traffic growth. A scheme that encourages car drivers to organically choose not to drive in our city by instigating effective environmental interconnection would be preferable rather than risk an increase of traffic in surrounding areas due to displacement. This choice of 'traffic management' is a quick-fix scheme looking piecemeal at the immediate substitution of car traffic. Businesses that contribute to the economy of the city can be part of the process that ultimately delivers a successful regeneration of the area.

There is so much discussion that should have taken place but that has not.

City Centre businesses would welcome input on Phase 3 and to that end the council is urged to consider the alternative plan that has been submitted by the Valley Gardens Forum in consultation with the community and key stakeholders such as ourselves. This option retains separate two way bus lanes and a roundabout on the A259. In open consultation, it offers a compelling answer to the problems put forward by other leading businesses who will also be adversely affected by the current scheme.

We ask your Board to make any funding award to Brighton & Hove City Council contingent on fully addressing the concerns we have raised, namely to put out both their original and the alternative schemes to proper consultation together with a full environmental impact assessment.

I look forward to hearing from you.

Kind regards

Denise Taylor

Secretary

For and on behalf of

Brighton Lanes Traders Group

Key

- Footway - resin bound gravel
- Footway - modular paving
- Bi-directional, segregated cycle track
- Proposed parking bays - block paving
- Side road entry treatment / central median - block paving
- Tarmac carriageway
- Tarmac with buff finish
- Crossing
- Soft landscaping
- Proposed tree
- Existing tree
- New Kiosk

N.T.S

Scale bar

10m 20m 30m

Valley Gardens Forum New Phase 3 Proposal 10 October 2019



Dear Mr Sharrock

I am writing to you as a member of the Valley Gardens Forum - as a trained Economist and retired Council Officer with a critical appraisal of Transport Investment Services Limited's assessment of Brighton Council's Business Case in support of the Valley Gardens Phase 3 grant application.

The TISL Assessment Report is an abstract desktop analysis. It states that, ***"specific questions and comments"*** were discussed in telephone conversations with BHCC officers (Scheme Description, p.3). Nothing of substance arising from these calls appears in or is referred to anywhere in the TISL Assessment Report. It is an evaluation of the text of the Business Case only. It can provide no critical evaluation of the Business Case because it accepts all the Council's figures at face value, without question or comment. As such it fails to offer any stress testing of the supporting evidence included in the Business Case.

For example, a figure is quoted in the Business Case: ***"C2C's 2014 SEP set out the view that the Valley Gardens project (all three phases) would unlock housing development for 100 homes, deliver 9,000m2 of employment floorspace and create 1,179 new jobs."*** (BC 1.3, p.7)

This figure is repeated by TISL (Executive Summary, p.2, Job Creation, p.4) without comment or criticism. But it is a five-year-old estimate unsupported by evidence or argument. No attempt has been made by either the Council or TISL to evaluate any progress towards those targets in the intervening five years, nor any reason to support any causal relationship between the traffic scheme and housing or commercial development or job creation. Something must have changed over five years, but nothing has been measured. Yet the figure sits at the heart of the Valley Gardens Business Case as a 'fact'. It is no such thing. It is not evidence. TISL ought to have asked about this key element in the scheme's economic justification. This omission is typical of an uncritical approach throughout: figures for the economic benefits of the scheme are accepted at face value throughout.

In the Executive Summary, the report states: ***"Its is however likely that the scheme will deliver other benefits that have not been monetised for this business case. These include vehicle operating cost savings, air quality improvements and noise reduction benefits."***

There is no evidence at all for this statement and plenty against it. Precisely these factors are cited by the scheme's critics from the wider Brighton community as obvious and glaring DISbenefits of the scheme's current design: the removal of the Pier roundabout and the constriction of traffic to its north will produce the exact opposite of the 'benefits' TISL has not attempted to 'monetise', particularly in relation to air quality and operating cost 'savings'. Numerous stakeholders have attempted to bring these matters to the Council's and also C2C's attention. They have been ignored.

Neither TISL nor the Council have at any stage engaged with Brighton's business community. How a Business Case can be produced without reference to businesses is a mystery to all the Council's critics. The report does not address this.

TISL's research took no account of any of the numerous documents from stakeholders, including the city's residents, business leaders and community groups from Brighton challenging the Council's arguments and figures which have been placed in the public realm - many within the Council's own records of its own meetings - in the course of the evolution of

the Valley Gardens project over the past five years. By failing to address any external contributions whatsoever, positive or negative, the TISL report cannot be accepted as a robust evaluation of the Council's Business Case, despite its claim to do so in its conclusion.

The scheme struggles even to reach 'Low' value for money and only achieves this by including spurious indirect and questionable 'benefits'. These include likely changes in the City's economy that would occur over time anyway and upon which this traffic scheme would have negligible impact, such as land value uplift and Knowledge Industry growth. The catalogue of DISbenefits which Brighton's business stakeholder and resident communities have identified - once considered would destroy the scheme's economic credibility completely.

The Phase 3 of the Valley Gardens scheme is only viable at all in its present form if all contrary evidence is excluded and ignored. This is precisely what the Council has done and the TISL Report endorses. Even so it breaches the National Assurance Framework in respect of Value For Money of capital schemes, as clearly set out in a letter to that effect of 20th September 2019 from Peter Duggan, Area Lead for South East of the Department for Transport to C2C Chief Operating Officer Tony Middleton. In his letter Mr Duggan warned that schemes falling below the required 'high' Value For Money criteria should be approved only in 'exceptional circumstances'. He added, pointedly, that in such exceptional cases: ***"It is expected that additional scrutiny or conditions will be applied."***

Responsibility for this falls squarely upon the LEP, he concludes: ***"It is for the LEP to decide how this criteria (sic) is applied."***

Once again the LEP has turned to TISL to seek to justify the ***'exceptional circumstances'*** required to fund the scheme. In a letter of 7th October to Jonathan Sharrock, C2C Chief Executive, TISL's Vidhi Mohan set out five reasons justifying the funding.

First it is attempted to boost Phase 3 by subsuming it within the whole Valley Gardens project and conjuring an overall BCR of 2.5, although: ***"...this has not been formally calculated"***

In other words, it's a guess. TISL claims that, without the completion of Phase 3 the full 'benefits' of Phases 1 & 2 will not be realised. But as it is Phase 3 alone and not 'the whole Valley Gardens scheme (Phases 1, 2 and 3)' for which funding is currently being sought, what is relevant is not whether there should be *any* Phase 3, but whether *this* version of Phase 3 represents good value. As explained above, it manifestly does not.

Second, TISL rehearses the claimed benefits to cycling and walking which the scheme will yield. But considered on purely transport criteria, cycling and walking benefits of the scheme (£1.295mn) are vastly outweighed by the transport disbenefits to other modes (negative £17.042), as I detailed in my previous critique of the Council's Business case, giving a negative BCR of 1:11. It is astonishing that public funds could be sought on such terms, let alone granted.

Third, TISL offers the removal of railings and the addition of some 'accessible' cycle tracks as evidence of the 'exceptional circumstances' warranting this funding. The LEP may consider that there is nothing very exceptional about removing some railings, especially at the cost of 7.84 million pounds.

A more substantial issue is the case made for the savings associated with greater safety claimed by the scheme of £11mn. Once again, the case for savings associated with safety is not that nothing should be done, but that this particular scheme does not offer best value according to its own safety analysis. Consultants Mott MacDonald's safety modelling using industry standard COBALT analysis predicted a saving in accident numbers from the Council's Phase 3 design of 574. But the same table shows that a scheme retaining the Pier roundabout would save 902 accidents. No justification is offered for selecting the more dangerous signal-controlled crossing in preference to the safer roundabout, either by the Council or TISL.

An ulterior motive of deliberately producing congestion to deter driving as part of a wider green agenda is not declared at any point in the Council's Business Case. Over two meetings with Senior Council Officers on the 4th and 12th of December 2018, founder members of the Valley Gardens Forum were told clearly that a key strategy for this scheme was to 'encourage' local drivers on short journeys not to drive - at least not in single occupant private vehicles. It ***"will become congested and will put people off using their vehicles"*** in order to encourage alternatives. In other words, to make driving in the city so miserable that hopefully less people do it. Aside from the democratic deficit - whether there a mandate for this course of action, there's the untested risk that as well as less 'bad' hyper local drivers, there'll be less 'good' visiting drivers from outlying suburbs and beyond too. This of course would be politically legitimate, but only if admitted openly and with full public scrutiny - certainly not if done in secret with public money obtained under false pretences.

Land Value uplift is cited by TISL as a significant financial benefit - again unsubstantiated but also rejected by Senior Partners at Graves Son & Pilcher, the City's leading Surveyor, Valuer, Commercial and Residential Agency on the Old Steine in Brighton since 1897. TISL's final claim is the KIBS sector growth case referred to above. The Valley Gardens Forum contains, three firms of solicitors, digital startups, a leading animation company, the Brighton Office of one of Europe's largest digital music distribution companies, recruitment consultants, architects, IT Services, accountants and marketeers - who oppose the current Council plan. However ultimately KIBS sector growth trends are in fact irrelevant and in no way impacted by this traffic scheme. This is just one more demonstration of just how threadbare the Council's case for Phase 3 in its current form really is.

I urge the LEP to reject funding for Valley Gardens Phase 3 funding pending the resubmission of a credible business case. This should follow a process of proper public consultation to include more than a single 'preferred option'. The Valley Gardens Forum membership is in the process of developing the attached annotated alternative plan, that on the face of it would achieve a more positive outcome for the scheme on almost every measure. It removes most of the transport disbenefits from the current council scheme, a much better cost benefit ratio and closer alignment with Transport for the South East's stated strategy. This is attached together with the Council's original scheme for reference. A full economic and stringent environmental impact assessments should also be carried out at the conclusion of this process.

I look forward to hearing from you in due course.

Yours sincerely
Paul Crawford

Key

Footway - resin bound gravel

Footway - modular paving

Bi-directional, segregated cycle track

Proposed parking bays - block paving

Side road entry treatment / central median - block paving

Tarmac carriageway

Tarmac with buff finish

Crossing

Soft landscaping

Proposed tree

Existing tree

New Kiosk

N.T.S

Scale bar

10m 20m 30m

Valley Gardens Forum New Phase 3 Proposal 10 October 2019



Key

- Footway - resin bound gravel
- Footway- modular paving
- Segregated cycle track
- Proposed parking / loading bays - block paving
- Side road entry treatment / central median - block paving
- Tarmac carriageway
- Tarmac with buff finish
- Crossing
- Soft landscaping
- Proposed tree
- Existing tree
- Tactile paving
- Bus / taxi shelter
- Shared pedestrian and cycles area
- Disabled parking bays
- Doctors' parking bays

N.T.S

Rev	Date	Drawn	Checked	Approved
10	23/01/2018	JMC	CH	RR
Drawing number 341760-MMD-RR-XX-DR-C-0001_P10				

M
MOTT
MACDONALD

Valley Gardens

Phase ③

Post consultation
design changes



Wednesday 16/10/19

Dear Johnathan

I am writing as spokesperson for the Brighton Events Group and a leading Brighton event organiser to ask you not to approve funding for the BHCC Valley Gardens Phase 3 scheme. We have fantastic tourism, leisure and events operators in our city brimming with great ideas and we have been totally ignored throughout every aspect of the scheme to date. We are now deeply alarmed at the damage this scheme, as submitted, will cause to our vitally important creative businesses and activities and to the city's cultural and tourism offer.

The success of Brighton Fringe over recent years, England's largest arts festival, has been driven by the three previous event sites in the overall Valley Gardens area. Under Phases 1 & 2 one of these sites has been lost entirely and a second reduced in size. Under the proposed plan for Phase 3, Old Steine Gardens will be ringed on 2 sides by the city's main cycle lane making truck deliveries unfeasible and preventing the necessary daily deliveries to maintain a viable event site. It's hard to see how the site could be workable for the scale of worthwhile events. These proven, well-established event spaces are cultural landmarks bringing millions of pounds into the city annually – and are replaced by three smaller event areas which are the wrong size, in the wrong locations and with drastically limited access. We see little prospect of the supposed economic benefits the Business Case expects them to generate let alone to counter the economic and cultural losses of established sites. The reality is that the quality and capacity of event spaces is reduced by about a third so that this scheme renders the recent BHCC Events Strategy to 2024 as essentially undeliverable and the promising Destination Management Plan in tatters.

Event organisers have not been consulted in the planning of potential event spaces at any stage of the scheme, confounding the commitments made in the Business Case. After extensive lobbying, written questions and deputations there has now been brief 'events' meetings. At every contact BHCC have stated the plans will not change – and thus the pledged amendments in the detailed design stage will only relate to provision of utilities and ancillaries such as street furniture and tree planting. This is not consultation by any reasonable meaning of the term and by any legal definition. This is merely complaints handling for a very flawed plan.

The new BHCC administration now state that their objectives of the scheme are 1, to improve public realm and 2, to reduce vehicle traffic in the city to move towards becoming carbon neutral in 2030. These are not the functions of this funding and approving the scheme on this basis would be a misuse of this public money. This is neither 'Enterprise' nor 'Partnership'. This objective needs to be tackled from the outside-in starting with park and ride schemes and robust public transport links making more attractive options for prospective visitors. Our sector would of course support such strategies unreservedly.

Development of this area would greatly benefit the city but this plan most clearly does not – quite the opposite. Along with the potential economic and cultural harm there are deep concerns for environmental damage to air quality. There is minimal compliance with the submitted Business Case and the design objectives – especially regarding the design objectives for the events sector - and only a derisory token gesture to the consultation conditions previously, and rightly, imposed by the LEP.

We therefore, regrettably, urge you not to approve this funding so that the scheme can be rethought and reset; without the political soundbites; and draw our whole Brighton community together to deliver a plan and a vision worthy of our fantastic city.

Yours sincerely
Adrian Bristow
Brighton Events Group

Mr J Sharrock
Coast2Capital
By email only

Date: 16th October 2019
Phone:
e-mail:

Dear Mr Sharrock,

VALLEY GARDENS PHASE 3

As a member of the council's Environment, Transport and Sustainability Committee I have been party to the development of this phase of the Valley Gardens project. I am supportive of the principle objectives of the scheme. However, I have consistently opposed the current so called "preferred option 1" design around which the business case you have has been tailored.

I have read the representations you have received that make argument for both sides and I recognise it is not the Local Enterprise Partnership's role to "do the council's job" in designing and consulting on projects. However, by unconditionally granting funds tomorrow (aside the usual grant funding agreements), the council will take that move as the LEP endorsing the council's only option. Irrespective of the LEP's role, unconditional funding will be rubber stamping the council's plans.

With respect to the independent assessor, I see no exceptional circumstances that would justify awarding monies on a scheme rated "low value". The business case as produced by the council was perilously close to being financial unviable. Its low value for money has only been achieved by putting in a series of unsubstantiated values such as property/land value increases and KIBS benefits; both of which have been disputed by the city's estate agents and KIBS sector businesses. Certainly, nobody it appears from the council has attempted to respond to the challenge. That is because these numbers have no substantive evidential support.

Likewise, since the business case was submitted, the council have amended the plans. To that point, the business case you now have does not reflect the scheme that the council intends to deliver. The amended scheme has completely changed the characteristics by adding a 5th bus lane and council officers confirming that the alterations to Duke's Mound further up the coast are essential for the Valley Gardens scheme to work. Specifically, if Duke's Mound is not done, then Valley Gardens will not work.

Further, in altering the scope of the scheme as represented in the business case, there has been no further traffic modelling including displacement that would increase the transport DISbenefit. Additionally, with Duke's Mound now inextricably linked, the cost of the scheme has risen considerably further reducing the cost/benefit ratio. As it happens, the council intends to alter Duke's Mound from funds allocated by the LEP to the Waterfront project. There might be some sense if the schemes were "joined up" but that is not the case.

There has been no Environmental Impact Assessment. It seems the argument is that with Phase 3 alone it is not necessary. However, in justifying the business case it is said that Phase 3 must be considered in light of Phases 1&2. If that is acceptable then surely the necessity for an Environmental Impact Assessment of Phase 1,2 &3 is now necessary. It seems the council wish to position the argument by supplementing Phase 3's low value with 1&2 but not accepting responsibility for the Environmental Impact on the whole development.

I know from your papers you are aware an audit into Phase 3 has been authorised. It is of concern that the council has chosen to defer the submission and disclosure of the audit until early 2020. It is of concern that the LEP are placed in a position that an audit into the legitimacy of the business case you are actively considering to award public money to has had its publication delayed beyond your decision date thus not affording any insight to the audit findings and potential subsequent challenges. I note that the LEP has advised the future audit outcomes might alter the LEPs funding decision. However, by the time the findings are known it will be too late as significant monies will have been spent.

I continue to be perplexed as to the council's concept of consultation and its pledges to keep doing so. Aside the initial concept was so fundamentally flawed to the extent that it has in subsequent unrelated meetings been said that lessons need to be learnt, I believe that the public and others are being misled in to thinking there will be further consultation. There will on the minutia of details but not the overall design.

I would also draw your attention to the plethora of entities that are now raising their concerns with you. Our city is unique for a number of reasons but I suspect it is highly unusual that such an array of stakeholders who you would normally expect to be welcoming investment from the LEP and others, are actively campaigning to persuade you not to.

Please forgive the list but it is vitally important that it is clear the representations come from entities that probably equate to 0.5-1 billion pounds of economic value and 10-15,000 local jobs. These are trading and trader associations across the city, major attractions such as The Pier, The Tourism Alliance that represents our tourist trade, our bus user group, our taxi and some public transport operators, KIBS sector businesses, education and health (GP/NHS) establishments, sole traders, the events industry and residents.

My experience is that all want the investment and believe that it would be positive for our city if spent on the right scheme/ design. Their fears and objection are based on the current design that will yield a worse cost/ benefit ratio to the business case you already have. They object to the business case because that itself is tailored around the scheme that they are concerned about.

I would therefore urge you and your colleagues to consider the award of the funds with one over-riding principle condition (that has two parts) beyond the usual funding agreements.

That condition being:

1. That the LEP's funding not be drawn down or committed for draw down until such times that: -
 - a. The outcome and any subsequence actions from the current audit have been published and acted upon; and
 - b. That the council be required to submit a further business case to demonstrate the scheme proposed will in isolation as Phase3 deliver a high rating of value for money.

This will enable the council to progress albeit at risk but with the incentive to actually deal with the issues presently outstanding.

Yours sincerely,

Cllr. Lee Wares

Cc:

Anthony Middleton

Tim Wates

Julie Kapsalis

Colin Kemp

Amanda Jones

Claire Mason

Tony Newman

Mike La Rooy

Daniel Humphries

Frances Rutter

James Arnell

Mark Brunt

Martin Harris

Nancy Platts

Adam Tickell

Richard Hopkins

Louise Goldsmith

Cali Gasson

Hannah Gosling

Carli Foster

Hazel Nicholmann

Taygan Paxton

Manju Shahul-Hameed

Sean Murphy

Matthew Kaye

→ TO: The C2C Local Enterprise Partnership, Pacific House,
Hazelwick Avenue, Three Bridges, W. Sussex RH10 1EX
FAO: Mr. Tim Wates - Chairman of the C2C Board
COPIES: Ms. Jo Negrini - LB Croydon CEO (as the 'Single Acc-
ountable Body' for governance of the C2C LEP),
Bernard Weatherill House, 8 Mint Walk, Croydon CR0 1EA
The Rt Hon Sajid Javid MP, Chancellor of the Exchequer
(for Treasury 'Green Book' issues)
11 Downing Street, London SW1A 2AB
The Rt Hon Grant Shapps MP, Secretary of State for
Transport, (for BCR (Benefit/Cost Ratio, + A23 to A259
Link-to-Strategic-Network issues etc), Great Minster
House, 33 Horseferry Road, London SW1P 4DR
FROM:
DATE: 15 October 2019

Dear Chairman, and C2C LEP Board Members;

re: Agenda item 5b For 17-10-2019 - Valley Gardens, Brighton

- 1: Having been able to read the LEP Officers Report for your Board meeting scheduled for 17-10-19, as published on the LEP website (together with the Minutes of your Investment Committee's meeting of 13-9-19 (published on 30-9-19)), I am writing to respectfully request you to amend, or to reject, the Recommendations of your officers and your Investment Committee Members as follows;

- 1.1: By casting a majority vote to DEFER the proposed decision (a recommendation that the LEP's Board awards £6m of LGF Local Growth Fund money to Brighton & Hove City Council ('BHCC' herein) for its 'Valley Gardens Phase 3' Transport Scheme), for at least the reasons which follow.
- 1.2: Or, in the alternative, on 17-10-19, that your Board casts a majority vote that NO AWARD of LGF money be made to BHCC for its VG3 Transport Scheme, on at least the grounds that BHCC's Funding Application is for a scheme which does not sufficiently meet the eligibility criteria for the award of LGF funding for 'Transport Schemes' (further details are offered in paragraphs 4 to 4.2F of this present letter); and/or that other circumstances and legal considerations, including those identified in this present letter, appear to make it currently unlawful for the C2C LEP to make any such award of taxpayers money to BHCC.

Grounds in support of the above Proposals

- 2: Legal considerations 1 - Statutory EIA Non-compliance:
Lack of EIA (Environmental Impact Assessment) compliance by BHCC. I contend it to be well-established that all parts of what is intrinsically the same project (here Valley Gardens Phases 1, 2, and 3) must be assessed as a single whole. Thus the combined area of highway surfaces and landscaped and pedestrian surfaces clearly exceeds the EIA threshold of a minimum of 5 hectares of urban development. It additionally appears that correspondence in your papers from BHCC Legal Services (also 'Orbis Public Law') is materially misleading, in considering only the applicability of EIA to those parts of the Valley

TO: The C2C Local Enterprise Partnership, Pacific House,
Hazelwick Avenue, Three Bridges, W. Sussex RH10 1EX

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COPIES: Ms. Jo Negrini - LB Croydon CEO (as the 'Single Accountable Body' for governance of the C2C LEP),
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House, 33 Horseferry Road, London SW1P 4DR

FROM:

DATE: 15 October 2019

re: Agenda item 5b For 17-10-2019 - Valley Gardens, Brighton

Gardens projects which fall under the consent regime of the Town and Country Planning legislation. My understanding is that the body granting consent for the highway works (here BHCC's Local Highway Authority accountable to BHCC's Environment, Transport, & Sustainability Committee) must also take an overall project-wide EIA into consideration in its decision-making process (but BHCC has not done so, because there has been no formal EIA).

- 2.1: It is contended that a fundamental principle of administrative law is that one public body (such as the C2C LEP) may not award taxpayers funds to assist another public body (here BHCC) to act unlawfully. Thus the conclusion is that the C2C LEP may not make any decision, so not even a commitment, to award any LGF funding (or other public funds) to BHCC for any phase of the Valley Gardens Projects until at least after full compliance by BHCC with all applicable aspects of EIA legislation (especially to include formal public consultation) has become irrevocable in law. Pro memoriam please note that the writer strongly believes that a full and frank EIA process will demonstrate that the combined Valley Gardens projects probably and needlessly create adverse environmental impacts so serious (particularly to human health and wellbeing) that these projects should not be permitted in their current and proposed form, and certainly should not receive any taxpayers money via the LGF or from any other source.
- 3: Legal considerations 2 - C2C LEP 'Duty to Consult':
As explained in my letter of 10-9-19 to the C2C LEP Investment Committee, at paragraph 1 on page 1 thereof, and from supplementary paragraph S.1 on page 5 onwards, it is respectfully contended that, when read together and as a minimum, the official publications such as the 'National Local Growth Assurance Framework' for Local Enterprise Partnerships; the C2C's 'Assurance Framework'; the DfT material (including webTAG); and HM Treasury's 'Green Book' combine to impose a requirement on the C2C LEP to conduct a full and valid public consultation on proposals to award LGF taxpayers funds to specific projects.

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House, 33 Horseferry Road, London SW1P 4DR

FROM:

DATE: 15 October 2019

re: Agenda item 5b For 17-10-2019 - Valley Gardens, Brighton

- 3.1: Once more this writer respectfully contends that the C2C LEP must firstly adequately inform the population of Brighton and Hove, and those of Lewes District and Adur District Councils, that it has opened a public consultation (on the application by BHCC for £6m of LGF money for a/the Valley Gardens Phase 3 project) for a period of at least 3 calendar months. Naturally with provision on-line, and at Town Halls and relevant Libraries, of all applicable explanatory materials, particularly to include whatever EIA has become irrevocable in law, and to include all appendices to BHCC's 'Business Case' (which appendices the LEP does not yet appear to have placed online?).
 - 3.2: Given the lengthy period of time needed for full compliance by the C2C LEP with these provisions (especially the uncertain length of time needed for BHCC to fully-comply with all EIA provisions, plus any legal challenges thereto) it is respectfully contended that, at its meeting scheduled for 17-10-19, the C2C Board will not be in a position to lawfully make any award of public funds, nor any commitment to do so in the future, to Brighton and Hove City Council for its 'Valley Gardens Phase 3' Transport Scheme, and thus the LEP's Board Members should not do so.
 - 4: Legal Considerations 3 - Low Value Transport Scheme:
Without in any way resiling from or retracting the submissions regarding 'Lawfulness' made in paragraphs 2 to 3.2 above additionally identified here are the findings of the LEP's retained consultant that BHCC's 'Valley Gardens Phase 3' Funding Application is for a scheme which does not sufficiently meet the eligibility criteria for the award of LGF funding for 'Transport Schemes' in that it has been assessed (in 2019) as being of 'Low Value', whereas only transport schemes assessed (under defined Government criteria) as being 'High Value' are eligible to be awarded taxpayers money under the LGF arrangements; other than in 'Exceptional Circumstances'.
 - 4.1: Again it is respectfully contended, but without resiling from the issues of 'Lawfulness' in paragraphs 2 to
- ... p. 4

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3.2 above, that the 'Exceptional Circumstances' offered to the C2C LEP in the letter of 7-10-19 from its retained consultant (a Mr. Vidhi Mohan, who does not identify membership of any relevant UK Royal or Chartered Institution). still do not appear to justify the C2C LEP making any award of taxpayers money to BHCC for its 'Valley Gardens Phase 3' Transport Scheme.

- 4.2: A summary consideration of Mr. Mohan's points shows:
- 4.2A: Point 1: By looking at an aerial view of the area (such as on Google Maps) it becomes patently clear that VG Phase 3 is not "essential" to any so-called 'success' of VG Phases 1 and 2 (other than to BHCC achieving its deliberate aim of creating more congestion on the important A259 coastal route, by replacing the safe and functioning roundabout at the Brighton Palace Pier with a congestion-causing T-junction with traffic-lights).

Also, from an aerial view, it can be seen that existing traffic-flows through the VG3 area in and out of the VG2 area can be maintained by the careful placing of red-white lane guides; the removal of an unused triangle of highway space just south of Victoria Gardens; and by the integration of some temporary traffic-lights into the existing system.

Furthermore the attempt at a mathematical aggregation of a higher BCR for VG 1 and 2 with the low BCR for VG3 is felt to be unacceptably spurious, due to different considerations for these different areas.

Additionally, with the passage of time and the large amount of information that has become available in 2019, it is considered very likely that the conduct of a full and frank EIA for the entire Valley Gardens Transport Scheme will reveal a much lower BCR for VG1 and VG2; perhaps as low or lower than that currently calculated for VG3 (largely because the process for VG1 and VG2 was conducted in a seriously duplicitous and covert manner, whereby the loss of two lanes of highway capacity for general traffic on the A23, without reasonable alternatives having been put in place, was not made explicitly clear to the general (highway-using) public).

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- 4.2B; Point 2: It is recognised that an improvement in the route for cyclists from the seafront east-west National cycle network track, up to the southern end of Victoria Gardens in the VG2 area, is desirable but an acceptable route is achievable without implementation of BHCC's full VG3 proposals; partly by enforcing 20mph or lower speeds for powered vehicles on part of the route; by upgrading some existing pedestrian crossings to also be cycle crossings; and by some signage and surface markings - at a modest cost which should be possible within BHCC's Local Transport Plan budget.
- 4.2C: Point 3: Please see Point 2 above - various cycle tracks are already in place, and it is not explained what railings present an impediment to cyclists; this writer is not aware of any!
- 4.2D: Point 4: The LEP's files appear to already contain well-evidenced submissions debunking BHCC's assertions as inaccurate and misleading, so the consultant's position appears to lack validity. He certainly offers no evidence in support.
- 4.2E: Point 5: Once again it appears that the LEP's files contain powerful submissions to rebut the consultant's unsupported assertions trying to link a speculative growth of the KIBS industry in the VG3 area to BHCC's proposals. Most office space in that area is already occupied and, being a a prestige high-value historic Conservation Area, no significant addition of affordable office space for KIBS activity is foreseeable.
- 4.2F: Conclusion: Having addressed above all five points made by the LEP's consultant/independent reviewer, and having been easily able to rebut them, this writer concludes that the 'Low Value' assessment of the 'Valley Gardens Phase 3' Transport Scheme is in line with Government regulations and guidance; is almost certain to be found to be so if challenged in Court; there are in reality no 'Exceptional Circumstances'

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sufficient to bring BHCC's proposals in to even a 'Medium VFM' category; and thus it would appear to be unlawful for the C2C LEP to award any taxpayers LGF money to this duplicitous application from BHCC.

- 5: C2C LEP Investment Committee's 5 Conditions:
The writer notes paragraphs 6.3 & 6.6 of the Minutes of the C2C LEP's Investment Committee meeting of 13-9-2019, and also the addressing of this topic in your LEP Officers Report for the LEP Board meeting of 17-10-19, at Section 2 thereof on page 2 of 7, and now offers the following observations:
- 5.1: Condition 1. All statutory requirements met:
Self-evidently this Condition has not been met by BHCC, as there has been no formal EIA Environmental Impact Assessment process (for any part of the VG1, VG2, and VG3 phases). I also understand (from the Risk Register) that one or more TRO (Traffic Regulation Orders) will be required if the BHCC proposals for a 'Valley Gardens Phase 3' Transport Scheme are implemented. Presumably these draft Orders cannot be published, and made subject to potential legal challenge, until BHCC's detailed designs are placed in the public domain. So this part of Condition 1 has also not been met.
- 5.2A: Condition 2. Public comments ... addressed in accordance with the Council's statutory duties:
The wording of this Condition seems, on the face of things, to be rather unfortunate. BHCC has always stated that the proposals (for its single version of a Valley Gardens Phase 3 Transport Scheme) were incomplete and design-work was continuing, on which there would be further public consultation once those 'Final Draft' designs were released. Some 11 months on there has been no further public consultation, nor any publication of further design material, so this part of Condition 2 has not been met. Indeed it cannot be met at this point in time!
- 5.2B: With the contention that BHCC's entire Valley Gardens

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1, 2, and 3 scheme meets the threshold for UN Aarhus and EU statutory EIA (*Environmental Impact Assessment*), and BHCC has not yet commenced the required public consultation on this, it is self-evident that, on this ground alone, Condition 2 has not been met. And thus again it cannot be met at this point in time!

- 5.2C: Self-evidently, to fully-comply with the intent of Condition 2, BHCC also needs to take into account all representations made to the C2C LEP (and possibly those comments made indirectly via journalistic and social media channels?). Whilst BHCC's noting of public submissions to the C2C LEP does appear to have happened to some extent in late 2018 and in the Spring of 2019 there has been, from September 2019 onwards, major releases to the public domain by the C2C LEP of much more information, which has prompted a flurry of public responses to the LEP, especially in the last week or so. The extent to which BHCC has been able to take such responses into account will only be clear if or when the topic arises at a future BHCC ETS Committee meeting. Thus a reasonable interpretation of BHCC-compliance with this part of Condition 2 might be: 'Not yet'?
- 5.2D: With regard to the closing words of this Condition; "... in accordance with the Council's statutory duties." the writer notes that, on various occasions, BHCC has stated that its 'Valley Gardens Phase 3' proposals are not subject to any statutory consultation regime, other than for TRO matters. However, and parking for a moment the issue of a statutory EIA process, there remains the inescapable fact that BHCC voluntarily chose (correctly, from a democratic point-of-view) to conduct public consultation in 2018. Given that BHCC operates a committee-system for decision-making and had, and still has, a minority Administration, it appears reasonable to conclude that BHCC's opting for some public consultation in 2018 (albeit only on partial information and fatally-flawed by the setting of biased 'Trick questions') was to support decision-making in public by Councillors at their ETS Committee meetings. However, and under reserve of the statutory requirement for an EIA process, once BHCC decided to

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opt for what it calls 'Non-statutory' consultation it became bound by common-law and case-law precedents of 'Fairness' which, from various responses now in the C2C LEP's files, it has failed to meet. Thus this part of Condition 2 has not been met, regardless of whatever sophistry some may seek to attach to the word 'Statutory' in the actual text of Condition 2.

- 5.3: Condition 3. A balance between benefits and dis benefits:

This writer notes again that BHCC's Monitoring Officer has failed to submit technical evidence in support of his assertions of full-compliance with (every part of) this Condition, but elsewhere it has been admitted by BHCC that it has not yet gathered all of the technical data needed with which to support the assertions of its Monitoring Officer. Indeed various representations made by members of the public and by campaigners serve to contradict the Monitoring Officer's assertions of compliance. But perhaps the most condemning consideration is the failure to date by BHCC to conduct a fully-compliant UN Aarhus and EU EIA public process, from which an accurate and honest 'Environmental Statement', prepared by an independent group of persons professionally qualified and registered in the various technical disciplines needed, will show the large extent of the inaccuracy of the assertions made by BHCC's Monitoring Officer, and thus the ongoing non-compliance by BHCC with Condition 3.

- 5.4: Condition 4. Ongoing engagement of BHCC with the Valley Gardens Forum CIC:

Whilst the VGF does operate a website, and does hold some meetings in open public session, its Articles-of-Association do show it to be a closed corporate body, apparently not subject to the Freedom of Information Act, thus this writer is unable to comment in detail on this aspect of Condition 4.

- 5.4A: However the closing words of Condition 4 read:
"... before the scheme is approved.". On a close interpretation of these words Condition 4 cannot be complied with yet, because no final approval of the VG Phase 3 scheme can be given by BHCC's ETS Committee

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until all design work has been completed, and after further public consultation, in addition to engagement with the VGF CIC.

- 5.4B: Importantly there is also the issue of BHCC still needing to conduct a full EIA process, and the financial aspect that the 'Approvals' of BHCC's ETS Committee given so far are, in fact, provisional and subject to the C2C LEP making an award to BHCC of £6m of taxpayers VGF money (which, as advanced herein, the LEP is not yet able to do on a lawful basis). Thus the inescapable conclusion is that Condition 4 cannot yet be complied with by BHCC.
- 5.5: Condition 5. That ... the relevant Committee ... has approved the scheme:
The incomplete degree of 'Approval' is described immediately above, in paragraphs 5.4A and 5.4B, relation to Condition 4. Since all five Conditions must firstly have been fully-complied with, prior to any release to BHCC of LGF money for BHCC's 'Valley Gardens Phase 3' Transport Scheme, and some of them simply cannot be complied with at this point in time, I leave BHCC's extent of compliance with Condition 5 for the C2C LEP's Board Members to ponder, with or without further legal advice.

Supplementary Observations

- 6: Without in any way resiling from the issues of the presently-perceived lack of lawfulness outlined in paragraphs 2 to 4.2 above this writer feels it may be helpful to offer LEP Board members an overall summary at this point.
- 6.1: In the autumn of 2018 City residents became aware of some of BHCC's proposals for a 'Valley Gardens Phase 3 Transport Scheme', with an estimated total cost of just under £8m. As partial details of these proposals became public a significant amount of dismay was expressed over why there had not been full and frank public consultation over proposals which appeared to be illogical and counter-intuitive. This public concern grew as a result of BHCC's 'Public Consultation' of

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October 2018, which was and is an egregious example of an unacceptably biased and under-informed consultation process using ambiguous 'trick questions', and failing to offer sufficient objective information with which to formulate rational responses (inter alia by not providing details of proposed highway layouts around the 'join' between the southern end of VG2 and the northern end of VG3, as apparently that layout had not even been designed by then, and much else besides was not presented to the public in sufficient detail!).

- 6.2: Due to this deeply-flawed approach by BHCC suspicions were aroused as to their illogical proposals appearing to create significantly adverse effects to the local economy, and to the health and well-being of persons living in, or trying to pass through, the Valley Gardens Phase 3 area. As a consequence the Valley Gardens Forum CIC was formally constituted and registered, with the initial and reasonable objective of asking BHCC to now conduct a fully-valid public consultation on multiple proposals (BHCC says that internally it considered 44 options, then discarded 43!), and even to permit respondents to write-in alternative proposals. And for this to be done in the understanding that, as a clean-sheet exercise, it would be followed by a further round of public consultation on a short-list of proposed schemes, each worked-up in sufficient detail by BHCC to adequately inform public responses to that second round of proposals.
- 6.3: The case-papers placed in the public domain by the C2C LEP (Appendix 1 for the Board meeting of December(?) 2018 - 'Public Comments - Totally Radio') include a submission in which the author proposes changes and simplifications (potentially of a lower total cost than BHCC's proposed Transport Scheme). Given the significant amount of representations which have now accumulated, both in the files of the C2C LEP, and in print media and social media, over the last 11 months or so, one can reasonably extrapolate that simplifying and improving BHCC's proposed 'Valley Gardens Phase 3'

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Transport Scheme, along the lines suggested to BHCC and to the LEP by Totally Radio, and the VGF, and by others, would be very likely to achieve a public satisfaction score of over 90% (albeit with a major lack of affordable housing in Brighton & Hove some will contend that this is a nearly £8m mis-application of scarce taxpayers funds on a low-value 'Vanity Project').

- 6.4: Regrettably, as can be seen from correspondence in 2019 provided to the C2C LEP, BHCC became obdurate and declined to go back to the drawing-board.
- 6.5: To any neutral observer it would appear incomprehensible for BHCC not to be listening to the sensible views of those of its local residents and businesses who, as taxpayers but seemingly with no party-political axe to grind, have offered intelligent and evidence-based views on how BHCC's proposed scheme can be greatly improved, and at a similar or lower cost. So why has BHCC so obstinately shown itself to have 'cloth ears' over the last 11 months or so?
- 6.6: An indication of the answer to that conundrum is to be found in the LEP's files, in the combined text of an assertion/rebuttal exchange of multiple communications from seemingly late 2018 and running into early 2019 between BHCC and Totally Radio and/or the VGF CIC, on page 5. In that document information is provided, along with other points, about face-to-face exchanges conducted by concerned campaigners with BHCC officers in December 2018. During those two sessions BHCC admitted that the primary purpose of their Valley Gardens project was to make travel along the A23 corridor, and through the A259 Palace Pier junction, so congested and frustrating that drivers would no longer use those roads (apparently the discussions did not extend to exploring the fact of BHCC not having implemented viable alternatives for such drivers, many of whom will be driving out of necessity).

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The transcript of BHCC's response to the various criticisms made in the email to BHCC does not show any denial whatsoever of 'Creating Traffic Congestion' being BHCC's primary objective!

- 6.7: This astonishing position, Kafka-esque even, thus appears to be derived from a blunt and brutal, and indeed premature, motive to force 'Cultural Change' upon the public, without making the reasons explicit to that taxpaying public (and to our overseas visitors), and especially without first implementing reasonable, and explicit, 'Alternatives' to BHCC's reductions of highway capacity on its A-Class roads, and to do be trying to do so quasi-regardless of the adverse economic and public health impacts likely to result from such a dishonest and blinkered approach to the realities of daily life in our City.
- 6.8: Possibly a Nirvana of no movements by powered vehicles on the roads of our City might be achievable several decades into the future, and when aligned with future policies from Parliament (albeit one can wonder about the possible nuisance from drones flitting through the air!), but today we have to facilitate the daily economic and social life of our society, which BHCC's proposals actually undermine, with taxpayers having to fund the currently-impracticable ideologies of an unrealistic inner circle, without being explicitly informed of that. An unacceptable scenario, which is why these ill-conceived projects of BHCC are now running into a wall of legislation which has the effect of making the funding of such actions by BHCC, with taxpayers VGF money, unlawful, surely
- 6.9: So there we have it laid bare! Since September 2019 drivers needing to use the A23 Valley Gardens corridor (for various reasons, but principally due to no reasonable alternative) have experienced that cutting the City's A23 highways artery for general traffic down from two lanes northbound and two lanes southbound into a single lane simply does not work at busy times, both during the week and on busy weekends.

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- 6.10: Almost any driver familiar with the area knows that taking two lanes of general traffic out of the previous four lanes of the A23 Valley Gardens corridor, will only work if BHCC has already implemented convenient alternative highway capacity, but BHCC has not done so because, as now can be seen, the entire VG1, VG2, and VG3 changes are specifically intended by BHCC to indeed cause so much congestion that drivers will become so frustrated that they no longer visit or pass through our City!
- 6.11: At the meeting of the 'Greater Brighton Economic Board' today senior representatives of the newly-admitted Arun District Council proudly explained how LGF funding from the C2C LEP was helping with the funding of several significant transport schemes to increase highway capacity in their area, and thereby to support economic growth and development.
- 6.12: One such scheme is to upgrade the A259 to a full dual-carriageway between Worthing and Littlehampton. And this on the basis that the A259 is said to be a very important east-west route, in the way that it is much closer to the coastline (where many people live, work, and visit) than is the A27 which mostly runs across the hinterland. Even a casual observer can easily see that Arun District Council's 'Transport Schemes', some with WSCC, are clearly a form of economic development that the LGF structure is precisely intended to support and to fund.
- 6.13: Thus, and to state the obvious, by now it must surely be obvious to the Board Members of the C2C LEP that it cannot be right to award taxpayers LGF money to BHCC to fund a 'Vanity Project', with adverse impacts on public health, and probable economic recession (as opposed to growth!), which has been formulated from some ideological obsession with physically hindering legitimate traffic movements (including deliberately causing traffic congestion along the 'Regional Highway Networks' of the A23 and the A259, whilst the C2C LEP

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has, and is, awarding taxpayers LGF money to other 'Transport Schemes' in its area which have the clear and obvious merit and benefit of improving traffic flows, and of therefore supporting actual and tangible economic growth (such as the construction of hundreds, and thousands, of sorely-needed new homes etc).

- 6.14: Yet BHCC's formal 'Business Case' looks to be as thin as thin can be - full of difficult-to-quantify projections; highly-questionable data, indeed even the lack of some data; and no tangible economic development projects at all needing, and relying upon, BHCC's now de facto reduction of general traffic capacity along the A23 Valley Gardens corridor and, potentially, along the regionally-important A259 coastal route at the Brighton Palace Pier junction. It has to be time for the C2C LEP to see through the smoke-and-mirrors of BHCC's 'Fake News' LGF application, surely?
- 6.15: For the avoidance of doubt; the writer has no ideological objection whatsoever to a general improvement of the environment (for all life-forms) by the concept of a reduction of vehicle movements. Indeed, many recognise the success in Brighton's closely-built central areas of The Lanes and North Laine, of discouraging vehicle movements. But this is in a small area which a reasonably fit person can walk in just 10-15 minutes. However the technical evidence uncovered thus far (with more needing to be released) is sufficient to identify the risk of major adverse effects upon the environment and the economy, not only that of Brighton and Hove, but also that of our adjoining neighbours to the east and the west who rely upon the A23 and A259 highways, from BHCC's Valley Gardens 'Transport Schemes'.
- 6.16: What appears to follow from the mass of criticism from campaigners, and from other concerned citizens and business operators, is that no restrictions on vehicle movements along the A23 and A259 highways within the City of Brighton and Hove should be implemented until

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after such time as successful 'Alternatives' have been provided. Thus, it is contended, the C2C LEP should not award taxpayers money to BHCC for that local authority to simply construct restrictions to vehicle movements on the A-class highways within its area without first having successfully established 'Alternatives' for the loss of highway capacity implicit in BHCC's proposals to restrict vehicle movements within its administrative area.

- 6.17: Many have an open mind as to what those potential 'Alternatives' might be. Certainly the City needs to improve provision for existing traffic movements. Local knowledge indicates various desirable highway improvements such as:

- 6.17.1: Connecting the Hangleton Link with a cut-and-cover tunnel/culvert to the A259 at Portslade's Trafalgar Road junction;
- 6.17.2: A through-traffic underpass at the Portslade Station level-crossing;
- 6.17.3: A similar underpass at the Blatchington Road/Portland Road junction;
- 6.17.4: Upgrade of the Falmer Road/Drove Road route to A-class including an underpass (also extending under the race-course) to connect to Wilson Avenue, and down to the A-259 at the Brighton Marina clover-leaf junction (possibly with a spur to the future Brighton Centre Arena drop-off, service, and parking areas;
- 6.17.5: A 1-lane east-west flyover at the A259 Rottingdean junction (with a reversible tidal flow for demand-based priority need);
- 6.17.6: A Woodingdean to Saltdean 1-lane tunnel, again with flow reversal according to traffic demand, and;

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The Rt Hon Grant Shapps MP, Secretary of State for
Transport, (for BCR (Benefit/Cost Ratio, + A23 to A259
Link-to-Strategic-Network issues etc), Great Minster
House, 33 Horseferry Road, London SW1P 4DR

FROM:

DATE: 15 October 2019

re: Agenda item 5b For 17-10-2019 - Valley Gardens, Brighton

- 6.17.7: In conjunction with ESCC, an 'Eco-road' upgrade to A-class for a route from the A27 at Kingston to the A259 at Telscombe Cliffs (to increase the capacity for residential development in the East Saltdean, Peacehaven, and Telscombe Cliffs/West Newhaven areas).
- 6.18.1: And many also have an open mind as to whatever other realistic '**Alternatives**' might be defined or developed by formal national and/or local policy. The most obvious phrase here is 'Modal Shift', from powered vehicles to 'Active Movement', principally cycling and walking. Yet that simple phrase fails to show the failings of BHCC and the C2C LEP with regard to the award of taxpayers money for a hire bike scheme. At the time this scheme was being funded the same provider was operating a mixed scheme in Oxford, with both pedal bikes and e-bikes. Despite our City having many more hills than Oxford has we did not introduce any e-bikes, and now it transpires that the pedal bikes cannot be fitted with e-bike conversion kits (because the sole supplier has withdrawn from that market!). It also needs to be borne in mind that there are growing doubts over the real-world economic viability and sustainability of this hire-bike scheme in our City (as is also the case with other hire-bike operations across the world - probably because a local user finds it more economical to own a bike, whilst visitor demand is seasonal, and the scheme does not appear to be connected to a global network, in contrast to UBER taxis where one registration suffices wherever in the world UBER operates).
- 6.18.2: Also Kafka-esque in Brighton and Hove is the failure of BHCC to arrange that the ever-increasing number of taxpayer-funded EV charging points also make provision for the charging of e-bikes (given the small amount of electricity needed ideally without payment by the cyclist, but funded via a very small addition to the electricity bill paid for by the EV users).

TO: The C2C Local Enterprise Partnership, Pacific House,
Hazelwick Avenue, Three Bridges, W. Sussex RH10 1EX

FAO: Mr. Tim Wates - Chairman of the C2C Board

COPIES: Ms. Jo Negrini - LB Croydon CEO (as the 'Single Accountable Body' for governance of the C2C LEP),
Bernard Weatherill House, 8 Mint Walk, Croydon CR0 1EA
The Rt Hon Sajid Javid MP, Chancellor of the Exchequer
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- 6.18.2: Far wider provision for communal home-to-school travel or transport could also be considered, especially in this era of most parents (and their children!) being users of smart phones, but BHCC does not appear to be actively developing valid alternatives to use of the family car. Park & Ride could be another 'Alternative', but BHCC doesn't seem to think so.
- 6.18.3: A local 'Congestion Charge', for driving to work is also a way of reducing vehicle movements (when no viable 'Alternative' can be found) but BHCC Councilors appear to consider this to be too great a risk of creating electoral resentment.
- 6.18.4: In fact the ultimate approach is probably to engage a team of highly knowledgeable consultants to 'Right Size' all aspects of Brighton and Hove into a community that functions at an optimal level for all of us who live, work, study, and visit, this City. Sadly the policies in our adopted and emerging 'Local Plan' documents do not appear to even explicitly recognise the concept of a Brighton and Hove which is 'Right Sized' in every reasonable way; which thus appears to result in a failure by BHCC to 'Right Size' powered vehicle movements to suit all concerned.

- 7: In conclusion:

The more we learn about BHCC's Valley Gardens Transport Scheme (and there is more to learn, as and when BHCC will agree to release more data) the more we find the inevitable conclusion to be that all of the scheme is 'Fatally Flawed', in the way that adverse environmental and economic impacts are created, without an adequate balance being achieved through demonstrably effective 'Alternatives' having already been put in place.

- 7.1: In addition to the impediments arising from the 'Legal Considerations' identified earlier in this present letter the writer considers that there are additional flaws in BHCC's proposals for its 'Valley Gardens Phase 3 Transport Scheme' which militate against the award of any taxpayers money to such a deliberately flawed scheme. However the details thereof are not

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presented herein; as many of those flaws have previously been made known to the C2C LEP, and as it is still contended that a rigorous and honest fulfilment by BHCC of all UN Aarhus and EU-derived EIA requirements will show the entire Valley Gardens project to actually have such serious and unmitigated adverse environmental and economic impacts that no taxpayers money should have been awarded to these ill-conceived works. Especially bearing in mind that firstly implementing valid 'Alternatives' with which to reduce the 2018 volume of vehicle movements along the A23 Valley Gardens corridor, and/or through its junction with the A259 at the Palace Pier roundabout, would almost certainly remove any need for this deeply-flawed transport scheme (other than perhaps for some low-cost minor improvements to facilities for pedestrians and cyclists).

- 7.2: The writer thus respectfully concludes and submits that, at its Board meeting scheduled for 17-10-2019, Members of the C2C LEP should make no award of taxpayers money to BHCC for any part of BHCC's current and proposed 'Valley Gardens Transport Scheme' funding applications.

Yours sincerely,

From:

Date: 16 October 2019 at 15:32:53 BST

To: Jonathan Sharrock

Subject: Brighton Valley Gardens: Phase 3

Dear Jonathan

I am writing to express my support for the Valley Gardens Phase 3 development in Brighton. While the detailed design for the scheme needs to be finalised we believe that the principle of what is being proposed will bring huge benefits to the city, building on the start already made in the first two phases of the scheme.

Completing Phase 3, with high quality pedestrian and cycle links to the seafront, means that the investment and benefits from Phases 1 and 2 will be capable of being fully realised, so it is essential that the Local Enterprise Partnership approves the funding for the scheme.

Yours sincerely

Stephen Young

Formerly, Chair

Brighton and Hove Living Streets Group

Currently, Pedestrian advocate

Brighton and Hove City Council Transport Partnership