



Valley Gardens Forum

VG3 and your letter to asb law dated 8 April 2019

1 message

Valley Gardens Forum

Fri, Apr 12, 2019 at 3:42 PM

To: Anthony Middleton

Cc: Johnathan Sharrack

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Tim Wates

Mike La Rooy

Cali

Gemma Penny

Daniel Nathan

Dear Mr Middleton

VG3

I refer to your letter to asb law dated 8 April 2019.

Thank you very much indeed for giving the Valley Gardens Forum CIC ("VGF") an opportunity to make representations to the Board prior to its meeting to consider whether or not Brighton & Hove City Council ("BHCC") has met the 5 funding conditions set out in Hannah Gosling's 1 February 2019 letter.

VGF considers that the 5 funding conditions have not been met.

Condition 1: consultation

BHCC elected to undertake public consultation into VG3. Having elected to do so, by law it has to carry out that consultation fairly. But the consultation has not been fair.

The first public consultation exercise, between 21 May and 29 June 2018, was merely a data collection exercise to help inform possible options for VG3. It was thus not a public consultation exercise into any VG3 option or options. As BHCC's Principal Transport Planner put it: "there are no options as yet". The public consultation exercise between 15 October and 25 November 2018 was only on BHCC's preferred Option 1. The public were not consulted on Options 2-4, nor were they given an opportunity to argue in favour of Options 2-4 or any other option except Option 1. The City Council has now said that it will be consulting only on revised Option 1.

It is therefore obvious that BHCC has unilaterally chosen one option for VG3 (Option 1) and simply consulted on this. That does not amount to fair public consultation.

Condition 2: public comments

VGF has consistently sought from BHCC the baseline data for VG3 regarding traffic movements, noise and air quality.

However, all it has been provided with to date is a "summary note" (Appendix H, dated 1 February 2019) of a much larger Mott MacDonald non-statutory review of the environmental impacts of VG3 (which does not take into account the cumulative impact of other development, including VG1-2) together with an undated extract (Appendix 6) of a much larger BHCC document regarding the impact of the Valley Gardens scheme.

VGF rejects BHCC's assertion that it has appropriately considered, responded to and addressed public comments.

I would illustrate the point in this way. On 19 March 2019, Nick Hibberd reported to the Environment, Transport and Sustainability Committee ("ETS") that BHCC was holding "weekly meetings" with the Brighton events sector about the Valley Gardens scheme. The committee Chair subsequently claimed that BHCC would "continue the dialogue with events organisers". These claims prompted the Director of Design and Production of the largest events operator to point out that he had not been invited to any such meeting, and they also prompted the CEO of Brighton Fringe to point out that there had been no such meetings as far as he was aware. Indeed, until a

hastily arranged meeting on 9 April 2019 no such meeting had been held for a year. The claims of "weekly meetings" and "continuing dialogue" are simply untrue.

The assertion by the Monitoring Officer in his 18 March 2019 letter to Hannah Gosling that public comments were appropriately considered, responded to and addressed "prior" to proposing approval of the Final Preliminary Design of VG3 is obviously nonsense given that the hastily arranged meeting on 9 April 2019 was *after* the ETS approval of the Final Preliminary Design.

Condition 3: scheme design

The Monitoring Officer asserts that committee decisions have been made "with the full knowledge of public representations". However, as recorded above, the public have quite simply not been consulted on any option other than the option unilaterally chosen by BHCC and the purported "weekly meetings" have not taken place.

The Monitoring Officer cannot, as he claims to do, reassure you that the Final Preliminary Design meets the requirements of all statutory legislation. BHCC has not yet even decided if planning permission will be required for VG3; it has certainly not obtained planning permission for VG3. Moreover, BHCC concedes that statutory traffic regulation orders will be required for VG3 but it has not yet even begun the process of obtaining these. There has been no statutory environmental impact assessment of VG3, or the earlier VG1-2.

Condition 3 requires certain provisions *within* any funding agreement. The Monitoring Officer's 18 March 2019 letter does not state that he is prepared to provide the confirmation sought *within* any funding agreement.

Condition 4: future engagement

Condition 4 requires that the confirmation sought will be included *within* any funding agreement. The Monitoring Officer's 18 March 2019 letter does not state that he is prepared to provide the confirmation sought *within* any funding agreement.

Future public consultation limited only to the final design of Option 1, but not any other option, does not amount to an appropriate level of engagement with the public.

Condition 5: committee approval

As canvassed above, the likelihood is that the final scheme will require the approval of one or more of BHCC's committees (such as its committee deciding on a planning application for VG3 and/or its relevant committee deciding on a traffic regulation order application). The VG3 project cannot be delivered without these final approvals, and they may not be obtained.

We note that the Monitoring Officer's 18 March 2019 letter did not provide any confirmation "that the relevant Council Committee has approved the scheme, to allow the project to be delivered". The same goes for the earlier letter, dated 12 February 2019, from Mr Hibberd.

Conclusion

Conditions 1-5 have not been met, and they may never be met.

Please also take into account that elections for the entire council are due to take place on Thursday 2 May 2019. As that outcome could have a significant impact on future decision making by relevant BHCC committees, we suggest that neither your Board nor the Investment Committee should take any definitive decision regarding the award of LGF for VG3 until after the outcome of the City's election has become known.

Please provide the Investment Committee and the Board with a copy of this letter before they consider whether the funding conditions have been met.

As indicated in earlier correspondence, VGF would welcome an opportunity to discuss all of the above with the Investment Committee and the Board.

4/15/2019

Gmail - VG3 and your letter to asb law dated 8 April 2019

Yours sincerely

Daniel Nathan
For and on behalf of Valley Gardens Forum CIC

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