

Hannah Gosling

From: Anthony Middleton
Sent: 28 August 2019 08:38
To: Hannah Gosling
Subject: FW: Valley Gardens Phase 3 - Funding Agreement clarification
Attachments: BHCC Audit & Standards Committee members question Cllr Lee Wares 230719 (2).pdf; VGF - key objectives from ADR with BHCC 020719.pdf

First email received over bank holiday from VGF

Anthony Middleton
Chief Operating Officer
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From: Valley Gardens Forum [mailto:info@valleygardensforum.org.uk]
Sent: 23 August 2019 15:43
To: Anthony Middleton
Subject: Re: Valley Gardens Phase 3 - Funding Agreement clarification

Dear Tony

Further to my reply on Tuesday, I'm reporting back after the VGF Board and members meetings this week and as expected confirm that we are happy for any of the regular VGF updates or correspondence to be published as requested.

In the light of your advice that the Investment Committee is due to meet to discuss VG3 on September 13th, at this week's VGF meeting I asked for guidance from the CIC Board and members about how the Forum should respond. As we have only just belatedly received BHCC's data bundle - still only partially responding to our request, it will take a few more days before we are able to provide you with a more detailed representation from the Forum's members.

As a headline, we contend that BHCC continue to be cavalier about the potential environmental impacts of their scheme. Many of the city's leading employers consider that the current plan will cost millions of pounds a year to the city economy, especially to tourism and leisure. If LGF funding is for Economic Growth, please note that we consider BHCC's current plan for VG3 will do the opposite.

If BHCC had engaged with us at the beginning of the year, there might have been an opportunity to reach a consensus by now that could meet with approaching deadlines. If the time is truly over, then it is BHCC

who have run down the clock. It is with the greatest regret that the Valley Gardens Forum call for LGF funding for VG3 to be withheld and potentially withdrawn.

For ease of reference, I've attached the Forum's single page key objectives from the incomplete mediation process and our core proposals. In just one sentence - ***retention of a redesigned roundabout / west side bus lanes unlock VGF objections and everything is then possible in the granular detailed plan that follows***. This position, supported unanimously by a group representing a broad spectrum of residents, workers, health & education professionals and employers small and large, taxi firms, bus users and challenger bus operators - as much as 20% of the City's economy.

The Forum has sought to engage with the Council in good faith throughout, with constructive suggestions and even unilaterally funding ADR mediation. Sadly, BHCC's response has been obdurate or when pressed perfunctory despite your clear instruction. Senior Council officers apparently withholding key documents from Committee and a consistent refusal to address community concerns about the potential environmental impacts across the whole scheme lead Cllr Lee Wares to call - attached for reference - for an unprecedented audit into Valley Gardens phase 3 addressed to the Council's Audit and Standards committee on the 2nd of July. Councillors from all parties including the administration agreed it was necessary. That audit is now taking place and given it seeks to challenge the Council's decision making process, do you agree that the resulting report might be something that the LEP's investment Committee might see before it makes a recommendation to the Board?

I will be in touch again with a more detailed representation as promised and look forward to hearing from you in due course.

Best

Daniel

Valley Gardens Forum

On Mon, Aug 19, 2019 at 1:55 PM Anthony Middleton <anthony.middleton@coast2capital.org.uk> wrote:

Hello Daniel

Hope you are well. Thanks for the VGF update email of earlier today and the developments detailed therein. Your interpretation of the funding position is broadly correct. Also, we would indeed want any delivery body to work with your organisation, because it represents local interests and local input is so critical in such schemes.

As you will appreciate, we are under commitments to Government that Growth Deal funding must be drawn down by March 2021. Being absolutely frank, it would probably be only under exceptional circumstances that our Committee would grant any extension to the draw down period, if the funding cannot be spent by the deadline. Obviously the Committee would consider any case put to it and the

arguments for and against at the time, but the case would have to be exceptional I feel. However, I can't prejudge any outcome that the Committee may reach and indeed they are at liberty to reach any conclusion that they see fit.

Further to the correspondence that we last received from yourselves and the Council, we do now need to put the matter back to our Investment Committee for them to make a final recommendation to our Board in relation to project funding. Before we do so we want to publish the Committee paper and also the supporting documents (emails from the Council and also the VG Forum plus our own documents). All documents would be published on our website and be posted for a period prior to the Investment Committee meeting itself. This will allow any member of the public or the VG Forum to comment on the papers and make any final representations before the Committee meeting. This would also allow the Committee to examine whether any further funding conditions need to be applied to the final funding award, if indeed the Committee decides to make one.

I would appreciate your final consent to publish copies of the emails we have received from your Forum, if possible? We hope to publish the papers before the end of this week in readiness for Investment Committee on Friday 13th September 2019 and we will send you the link immediately upon publication. However, the publication of papers is subject to finalisation and our accountable body checks later this week. Please feel free to make any final comments you may wish, when you see the papers. As always we will pass these directly to our Investment Committee members for the meeting. Our Investment Committee will only be making a recommendation to our Board, which will then have to make the final funding decision in October (when it next meets) and once again you will be entitled to make further written representations to that meeting.

I would be most grateful if you could also inform your solicitors of the above as we promised to let asb law know when the matter was to be considered. However, if you would prefer us to write directly to them, we will of course do so.

Kind regards

Tony

Anthony Middleton

Chief Operating Officer

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From: Valley Gardens Forum [mailto:info@valleygardensforum.org.uk]
Sent: 19 August 2019 13:12
To: Anthony Middleton
Subject: re: Valley Gardens Phase 3 - Funding Agreement clarification

Dear Tony

I'm now back from a family break and thought it might be helpful to check in with you before responding to Hannah Gosling's email August 5th. Our understanding is that there is theoretically some flexibility on the deadline for draw down - but with no guarantee it will be accepted. ie funding could fall away. However, we note a tacit reminder to BHCC of your earlier funding condition encouraging them to work through the issues with the Forum and the wider community. We remain convinced that if BHCC proactively engage with the Valley Gardens Forum, it may still not be necessary for the Council to request such an extension.

Is this understanding broadly correct? Also, are you able to indicate whether the LEP have reached a decision on whether to grant the award or to have set a date for the Investment Committee to consider BHCC's request?

Separately, please see the following update to the Forum from earlier this morning including details of a potentially exciting intervention by Design Brighton in our bid to steer the Valley Gardens project back on course. I should add that following this update, BHCC belatedly sent the Forum a spreadsheet table and Dropbox link to documents - in response to our EIR request. A further update will follow once we have had time to review.

I look forward to hearing from you soon.

Best

Daniel

Here's a full update of developments through August and a **reminder / correction** about the time and date of our next meeting.

- The next Valley Gardens Forum meeting will now take place on **Wednesday 21st August from 12:30 at The Latest Bar** 14-17 Manchester Street BN2 1TF Lloyd Russell Moyle - Kemptown MP will be there from 1pm - he is keen to hear first hand from local residents, workers and business owners to understand your concerns about the whole Valley Gardens scheme.
- Some exciting and positive news concerning community suggestions to improve the scheme. Forum supporters Bill Smith and Libby Barnes have taken their idea of the St James' Street 'Diversity Arch' to Design Brighton's Nick Strickland (Strickland Wright) and Sophie Law-Smith to work up. Their striking initial concept is an important first step in putting Kemptown and the east of the city back in centre of the Valley Gardens improvements. Design Brighton has a good working relationship with the city council and the Forum has now requested that they co-ordinate a workshop with all stakeholders to develop a **better design solution** for Valley Gardens than the 'preferred option' developed unilaterally by BHCC. It is intended that a representative group of residents, businesses, Councillors, Council Officers and interest groups will take part. The process proposed by Design Brighton is known as a 'Charette' - effectively a moderated 'brainstorm' to come up with rapid solutions to complex design problems - like Valley Gardens. This important event will take place at a central Brighton location in the w/c 16th September. More details soon.
- One of universally agreed objectives of the Valley Gardens scheme has been to prioritise public and shared transport (buses and taxis) over private vehicle traffic. The taxi trade have been unequivocal in condemning BHCC's approach and their lack of consultation. Bus users are also deeply unhappy with the current BHCC design and have provided the Forum with the following statement: ***"Brighton Area Buswatch is concerned that the current proposals for (Valley Gardens) Phase 3 will worsen provision for bus users and make buses slower. Bus stops will be scattered in several locations around Old Steine which will make interchange between buses more difficult and confusing. Bus stops at Old Steine are not perfect today, but the proposed scheme is not an improvement"***. This position has been echoed strongly but so far privately by a bus operator in the city - the company's management has been understandably nervous about making public statements and upsetting the Council who ultimately act as their Licencing Authority.
- BHCC's latest [Air Quality report for 2018](#) was released quietly last week. It's not surprising that the council would rather not draw too much attention to some frankly terrible news for residents, workers within or visitors to the area. NO2 and PM2.5 pollution at pollution remain at illegal levels and have actually increased year on year according to both monitoring stations on the eastern side of Grand Parade. The report recognises the enormity of the the public health emergency facing local residents. It opens with a statement that existing pollution levels are ***"a contributing factor in the onset of heart disease and some cancers and particularly affects the most vulnerable in society: children and older people, and those with pre-existing heart and lung conditions. Lung tissue growth and lifelong lung capacity can be influenced by pollution dose in the formative years."*** The Valley Gardens Forum has consistently called for a full Environmental Impact Assessment across the scheme as a matter of urgency. Rather than taking this crisis seriously and taking action that might alleviate grave community concerns, Council Officers continue to claim BHCC has no obligation to carry out such an assessment and ***"It is not anticipated that a statutory EIA will be required."***
- The Forum recently wrote with BHCC to Coast 2 Capital, the Local Enterprise Partnership who are funding the Valley Gardens Scheme to clarify if there was any flexibility in the March 2021 deadline by which the grant money needed to be received / spent March 2021. The LEP's answer

included the following: *"Decisions are made on a case by case basis but the normal protocol is to expect projects to draw down funding in arrears... If the Valley Gardens Forum and the Council feel that more time is needed to resolve any outstanding issues with the above project and that to do this will mean that LGF draw down will need to go beyond March 2021, our Investment Committee will of course consider any request you may make to it."* In other words, there is theoretically some flexibility but with no absolute guarantee it will be accepted - funding could fall away. However, it remains encouraging that the LEP are tacitly reiterating the funding condition laid down in their letter to BHCC encouraging them to work through the issues with the Forum and the wider community. The sooner that BHCC proactively engage with the Valley Gardens Forum, the less likely it will be necessary to collectively request an extended deadline.

- The audit for the whole Valley Gardens scheme called for by Cllr Lee Wares and subsequently approved at the recent meeting of the BHCC Audit and Standards Committee is apparently underway.
- Finally, the Forum's lawyer received a message last week that our longstanding data request to Brighton & Hove City Council under Environmental Information Regulations 2004 - would be responded to by close of play last week. Needless to say, we are still waiting.

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Valley Gardens Forum

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