

Notice of a public

Decision Session - Executive Member for Transport and Planning

To: Councillor Dew (Executive Member)

Date: Thursday, 16 August 2018

Time: 2.00 pm

Venue: The Thornton Room - Ground Floor, West Offices (G039)

AGENDA

Notice to Members – Post Decision Calling In:

Members are reminded that, should they wish to call in any item* on this agenda, notice must be given to Democracy Support Group by **4:00 pm** on **Monday 20 August 2018**.

*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent which are not subject to the call-in provisions. Any called in items will be considered by the Customer and Corporate Services Scrutiny Management Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by **5.00pm on Tuesday 14 August 2018**.

1. Declarations of Interest

At this point in the meeting, the Executive Member is asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which he may have in respect of business on this agenda.

2. Minutes

(Pages 1 - 12)

To approve and sign the minutes of the meeting held on 12 July 2018.

3. Public Participation

At this point in the meeting, members of the public who have registered to speak can do so. The deadline for registering is **5.00pm on Wednesday 15 August 2018**. Members of the public can speak on agenda items or matters within the Executive Member's remit.

To register to speak please contact the Democracy Officers for the meeting, on the details at the foot of the agenda.

Filming, Recording or Webcasting Meetings

Please note that, subject to available resources, this meeting will be filmed and webcast, or recorded, including any registered public speakers who have given their permission. The broadcast can be viewed at <http://www.york.gov.uk/webcasts> or, if recorded, this will be uploaded onto the Council's website following the meeting.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officers (contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at

https://www.york.gov.uk/downloads/file/11406/protocol_for_webcasting_filming_and_recording_of_council_meetings_20160809

4. EPetition: "Approve More Houses for Lower Income Residents in York" (Pages 13 - 34)

This report outlines the approach proposed to respond to an EPetition entitled 'Approve more houses for lower income residents in York', which was submitted by a local resident.

5. Consideration of Two Residents Parking Petitions: Main, First & Second Avenues and Balmoral Terrace (Pages 35 - 48)

To report the receipt of two petitions, one in relation to Main, First and Second Avenues and the other in relation to Balmoral Terrace, and to determine what action is appropriate in each case.

6. Strensall to Haxby - Danger Reduction Scheme (Pages 49 - 86)

This report updates the Executive Member on the investigation into reducing the speed limit and introducing traffic calming on the rural roads between Haxby and Strensall, following receipt of a petition. It also includes the results of a consultation exercise with local ward and parish councillors with regard the proposed scheme.

7. Consideration of results from the consultation in Sussex Road and immediate area following a petition received requesting Residents' Priority Parking (Pages 87 - 106)

The report sets out the consultation results undertaken in May for Sussex Road, Sussex Close and the affected properties which have frontages/access onto the proposed area.

8. Submission of Definitive Map Modification Order "The Council of the City of York Public Footpath, Knapton No.4 (Grange Lane to Rufforth Airfield)" to the Secretary of State for Determining also requests that the Secretary of State change the Order Route from Footpath to Restricted Byway. (Pages 107 - 126)

The report advises the Executive Member that a number of objections have been received to the above Definitive Map Modification Order (DMMO) on the grounds that Grange Lane was a public road and should properly be recorded on the definitive map as a restricted byway rather than a footpath. The Executive Member is asked to request that the secretary of state modifies the order to show Grange Lane as a public restricted byway when it is sent to the Planning Inspectorate for determining.

9. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officers:

Catherine Clarke and Louise Cook (job share)

Contact details:

- Telephone – (01904) 551031
- Email catherine.clarke@york.gov.uk and louise.cook@york.gov.uk
(If contacting by email, please send to both Democracy Officers named above).

For more information about any of the following please contact the Democratic Services Officers responsible for servicing this meeting:

- Registering to speak;
- Business of the meeting;
- Any special arrangements;
- Copies of reports and;
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

City of York Council

Committee Minutes

Meeting	Decision Session - Executive Member for Transport and Planning
Date	12 July 2018
Present	Councillor Dew (Executive Member for Transport and Planning) and Councillor Waller (Executive Member for Environment and Deputy Leader)
In Attendance	Councillors Carr, D'Agorne and Warters

5. **Declarations of Interest**

The Executive Members were asked to declare, at this point in the meeting, any personal interests not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests that they might have in respect of the business on the agenda. They confirmed they had none.

6. **Minutes**

Resolved: That the minutes of the Decision Session of the Executive Member for Transport and Planning held on 14 June 2018 be approved and signed by the Executive Member as a correct record.

7. **Public Participation**

It was reported that there had been eight registrations to speak at the meeting under the Council's Public Participation Scheme.

Peter Sheaf spoke on behalf of the York Cycle Campaign in relation to agenda item 4 (A Bike Share Scheme for York). He advised that there was strong support from the York Cycle Campaign for the introduction of a Bike Share Scheme in York, with a preference for a docked scheme over a dockless one, due to concerns over bikes being dumped and blocking streets. He asked that the scheme be introduced in as flexible a way as possible, with flexible payment options and suitable and

conveniently located bikes. He offered to work with the council on the introduction of the scheme.

Cllr D'Agorne spoke in relation to agenda item 4 (*A Bike Share Scheme for York*) stating that the introduction of the scheme would promote the practical benefits of cycling but expressed the view that finding suitable locations for bikes as part of a dockless scheme may be more difficult to manage and needed to be looked at carefully. In relation to agenda item 9 (*Consideration of results from the consultation in Rosedale Street and surrounding areas following petitions received requesting Residents' Priority Parking*) he gave his general support for the officer recommendation. He advised that the high cost of permits had put people off from neighbouring streets but due to the knock on effect asked that the decision included a fast track review and a second ballot for the excluded streets 6 months after implementation if they decided they needed a scheme. With regard to the yellow lines on Rosedale Street opposite the end of Grange Garth he suggested there was space for marked parking bay in addition to what was already identified as part of proposals. If provision was agreed for weekdays only, he suggested this be from 8am to take account of refuse collections.

Cllr A Waller spoke in relation to agenda item 5 (Street Lighting Policy Update). He circulated a photograph of Westfield Ward which showed examples of new street lights which have been positioned within tree canopies or in close proximity to trees which raised legacy issues as it would be some years before these were due to be replaced. He asked the Executive Member to ensure the system for replacing lights was flexible with regard to where new columns were located. He also advised that there was a problem with the system for reporting faulty lights and asked officers to look into this.

Cllr M Warters also spoke in relation to the Street Lighting Policy Update. He expressed concern that the revised policy would remove Ward Councillors, Parish Councillors and residents ability to have any say in the number, siting, aesthetics and quality of street lighting in their area. He also raised concern that the 2014 street scape guidance would be lost and that the proposed revised policy sought to impost 6m high columns outside city's historic core with no regard to

aesthetics and the impact on imposing these on streets of bungalows and terraced streets.

Darryl Smalley addressed the Executive Member, on behalf of local residents, in relation to agenda item 6 (*Petition requesting that the Council adopt streets on a Persimmon Homes estate, including Arlington Road and Tamworth Road*). He commended officers on the report and voiced residents support for the adoption of the roads on the estate. He expressed his thanks on behalf of local residents for the hard work which had been done to date and asked if an adoption date could be given.

Mark Grant, of Portland Consulting Engineers, spoke in relation to agenda item 7 (*Lysander Close: Proposed Amendment to the Traffic Regulation Order*) on behalf of his client, Inchape Retail who would operate the car dealership being constructed on Lysander Close. He drew the Executive Member's attention to a photograph which showed the extent of parking on the street which prevented access to other industrial units as well as theirs and asked that parking restrictions be extended to the end of Lysander Close as detailed in the report.

Catherine Laing, a local resident, spoke with reference to agenda item 9 (*Consideration of results from the consultation in Rosedale Street and surrounding area following petitions received requesting Residents' Priority Parking*) in relation to Respark in Hartoft Street. She expressed her support for residents parking which she felt would reduce the amount of traffic in the area, making it safer for everyone and improving air quality. She explained that residents feelings towards Respark were mixed due to the high cost of permits.

Councillor D Carr, spoke with regard to agenda item 11 (*Pedestrian Crossings – Review of Requests*). He advised that the areas marked as crossings on the map were not currently perceived as such, due to lack of signage and road markings. He also expressed concern that the proposed timber bollards could easily be damaged by brewery and food delivery vehicles and taxis dropping off and manoeuvring outside the pub as this had happened in other locations. He asked officers to consider amending the proposed bollard material to something which was more robust.

8. A Bike-share Scheme for York

The Executive Member for Transport and Planning and the Executive Member for Environment considered a report which proposed the introduction of a 'Bike Share' scheme for York. The report updated Members on changes which had occurred in the bike share sector over the last two years and reflected on how the industry had developed across the UK. It highlighted how such a scheme might be introduced in York and asked the Executive Members to give their support for the appointment of an industry partner who would deliver a bike share scheme which met the standards required by the Council and its key partners.

Officers advised that on 3 July they had attended the York Walk and Cycle Forum to give a brief presentation and to address questions arising. Attendees had included representatives from the York Cycle Campaign, York Blind and Partially Sighted Society and York Civic Trust. Attendees had been asked to direct any further comments to officers for them to consider incorporation into the tender documents subject to the decision made at this meeting.

Officers informed the Executive Members that a bike share scheme should be targeting modal shift, dissuading short journeys by car. To achieve modal shift, some of the bike hubs should be located in the York district centres such as Tang Hall, South Bank and Acomb to better enable trips for shopping, leisure, personal business and to work. Furthermore the location of any dock less bike parking should be clear in so that people with disabilities, including the blind and partially sighted community were not impeded.

Officers provided an industry verbal update in order that the two Executive Members were aware of developments in London and elsewhere in the country including Leeds. They acknowledged York Cycle Campaign's preference for a docked scheme but advised that this was not the recommend option due to issues around finance and space.

The Executive Member for Environment noted that there had been an interesting discussion from a wide range of groups at the York Cycle Forum Meeting and comments which had been made, noting concerns from the Blind and Partially Sighted Society that bikes left in unfamiliar positions would pose a

danger to those with sight impairments. He noted the pressure to park bikes in the city centre and stated that racks which had previously been removed were in the process of being put back into the city centre. He stressed the need to engage with a wide range of people before the contract was agreed and asked that the scheme to be brought back to the Executive Members before it was implemented. He asked that safeguards be included to prevent risk of harm to public safety or the environment.

The Executive Member acknowledged that although the dockless system was not favoured by York Cycle Campaign, it was the option recommended by officers for the reasons given in the report and confirmed at the meeting.

Resolved: That the Executive Member for Transport and Planning, in consultation with the Executive Member for Environment, approve Option B as follows:

- (i) Agree to the undertaking of a procurement exercise to secure a dock-less bike share scheme for York for an initial one year period. The scheme must not require ongoing public sector revenue to ensure its continued operation;
- (ii) Delegate authority to officers to agree the detailed specification of the scheme with the following key York partners (LNER, University of York, York NHS Trust and York St John University) and with the preferred Scheme provider and,
- (iii) (a) Agree to undertake further consultation and, as appropriate, incorporate representation in the interview stage of the procurement from the following groups: Make it York, The York Bid, York Walk and Cycle Forum, and The York Cycle Campaign and,

(b) In preparation of the tender documents, seek views from the following groups:
 - groups representing people with mobility impairments (such as the

York Blind and Partially Sighted Society)

- representatives from bike retailers
- representatives from Como UK (the body representing much of the bike share industry)
- parties implementing counter-terrorism measures

- (iv) Agree to build in safeguards into the scheme which would allow the scheme to be withdrawn in the case of evidence or harm to public safety or to the environment.
- (v) Agree that the proposed scheme is brought back to the Executive Member for final approval before implementation.

9. Street Lighting Policy Update

The Executive Member considered a report which proposed updates to the Street Lighting Policy to reflect changes identified as part of a recent review. The key changes were to strengthen the policy about sensitive areas of the city and differentiate between the historic core and conservation areas, and to improve the policy with regards to managing the risk between trees and lamp columns. The review had also highlighted that the Street Lighting Policy and the Streetscape Strategy and Guidance did not give consistent advice and that the Streetscape Strategy and Guidance needed updating and should be confirmed as guidance only.

The Head of Highways and Fleet and the Assistant Director, Transport, Highways and Environment were in attendance at the meeting. In response to concerns raised during public participation officers confirmed that if moving a lighting column from the front to the back of the pavement would mean it was impeded by trees, this would not be done. In relation to consulting with Ward Members, officers noted that a balance needed to be struck – if one lighting column needed replacing, it would be replaced to match with the surroundings as stated in the policy, without consultation, however if lighting needed to be replaced on a whole street, they would be happy to consult with the relevant ward councillors.

The Executive Member expressed the view that, due to the number of comments which had been received in relation to the policy, the updated policy should be referred to scrutiny so that scrutiny members had the opportunity to comment on the proposed changes before bringing it back to the Executive Member for approval. He noted that the Streetscape Strategy and Guidance also needed updating and that this could go ahead as planned.

Resolved: (i) That the redrafted Street Lighting Policy be referred to the relevant scrutiny committee for their consideration prior to coming back to the Executive Member for approval.

(ii) That a review of the Streetscape Strategy and Guidance take place as planned and that officers be advised to treat the Streetscape Strategy and Guidance as guidance only.

Reason: To ensure a proportionate and consistent approach to the management of street lighting across the city.

10. Petition requesting that the Council adopt streets on a Persimmon Homes estate, including Arlington Road and Tamworth Road

The Executive Member considered a report which provided an update on progress towards the adoption of streets on a Persimmon Homes estate including Arlington Road and Tamworth Road in response to a petition received.

Officers advised that they had agreed with Persimmon what repairs and updates were needed to bring the streets up to adoptable standard and remedial works to the roads/footpaths had been completed as well as landscaping work. Work to the sewerage system had also been addressed. The only remaining issue was that of highway drainage. Road gullies had been cleaned out and found to be largely acceptable but with a few defects and officers were currently liaising with Persimmon to determine whether they would remedy these themselves or agree a sum for the council to rectify them. In terms of a timeframe, officers were unable to give exact date but advised that the adoption should be concluded later in the summer.

Resolved:

- (i) That the recent progress on progressing towards adoption of the streets (as shown in Annex B to the report) be noted.
- (ii) That the verbal update on progress given provided at the meeting be noted.
- (iii) That upon completion of the adoption of the streets (as per the plan annexed to the report), officers will notify the lead petitioner, the ward councillors and Executive Member.

Reason:

- (i) This will respond to residents request to adopt the streets concerned.
- (ii) To provide a comprehensive and up to the minute picture and provide assurances as to the timeline for adoption.
- (iii) To confirm that the adoption has been completed.

11. Lysander Close: Proposed Amendment to the Traffic Regulation Order

The Executive Member considered a report which sought approval to advertise waiting restrictions on Lysander Close. He noted that authorisation had recently been given for restrictions to be implemented on part of the access route on Lysander close and that the remaining part of unrestricted access suffered from obstructive parking during the working week at all times and this could worsen after implementation of the new restrictions. He acknowledged the developer's request to extend the 'no waiting at any time restrictions' (double yellow lines) to cover the remaining carriageway to keep the footway and access to the new dealership for the larger transporter vehicles unobstructed.

Officers advised that, due to the current state of the road, the agreed restrictions (double yellow lines) had not yet been implemented and that, if no objections were received to the

proposal to extend the restrictions, the restrictions could be implemented on the whole road at the same time.

Resolved: (i) That Option 1 be approved: to advertise a proposal to amend the York Parking, Stopping and Waiting Traffic Regulation Order to introduced waiting restrictions on Lysander Close as outlined in Annex A to the report.

(ii) That authority be given to officers to implement as advertised if no objections are received.

Reason: To remove obstructive parking for access to business outlets and footway parking.

12. Turner Close & Huntington Road: Proposed Amendment to the Traffic Regulation Order - Consideration of objections received

The Executive Member considered a report which asked him to consider the representations received to the recently advertised waiting restrictions on Turner Close and Huntington Road.

Officers advised the Executive Member that a representative of Vets 4 Pets had registered to speak at the meeting under the public participation scheme but had been unable to attend. They drew the Executive Member's attention to their objection which was outlined in the report and confirmed that although it had been proposed to shorten the length of waiting restrictions at the vehicle access points on the western side of Turner Close to provide additional parking and to implement a reduced length of restrictions on Huntington Road, they still objected to the scheme.

The Executive Member acknowledged that officers had listened to residents' concerns and made necessary amendments to the proposals and were recommending implementing a shortened length of waiting restrictions on both Turner Close and Huntington Road.

Resolved: That Option 1 be approved, to advertise a proposal to amend the York Parking, Stopping and Waiting Traffic Regulation Order to:

- (i) Implement as advertised with a reduced length of waiting restrictions on the west side of Turner Close as outlined in Annex B to the report
- (ii) Implement a shorter length of waiting restrictions on Huntington Road as outlined in Annex B

Reason: To remove obstructive parking and improve sight lines whilst taking into consideration the objections received during the consultation process

13. Consideration of results from the consultation in Rosedale Street and surrounding area following petitions received requesting Residents' Priority Parking

The Executive Member considered a report which presented the results of the consultation undertaken in April for Rosedale Street and the surrounding area to determine what action was appropriate following petitions received requesting Residents Priority Parking.

He acknowledged the views of residents who had submitted written representations and the local resident and Ward Member who had spoken earlier in the meeting in relation to this item under public participation.

The Executive Member acknowledged that the officer recommendation was in line with the majority of residents' opinions. Officers advised that, in response to a request from residents, two additional parking spaces could be provided on Rosedale Street. The Executive Member confirmed he was happy with this as long as it did not compromise access for refuse collection vehicles.

Resolved: (i) That approval be given to advertise an amendment to the Traffic Regulation Order to extend the R20 Residents' Priority Parking Area to operate 24 hours, 7 days a week in Rosedale Street, Grange Garth and to include 154 Fulford Road within the R20 property Boundary. Officers to amend the recommended option to provide additional space for 2 vehicles on Rosedale Street

as long as this does not compromise access for larger vehicles (refuse wagons).

(i) That no further action to be taken for Farndale Street, Hartoft Street, Lastingham Terrace and Levisham Street. Officers are authorised to re-consult in this area if further representations are received within 18 months from the implementation of a scheme on the neighbouring streets. This consultation to take place in priority to other areas on the current waiting list.

Reason: To progress the majority views of the residents consulted

14. Directorate of Economy & Place Transport Capital Programme - 2018/19 Consolidated Report

The Executive Member considered a report which identified the proposed changes to the 2018-19 Economy and Place Transport Capital Programme to take account of carryover funding and schemes from 2017-18, and new funding available for transport schemes. The report also provided details of the 2017-18 Economy and Place Transport Capital Programme Outturn.

Resolved: (i) That the carryover schemes and adjustments set out in the report and annexes be approved.

(ii) That the increase to the 2018/19 Economy & Place Transport Capital Programme, following the approval of the Corporate Capital Programme Outturn report by Executive in June 2018, be noted.

Reason: To implement the council's transport strategy identified in York's third Local Transport Plan and the Council Priorities, and deliver schemes identified in the council's Transport Programme.

15. Pedestrian Crossings - Review of Requests

The Executive Member considered a report which sought his approval to implement proposals to improve pedestrian crossing

facilities at various locations throughout York. The report included a summary of the objections raised against some of the schemes (including a petition for Wetherby Road)

The Acting Transport Projects Manager was in attendance at the meeting and took the Executive Member through the proposed schemes listed in Annex C to the report and responded to any questions.

In response to the comments raised by the Ward Councillor for Copmanthorpe under public participation about the bollards proposed for Main Street Copmanthorpe, officers explained that they had proposed timber bollards for the crossing as these were considered to be more sympathetic to the local environment, however more robust bollards could be used instead and they agreed to consult Copmanthorpe Ward and Parish Councillors with regard to using steel ones if this was feasible.

In relation to the petition submitted raising concerns over the bus stop being located outside the Sun Inn on Acomb Green, officers advised that the only service which would use the stop would be the infrequent Wetherby/Rufforth service which would drop off bus users at the stop.

Resolved: That the following proposed schemes, as shown in Annex C to the report, be approved for implementation.

- (i) Heworth Green
- (ii) Huntington Road
- (iii) Main Street, Copmanthorpe
- (iv) New Lane, Huntington
- (v) University Road, Heslington
- (vi) Wetherby Road, Acomb Green

Reason: The proposals serve to provide much needed improvements to crossing facilities at various locations within York, where requests for improvement had been made.

Cllr P Dew, Executive Member for Transport and Planning
[The meeting started at 2.00pm and finished at 3.20 pm].



**Decision Session – Executive Member for
Transport and Planning****16 August 2018**

Report of the Assistant Director for Planning and Public Protection.

EPetition: Approve More Houses for Lower Income Residents in York**Summary**

1. This report outlines the approach proposed, to respond to an EPetition, entitled 'Approve more houses for lower income residents in York', which was submitted by a local resident on 12th April 2018.

Background

2. The EPetition was submitted to the Council on 12th April 2018. The petition as submitted had 1,011 signatories as at 11/04/18 and currently remains open for people to sign.

3. The petition states:

"We hereby call on City of York Council to change it's planning permission procedures, making applications for planning permission to build/ convert luxury flats or student accommodation harder to encourage property developers to instead focus on more housing for low to medium earners, who make up a much larger proportion of the population than the luxury flat market. Rents and house prices in York are amongst the highest in the North of England, and the Council needs to address this by fixing the mix of accommodation approved."

4. A full copy of the EPetition with selected quotes from the petition is attached as Annex A to this Report.
5. The Council's guidance on petitions / EPetitions requires that where they contain more than 10 signatories, they must be added to the Council's

Petition Schedule and considered by the Executive Member at a Decision Making Session where relevant. As the EPetition had 1,011 signatories on it at the time of submission to the Council, it has been entered on the Council's Petition Register, to be dealt with through the relevant process.

6. The EPetition is asking the Council to adjust the planning rules to restrict the amount of luxury flats and student accommodation in the city and to focus the housing mix more on affordable housing and family homes.
7. The resident's accompanying letter further states "*With the Local Plan set to lock in all of the city's biggest brownfield sites in for the foreseeable future, it has never been more important to look at the mix of housing in York right now*".

Options

8. Officers are asking the Executive Member to note the petition.

Analysis

9. The EPetition refers to both proposals to develop land and the granting of planning permission. Consideration has therefore been given to the information relevant in both the Local Plan process and separately, the planning application process.
10. The Local Plan process does not in itself grant planning permission but sets locally determined policies that support the National Planning Policy Framework (NPPF). Planning applications are determined separately following the statutory process for determining applications, which includes public consultation. The determination of planning applications will not necessarily be at the same time as the Local Plan adoption but the submitted Local Plan is a material consideration in planning decision making. In the context of para 216 to the NPPF the emerging Plan can be afforded weight according to:
 - a. The stage of preparation of the emerging plan;
 - b. The extent to which there are unresolved objections to relevant policies, and;
 - c. The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

National Planning Policy

11. The current NPPF seeks to ensure that local housing needs are met through the provision of a range of house types and sizes based on current and future demographic trends, market trends and the differing needs of the various sectors of the community. Authorities are required to identify the size, type, tenure and range of housing that is required in particular locations reflecting local demand. In addition, it requires councils to set policies for meeting identified affordable housing need and that those policies should be sufficiently flexible to take account of changing market conditions.
12. The Government released a revised National Planning Policy Framework (NPPF) on 24th July 2018 and requires that it is used as a material consideration in planning decisions from its publication. This revised NPPF similarly includes requirements for affordable housing, housing mix and type of accommodation. Local authorities are still required to build an evidence base on this matter and input this into development plans, such as the Local Plan. It is important to note that the revised NPPF also has a transition period of 6 months to ensure that progress is not hindered on plans already in the final stages of preparation or at examination. Plans submitted prior to January 2019 will be judged against the original NPPF.

York's New Local Plan

13. York's Local Plan was submitted to the Secretary of State for Examination in Public on the 25th May 2018. This follows comprehensive consultation between 2013 and 2018 and the development of a comprehensive evidence base underpinning the policies within the document.
14. As required by the NPPF, the Local Plan has considered in detail issues relating to housing mix and affordable homes. The Council commissioned a Strategic Housing Market Assessment (2016) and subsequent addendums (2016 and 2017) to consider these issues in detail and to inform housing policies within the plan.
15. The SHMA considers that for both market and affordable housing there is a need for a mix of house sizes across the city and suggests that the focus of new housing provision should be on two and three bed properties reflecting the continued demand for family housing and the

demand from older persons wishing to downsize but still retain flexible accommodation.

16. Accordingly, the SHMA has underpinned policies in the plan to meet these requirements. A summary of the applicable policies in the Local Plan are (see Annex C):

H3: Balancing the Housing Market – focussing on housing mix and requiring residential development to balance the housing market by including a mix of types of housing which reflect the diverse mix of need across the city. Applicants are required to demonstrate this with evidence for their proposals.

H10: Affordable Housing – seeking to provide affordable housing as part of residential development with an increasing percentage of provision corresponding to the development size. Further this policy supports pepper potting of development throughout the residential scheme and mixed tenure. In addition, the policy requires that affordable housing provided should remain affordable in perpetuity. Where a developer believes the criteria cannot be fully met, they have the opportunity through open book appraisal to demonstrate to the Council's satisfaction that the development would not be viable.

17. Complementary policies are also included for Promoting self build and custom house building (H4) and provision of Older Persons Accommodation (H9) wherein the Council support the provision of new homes as well as homes for those with specialist housing needs.
18. Further, Policy H7: Student Housing requires the University of York and the York St John University to address the need for any additional student housing which arises because of their future expansion of student numbers. In assessing this need, consideration would also be given to the capacity of independent providers of bespoke student housing in the city.
19. All of these policies were consulted on within the Pre-Publication draft Local Plan (Regulation 18) between 18th September and 30th October 2017. The consultation responses were reported with proposed changes to the Plan to Members at Local Plan Working Group (23/01/18) and Executive (25/01/18) . Members agreed to proceed to the next stage of the Local Plan process and consequently the Publication Consultation (Regulation 19) commenced between 21st February- 4th April 2018.

20. In line with the Regulations, all of the responses received to the Regulation 19 consultation were submitted with the plan to be considered by our appointed Planning Inspector(s) directly, including any representation made in relation to the above policies. These policies will be considered with regard to these representations at the forthcoming Local Plan examination.
21. Paragraph 182 of the NPPF states that the Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound". The 'tests of soundness' against which the plan will be assessed consider whether the plan is:
- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
 - **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 - **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 - **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.
22. Although the petition was received outside of the Publication consultation and is therefore non-duly made in respect of the Regulation 19 consultation, we acknowledge that it is clearly linked to the policies in the Local Plan. We have consequently submitted the petition to the appointed Inspectors as a non-duly made representation . The programme officer has subsequently confirmed that the Inspectors will not be considering this as part of the examination as it is not considered directly relevant to an issue of either soundness or legal compliance.

Planning Application Process

23. Planning applications are determined in accordance with national and local planning policy. Currently, the NPPF and the Local Plan Approved

for Development Control Purposes (2005) are material planning policy considerations. In addition, the Local Plan (Publication version (2018)) as submitted can be afforded weight in accordance with paragraph 216 of the NPPF which attributes weight based upon:

- d. The stage of preparation of the emerging plan;
- e. The extent to which there are unresolved objections to relevant policies, and;
- f. The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

24. In addition, Members specifically endorsed interim targets for Affordable Housing setting out the thresholds at which affordable housing must be provided and the commuted sum payment structure in lieu of an adopted Local Plan. This was based on:

- our Affordable Housing Viability Study (AHVS) (2010)
- targets approved at the Get York Building Executive in August (2014)
- changes to national planning guidance following the Court of Appeal dated 11 May 2016, which gave legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014

25. The details of the endorsed interim targets are provided at Annex B. The interim targets have formed the basis for determining and negotiating the delivery of affordable housing on schemes where development is above the threshold for provision until recently. Following Submission of the Local Plan, Policy H10: Affordable Housing, which is informed by the SHMA (SHMA 2016), has gained more weight than the interim targets and will be applied when considering applicable applications (see Annex C).

26. The aforementioned Strategic Housing Market Assessment (2016) provides up-to-date evidence base to reflect current market trends and requirements for housing mix and affordable housing. This is therefore also a material consideration in planning applications to negotiate the delivery of affordable housing on applicable development sites.

Next Steps

27. Policies in relation to housing mix and affordability as set out in the Local Plan will be considered as part of the Examination in Public. Any

modifications agreed through the Examination will be subject to further public consultation in due course.

Council Plan

28. The course of action outlined above accords with the following priority from the Council Plan:

- **A council that listens to residents**

Implications

29. The following implications have been assessed.

- **Financial** – None;
- **Human Resources** - None;
- **Community Impact Assessment** – None;
- **Legal** – None

Risk Management

30. None.

Recommendations

31. It is recommended that the Executive Member:

- (i) notes the content of the EPetition

Reason: It is considered that the policy position in the emerging Local plan, which is based on a sound evidence base, will guide development and inform the consideration and determination of planning applications.

Contact Details

Author:

Rachel Macefield
Forward Plan Manager
Tel: 551356

Alison Cooke
Development Officer
Forward Planning
Tel: 551467

Chief Officer Responsible for the report:

Mike Slater
Assistant Director for Planning and
Public Protection

Tel: 551300

Report
Approved



Date

Specialist Implications Officer(s):

Alison Hartley, Senior Solicitor, Planning

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

[Brief Guide to dealing with Petitions](#)

Glossary of Abbreviations

None

Annex A: E Petition entitled 'Affordable Housing in York'

Annex B: Interim Affordable Housing Targets

Annex C: Policies H4 and H10 from the Local Plan Publication version (2018) submitted for Examination on 25th May 2018.

Abbreviations used in report:

AHVS Affordable Housing Viability Study
NPPF National Planning Policy Framework
SHMA Strategic Housing Market Assessment



Mary Weastell

CE City of York Council

12/04/2018

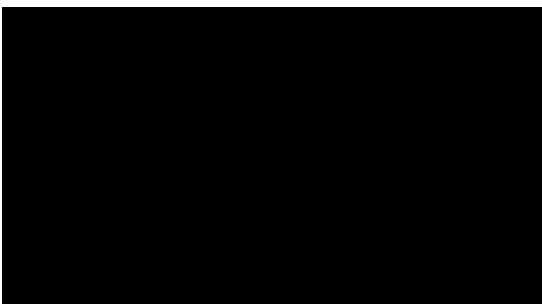
Dear Ms Weastell,

Please find enclosed a summary for my petition on affordable housing in York, where we call on City of York Council to adjust the planning rules to restrict the amount of luxury flats and student accommodation in the City, and to focus the housing mix more on affordable housing and family homes. I feel this petition represents the voice of the people of York who are frustrated and angry at the high rents, high house prices and lack of social housing in York Central. Please follow the link in the enclosed summary and read the comments from the signatories, as I feel some of these comments paint the situation and feeling of residents (and ex-residents, as some have been priced out of the City) more than the numbers can.

With the York local plan set to lock in all of the City's biggest brownfield sites in for the foreseeable future, it has never been more important to look at the mix of housing in York than now.

If you would like to discuss the housing situation, I would be more than happy to give my insight.

Kind regards,



Approve more houses for lower income residents in York

<https://www.change.org/p/city-of-york-council-approve-more-houses-for-lower-income-residents-in-york>



Find the petition online with this QR code



We hereby call on City of York Council to change its planning permission procedures, making applications for planning permission to build/ convert luxury flats or student accommodation harder to encourage property developers to instead focus on more housing for low to medium earners, who make up a much larger proportion of the population than the luxury flat market. Rents and house prices in York are amongst the highest in the North of England, and the Council needs to address this by fixing the mix of accommodation approved.

1,011 signatures

As of 11/04/2018

Some quotes from affected locals:

My husband and I are first time buyers who live in York city centre. We are trying to buy a house but we are struggling to find something we can afford. We both live with my parents. [REDACTED] We used to rent but the cost was so high that we'd never have saved for a deposit so we moved back to my parents. That was two years ago and we still can't afford to buy. [REDACTED]

I work 5 days a week, have two jobs, am not a big spender, and spent nearly 4 months couch surfing because there was so little affordable housing it had gone before I even got to a house viewing. At the same time one of my colleagues was living in his car— [REDACTED]

I couldn't afford to live in my home city once I left my parental home. I was working as a police officer at the time and my husband was working, too. It's lousy when a place is too expensive to live in. People with lower incomes deserve a place to live and to be part of the community. [REDACTED]

I am a dad of 2 with my partner and we are struggling to even get on the council list - [REDACTED]

My family is priced out of the housing market despite being hard working people. We can't even get accepted into the social housing list so are trapped in the expensive private rental sector. [REDACTED]

[REDACTED] work hard for York ambulance service They work long unsocial hours. Their salaries are eaten up by paying private rental. We need affordable housing to give people like them to stay here in York. Why should people who were born here and work here have to move away on order to have their own home? [REDACTED]

I'm a 30 year old resident of York, I've lived here my whole life and have no prospects of ever getting on the property ladder here. [REDACTED]

My son & Daughter-inLaw have had to move towards Leeds to afford to buy - no family round them and a young baby - it's a disgrace— [REDACTED]

I pay near 10k in rent per year to someone who owns multiple properties in the city. Properties now worth almost 3 times their initial purchase price. I can't save enough. I can't buy. I watch more and more friends pushed out of the city. At this rate my children will only be able to live here if they come back as students [REDACTED]

Working 70 hour weeks just to afford somewhere to sleep is man. Private renting is sooo over priced [REDACTED]

Annex B: Affordable housing planning guidance - interim targets

Source: City of York Council Webpage: -

https://www.york.gov.uk/info/20049/planning_advice_and_guidance/1148/affordable_housing_planning_guidance_-_interim_targets

The following interim targets are currently in use for Development Management purposes, based on:

- our [Affordable Housing Viability Study \(AHVS\) 2010](#)
- targets approved at the [Get York Building Executive](#) in August 2014
- changes to national planning guidance following the [Court of Appeal dated 11 May 2016](#), which gave legal effect to the policy set out in the [Written Ministerial Statement of 28 November 2014](#)

Thresholds	Target
Brownfield sites equal to or greater than 15 dwellings	20%
Greenfield sites equal to or greater than 15 dwellings	30%
Urban sites less than 15 dwellings	0%
Rural sites 11 to 14 dwellings that have a maximum combined gross floorspace of more than 1,000m ²	Off site financial contribution = £23,133.80 per unit (20%)
Rural sites 5 to 10 dwellings that have a maximum combined gross floorspace of more than 1,000m ²	Off site financial contribution = £17,350.35 per unit (15%)
Rural 2 to 4 dwellings that have a maximum combined gross floorspace of more than 1,000m ²	Off site financial contribution = £11,566.90 per unit (10%)

- the above targets and thresholds will be relevant to any applications not currently 'determined'
- existing applications have the right to submit a 'deed of variation' to [S106 agreements](#), in line with current policy

Less than 15 homes in rural areas

Following the change to [national Planning Guidance](#), the council can no longer seek financial contributions towards affordable housing on rural schemes of 1 to 10 units with a gross area of no more than 1,000m². Planning obligations on affordable housing and other matters can only be applied to schemes of 11 new homes or more or 1 to 10 new homes with a total gross floorspace of more than 1,000m².

Download a [flowchart](#) which illustrates when affordable housing is to be provided on rural sites.

Commuted payment

The commuted payment is calculated by the 'average York fixed RSL price' being subtracted from the 'average York property price' then multiplied by the '% target'.

Dwelling threshold	Average York property price (Land Registry August 2012)	Average York fixed RSL price	% target	Commuted payment
2 to 4 homes	£180,502	£64,833	10%	£11,566.90
5 to 10 homes	£180,502	£64,833	15%	£17,350.35
11 to 14 homes	£180,502	£64,833	20%	£23,133.80

If the threshold is triggered, OSFC is payable on a site-by-site basis:

Site size (number of dwellings)	% target	Off site financial contribution
1	N/A	N/A
2	10	£11,566.90
3	10	£23,133.80 (2 x £11,566.90)
4	10	£34,700.70 (3 x £11,566.90)
5	15	£69,401.40 (4 x £17,350.35)
6	15	£86,751.75 (5 x £17,350.35)
7	15	£104,102.10 (6 x £17,350.35)
8	15	£121,452.45 (7 x £17,350.35)
9	15	£138,804.00 (8 x £17,350.35)
10	15	£156,153.15 (9 x £17,350.35)
11	20	£231,338.00 (10 x £23,133.80)
12	20	£254,471.80 (11 x £23,133.80)
13	20	£277,605.60 (12 x £23,133.80)
14	20	£300,739.40 (13 x £23,133.80)

Individual site assessments

Given the conclusions reached in the [Affordable Housing Viability Study \(AHVS\)](#), developments within York should be able to provide the target levels of affordable homes approved for Development Management purposes. Therefore, no individual site assessment will be required where submissions achieve these targets and this is to be encouraged in order to reduce time on further analysis and negotiation.

For all site thresholds, the developer still has the right to pay for and submit an independent 'open book appraisal' to justify circumstances where the target is not considered to be viable. Such appraisals will be carried out by the [Valuation Office Agency](#) (VOA) and be paid for by the developer.

Section 106 and Nominations Agreements - sample Heads of Terms

[Section 106 sample heads of terms](#) and [Nominations Agreement sample heads of terms](#) have been set, following extensive consultation with developers and Registered Providers. These will be customised for each scheme. Please get in contact with the planning case officer or a member of the Housing Development team if you would like to discuss further.

Approach to affordable housing policy in York

The [Affordable Housing Viability Study \(AHVS\)](#) along with other key evidence bases will inform the development of the [Local Plan](#).

An affordable housing [Supplementary Planning Document](#) (SPD) will:

- support the AHVS
- give clear and consistent guidance
- react to changing circumstances, such as new housing need and mix
- give detailed information and advice on the operational approach to affordable housing policy in York
- explain the York 'dynamic model' used to change the short term targets annually
- explain the process of negotiation
- manage on-site expectations related to integration and quality, tenure mix, subdivision of sites, application of grant, nomination criteria and viability assessments

Affordable housing advice note

The [Affordable Housing advice note](#) forms non-statutory guidance to supplement the policies and proposals of the [Local Plan \(2005\)](#) incorporating the fourth set of changes and:

- provides guidance and advice on how to include affordable housing in development schemes
- is aimed at all groups involved in developing affordable housing (council officers, developers, landowners, parish councils, registered providers and local interest groups)

The Affordable Housing advice note has not been updated to include the interim targets set out above, which were last approved in August 2014. This will be replaced through the Local Plan. These supersede the targets in the advice note.

**Annex C: Policy Extracts from the City of York Local Plan
Publication draft (2018)**

Policy H4: Promoting Self and Custom House Building

As part of meeting housing need, proposals for self and custom house building, to be occupied as homes by those individuals, will be supported where they are in conformity with all other relevant local and national policies.

On strategic sites (sites 5ha and above) developers will be required to supply at least 5% of dwelling plots for sale to self builders or to small/custom house builders subject to appropriate demand being identified. Plots should be made available at competitive rates, to be agreed through Section 106 agreements, which are fairly related to the associated site/plot costs. In determining the nature and scale of provision the Council will have regard to viability considerations and site-specific circumstances.

These schemes will:

- be individually designed employing innovative approaches throughout that cater for changing lifetime needs;
- provide for appropriate linkages to infrastructure and day to day facilities; and
- include a design framework to inform detailed design of the individual units where more than one self/custom build unit is proposed.

Where a developer is required to provide self and custom build plots the plots should be made available and marketed for at least 12 months. Where plots have been appropriately marketed and have not sold within this time period these plots may be built out as conventional plots for market housing by the developer.

Communities preparing Neighbourhood Plans will be encouraged to consider the identification of sites for self and custom build projects within their neighbourhood plan area.

See also Policy D1

Explanation

5.26 The Council is seeking to find new ways to deliver the homes York needs. This policy is intended as a mechanism for supporting self and custom build development in appropriate locations as sought in national policy. This policy approach will strengthen and grow the local economy and workforce, increase annual delivery rates on site and result in a more varied and locally distinctive development form. The Council will maintain a local register of self builders who wish to acquire a suitable plot of land to build their own home, to evidence demand.

5.27 A self build scheme should be genuinely innovative in the use of materials, methods of construction and its contribution to protecting and enhancing the

environment. The value of such a building will be found in its reflection of a high standard of contemporary architecture, the enhancement of its immediate setting and sensitivity to the defining character of the local surrounding area. Opportunities for pooled renewable energy facilities should be utilised where possible.

- 5.28 Where developable plots are demonstrably and appropriately marketed at competitive rates for a period of 12 months without interest, they may revert to delivery through conventional methods. Developers will be required to demonstrate to the local planning authority that appropriate marketing has taken place before self and custom build plots can be released for development through conventional market housing.
- 5.29 Planning permissions relating to self-build plots will require self build developments to be completed within three years of a self-builder purchasing a plot. Self or custom build housing is subject to the policy requirements of the Local Plan, including affordable housing; housing mix and density; older people's housing; space standards; and design and planning obligations
- 5.30 Further guidance from the government on self build is expected. The council will review the need to publish additional local guidance/supplementary planning guidance relating to the practical delivery of self/custom build sites. Any future updates of this evidence will be published on the council's web site.

Definitions of Self and Custom Build

- 5.31 For the purpose of this policy self house builders are being defined as, someone who directly organises the design and construction of their new home i.e. DIY self build home. This can also include: projects where the self builder commissions an architect/ contractor to build their home; projects delivered by kit home companies; or community led projects where the community organises construction work.
- 5.32 For the purpose of this policy custom build projects are where someone who works with a specialist developer to help deliver their new home. In this scenario, the custom builder may secure the site for you and manage the build of your home.
- 5.33 For the purpose of this policy the terms custom and self build relate to a range of dwellings which may be based on:
- Self build homes: Where a person manages the design and construction and may undertake some of the building work or contract it to others;
 - Contractor built homes, after deciding on a design, a contractor is employed to do all of the building work;
 - Independent community collaboration where a group of people acquire a site and split into plots for self build homes, which may include sharing labour and expertise; and
 - Supported community self build where a social landlord or a similar supportive body helps people build a group of homes together.
- 5.34 For the purposes of this policy small house builders are defined as being a company, joint venture or delivery vehicle which, alone or in conjunction with any parent or partner organisation, has delivered an average of fewer than 200 residential units

per annum over its last five operating years. Preference should be given in selection process to those small house builders who are unlisted and who have been established in the York or Yorkshire area for more than two years.

- 5.35 Homes built to a customer's specification by a developer, based on a range of their designs do not represent a custom-build home.

Delivery

- Key Delivery Partners: Developers.
- Implementation: Planning applications.

Policy H10: Affordable Housing

To help maximise affordability across the housing market, the Council will support residential schemes for 2 or more dwellings which:

- i. reflect the relative viability of development land types in York by providing affordable housing percentage levels for site thresholds as set out in Table 5.4:

Table 5.4: Affordable Housing Site Thresholds

Threshold	Target
Brownfield sites = > 15 dwellings	20%
Greenfield sites = > 15 dwellings	30%
Urban, Suburban and Rural sites 11-14 dwellings	20% ¹
Urban brownfield sites 5-10 dwellings ²	15% ¹
Urban greenfield sites 5-10 dwellings ²	19% ¹
Urban brownfield sites 2-4 dwellings ²	6% ¹
Urban greenfield sites 2-4 dwellings ²	10% ¹
Sub-urban brownfield sites 5-10 dwellings ²	10% ¹
Sub-urban greenfield sites 5-10 dwellings ²	15% ¹
Sub-urban brownfield sites 2-4 dwellings ²	2% ¹
Sub-urban greenfield sites 2-4 dwellings ²	7% ¹
Rural brownfield sites 5-10 dwellings ²	11% ¹
Rural brownfield sites 2-4 dwellings ² that	3% ¹

Rural greenfield sites 5-10 dwellings ²	17% ¹
Rural greenfield sites 2-4 dwellings ²	8% ¹
Notes to Table	
1	This is the target percentage to be used in the off-site financial contribution calculation following sub-clause (iii) below
2	For sites that have a maximum combined gross floorspace of more than 1,000sqm

- ii. on sites of 15 homes and above on-site provision will be expected, unless off-site provision or a financial contribution of equivalent value can be robustly justified.
- iii. on sites of 2–15 homes an off site financial contribution (OSFC) is required in accordance with the approved formula set out below:

$$\text{Average York Property price} - \text{Average York Fixed RP Price} \times \% \text{ Target} = \text{OSFC per dwelling}$$

- iv. make provision which reflects tenure split in terms of social renting and intermediate housing, as set out in the most up to date SHMA.
- v. fully integrate the affordable housing by pepper potting throughout the development with no more than two affordable dwellings placed next to each other. The size and type of homes should be a pro rata mix of the total homes provided on site, taking into account current assessments of local need where on-site provision is required. The affordable housing should be visually indistinguishable from the open market dwellings.

A vacant building credit (VBC) will be applied to appropriate development where a vacant building is either converted or demolished and is necessary to incentivise the scheme. This credit will be equivalent to the gross floorspace of the building to be demolished or brought back into use. This credit does not apply when a building has been 'abandoned'.

The affordable housing should remain affordable in perpetuity, through use of a planning condition or obligation or if these restrictions are lifted, for subsidy to be recycled for alternative affordable housing. On completion, the affordable housing must be transferred to a Registered Provider approved by the Council.

Where a developer believes the criteria set out in this policy cannot be fully met, they have the opportunity through open book appraisal to demonstrate through open book appraisal to demonstrate to the Council's satisfaction that the development would not be viable

See Policy GB4

E x p l a n a t i o n

Thresholds

- 5.60 NPPF (2012) requires Councils to set policies for meeting identified affordable housing need, and that those policies should be sufficiently flexible to take account of changing market conditions.

- 5.61 Given the conclusions reached in the City of York Affordable Housing Viability Study (2010) and Annex 1 (2011) (AHVS) and the City of York Local Plan and CIL Viability Assessment (2017), developments within York should be able to provide the target levels of affordable homes approved for development management purposes. Therefore no individual site assessment will be required where submissions achieve these targets and this is to be encouraged in order to reduce time on further analysis and negotiation.
- 5.62 Where a developer believes because of development viability that a site cannot meet the requirements of the policy, the developer will be required to submit an open book appraisal to justify any reduction from the target, at their expense. If agreement cannot be reached on the appropriate level of affordable housing between the Council and the developer it will be referred to the Valuation Office Agency at the expense of the developer, to determine the viable level of affordable housing. If a reduction is proven the Council may firstly seek Homes and Communities Agency subsidy (or other public subsidy) to achieve the level and mix of affordable housing consistent with the policy. If such subsidy is not available the Council may seek to vary the tenure mix or types of units of the affordable component where appropriate to assist in meeting the delivery of affordable housing objectives of the Council before agreeing a reduction in the overall amount of affordable housing.

Types

- 5.63 Affordable housing in York includes social rented and intermediate housing provided to specified eligible households whose needs are not being met by the open housing market, and who cannot afford to enter that market. The definition specifically excludes low cost market housing.

Tenure/Mix

- 5.64 The City of York Council SHMA and Addendum (2016) recommends an 80% social and affordable rented and 20% intermediate split.
- 5.65 A full range of property sizes and types are needed to satisfy the affordable housing needs of the city and providing small or poor quality accommodation will not be seen as satisfying the policy. In order to help build mixed and sustainable communities the affordable homes need to be pro-rata of the market homes, integrated within the site and indistinguishable from the market housing on site.
- 5.66 The affordable homes need to be fully integrated within the development by pepper potting throughout with no more than two affordable dwellings placed next to each other. The exception to this is apartment blocks if they are to be transferred freehold to Registered Providers. These affordable apartment homes should be provided in an apartment block rather than pepper potted throughout the development. The size and type of homes should be a pro rata mix of the total homes provided on site, taking into account current assessments of local need where on-site provision is required. The affordable housing should be visually indistinguishable from the open market dwellings.

- 5.67 The Council will make public any updates to the evidence on housing mix and tenure split that is currently provided in the SHMA. Developers should consult the Council's web site prior to making any planning application to confirm the then current position on this matter.

Provision

- 5.68 In accordance with national guidance affordable housing provision for sites of 15 homes and above will normally be expected to be provided on site. Following the change to national planning guidance, the council can no longer seek financial contributions towards affordable housing on rural schemes of 1 to 10 units with a gross area of no more than 1,000sqm. Planning obligations on affordable housing and other matters can only be applied to schemes of 11 new homes or more or 1 to 10 new homes with a total gross floorspace of more than 1,000sqm.
- 5.69 The commuted sum is calculated using the following formula and will be updated annually:

$$\text{Average York Property price} - \text{Average York Fixed RP Price} \times \% \text{ Target} = \text{OSFC per dwelling}$$

Table 5.5: Commuted Payment Calculation

Dwelling threshold	Average York property price (Land Registry March 2017)	Average York fixed RSL price	% target	Commuted payment
Urban, Suburban and Rural sites 11-14 dwellings	£241,042	£75,000	20%	£33,208.40
Urban brownfield sites 5-10 dwellings ¹	£241,042	£75,000	15%	£24,906.30
Urban greenfield sites 5-10 dwellings ¹	£241,042	£75,000	19%	£31,547.98
Urban brownfield sites 2-4 dwellings ¹	£241,042	£75,000	6%	£9,963
Urban greenfield sites 2-4 dwellings ¹	£241,042	£75,000	10%	£16,604.20
Sub-urban brownfield sites 5-10 dwellings ¹	£241,042	£75,000	10%	£16,604.20
Sub-urban greenfield sites 5-10 dwellings ¹	£241,042	£75,000	15%	£24,906.30
Rural brownfield sites 5-10 dwellings ¹	£241,042	£75,000	11%	£18,265
Rural brownfield sites 2-4 dwellings ¹	£241,042	£75,000	3%	£4,981

Rural greenfield sites 5-10 dwellings ¹	£241,042	£75,000	17%	£28,227
Rural greenfield sites 2-4 dwellings ¹	£241,042	£75,000	8%	£13,283
Note				
1 <u>For sites that have a maximum combined gross floorspace of more than 1,000sqm</u>				

5.70 Any other off site provision or commuted payment in lieu of on-site provision for affordable housing will only be acceptable if it is robustly justified. The commuted payment will be calculated as the difference between the transfer price and the market value of the specific home(s) on that site.

Artificial Subdivision

5.71 Artificial subdivision where it is proposed to phase development, sub-divide sites or when there is a reasonable prospect of adjoining land being developed for residential purposes in tandem or the future, the Council, will consider the whole site for the purpose of determining whether the scheme falls above or below the thresholds

Vacant Building Credit

5.72 A VBC will be applied to appropriate development where a vacant building is either converted or demolished and is necessary to incentivise the scheme. A viability appraisal in accordance with this policy is considered to be consistent with the underlying intention of the vacant building credit in order to incentivise brownfield development and, given the high need for affordable housing in York, may be the most appropriate option when weighing up all material considerations. If VBC is applied, this credit will be equivalent to the gross floorspace of the building to be demolished or brought back into use. This credit does not apply when a building has been 'abandoned'.

5.73 A Supplementary Planning Document will be used to set out clear and consistent guidance on all elements covered by Policy H10 and Policy GB4, including the mechanism for updating the OSFC annually.

Delivery

- Key Delivery Partners: Housing Associations; Registered Providers; and Landowners.
- Implementation: Annual review of the dynamic viability model; use of planning obligations or conditions to secure provision; and planning applications.

This page is intentionally left blank



**Decision Session – Executive Member for
Transport and Planning****16 August 2018**

Report of the Corporate Director of Economy and Place

Consideration of Two Residents' Parking Petitions**Summary**

1. To report the receipt of 2 petitions and determine what action is appropriate in each case.

RecommendationsMain, First and Second Avenues

2. It is recommended that:
 - Option 2 - That the street is added to the Residents parking waiting list and an investigation carried out when it reaches the top of the list.

Reason: Because this will respond to residents concerns in the order they are raised and can be progressed depending on funding available each year.

Balmoral Terrace

3. It is recommended that:
 - Option 4 - That the area is added to the Residents parking waiting list, Danesmead Close item, and an investigation carried out when the item reaches the top of the list.

Reason: Because this will respond to residents concerns in the order they are raised and can be progressed depending on funding available each year.

Background – Main, First and Second Avenues

4. The petition has been signed by residents of the 3 streets – a total of 32 signatures representing 29 properties. A copy of the petition covering

letter and petition header is shown in Annex A1 and a plan of the area is in Annex A2.

5. These streets are all residential, though they are adjacent to East parade which has several commercial properties along its length. This area is roughly 1 to 1½ km from the outskirts of the city centre which would be a reasonable walking distance for some commuters. The existing R30 zone is close by and includes part of East Parade, hence it may be appropriate to consider expanding R30 to include these streets and to include the rest of East Parade and Bull Lane in the initial consultation.

Background – Balmoral Terrace

6. The petition is 29 standard letters from residents of Balmoral Terrace. These indicate 13 are in favour of residents parking, 11 are against and 5 are undecided. Whilst this might be viewed as only marginally in favour clearly there is an interest and further investigation would seem appropriate. The street is mainly residential but there are also several commercial premises. There has been a recent increase in residents parking provision in the immediate area. Hence, it may be appropriate to consider expanding the existing zones and include those streets / areas adjacent which might end up surrounded by residents parking schemes during the initial consultation.

Background – General information

7. There has been an increase in demand to become part of a residents parking zone in the last 2 years or so. This increase in demand has resulted in a waiting list (see Annex C) for investigating new requests. Each request is investigated in the order the request was made and will be dependant on funding availability.
8. The process and likely timescales for investigating and implementing a scheme is also outlined on the waiting list in Annex C. In the event of additional petitions being received from adjacent streets then they would be grouped together in the investigation and consultation in order to better represent the views of the wider community.

Options for Consideration

Main, First and Second Avenues

9. Option 1 – Note the petition but take no action. This is not the recommended action.
10. Option 2 – Approve for inclusion on the residents parking waiting list to consult on advertising a proposal This is the recommended action because this responds to residents concerns.

Balmoral Terrace

11. Option 3 – Note the petition but take no action. This is not the recommended action.
12. Option 4 – Approve for inclusion on the residents parking waiting list to consult on advertising a proposal This is the recommended action because this responds to residents concerns.

Consultation

13. At this stage there is no consultation but when the area reaches the top of the waiting list there will be a 2 stage consultation process. Firstly, information on how a scheme operates is sent out to all properties together with a questionnaire, the results of which are reported back to an Executive Member meeting for a decision on how to proceed.
14. If approval to proceed is granted then the formal legal Traffic Regulation Order consultation is carried out.

Council Plan

15. The above proposal contributes to the Council Plan 2015-2019 in respect of the following key priorities:
 - A prosperous city for all,
 - A council that listens to residents

Implications

16. This report has the following implications:

Financial – None at this stage.

Human Resources – None at this stage but if proposals are taken forward to implementation there will be additional areas for the Civil Enforcement Officers to patrol.

Equalities – None.

Legal – before a residents parking scheme can be implemented the correct legal procedure has to be gone through.

Crime and Disorder – None

Information Technology - None

Land – None

Other – None

Risk Management

17. . None.

Contact Details

Authors:

Alistair Briggs
Traffic Team Leader
Dept. Transport
Tel: (01904) 551368

Chief Officer Responsible for the report:

James Gilchrist
Assistant Director Transport

Report ✓ **Date: 2/7/2018**
Approved

Specialist Implications Officer(s)

None.

Wards Affected: Heworth, Micklegate

For further information please contact the author of the report.

Background Papers:

None.

Annexes:

Annex A1 Main, First and Second Avenues covering letter and petition header

Annex A2 Plan of the Main, First and Second Avenues area

Annex B1 Balmoral Terrace covering letter and petition header

Annex B 2 Plan of the Balmoral Terrace area

Annex C Residents parking waiting list

Annex A1

Main, First and Second Avenue Petition

I understand that several other people have already entered into correspondence with you about the current parking situation in Heworth. I am particularly concerned with our own street Main Avenue and also Second and First Avenue

We have lived here for over 30 years now and have seen a gradual increase in the number of folk parking in this area during the day, and in the evening, who are not residing in the streets. Recently a car was parked without any movement for at least 10 days and it has now simply been moved further along the road and again no sign of any movement for 14 days. One of my neighbours said that they knew that this car has been advertised for sale. So it is simply been parked here until it is sold. We have a lot of folk parking here in the morning, then going off to work, leaving the car all day. Then on an evening folk come and park and walk away to their homes outside our area.

It is really becoming a major issue. If you go to the supermarket then return you inevitably can no longer park close to your home to unload. Neighbours have invited visitors only to find that they then have to park streets away and unload children and bags. If you are due to have any workmen come to your home it's very hard for them to park their vehicle to attend your property. Then of course there are those folk who really should not be behind a wheel as they cannot park! Across drives, on footpaths! It's quiet ridiculous some days.

I decided a while ago to look into the possibility of trying to sound out local opinions and see if we can apply for residents only parking. I have been around the area gathering people's thoughts and enclose some signatures on a petition of folk who would support such a scheme

It was an interesting exercise as some folk would support it if the cost were lower. We found that one lady was already paying £300 per year to park at her place of work so she would be reluctant to pay again to park at her home. Other people felt that it might just not work as they think that people who have permits for another area could still park in our streets. We found that the majority of folk felt that it was an area of concern for them, but not all were ready to sign this at the moment. They needed more information. One or two neighbours have even considered moving house as this issue has become such a problem

I understand that the next step, if you consider that enough people would wish to discuss the possibility of residents only parking, would be for the council to arrange to meet local residents to gather opinions for themselves

Can you please consider the possibility of moving this forward, as we would like to see the issue resolved

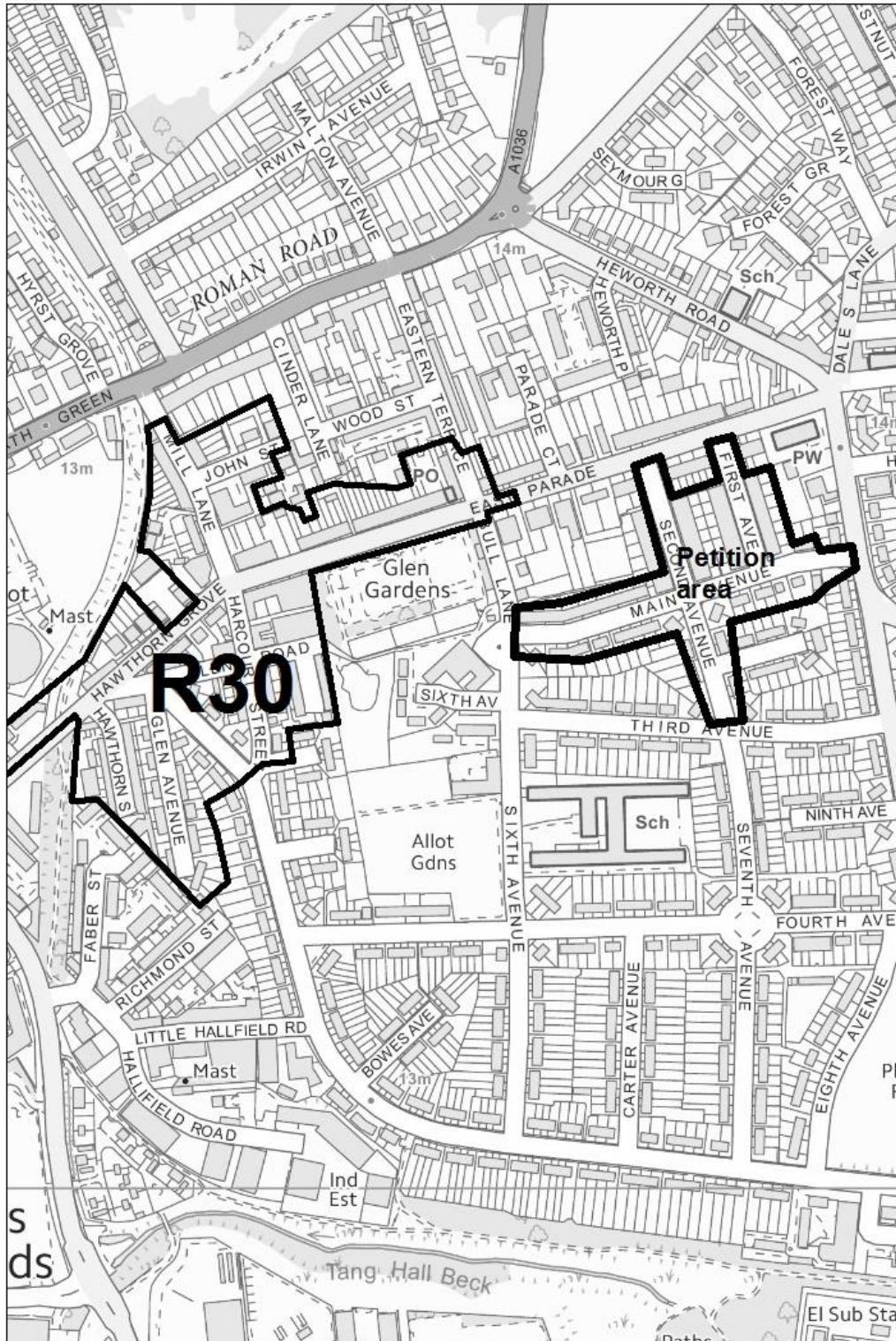
Thank you

Petition for Residents only Parking in Main, First and Second Avenues Heworth York

We the Undersigned wish to petition the council to consider the possibility of establishing a Suitable Residents Only Parking scheme in Main First and Second Avenue Heworth

Annex A2

Plan of Main, First and Second Avenue Area



Annex B1

Balmoral Terrace Petition

I am following up to our previous correspondence with yourself by email, about the possibility of the priority residents parking scheme been introduced in our street. we have now got together some figures as to what the residents feel if a such scheme was introduced. it has been mixed opinion with a slight majority agreeing that it should be implemented.

I would therefore ask if you would consider our street to be listed for consultation about becoming a priority residents parking zone.

The problems in our street have worsened since the introduction of the new zone R58. This has pushed the commuters to park in our street all day, and we have noticed an increase of cars and vans parking overnight that don't belong to residents in our street.

Since we are still in the early days of the impact of the R58 zone been introduced, should we be placed on the list, by the time this process gets to the point of the residents been canvased by yourselves, I believe the numbers supporting the scheme will increase.

I have enclosed a copy of the letters we sent and reply's we have received, out of the 66 houses in our street we had 29 replies 13 agreeing, 11 against and 5 not committing either way, even those against have agreed there is a problem but they just don't want to pay for it.

I hope that if we are considered when you come to canvas in a more official capacity, that you would get a better response.

I would appreciate if you could keep us updated as to any decisions and I look forward to hearing from you.

Kind Regards

Dear residents of Balmoral Terrace

I would appreciate if you would take the time to read this letter and give us some feedback and your opinion about the parking in our street.

I am sure you are all aware of how difficult it has become to park in our street recently, this has increased since some of our neighbouring streets have become subject to the resident's priority parking schemes.

I have lived on this street for 27 years, in the last few years this problem has been getting increasingly worse. I like most people have previously objected to having to pay to park, but I have become so frustrated by the difficulty in parking, I would now be happy to pay, to what I believe would increase the chance of getting parked.

You may be aware that between 7.30 and 8.30am there are several vehicles that park in our street, the occupants of which park then either walk or cycle to work, we also seem to have a number of work vans that park overnight in our street that do not appear to be residents, I believe this is because we are one of the last streets not have restrictions, therefore our street is now becoming a magnet for people wanting to park for free all day.

Both Steph and I are willing to canvas the street, to gain opinion on what the residents think and if you would like us to take this further. this process I am told can take as long as 18 months to be enforced, this depends on how popular it is with residents. If most residents agree it can take less time. I would appreciate if you would fill the attached form and put it through either my or Steph's door, we can then gather the consensus of how popular this would be. If the majority is in favour, we would be happy to begin the process of moving forward with the scheme.

I am aware that this does come at a cost to residents, the cost varies depending on the type of vehicle you have and how many vehicles per household. the following information has been gathered from the city of York council website, if you look under the resident's priority parking scheme, you can find out more information. If you don't have access to the internet and want more information, please ask on the attached form and we will be happy to gather this for you.

If you do not have a vehicle yourself, you can still purchase visitors parking permits from the council at the cost of £6.25 for 5 permits, a permit lasts until 10am the following day allowing guests to stay overnight and only using one permit.

Information from the council website is as follows:

Cost of household parking permits You can have a permit for 3, 6, 9 or 12 months. The cost of your permit depends on how long you want the permit for.

There are also 3 different rates available depending on the level of emissions that your vehicle produces and the size of your vehicle.

Discounted rate

You may be eligible for a discount dependent on your vehicle type:

short car parking discounts are available if your car is shorter than 2.7 metres in length

low emission parking discounts are available for electric/LPG powered cars and cars with emissions up to 120g/km² (vehicle tax bands A-C)

You can find vehicle tax information on a new or used car online from the [Vehicle Certification Agency](#).

Standard rate

You'll be charged the standard rate if the emissions are 121g to 185g/Km² (vehicle tax bands D to I).

Premium rate

You'll be charged the premium rate for your household permit if the emissions are over 185g/Km² (vehicle tax bands J to M) or your vehicle is longer than 5m.

Rates for the first permit at an address

Number of months	Discounted rate	Standard rate	Premium rate
3 Months	£15.25	£30.50	£41.00
6 Months	£30.50	£61.00	£82.00
9 Months	£45.75	£91.50	£123.00
12 Months	£49.98	£99.95	£136.00

Rates for additional permits at an address

The discounted or premium rates only apply to the initial permit at an address, and don't apply to additional permits.

The rates for additional permits are fixed and determined by the number of additional permits required.

Number of months	First additional permit	Second additional permit	Third additional permit
3 Months	£57.25	£100.00	£200.00
6 Months	£114.50	£200.00	£400.00
9 Months	£171.75	£300.00	£600.00
12 Months	£182.50	£370.00	£750.00

Thank you for your time and we look forward to your feedback be it positive or negative, if you would like to provide your mobile telephone number we will be happy to keep you informed, please could you return the form no later than 1st June, if by then the majority is in favour of the scheme, we will approach the council to take it to the next stage, after we the 1st June we will then post another letter through to let you know what the response has been.

Yours sincerely

*copy
OF RESIDUES
Agreeing*

13

Feedback for resident's priority parking scheme

Please return by 1st June 2018

Name

Address

Mobile No:

Any feedback and comments

Balmoral Terrace Plan



Annex C

Residents Parking Waiting List

Residents parking schemes are dealt with in order of when they are received.

Typically 2 schemes might be introduced per year but this depends on funding and other workload priorities.

Process	Approximate timescale
<p>Stage 1 – initiation</p> <p>The request (normally by petition) indicating significant support in an area or street is reported for either approval to take forward or refuse.</p>	8 weeks

When the potential scheme reaches the top of the list work begins.

The time between stage 1 and 2 varies significantly depending on the length of the waiting list.

<p>Stage 2 – start of project</p> <p>A draft scheme and questionnaire will be sent out to all properties within the proposed area. A proposal will normally be taken forward if there is at least a 50% response rate and the majority of returns are in favour. Depending on circumstances, there is potential for individual streets to go forward from an area if the streets return is very positive whilst the areas is either low or opposed.</p> <p>The consultation is then reported along with a proposed scheme for approval to advertise a Traffic Regulation Order.</p> <p>TRO preparation and advertising</p> <p>Any objections to the proposed TRO are then reported for consideration.</p> <p>If the objections are overturned the scheme will then be implemented.</p>	<p>6 – 8 weeks</p> <p>8 weeks</p> <p>4 - 6 weeks</p> <p>8 weeks</p> <p>12 - 15 weeks</p>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------

Once work on a scheme begins it will normally take 9 months to complete.

Waiting List

Area	Date received	Progress (NOTE: not all will get through to implementation)	
Rosedale Street Petition	April 2017	Reported Consultation carried out Consultation report TRO advertised Objections report Implemented/dropped	Yes Yes
Danesmead estate Petition SEE LINK BELOW	April 2017	Reported Consultation carried out Consultation report TRO advertised Objections report Implemented/dropped	Yes Yes
Sussex Road petition	May 2017	Reported Consultation carried out Consultation report TRO advertised Objections report Implemented/dropped	Yes Yes
Clifton Dale	June 2017	Reported Consultation carried out Consultation report TRO advertised Objections report Implemented/dropped	Yes
Broadway / Westmorland Drive LINK with Danesmead estate above	Sept. 2017	Reported Consultation carried out Consultation report TRO advertised Objections report Implemented/dropped	Yes Yes
Pasture Farm Close	Sept. 2017	Reported Consultation carried out Consultation report TRO advertised Objections report Implemented/dropped	Yes

Area	Date received	Finished	
Main Avenue, First Avenue and Second Avenue	May. 2018	Reported Consultation carried out Consultation report TRO advertised Objections report Implemented/dropped	Yes
Balmoral Terrace	June. 2018	Reported Consultation carried out Consultation report TRO advertised Objections report Implemented/dropped	Yes

Area	Date received	Finished	
South Bank Avenue Petition	Summer 2016	Implemented	Yes
Butcher Terrace area Petition	Summer 2016	Implemented	Yes
Phoenix Boulevard Petition	Summer 2016	Implemented	Yes
Railway Terrace / St Paul's area Petition	Summer 2016	Implemented	Yes
St. Aubyn's Place	February 2017	Implemented	Yes
St. John's Place and Chestnut Court	August 2017	Reported	NO ACTION



**Decision Session – Executive Member for
Transport and Planning****16 August 2018**

Report of the Corporate Director of Economy and Place

Strensall to Haxby – Danger Reduction Scheme**Summary**

1. Update report detailing the investigation into reducing the speed limit and introducing traffic calming on the rural roads between Haxby and Strensall, following receipt of a petition. It also includes the results of a consultation exercise with local ward and parish councillors with regard the proposed scheme.

Recommendations

2. The Executive Member is asked to approve:

Option 2: Introduce a reduced set of measures, as set out in **Annex C**, which takes into account the comments from consultees.

Reason: To highlight the presence of vulnerable road users and reduce the level of perceived danger for local residents and other road users.

Background

3. A petition requesting a reduction of the speed limit and the introduction of traffic calming measures on rural roads between Haxby and Strensall was received by City of York Council and was considered by the Executive Member for Transport and Planning at a decision session on 10 November 2016. The decision taken at the meeting was that the issue be considered as part of the annual danger reduction measures across the city. It was therefore added to the danger reduction programme.

Investigation

4. The investigation was carried out and a briefing report (**Annex A**) prepared to detail the findings. The report concluded that there is no

casualty accident problem or issue with vehicle speeds on the roads in question. However, it considered that the petition demonstrated that there is a perceived danger to using the road for vulnerable road users.

5. The briefing note went on to recommend that works should be carried out to remind drivers of the need to reduce speed particularly at the bends, and highlight the presence of vulnerable road users, and that the existing signing and lining needs refreshing. The details of the proposals are attached as **Annex B**.
6. The briefing report was considered by the Assistant Director Transport, Highways and Environment and it was decided that the scheme should progress to consultation with local representatives.

Consultation

7. The recommended proposals were issued to local ward councillors and the parish and town councils of the nearby villages. Along with the emergency services. The following comments were received:

Strensall with Towthorpe Parish Council

8. Strensall Parish Council considered the Haxby to Strensall Danger Reduction Scheme at its meeting on June 12th.
9. The Parish Council generally agreed with the findings of the briefing report as far as the recorded observation of speed limits and the accident record is concerned, and consider there to be no more of an issue on this road than any comparable rural road.
10. The Parish Council do not consider the intense signage proposed to be a good use of resources and consider that it will adversely affect the rural appearance of the entrance to the village. They have requested that the signage be reduced to a bare minimum and any funds released be used to repair the road surface.

Cllr P. Doughty (Ward member for Strensall)

11. Cllr Doughty confirmed that he had attended the Strensall Parish Council meeting on 12th June and broadly agrees with the comments from the Parish Council.

12. He also noted that he approves of the refreshing of the white lining, cleaning of existing signage and the horses warning sign due to the stables which are well used.
13. He asked that consideration was given to improvements for sections of rural routes where patching near the verges in particular has left them at the point where greater intervention is needed. He noted he was grateful when a section of Haxby Moor Road (not the whole width of the road) was reconstructed and believes this same treatment is needed at several other stretches and bends. Appreciates this would need budgeting but believes future consideration is needed as sections are becoming beyond patching.

14. *Cllr H. Douglas (Ward member for Strensall)* - No response

Haxby Town Council

15. The Town council provided comments relating to the speed of vehicles entering and exiting the village on Moor Lane and requested the 30mph limit be relocated further north with coloured tarmac and rumble strips provided to reduce speeds

16. *Wigginton Parish Council* - No response

17. *Cllr I. Cuthbertson (Ward member for Haxby and Wigginton)* - No response

18. *Cllr J. Gates (Ward member for Haxby and Wigginton)* - No response

Cllr T. Richardson (Ward member for Haxby and Wigginton)

19. Cllr Richardson is generally happy with the scheme, but asked that the road markings at the farm in extract 8 are made very clear as this was the site of a collision some time ago.

Emergency Services

20. *North Yorkshire Police* – Happy to support the proposals.

Officer response

21. Extra signs

The extra supplementary plates for the warning signs were designed to give drivers additional information with regard the hazard. Officers recognise that this does increase the amount of sign clutter on a rural route and after considering all responses suggest that the “max speed” plates are removed from the scheme as shown in **Annex C**.

22. Reallocation of funding

The request to reallocate budget from the Danger Reduction scheme to the maintenance programme is not possible at this time. This scheme forms part of the safety scheme programme which is significantly over programmed at present and any budget savings from the reduction or removal of this scheme from the programme should be used to fund other safety schemes.

23. Carriageway condition

As well as visiting the site officers reviewed the annual condition for the highway under investigation. The majority of the carriageway for the routes shows signs of wear but is not functionally impaired. There are sections which are in poorer condition, but works need to be prioritised across the authority area through the maintenance programme which is developed by the Asset Management team.

24. Moor Lane entry and exit speeds

The investigation was based on a request via petition to reduce the speed limit on Moor Lane, Crossmoor Lane and Haxby Moor Rd. This did not involve looking at entry / exit speeds at the villages. Haxby Town Council were advised to contact our the CYC Road Safety team if they wished to have the village entry / exit speeds considered under the speed management partnership.

Options

25. Option 1: Introduce the measures as set out in **Annex B**.

26. Option 2: Introduce a reduced set of measures taking into account the comments from consultees, set out in **Annex C**.
27. Option 3: Do nothing.

Analysis

28. The original proposal Option 1 (**Annex B**) was designed to help remind drivers of the need to reduce speed at the bends, highlight the presence of vulnerable road users and reduce the level of perceived danger for local residents and other road users. This would introduce a significant number of extra supplementary sign plates to the route which the consultees who responded considered mostly unnecessary.
29. To address the concerns of sign clutter Option 2 provides a reduced scheme. This option still provides supplementary information for the warning signs which refer to vulnerable road users but removes the “max speed” plates. The speed of vehicles on these routes is not excessive and these extra signs would only have an impact at the bends so officers consider the loss to the scheme overall to be negligible. The responses to the consultation suggest that the remaining measures including the lining refresh are well supported.
30. Option 3 does nothing to address the concerns raised in the original petition and so is not recommended.

Council Plan

31. This section explains how the proposals relate to the Council's 3 key priorities, as set out in the Council's Plan 2015-19.

Key Priority - a council that listens to residents - to ensure it delivers the services they want and works in partnership with local communities.

The Council having received a petition has actively investigated the problems identified and working with local community representatives developed a reasonable solution to improve the route for vulnerable users and reduce speeds without altering the signed speed limit.

Implications

32. The following implications have been considered:

- **Financial** – The scheme costs have been estimated at £15,000 including staff costs. This is affordable from the safety schemes budget in the 18/19 capital programme.
- **Human Resources (HR)** - There are no HR implications.
- **One Planet Council / Equalities** - There are no One Planet Council / equalities implications.
- **Legal** - There are no legal implications.
- **Crime and Disorder** - There are no crime and disorder implications.
- **Information Technology (IT)** - There are no IT implications.
- **Property** - There are no property implications.

Risk Management

33. In compliance with the Council’s risk management strategy, the following risks associated with the recommendation in this report have been identified and described in the following points, and set out in the table below:
34. Authority reputation – The recommendation does not seek to reduce the speed limit as requested in the original petition. This risk is in connection with the public perception of the Council for not complying with the request made in the petition and is assessed at 10.

Risk Category	Impact	Likelihood	Score
Organisation/ Reputation	Minor	Probable	10

35. As detailed in the briefing note (**Annex A**) a reduction of the speed limit would have a negligible effect on vehicle speeds which would potentially have a more substantial impact on the reputation of the organisation. Due to this reasoning the risk associated with maintaining the current limit and carrying out alternative measures is consider acceptable.

Contact Details

Author:
Ben Potter
Engineer
Transport Projects
Tel No. 01904 553496

Chief Officer Responsible for the report:
Neil Ferris
Corporate Director of Economy and Place

Report **Date** 19 July 2018
Approved

Wards Affected: Haxby and Wigginton / Strensall

For further information please contact the author of the report

Background Papers:

[Decision Session 10 November 2016 – Haxby to Strensall Speed Limit Petition – Report](#)

Annexes

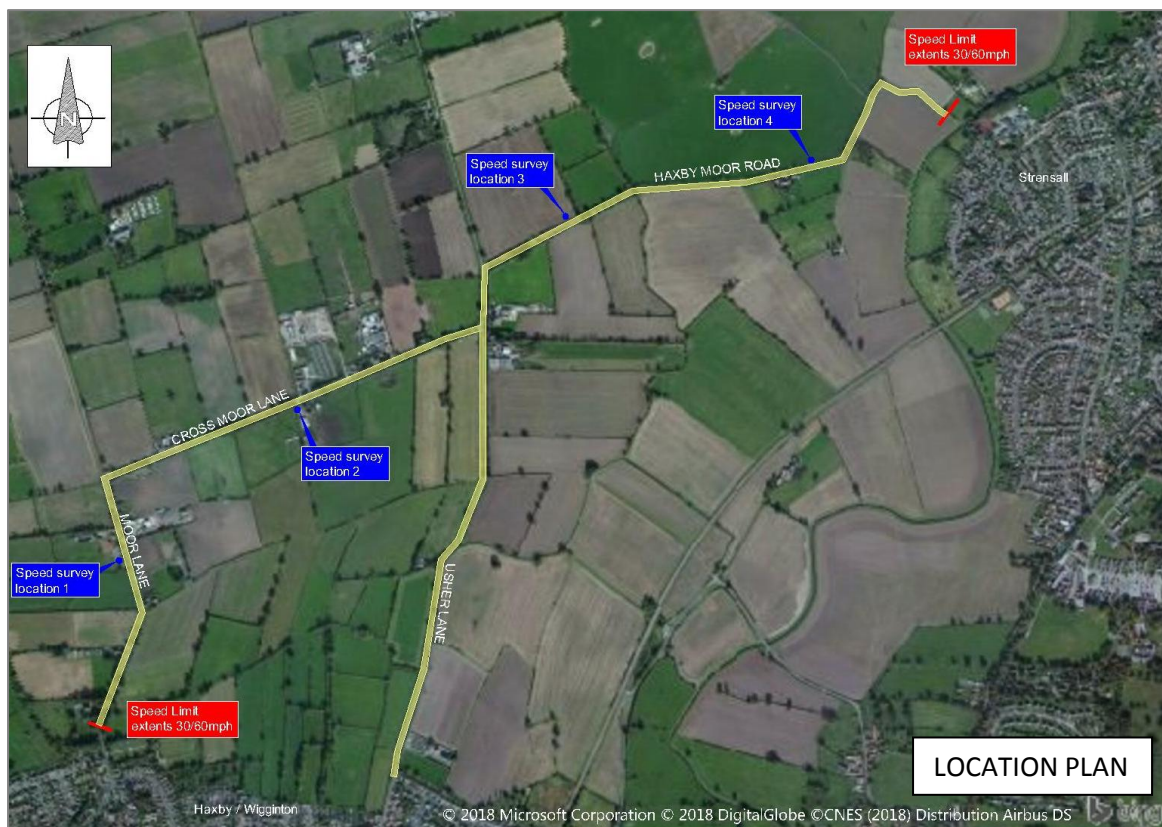
Annex A - Briefing Note
Annex B - Proposed Scheme – Location Plan and Extracts
Annex C - Amended Scheme – Location Plan and Extracts

This page is intentionally left blank

Strensall – Haxby Speed limit reduction request.

Background

A petition requesting a reduction of the speed limit and the introduction of traffic calming measures on rural roads between Haxby and Strensall was received by City of York Council and was considered by the Executive Member for Transport and Planning at a decision session on 10 November 2016. The decision taken at the meeting was that the issue be considered as part of the annual danger reduction measures across the city. It was therefore added to the 17/18 danger reduction program.



The Site

The roads (Moor Lane, Cross Moor Lane, Haxby Moor Road & Usher Lane, highlighted on the location plan above) that link Haxby to Strensall are rural with a few properties (business and residential) having direct access on to them. In addition to vehicular traffic the route is popular with horse riders, cyclists and walkers, although there are no footways. The roads are mainly long straights with good visibility linked by sharp bends where forward visibility is greatly reduced. Warning signing for the bends along with chevrons and marker posts is in place where appropriate but the condition is variable. The signs are also accompanied by “SLOW” road markings which are wearing off and are likely unreadable in wet and dark conditions when they are most needed. Most of the route also has evidence of

edge of carriageway markings which have either faded completely due to vehicle overrun or the verge has overgrown the carriageway masking the lines.

Accident Data

Casualty accident data for the three year period between 01/01/2014 and 31/12/2016 was examined for the whole route.

Two slight accidents were recorded. Both were single vehicle accidents one due to mud on the road and one due to the driver being taken ill at the wheel.

The accident rate for the length of road in question is 424bvm (billion vehicle miles) below the national average for a rural road in the UK which is 440bvm. This suggests that the problem on the route is one of perceived danger as it is not reflected in the accident data.

Speed data

Speed data was collected at four locations along the route during November 2017. A summary is given below and more details are provided as **Annex A**. The locations of each survey are shown on the location plan on page 1.

Location 1 Moor Lane

Direction	South	North
Mean Speed	37.94	33.87
85th %ile	44	38

Location 2 Cross Moor Lane

Direction	West	East
Mean Speed	43.33	44.88
85th %ile	52	54

Location 3 Haxby Moor Road West

Direction	West	East
Mean Speed	34.68	35.53
85th %ile	40	41

Location 4 Haxby Moor Road East

Direction	West	East
Mean Speed	36.47	39.21
85th %ile	42	45

The data illustrates that the existing limit is working well, with mean and 85th percentile speeds along the route below the 60mph limit at all four locations.

National guidance for setting local speed limits is included in DfT circular 01/2013 (Setting Local Speed Limits), which advises that most rural roads of this nature should be set at 60mph. In addition to mean and 85th percentile speeds environmental factors are also considered when setting a speed limit for a rural road. This includes features like bends, junctions or accesses, substantial development, a strong environmental or landscape reason, or where there are considerable numbers of vulnerable road users. The section in question does include some of these factors however, the speeds are already much lower than the posted limit. If the speed limit were to be lowered to 40mph it is unlikely that residents and road users would see any visible difference in speeds, which in turn would likely lead to calls for enforcement on a road which currently has no speeding or accident problems.

The guidance also provides advice for inappropriate speed, at levels below the legal limit but above those appropriate for the road at the time (for example, because of the weather conditions or because vulnerable road users are present), as this can be a particular problem for rural roads. Many of the comments in the petition allude to this being the issue rather than a consistent problem with speed. Speed limit changes are therefore unlikely to fully address the problems local residents have reported.

Traffic Calming

The petition also requested traffic calming measures are considered for the route. Traffic calming is a more urban feature and so isn't usually considered for rural roads such as these. Rural traffic calming is usually used at the entrance to villages to help reduce speed through a built up area or in national parks. These usually take the form of pinch points or rumble strips and only serve to remind drivers of the need to slow down where the environment changes rather than provide a repeated traffic calming effect.

The route does have some indicators to drivers that they need to slow down in the form of warning signs and slow markings. However, these features have been in place for some time without any maintenance and are now faded, broken or dirty. This means drivers are likely to miss the important safety messages provided by the features. Many of the signs are also not accompanied by a supplementary plate which can help to provide additional messages and clarification as to the meaning of the sign. Additionally the edge of carriageway markings which helped to visually narrow the carriageway promoting lower speeds are almost non-existent in some places. These can be helpful on long straights to discourage inappropriate speed and are cheap to install and maintain.

Recommendation

The data led investigation shows that there is no casualty accident problem or issue with vehicle speeds on the roads in question. The petition demonstrates that there is a perceived danger to using the road for vulnerable road users. It is therefore recommended that works are carried out to remind drivers of the need to reduce speed at the bends and highlight the presence of vulnerable road users. Additionally the existing lining needs refreshing. Therefore it is recommended that:

- The existing speed limit remains.
- Signing improvements and maintenance of other street furniture is carried out along the route - see attached drawings:
TP/170017/RP – Route Plan, TP/170017/01 – 08 – Extract Drawings
- All existing lining is refreshed including edge of carriageway markings to visually narrow the road.

Estimated cost for these works - £11,000

The area will continue to be monitored through the annual casualty accident cluster site review.

City of York Council Speed Survey Summary



ANNEX A
pg 1 of 4

Right hand bend sign

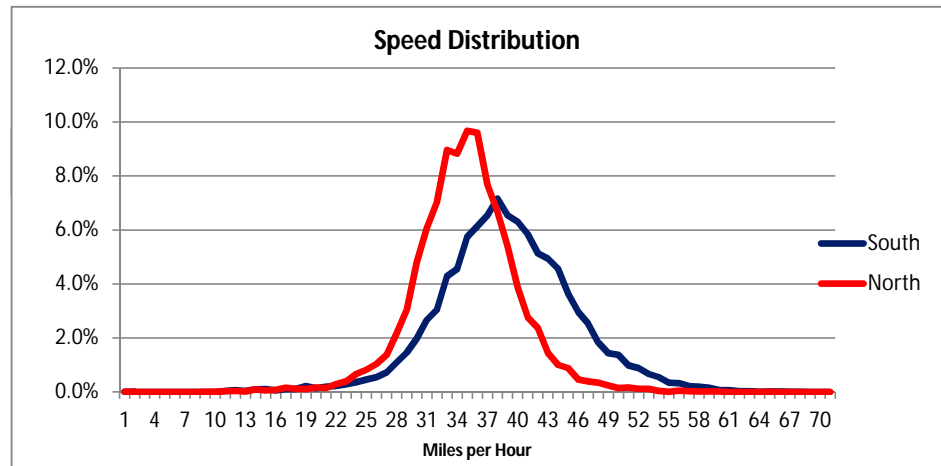
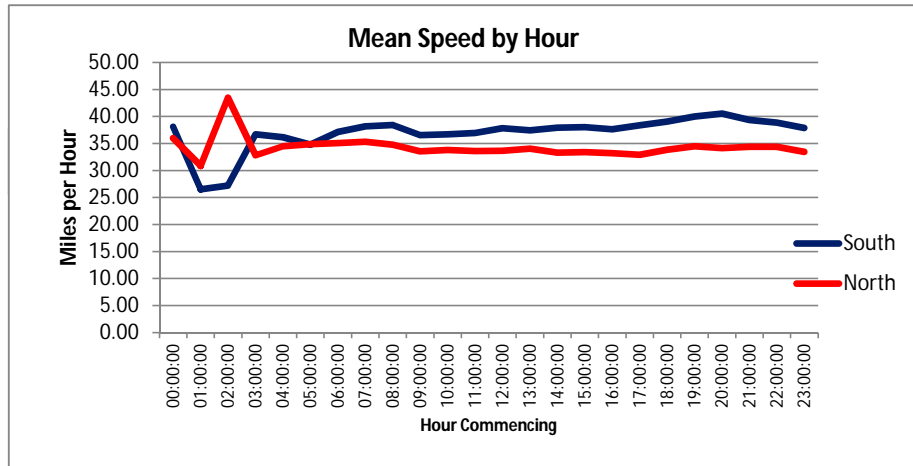
10 - 26 November 2017

ACPO enforcement speed **68** **16 days of data**

Speed Limit: 60

Key speed statistics

Direction	South	North	Mean Speed	South	North
Mean	37.94	33.87	Midnight - 7am	34.58	34.53
85th Percentile	44	38	7am-9am	38.29	34.98
95th Percentile	49	42	10am-3pm	37.47	33.68
Top Speed	67	64	4pm-6pm	38.01	33.06
Percentage above ACPO enforcement speed	0.0%	0.0%	8pm-Midnight	39.64	34.20
Percentage above speed limit	0.1%	0.0%			



City of York Council Speed Survey Summary

Telegraph Pole Crossmoor Lane YK1610880
 10 - 26 November 2017

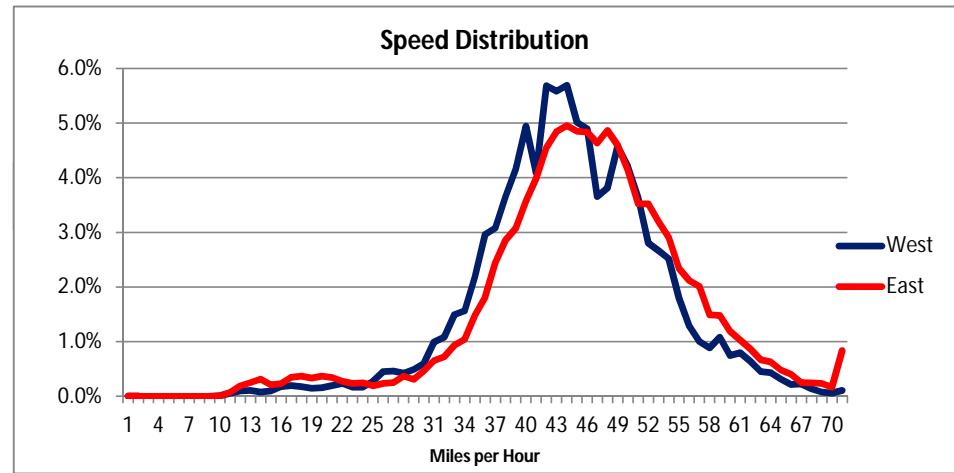
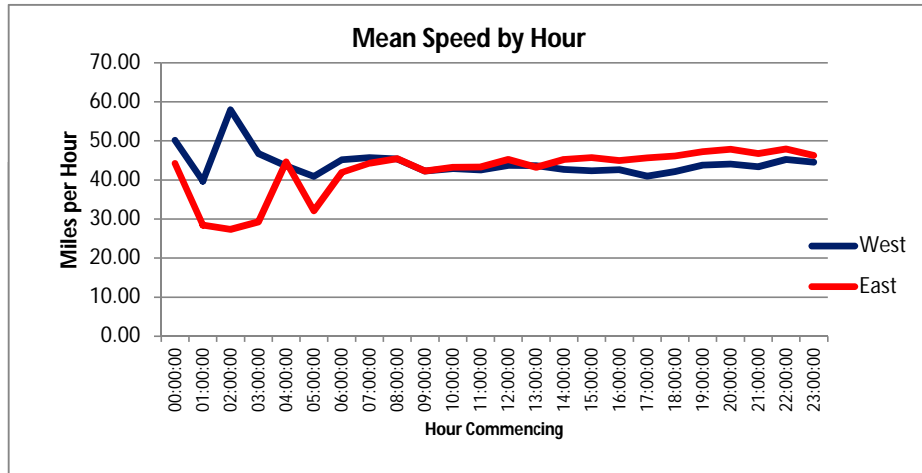


ANNEX A
pg 2 of 4

ACPO enforcement speed **68** **17 days of data**
 Speed Limit: 60

Key speed statistics

Direction	West	East	Mean Speed	West	East
Mean	43.33	44.88	Midnight - 7am	44.98	35.86
85th Percentile	52	54	7am-9am	45.56	45.04
95th Percentile	58	60	10am-3pm	43.11	44.14
Top Speed	80	85	4pm-6pm	41.78	45.31
Percentage above ACPO enforcement speed	0.2%	1.0%	8pm-Midnight	44.19	47.43
Percentage above speed limit	2.7%	4.8%			



City of York Council Speed Survey Summary



ANNEX A
pg 3 of 4

Haxby Moor Road Bend Sign

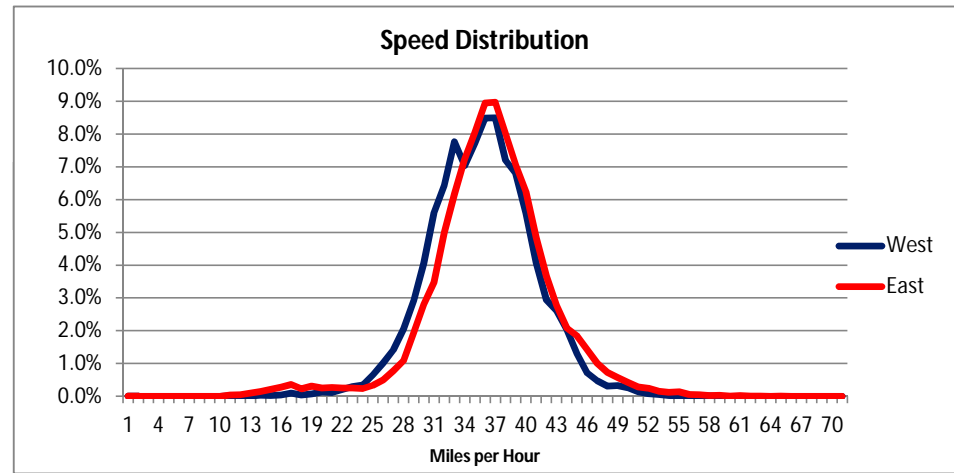
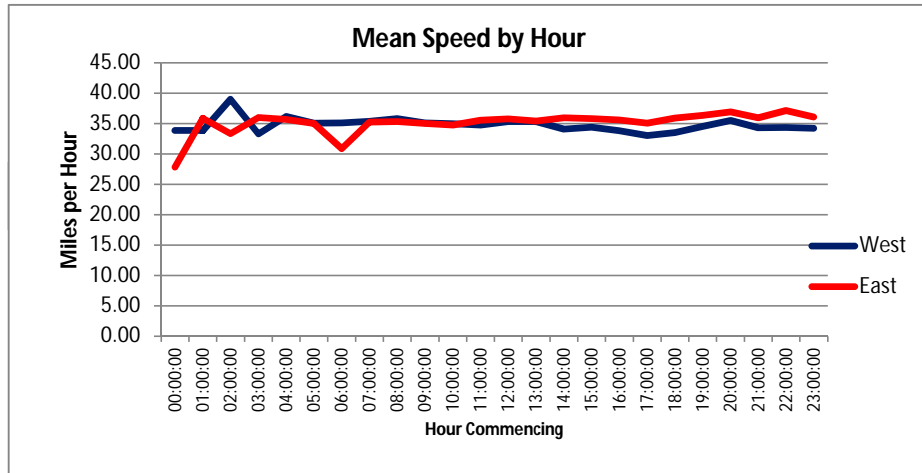
10 - 25 November 2017

ACPO enforcement speed **68** **15 days of data**

Speed Limit: 60

Key speed statistics

Direction	West	East	Mean Speed	West	East
Mean	34.68	35.53	Midnight - 7am	34.74	29.76
85th Percentile	40	41	7am-9am	35.62	35.31
95th Percentile	43	45	10am-3pm	34.91	35.56
Top Speed	57	64	4pm-6pm	33.39	35.32
Percentage above ACPO enforcement speed	0.0%	0.0%	8pm-Midnight	34.83	36.62
Percentage above speed limit	0.0%	0.0%			



City of York Council Speed Survey Summary



ANNEX A
pg 4 of 4

Haxby Moor Road Bend Sign

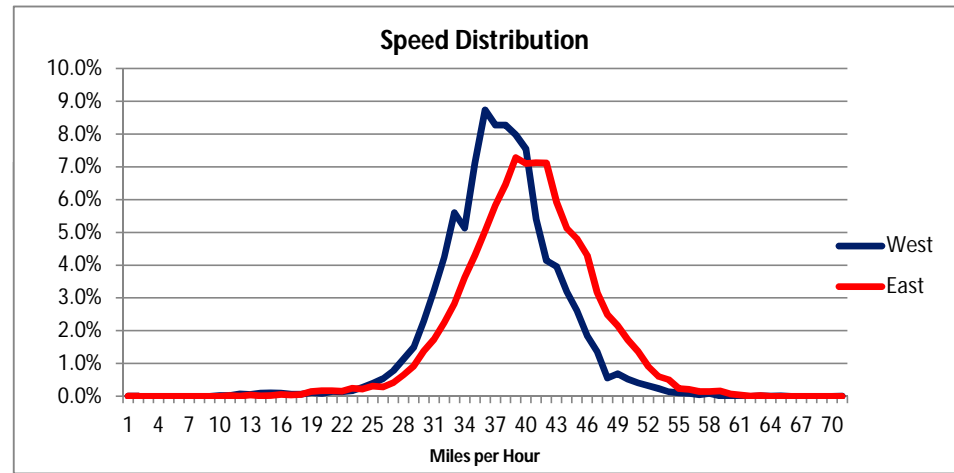
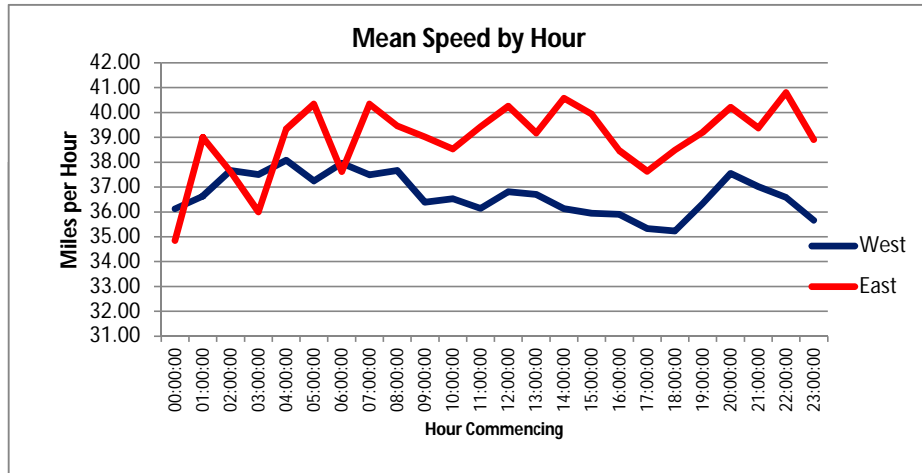
10 - 29 November 2017

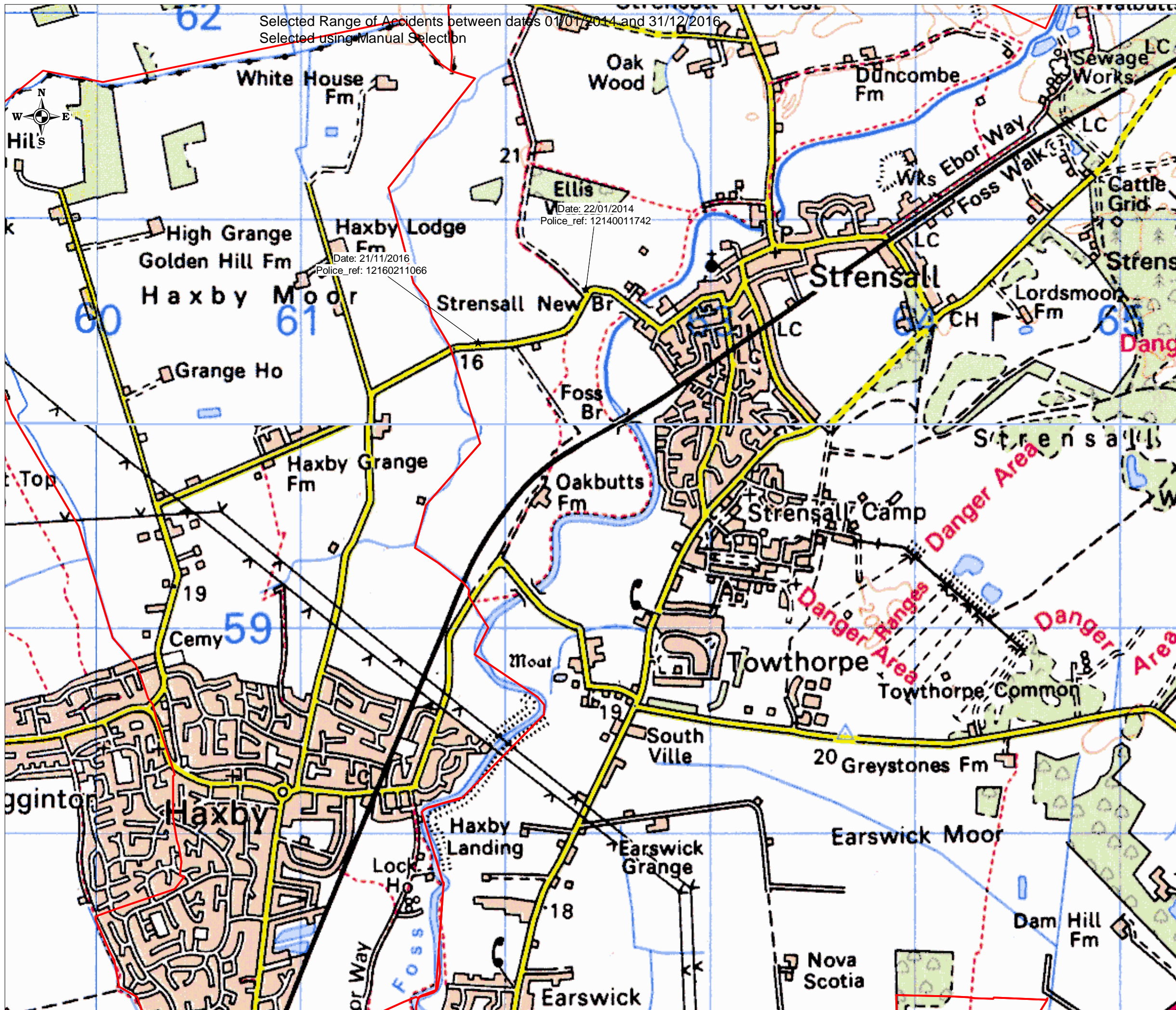
ACPO enforcement speed **68** **19 days of data**

Speed Limit: 60

Key speed statistics

Direction	West	East	Mean Speed	West	East
Mean	36.47	39.21	Midnight - 7am	37.02	36.16
85th Percentile	42	45	7am-9am	37.59	39.82
95th Percentile	45	49	10am-3pm	36.48	39.71
Top Speed	74	62	4pm-6pm	35.62	38.05
Percentage above ACPO enforcement speed	0.0%	0.0%	8pm-Midnight	36.92	40.02
Percentage above speed limit	0.0%	0.0%			





Selected Range of Accidents between dates 01/01/2014 and 31/12/2016
 Selected using Manual Selection

ACCIDENTS BETWEEN DATES

ENTER START DATE
 AND
 ENTER END DATE

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office + Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 City of York Council
 Licence No: 1000 20818 April 2005

Her Majesty's Office (c) Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

DRAWING TITLE



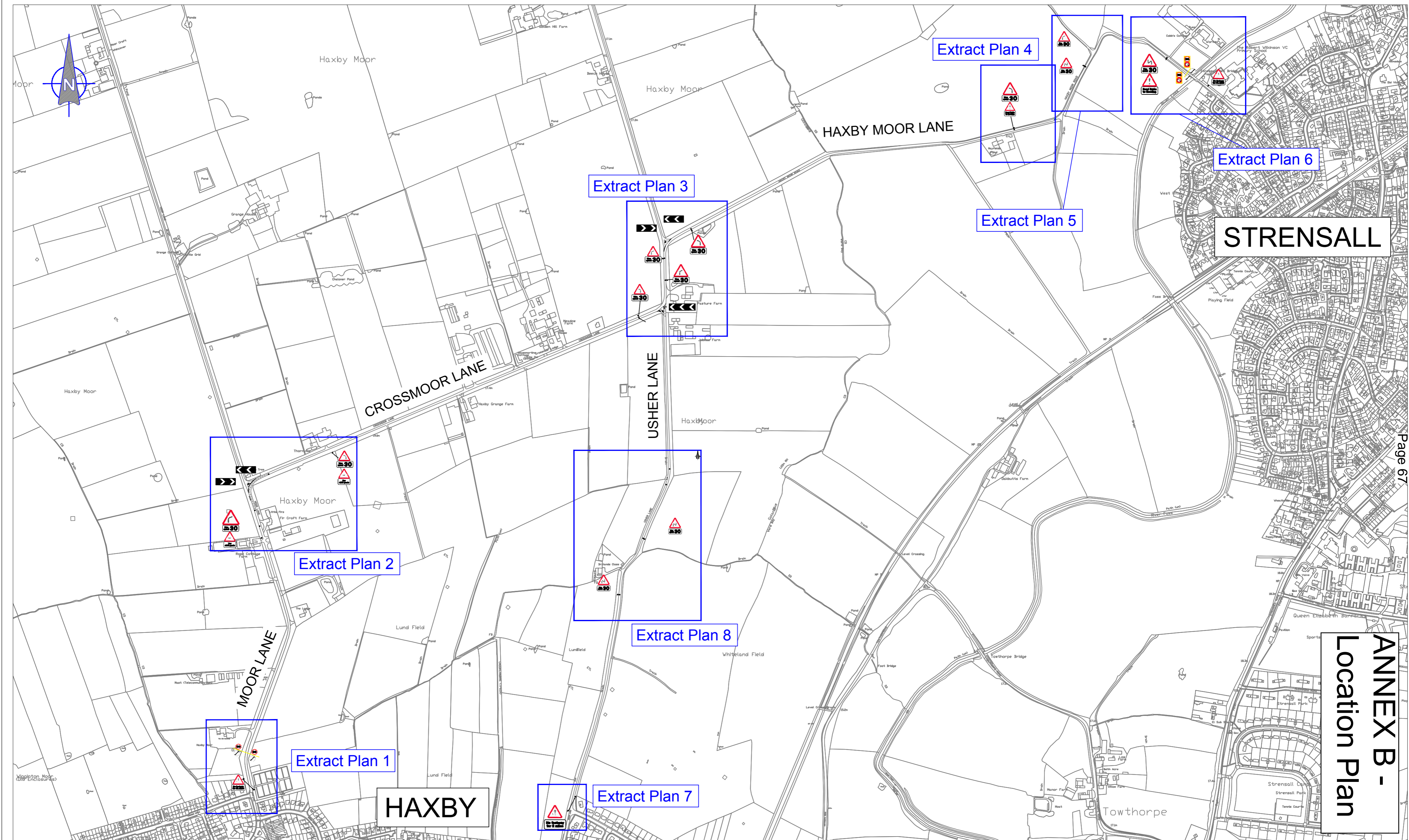
Haxby to Strensall DR scheme

1 : 17780

30/01/2018

SCALE


This page is intentionally left blank



**ANNEX B -
Location Plan**

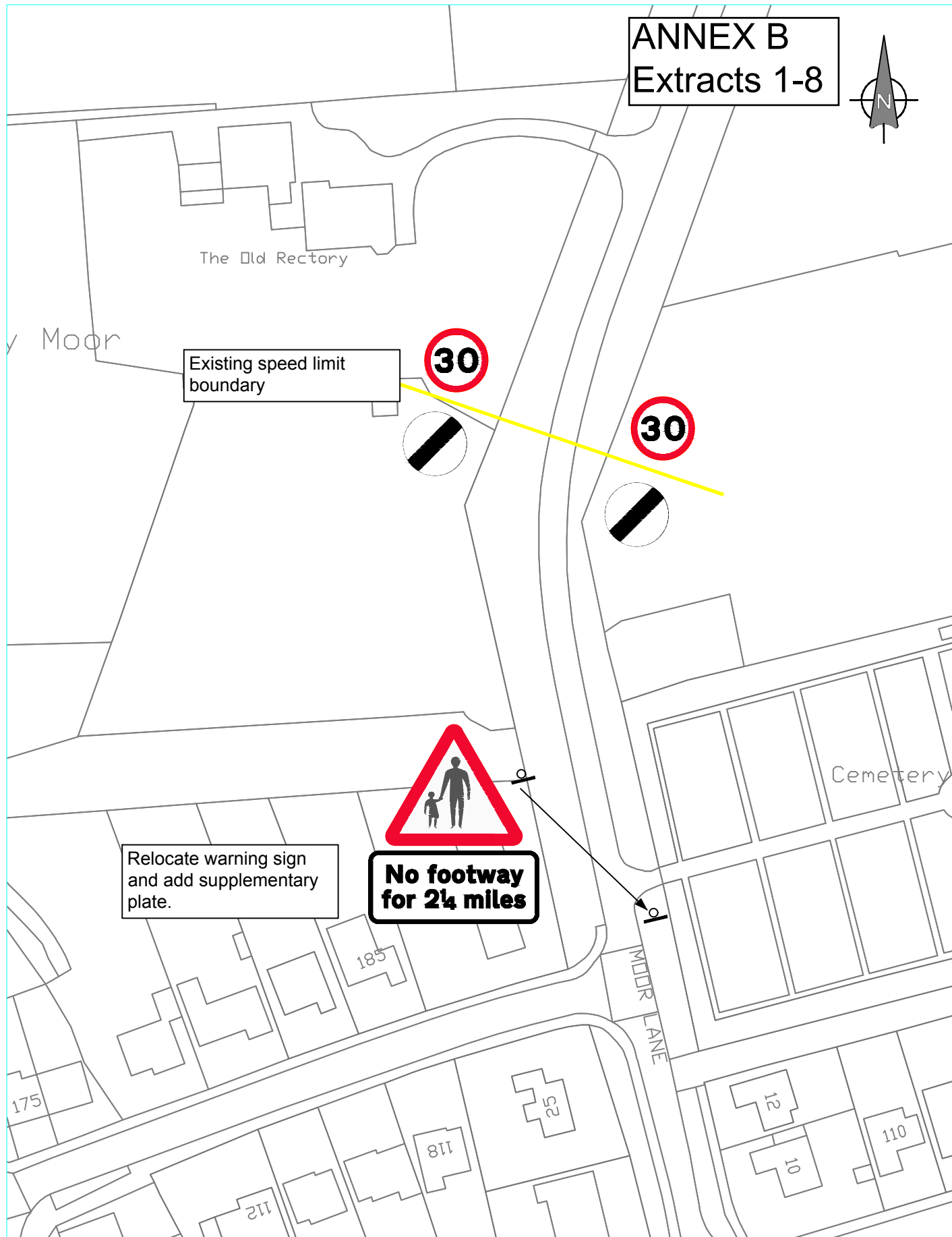
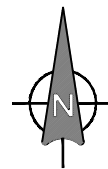
©CROWN COPYRIGHT. City of York Council OS Licence No. 1000 20818

L:\DOCUMENT\Transport Projects\Projects\10 - Safety & Accessibility Schemes\Danger Reduction\DR 1718\Haxby to Strensall - Cross Moor Lane & Haxby Moor Lane\DR1718 Haxby Strensall base plan.dwg


 <p>Highways - Transport Projects and Delivery Team Eco Depot, Hazel Court, James Street, York, YO10 3DS www.york.gov.uk</p>	INITIAL	REV	AMENDMENT	DATE	<p>Danger Reduction 17/18 Haxby to Strensall Location plan</p>	SCALE	<p>NTS</p>
	DRAWN BY	B Potter					
	CHECKED BY						
DATE	02/02/2018	A2				TP/170017/RP	

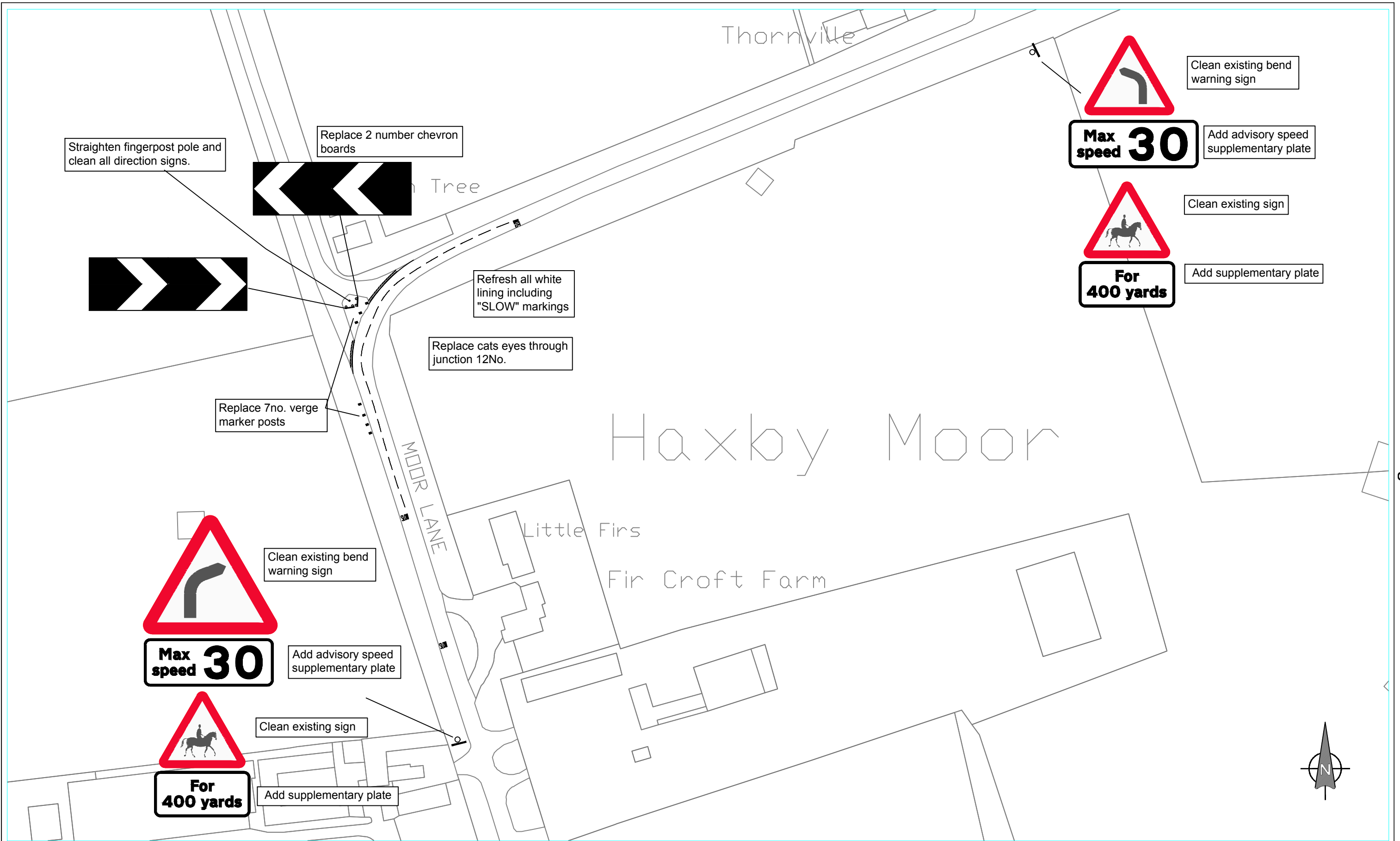
This page is intentionally left blank

ANNEX B
Extracts 1-8



L:\DOCUMENT\Transport Projects\Projects\10 - Safety & Accessibility Schemes\Danger Reduction\DR 1718\Haxby to Strensall - Cross Moor Lane & Haxby Moor Lane\DR1718 Haxby Strensall base plan.dwg

 <p>CITY OF YORK COUNCIL</p> <p>Transport Projects Eco Depot, Hazel Court, James Street, York, YO10 3DS www.york.gov.uk</p>	<p>Danger Reduction 17/18 Haxby - Strensall Extract 1</p>				SCALE	NTS
					DATE	05/02/18
					DRAWN	B Potter
					CHECK	
	REV	AMENDMENTS	DATE	DRAWN	TP/170017/01	



©CROWN COPYRIGHT. City of York Council OS Licence No. 1000 20818

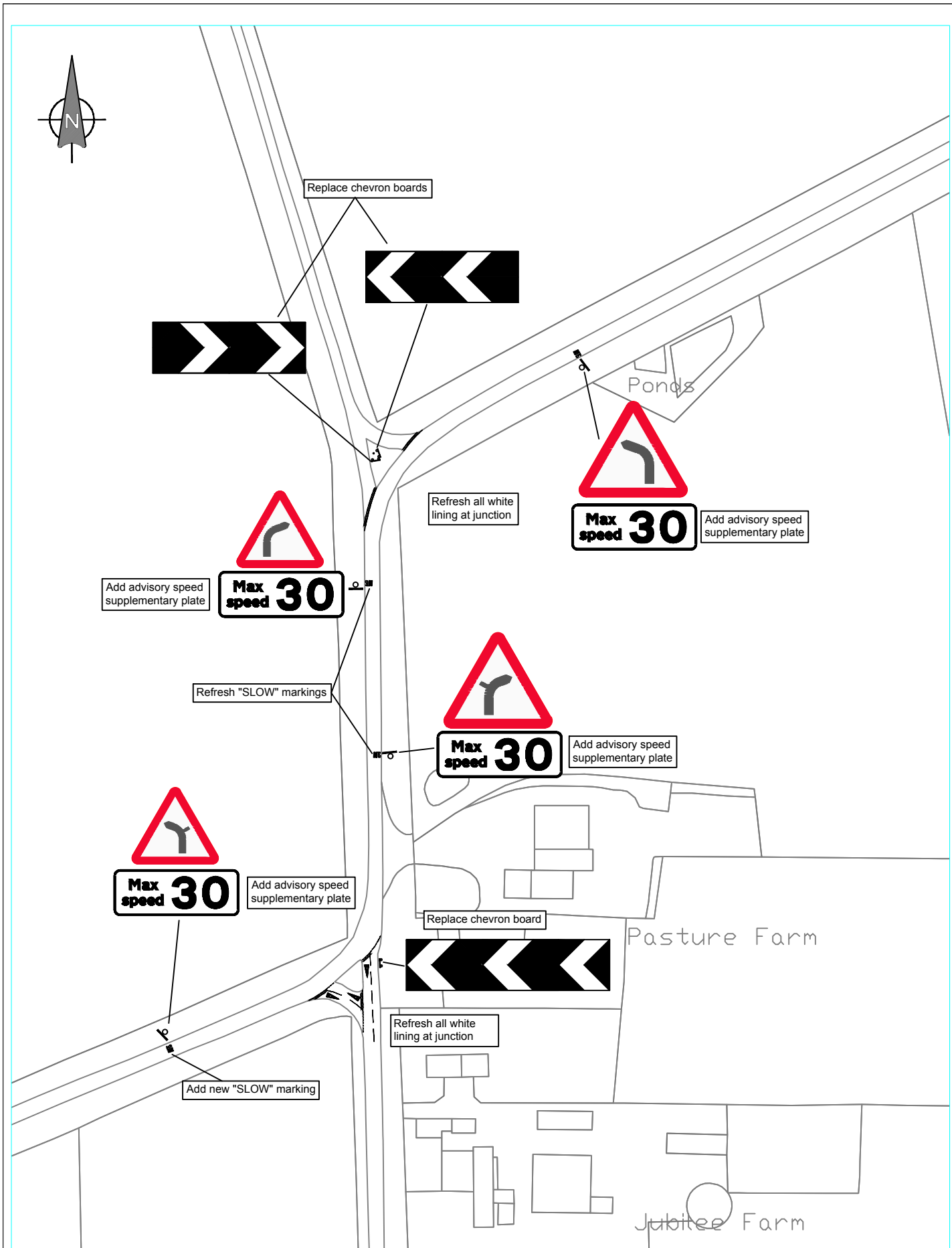
L:\DOCUMENT\Transport Projects\Projects\10 - Safety & Accessibility Schemes\Danger Reduction\DR 1718\Haxby to Strensall - Cross Moor Lane & Haxby Moor Lane\DR1718 Haxby Strensall base plan.dwg




DATE	INITIAL	REV	AMENDMENT	DATE
05/02/18	Ben Potter			

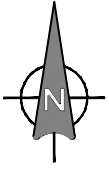
Danger Reduction 17/18
Haxby - Strensall
Extract 2

SCALE	NTS
TP/170017/02	

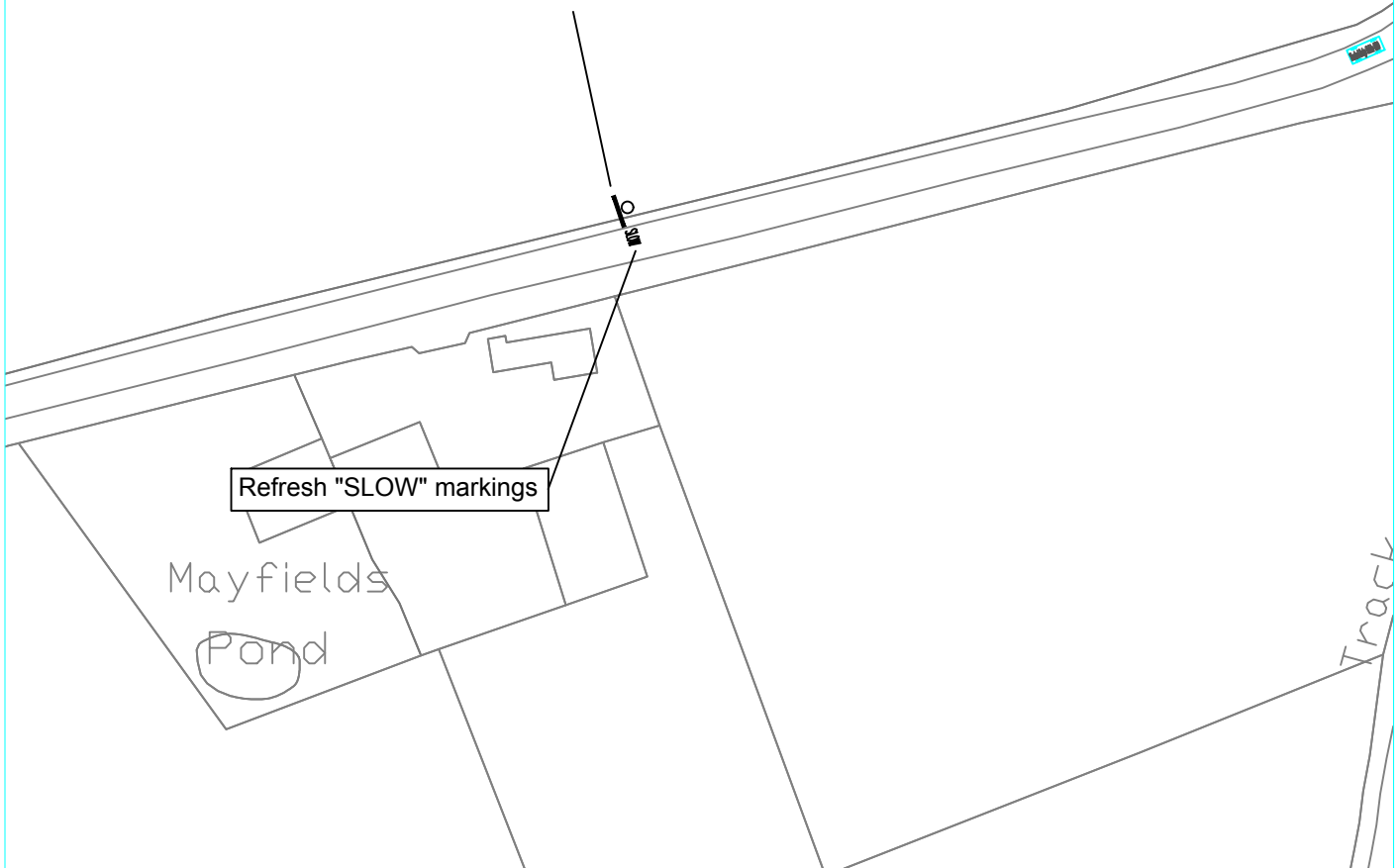


L:\DOCUMENT\Transport Projects\Projects\10 - Safety & Accessibility Schemes\Danger Reduction\DR 1718\Haxby to Strensall - Cross Moor Lane & Haxby Moor Lane\DR1718 Haxby Strensall base plan.dwg

 <p>CITY OF YORK COUNCIL</p> <p>Transport Projects Eco Depot, Hazel Court, James Street, York, YO10 3DS www.york.gov.uk</p>	<p>Danger Reduction 17/18 Haxby- Strensall Extract 03</p>			SCALE	NTS							
				DATE	05/02/18							
				DRAWN	Ben Potter							
				CHECK								
<table border="1"> <thead> <tr> <th>REV</th> <th>AMENDMENTS</th> <th>DATE</th> <th>DRAWN</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		REV	AMENDMENTS	DATE	DRAWN					<p>TP/170017/03</p>		
REV	AMENDMENTS	DATE	DRAWN									



Add advisory speed supplementary plate



L:\DOCUMENT\Transport Projects\Projects\10 - Safety & Accessibility Schemes\Danger Reduction\DR 1718\Haxby to Strensall - Cross Moor Lane & Haxby Moor Lane\DR1718 Haxby Strensall base plan.dwg



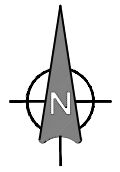
Transport Projects
Eco Depot, Hazel Court, James Street, York, YO10 3DS
www.york.gov.uk

Danger Reduction 17/18
Haxby - Strensall
Extract 4

REV	AMENDMENTS	DATE	DRAWN

TP/170017/04

SCALE	NTS
DATE	05/02/18
DRAWN	Ben Potter
CHECK	



Max speed 30

Add advisory speed supplementary plate


Max speed 30

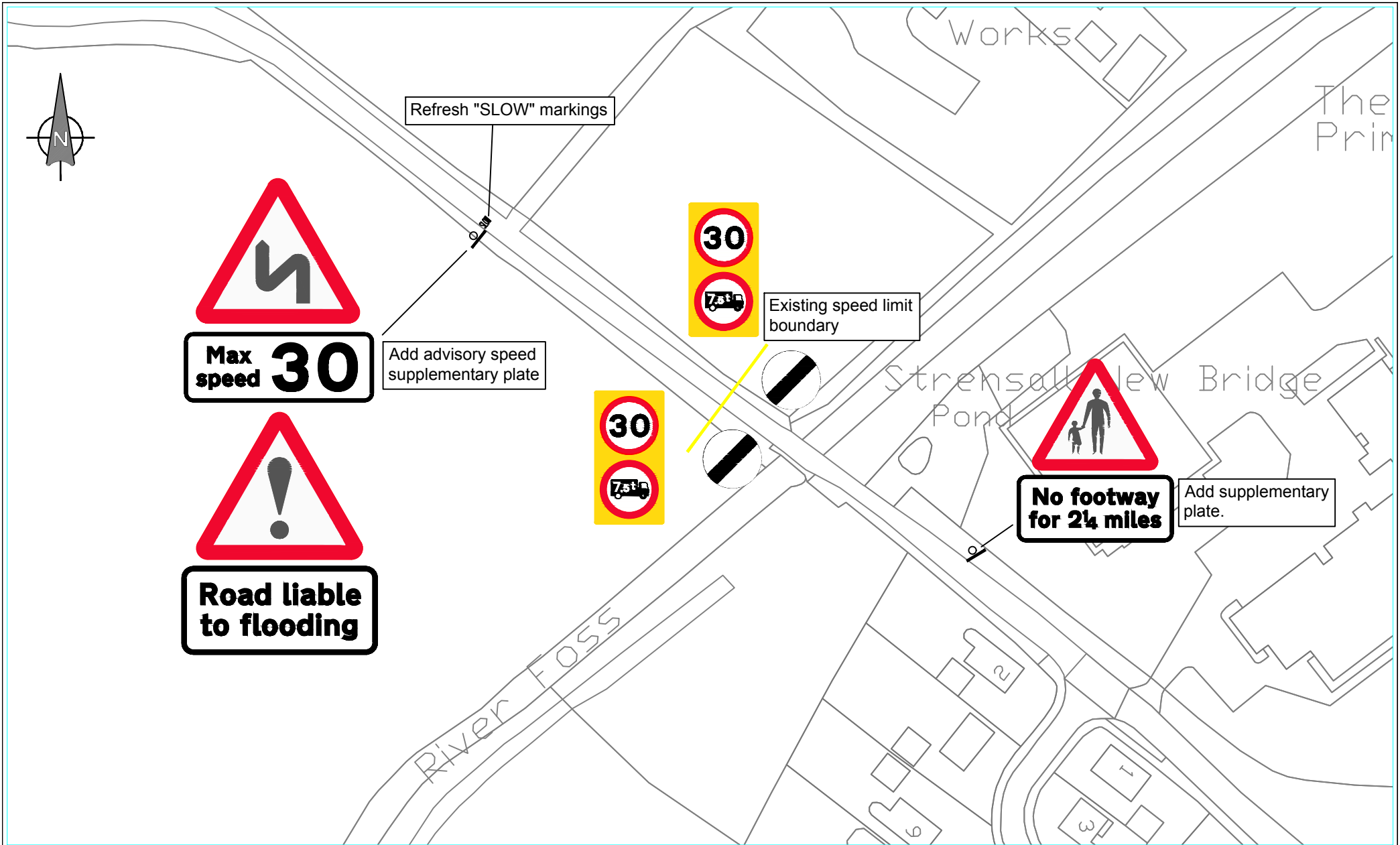
Add advisory speed supplementary plate

Refresh "SLOW" markings

HAXBY MOOR ROAD

L:\DOCUMENT\Transport Projects\Projects\10 - Safety & Accessibility Schemes\Danger Reduction\DR 1718\Haxby to Strensall - Cross Moor Lane & Haxby Moor Lane\DR1718 Haxby Strensall base plan.dwg

 <p>CITY OF YORK COUNCIL</p> <p>Transport Projects Eco Depot, Hazel Court, James Street, York, YO10 3DS www.york.gov.uk</p>	<p>Danger Reduction 17/18 Haxby - Strensall Extract 5</p>				SCALE	NTS							
					DATE	05/02/2018							
					DRAWN	Ben Potter							
					CHECK								
<table border="1"> <thead> <tr> <th>REV</th> <th>AMENDMENTS</th> <th>DATE</th> <th>DRAWN</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		REV	AMENDMENTS	DATE	DRAWN					<p>TP/170017/05</p>			
REV	AMENDMENTS	DATE	DRAWN										



L:\DOCUMENT\Transport Projects\Projects\10 - Safety & Accessibility Schemes\Danger Reduction\DR 1718\Haxby to Strensall - Cross Moor Lane & Haxby Moor Lane\DR1718 Haxby Strensall base plan.dwg

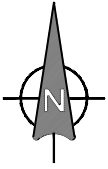
©CROWN COPYRIGHT, City of York Council OS Licence No. 1000 20818



INITIAL	REV	AMENDMENT	DATE
Ben Potter			
SCALE	NTS	A4	
DATE	05/02/18		

Danger Reduction 17/18
 Haxby - Strensall
 Extract 6

TP/170017/06



Relocate warning sign to LC17.
Add supplementary plate.



**No footway
for 2 miles**

USHER LANE

Drain

62

60

2

85

1

L:\DOCUMENT\Transport Projects\Projects\10 - Safety & Accessibility Schemes\Danger Reduction\DR 1718\Haxby to Strensall - Cross Moor Lane & Haxby Moor Lane\DR1718 Haxby Strensall base plan.dwg



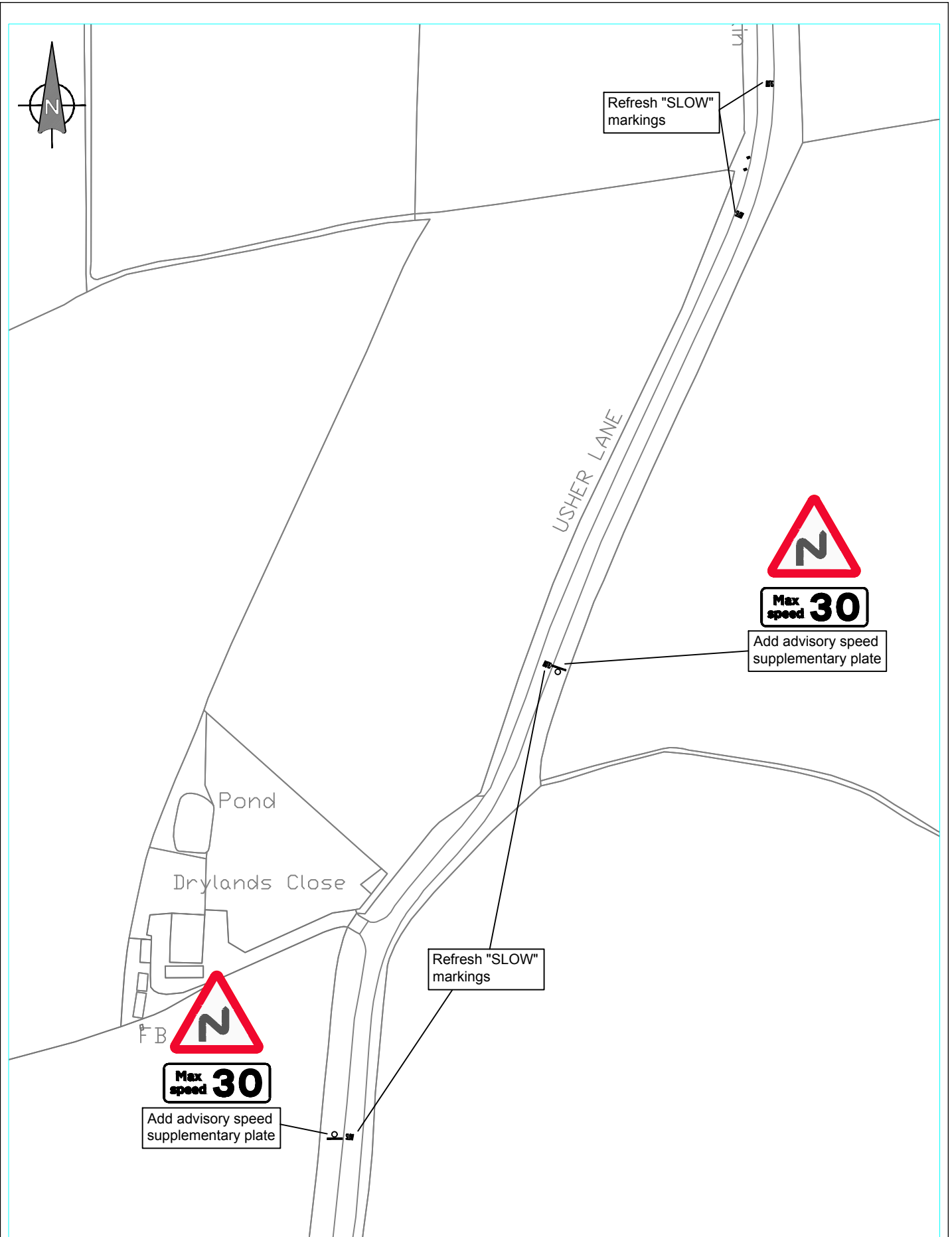
Transport Projects
Eco Depot, Hazel Court, James Street, York, YO10 3DS
www.york.gov.uk

Danger Reduction
Haxby - Strensall
Extract 7


REV	AMENDMENTS	DATE	DRAWN

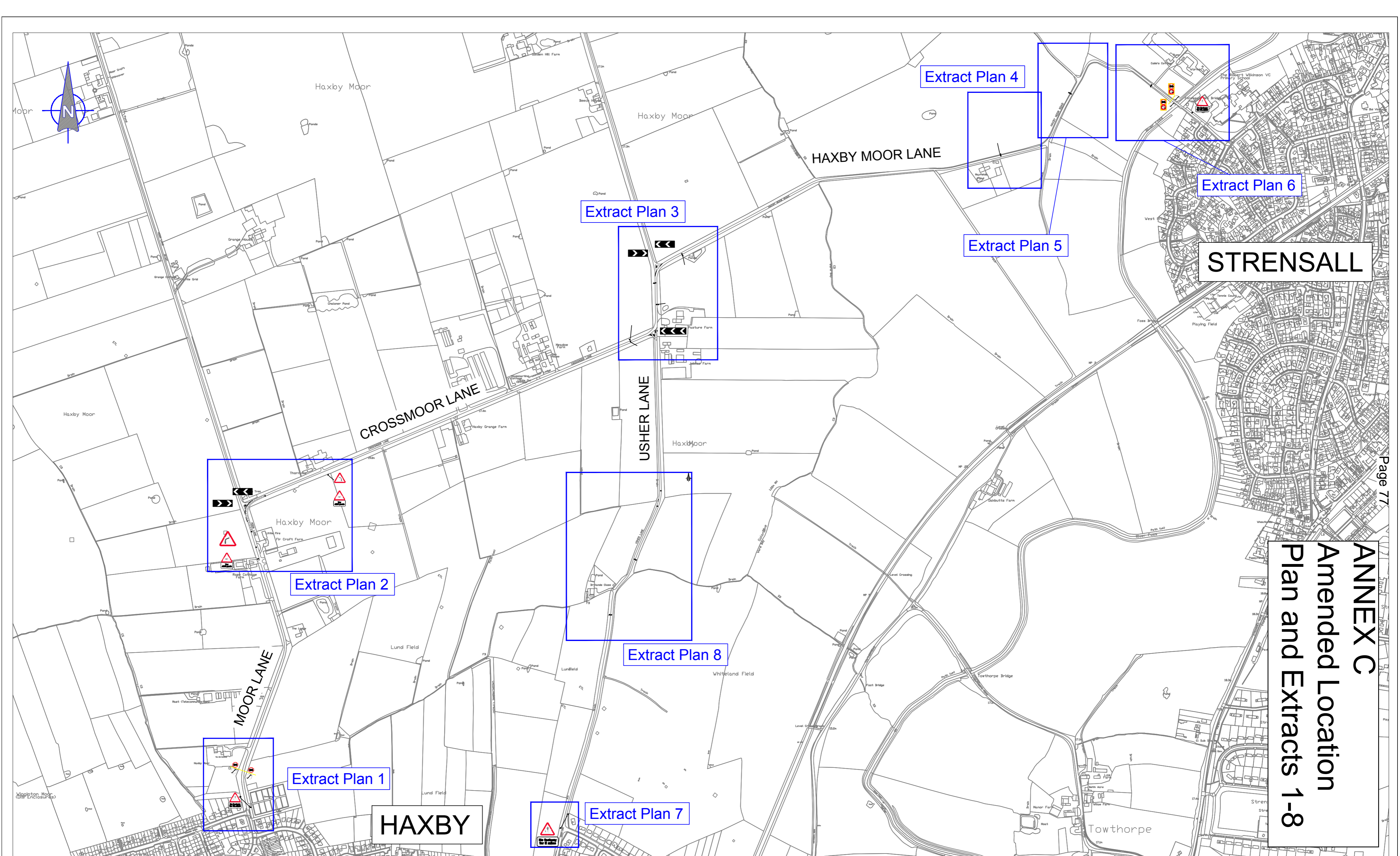
TP/170017/07

SCALE	NTS
DATE	05/02/2018
DRAWN	Ben Potter
CHECK	



L:\DOCUMENT\Transport Projects\Projects\10 - Safety & Accessibility Schemes\Danger Reduction\DR 1718\Haxby to Strensall - Cross Moor Lane & Haxby Moor Lane\DR1718 Haxby Strensall base plan.dwg

 <p>CITY OF YORK COUNCIL</p> <p>Transport Projects Eco Depot, Hazel Court, James Street, York, YO10 3DS www.york.gov.uk</p>	<p>Danger Reduction 17/18 Haxby - Strensall Extract 8</p>			SCALE	NTS							
				DATE	05/02/18							
				DRAWN	Ben Potter							
				CHECK								
<table border="1"> <thead> <tr> <th>REV</th> <th>AMENDMENTS</th> <th>DATE</th> <th>DRAWN</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>		REV	AMENDMENTS	DATE	DRAWN					<p>TP/170017/08</p>		
REV	AMENDMENTS	DATE	DRAWN									




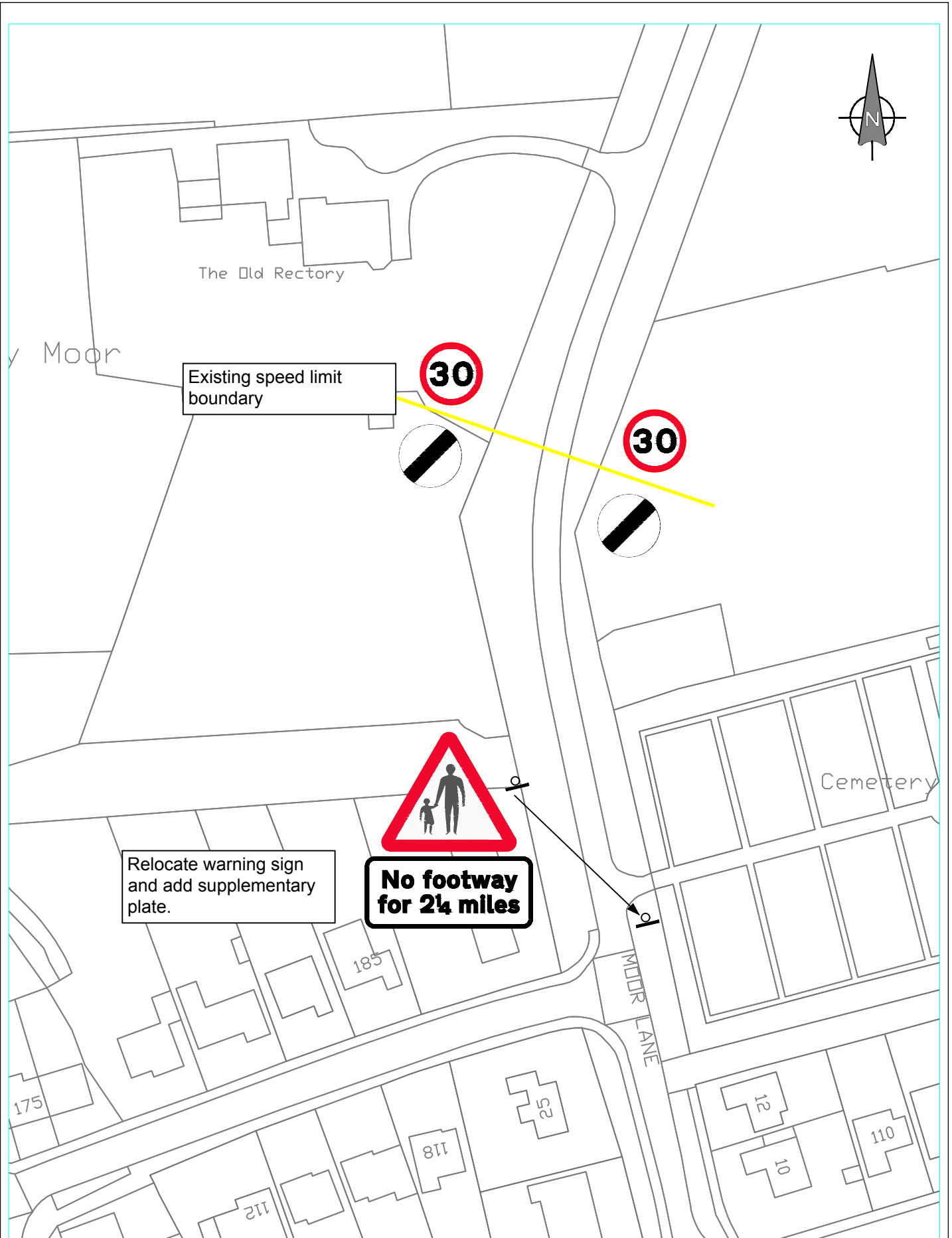
ANNEX C
Amended Location
Plan and Extracts 1-8

Page 77


©CROWN COPYRIGHT. City of York Council OS Licence No. 1000 20818

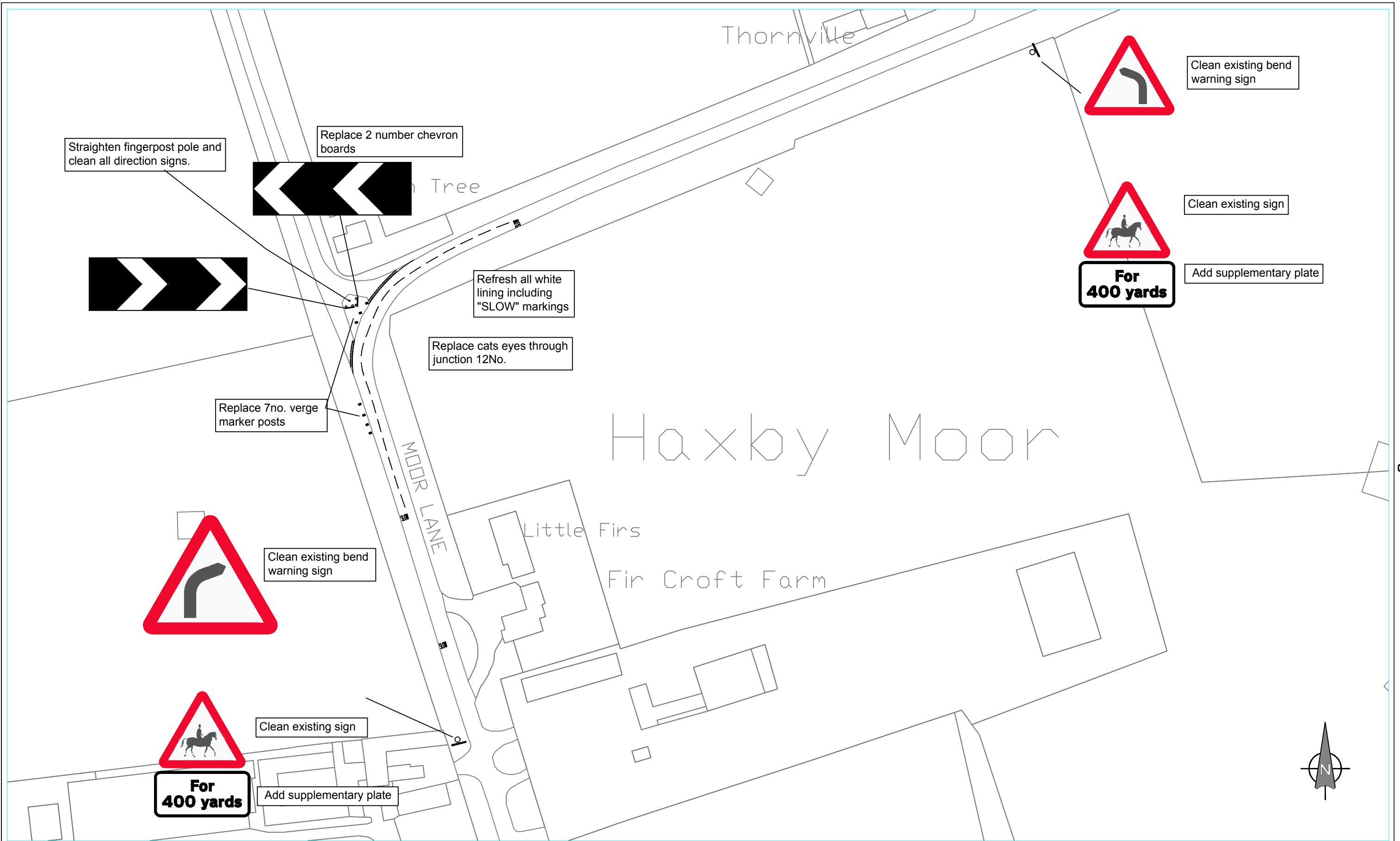
L:\DOCUMENT\Transport Projects\Projects\10 - Safety & Accessibility Schemes\Danger Reduction\DR 1718\Haxby to Strensall - Cross Moor Lane & Haxby Moor Lane\DR1718 Haxby Strensall amended scheme.dwg

 Highways - Transport Projects and Delivery Team Eco Depot, Hazel Court, James Street, York, YO10 3DS www.york.gov.uk	INITIAL	REV	AMENDMENT	DATE	Danger Reduction 17/18 Haxby to Strensall Location plan	SCALE	NTS	
	DRAWN BY B Potter							
	CHECKED BY							
DATE	02/02/2018	A2				TP/170017/RP		



L:\DOCUMENT\Transport Projects\Projects\10 - Safety & Accessibility Schemes\Danger Reduction\DR 1718\Haxby to Strensall - Cross Moor Lane & Haxby Moor Lane\DR1718 Haxby Strensall amended scheme.dwg

 <p>CITY OF YORK COUNCIL</p> <p>Transport Projects Eco Depot, Hazel Court, James Street, York, YO10 3DS www.york.gov.uk</p>	<p>Danger Reduction 17/18 Haxby - Strensall Extract 1</p>			SCALE	NTS							
				DATE	05/02/18							
				DRAWN	B Potter							
				CHECK								
<table border="1"> <thead> <tr> <th>REV</th> <th>AMENDMENTS</th> <th>DATE</th> <th>DRAWN</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>			REV	AMENDMENTS	DATE	DRAWN					<p>TP/170017/01</p>	
REV	AMENDMENTS	DATE	DRAWN									



©CROWN COPYRIGHT. City of York Council OS Licence No. 1000 20818

L:\DOCUMENT\Transport Projects\Projects\10 - Safety & Accessibility Schemes\Danger Reduction\DR 1718\Haxby to Strensall - Cross Moor Lane & Haxby Moor Lane\DR1718 Haxby Strensall amended scheme.dwg

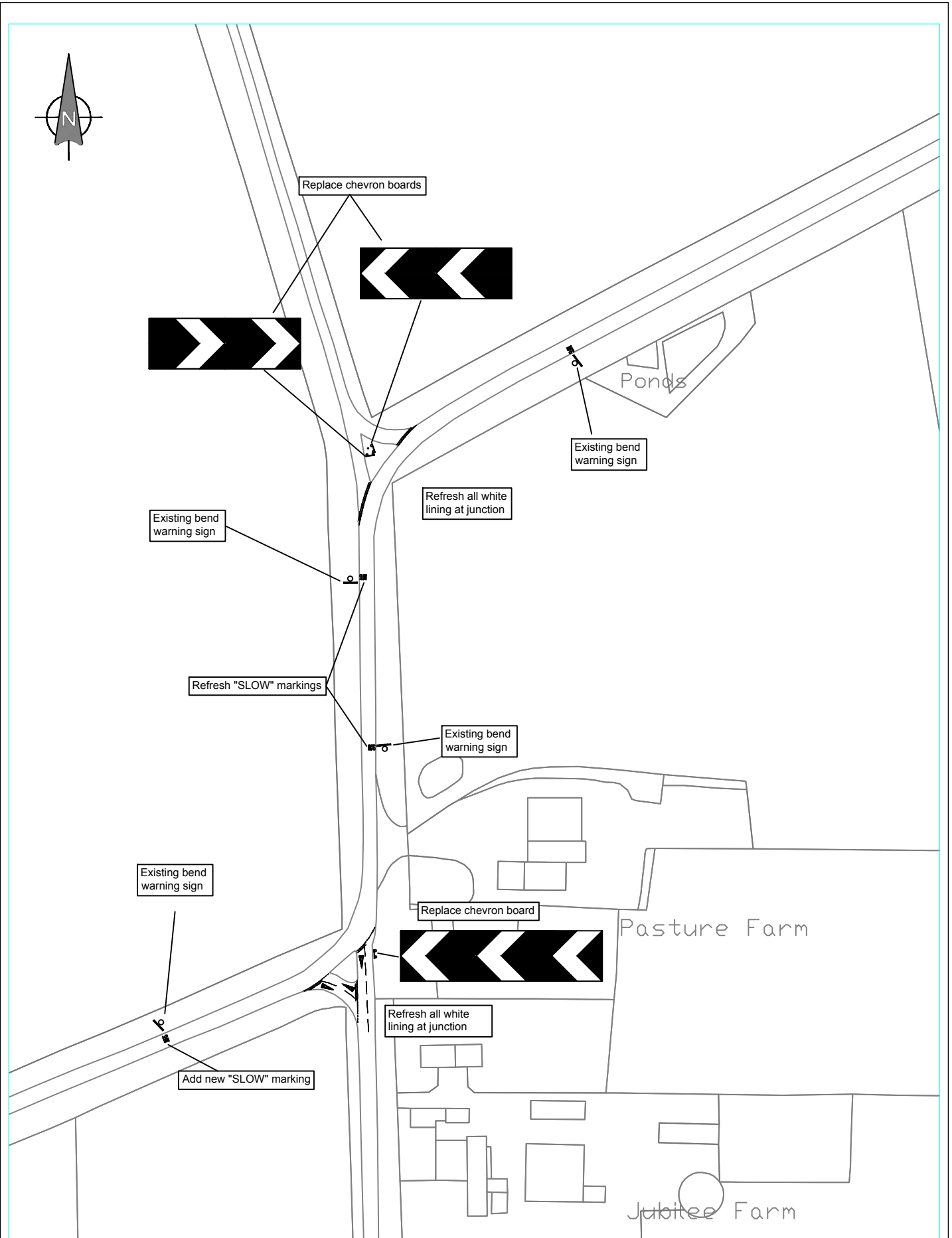


Highways - Transport Projects and Delivery Team
Eco Depot, Hazel Court, James Street, York, YO10 3DS
www.york.gov.uk


DATE	INITIAL	REV	AMENDMENT	DATE
05/02/18	Ben Potter	A	Max speed supplementary signs removed	Jun' 18

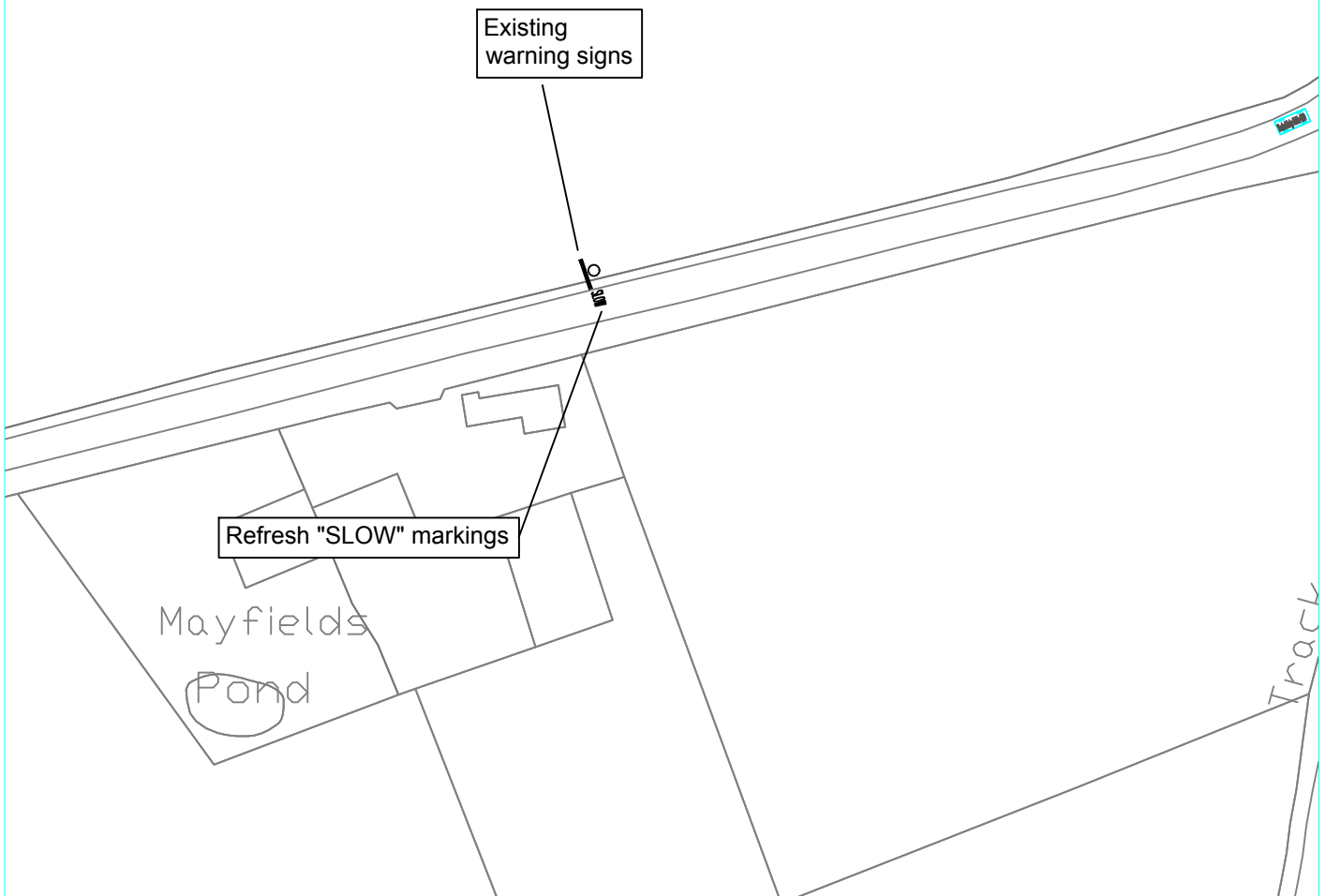
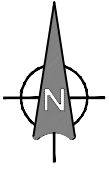
Danger Reduction 17/18
Haxby - Strensall
Extract 2 rev A

SCALE	NTS
TP/170017/02-A	



L:\DOCUMENT\Transport Projects\Projects\10 - Safety & Accessibility Schemes\Danger Reduction\DR 1718\Haxby to Strensall - Cross Moor Lane & Haxby Moor Lane\DR1718 Haxby Strensall amended scheme.dwg

 <p>CITY OF YORK COUNCIL</p> <p>Transport Projects Eco Depot, Hazel Court, James Street, York, YO10 3DS www.york.gov.uk</p>	<p>Danger Reduction 17/18 Haxby- Strensall Extract 03 rev A</p>			SCALE	NTS
				DATE	05/02/18
	REV	AMENDMENTS	DATE	DRAWN	DRAWN
	A	Max speed supplementary signs removed	Jun' 18	BP	Ben Potter
				CHECK	
				TP/170017/03-A	



L:\DOCUMENT\Transport Projects\Projects\10 - Safety & Accessibility Schemes\Danger Reduction\DR 1718\Haxby to Strensall - Cross Moor Lane & Haxby Moor Lane\DR1718 Haxby Strensall amended scheme.dwg



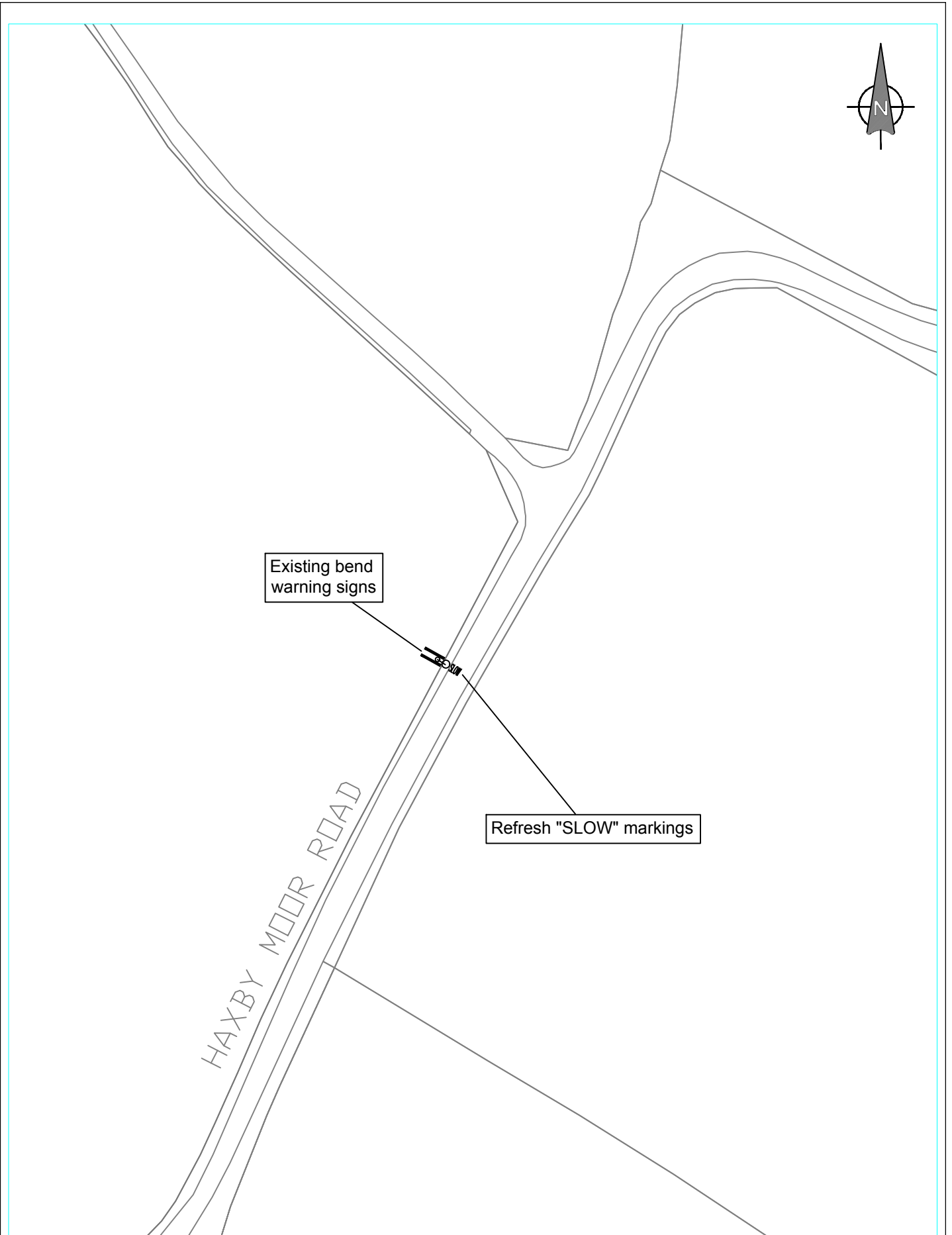
Transport Projects
Eco Depot, Hazel Court, James Street, York, YO10 3DS
www.york.gov.uk

Danger Reduction 17/18
Haxby - Strensall
Extract 4 rev A


REV	AMENDMENTS	DATE	DRAWN
A	Max speed supplementary signs removed	Jun' 18	BP

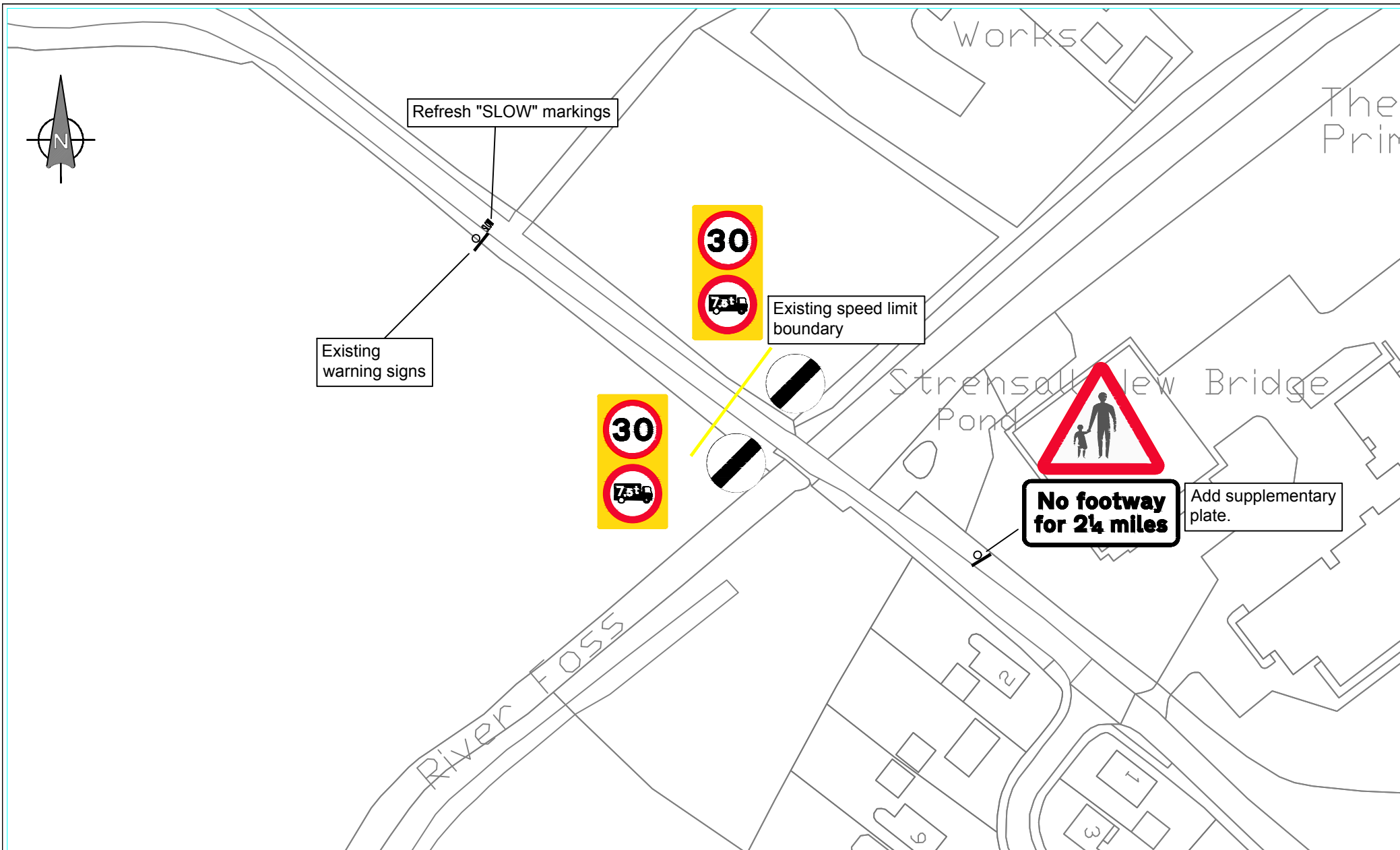
TP/170017/04-A

SCALE	NTS
DATE	05/02/18
DRAWN	Ben Potter
CHECK	




L:\DOCUMENT\Transport Projects\Projects\10 - Safety & Accessibility Schemes\Danger Reduction\DR 1718\Haxby to Strensall - Cross Moor Lane & Haxby Moor Lane\DR1718 Haxby Strensall amended scheme.dwg

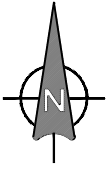
 <p>CITY OF YORK COUNCIL</p> <p>Transport Projects Eco Depot, Hazel Court, James Street, York, YO10 3DS www.york.gov.uk</p>	<p>Danger Reduction 17/18 Haxby - Strensall Extract 5 rev A</p>				SCALE	NTS
					DATE	05/02/2018
	REV	AMENDMENTS	DATE	DRAWN	DRAWN	Ben Potter
	A	Max speed supplementary signs removed	Jun' 18	BP	TP/170017/05-A	CHECK



L:\DOCUMENT\Transport Projects\Projects\10 - Safety & Accessibility Schemes\Danger Reduction\DR 1718\Haxby to Strensall - Cross Moor Lane & Haxby Moor Lane\DR1718 Haxby Strensall amended scheme.dwg

©CROWN COPYRIGHT, City of York Council OS Licence No. 1000 20818

 <p>Transport Projects Eco Depot, Hazel Court, James Street, York, YO10 3DS www.york.gov.uk</p>	INITIAL DRAWN BY Ben Potter CHECKED BY	REV A	AMENDMENT Max speed supplementary signs removed	DATE Jun'18	Danger Reduction 17/18 Haxby - Strensall Extract 6 rev A	TP/170017/06-A
	SCALE NTS DATE 05/02/18	A4				



Relocate warning sign to LC17.
Add supplementary plate.



**No footway
for 2 miles**

USHER LANE

Drain

62

60

2

85

1

L:\DOCUMENT\Transport Projects\Projects\10 - Safety & Accessibility Schemes\Danger Reduction\DR 1718\Haxby to Strensall - Cross Moor Lane & Haxby Moor Lane\DR1718 Haxby Strensall amended scheme.dwg



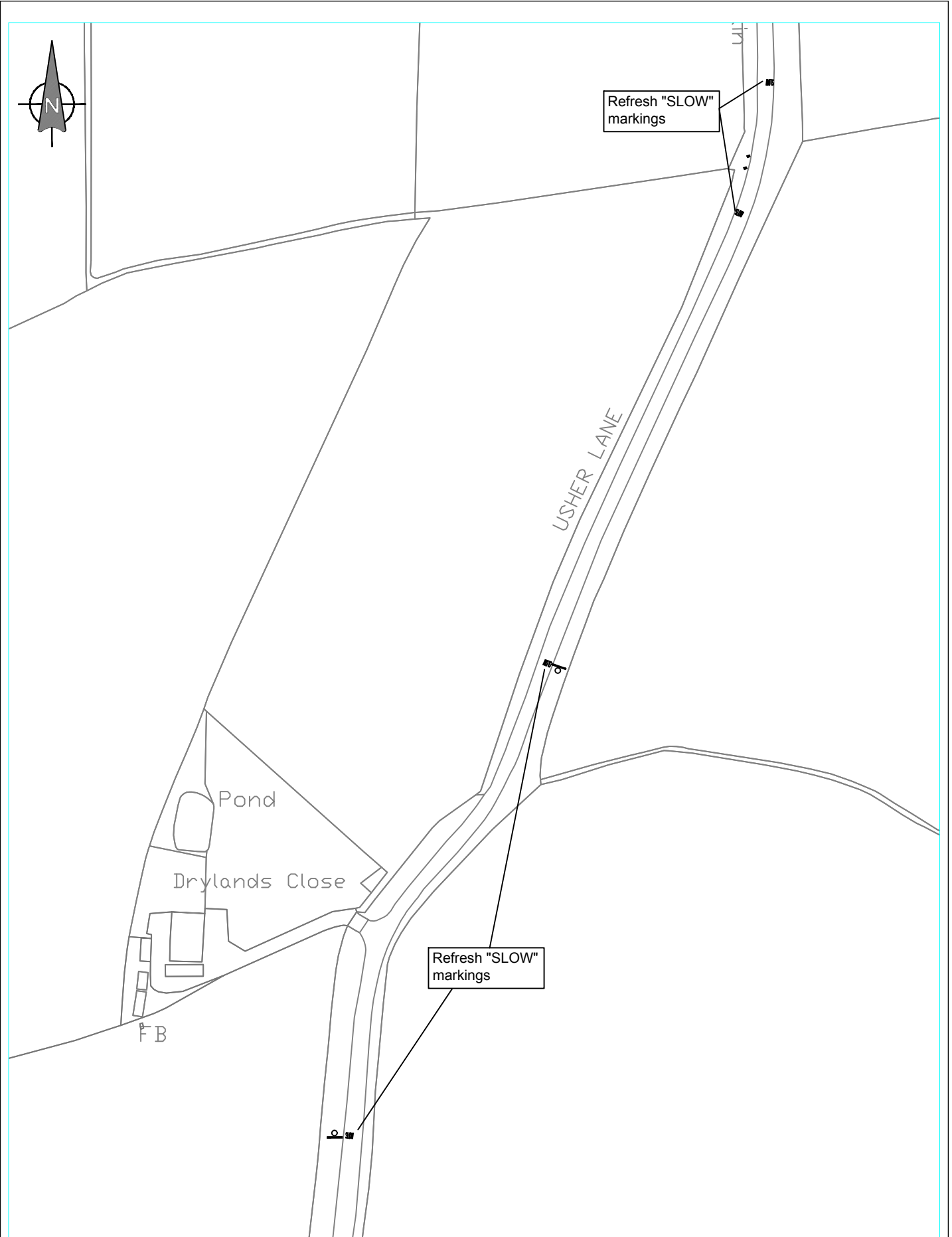
Transport Projects
Eco Depot, Hazel Court, James Street, York, YO10 3DS
www.york.gov.uk

Danger Reduction
Haxby - Strensall
Extract 7


REV	AMENDMENTS	DATE	DRAWN

TP/170017/07

SCALE	NTS
DATE	05/02/2018
DRAWN	Ben Potter
CHECK	



L:\DOCUMENT\Transport Projects\Projects\10 - Safety & Accessibility Schemes\Danger Reduction\DR 1718\Haxby to Strensall - Cross Moor Lane & Haxby Moor Lane\DR1718 Haxby Strensall amended scheme.dwg

 <p>CITY OF YORK COUNCIL Transport Projects Eco Depot, Hazel Court, James Street, York, YO10 3DS www.york.gov.uk</p>	Danger Reduction 17/18 Haxby - Strensall Extract 8 rev A				SCALE	NTS								
					DATE	05/02/18								
	<table border="1"> <thead> <tr> <th>REV</th> <th>AMENDMENTS</th> <th>DATE</th> <th>DRAWN</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>Max speed supplementary signs removed</td> <td>Jun' 18</td> <td>BP</td> </tr> </tbody> </table>				REV	AMENDMENTS	DATE	DRAWN	A	Max speed supplementary signs removed	Jun' 18	BP	DRAWN	Ben Potter
	REV	AMENDMENTS	DATE	DRAWN										
A	Max speed supplementary signs removed	Jun' 18	BP											
				CHECK										

TP/170017/08-A

This page is intentionally left blank



**Decision Session: Executive Member for
Transport and Planning**

16 August 2018

Report of the Corporate Director of Economy and Place

Consideration of results from the consultation in Sussex Road and immediate area following a petition received requesting Residents' Priority Parking

1. Summary

To report the consultation results undertaken in May for Sussex Road, Sussex Close and the affected properties which have frontages/access onto the proposed area, then determine what action is deemed appropriate (plan of consultation area included as Annex A).

2. Recommendation

It is recommended that approval be given to take no further action towards the implementation of Residents Priority parking at this location and remove the consulted area from the Residents Parking waiting list.

Reason: The required response rate has not been met along with the close percentage vote received for and against the scheme.

3. Background

We received a petition with 34 signatures representing 18 properties on Sussex Road. The petition was reported to the Executive Member for Transport and Planning on the 13th July 2017. The Executive Member gave approval to consult with residents when the area reached the top of the waiting list and to widen the consultation area depending on circumstances at the time.

The adjoining street (Sussex Close) and properties having a frontage or entrance onto the proposed area were included within the consultation area. Also included were the properties and carriageway frontage of 85-91 Crossways. A plan of the consultation area is included as Annex A.

We hand delivered consultation documentation to all properties on the 18th May 2018 requesting residents return their preferences on the questionnaire sheet in the Freepost envelope provided by Friday 15th June 2018. Details were also sent to ward councillors.

The consultation documentation is included within this report as :
 Annex B: Covering Letter
 Annex C: Consultation documentation and questionnaire

4. Consultation Results (for full details see Annex D)

In total 48 properties were consulted and asked to return their questionnaires. The returns did not equate to the required 50% response rate and the votes for or against the introduction of Residents Priority Parking were not substantially in favour.

Traditionally, we require a 50% return of questionnaires and the majority of those returned to be in favour. As the original petition was received from residents of Sussex Road only, the consultation results could be considered independently however even when the 50% response was received (on Sussex Close) the vote is too close to recommend introducing a scheme as this would not be beneficial to the residents in such a small area, equating to most vehicles then being parked on Sussex Road:

Sussex Road:	46% return	66% in favour, 33% against
Sussex Close:	64% return	55% in favour, 45% against
Crossways (83-91):	20% return	100% against
Properties having an access:	33% return	100% against

5. Preferred Times of Operation (for full details see Annex D)

For those residents who gave an opinion, just over half indicated a preference for a part time scheme operating Monday – Friday 9am to 5pm. An alternative was given as 24hours 7 days a week.

One alternative time of operation was suggested for:

Monday – Friday 8.30 to 9.30am and 3.00-4.00pm, however this would not prevent parking for school drop off and collection.

6. Resident Comments (précis, full details Annex E)

The most common views across all residents, who were either for or against residents parking, suggested the problems were being caused

by University students and staff, as such the University should be providing adequate parking for their needs. Concerns have been raised relating to school parking at drop off and collection times, however introducing a residents parking scheme would not prevent access or stop vehicles parking for the dropping off and collection of passengers, generally a ten minute grace period is given to allow this activity to take place in restricted areas, this includes ResPark zones and double yellow lines, so long as no obstruction is being caused.

7. **Options with Analysis**

Option 1 (Recommended Option)

- a) No further action to be taken.

This is the recommended option because:

We have not received the 50% return rate from the area to recommend introducing a Residents Priority Parking Scheme. As a whole we received a 48% return with 56.5% of those in favour and 43.5% against. We would not recommend taking forward a scheme with only 13 properties in favour out of a total of 48. The original petition was received from Sussex Road which only has a 46% response rate.

Even though the required percentage of returns were received for Sussex Close the votes show that 5 residents are in favour and 4 are against the scheme, it would not be advised to implement a scheme for such a small cul de sac based on these close results. Complaints were received regarding vehicles causing problems at school drop off and collection times; however introducing a Residents Priority parking scheme would not stop this practise from happening, as a ten minute period would be given for non permit holders to aid the collection and drop off of passengers.

8. **Option 2:**

- a) Advertise an amendment to the Traffic Regulation Order to introduce a Residents Priority Parking scheme to include the whole consultation area.

This is not the recommended option because:

We have not received the required 50% return rate. Considering the results over the whole consultation area we received a 47.9% return with 43.5% of these against the proposal. The original petition was received just from Sussex Road residents, which also did not receive the required

return rate.

This option would not reflect the majority of resident's opinions for the area.

9. **Option 3:**

- b) Advertise an amendment to the Traffic Regulation Order to introduce a Residents Priority Parking scheme to include Sussex Close only.

This is not the recommended option because:

This option considers the results from Sussex Close in isolation. The views of residents are marginal with 5 in favour and 4 against from a total of 14 properties. Concerns have been raised from Sussex Close about multiple occupancy properties causing problems in the close, however these properties would still be permitted to purchase permits for the scheme.

10. **Consultation**

The consultation documentation is reproduced within this report as Annex A, B and C. The results of the consultation are given in Annex D. Comments received during the process are précised with officer response as Annex E.

Letters will be sent to all residents updating them on the outcome of this meeting and what the result means to them.

11. **Council Plan**

The recommended proposal contributes to the Council Plan as:

- A council that listens to residents and follows procedures/guidelines which are in place.

12. **Implications**

This report has the following implications:

Financial – If the recommended option is not agreed then the following would apply: Residents parking schemes are self financing once in operation. The £5k allocated within the core transport budget will be used to progress the proposed residents parking schemes.

Human Resources – If a scheme was implemented, enforcement would fall to the Civil Enforcement Officers necessitating an extra area onto their work load. We understand Parking Services are increasing enforcement resources because of additional restrictions implemented recently.

Equalities – None identified within the consultation process

Legal – If the recommended option is not agreed then any proposals implemented would require amendments to the York Parking, Stopping and Waiting Traffic Regulation Order 2014:
Road Traffic Regulation Act 1984 & the Local Authorities Traffic Orders (procedure) (England & Wales) Regulations 1996 apply

Crime and Disorder – None

Information Technology – None

Land – None

Other – None

Risk Management - There is an acceptable level of risk associated with the recommended option.

Contact Details

Author:

Annemarie Howarth
Traffic Project Officer
Transport
Tel: (01904) 551337

Chief Officer Responsible for the report:

James Gilchrist
Assistant Director for Transport, Highways
and Environment

Report
Approved ✓ **Date: 19.07.18**

Wards Affected: Hull Road

For further information please contact the author of the report.

Background Papers:

None

Annexes:

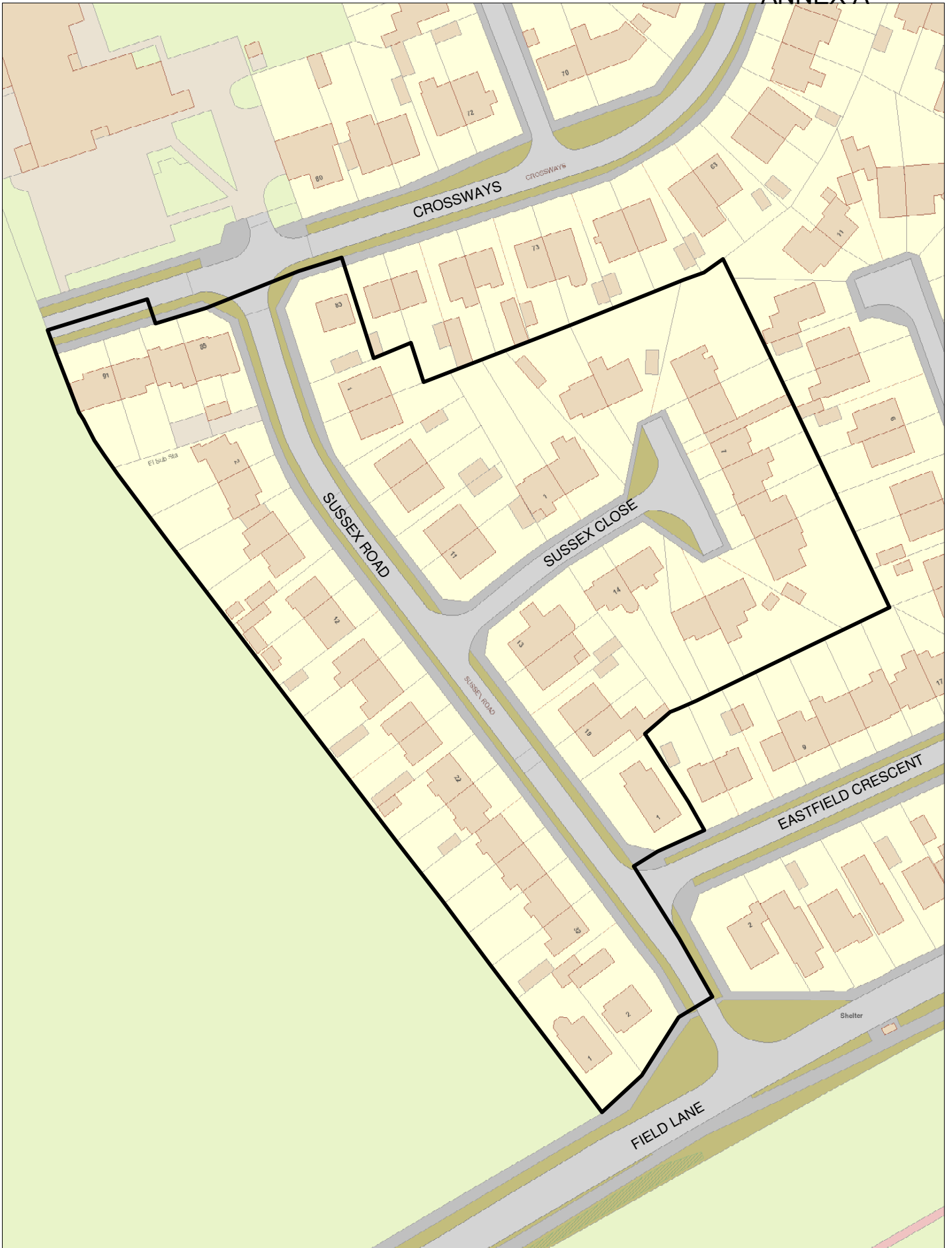
Annex A: Plan of the area consulted

Annex B: Covering letter (consultation)

Annex C: Consultation Information and questionnaire

Annex D: Consultation Results

Annex E: Précis of comments received from Residents



Sussex Road proposed boundary plan

SCALE	1 : 1100
DATE	May 2018
DRAWING No.	
DRAWN BY	
+ Crown copyright. All rights reserved Licence No. 2003	

This page is intentionally left blank



To the Residents:
Sussex Road
Sussex Close
1 Eastfield Crescent
1&2 Field Lane
83-91 Crossways

Directorate of Place & Economy

West Offices, Station Rise
York
YO1 6GA

Tel: 01904 551550
Email: highway.regulation@york.gov.uk

Date 18th May 2018

Dear Resident

Request for a Residents' Priority Parking Scheme (Respark)

We are writing to you in response to receiving a petition from residents of Sussex Road asking us to introduce a Respark scheme.

We are proposing a scheme that may not be like others you have experienced around the city. It does not involve extensive signing and lining works and will allow you to park anywhere on street not covered by a waiting restriction (yellow lines), as long as, by so doing, no obstruction of the carriageway or access has occurred. This is with the exception of one signed/marked bay outside 87-91 Crossways.

Generally we require a 50% response rate from the consultation. From which we then require a majority to be in favour to allow us to take this forward and initiate the legal consultation process (when formal objections). Hence, it would be appreciated if you would take the time to complete the attached questionnaire and return it in the pre-paid envelope provided before Friday 15th June 2018

Consultation documents

The following information and documents are enclosed:

1. A plan of the consultation area/proposal
2. How a Resident Parking Scheme Works
3. The cost of permits from April 1st 2018
4. Questionnaire (please return)
5. A freepost envelope

We can only accept one completed sheet from each household. **Please complete and return to us in the Freepost envelope provided by 15th June 2018**

If you prefer you can email your response to highway.regulation@york.gov.uk Please give the information we have asked for on the questionnaire, including your name and address. Because your preferences will determine whether we take this forward and initiate the legal process to amend the Traffic Regulation Order, it is important you return your questionnaire.

You can add and return any comments you wish to make. For example, we would like to know if any of the following circumstances apply to you:

- You have special needs/circumstances that you believe would be disadvantaged by the introduction of a Respark scheme
- If you rent your property, please write the contact details of the owner (if known) or managing agent on your return. You should still let us know your preferences. We will contact the owner separately.

The results of the consultation will be reported to the Executive Member for Transport and Planning at a Public Decision Session. The Executive Member will decide whether or not to proceed to the legal consultation part of the process, which streets will be included and any other changes that may result from this initial consultation. We will contact you with the date of this meeting to give you the opportunity to attend. You can arrange to speak at this meeting if you want.

Please contact one of the below officers if you wish to discuss this further or require any clarification.

Yours faithfully

Annemarie Howarth - ext: 1337

Sue Gill - ext: 1497

Traffic Project Officers



A Residents' Priority Parking Scheme

In January 2012, the Department for Transport amended Road Traffic Regulations. The amended regulations permit us to reserve a road for permit holders during an indicated period (or 24 hours) where parking bays are not marked. These are suitable for cul-de-sacs or enclosed areas where the witnessed problems associated with inconsiderate parking are due to the level of non-resident parking.

Because of the changes, we can now offer residents a Residents' Priority Parking Scheme (Respark) where the resident has more control. You can park anywhere on street as long as you are not parked on any yellow lines, across a dropped kerb placed for the purpose of vehicle or pedestrian access/crossing or cause an obstruction.

Signs are mounted at the beginning of the restricted area to inform drivers that parking is reserved for permit holders. The scheme can operate full time, or on a part-time basis depending on resident preference. The timing on the shown sign is an example: – please indicate your preferred times of operation on the questionnaire sheet enclosed. Outside any specified times the street would be available for any vehicle to park. A Mon-Fri, 9am to 5pm scheme gives residents and their visitors more flexibility on an evening and weekend. A full time scheme is more beneficial if non-resident parking remains at significant levels during evenings and weekends.



Our Respark schemes cannot guarantee a space will be available. A scheme is introduced to give residents priority over available space within the boundary of the scheme. In areas of high density housing, pressure for space can still occur.

There would be no parking allowed for any non-permit holders whilst the scheme is in operation. Any visitors to your property would require a visitor

permit, even for a short duration (except for those activities that are listed below).

Exemptions within the Traffic Regulation Order

A Resident Parking scheme is a parking restriction; it does not prevent access. Non residents can wait on street in order to undertake one of the following activities.

1. Loading and unloading, including passengers. For example, you would still be able to get goods delivered, move house, or a friend arrive to collect you or drop you off without the need to display a permit. Our Civil Enforcement Team wait for approximately 5 to 10 minutes to ensure no loading activity is occurring before issuing a penalty charge notice to a vehicle which does not display a valid permit. Please note parents and carers would still be allowed to enter the resident parking area to drop off and pick up for nearby Schools.
2. Vehicles displaying a valid disabled permit (blue badge).
3. Vehicles used for medical requirements, or for weddings and funerals.
4. Vehicles which belong to emergency services, statutory bodies or vehicles being used for highway works.

If you are having work done on the house, your builder or other tradesman can use a visitor permit or purchase a “builders permit” from parking services.

Enforcement

If a vehicle parks without a permit, the driver becomes liable for a Penalty Charge, issued by our Civil Enforcement Team.

RESIDENT'S PRIORITY PARKING AREA



Annual charges for Household and Visitor Permits from APRIL 2018

HOUSEHOLD PERMIT	Annual Charge	Quarterly Charge
CARS IN DVLA VEHICLE BAND D – I AND VEHICLES REGISTERED PRE 2001	£99.95	£30.50
CARS 2.7Mtrs or LESS IN LENGTH LOW EMISSION VEHICLES DVLA BAND A to C	£49.98	£15.25
CARS IN DVLA VEHICLE BAND J – M AND VEHICLES MORE THAN 5M IN LENGTH	£136	£41
SECOND PERMIT	£182.50	£57.25
THIRD PERMIT	£370	£100
FOURTH PERMIT	£750	£200

Household Authorisation Cards entitle the holder to obtain Visitors Permits. The cards are issued automatically with a Household Permit but a householder is entitled to a Card without exercising an entitlement to a Household Permit.

Household Authorisation Card	when the Card is issued at the same time as a Household Permit	Nil
Discount Authorisation Card	See eligibility below*	Nil
Household Authorisation Card without permit	In all other circumstances	£3.10

*Discount Authorisation cards are free of charge and visitor permits reduced to £1.50 a book if you are:

- over 60 years old
- a blue disabled badge holder
- receive the higher rate of the mobility component of the disability living allowance
- are registered as blind
- in receipt of income support
- in receipt of long-term incapacity benefit
- in receipt of Job Seeker's Allowance

- in receipt of Universal Credit (in some circumstances)

Discounts are available if you are claiming a level of Universal Credit that meets any of the following criteria:

- if you are not working, you (and your partners) total income is no more than your maximum Universal Credit award entitlement
- your award includes a child amount and, if you (or your partner) work, your monthly earnings are no more than £935
- you (or your partner) have limited capability for work and, if you (or your partner) work, your monthly earnings are no more than £935
- the award does not include a child amount, you (or your partner) do not have a limited capability for work and, if you (or your partner) work, your monthly earnings are no more than £435

You can provide a copy of your journal confirming the level of your entitlement to the Universal Credit award or a copy of your entitlement letter.

Visitor Permits

A Visitor Permit entitles the holder to park a vehicle for the day of issue and up to 10am on the next day. Visitor Permits are available upon application to the Parking Services Office. The date of use is displayed on each individual Permit by your visitor before it is placed in the vehicle.

Visitor Permit	when the purchase is supported by a Household Authorisation Card	£6.25 (for 5)
	when the purchase is supported by a Discount Authorisation Card	£1.50 (for 5)

The Permits are supplied in books, each book containing 5 Permits. The maximum annual entitlement is 200 Permits per household.

Property Permits (commonly known as Builder Permits)

A tradesman doing building or renovation work can obtain a permit to park on a daily basis or for three months.

Builders/Property Permit	Daily charge	£3.20
	Permit for 3 months	£120

Questionnaire Sheet



Sussex Road proposed Residents' Priority Parking Scheme

Please indicate your preferences by ticking the appropriate box:

	YES	NO
Would you support a proposal to introduce a Resident Parking Scheme on your street?		

Please indicate your preferred time of operation, even if you are against the scheme:

9am to 5pm, Monday to Friday	
24 hours, 7 days a week	
Other: please state:	

Title: (Mr. Mrs. Miss Ms) -----**Initial:** -----

Surname: -----

Address: -----

Postcode -----

Please return in the freepost envelope provided by **Friday 15th June.**
We will only accept one completed sheet from each household and your preferences are kept confidential. If you prefer you can email your preferences and comments to highway.regulation@york.gov.uk

Please write any further Comments you wish to make overleaf

(or use a separate sheet)

This page is intentionally left blank

Sussex Road area: consultation results

Street Name & Number	Yes	No	Mon - Fri 9-5	24 hours	Other
Sussex Road (26)	8	4	8	3	
Sussex Close (14)	5	4	5	2	
Crossways (5)		1			1
Properties with access (3)		1	1		
Total 48	13	10	14	5	1

46.1% return 66% in favour
64.2% return 55.5% in favour
20% return 0% in favour
33.3% return 0% in favour

Currently 47.9% return
56.5% in favour

This page is intentionally left blank

ANNEX E

Against the proposal	
Whilst we do get problems with school parking this is only for 1 hour twice a day, this is not a problem.	Noted
Stop university parking and problem solved. Residents expect and accept school drop off/pick up. Problem has only recently occurred due to university extension and staff having to pay to park in the car park.	Noted
The scheme would not help the situation and we are not willing to pay for a service that is not beneficial.	Noted
Why should full time residents pay to park? Multi occupancy houses and school drop off/pick up cause the problems. Proposal is penalising permanent residents.	Multi occupancy residences within the zone boundary are permitted to purchase permits to park. The scheme would not prevent school parking for drop off and collection of passengers.
Inconsiderate parking occurs at school drop off and pick up, no problems out of term and weekends. Restrictions will be ignored by school parents as they are now. The scheme will not stop the people who are causing the problems, would only punish residents by making them pay.	The scheme would not prevent school parking for drop off and collection of passengers.
In favour	
Problems caused by students and university staff. Some student vehicles are left for weeks.	Noted
Large numbers of University students leave vehicles frequently inconsiderately blocking drives. School drop off and pick up adds to the problems.	The scheme would not prevent school parking for drop off and collection of passengers.
As residents for 54 yrs we believe it is vital for ResPark to be introduced. Inconsiderate parking at the entrance to Sussex Close causes problems. University should be providing adequate parking. Also problem with parents parking for school drop off/pickup.	The scheme would not prevent school parking for drop off and collection of passengers. We could look at including Sussex Close junction within the next review of waiting restrictions.

This page is intentionally left blank



**Decision Session – Executive Member for
Transport and Planning****16 August 2018**

Report of the Corporate Director of Economy and Place

Submission of Definitive Map Modification Order “The Council of the City of York Public Footpath, Knapton No.4 (Grange Lane to Rufforth Airfield)” to the Secretary of State for Determining also requests that the Secretary of State change the Order Route from Footpath to Restricted Byway.

Summary

1. Advising the Executive Member that a number of objections have been received to the above Definitive Map Modification Order (DMMO) on the grounds that Grange Lane was a public road and should properly be recorded on the definitive map as a restricted byway rather than a footpath. When the order is submitted to the secretary of state for determining, the Executive Member can ask that the order be modified to restricted byway.

Recommendation

2. The Executive Member is asked to:
 - 1) Request that the secretary of state modifies the order to show Grange Lane as a public restricted byway when it is sent to the Planning Inspectorate for determining.

Reason: All the available evidence indicates that this route was a public road. Rights for mechanically propelled vehicles were removed by the NERC Act 2006. However, all other public rights for pedestrians, horse riders, cyclists, and horse and cart remain.

Background

3. This report is necessarily supplemental to the report presented to the Executive Member for City Strategy Decision Session in December 2009. That report is enclosed among the background papers (please see

annex 1). Annex 2 contains a general location map and a map showing the alignment of the route.

4. Following the decision made at the 1 December 2009 decision session a DMMO showing Grange Lane as a footpath was made and duly publicised between 7 December 2017 and 18 January 2018.
5. As a result of that consultation, twelve objections and two representations were received by the council. They can be broken down into the following three groups:
 - a. One representation regarding the impact on a proposed housing development should the route become a public right of way. There will be no impact on the development.
 - b. Nine objections from people who do not want Grange Lane to be a PRow of any sort.
 - c. Three objections and one representation from people who think the evidence shows that the route should be recorded as a restricted byway.
6. The objections from those who do not want Grange Lane to be a public right of way of any sort are understandable. However, none of these objectors have submitted any evidence to support their claims that the route carries no public rights. In their current form the inspector appointed by the secretary of state would set them aside.
7. The three objections and one representation that contend that the order route would be more properly recorded as a restricted byway are based on the existing evidence before the authority.
8. Having thoroughly reviewed the evidence in the light of these objections, officers find the argument in favour of recording the way as a public restricted byway extremely persuasive.

Consultation

9. Consultations were carried out in strict accordance to schedule 15(3) of the WCA 1981. Notice was duly served on all affected landowners and occupiers; in addition notice was also served on those bodies set out in schedule 6 of The Wildlife and Countryside (Definitive Maps and Statements) Regulations 1993. Furthermore, as required by the aforesaid schedule 15(3) notices were erected on the order route and a notice was inserted into the local newspaper. As well as the statutory consultations other local interested parties (including local representative of organisations like the British Horse Society and the Ramblers) also

received notices. All parties had 42 days in which to make representations.

Options

10. Option A. The Executive Member requests that the secretary of state modifies the order to show Grange Lane as a public restricted byway when it is sent to the Planning Inspectorate for determining.

Reason: All the available evidence indicates that this route was a public road. Rights for mechanically propelled vehicles were removed by the NERC Act 2006. However, all other rights for pedestrians, horse riders, cyclists, and horse and cart remain.

11. Option B. The Executive Member instructs officers to submit the order in its current form.

Reason: This is not recommended, due to all available evidence indicating that the route is a restricted byway. In its current form (footpath) the council would be required to defend the indefensible at any subsequent hearing or public inquiry, leading to possible reputational damage. In order to mitigate this there may be additional expense for the council if a rights of way consultant is employed to represent the council at any hearing or public inquiry the secretary of state might decide to hold.

Analysis

12. The inclosure awards provide evidence in support of the existence of historic public carriageway rights at both ends of Grange Lane. This is further supplemented by a range of maps etc suggesting the historic reputation of the route throughout its length as an historic public carriageway. The documentary evidence indicates that public carriageway rights exist “in the balance of probabilities” over the full length of Grange Lane.
13. As noted at para 6 above, no evidence showing that Grange Lane was never a public highway has been submitted nor has any been discovered despite extensive research. Furthermore, no evidence has been submitted or discovered that the public rights were ever stopped up by a due process.
14. As the evidence strongly indicates that Grange Lane was a public highway, it is appropriate to consider the implications of the Natural

Environment & Rural Communities Act 2006 (NERC), with regard to the extinguishment of public rights for mechanically propelled vehicles.

15. NERC has the effect of extinguishing rights for mechanically propelled vehicles along such routes, except under the following prescribed conditions:

“Exceptions in section 67 of the 2006 Act may apply where:

- a) a way whose main use by the public during the period of 5 years ending with the commencement (of the Act) was used for mechanically propelled vehicles;
- b) immediately before commencement it was not shown in a definitive map and statement but was shown in a list required to be kept under section 36 (6) of the Highways Act 1980 (list of highways maintained at public expense);
- c) it was created on terms that expressly provide for it to be a right of way for mechanically propelled vehicles;
- d) it was created by the construction, in exercise of powers conferred by virtue of any enactment, of a road intended to be used for such vehicles;
- e) it was created by virtue of use by such vehicles during a period ending before December 1930. “

NB: a private right to use mechanically propelled vehicles (to access property etc.) on routes which previously enjoyed public vehicular rights is retained.

16. There is no evidence to suggest that any of these conditions apply, therefore it is very likely that the rights for mechanically propelled vehicles will have been extinguished. Consequently the way should be recorded on the definitive map as a restricted byway.
17. No comments have been received from the ward councillors or other relevant councillors.

Council Plan

18. As set out in the Council Plan 2015-19 “Our purpose is to be a more responsive and flexible council that puts residents first and meets its statutory obligations” by submitting this DMMO to the secretary of state the council is fulfilling one of its statutory obligations.

Implications

Financial

19. Determination by the Secretary of State may lead to a local public inquiry. The cost of a public inquiry being approximately £5000.
20. If the Order is confirmed by the Secretary of State the authority will have to accept that the route is maintainable at the public expense. This will not, as such, be a new obligation, more the recognition of an existing, but previously unrecorded liability.

Human Resources (HR)

21. There are no human resource implications

Equalities

22. There are no equalities implications

Legal

23. City of York Council is the Surveying Authority for the purposes of the WCA 1981, and has a duty to ensure that the Definitive Map and Statement for its area are kept up to date.
24. If, and when, the Authority discovers evidence to suggest that the definitive map and statement needs updating, it is under a statutory duty to make the necessary changes using legal orders known as DMMOs.
25. Before the authority can make a DMMO to add a route to the definitive map it must be satisfied that the public rights over the route in question are reasonably alleged to subsist. Where this test has been met, but there is a conflict in the evidence, the authority are obliged to make an order in order to allow the evidence to be properly tested through the statutory order process.
26. DMMOs, such as the one being considered within this report, do not create any new public rights they simply seek to record those already in existence.
27. Issues such as safety, security, desirability etc, whilst being genuine concerns cannot be taken into consideration. The DMMO process requires an authority to look at all the available evidence, both documentary and user, before making a decision.

Crime and Disorder

28. There are no crime and disorder implications

Information Technology (IT)

- 29. There are no IT implications

Property

- 30. There are no property implications

Other – Maintenance Implications

- 31. The evidence indicates that the public rights over Grange Lane were established prior to the commencement of the Highways Act of 1835, therefore as an ancient highway it is maintainable at public expense and should be recorded as such on the List of Streets Maintainable at Public Expense. There will therefore be an ongoing future maintenance liability to Highway Maintenance Services. The intention would be to maintain it fit to the standard required for the status that is recorded on the definitive map.
- 32. Maintenance to a standard suitable for the passage of mechanically propelled vehicles, in the exercise of private access rights is the responsibility of those wishing to exercise such rights.

Risk Management

- 33. In compliance with the authority’s Risk Management Strategy, Option A is subject to internal budgetary pressures (financial). Option B is subject to a greater budgetary pressure (financial) because of the possibility of employing an outside consultant.

Contact Details

Author:

Russell Varley
Definitive Map Officer
Rights of Way
Tel No. 01904 553691

Chief Officer Responsible for the report:

James Gilchrist
Assistant Director Transport Highways and
Environment

Report **Date** 19.07.18
Approved

Wards Affected: Rural West York.

For further information please contact the author of the report

Background Papers:

Highways Act 1980
Wildlife and Countryside Act 1981
Natural Environment and Rural Communities Act 2006
Grange Lane DMMO case file

Annexes

Annex 1: Report submitted to Decision Session - Executive Member for
City Strategy - 1 December 2009

List of Abbreviations Used in this Report

DMMO	Definitive map modification order
NERC Act 2006	Natural Environment and Rural Communities Act 2006
PRoW	Public right of way
WCA 1981	Wildlife and Countryside Act 1981

This page is intentionally left blank



Decision Session Executive Member for City Strategy

1 December 2009

Report of the Director of City Strategy

Public Rights of Way - Investigation into the Status of Grange Lane, Rufforth

Summary

- 1 This report considers all the available evidence and seeks to assist the Executive Member in determining whether or not to make a Definitive Map Modification Order (DMMO) to add Grange Lane in Acomb and Rufforth (shown by a broken black line on Plan 1, Annex 1), to the Definitive Map of Public Rights of Way.

Recommendation

- 2 It is recommended that the Executive Member authorises the making of a Definitive Map Modification Order to add Grange Lane to the Definitive Map.

Reason: Evidence shows that at a minimum, Public Footpath rights are reasonably alleged to subsist.

Background

- 3 The issue of the status of Grange Lane, shown on Plan 1 was identified as a Definitive Map anomaly (an unrecorded route with possible highway status) in 1981, after the installation of a locked gate triggered the submission to North Yorkshire County Council (the highway authority at the time), of 6 user evidence forms claiming that the way was public and that the gate obstructed the use of the route.
- 4 In 1996, City of York Council became the highway authority for the area and inherited a considerable backlog of work relating to the Definitive Map, one of these issues being the question of the status of Grange Lane. Since that time there has been steady progress made with regards to outstanding Definitive Map work, and during this time there have been repeated attempts to resolve the status of Grange Lane, mainly in order to resolve issues relating to the Council's maintenance liability for the surface of the lane after repeated pressure from one of the landowners affected to improve and maintain the surface so that is suitable for vehicles.

- 5 In 200/01 the Council commissioned an independent report to establish whether any public highway rights existed over Grange Lane. A copy of the report is included in Annex 3, Tab 2. This report concluded that Grange Lane was an historic public carriageway and that it should be recorded on the Definitive Map as a Byway Open to All Traffic.
- 6 In response to the findings of the Council's investigation, another landowner sought their own independent report as to the status of the route. A copy of this report is included in Annex 3, Tab 3. The resulting investigation raised some queries within the Council's report, relating to the alignment of the old turnpike road from York to Wetherby.
- 7 This report now considers the available relevant evidence (documentary and/or user) in order to determine the status of Grange Lane, in doing so the extent of any maintenance liabilities that the Council, as Highway Authority for the area, may have in respect of the route will also be clarified.

Summary of Evidence

9. Under Common law there are three types of highway, namely footpaths, bridleways and carriageways (vehicular highway). Parliament has subsequently sub-divided the latter category into a number of other classifications (e.g. Restricted Byways, Byways Open to All Traffic, Cycle Ways and Motorways).
10. When determining the status of a route, it must first be decided whether the evidence suggests that one of the common law definitions applies (i.e. footpath, bridleway or carriageway). If it is decided that the route is a highway of carriageway status (i.e. a vehicular highway) further consideration must be given to which of the sub-divisions, if any, apply.
11. The DMMO process requires the authority to carry out a detailed search of all available evidence. A detailed analysis of these documents is included in Annex 2 and summarised below.

Documentary Evidence

12. In the case of Grange Lane the following historic documents were examined:
 - Acomb & Holgate Inclosure Award 1774 (Annex 3, Tab 4)
 - Rufforth Inclosure Map and Award 1795 (Annex 3, Tab 5)
 - Map of the Acomb Grange property owned by the Marwood family 1760 (Annex 3, Tab 6)
 - Eighteenth & Nineteenth Century Commercial Maps (Annex 3, Tab 7)
 - York to Collingham Turnpike Road (Modern B1224)
 - Ordnance Survey Maps and Plans (Annex 3, Tab 8)
 - Ordnance Survey Object Names Books (Annex 3, Tab 9)
 - 1910 Finance Act records (Annex 3, Tab 10)
 - Wartime closures (Annex 3, Tab 11)
 - Declarations pursuant to Section 31 (6) of the Highways Act 1980 (Annex 3, Tab 13)

User Evidence

13. In 1981 the Ramblers' Association submitted 6 user evidence forms, providing evidence of uninterrupted use of Grange Lane between 1921 and 1981, at which time a gate was installed across the lane and the locked. Two further user evidence forms were submitted in 2001 providing further evidence of user between 1975 and 2001. Copies of the user evidence are included in Annex 3, Tab 12.

Analysis of the Documentary and User Evidence

14. The Inclosure Awards provide evidence in support of the existence of historic public carriageway rights at both ends of Grange Lane. This is further supplemented by a range of maps etc suggesting the historic reputation of the route throughout its length as an historic public carriageway. At the very least the documentary evidence suggests that public carriageway rights are 'reasonably alleged to subsist' over the full length of Grange Lane, as shown by a broken black line on Plan 1.
15. In view of this finding, it is appropriate to consider the implications of the Natural Environment & Rural Communities Act 2006, with regard to the extinguishment of public rights for mechanically propelled vehicles.
16. The Natural Environment and Rural Communities Act 2006 (NERC) has the effect of extinguishing rights for mechanically propelled vehicles along such routes, except under the following prescribed conditions:

Exceptions in section 67 of the 2006 Act may apply where:-

- a) a way whose main use by the public during the period of 5 years ending with the commencement (of the Act) was used for mechanically propelled vehicles;
- b) immediately before commencement it was not shown in a definitive map and statement but was shown in a list required to be kept under section 36 (6) of the Highways Act 1980 (list of highways maintained at public expense);
- c) it was created on terms that expressly provide for it to be a right of way for mechanically propelled vehicles;
- d) it was created by the construction, in exercise of powers conferred by virtue of any enactment, of a road intended to be used for such vehicles;
- e) it was created by virtue of use by such vehicles during a period ending before December 1930.

NB: a private right to use mechanically propelled vehicles (to access property etc) on routes which previously enjoyed public vehicular rights is retained.

17. There is no evidence to suggest that any of these conditions apply, therefore if it is determined that Grange Lane is a public vehicular highway, the rights for mechanically propelled vehicles will have been extinguished and the most it could be added to the Definitive Map is as a restricted byway (ie a public right of way on foot, on horse-back and on non-mechanically propelled vehicles such as cycles and horse-drawn vehicles).
18. With regards to the user evidence submitted by the Rambler's Association, this would certainly suggest that, if historic carriageway rights do not exist,

there is a case in favour of the establishment of public footpath rights arising from user prior to the locking of a gate in 1981

Consultation

19. Consultation has been carried out in accordance with the Parliamentary Rights of Way Review Committee's code of practice for consultations on changes to the rights of way network. Landowners, the Parish Council and others known to have an interest in the case, have also been consulted.
20. Any documentary evidence submitted as a result of the consultation exercise has been included and discussed in detail within the evidential sections of Annex 2.

Parish Council

21. Comments were received from Rufforth Parish Council who believe that Grange Lane is in private ownership with no public rights of way over the land. They have based their view on:
 - the wartime closures
 - the status of Grange Lane was investigated when the A1237 ring road was built; and
 - when the land was sold the purchaser had searches done which revealed that there was no public rights of way along Grange Lane.

Analysis of representations

22. The wartime closures do not extinguish rights over the whole length of Grange Lane, they only closed footpath rights over the section now covered by the airfield. Contrary to the Parish Council's assertion this would, in fact suggest that the rest of Grange Lane did enjoy public rights of at least footpath status. Furthermore, if public carriageway rights do exist, as this investigation would suggest, then the war-time closures are likely to be void because they did not extinguish the vehicular/carriageway rights.
23. With regard to any investigations into the status of Grange Lane when the A1237 was built including any searches undertaken in connection with the sale/purchase of land, in the absence of any evidence to the contrary it is highly unlikely that these investigations and searches went further than a consultation of the Definitive Map for the area. This would have revealed that Grange Lane was not registered as a public right of way, nonetheless, this cannot in any way be properly interpreted as meaning that no public rights exist. This is because the conclusive status of the Definitive Map is without prejudice to the existence of any unrecorded highway rights.

Landowners

24. Indications of objections to any proposed Definitive Map Modification Order have also been received from an adjoining landowner, and also a land agent acting on behalf of another landowner. Both dispute the existence of any public rights along Grange Lane. Copies of correspondence from both landowner and land agent are included in Annex 3, Tab 15.

25. In 2002/03, in support of their objection one of the landowners sought their own independent expert opinion on the available evidence (Annex 3, Tab 3), which raised some queries/anomalies with the original research report commissioned by the Council (Annex 3, Tab 2).
26. The landowners also rely upon the fact that the section of Grange Lane, which used to cross what is now Rufforth Airfield was set out in the Rufforth Inclosure Award (Annex 3, Tab 5) as a “*private or occupation carriage road*”.
27. In 1981, and again in 1994 the landowners also submitted plans and statements pursuant to Section 31(6) of the Highways Act 1980.
28. The matters raised by the landowners have been taken into account within the evidence as a whole. Their particular concerns are discussed in more detail in Annex 2 paras 26 to 30 and para 46 respectively.

Ward Councillors and Groups Spokeperson(s)

29. Their comments, verbatim, are:

Ward Councillors

30. Cllr Ian Gillies: *“It would appear in the substantial amount of correspondence, that the person who has complained regarding this Lane, has an agenda that would see the Authority maintaining the lane. I do have sympathy with him regarding the amount of fly-tipping he is having to endure, but his historical expertise and opinion differs to the advice that has been obtained by the Authority, therefore I am happy to support your recommendation”.*
31. Cllr Healy: No comments received.
32. Cllr Hudson: No comments received.

Group Spokesperson(s)

33. Cllr Stephen Galloway: *“I am familiar with this route which has been used off and on informally by pedestrians for many years. It is gated at the ring road end following the death of a young cyclists (why cycled straight into the path of a vehicle). Establishment as a PROW would be difficult to resist. There should be no public vehicle or cycle access to the ring road from this path. It would be a very dangerous junction. I would resist any attempts to make the Council liable for any maintenance costs”.*
34. Cllr Ruth Potter: No comments received.
35. Cllr Ian Gillies: See above.
36. Cllr Andy D’Agorne: *“Strongly support this proposal, provided it is designated as a ‘quiet lane’ suitable for access and non motorised traffic”.*

Conclusion - status

37. Taking into account the documentary evidence and user evidence, including evidence submitted by the objectors, it may be concluded that a minimum, public footpath rights are, 'reasonably alleged to subsist' along Grange Lane.
38. If it is determined that public carriageway rights are 'reasonably alleged to subsist', then having considered the provisions of the Natural Environment & Rural Communities Act 2006 it has also been concluded that, as none of the exceptions apply, public rights for mechanically propelled vehicles will have been extinguished. It would therefore be appropriate to record the route on the Definitive Map as a Restricted Byway.

Options

39. Options available when determining this issue are.
40. Option A: If having considered all of the available evidence, it is determined that Restricted Byway rights subsist, or are reasonably alleged to subsist, the Executive Member may
 - a) Grant authorisation to make a Definitive Map Modification Order to add the Restricted Byway shown on Plan 1 to the Definitive Map;
 - b) If no objections are received or any objections that are received are subsequently withdrawn the Order, made in accordance with a) above, be confirmed; or,
 - c) If objections are received and are not subsequently withdrawn, the Order be referred to the Secretary of State for determination.
 - d) If the Order is confirmed the route be added to the List of Streets Maintainable at Public Expense and maintained in accordance with its status.
41. Option B: If it is determined that Footpath rights subsist, or are reasonably alleged to subsist, the Executive Member may:
 - a) Grant authorisation to make a Definitive Map Modification Order to add the Footpath shown on Plan 1 to the Definitive Map;
 - b) If no objections are received or any objections that are received are subsequently withdrawn the Order, made in accordance with a) above, be confirmed; or,
 - c) If objections are received and are not subsequently withdrawn, the Order be referred to the Secretary of State for determination.
 - d) If the Order is confirmed the route be added to the List of Streets Maintainable at Public Expense and maintained in accordance with its status.
42. Option C: If having considered all of the available evidence, it is determined that the case in support of a Definitive Map Modification Order has not been made, or has been overturned by contrary evidence, then the Executive Member may determine that:

- a) no further action be taken.
- b) the Authority does not undertake any maintenance work on the lane

Corporate Priorities

- 43. The addition of Grange Lane to the Definitive Map is purely an asset recording exercise. However, should it be determined that there is enough evidence to add the route to the Definitive Map, the benefits of doing so would link into the Council's Corporate priorities of making York a Sustainable City and also a Healthy City, as the route could be used for sustainable, car-free, health and recreation purposes.

Implications

Financial

- 44. If it is determined to a Definitive Map Modification Order it will have to be advertised in the local press. The cost of advertising the Order would be in the region of £1500. If an Order is made, and no objections are received the Order will be confirmed and re-advertised, again at a cost of £1500.
- 45. If objections to the Order are received, and not withdrawn, the outcome of the Order would have to be decided by the Secretary of State, probably at a local public inquiry. The cost of a public inquiry being approximately £5000.
- 46. If the Order is confirmed by either the Council or the Secretary of State as a result of a Public Inquiry, the authority will have to accept that the route is maintainable at the public expense. This will not, as such, be a new obligation, more so the recognition of an existing, but previously unrecorded liability.

Human Resources (HR)

- 47. There are no human resource implications

Equalities

- 48. There are no equalities implications

Legal

- 49. City of York Council is the Surveying Authority for the purposes of the Wildlife and Countryside Act 1981, and has a duty to ensure that the Definitive Map and Statement for its area are kept up to date.
- 50. If, and when, the Authority discovers evidence to suggest that the Definitive Map and Statement needs updating, it is under a statutory duty to make the necessary changes using legal Orders known as Definitive Map Modification Orders (DMMO).
- 51. Before the Council can make a Definitive Map Modification Order to add a route to the Definitive Map it must be satisfied that the public rights over the route in question are reasonably alleged to subsist. Where this test has been met, but there is a conflict in the evidence, the Authority are obliged to make

an Order so as to allow the evidence to be properly tested through the Order making process.

52. DMMOs, such as the one being considered within this report, do not create any new public rights they simply seek to record those already in existence. Issues such as safety, security, desirability etc, whilst being genuine concerns cannot be taken into consideration. The DMMO process requires an authority to look at all the available evidence, both documentary and user, before making a decision.

Crime and Disorder

52. There are no crime and disorder implications

Information Technology (IT)

53. There are no IT implications

Property

54. There are no property implications

Other – Maintenance Implications

55. The evidence indicates that the public rights over Grange Lane were established prior to the commencement of the Highways Act of 1835, therefore as an ancient highway it is maintainable at public expense and should be recorded as such on the List of Streets Maintainable at Public Expense. There will therefore be an ongoing future maintenance liability to Highway Maintenance Services. The intention would be to maintain it fit for purpose in its present condition.
56. Maintenance to a standard suitable for the passage of mechanically propelled vehicles, in the exercise of private access rights is the responsibility of those wishing to exercise such rights.
57. Another concern is that access is being allowed to the side of the A1237 at a point where traffic speeds are 60mph. In order to deter children / pedestrians / cyclists etc from entering straight onto the A 1237, it is suggested that holding areas are created with barriers. Due to existing carriageway width there is no room for a carriageway centre refuge.

Risk Management

58. In compliance with the Council's Risk Management Strategy, Options A and B are subject to internal budgetary pressures (Financial), There are no risks associated with option C. If the issue of the status of Grange Lane is not properly resolved there is the risk that the Authority will be failing its statutory duties to assert, protect, maintain and properly record public highways; and have action initiated against it accordingly.

Contact Details**Author:**

Alison Newbould
 (PROW Officer)
 Network Management
 (City Development & Transport)
 Tel No. 01904 551481

Chief Officer Responsible for the report:

Damon Copperthwaite
 Assistant Director
 (City Development & Transport)

Report Approved **Date** 17 November 2009

Co-Author's Name

Robin Carr Associates
 (PROW Consultant)
 Tel No: 01609 781717

Report Approved *tick* **Date** *Insert Date*

Wards Affected:

Rural West York

All *tick*

For further information please contact the author of the report

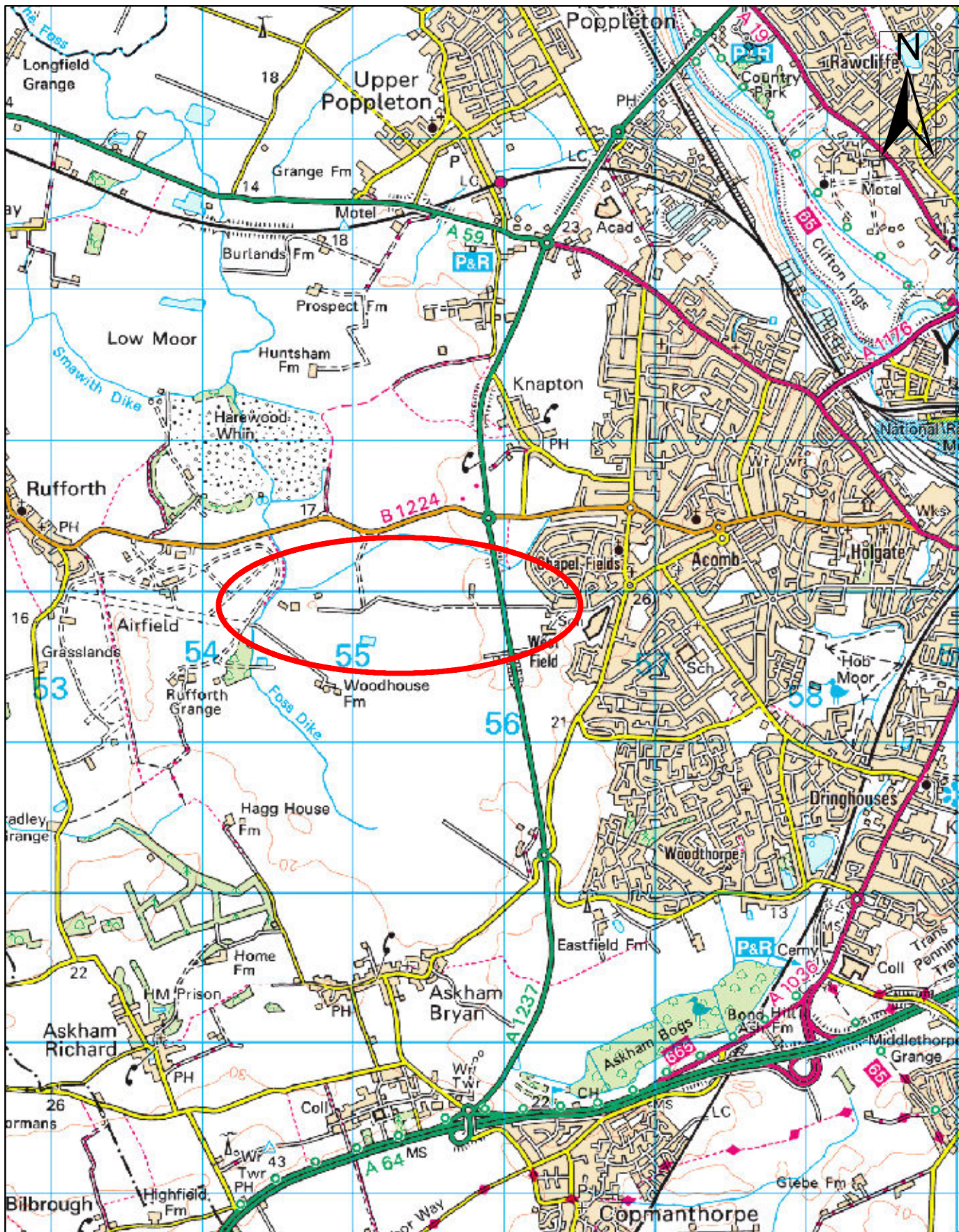
Background Papers:

Highways Act 1980
 Wildlife and Countryside Act 1981
 Natural Environment and Rural Communities Act 2006
 PROW (R)/Grange Lane

Annexes

Annex 1: Plan 1 - Plan showing the route under investigation
 Annex 2: Discussion of Evidence
 Annex 3: Bundle of Evidence (Tabs 1 to 16) Available to view at Guildhall Reception, in the Member's Library and on the M:Drive (All Members – City Strategy – PROW Grange Lane, Rufforth)

This page is intentionally left blank



West Offices, Station Rise, York,
YO1 6GA
Telephone: 01904 551550

Location of Grange Lane

Scale 1:35,000

Drawn By:RJV

Date:18/7/18

Public Rights of Way

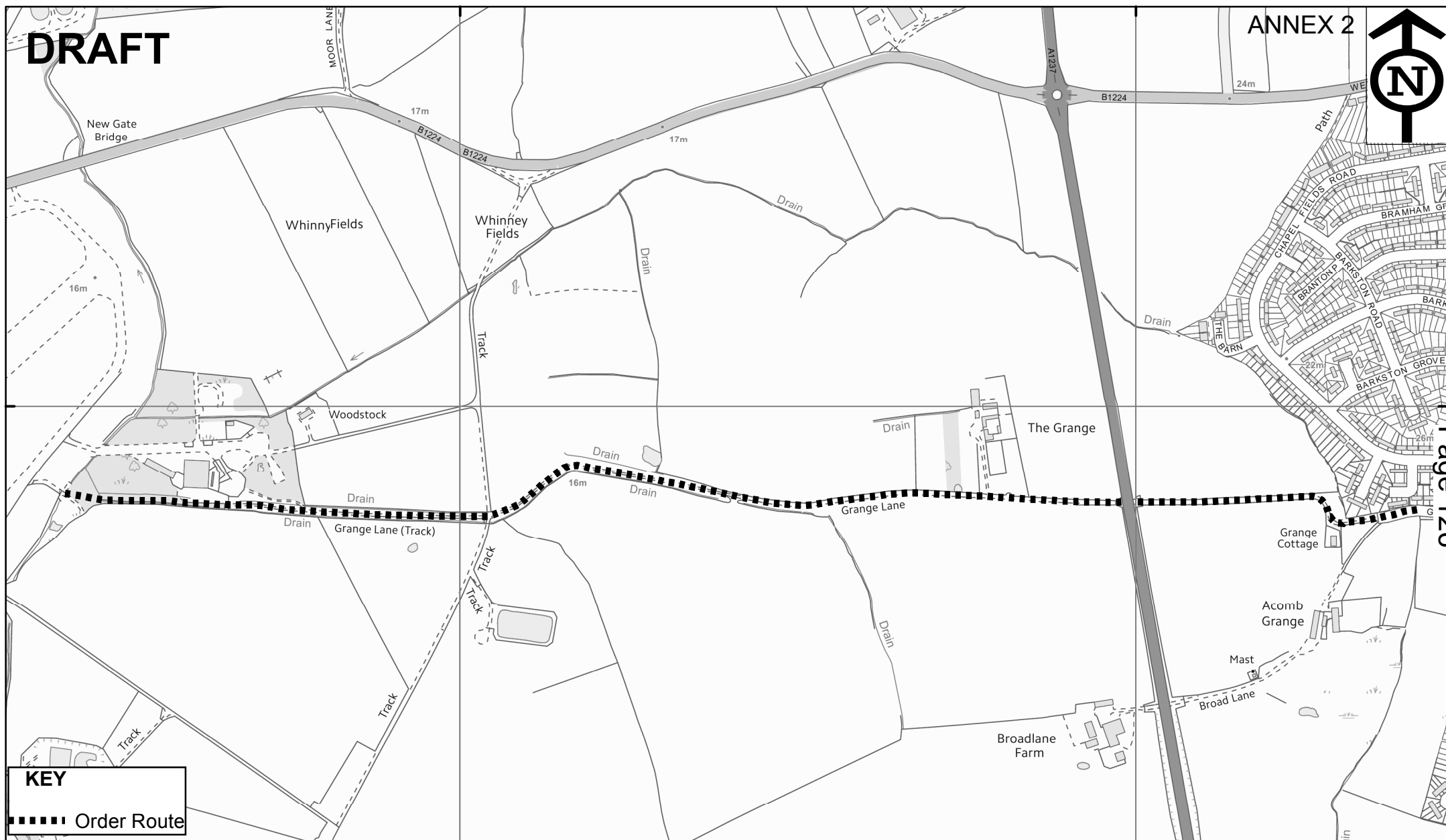
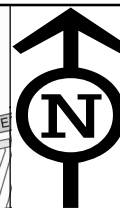
Reference:

Drawing No.

Contains Ordnance Survey data © Crown copyright and database right 2018

DRAFT

ANNEX 2

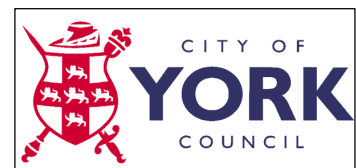


451000

000151 Page 126

KEY

■■■■ Order Route



West Offices, Station Rise, York,
YO1 6GA
Telephone: 01904 551550

GRANGE LANE TO RUFFORTH AIRFIELD MODIFICATION ORDER 2010		
Scale 1:7,500	Drawn By:RJV	Date:27/11/17
Public Rights of Way	Reference:	Drawing No.

Contains Ordnance Survey data © Crown copyright and database right 2017

DRAFT