

Objection and Officers Comments

22nd February 2019

Dear Sirs

Re: Micklegate Experimental Traffic Regulation Order

I am writing to object to the continuation of the Experimental Traffic Regulation Order which has closed Micklegate to outgoing traffic at Micklegate Bar. Indeed I believe that the Order should be lifted immediately. The primary reason for my objection is a lack of consultation prior to the Order being made which is contrary to the requirements in the motion passed by the council in July 2018. However there are a number of other reasons for believing the scheme is flawed and I have set out all these reasons below.

Prior to making this submission I have had email contact with both Councillor Jonny Crawshaw and Mr Alistair Briggs. I am grateful for their responses and I make reference to information they have provided in this submission. Councillor Crawshaw has also kindly provided me with copies of the motion presented to the council in July 2018, the minutes of that council meeting and the report produced for the council decision session in September 2018 and I will also make reference to those documents in this submission.

1. Lack of consultation with those affected

The first time I became aware of this scheme was when I received the letter addressed to Micklegate Area Residents and Businesses from Alistair Briggs, Traffic Team Leader, dated w/c 26th November 2018. This letter informed me that the closure would begin w/c 10th December 2018. I had no prior knowledge of the scheme at all. I am aware of other local residents and businesses who also had no prior knowledge of the scheme. Personally, I do not believe that implementing such a scheme with significant impacts on local residents without direct consultation with those most likely to be affected is appropriate.

The report of 13th September 2018 states that "the usual method of implementing a Traffic Regulation Order (TRO) is to advertise proposals for a period of three weeks to allow people opportunity to express their views on the proposals" (paragraph 23). The council's report of 13th September states (paragraph 2) that the recommendation for the TRO is "to determine the benefits of restricting motor vehicles in Micklegate, allowing the local community the opportunity to experience the changes before making representations". It appears odd to me that generally people are allowed to comment in advance of a decision being made and indeed that this is the usual method but in this case it was determined to be best to put the scheme in place before allowing people to comment.

Mr Briggs has told me (email to me 28th January 2019) that the reason for making an experimental order in this case was so that "those who are most directly affected by the change are able to make more detailed objection to the scheme because they are able to experience directly the effects rather than make an objection based on what they fear might be the outcome" and in some cases I can see the advantage to this approach. However, in this case I believe that this approach was unnecessary.

Micklegate Bar was closed to outbound traffic in late 2017 for an extended period whilst repairs took place (I believe the closure was for around three months). This means that those who are most directly affected by the closure of the Bar to outbound traffic already know the effects of such a closure. Far from any responses to the required consultation being based on a fear of the potential outcome, any responses would have been informed responses, based on evidence and experience of an extended closure of the Bar to outbound traffic. In this case an experimental order is completely unnecessary as the experiment has effectively already taken place.

In my view the lack of any prior consultation before invoking the experimental order is even more relevant given that the council, before passing the proposed motion in July, explicitly inserted a requirement that options only be brought forward regarding closing the Bar to outbound traffic **"following a consultation exercise taking into account the views of residents and traders"** (my emphasis added).

What has actually happened is that the Bar has been closed before any consultation exercise has taken place - or in even the most generous view then the Bar has been closed during the consultation exercise. I would not accept as an appropriate consultation a letter drop two weeks before closure which states that the closure is happening. Effectively, the order as implemented completely ignores the amendment to the motion put in place by the meeting of councillors. The views of the elected members appear to have essentially been ignored by imposing an order before consultation with residents.

In summary I believe that it is both wrong and unnecessary to impose the experimental order without having any prior consultation with those who would be most affected. The elected members required such a consultation and none has been carried out in advance of the order being made. In my view this means the order is undemocratic and should be lifted immediately and a full consultation be carried out before any further recommendations are made.

2. Lack of clarity in the aims of the scheme

The letter I received w/c 26th November 2018 states that the aim is to "improve the environment in Micklegate by removing a proportion of through traffic". To me, this appears to be a very imprecise aim and incapable of proper measurement.

The statement of reasons for the Traffic Regulation Order published on the council's website also mentions an aim of "minimise pedestrian / vehicle conflict". I assume this is backed up by statistics showing a high number of accidents between pedestrians and vehicles on Micklegate and did ask Councillor Crawshaw for such statistics but none have been forthcoming.

The report of the Assistant Director, Transport, Highways and Environment to the Executive Member for Transport meeting (September 2018) states that at the Full Council meeting of 19th July 2018 the objective identified was to "reduce the impact of vehicular traffic on the historic bar" (paragraph 5). This is also the rationale identified by Councillor Crawshaw in his speech proposing the motion in July 2018. This is not mentioned in the statement of reasons - somewhat surprisingly if that was the initial objective first discussed.

The motion passed by the council is aimed to protect the gateway, with no reference at all to improving the environment in Micklegate or minimising pedestrian / vehicle conflict. It appears that the order as implemented does not reflect the motion passed by the council.

It appears that there are several aims identified but none of them have been specifically articulated as being the primary reasons for the closure. Such a lack of clarity regarding the aims of the scheme suggests it has not been well thought out and it will be difficult to determine in any objective way whether or not the scheme has been a success.

3. Lack of adequate consideration of alternatives

I note that several options were put forward in the report of September 2018 (paragraphs 26-29). The decision stated is to adopt option 3 as "this option will have the least impact on the local community, is the least costly to implement and will have virtually no adverse impact on the historic street scene" (paragraph 3 of the report). I do not believe that the evidence presented in the report and other material supports that conclusion. In particular:

- The reasoning given in the report (as above) makes absolutely no reference to the intended aims of the scheme (improved environment, minimise pedestrian / vehicle conflict, reduced impact of vehicular traffic on the Bar). It appears odd to adopt an option without explaining why it is best in relation to the scheme's intended aims.
- No information is given in the report as to why the other options were deemed less suitable in meeting the intended aims of the scheme.
- I personally disagree with the conclusion that the option has least impact on the community. For me it means additional time spent in the car, in traffic, producing more vehicle emissions as I have to take a longer route to my destination (see below).
- The council's report of 13th September 2018 states that in a twelve hour period there are 3,200 motor vehicle trips through the Bar of which 40% are outbound (paragraph 9). On that basis, the proposal affects 1,280 people (at a minimum assuming one person per vehicle) every twelve hours. Figures in the report (paragraph 10) show on average 69 vehicles per hour inbound to Micklegate from George Hudson Street junction (64 am, 75 pm). Therefore, option 1 (closing Micklegate inbound at the George Hudson Street junction) would only affect, on average 828 vehicles in a twelve hour period, i.e. 35% fewer vehicles / people than the chosen option.

The council's conclusion that option 3 has least impact is therefore simply untrue with reference to the council's own figures.

If the primary aim of the scheme is, as originally stated, to reduce the impact of vehicular traffic on the historic Bar then I believe other options could have been considered which would have had the desired outcome but not the same negative impact on local residents, in particular allowing two way traffic through the other arch of the Bar as implanted on Walmgate.

I have been informed by Councillor Crawshaw that this would require additional traffic control on Bar Lane and would require extended sequence time for traffic lights outside Micklegate Bar which would have significant knock on impacts.

However, I do not believe that additional traffic control would be required. Such a scheme could be implemented by simply not allowing a right turn from Bar Lane onto Micklegate. In my experience very few vehicles attempt to turn right at that junction anyway as it takes a long time to exit.

In terms of an extended sequence for other traffic lights at the junction and subsequent increase congestion and air pollution, the analysis is unfortunately incomplete as it ignores the impact on vehicles at those other junctions which is now already happening as a result of completely closing the Bar to outbound traffic. The vehicles which previously exited through the Bar (1,280 vehicles every 12 hours according the council's own figures) are now having to use those other junctions, causing delays, further congestion and increased air pollution already. A valid comparison can only be undertaken if those issues are also taken into consideration.

Therefore the impact of this alternative scheme on other traffic would be minimal, it would allow vehicles to exit through the junction from Micklegate (hence a significantly lower disruption for residents than the complete closure of the Bar) and also meet the aim of outbound vehicles not using the historic arch.

I have been informed by Mr Briggs that there are no plans to vary the experiment from its current arrangement (email to me 30th January 2019). I believe this option should have been considered by the council and should be part of any future decision about whether the order should be made permanent or not.

4. Lack of adequate consideration of the impact of the scheme on other areas

There is very little discussion in the report of September 2018 of the likely impact of the scheme. The traffic which used to exit through the Bar will not simply cease to exist - it will use other routes (as stated in the council's letter of w/c 26th November 2018).

In the council's report (paragraphs 17-18) there is a cursory comment that "changes to traffic flow on the wider highway network are likely to occur due to the restrictions to motor vehicles at Micklegate Bar" and that "the impacts of the outbound closure of Micklegate Bar would see low levels of traffic redistributed onto alternative routes on the main highway network. Many of the redistributed trips will still use the Micklegate Bar junction but instead of coming from Micklegate will reroute using the Inner Ring Road.". It is hard to see how 1,280 vehicles every twelve hours is a "low level of traffic redistributed onto alternative routes".

The report also mentions the work planned on Queen Street as part of the redevelopment of York Station forecourt (paragraph 19) but gives no indication of the potential impact of the chosen scheme on that work.

I have asked both Councillor Crawshaw and Mr Briggs what research was done into the potential impacts of the scheme, in particular on the Queen Street / Blossom Street junction, taking into account the evidence of the extensive closure of the Bar for repairs in 2018.

Councillor Crawshaw stated (email to me 11th January) that the impact of the temporary closure was found to be minimal. I did ask Councillor Crawshaw for a copy of the report containing those conclusions but unfortunately did not receive a response to that request. The response I received from Mr Briggs stated simply that "there is no further information on the likely impact available" (email to me 30th January).

My own experience from both the temporary closure in 2017 and the scheme to date this year is that the impact was and is far from minimal. I estimate that each journey which would have been through the Bar and now has to divert via Fetter Lane, Skeldergate, George Hudson Street, Rougier Street, Station Road and Queen Street to the junction with Blossom Street takes on average an additional ten minutes. I fully accept that in itself that is not significant. I am far from a heavy car user and perhaps make such a journey twice a week. I use public transport wherever possible and practical.

However, across the course of a year that extra ten minutes per journey means an additional 1,040 minutes (10 x 2 x 52) or over **17 hours** sat in traffic with a consequential increase in congestion and air pollution along the route. Taking into account the number of vehicles which previously would have exited through Micklegate Bar (i.e. 1,280 vehicles every twelve hours according to the council's figures from the September 2018 report), it can be seen that the impact on other areas, far from being minimal as suggested by Councillor Crawshaw, is extremely significant. Yet the council

appear to have done no research on this prior to implementing the scheme and appear to have no way of measuring the actual impact as below.

I do not believe it is good practice to implement such a major scheme without any real idea as to the potential impact on other areas and this attests again to the flawed design and implementation of the scheme.

5. Lack of adequate measurement of outcomes of the scheme

As mentioned above, the primary reasons for the closure of Micklegate to outbound traffic are unclear. However, whatever the reasons, the TRO is stated to be an Experimental Order to determine the benefits of restricting motor vehicles in Micklegate (paragraph 2 of the report of September 2018). To enable such potential benefits to be considered there has to be some way of measuring the impact of the scheme. Any experiment requires such outcomes to be capable of being measured and being set out in advance. There is no reference whatsoever in the report, the order or any of the supporting documentation as to how the success or otherwise of the scheme will be measured.

I have asked both Councillor Crawshaw and Mr Briggs for information regarding the precise intended outcomes and how these will be objectively measured during the course of the experiment so as to enable an objective assessment as to whether the experiment has or has not been successful. Councillor Crawshaw has stated (email to me 11th January) that he is unable to provide any such information. Mr Briggs states (email to me 30th January) that "the outcome of the experiment is likely to be influenced by factors that can't be expressed in numerical terms or targets".

It is perhaps unsurprising that no-one appears able to clarify how the success or otherwise of the scheme given that the intended aims are themselves so unclear. However I find it extremely concerning that there appears no plan in place. Any public or private body would usually carry out a full risk assessment of a major project, considering all possible alternatives and impacts and how success would be measured. It does not appear that this has been done in this case. I believe that the scheme is flawed from the outset without any objective means of measuring whether the scheme has or has not been successful.

Overall I believe the scheme is flawed in design and aim, there is no plan for any objective determination as to whether the scheme has or has not been successful, and the implementation of the scheme is entirely inconsistent with the requirements of the motion passed by the council and therefore the experimental order should be lifted immediately.

I would be grateful if you could please acknowledge receipt of this submission and let me know what the next steps are in the process for determining whether or not the experimental order will be extended, lifted or made permanent. I look forward to hearing from you.

Yours faithfully

Officers Comments

Lack of consultation

There has not been a lack of consultation. Rather than carry out a 3 week consultation on a proposal the option of using an Experimental Traffic Regulation Order was considered the most appropriate route in this case. This means the consultation is carried out over a much longer period – up to 18 months. Also, there is a minimum period of 6 months consultation before an experimental scheme can be considered for making permanent following the consideration of any representations made.

Lack of clarity of the aims of the scheme

The main aim of the scheme is to reduce the impact traffic has on Micklegate Bar. However the outbound closure to traffic at the Bar also results in what

could be termed as an improvement to the environment in Micklegate due to the reduction in traffic in the street and this reduction also has other implications such as a reduction in potential conflicts between pedestrians and vehicles. The information provided was intended to demonstrate a range of benefits the scheme could achieve. Because this is a Traffic Management scheme the traffic elements rather than the environmental were highlighted in the statement of reasons.

Lack of adequate consideration of alternatives

The aim of reducing the impact traffic has on the Bar would not be achieved by implementing a scheme that allowed the current inbound archway to be used in both directions. Also such a system would require the implementation of traffic signals on the inside of the Bar which could reasonably be considered to have a detrimental effect of the Bar's setting which is the opposite of the intended aim. In addition, the much extended distance between the stop line and the junction this system would result in would impact on the green time available to each arm of the junction, increasing the queue lengths on all approaches. Hence this option was not considered viable.

Whilst clearly there was expected to be some increase in traffic through surrounding junctions and an impact on local residents, the option approved for the start of the experiment was considered to have the least impact on residents as it impacted on one route rather than several.

Lack of consideration of the impact of the scheme on other areas

The impact on individual drivers due to a longer journey and the impact on the operation of a junction due to an increase in vehicles are very different and can't be compared.

Lack of adequate measurement of outcome of the scheme

How you measure the environmental impact traffic has on the Bar compared to the removal of a proportion of that traffic is not a practical proposition to determine using numerical values. The success or failure of the outbound closure of Micklegate Bar is in the main a subjective conclusion that different people will determine based on their individual circumstances.