

Notice of a public

Decision Session - Executive Member for Transport and Planning

[Agenda item 4 (Introduction of Anti-Idling Measures (Including Enforcement) to be considered in consultation with the Executive Member for Environment)]

To: Councillor Dew (Executive Member for Transport and Planning)
Councillor Waller (Executive Member for Environment)

Date: Thursday, 7 February 2019

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 11 February 2019**.

*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 5 February 2019**.

1. Declarations of Interest

At this point in the meeting, the Executive Members are asked to declare:

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

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

- 2. Minutes** (Pages 1 - 14)
To approve and sign the minutes of the meeting held on 20 December 2019.

- 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 6 February 2019**. 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.

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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. Introduction of Anti-Idling Measures (Including Enforcement) (Pages 15 - 28)

This item is to be considered **in consultation with the Executive Member for Environment** and seeks authorisation from the Executive Members for designated officers to exercise the powers in Regulations 6(3) and 12 of the Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 to enforce against stationary idling vehicles on the public highway within the boundary of City of York Council and to support anti-idling campaign work.

5. Consideration of results from an additional consultation in Fulford Cross (Pages 29 - 50)

To report the consultation results for Fulford Cross and to determine what action is appropriate.

6. Osbaldwick Area 20mph Speed Limit (Pages 51 - 62)

The purpose of this report is to consider expanding the existing 20mph speed limit in the Osbaldwick area to include several through routes that were originally omitted from the 20mph scheme with the aim of reducing the overall number of signs in the area.

7. Petition - St. John Street (Pages 63 - 68)

The purpose of this report is to consider a petition by residents of St. John Street requesting that City of York Council make their street one way and supporting new bollards to make the road narrowing, narrower.

8. Farrar Street, Windmill Gates Alma Terr/Grove and Slingsby Grove Residents Parking Petitions (Pages 69 - 92)

To report the receipt of four petitions and determine what action is appropriate.

9. PROW: Definitive Map Modification Order application to record a public footpath in woodland adjacent to Windmill Lane, Heslington (Pages 93 - 106)

The Executive Member is asked to consider a report that seeks to authorise the making of a Definitive Map Modification Order to record the route through Mill Plantation as a public footpath.

10. 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	20 December 2018
Present	Councillor Dew
Apologies	Councillors Brooks, Carr, D Myers and Warters

51. Declarations of Interest

The Executive Member was 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 he might have had in respect of business on the agenda. He confirmed he had none.

52. Minutes

Resolved: That the minutes of the Decision Session of the Executive Member for Transport and Planning held on 15 November 2018 be approved and signed by the Executive Member as a correct record.

53. Public Participation

It was reported that there had been 11 registrations to speak at the meeting under the Council's Public Participation Scheme.

Two residents had registered to speak on issues within the general remit of the Executive Member.

Katherine Crocker, a local resident, urged the Executive Member and officers to proceed without delay with consideration of a petition from residents which had been handed in by Cllr D'Agorne 3 days previously in support of the introduction of residents parking on part of Alma Terrace and on Alma Grove. Officers advised that it was likely that this petition would be considered by the Executive Member around February time.

Lucie Wake, also a local resident, spoke to advise the Executive Member of problems that residents had encountered with access to their properties on Slingsby Grove, off Tadcaster Road. She stated that it was a narrow road with commercial properties at the end of it and, on a number of occasions, ambulances, delivery vehicles and refuse lorries had not been able to access properties on the street. She explained that she had canvassed the whole street and the majority of residents supported the introduction of a residents parking scheme and asked that this be considered by the council. Officers confirmed that they had received the request but were unable to confirm a date at this point when this could be considered.

There were 4 registrations to speak in relation to agenda item 6 (2016-17 Speed Management Programme – Relocation of Speed Limits – Experimental Traffic Regulation Orders)

Stuart Kay, addressed the Executive Member, on behalf of Dunnington Parish Council and Dunnington Playing Fields Association and Sports Club. He voiced their objections to the current trial in Dunnington which had moved the 30mph speed limit signs closer to the built up areas. He expressed concerns that traffic was now travelling faster past the entrance to the sports club and stated that the suggestion to extend the 40mph stretch so that the 30mph limit started closer to the village green was unacceptable.

Councillor Carr spoke as Ward Member for Copmanthorpe and Parish Council Member to express the views of Copmanthorpe residents with regard to the experimental traffic regulation order at Tadcaster Road, Copmanthorpe. He advised that residents wished the 30mph sign to be returned to its original position at the start of the built up area as there was no evidence that the new experimental position of the sign had had any effect on vehicle speeds. He asked the Executive Member to agree to move the signs back to their original positions, warning that if the experimental TRO position was agreed as permanent, access to a development site on land adjacent to Tadcaster Road, where 170 houses were proposed, would be outside the 30mph limit.

Cllr Warters spoke as Osbaldwick and Derwent Ward Councillor and expressed dismay that the council had proceeded with the experimental location for the start of the 30mph limit at Common

Lane, Dunnington after opposition from Dunnington Parish Council. He suggested that concerns about speed were in fact due to the volume of traffic rather than the speed of vehicles, and felt this could be controlled by the introduction of traffic lights at the Common Lane/Hull Road junction. He also advised that there would be opposition to any change to the start position of the existing 30mph speed limit on Murton Way in Murton,

Cllr Brooks also spoke as Osbaldwick and Derwent Ward Councillor and Dunnington Parish Councillor and echoed the comments made by Cllr Warters. She explained that the Parish Council had reluctantly agreed to the trial scheme on the basis that, if it didn't work, the 30mph signs would revert back to their original positions and she stressed that this should be made clear as an option when making a recommendation to the Executive Member. She stressed the importance of retaining a speed monitor with the ability to move it around the village to monitor vehicle speeds.

Michael Hammill spoke in relation to agenda item 7 (R20 Howard Street: Proposed Amendment to the Traffic Regulation Order, consideration of objections received) on behalf of Yorbuild Ltd, the developer for 79 Fulford Road in relation to proposals to reduce the length of two resident parking bays on Howard Street to provide better vehicle access to the development and provide a better passing facility on Howard Street. He circulated photographs showing the narrowness of the street and the 2 parking zones in question, one which was he felt was too short as a 3 car zone and the other which was very generous as a 2 car zone. He advised that even though development had not yet started on site, they had already experienced difficulties in manoeuvring vehicles and felt that the proposals would go some way to alleviating any potential incidents.

Two registrations had been received in respect of agenda item 8 (Consideration of objections and comments received to an advertised proposal to extend the R20 Residents' Priority Parking Zone to include Rosedale Street and Grange Garth)

Anthony Day, a local resident, spoke in opposition to the introduction of a residents parking scheme on Rosedale Street and Grange Garth which he felt would lead to displacement parking in neighboring streets, which were also very full with

parked vehicles. He advised that adjoining streets had already been surveyed and had opposed the scheme but noted however that it was not current council policy to refuse a resident parking scheme on one street because of its effect on neighboring streets.

Linda Davis, a local resident, also spoke against the introduction of a residents parking scheme on Rosedale Street. She explained that she was new to the area but felt residents needed to accept that they didn't have a right to park directly outside their own house, and that there was always space to park nearby, even if it was not directly outside their own property. She raised concern that the figures presented in the report were misleading in terms of the percentages of residents in favour of a scheme and whether it should be a full or part time scheme. She urged the Executive Member not to find in favour of the officer recommendation to implement residents priority parking in the area.

Two registrations had been received in relation to agenda item 9 (Consideration of objections and comments received to an advertised proposal to amend the parking amenity within the R33 Residents' Priority Parking Zone).

Darren Shaw, a local resident of Sycamore Place and a guest house owner advised that he hadn't objected to the Bert Keech Bowling Green development planning application as he had been assured there would be no change to parking arrangements. He addressed the recommended option 3 as set out in paragraph 24 of the report. He expressed his support for part a; in relation to b, he questioned the need for 10m entry for 1 dwelling; did not object to part c, but opposed the proposals at part d, advising that there needed to be a rational basis for the decision and asked that consultation be extended to consider a wider range of options for parking on Longfield Terrace.

Cllr Danny Myers, spoke as Ward Councillor for Clifton. He expressed concern with regard to above inflation increases in ResPark charges which he felt were unfair to residents. He expressed his support for the recommended option 3 and commented that with regard to (b) he felt that the length of space needed for entry to the development could be reviewed and that with regard to (d) the whole area could be revisited to determine whether the GM (guest houses and multiple occupancy) places were in the correct place.

54. Strensall Petition - Response

The Executive Member considered a report that provided a response to the petition received from Members of York Golf Club in support of a Traffic Study and Road Safety Report which had been prepared by Strensall with Towthorpe Parish Council.

He considered three options as detailed in the report:

Option 1 – to take no further action

Option 2 – to allocate funding to investigate the issues raised in the 2015 “Traffic Study and Road Safety Improvements Proposals” report.

Option 3 – to note the receipt of the petition and instruct officers to inform the parish council of the procedures currently in place to address the points raised (the recommended option).

He noted that, since the report had been submitted to the council in 2015, the city council had been in discussion with the parish council and York Golf Club with regard to traffic and safety concerns and that a number of safety improvements had been undertaken in the Strensall area.

He acknowledged that there were procedures and policies in place which were used to address road safety matters across the city using an evidence based approach, in order to be able to prioritise issues and noted the need to follow these procedures into order to allocate resources fairly. He assured those present that the road safety issues raised would be dealt with in the correct way and would not be ignored.

With regard to the point raised by the parish council regarding the Vehicle Activated Sign and speed indicator devices, he advised that he had asked officers to prepare a report to enable him to consider their use and to be funded from council or parish council funding.

Resolved: (i) That option 3 be approved and the receipt of the petition be noted and Strensall with Towthorpe Parish Council and York Golf Club be informed by officers in relation to the procedures and policies currently in place to address the points raised.

Reason: To inform the Golf Club and Parish Council how road safety matters are assessed and prioritised across the city.

55. Fulford School Access

The Executive Member considered a report that requested authority to undertake a review of the access arrangements for school transport vehicles into Fulford School to take advantage of the opportunity presented by the Germany Beck development and positive initial discussions with key stakeholders including the school, parish council and developer)

The Executive Member acknowledged that something needed to be done to address access arrangements into the school and noted that the proposal was for the feasibility study to include the existing arrangement and two main potential options as follows:

1. Retain the existing access but provide improved pick/up and drop off capacity and review mitigation measures to reduce the impact of school traffic on the adjacent highway network.
2. One way bus transport access using a new route from the south and the existing highway network to the north with a new drop off/pick up facility. The one way could operate in one direction for ingress and exit or operate in a tidal manner.
3. All bus transport to access and exit the school from the south with a turn around and pick up facility provided.

He acknowledged the two written representations received from Mr Gamston on behalf of Fulfordgate residents who welcomed the recommendation to undertake a feasibility study and from Ward Councillor Aspden who welcomed the recommendation and stressed the importance of all the partners working together towards a resolution.

Resolved:

- (i) That an allocation of funding provided from existing developer contributions/s106 funds be used to undertake a feasibility study on potential access options to the school.

- (ii) That a report on options be considered by the Executive Member at a future meeting.

Reason: To understand more fully the options for the delivery of a potential new access route to the school from the south to reduce congestion and improve road safety in the area.

56. 2016/17 Speed Management Programme - Relocation of speed limits - Experimental TRO's - results

The Executive Member considered a report that sought approval to make permanent the experimental Traffic Regulation Orders (TRO's) to relocate the start of the 30mph speed limit closer to the built up areas at Hopgrove Lane South, Hopgrove and Tadcaster Road, Copmanthorpe in order to reduce traffic speeds, and to agree minor improvements to further enhance the effectiveness of the revised speed limit locations with the addition on 30 roundel road markings and the removal of vegetation at Tadcaster Road, Copmanthorpe local to the sign adjacent to the A64.

The report also asked him to reconsider the location of the 30mph speed limit at Common Road Dunnington and the 30mph speed limit on Murton Way, Murton in light of these results.

He considered the options available to him, taking into account the comments made under public participation on behalf of Dunnington Parish Council and by the Comanthorpe and Osbaldwick & Derwent Ward Councillors.

The Executive Member agreed that as no comments had been received in relation to Hopgrove Lane, Hopgrove, there was no reason not to make the experimental order permanent. With regard to Tadcaster Road, Copmanthorpe however, he acknowledged the opposition of residents and the Ward Councillor to the experimental position of the 30mph signs and agreed that this should not be made permanent. He asked officers to look into the possibility of introducing 30 roundel road marking at the original location as requested.

With regard to the location of the start of the 30mph limit at Common Road Dunnington he acknowledged the amount of

opposition but agreed that there was still further time for consultation and then a decision would be taken as to the best location for the 30mph limit. The Executive Member noted Ward Councillors concerns with regard to changing the existing speed limit start point on Murton Way in Murton and noted that this would re-considered in the 2019-20 speed management programme.

Resolved:

- (i) That the results of the experiment along with the objections and comments received be noted.
- (ii) That approval be given to make the traffic regulation order to relocate the start of the 30mph speed limit at Hopgrove Lane South, Hopgrove permanent.

Reason: To maintain the reduced speeds and improved compliance with the 30mph speed limit within the built-up areas.

- (iii) That the decision be taken **not** to make the traffic regulation order to relocate the start of the 30mph speed limit at Tadcaster Road, Copmanthorpe permanent and for it to be moved back to its original location.

Reason: Due to the concerns raised by Cllr Carr under public participation about the amount of opposition from Ward and Parish Councillors and residents in relation to the position of the experimental TRO.

- (iv) That officers investigate the possibility of the addition of 30 roundel road markings at the Tadcaster Road, Companthorpe signs' original location.

Reason: To further reinforce the start of the 30mph speed limits.

- (v) That the location of the start of the 30mph limit at Common Road Dunnington be reconsidered, in consultation with local representatives, to determine whether to retain the current experimental location or to revert to the previous location. The experimental location can be retained until August 2019.

Reason: To reconsider the most effective location for speed management near the sports club and within the village.

- (vi) That changing the existing 30mph speed limit start point on Murton Way, Murton, be re-considered in the 2019/20 speed management programme.

Reason: To determine whether a speeding problem still exists and to then reduce speeds within the village of Murton by moving the start of the 30mph limit in line with the findings of this experiment.

57. R20 Howard Street: Proposed Amendment to the Traffic Regulation Order, consideration of objections received

The Executive Member considered the representations received to the recently advertised proposal to reduce the length of two resident parking bays on Howard Street.

He considered two options. Both options included implementing the proposal as advertised to remove the development from the R20 ResPark zone. Option 1 however involved implementing, as advertised, to shorten two parking bays on Howard Street to provide better vehicle access to the development and a passing area, whereas option 2 agreed to uphold the objection but take no further action to reduce the parking bays.

He noted Mr Hamill's comments made during public participation on behalf of the developer in support of the proposals and the written representation received from Cllr D'Agorne which supported the recommended option but asked for a review of parking provision across the main road frontage of 79 Fulford Road.

Resolved: That option one be approved, and that

- (i) the full proposal be implemented as advertised to remove the development from the R20 ResPark zone.
- (ii) That approval be given to implement, as advertised, to shorten two parking bays in Howard

Street to provide better vehicle access to the development and a passing area.

Reason: To introduce required measures identified within the planning process to provide better vehicle access to the development at 79 Fulford Road and to provide a better passing facility on Howard Street.

58. Consideration of objections received to the introduction of Residents' Priority Parking on Rosedale Street and Grange Garth (Fishergate Ward)

The Executive Member considered a report that highlighted the objections received within the legal consultation period to the introduction of Residents' Priority Parking on Rosedale Street and Grange Garth.

He acknowledged the comments made by two local residents in opposition to the proposals and two detailed written submissions from local residents, one in opposition to the scheme and the other raising particular requests with regard to operation times and discounts for low emission vehicles.

The Executive Member considered three options: to overrule the objections and implement as advertised; to undertake an additional consultation about the times of operation of the scheme with the residents of Grange Garth and Rosedale Street with authority to implement a scheme with the times of operation to reflect the results of the consultation; or to uphold the objections and take no further action. He noted that there were several people in support and several people in objection to residents parking

In response to concerns raised by a speaker with regard to the figures used in the report, officers confirmed that all the figures were correct and clarified that, for a scheme to be taken forward, there was a requirement for a 50% return of questionnaire sheets and that the majority of those returned were in support, and confirmed these figures had been achieved for both Rosedale Ave and Grange Garth.

Officers also explained that, even though petition had been submitted by Rosedale Street residents, the decision had been taken to extend the consultation to include neighbouring streets

due to past concerns about migration of parking into adjoining streets, but that any decision to introduce residents parking would be considered on a street by street basis.

The Executive Member noted that, while Rosedale Street residents had expressed a preference for a full time scheme, views of residents of Grange Garth had been mixed with half preferring a full time scheme and the other half favouring a scheme which would operate Monday to Friday 9am to 5pm. In view of this, he agreed that the Rosedale Street scheme should be full time but that the Grange Garth Scheme should operate Monday to Friday 9am to 5pm and if residents then experienced problems on a weekend, it could be expanded.

Resolved:

- (i) That approval be given to implement the advertised proposal to amend the York Parking, Stopping and Waiting Traffic Regulation Order to introduce a Residents' Priority Parking Area for **Rosedale Street** as outlined in Option One (Annex A & Annex B to the report), to operate as a full time scheme.
- (ii) That approval be given to implement the advertised proposal to amend the York Parking, Stopping and Waiting Traffic Regulation Order to introduce Residents' Priority Parking Area for **Grange Garth** as outlined in Option One (Annex A & Annex B to the report) ,to operate as a part time scheme from 9am to 5pm Monday to Friday only.
- (iii) That officers be authorised to re-consult in the adjacent areas of Farndale Street, Levisham Street, Hartoft Street and Lastingham Terrace if further representations are received within 18 months from the implementation on Rosedale Street and Grange Garth. This consultation to take place in priority to other areas on any waiting list.

59. R33 Residents' Priority Parking: Proposed Amendment to the Traffic Regulation Order, consideration of objections received

The Executive Member considered the representations received to a recently advertised proposal to change the parking amenity

within the R33 Respark zone on Sycamore Place, Sycamore Terrace, Bootham Terrace and Longfield Terrace.

The Executive Member considered the three options detailed in the report and acknowledged comments made by a local resident and the Clifton Ward Councillor during public participation.

Officers acknowledged that both speakers on this report had expressed their support for the recommended option 3. With regard to the proposal to implement the revocation of Guest House Parking and Household Parking to be replaced with No Waiting at any Time on Sycamore Place to provide vehicle access to new property, and the question of how much space was required for access to the new property, officers advised that the measurements of revocation could be a lesser length than advertised and this would be achieved on implementation if possible.

With regard to the proposal to advertise an alternative proposal for the revocation of 6m of no waiting at any times restrictions on Longfield Terrace and replace with an R33 GM space for the use of Guest House parking only (as detailed in Annex D to the report), and speakers' suggestions to consult on more options for Longfield Terrace, rather than just one, officers advised that the proposal maintained the status quo for the agreed Guest House parking allocation by replacing the one space lost with one space at an alternative location.

Resolved: That option 3 be approved:

- (i) To implement, as advertised, the removal of the Bert Keech Bowling Green development from the R33 Residents' Priority Parking Zone.
- (ii) To implement the revocation of Guest House Parking and Household Parking to be replaced with No Waiting at any Time on Sycamore Place to provide vehicle access to new property.
- (iii) To uphold the objections and take no further action on the rest of the proposal as advertised.
- (iv) To advertise an alternative proposal for the revocation of 6m of no waiting at any times restrictions on Longfield

Terrace and replace with an R33 GM space for the use of Guest House parking only (as detailed in Annex D to the report)

Reason: To progress the majority views of the residents.

60. Directorate of Economy & Place Transport Capital Programme - 2018/19 Monitor 2 Report

The Executive member considered a report that set out progress to date on schemes in the 2018/19 Economy & Place Transport Capital Programme, and proposed adjustments to scheme allocations to align with the latest cost estimates and delivery projections.

Officers provided an update on major schemes and transport schemes for 2018-19. With regard to the Scarborough Bridge Route Improvements, they advised that the cost for the replacement of the steps between St Mary's to St Mary's Lane with a ramp should be £45,000 but this increase could be accommodated in the overall underspend for the bridge.

The Executive Member noted that a separate report on Scarborough Bridge would be prepared for his consideration at a future meeting.

Resolved:

- i) That the amendments to the 2018/19 Economy & Place Transport Capital Programme be approved.
- ii) That the decrease to the 2018/19 Economy & Place Transport Capital Programme, subject to approval by the Executive, be noted.
- iii) That the proposed improvements to cycle routes on the approaches to the new Scarborough Bridge footbridge be approved (with the St. Mary's ramp allocation increased to £45k) to allow the schemes to be implemented as part of the footbridge replacement scheme.

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.

Cllr P Dew, Executive Member for Transport and Planning
[The meeting started at 2.00 pm and finished at 3.25 pm].



Decision Session – Executive Member for Transport and Planning 7 February 2019

Report of the Corporate Director of Economy and Place

Introduction of Anti-Idling Measures (Including Enforcement)

[To be considered in consultation with the Executive Member for Environment]

Summary

1. Idling of stationary vehicles causes unnecessary pollution which harms public health and the environment, wastes fuel and adds to noise levels. Measure 2 of York's Third Air Quality Action Plan (AQAP3) relates to development and implementation of anti-idling measures. The Executive meeting of 25 January 2018 approved in principle the adoption of anti-idling measures (including enforcement) targeted at all vehicle types.
2. The Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 give discretionary powers to council officers to issue fixed penalty notices of £20 to drivers (rising to £40 if unpaid within the specified time) who allow their vehicle engines to run unnecessarily whilst the vehicle is stationary on the public highway. This report seeks authorisation for designated officers to use these regulations to support anti-idling campaign work. Any driver who fails to provide details or pay the penalty ticket may be prosecuted.
3. The above regulations do not apply to council car parks and council owned land. Idling here would be dealt with by Parking Services' Civil Enforcement Officers (CEOs) under the Traffic Management Act 2004 and The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 - contravention code 96 'Parked with engine running where prohibited'.
4. Anti-idling awareness raising and campaigns will continue to be the primary approach to reducing stationary vehicle idling in York. Enforcement will only be used as a last option where a driver refuses to switch off an engine when asked. Anti-idling campaigns will focus on

idling hotspots around the city centre and other locations such as schools and residential areas where complaints arise.

Recommendations

5. The Executive Member for Transport and Planning, in consultation with the Executive Member for Environment, is asked to:
 - a) Approve the proposed approach and timetable for introduction of anti-idling awareness raising and enforcement measures as set out in this report;
 - b) Authorise the exercise of the powers in Regulations 6(3) and 12 of the Road Traffic (Vehicle Emissions) (Fixed Penalty) England Regulations 2002 to enforce against stationary idling vehicles on the public highway within the boundary of City of York Council;
 - c) Delegate authority to the Corporate Director of Economy and Place to authorise Officers of the Council as appropriate to make use of these powers and to issue fixed penalty notices and take legal proceedings for stationary vehicle idling offences;
 - d) Approve setting of the allowed period for paying a fixed penalty notice (FPN) (issued for a stationary idling offence) to 28 days beginning with the date of issue of the notice. If the charge is not paid within 28 days it will increase to £40.

Reason: To improve air quality and public health and to reduce greenhouse gas emissions and vehicle noise by reducing stationary vehicle idling.

Background

6. Working towards national air quality objectives is a requirement of the Environment Act 1995 part IV. Whilst air quality in the city is generally improving, York currently has exceedances of the annual average nitrogen dioxide objective at a number of locations around the inner ring road. One Planet York aims to create a more sustainable, resilient and collaborative 'One Planet' city with a thriving local economy, strong communities and a sustainable way of life. Conserving fossil fuels and reducing greenhouse gas emissions are key sustainability issues.
7. An independent anti-idling vehicle study (commissioned by CYC) was completed in January 2014. This sets out the potential reduction in vehicle emissions achievable through anti-idling policies and the cost benefit associated with this. A summary of the report is available here:

www.jorair.co.uk/IdlingSummaryJan14.pdf

8. Key findings of the report were:

- An inconsistent approach to idling amongst vehicle operators;
- Drivers do not always comply with company policies;
- An ad-hoc use of automatic vehicle cut-off technologies;
- Idling was mainly observed as being by buses and coaches;
- HGVs are not a major source of idling in York city centre;
- All types of vehicles routinely idle near level crossings.

9. The report concluded the following:

- An idling engine has no benefit for most vehicles;
- It is better to switch off an engine if idling is anticipated for approximately 1 minute or more;
- Anticipated health and environmental benefits and fuel savings significantly outweigh the cost of taking anti-idling measures;
- Most idling can be addressed through education and advice;
- Uptake of anti-idling enforcement measures has been limited amongst local authorities and very few Fixed Penalty Notices (FPNs) have been issued for idling offences.

10. The report identified the following constraints to reducing idling:

- HGV tailgates may be powered by the engine (but most ancillary power issues can be overcome and it is cost effective to do so);
- Refuse Collection Vehicles – compaction is done under engine power, but this can be accommodated in normal operation whilst rubbish bins are being emptied into the vehicle;
- Buses - older vehicles can be less reliable to switch-on, and if ancillary systems (such as heating, air compressor for door opening) are worn or in otherwise poor condition these may benefit from being continuously powered from the engine;
- Coach – passenger comfort encourages idling to maintain heating or air conditioning on the vehicle;
- Cars and vans – there are no identified reasons for modern cars and vans to idle.

11. The report recommended that an anti-idling reduction policy should be developed with the focus mainly on heavy duty vehicles (primarily buses and coaches) but should also address other vehicle idling.
12. Anti-idling awareness activities on Clean Air Day (CAD) 2017 and 2018 confirmed that idling by service buses in the city centre is the main problem, and that bus operator anti-idling policies are either inadequately explained during training / induction or ignored. York has a large number of older diesel buses operating in the city but some will be replaced by electric buses and others upgraded by retrofitting to higher emission standards following approval of a Clean Air Zone for buses in York city centre.
13. Idling was also observed in coach parks, on taxi ranks and outside schools. Idling by HGVs/LGVs was minimal with many vehicles fitted with automatic cut off devices. During CAD 2018 an anti-idling awareness event was undertaken within the forecourt of York Station resulting in a noticeable qualitative improvement in air quality at the time.
14. Discussion with drivers has identified these additional reasons for idling:
 - Some coach drivers report the need to run their engines to boil hot water for drinks;
 - Some non-English speaking coach drivers may be unable to understand the current anti-idling advice signage in coach parks (currently a written statement rather than graphical image);
 - Taxi drivers have identified a need to keep warm / cool during periods of waiting in cold and hot weather. During moderate conditions the majority of taxi drivers have been observed to switch-off and are aware of the fuel costs associated with idling.

CAD activities have shown that most idling drivers will switch off their engines when requested.

15. The public protection team continue to receive a growing number of ad-hoc complaints from members of the public about vehicle idling, mostly:
 - Vehicles parked on private land e.g. coaches in coach parks, ice-cream vans in public parks, vehicles in school / hospital grounds;
 - Vehicles stationary on the public highway e.g. service buses at bus stops or lay-over points, private hire vehicles waiting to pick

people up, private motorists regularly waiting outside schools or homes.

16. Some schools have contacted public protection to ask for advice on how to reduce idling emissions outside their schools.
17. A small number of complaints about idling in council car parks have been received by Parking Services.

Enforcement under Road Traffic Act

18. The Road Traffic Act only applies on a public highway and does not cover idling in other locations such as:
 - Coaches idling in private car parks (including CYC car parks);
 - Ice cream vans parked on private land (including parks and car parks);
 - Vehicles parked on any other private land such as school grounds, hospital grounds, delivery bays, private domestic driveways, supermarket car parks.
19. A different approach will be needed to tackle idling in these locations.
20. Regulation 98(2) of the Road Vehicles (Construction and Use) Regulations 1986, as amended, sets out the circumstances where vehicles are permitted to be stationary with the engine running:
 - where a vehicle is stationary owing to the necessities of traffic e.g. when vehicles are queuing at traffic lights;
 - where an engine is being run so that a defect can be traced and rectified e.g. when a broken down vehicle is being attended to by a breakdown / recovery agent;
 - where machinery on a vehicle requires the engine to be running e.g. where the engine powers refrigeration equipment or the compaction equipment in a refuse vehicle¹;
 - where a vehicle is propelled by gas produced by the functioning of plant carried on the vehicle.

¹ vehicle heating and air conditioning is not considered exempt machinery. The need for such equipment to be operating while a vehicle is stationary will depend on individual circumstances taking into account the vulnerability of the people using the vehicle and the external temperature at the time the idling is observed. Enforcement officers will receive training on how to deal effectively and proportionately with these cases. The running of engines to boil water for drinks will not be exempt.

21. There is no legal requirement to provide signage to support anti-idling enforcement on the public highway. Some local authorities have designated '*anti-idling enforcement areas*' (sections of the public highway where high profile anti-idling signage states that enforcement action may be taken). These areas are often on roads outside schools, care homes, hospitals etc where specific concerns have been raised by the public.

<http://democracy.sheffield.gov.uk/ieDecisionDetails.aspx?Id=2107>

Enforcement under Parking Contravention Code 96

22. There are warnings for drivers not to leave their engines idling on the council website and on signs in council car parks. Where a vehicle is found to be idling in a council car park or on council owned land, a Civil Enforcement Officer from Parking Services will approach the driver and ask them to turn off their engines. If the driver refuses or resumes idling after being warned by the CEO, the CEO will issue a Penalty Charge Notice (PCN) for £25 as this is a contravention of code 96 (The Civil Enforcement of Parking Contraventions (England) General Regulations 2007). However, in most cases drivers comply with the CEO's request.
23. A comprehensive communication strategy will be required, prior to enforcement activity commencing, to clarify where the legislation applies and which activities are exempt.

Proposed approach and timetable

24. A staged approach to the introduction of anti-idling awareness raising and enforcement is proposed as follows. (All dates are indicative and subject to the outcome of this report).

Activity	Completion date
Bus based anti-idling campaign and erection of signage at city centre bus stops in partnership with bus operators	Completed January 2019 (after consultation with York QBP (Quality Bus Partnership). This should ensure all bus drivers are fully aware of their anti-idling responsibilities before enforcement activities from June 2019
Authorisation and training of enforcement staff	By May 2019

Development of all driver anti-idling awareness campaign	Ongoing from March 2019 – targeted at all drivers to ensure they are fully aware of their anti-idling responsibilities before enforcement activities commencing in June 2019
Formal identification and on-line publication of initial anti-idling enforcement areas	By May 2019
Launch of anti-idling awareness campaign	Mid 2019 – 6 weeks before enforcement launch date
Launch of anti-idling enforcement patrols	20 th June 2019 – to coincide with Clean Air Day 2019
Continued ad-hoc awareness raising and enforcement patrols	June 2019 onwards - summary of activity to be provided in the annual air quality status report (ASR)

25. The anti-idling awareness campaign will:

- Advise the public on the environmental, health and cost impacts of vehicle idling;
- Raise awareness amongst all drivers of the idling offence and planned introduction of enforcement in York;
- Encourage the public to report problem areas allowing identification of hot-spots that will be monitored on an ad-hoc basis by anti-idling patrols. *(Please note, we are not intending to provide a rapid/emergency response to reports of idling).*

26. The recommended approach for York is:

- Council websites to contain information on the definition of stationary idling offences, the health impacts and how CYC can deal with idling issues, together with an online reporting mechanism;
- Idling awareness events throughout the year, supported by enforcement activity as and when required. There are already a

number of toolkits available for running community / school events and some individuals/groups have already shown an interest in taking this community led approach;

- Production of leaflets, banners, car stickers etc. to assist communities to undertake their own anti-idling awareness events.

Enforcement approach

27. Once formally adopted the anti-idling offence will be applicable to vehicles idling on any public highway in the York area. Enforcement patrols will initially target the following areas:

- Rougier Street
- St Leonard's Place
- Clifford Street
- Station Rise
- Stonebow / Pavement
- Memorial Gardens
- Stonebow

28. These areas are identified in the independent anti-idling report as having high incidences of idling and where the public are exposed to elevated air pollution levels. Although there is no legal requirement to provide anti-idling signage in these areas prior to enforcement, it is recommended that signage should be provided to help to raise awareness of the offence and to act as a deterrent. Patrols may be extended to other areas based on intelligence from the public and observations by enforcement staff. Signage may also be considered appropriate in these areas. It should be noted that there are constraints around where signs can be provided for highway safety and conservation reasons.

29. The aim is for street enforcement patrols to be at least monthly.

30. Drivers will be approached by enforcement staff will approach a driver if their vehicle is observed to be stationary (parked) on a public highway for more than 2 minutes with its engine running and none of the following exemptions apply:

- Any statutory exemption as detailed in paragraph 17;
- The engine is being run to assist defrosting of the windscreen for safety reasons

- Where a vehicle has been pre-notified to the local authority as having to run permanently for a reason that is proven and deemed acceptable by the local authority (only older buses and other specialist / vintage equipment/vehicles being used in the course of a business will be considered for this exemption);
- Where an enforcement officer considers that running of an engine to maintain an acceptable internal vehicle temperature is reasonable considering external ambient temperature and weather conditions at the time of the observation and the vulnerability of the people using the vehicle. Detailed guidance on this issue will be provided to enforcement officers as part of their training to ensure consistency of approach.

31. Enforcement action in the form of the issuing of a Fixed Penalty Notice (FPN) will only take place under the following circumstances:

- a) A vehicle has been observed by an authorised enforcement officer to be idling for more than 2 minutes on the public highway;
- b) Following the observation the driver is politely requested by the enforcement officer to switch off their engine;
- c) The driver does not co-operate with the initial request and is then warned by the enforcement officer that if they do not switch off their engine a FPN will be served and they will be liable for a fine of £20 (£40 if not paid within the specified period).
- d) If the driver still refuses to switch off their engine and the vehicle is still present and idling an FPN will be served.
- e) If the driver refuses to provide their details or drives away after a request for details they will be reported for an offence and may be prosecuted.

32. Based on information from current anti-idling enforcement authorities it is anticipated that very few FPNs will be served.

Consultation

33. Measure 2 of York's Third Air Quality Action Plan (AQAP3) relates to development and implementation of anti-idling measures'. AQAP3 was subject to a full public consultation in 2015 and the document subsequently amended to include development of anti-idling enforcement measures. Further informal consultation took place with drivers at Clean Air Day events to identify barriers to idling prevention

(see paragraph 14). The QBP was consulted on anti-idling signage at bus stops in January 2019.

Options

34. Option 1

Approve the proposed approach and timetable for introduction of anti-idling awareness raising and enforcement measures as set out in this report.

35. Option 2

Request further information / consultation on the proposed approach to anti-idling awareness raising and enforcement measures as set out in this report, prior to authorising delegated enforcement powers.

Analysis

36. Option 1 will allow the introduction of anti-idling awareness raising and enforcement measures in line with the timetable in paragraph 21. This option provides the quickest means of delivering further air quality improvement.

37. Option 2 will allow transport operators and members of the public to further shape the delivery of anti-idling awareness raising and enforcement measures but will significantly delay the date when enforcement commences.

Council Plan

38. Council Plan priority '*A prosperous city for all*' aims to provide '*a great place to live*' where residents can lead healthy and active lives. One of the stated delivery measures for this outcome is '*Steps taken to improve air quality*'.

39. Implications

Financial (*Contact – Director of Resources*):

The enforcement activity identified within the report will be undertaken within current resources. There are no additional resources required as a result of this report.

Human Resources (HR): None

One Planet Council / Equalities:

Idling wastes fuel and gives rise to greenhouse gas emissions as well as local air pollutants which harm public health. Reducing idling will help reduce emissions of greenhouse gases in York and from wider fuel extraction and processing activities.

Legal:

Regulation 6(3) of The Road Traffic (Vehicle Emission) (Fixed Penalty) (England) Regulations 2002 states that a local authority may authorise any officer of the authority, or any other person, in any area of the authority to (a) stop the commission of stationary idling offences by requiring vehicle engines to be switched off and (b) to issue a fixed penalty notice.

A stationary idling offence is a failure to comply with the requirements of Regulation 98 of the Road Vehicles (Construction and Use) Regulations 1986, as amended, which state that drivers shall switch off engines in stationary vehicles so far as necessary for the prevention of exhaust emissions.

Under Regulation 12 of the 2002 Regulations, any authorised person may, having shown their authorisation, require the engine of a vehicle to be stopped. A driver who fails to comply may be prosecuted.

Regulation 13 of the 2002 Regulations states that a fixed penalty notice may be issued when statutory idling offence has been committed. Regulation 14 allows authorised officers in discharging their functions under regulation 12 to require the driver of the vehicle to disclose his name, address and date of birth and if the vehicle is not registered in his name, to give the name of that person. A person who fails to provide the information shall be guilty of an offence and be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Crime and Disorder (Senior Partnerships Support Officer, Community Planning & Partnerships): None

Information Technology (IT): Secure access will be required to vehicle registration details.

Property: There may be a requirement to erect anti-idling signage on some CYC owned buildings such as schools. This will be undertaken in consultation with appropriate officers within Property. Signs may be limited in conservation areas.

Other: None

Risk Management

40. There are reputational risks for CYC associated with not fully implementing all the commitments made in the Low Emission Strategy and Air Quality Action Plan (AQAP) and potential legal challenges if York fails to meet the air quality objectives by 2021. These can be reduced by adopting the measures set out in this report. Additional reputational risks may arise from publicity and complaints around anti-idling enforcement action. This risk will be minimised by ensuring all staff are fully trained and able to make reasonable and justifiable decisions about where the serving of a FPN for vehicle idling is appropriate. All enforcement will be undertaken in line with CYC's existing enforcement policies.

Contact Details

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Neil Ferris
Corporate Director, Economy and Place

Report **Date** 25 January 2019
Approved

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Wards Affected:

All

For further information please contact the author of the report

Background Papers:

1. Adoption of a Low Emission Strategy for York – Executive Report (9 October 2012)
2. Adoption of York’s Third Air Quality Action Plan – Executive Member Report (18 November 2015)
3. Adoption of York’s Third Air Quality Action Plan – Executive Member Report (14 December 2015)
4. A Clean Air Zone for York including anti-idling enforcement – Executive Report (25 January 2018)
5. Air Quality Annual Status report – Executive Member Report (1st October 2018)
6. A Clean Air Zone for York – Executive Report (17 January 2019)

Annexes

None

List of Abbreviations Used in this Report

AQAP3 – York’s third Air Quality Action Plan

CAD – Clean Air Day

FPN – Fixed Penalty Notice

HGV – Heavy Goods Vehicles

LGV - Light Goods Vehicle

QBP – Quality Bus Partnership

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**Decision Session – Executive Member for
Transport and Planning****7 February 2019**

Report of the Corporate Director of Economy and Place

Consideration of results from an additional consultation in Fulford Cross**Summary**

1. To report the consultation results for Fulford Cross and to determine what action is appropriate.

Recommendation

2. It is recommended that approval be given to advertise an amendment to the York Parking, Stopping and Waiting Traffic Regulation Order to introduce Residents' Priority Parking Area for Fulford Cross as outlined in Option 2 with a plan provided for clarification (Annex B).

Reason: To progress an amended scheme which meets Residents requests for an additional permit parking amenity on Education land.

Background

3. We received petitions from the Danesmead Estate, Fulford Cross and Broadway West requesting consideration be given to introducing a Resident Parking zone. The petitions were reported to the Executive Member for Transport and Planning on the 22 June 2017 and the 19 October 2017. The Executive Member gave approval to consult with residents when the areas reached the top of the waiting list and to widen the consultation area depending on circumstances at the time.
4. The results of the initial consultation were reported to the Executive Member on the 25 October 2018. The report, minutes and decision made from this meeting are on the website.
5. Some residents of Fulford Cross who made representation and spoke at the meeting requested a second consultation to confirm the majority view

about the proposals presented in the report for the small area of Education Land.

6. Consequently, the Executive Member resolved:
 - a) To advertise an amendment to the Traffic Regulation Order to introduce a new Residents' Priority Parking Area to operate Monday to Friday, 9am to 5pm in the Danesmead Estate as outlined on plans included as Annex I. To be allocated the zone number (R63).
 - b) Not to proceed with Residents Priority Parking area on Fulford Cross at the present time, but to undertake further consultation in this area and to report the results of this consultation back to the Executive Member at a future decision session.
 - c) No further action to be taken for Broadway West and Westfield Drive at this time. If residents of these streets provide additional evidence of support within 18 months of implementation of a scheme on neighbouring streets then we seek authorisation to re-consult with these areas at that time.

Reason: To progress the majority views of the residents consulted.

Consultation Results, Fulford Cross

7. We undertook a second consultation with the 26 properties on Fulford Cross and 254, 256 & 258 Fulford Road on the 16th November. The consultation documentation provided is included as Annex A. In addition information letters and details were sent to York Steiner School, Danesgate School and Homeyork House.
8. Traditionally, we require a 50% return of questionnaires and the majority of those returned to be in favour.
9. We received a low return compared to the first consultation and the results are inconclusive. 8 residents are happy with the proposal on offer, two residents returned a decisive "No". 6 residents would support the introduction of Resident Parking on the proviso that the proposed 10 minute bay (Mon-Fri, 9am to 5pm) is amended to allow residents to park within it throughout the day.

FULFORD CROSS SECOND CONSULTATION RESULTS			
No. of Properties	Yes	No	Comments
29	8		Support the scheme as proposed
	2		Only if Residents are allowed to park in the proposed 10 min drop off zone throughout the day
		2	Do not want Resident Parking
		4	These preferences would be changed to Yes if Residents are allowed to park in the proposed 10 min drop off zone throughout the day
% Returns 55% (return from 1 st consultation was 72%)			

Comments Received

2 Residents:

10. Whilst we voted yes when we were initially consulted on residents parking, we do not support the proposal that has been made. The current proposal prioritises the needs of a fee paying school over the interests of residents. It is also against the express wishes of the education authority who own the area in question. On this basis, please register our vote on the scheme as proposed as 'No'. It is also worth noting that, at the last residents' meeting, the representative from the Steiner school said that the proposed drop off zone was not even beneficial for the Steiner school. However, we would be in favour of a Residents Parking Scheme if the Education land remained available for residents to park on at all times. If the proposal is amended to reflect this, please count our vote as 'Yes'.

Officer Comments

11. The Council has a duty to consider the needs of the wider community and not just residents. The proposal, reference the 10 minute marked parking area, was the preferred option of the Education Department at that time.

1 Resident:

12. Staff and visitors to either school should not be able to park on street as each business should have their own parking arrangements. If they were allowed even 10 minutes I believe this would be abused and they would take far longer, negating the whole concept.

As people have already taken advantage of street parking it has resulted in expense to the residents as we are now having to pay to park outside our own houses. I believe the businesses should have been made to manage their own parking arrangements and it would not have come to this.

6.25 for a book of 5 is expensive for elderly people receiving visits from friends and family!

Officer Comments

13. Residents over 60 are able to purchase a book of 5 permits for £1.50. This discount is additionally available to residents receiving certain benefits. Details about this were provided to residents within the first consultation process.

1 Resident:

14. CYC is not listening to residents.
The problem is caused by Steiner School and Danesgate, they should provide a solution before residents are asked to pay extortionate amounts. What has CYC done about this?
It is immoral and unethical to support this scheme, knowing that Steiner School parents will park in other Streets. Why should we, and more importantly, CYC, dump this problem on other York Residents? At what point have CYC been charged with making the lives of York Residents worse?
What evidence is CYC using to make this decision? Since when are opinions evidence?
There is not a problem in the school holidays, only during term time. Why is CYC not able to sign this? Other authorities can sign parking restrictions e.g. Stadium parking in Coventry on specific dates. Fulford Cross Residents are at the bottom of the pile in this proposal. Steiner and Danesgate have enhanced provision – lots of parking space is taken out of use. Once again CYC puts residents last.
This scheme represents a failure of CYC's Transport policy – people who work in York refuse to use P & R, public transport, walk or cycle and residents are the losers.

Officer comments

15. Danesgate School have recently provided additional staff parking. Other residents have reported the pressure for parking on Fulford Cross has eased since this occurred. It is our understanding that York Steiner School have no space capacity to increase the staff parking area or provide an area on site for parents to drop off and pick up.

It is difficult to sign a “term-time” restriction because the dates of terms are not “set” and differ between schools and authorities.

Ward Councillor Comments

16. We had a meeting with 9 residents (from 7 households) as well as a representative of the Steiner School. A clear view from all present seemed to be opposed to the 10 min drop off zone so we have encouraged them to respond saying that they want to see a scheme introduced but with this area open to residents permit holders to use during the times of operation of the scheme. While this may mean more parents parking in front of houses they still preferred this option and we are therefore willing to support that change, which the Executive Member could make before formal consultation with the TRO advert.

CYC Land under the remit of Education

17. Part of the proposed area for parking restrictions on Fulford Cross is not adopted highway. This is City of York Council land and falls under the remit of Education (adjacent to the Danesgate Community School). We have been informed that the Education department are now willing to permit this area being annexed to the Resident’s Priority Parking Area. (See Recommended Option)
18. York Steiner School have told us they require a minimum of 20 minutes for drop-off/pick up as parents use this time to go into the classroom and speak to the teachers. They have pupils attending from a wide catchment area including Harrogate and Ripon. As a consequence the school will have a high percentage of pupils arriving by private car. A Monday to Friday 9am to 5pm scheme will not have a detrimental effect on the morning school run (school starts at 8:30 am). The amended scheme we are now recommending will not provide the requested 20 minute time allowance for drop off and pick up. Parents and carers who require a longer stay will be required to park on nearby unrestricted streets.

Proposed Disabled Bay (Enforceable)

19. It has been brought to our attention that the advisory disabled bay provided for a resident of Fulford Cross is not of standard length to meet highway regulations to enable enforcement. The length provided is causing difficulties for the resident as vehicles parked close and/or overhanging the disabled space can prevent

wheelchair access. It is intended to resolve this anomaly by revoking 1.6m of No Waiting at any Time to provide a more usable parking amenity for the resident and to meet the length required under Highway Regulations.

Options with Analysis

20. **Option 1** – Advertise the proposal as proposed in the consultation (see Annex A)
- a) Advertise an amendment to the Traffic Regulation Order to introduce a new Residents' Priority Parking Area (R63) to operate Monday to Friday, 9am to 5pm in Fulford Cross.
 - b) Advertise a parking area on Fulford Cross with a 10 minute limit Monday to Friday, 9am to 5pm.
 - c) Advertise a 6m Disabled Parking Bay on Fulford Cross adjacent to No 3 Fulford Cross
 - d) Advertise No Waiting at any Time Restrictions as detailed in the plan included with Annex A

This is not the recommended option because:

It is not the preferred option of a high proportion of residents and not now supported by Ward Councillors.

21. **Option 2:** Recommended Option, See Annex B
- a) Advertise an amendment to the Traffic Regulation Order to introduce a Residents' Priority Parking Area (R63) to operate Monday to Friday, 9am to 5pm in Fulford Cross. To include the Education Land adjacent to Danesgate School.
 - b) Revocation of 1.6m of no waiting at any time of No Waiting at any Time (double yellow lines) adjacent to 2 Fulford Cross and to enable (c) below.
 - c) Advertise a 6.6m Disabled Parking Bay on Fulford Cross adjacent to No 3 Fulford Cross
 - d) Advertise No Waiting at any Time Restrictions (double yellow lines) as detailed in the attached plan (Annex B).
22. This is the recommended option because it reflects the views of several

the residents who responded to the consultation and the Ward Councillors.

23. The scheme we consulted on (Option one, Annex A) included an area that allowed any vehicle to wait for 10 minutes between 9am to 5pm, Monday to Friday. This was designed to provide a drop-off zone/short term parking for parents and guardians for the adjacent schools. Some residents wanted this area be included within the scheme to enable them to use it for long term parking with Resident Parking permits.
24. We have now been given the necessary authorisation from Education to include this area within the Resident Parking Area and consequently meet this request.
25. All of our Resident Parking Areas/Zones allow vehicles to wait for 10 minutes for loading/unloading purposes and this includes passengers. We are assuming those residents who supported the scheme as presented as Option A, will have no objections to the amended proposal because it provides more permit parking amenity for residents to use.
26. **Option 3:**

- a) No further action to be taken

This is not the recommended Option because it is not in line with the stated preferences of residents from the two consultations we have undertaken.

Consultation

27. The consultation documentation is provided within this report as Annex A.
28. If approval to proceed is granted further consultation will be carried out as part of the legal process. Notices will be placed on street, in The Press and hand delivered to properties in the area.

Council Plan

29. The recommended proposal contributes to the Council Plan as:
 - A council that listens to residents. The Council is delivering a service which works in partnership with the local community to try and solve the problems they have experienced.

30. **Implications**

This report has the following implications:

Financial – The £5k allocated within the core transport budget will be used to progress the proposed residents parking schemes. The ongoing enforcement and administrative management of the additional residents parking provision will need to be resourced from the income generated by the new measure

Human Resources – If implemented, enforcement will fall to the Civil Enforcement Officers necessitating an extra area onto their work load. New zones/areas also impact on the Business Support Administrative services as well as Parking Services. Provision will need to be made from the income generated from new schemes to increase resources in these areas as well as within the Civil Enforcement Team.

Equalities – None identified within the consultation process

Legal – The proposals 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:

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Traffic Project Officer
Transport
Tel: (01904) 551497

Chief Officer Responsible for the report:

James Gilchrist
Assistant Director for Transport, Highways
and Environment

Report Approved: ✓

Date: 24/01/19

Wards Affected: Fishergate

For further information please contact the author of the report.

Annexes:

Annex A: Consultation Documentation

Annex B: Plan of Option 2 (Recommended Option)

Abbreviations:

CYC: City of York Council

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Annex A
Consultation Documentation
Fulford Cross



To the Residents:
Fulford Cross
254, 256 & 258 Fulford Road

Directorate of Place & Economy

West Offices, Station Rise
York
YO1 6GA

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

Date 16 November 2018

Additional Consultation – Fulford Cross

The Executive Member for Transport and Planning, Councillor Peter Dew, considered the consultation results for the Danesmead Estate, Broadway West and Fulford Cross on the 25th October at a Public Decision Session. The Executive Member resolved:

- a) To advertise an amendment to the Traffic Regulation Order to introduce a new Residents' Priority Parking Area to operate Monday to Friday, 9am to 5pm in the Danesmead Estate.
- b) Not to proceed with Residents Priority Parking area on Fulford Cross at the present time, but to undertake further consultation on the recommended proposal and to report the results of this consultation back to the Executive Member at a future decision session.
- c) No further action to be taken for Broadway West and Westfield Drive.

When we undertook the initial consultation, we were unable to offer any detailed proposal for the section of Education Land adjacent to the Green. After discussions with the Education Department we are recommending a proposal to provide an area which allows 10 minute parking between Monday to Friday 9am to 5pm. Outside the times of operation, the area would remain unrestricted and available for any vehicle to use without displaying a permit. This provides a drop-off zone for nearby schools whilst still providing some flexibility for residents and their visitors when the pressure for parking space is greatest (evenings, overnight and weekends).

This area is under Education control and we can only apply restrictions in this area with their permission.

Consultation documents

The following information and documents are enclosed:

1. The results of the first consultation
2. Details of the proposal
3. A plan of the detailed proposal for Fulford Cross
4. A plan of the different sections of highway (ownership)
5. The Questionnaire (please return) with 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 Friday 7th December 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.

There are no options; we are asking you to say yes or no, but comments are welcome. It is important that you return your questionnaire. We still require a 50% return and the majority of those returns to be in support to take this forward to the next stage. .

The results of the second consultation will be reported to the Executive Member for Transport and Planning at a Public Decision Session. We will write to 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 me if you require additional information or clarification.

Yours faithfully



Sue Gill

Traffic Project Officer

CONSULTATION RESULTS: DANESMEAD AREA WITH FULFORD CROSS

Street Name	No of Properties	Yes	No	9 to 5	Full Time	Other	% return
Danesmead Close	28	19	3	15	6	2	75
Stockholm Close	16	6	3	4	3	0	56
Norway Drive	12	7	2	3	4	0	58
Redman Close	10	5	0	3	1	1	50
Danes Croft	8	3	4	2	1	1	88
Westfield Drive	32	4	16	6	2	1	63
Broadway West	60	17	19	16	11	6	60
Fulford Cross	29	12	9	6	6	3	72
Total	195	73	56	55	34	14	66

Other times requested on Fulford Cross:

9 - 4: term time only (not possible to sign this)

8am to 6pm, 7 days a week

24 hours, 5 days a week

Details of the Residents' Priority Parking Proposal for Fulford Cross

Residents' Priority Parking is a parking restriction and will not prevent vehicle access by parents and carers dropping and picking up children at the adjacent schools.

The Proposal:

1. Residents' Priority Parking, operational Monday to Friday between the hours of 9am and 5pm. Outside these times parking is unrestricted and no permits are required.
2. The section of Education Land to the west of the green to be a limited parking area, allowing 10 minutes for all vehicles Monday to Friday between the hours of 9am and 5pm. Outside these times this area will be unrestricted.
3. To formalise the existing advisory disabled bay adjacent to 3 Fulford Cross. Effectively, this will mean the space can only be used by vehicles displaying a blue badge permit 24 hours a day, 7 days a week. If a vehicle parks without displaying a blue badge in this space, they could be issued a penalty charge notice.
4. To extend the double yellow lines opposite 1-7 Fulford Cross on the south of the carriageway to ensure vehicles do not park both sides of the carriageway and fully obstruct the road.
5. To extend the double yellow lines into the entrance of Homeyork House following complaints about parking in the entrance and obstructing pedestrian access. (A flower container has been placed to prevent this).
6. The small section of unrestricted parking to the south of the green on housing land currently used by 2-3 vehicles will be brought into the Residents' Priority Scheme.

Vehicles parked between 9am and 5pm Monday to Friday will be required to display a Resident Parking permit with the exceptions as listed below.

- a. Any vehicle displaying a blue badge can park in any of our Resident Parking zones for an unlimited time.
- b. Any vehicle can park in a Resident Parking Zone for the purpose of loading/unloading – this includes passengers. A Civil Enforcement

Officer will normally wait on site for 10 minutes to ensure no loading activity is taking place before issuing a penalty charge notice.

- c. Vehicles belonging to statutory undertakers (e.g. gas, electric, Yorkshire Water etc) or for highway works.
- d. Vehicles associated with emergency services or vehicles authorised for parking by an officer of North Yorkshire Police or the local highway authority.
- e. Vehicles parked in the 10 minute bay



The scheme will be regulated by entry and exit signs with reminder signage on some lamp columns. Any vehicle parked within the Resident Parking Area for longer than 10 minutes Monday to Friday 9am to 5pm will be required to display a valid permit.

The scheme:

- Will prevent long-term parking by non-permit holders, this includes staff of adjacent schools who will not be eligible for permits.
- Will provide an area for drop-off for carers and parents to try and lessen this activity taking place outside residential properties and the resulting turning manoeuvres. It is hoped the marked 10 minute bay, which is in an area treated unofficially as a one-way system, will be safer to use.
- The lane (under the remit of Education) leading to the allotments to the south of Danesgate School and to the north of York Steiner School is remaining outside the scope of the scheme.

Please contact me on highway.regulation@york.gov.uk or 01904 551497 if you require any further information or clarification.

ANNEX H

Proposed boundary of Fulford Cross Residents' Priority Parking Area

Approximate position of entry/exit regulatory signage (reminder signs to be placed on lamp columns)

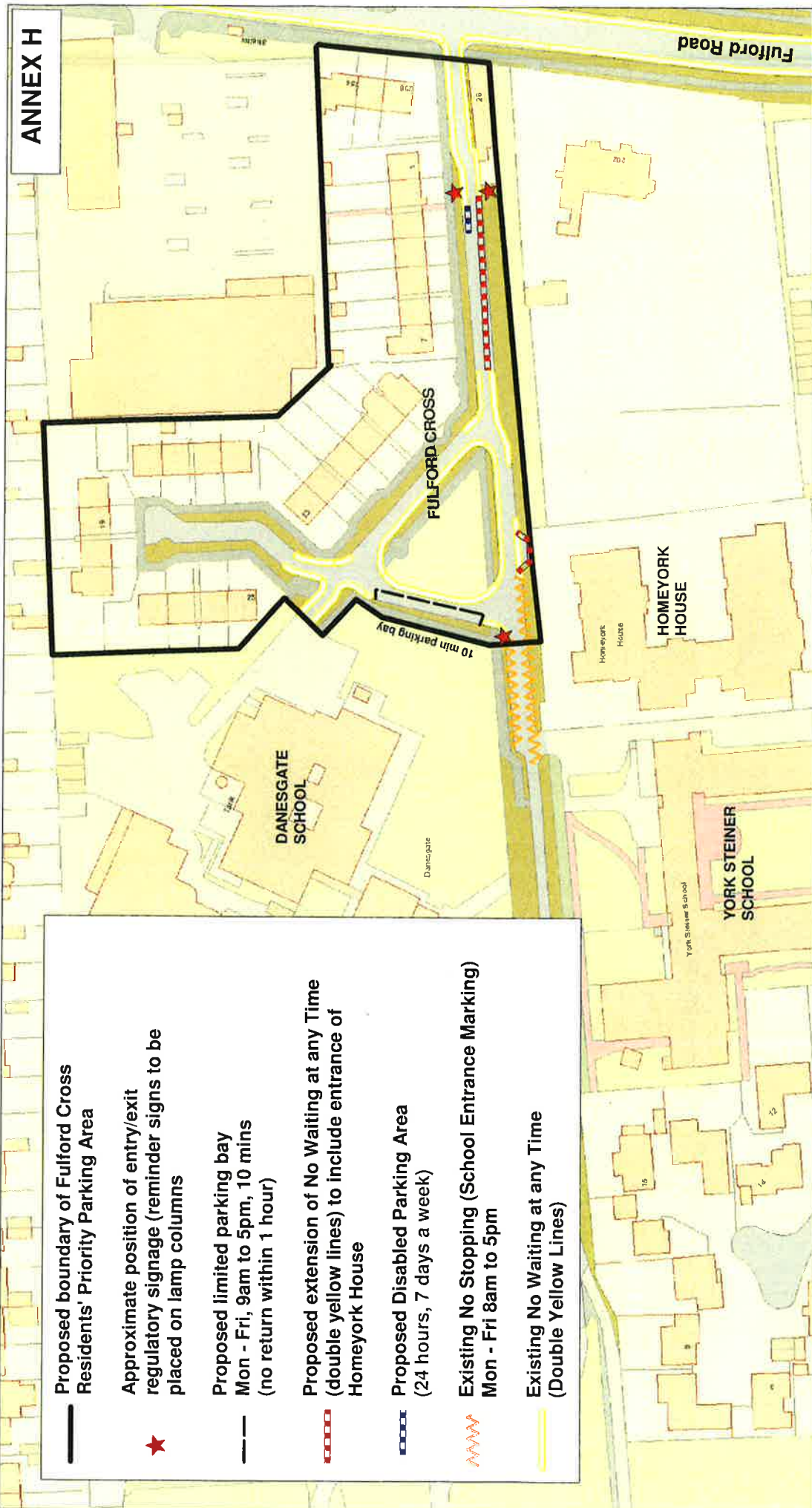
Proposed limited parking bay
Mon - Fri, 9am to 5pm, 10 mins (no return within 1 hour)

Proposed extension of No Waiting at any Time (double yellow lines) to include entrance of Homeyork House

Proposed Disabled Parking Area
(24 hours, 7 days a week)

Existing No Stopping (School Entrance Marking)
Mon - Fri 8am to 5pm

Existing No Waiting at any Time (Double Yellow Lines)



Annex H: Fulford Cross (Recommended Option)

Proposed Residents' Priority Parking Area including a 10 minute limited parking bay

**Proposed times of Operation: Mon - Fri 9am to 5pm
Unrestricted at other times**

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SCALE

1 : 1250

DATE

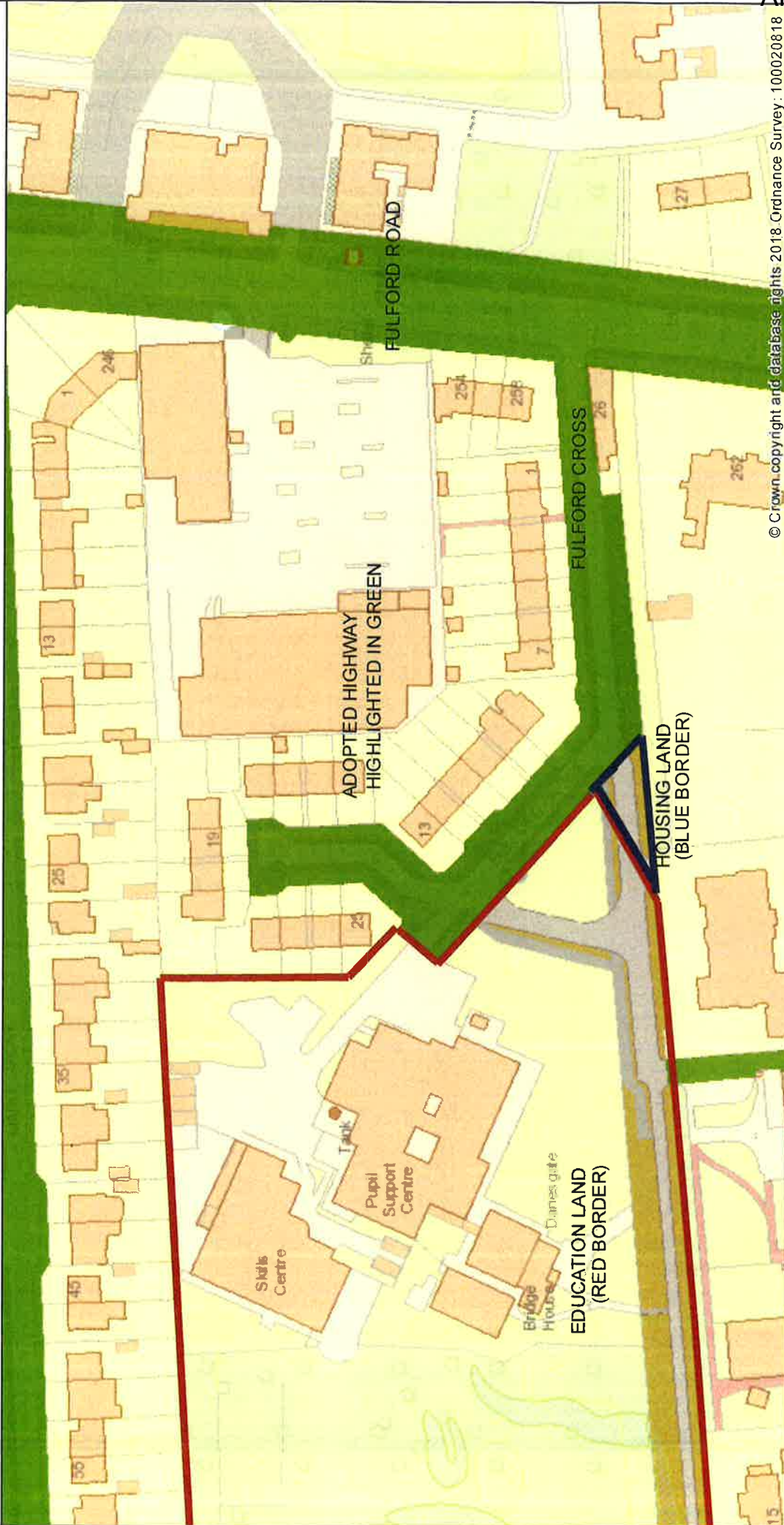
25/09/2018

DRAWING No.

DRAWN BY



FULFORD CROSS, LAND STATUS



© Crown copyright and database rights 2018 Ordnance Survey: 100020818

Date: 16 Nov 2018
Author: City of York Council
Scale: 1:1,250



Return to: Traffic Team, Network Management (Transport)

Questionnaire Sheet

Fulford Cross Area

Residents' Priority Parking Scheme



Please tick the appropriate box:

	YES	NO
Do you want the Council to take forward a Residents' Priority Parking Scheme based on the enclosed proposal?		

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

Surname: -----







Address: -----

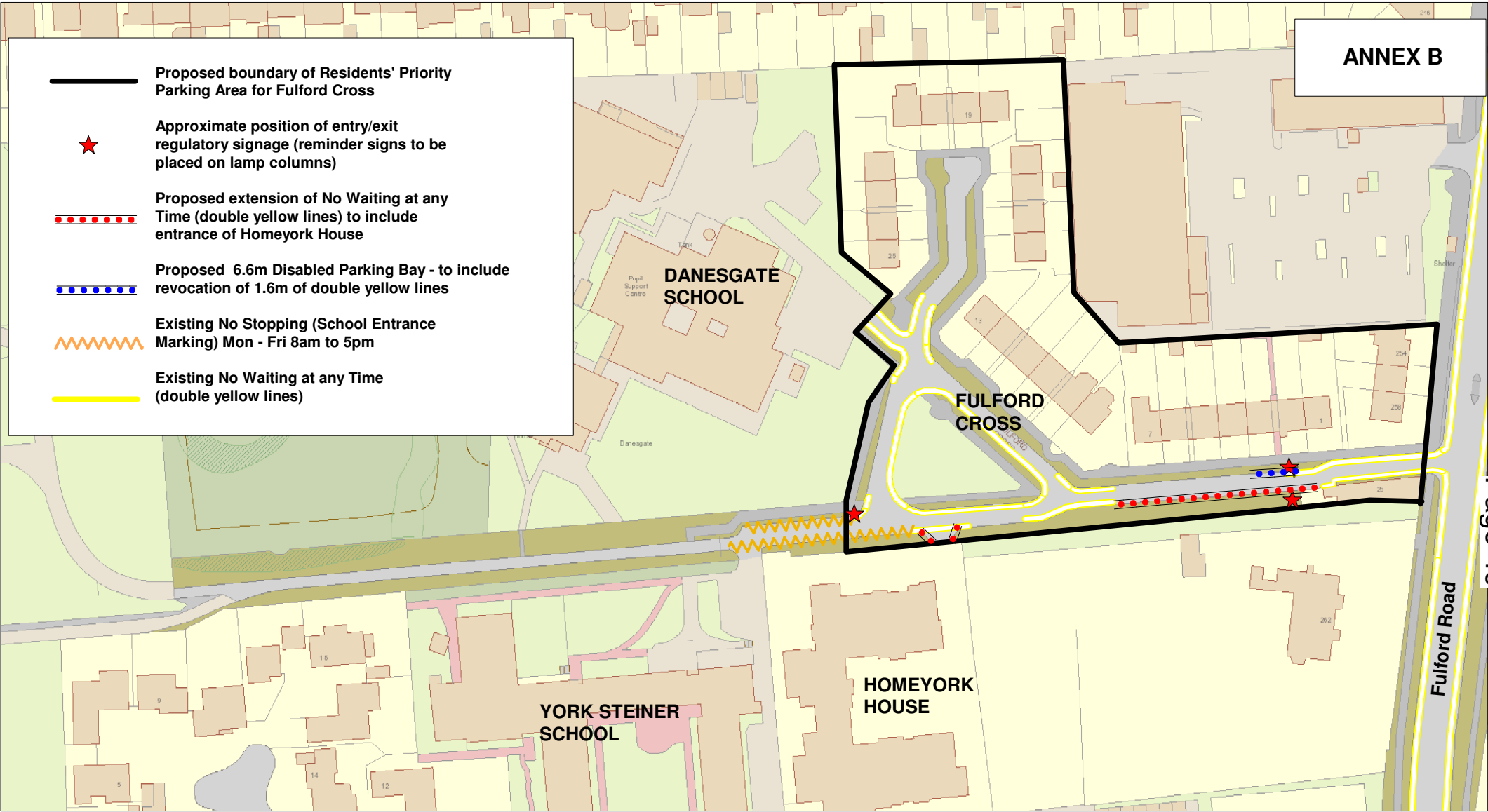
Postcode -----

Please return in the freepost envelope provided by Friday 7th December 2018. We will only accept one completed sheet from each household and your preferences are kept confidential. If you prefer you can email your reply and comments to highway.regulation@york.gov.uk

Please write any further Comments you wish to make here or overleaf (or use separate sheet)

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-  Proposed boundary of Residents' Priority Parking Area for Fulford Cross
-  Approximate position of entry/exit regulatory signage (reminder signs to be placed on lamp columns)
-  Proposed extension of No Waiting at any Time (double yellow lines) to include entrance of Homeyork House
-  Proposed 6.6m Disabled Parking Bay - to include revocation of 1.6m of double yellow lines
-  Existing No Stopping (School Entrance Marking) Mon - Fri 8am to 5pm
-  Existing No Waiting at any Time (double yellow lines)



Annex B: Fulford Cross (Recommended Option)

**Proposed times of operation: Mon - Fri 9am to 5pm
Unrestricted at other times**

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SCALE	1 : 1250
DATE	03/01/2019
DRAWING No.	
DRAWN BY	

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**Decision Session – Executive Member for
Transport and Planning****7 February 2019**

Report of the Corporate Director of Economy and Place

Osbaldwick Area 20mph Speed Limit**Summary**

1. The purpose of this report is to consider expanding the existing 20mph speed limit in the Osbaldwick area to include several through routes that were originally omitted from the 20mph scheme with the aim of reducing the overall number of signs in the area.

Recommendations

2. The Executive Member is asked to consider and approve one of the options 1, 2 or 3.

Reason: To respond to the concerns of local residents relating to vehicle speed and the number of traffic signs in the area.

Background

3. In 2018 a petition was received asking for the removal of the 20mph speed limit (extent of the existing 20mph speed limit shown on the plan in Annex A) due, in part, to the need for what was regarded as an excessive number of traffic signs in the village. The petition was considered by the Executive Member for Transport and Planning at a Decision Session on 15 February 2018. Although this request was turned down, during the presentation of the petition it was suggested that the need for some of the larger signs could be done away with if several other roads were also made 20mph as this would then remove the need for the terminal speed limit signs at each transition point from 20 to 30mph.
4. For a 20mph speed limit to be put in place there needs to be a good expectation that the limit will be self enforcing and this would be considered the case if the mean traffic speed was within a few

miles per hour of the 20mph limit. Speed surveys have therefore been carried out on the roads in question. A summary of each survey is presented in Annex B and the mean speeds are shown on each plan in the Annexes.

5. The mean speed recorded along Tranby Avenue strongly suggests that a 20mph speed limit would fit the self enforcing recommendation. Although no survey was carried out along the Osbaldwick Village or within the new estate to the north the character of these roads would suggest that they too would suit a 20mph limit.
6. The mean speed along Murton Way is around 25mph which is slightly higher than ideal for recommending a 20mph speed limit but there is a distinct change in the road character from rural to village and the mean speed for vehicles leaving the village is lower than for those entering. Hence, there can be a reasonable expectation that if a 20mph speed limit was implemented on Murton lane the actual speeds would reduce by 1 or 2 mph. It would also seem reasonable to include the section of Osbaldwick Lane that covers the front entrance to the church up to its junction with Tranby Avenue.
7. The streets outlined above in paragraphs 5 and 6 if selected as a revised extent of the 20mph speed limit are shown as Option 2 in Annex C.
8. The mean speed along Osbaldwick Lane has been surveyed at 27 to 28mph. On its own this would ordinarily be considered too high to satisfactorily function as a signed only 20mph speed limit. However if Murton Lane and Osbaldwick Village were to become 20mph it would leave a short length of 30mph within the surrounding 20mph streets. The inclusion of this section of Osbaldwick Lane in a revised speed limit is shown in Annex D as Option 3.
9. In terms of the reduction in the need for terminal speed limit signs and poles the table below indicates the estimated number that could be removed depending on the revised extent of the 20mph speed limit.

	Signs	Poles
Option 1 (existing)	0	0
Option 2	33	14
Option 3	37	18

Consultation

10. If a Traffic Regulation Order were to be taken forward there would be the usual statutory consultation process that would have to be progressed.

Options

11. The options available are:
 - Option 1 – To take no further action. This would have no cost.
 - Option 2 – Advertise a 20mph speed limit Traffic Regulation Order to Tranby Avenue, Osbaldwick Village area, the new estate to the north of the village, Murton Lane and a short section of Osbaldwick Lane - see Annex C. The cost of advertising the change to the Traffic regulation order would be in the region of £1000 and the signing changes indicated in the table above would be around £1200 making a total of around £2200.
 - Option 3 – Advertise a 20mph speed limit Traffic Regulation Order to cover the Osbaldwick area shown in Annex D. The cost of advertising the change to the Traffic regulation order would again be in the region of £1000 and the signing changes indicated in the table above would be around £1500 making a total of around £2500.
 - Option 4 – Remove the 20mph Speed Limit from the Osbaldwick area - not recommended. As noted in the previous report in February 2018 signed only 20mph limits generally result in lower traffic speeds. Lower traffic speeds are known to contribute to lower accident rates and reduced accident severity.

Council Plan

12. A council that listens to residents with the use of evidence-based decision making.

Implications

13. **Financial** There is a Local Transport Plan budget allocation available to fund options 2 or 3.

Human Resources (HR) There are no HR implications

Equalities There are no 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

Other There are no other implications

Risk Management

14. There are no risk management implications.

Contact Details

Author:

Alistair Briggs
Principal Engineer
Traffic Management
Tel No. 551368

Chief Officer responsible for the report:

James Gilchrist
Assistant Director Transport, Highway and
Environment

Report ✓ 24.01.19
Approved

Specialist Implications Officer(s) N/A

Wards Affected: Osbaldwick and Derwent Ward

For further information please contact the author of the report

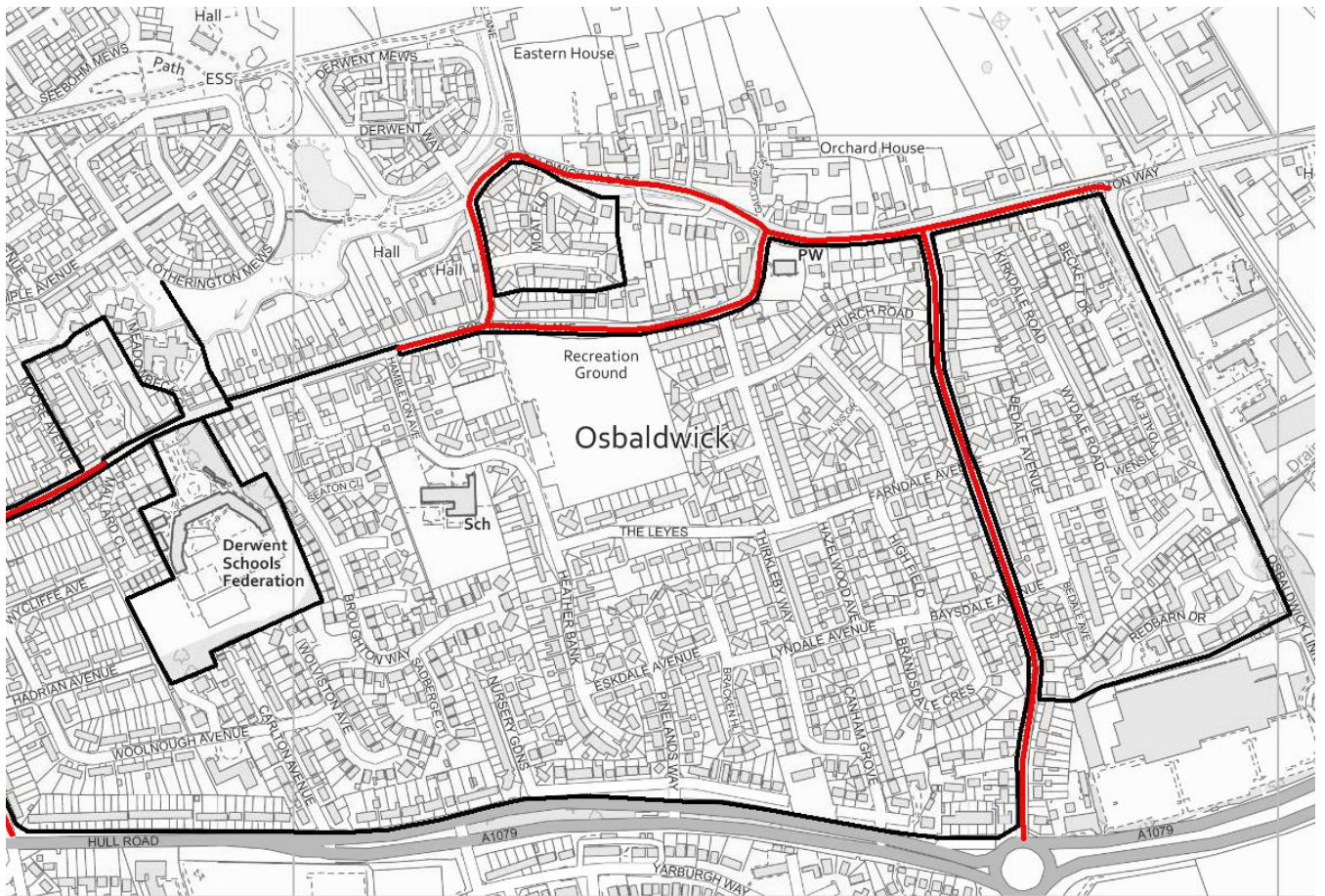
Background Papers: None

Annexes:

- Annex A Extent of the existing 20 and 30mph speed limits
- Annex B Summary of the speed surveys carried out
- Annex C Plan showing the extent of Option 2
- Annex D Plan showing the extent of Option 3




Extent of the existing 20 and 30mph speed limits

NOTE: Osbaldwick Village, Tranby Avenue, Murton Lane and Osbaldwick Lane (30mph) shown in red
The 20mph speed limit areas are shown bounded by a black line.



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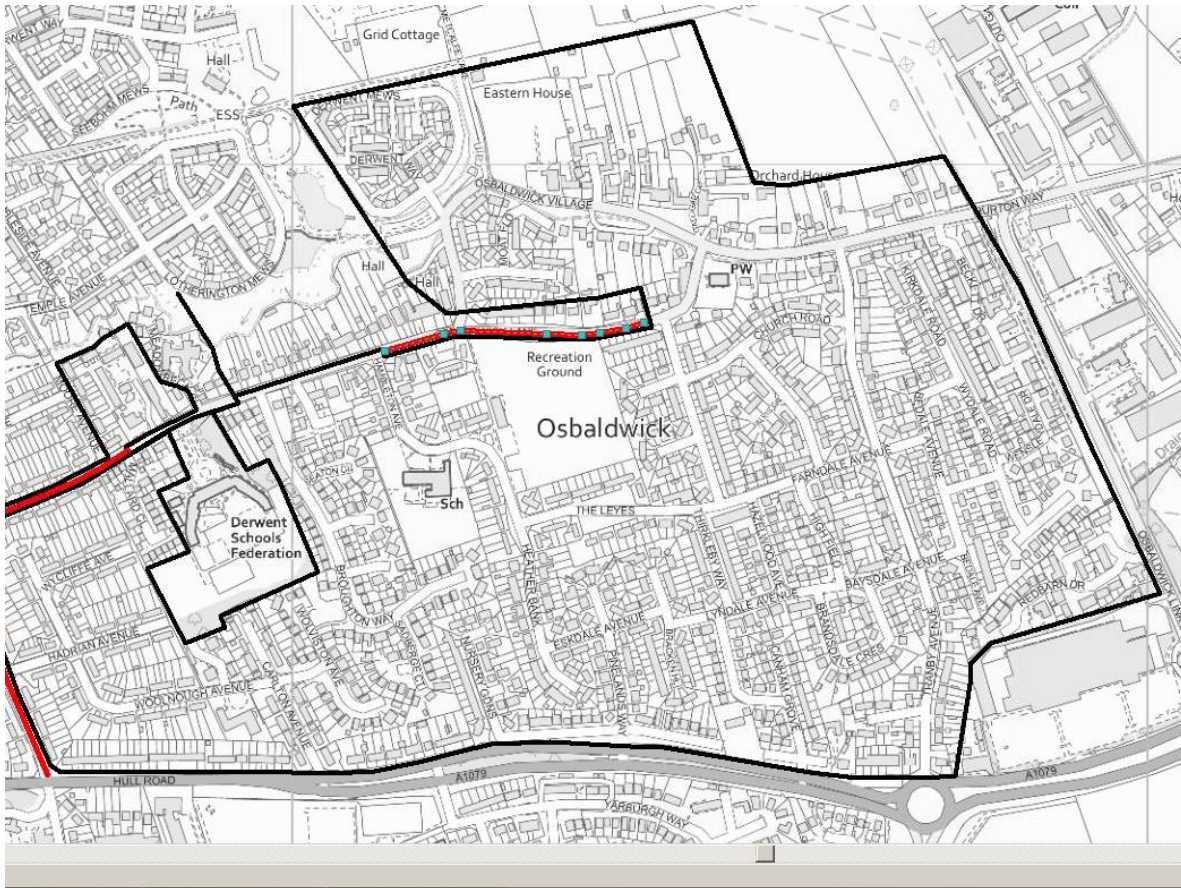
Summary of the speed surveys carried out

	A	B	C	D	E	F	G	H	I	
1	City of York Council Speed Survey Summary									
2	LC11 Tranby Avenue									
3	17 - 24 September 2018									
4	ACPO enforcement speed		35	8 days of data						
5	Speed Limit:		30							
6	Key speed statistics									
7										
8	Direction		South	North	Mean Speed		South	North		
9	Mean		20.83	20.83	Midnight - 7am		20.76	24.14		
10	85th Percentile		26	27	7am-9am		21.28	20.07		
11	95th Percentile		29	30	10am-3pm		21.73	21.57		
12	Top Speed		46.6	47.2	4pm-6pm		18.90	20.76		
13	Percentage above ACPO enforcement speed		0.5%	1.2%	8pm-Midnight		19.68	19.59		
14	Percentage above speed limit		3.5%	4.9%						
15										
16										
17										
18										
19										
20										
1	City of York Council Speed Survey Summary									
2	Telegraph pole Murton Way									
3	17 - 24 September 2018									
4	ACPO enforcement speed		35	8 days of data						
5	Speed Limit:		30							
6	Key speed statistics									
7										
8	Direction		West	East	Mean Speed		West	East		
9	Mean		25.92	24.58	Midnight - 7am		27.83	22.08		
10	85th Percentile		30	31	7am-9am		26.24	26.01		
11	95th Percentile		33	35	10am-3pm		25.45	24.07		
12	Top Speed		52	53	4pm-6pm		26.20	25.10		
13	Percentage above ACPO enforcement speed		2.0%	4.2%	8pm-Midnight		26.40	22.12		
14	Percentage above speed limit		14.4%	18.5%						
15										
16										
17										
18										
19										
20										
1	City of York Council Speed Survey Summary									
2	LC25 Osbaldwick Lane									
3	17 - 24 September 2018									
4	ACPO enforcement speed		35	7 days of data						
5	Speed Limit:		30							
6	Key speed statistics									
7										
8	Direction		East	West	Mean Speed		East	West		
9	Mean		27.54	27.64	Midnight - 7am		29.45	30.50		
10	85th Percentile		32	34	7am-9am		27.44	28.91		
11	95th Percentile		36	38	10am-3pm		27.05	28.65		
12	Top Speed		64	55	4pm-6pm		27.96	26.41		
13	Percentage above ACPO enforcement speed		5.1%	9.7%	8pm-Midnight		27.46	25.86		
14	Percentage above speed limit		23.7%	34.2%						
15										
16										
17										
18										
19										
20										

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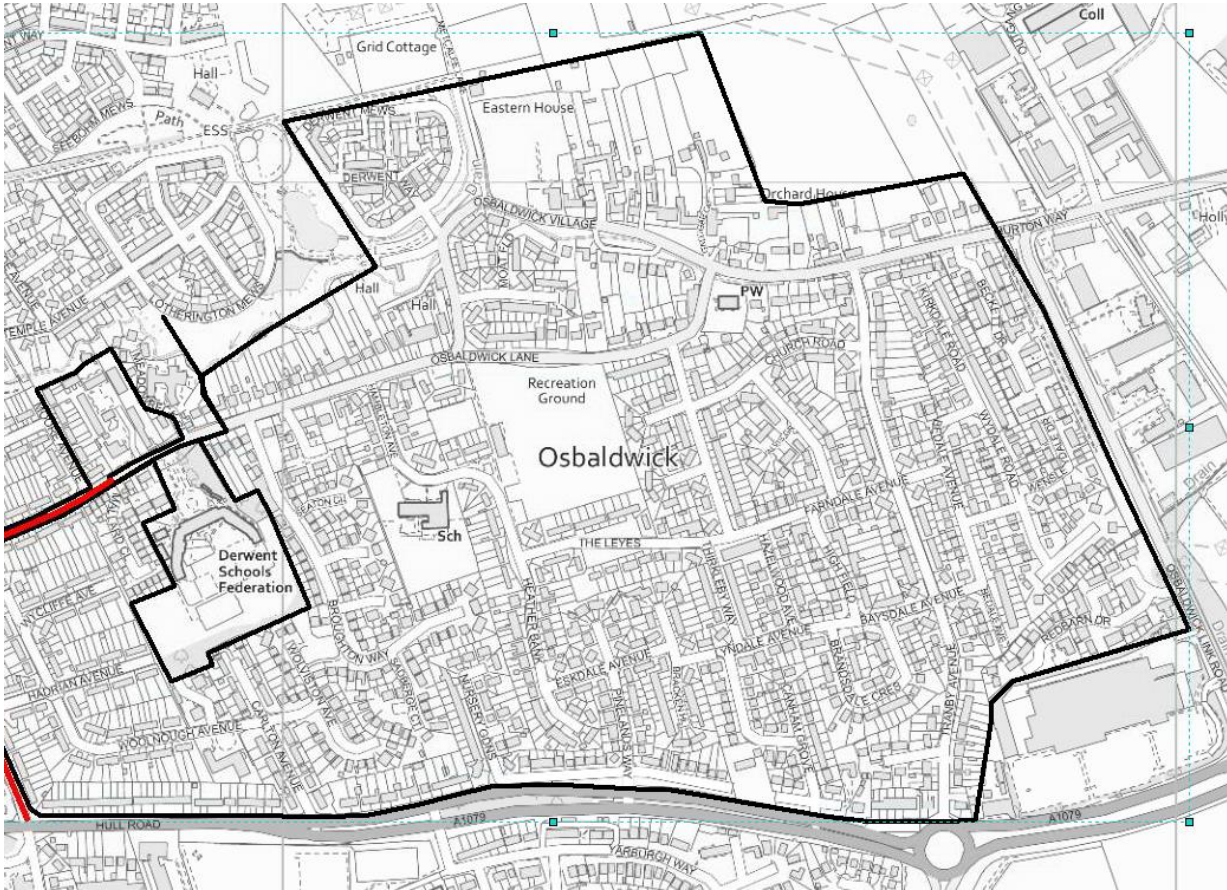
Plan showing the extent of Option 2

Note: The remaining section of 30mph on Osbaldwick Lane shown red



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Plan showing the extent of Option 3



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**Decision Session – Executive Member for
Transport and Planning****7 February 2019**

Report of the Corporate Director of Economy and Place

Petition – St. John Street**Summary**

1. The purpose of this report is to consider a petition (Annex A) by residents of St. John Street requesting that City of York Council make their street one way and supporting new bollards to make the road narrowing, narrower.

Recommendations

2. The Executive Member is asked to approve:

Option 3 – Monitor the outcome of the works at the road narrowing. If it appears large vehicles are continuing to use the street as a through route, consider the feasibility of implementing No entry except for cyclists at the St. John Street / High Newbiggin St. Junction for bringing back to a subsequent Decision Session meeting.

Reason: To evaluate the works proposed to take place and the practicality of any further works.

Background

3. St John's Street has an access only restriction on it. This was put in place many years ago (1970's) in order to try to prevent through traffic and commuter parking in the residential area. Access only restrictions rarely succeed due to the level a combination of driver ignorance of what the restriction means and the high level of police staff resources to enforce. For these reasons access only restrictions are rarely put forward as a solution to these types of problem.

4. Work is currently being progressed at the St. John's Street / High Newbiggin Street (car park access road) to make improvements to the road narrowing which is aimed to emphasise the restriction and to slow vehicles down as they enter the street, especially large vehicles.
5. St. John's Street is a signed and well used cycle route from Lord Mayor's Walk towards the Haxby Road area, avoiding a busy part of the Inner ring road and Clarence Street / B1363. This cycle route would be lost if the street was made one way, unless there was also an exemption for cyclists to legitimately use the street in both directions.
6. It should also be noted that short one way streets in relatively quiet residential areas do tend to suffer from a noticeable level of abuse resulting in complaints. However enforcement can only be carried out by the Police and they are often unable to allocate sufficient resources to achieve the desired level of compliance.

Consultation

7. If a Traffic Regulation Order were to be taken forward there would be the usual statutory consultation process that would have to be progressed.

Options

8. The options available are :
 - Option 1 – To note the petition and take no action. This is not the recommended option.
 - Option 2 – Carry out feasibility work on the potential for a one way street. This is not the recommended option because the practicality and impact on vulnerable road users of such a proposal has not been determined.
 - Option 3 – Monitor the outcome of the works at the road narrowing. If it appears large vehicles are continuing to use the street as a through route, consider the feasibility of implementing No entry except for cyclists at the St. John Street / High Newbiggin St. Junction for bringing back to a subsequent Decision Session meeting. This is the recommended option.

Council Plan

- 9. A council that listens to residents with the use of evidence-based decision making.

Implications

- 10. **Financial** Funding would need to be identified for this.

Human Resources (HR) There are no HR implications

Equalities There are no 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

Other There are no other implications

Risk Management

- 11. There are no risk management implications.

Contact Details

Author:

Alistair Briggs
Principal Engineer
Traffic Management
Tel No. 551368

Chief Officer responsible for the report:

James Gilchrist
Assistant Director Transport, Highway and
Environment

Report
Approved ✓ 24.01.19

Specialist Implications Officer(s) N/A

Wards Affected: Guildhall

For further information please contact the author of the report

Background Papers: None

Annexes: Annex A: Copy of front page of the petition

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St. John Street Petition

MAY-JUNE 2018 ONE WAY SYSTEM TRAFFIC DIRECTION TOWARDS LORD MAYORS WALK FROM ST JOHN STREET YORK

A recent meeting with Cllr. Denise Craghill attended by 3 residents of St John Street () highlighted the damage to parked cars on St John Street from large heavy vehicle use.

The following solutions were discussed:

A one-way system for St John Street only - with traffic flow down towards Lords Mayors Walk only.

New narrower bollards (2.4 metres apart) at the entrance to the street after the High Newbiggin St turn (see illustration).

Please make your feelings known below.

HOUSE NO	NAME	SIGNATURE	AGREE	DISAGREE	BOLLARD
----------	------	-----------	-------	----------	---------

19 signatures 18 1 18

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**Decision Session – Executive Member for
Transport and Planning****7 February 2019**

Report of the Corporate Director of Economy and Place

**Farrar Street, Windmill Gates, Alma Terr/Grove and Slingsby Grove
Residents Parking Petitions****Summary**

1. To report the receipt of four petitions and determine what action is appropriate.

Recommendation

2. It is recommended that:
 - Option 3 - Farrar Street – approve the addition of this street to the residents parking waiting list and investigate the possibility of widening the existing R46 to incorporate Farrar Street when the area reaches the top of the waiting list.
 - Option 4 - Windmill Gates - approve the addition of this area to the residents parking waiting list.
 - Option 5 – Alma Terrace (part) / Alma Grove - approve the addition of this area to the residents parking waiting list and consider the extent of the potential consultation area when it reaches the top of the list.
 - Option 6 – Slingsby Grove - approve the addition of this area to the waiting list.

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

Background

3. Farrar Street - There are 51 signatures on the petition requesting that the street becomes a residents parking zone. The petition front sheet is shown in Annex A and Annex B shows the location of Farrar Street.
4. Windmill Gates – There are 52 signatures on the petition requesting the area becomes a residents parking zone. The petition front sheet is shown in Annex C and Annex D shows the location of the area.
5. Alma Terrace (part) / Alma Grove – There are 29 signatures on the petition requesting the area becomes a residents parking zone. The petition front sheet is shown in Annex E and Annex F shows the location of the area.
6. Slingsby Grove – whilst not strictly a petition the resident has canvassed the street and attached a sheet to their letter (Annex G) indicating support from 20 properties. Annex H shows the location.
7. There has been a flurry of interest in becoming part of a residents parking zone in the last 18 months. This increase in demand has resulted in a waiting list (see Annex C) for investigating new requests. Each request will be 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 I. 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.
9. For Farrar Street the existing adjacent residents parking schemes are R27 and R46. R46 shares vehicle and pedestrian routes with Farrar Street. R27, whilst immediately next to Farrar Street, does not have a vehicle route link, hence it is suggested that as a starting point for the consultation Farrar Street be attached to R46.
10. There are no residents parking schemes in the immediate Windmill Gates area, hence in all likelihood if a scheme is progressed it will be a new zone.
11. The recently expanded residents parking zone R20 is adjacent to the Alma Terrace / Grove area. Whilst there are no direct footpath or roads links between them there may be some advantages for residents to expanding the R20 zone again. It should also be noted that the portion of the petition from Alma Terrace only covers part of the street. Depending

on the circumstances at the time investigation and consultation takes place, it may be desirable to consult wider than the area indicated by the petition.

12. There are no residents parking schemes in the Slingsby Grove area, hence if a scheme is progressed it will be a new zone.

Options for Consideration

13. Option 1 – Note the petitions but take no action. This is not the recommended action because it does not address the residents concerns.
14. Option 2 – Approve the initial consultation. This is not the recommended action because there are insufficient resources available to carry out this work at the present and there are other requests that came in before these petitions that should be tackled first.
15. Option 3 – Farrar Street – approve the addition of this street to the waiting list and investigate the possibility of widening the existing R46 to incorporate Farrar Street when the area reaches the top of the waiting list. This is a recommended option.
16. Option 4 – Windmill Gates – approve the addition of this area to the waiting list. This is a recommended option.
17. Option 5 – Alma Terrace (part) / Alma Grove - approve the addition of this area to the residents parking waiting list and consider the extent of the potential consultation area when it reaches the top of the list. This is a recommended option.
18. Option 6 – Slingsby Grove - approve the addition of this area to the waiting list. This is a recommended option.

Consultation

19. At this stage there is no consultation but when these areas reach 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.
20. If approval to proceed is granted then the formal legal Traffic Regulation Order consultation is carried out.

Council Plan

21. The above proposal contributes to the City Council's draft Council Plan of:

- A prosperous city for all,
- A council that listens to residents

Implications

22. This report has the following implications:

Financial – None

Human Resources – None

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

23. **Risk Management** – None

Contact Details

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

Chief Officer Responsible for the report:

James Gilchrist
Assistant Director for Transport
Report Approved: ✓
Date 24/01/19

Specialist Implications Officer(s): None.

Wards Affected: Fishergate, Hull Road, Dringhouses & Woodthorpe

For further information please contact the author of the report.

Background Papers: None.

Annexes:

Annex A Farrar Street petition front sheet

Annex B Farrar Street location plan

Annex C Windmill Gates petition front sheet

Annex D Windmill Gates location plan

Annex E Alma Terrace (part) / Grove petition front sheet

Annex F Alma Terrace (part) / Grove location plan

Annex G Slingsby Grove petition covering letter

Annex H Slingsby Grove location plan

Annex I Residents parking waiting list

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Farrar Street Petition Front Sheet

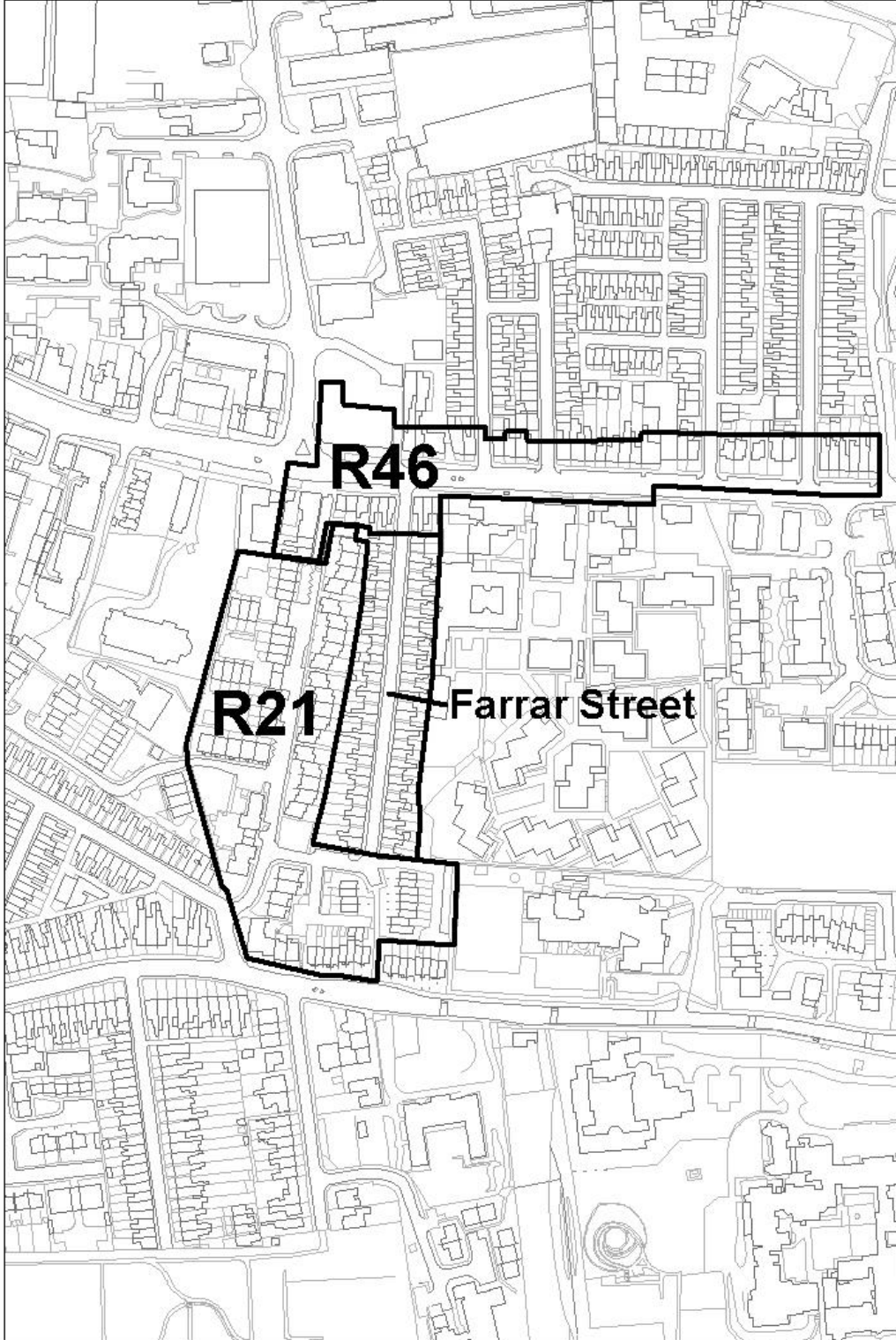
A Petition to City of York Council

“We call on City of York Council to consult residents on introducing a residents parking scheme for Farrar St, York (YO10 3BY/BZ) to prevent commuter parking in our street”.

Farrar Street is a cul-de-sac, there are sixty eight residential properties and each property has been contacted (either in person or via a leaflet), signatures were received from thirty seven properties.

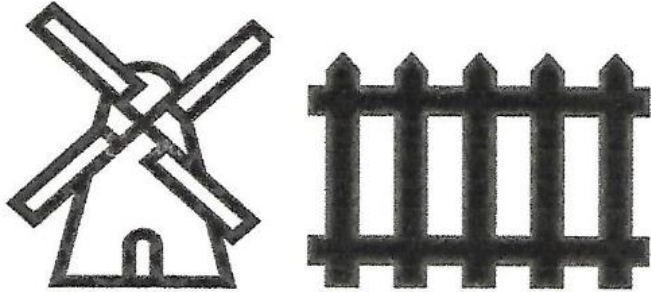
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Farrar Street Location Plan



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Windmill Gates Petition Front Sheet



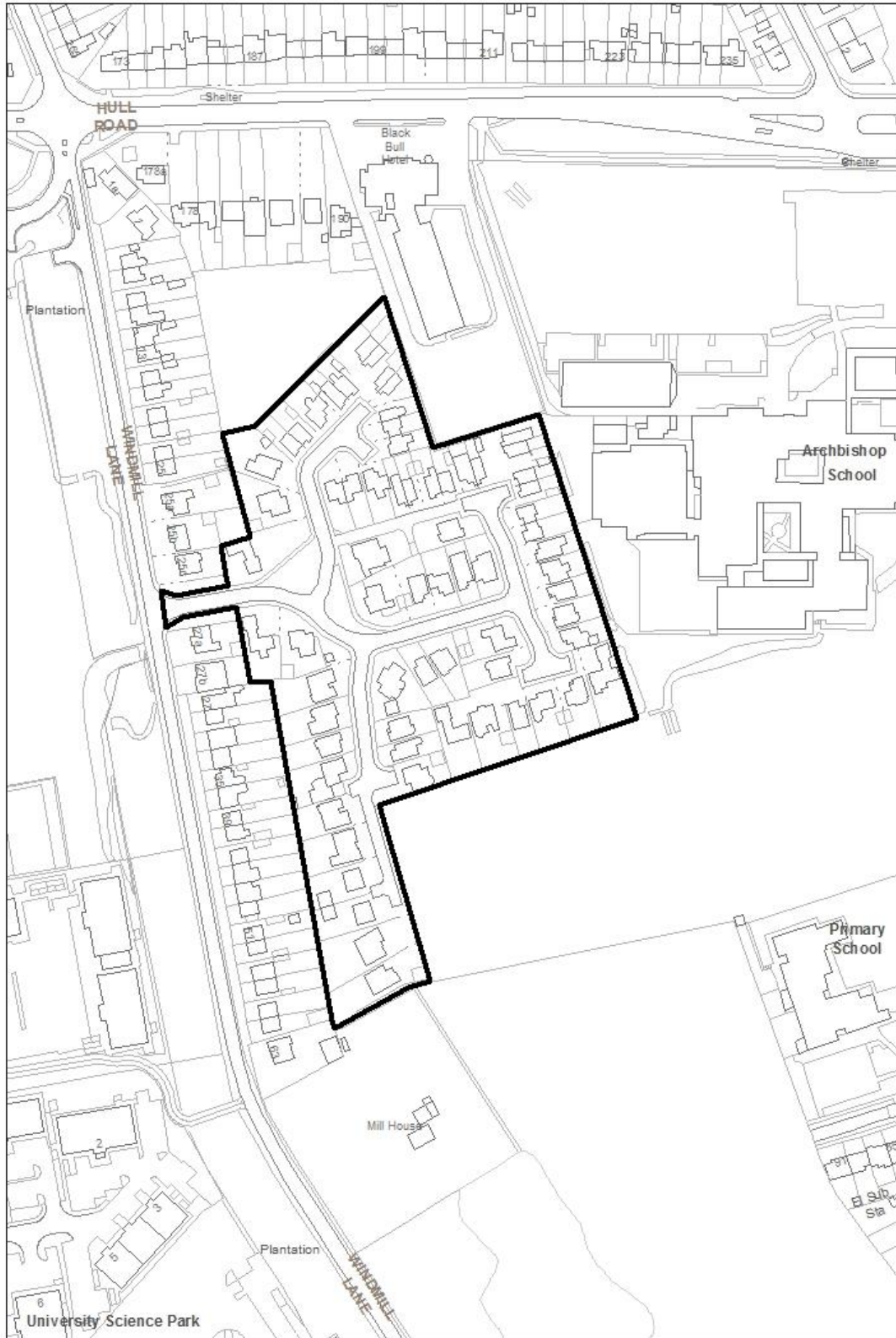
WINDMILL GATES RESIDENTS

We the undersigned residents of Windmill gates Estate including the streets **Sails Drive, Beaufort Close & Quant Mews** request that this area becomes residents only parking. We request that this is Monday to Friday between the hours of **0800 to 1700 Hours**.

<u>Name</u>	<u>Address</u>	<u>Signature</u>

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Windmill Gates Location Plan



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Alma Terrace (part) / Alma Grove Petition Front Sheet

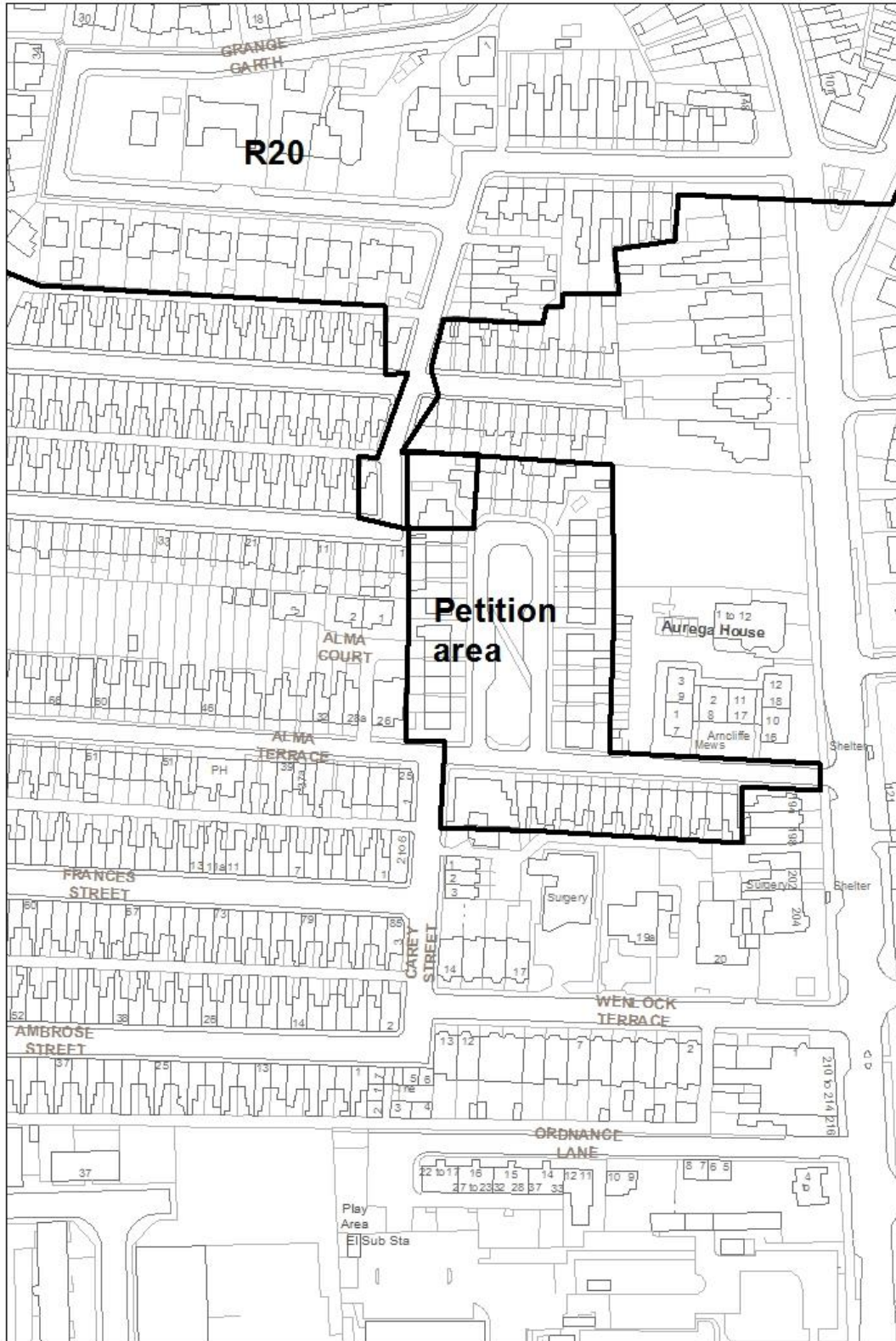
We want Residents' Parking in our
Street - Alma Terrace, YORK

DATE: 30 November 2018

HOUSE NUMBER & STREET NAME	Signature
----------------------------	-----------

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Alma Terrace (part) / Alma Grove Location Plan



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Dear Cllr Peter Dew,

Executive Member for Transport and Planning.

We would like to propose that Slingsby Grove be considered for a residents parking scheme. I personally had to call for an ambulance at 8pm on a weekday as my daughter was suffering a life threatening anaphylactic attack, completely out of the blue. The ambulance had to park at the top of the street, I live half way down. My daughter had to walk to the ambulance. We have a neighbour who is terminally ill, he has had 2 ambulances in the last couple of weeks. Again the ambulance had to park at the top of the street as people have double parked and had to be trundled up the street on a stretcher.

We also cannot get delivery lorries down the road.

We often do not get our bins collected. This effects our black and recycling collections. Everyone on the street has mentioned their frustration.

The parking problem is complicated. We have taken photos on a Saturday morning which shows a relatively clear street with no access issues.

Every weekday the street is completely clogged especially the top of the street. Day and night.

We know who's car is who's. The cars that clog the top of the street area is as follows:

Flat occupiers of the flats above the shops on Tadcaster Road. We presume their address is Tadcaster Road not Slingsby Grove. There is off street parking opposite their flats on Tadcaster Road. They will still get their bins collected, ambulances and deliveries as they are at the top of the road but their cars mean owners of properties on Slingsby Grove do not.

The people who work on Tadcaster road shops park on our road.

Their customers park on our road.

The financial services company are a major contributor they have many members of staff who park on our street.

People who use the Zap bus and go to Leeds for the day, the bus stop is just across the road.

Residents who park on the grove opposite each other which then reduces access so no one else can get down. I frequently have to pull my mirrors in to pass.

There are a couple of issues with residents parking further down the street due to house extensions that go over the driveway. I suspect the cost of permits may encourage residents to park on their driveway, which will improve the situation.

The main are is the Tadcaster road end of Slingsby Grove during weekdays especially office hours. I think it speaks for itself, It is not the residents that cause the bulk of the access restrictions.

Yours sincerely

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Slingsby Grove Location Plan



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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
Stage 1 – initiation The request (normally by petition) indicating significant support in an area or street is reported for either approval to take forward or refuse.	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.

Stage 2 – start of project 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. The consultation is then reported along with a proposed scheme for approval to advertise a Traffic Regulation Order. TRO preparation and advertising Any objections to the proposed TRO are then reported for consideration. If the objections are overturned the scheme will then be implemented.	6 – 8 weeks 8 weeks 4 - 6 weeks 8 weeks 12 - 15 weeks
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Once work on a scheme begins it will normally take 9 months to complete.

Area	Date	Progress (NOTE: not all will be implemented)
Rosedale Street	April 2017	Reported Consultation carried out Consultation report TRO advertised Objections report Yes Yes Yes Yes Dec. 18
Danesmead estate Includes Fulford Cross	April 2017	Reported Consultation carried out Consultation report TRO advertised Objections report Yes Yes Oct
Clifton Dale	June 2017	Reported Consultation carried out Consultation report TRO advertised Objections report Yes
Pasture Farm Close	Sept. 2017	Reported Consultation carried out Consultation report TRO advertised Objections report Yes
Albemarle Road (15-37) Consultation area extended	Jan 2018	Reported Consultation carried out Consultation report TRO advertised Objections report Yes
Main Avenue, First Avenue and Second Avenue	May 2018	Reported Consultation carried out Consultation report TRO advertised Objections report Yes
Balmoral Terrace	June 2018	Reported Consultation carried out Consultation report TRO advertised Objections report Yes
Farrar Street	Nov. 2018	Reported Consultation carried out Consultation report TRO advertised Objections report
Windmill Gates	Dec. 2018	Reported Consultation carried out Consultation report TRO advertised Objections report
Alma Terrace (pt) / Alma Grove	Dec. 2018	Reported Consultation carried out Consultation report TRO advertised Objections report
Slingsby Grove	Dec. 2018	Reported Consultation carried out Consultation report TRO advertised Objections report



Decision Session – Executive Member for Transport and Planning **7 February 2019**

Report of the Corporate Director of Economy and Place

Definitive Map Modification Order application to record a public footpath in woodland adjacent to Windmill Lane, Heslington

Summary

1. An application for a Definitive Map Modification Order (DMMO) seeking to record a public footpath through Mill Plantation adjacent to Windmill Lane has been investigated. The result of this investigation is that the evidence available to the council is sufficient to allege that the way subsists as shown on the map at Annex 2.

Recommendation

2. The Executive Member is asked to:
 - 1) Authorise the making of a DMMO to record the route through Mill Plantation as a public footpath as shown on the map at Annex 2.

Reason: The available evidence meets the statutory test of reasonably alleging that a public right of way subsists over the land.

Background

3. The DMMO application was received by North Yorkshire County Council in 1989. When City of York Council (CYC) came into being in 1996 this application was passed to CYC for determining.
4. The application was supported by eleven user evidence forms that allege uninterrupted use between 1959 and 1989.
5. The land crossed by the application route is owned by the University of York and the York St. John Endowment.

6. At the time the application was made North Yorkshire County Council received some correspondence from solicitors acting for the University of York. They asked to view the evidence supporting the application which was refused by the County Surveyor. However, no objection was lodged at that time.
7. Attempts have been made to contact the applicant by letter but no response has been received. This is not surprising because it was 29 years ago that the application was made.
8. Regardless of whether or not the applicant can be found, the evidence has been placed before CYC and, as Highway Authority, it is duty bound to investigate these applications in line with the current statement of priorities. This means that DMMO applications made by the public are dealt with in chronological order, oldest first.
9. Although finely balanced, the evidence before CYC does meet the test that the public right of way is reasonably alleged to subsist.

Consultation

10. An initial consultation has been carried out with Heslington Parish Council, the affected land owners, user groups, and the relevant ward councillors.
11. York University have responded with three letters and a plan of an easement adjacent to the woodland.
12. No other formal replies have yet been received from any party but a representative York St. John Endowment has contacted the council to discuss the application. It is York St. John Endowment and York University who own all the land affected by the DMMO application.

Options

13. Option A. The Executive Member authorises the making of a DMMO to record the way as a public footpath.

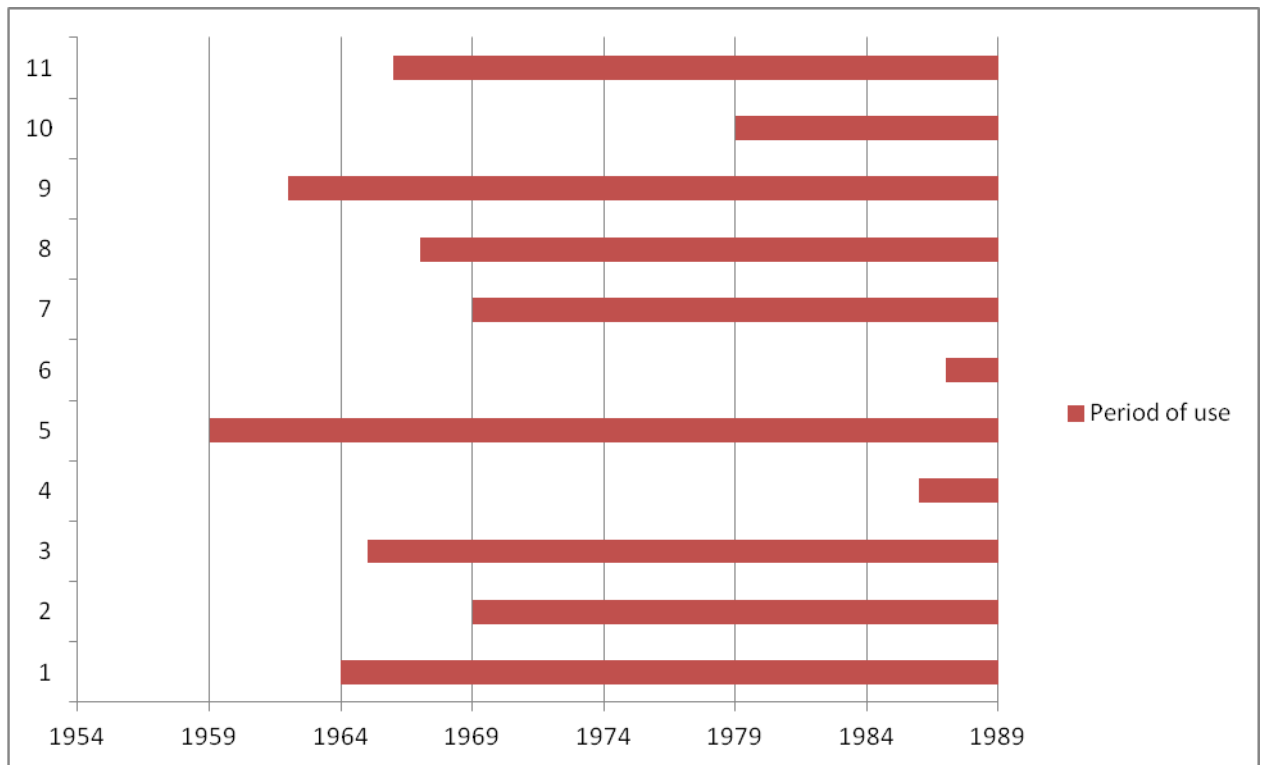
Reason: This is the recommend option because, although finely balanced, the evidence does reasonably allege the existence of a public footpath over the land.

14. Option B. The Executive Member does not authorise the making of a DMMO and the applicant is informed that their application has been rejected.

Reason: This is not recommended, because, although finely balanced, the evidence does reasonably allege the existence of a public footpath over the land. In addition it gives the opportunity to the applicant to appeal this decision to the secretary of state. If CYC did reject this application any appeal made to the secretary of state is likely to be successful. This would result in CYC being directed to make an order.

Analysis

15. The application is supported by eleven user evidence forms that allege continuous use from 1959 to 1989 as shown in the chart below.



16. The application has been considered under Section 31 of the Highways Act 1980. Section 31(1) sets out that that any way that is used by the public at large as of right (i.e. without force, stealth or permission) and without interruption for a period of twenty or more years is deemed to have been dedicated as a public right of way (PRoW).

17. This period, known as the relevant period, is calculated back from the date of the first challenge to the public’s use of the route. Usually such a

challenge would be the blocking of the route to prevent access by, for example, locking a gate. In this case none of the user evidence shows any such challenges being made. Under these circumstances the relevant period is calculated from the date of submission of the application. This means that the relevant period is 1969 to 1989.

18. The information contained within the user evidence indicates the route was used openly (without stealth). There is no suggestion that fences were ever broken down to gain access (without force). Furthermore, there is no evidence that suggests any of the eleven users giving evidence had ever received permission to use the way from any of the affected land owners (without permission). Therefore the use appears to be “as of right” as demanded by the legislation.
19. Finally, whilst all the users live within the vicinity of the route, they do appear to be representative of the public at large, thereby satisfying that criterion set out by the legislation.
20. In addition to the tests set out above, the use by the public must be of such a character that the land owners are made aware that the public is asserting a right against them. Analysis of the user evidence shows that seven people used the way daily and a further two used the route at least once per week. The remaining two used the route less frequently. The use of the way was sufficiently high to make a well worn path through the woodland. Consequently, it seems unlikely that either of the land owners would have been unaware of the use.
21. Owners of land used by the public can defeat a claim of deemed dedication of a PRow by demonstrating that they had no intention to dedicate the way to the public. They must communicate this lack of an intention to dedicate to the public by some means.
22. The letters adduced by the University of York indicate that prior to 1989 the university had asked the applicant to stop waling their dogs on university land. The applicant did not confirm this in the evidence they provided.
23. Furthermore, the University has also asserted that they erected fences and notices. It is not clear from their communication whether these related to the path under consideration or to the university’s land adjoining the path. However, no evidence substantiating these assertions has been provided by the university nor is any reference made to signage or fences in the user evidence.

24. In addition, the university has provided a plan shows an easement abutting the woodland where the application route runs. In providing this plan they have indicated that such a service easement usually has controls applied. There is no indication what these controls might be or how the public were informed the controls were affecting their right to use the application route.
25. This conflict in the evidence before the council indicates that the use of the way was not as uncontentious as the user evidence might indicate. However is not sufficient to eliminate the possibility that public rights do exist of the way.
26. Consequently the evidence available does reasonably allege that a public right of way exists over the land in question. However, it is probably not sufficient to demonstrate that the way exists in the balance of probabilities. The existence of public rights in the balance of probabilities is the test CYC must apply before confirming an unopposed DMMO.
27. If further relevant evidence is received during the public consultation that follows the making of the order, and no duly made objections are received, the matter will be placed before the Executive Member again. This is to allow the member to decide whether or not the totality of available evidence meets the higher statutory test for confirmation.
28. If a duly made objection to the order is received, regardless of any additional evidence being adduced, CYC are required to submit opposed orders to the secretary of state for determining. Under these circumstances, a report will be placed before the Executive Member for Transport and Planning to determine what stance CYC will adopt towards the order when it is submitted
29. If, for whatever reason, the way through the woodland is not recorded as a PRow, none of the foregoing prevents new evidence being gathered and a second DMMO application being made.
30. The above notwithstanding, the issue to be decided at this stage is whether there is sufficient evidence to show that public rights subsist, or are reasonably alleged to subsist on the route shown on the plan at Annex 2. If the Executive Member believes the evidence meets this test then CYC is required to make an order to record the route on the definitive map.

Council Plan

31. 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.

32. Implications

Financial:

The making and confirmation of an unopposed DMMO requires that two statutory notices are placed in a local newspaper. This will cost in the region of £1500.

If the order attracts objections then CYC are required to send the opposed order to the secretary of state for determination. Depending on how the secretary of state chooses to determine the additional cost to CYC will be between £2000 and £5000.

Notwithstanding the above, the costs to the council of making a DMMO, are not relevant within the legislation and can therefore not be taken into account when determining an application.

Human Resources (HR): There are no human resource implications

Equalities: There are no equalities implications

Legal:

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.

If 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.

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.

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: 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 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 the additional work defending the decision to reject the application. It is highly likely that CYC would be directed to make the DMMO in the event of an appeal.

Councillor Responses

34. Councillor D'Agorne made the following comment, "Support the proposal for the route to be registered on the Definitive Map."
35. Councillor Fenton made the following comment, "I support Option A - the making of a DMMO to record the way as a public footpath."
36. Councillor Pavlovic made the following comments on behalf of the Hull Road Ward councillors:

"Please consider this a joint submission from the Hull Road Ward Councillors as requested.

I understand that the original request relating to this footpath dates back to 1989 and therefore evidence of use is required for the period 1969-1989 as well as supporting evidence of more recent use.

Following a visit to the Windmill Lane estate, including Sails Drive and Quant Mews on Saturday 12th January, having printed off the maps attached to your email, I was able to ask a number of residents whether they used the footpath and for how long. Many, if not most residents have used the footpath through the woodland as shown on the map, most on a regular basis, particularly for dog walking.

Of particular relevance regarding the timescale I have received an email (attached) from a resident at 59 Windmill Lane who has used the footpath since 1985 and one at 73 Windmill Lane who has used it since he was 5 years old in 1947. He will provide a written submission on request.

Never having completed a submission for a right of way before I'm not sure how much additional evidence you would like me to provide, I have list of residents spoken to with house numbers who have used the footpath after 1989."

37. Councillor Pavlovic also passed on a comment he received from a local resident. "I live at 59 Windmill Lane and moved there in 1985. I have walked on the footpath through the woods regularly since we moved into our house and both my children played safely in the wood from when they were very young. I feel that the wood is very important for the Lane, it is a green space to be at peace in and I love how the various bulbs planted by residents over the years have now become naturalized. This stretch of woodland is also important because it is a corridor that connects St Nicholas' Nature Reserve with the open countryside to the South of York."

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** 24.01.19
Approved

Specialist Implications Officer(s) List information for all

Financial
Jayne Close
Accountant
01904 554175

Legal
Sandra Branigan
Senior Solicitor
01904 551040

Wards Affected: Hull Road Ward

For further information please contact the author of the report

Background Papers: None

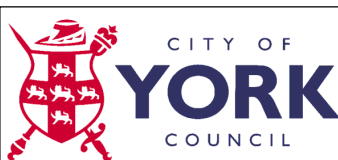
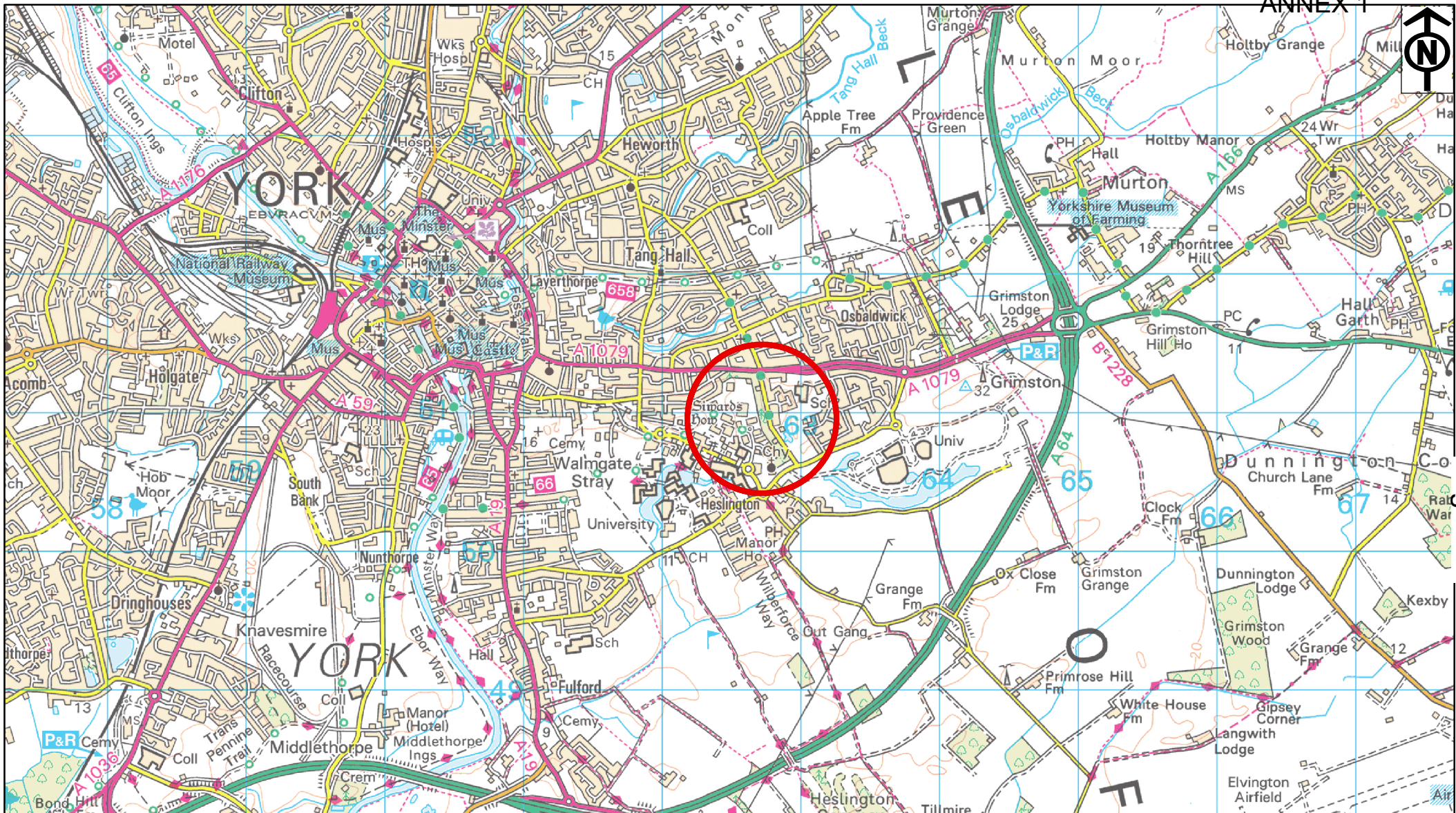
Annexes

Annex 1: Location map
Annex 2: Route map


List of Abbreviations Used in this Report

DMMO – Definitive map modification order
PRoW – Public right of way
WCA 1981 – Wildlife and Countryside Act 1981

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

Location of application route - 

Scale Not to Scale	Drawn By:RJV	Date:20/12/18
Public Rights of Way	Reference:	Drawing No.

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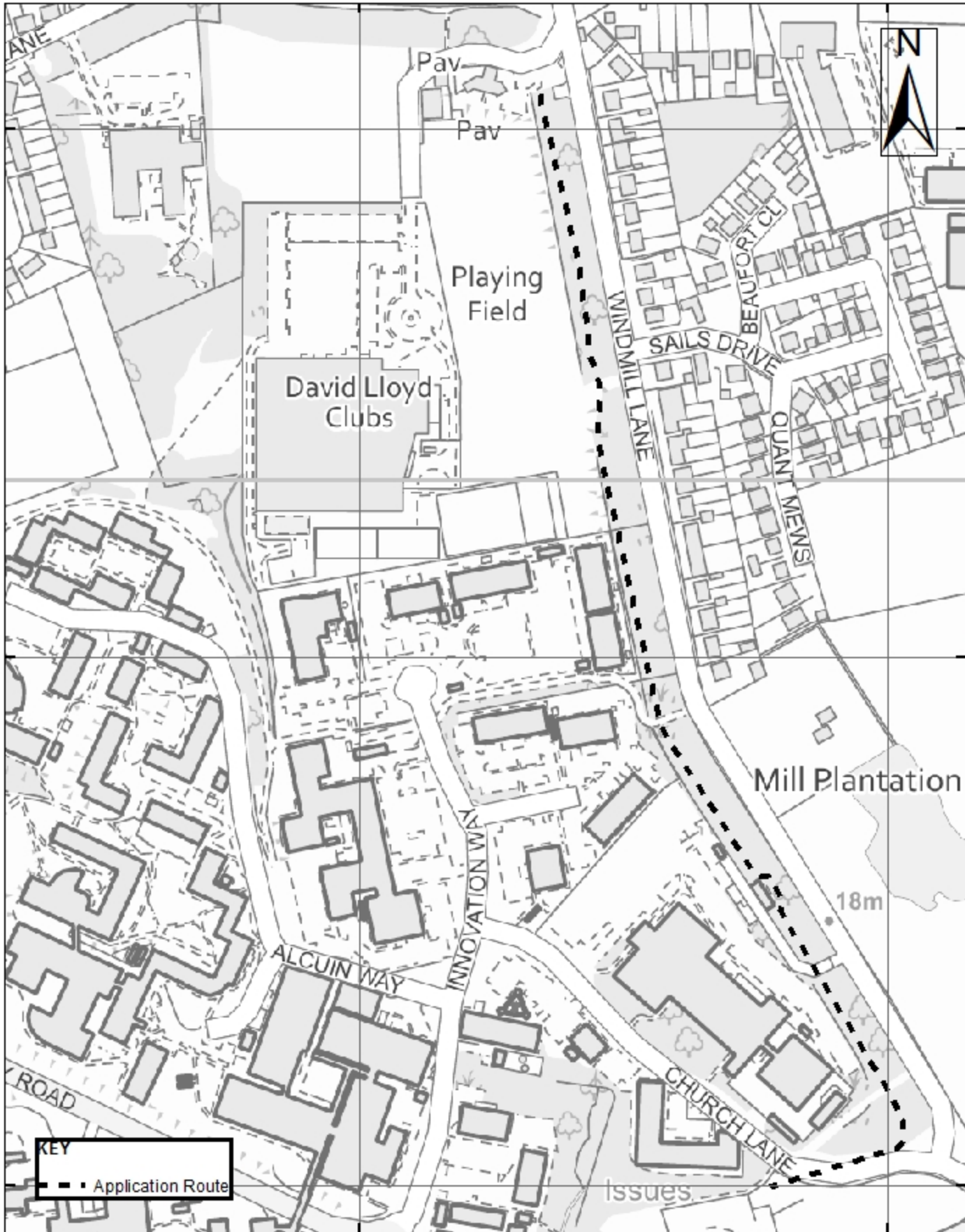
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462600

462900



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

DMMO Application public footpath west of Windmill Lane

Scale 1:3,000	Drawn By:RJV	Date 21/11/18
Public Rights of Way	Reference:	Drawing No.

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