
**Economy and Place Scrutiny Call-in
Committee**

5 November 2018

Report of the Corporate Director of Economy and Place

Pre-Decision Called-in item: Fossgate Public Realm Improvements

Summary

1. This report provides background to the pre-decision call-in of the item “Fossgate Public Realm Improvements”, setting out the reasons for the call-in and inviting the Committee to consider feedback on the proposals.
2. The report also outlines the background to the issue called-in and the role of and options available to this Committee, under the agreed pre-decision call-in arrangements.

Background

3. In accordance with the arrangements for pre-decision scrutiny call-in, three members (Councillors D’Agorne, Craghill and Taylor) have called in the item relating to the Fossgate Public Realm Improvements scheme for the following reasons:
 - (i) “The scheme fails to achieve a pedestrianised environment as part of the ‘footstreets area’ which is clearly the preference for the majority of businesses in and visitors to the street”.
 - (ii) “The original brief for officers designing the scheme was flawed in requiring segregated vehicle access through the street at all times. Even before the DFT request for a ‘pause’ on implementation of ‘shared use’ schemes, the design had failed to consider how best to meet duties under the Equalities Act and the Transport Hierarchy in respect of the needs of pedestrians, wheelchair users and blind and partially sighted”
 - (iii) “Despite representations made prior to the confirmation of the reversal of one way traffic flow, no consideration has been given to the benefits and design implications of revoking the one way order on the southern section of the street from Franklin’s Yard.

Two-way traffic on this section would reduce vehicle intrusion to the northern section and increase options for pedestrianisation either now or in the future. There are implications for the design of build-outs at the entrance to the street from Merchantgate and on-street parking bays”.

- (iv) “Designers have failed to adequately consider highway safety implications of the proposal to remove the existing speed table at the junction of Pavement and Fossgate, and to direct pedestrians to crossing the busy road at points marked only by visual surface differences and tactile dropped kerbs. We also have concerns that this fails in the objective of the scheme of better connecting businesses in the street with the rest of the city centre as a result of the greater severance to the most direct pedestrian routes”.
4. In 2017, following previous attempts to obtain consensus from residents and businesses for the implementation of a re-modelled Fossgate scheme, consultation was undertaken on a proposal to reverse the traffic flow direction with the aim of reducing the level of traffic in the area. The reversal of the traffic flow was considered by the Executive Member at a decision session meeting in June 2017. The report included the results of the consultation in relation to potential traffic management changes, including making the street a pedestrian zone, reversing the one way traffic flow and reallocating space for street cafes.
 5. At a decision session meeting on 12th April 2018, the Executive Member resolved that the experimental TRO to reverse the traffic flow and change the access restriction be made permanent. The decision was made on the basis that the experiment had achieved the objective of reducing the volume of through traffic, and that there had been little in the way of representations against the experiment.
 6. A budget for enhancing the physical environment of the street was allocated by the Council in February 2017. The decision by the Executive Member on the Traffic Regulation Order provided certainty on the traffic flow direction enabling the layout of the street to be developed further and progressed forward to consultation.

Consultation

7. An extensive consultation has been undertaken with the residents and businesses of Fossgate and wider stakeholders. The consultation asked for comments on a potential layout plan shown in Annex A based

on the Executive Member's Decision on the Traffic Regulation Order for the street. The consultation commenced on 17 September with an original end date of 14 October. Following representations, the consultation was extended to 21 October with further publicity (signs, press release and social media) The consultation comprised:

- a letter drop to over 95 properties along Fossgate (businesses and residents) including a number of properties on Walmgate, Merchantgate and Pavement in the immediate vicinity of the junctions. The letters included a detailed description of the measures being proposed, a copy of the proposed layout drawing (Annex A) and a questionnaire for consultees to complete and return.
- wider consultation to statutory consultees.
- details were placed on the Council's website with access to a link allowing a wider audience of consultees to complete the questionnaire on line and to offer their views on the proposals.
- a press release was issued advising of the consultation inviting comments for a wider audience.
- a display was also set up in the foyer entrance at West Offices (over 50 comments were received).
- officers also held meetings with representatives of the Fossgate Traders Association as well as holding two drop-in sessions on site for consultees to "drop in and discuss the proposals".
- officers also attended a Guildhall ward meeting to present and discuss the proposals.

8. The initial proposals, as shown in Annex A, were drawn up to reflect the recent changes to the traffic flow, and were based on previous feedback from residents and businesses and following preliminary discussions with representatives of Fossgate Association.
9. The aim of the consultation was to allow as many people as possible to review the proposals and offer their views. It is proposed to provide full details of the outcome of the consultation in the report to the Executive Member Decision Session on 15 November.
10. Responses to the consultation have been varied and sometimes contradictory, and have been received via a number of sources – through conversations at meetings and drop-in sessions, emails directly to officers, questionnaires (12No) being submitted directly to officers and a further 86 questionnaires submitted through the on-line survey. Examples of the type of responses are provided in Annex B.

11. Officers have also received feedback from Fossgate Association, giving details of a survey carried out during a street event in 2016.
12. A revised layout, Annex C, has been prepared which attempts to take on board comments raised through the consultation and in response to the Council's own road safety audit process.

Options

13. The following options are available to this Committee in relation to dealing with this pre-decision call-in, in accordance with the agreed arrangements:
 - Agree comments or recommendations for submission to the Executive Member, to take into account when making his decision; or
 - Decide not to make any specific comments/recommendations to the Executive Member on the issue in hand

Analysis – Response to Calling-in Reasons

Pedestrianisation

14. The consultation proposals did not include for pedestrianisation of Fossgate as the decision regarding the traffic regulation order had been confirmed in April 2018. This also reflected feedback over previous years indicating that vehicular access was required to serve the properties along Fossgate at all times. It is clear from the level of responses during consultation that full pedestrianisation with no vehicular access is an aspiration for many people. Officers do not consider that the proposed layout of the street would preclude a future decision by the Council to pedestrianise the street in the future.
15. The proposed design allows for vehicles and pedestrians being in the street at the same time but is not a shared surface proposal. We have tried to accommodate the mix of users throughout the day with changes made to improve the layout for pedestrians. This includes widening footways at narrow sections and providing build-outs to allow for chairs/tables and/or street furniture (benches, cycle stands, etc) as well as providing improved crossing facilities.

16. It is proposed that an option to investigate the full pedestrianisation of the street after the scheme construction has been completed to be brought back to the Executive Member after summer 2019. If accepted, a wider consultation would need to be undertaken and the TRO advertised, potentially as an experimental order, before the final decision is taken.

Two-way Traffic Flow at South End

17. On balance it is considered that the proposed changes to the layout at Merchantgate, narrowing the carriageway provides more benefit to pedestrians in this area than changing this section to two-way traffic flow. The recent suggestions to return the section of Fossgate between Franklins Yard and Merchantgate to two-way, in order to facilitate pedestrianisation of the top section of Fossgate, goes against the recent decision to reverse the one-way.
18. The number of movements generated by the Franklin's Yard area is very low. If the area north of Franklins Yard is to be pedestrianised then there would be insufficient road space available for vehicles to turn around to exit onto Walmgate/Merchantgate. Franklins Yard is unadopted and in poor condition – it would be inappropriate to allow vehicles to turn into Franklins Yard as a means of turning round to exit Fossgate southbound.

Pavement Speed Table/Crossings

19. The treatment of the junction with Pavement has received a wide range of comments. The original proposal to remove the raised tables on Pavement were made on the basis that the tables were being severely damaged by traffic and to have the crossings flush with the road would remove this problem and hence reduce the maintenance liabilities. The decision was also based on the fact that traffic speeds in this area are low owing to the proximity of the signalised junction at Piccadilly and the bus facilities on Stonebow. The existing speed tables have very limited impact on speeds due to their low height.
20. Irrespective of this, there has been a strong desire to retain these raised crossings. The Council's own road safety audit undertaken on the consultation layout also raised concerns about their removal.

21. It is therefore proposed to recommend to the Executive Member that raised crossings across Pavement are provided as part of the final scheme.

Facilities for Pedestrians

22. Officers have reviewed comments made during the consultation and through the road safety audit to maximise the provision of facilities for pedestrians. It is proposed to recommend changes to the consultation layout to widen footways where possible on the street. For example the footways are proposed to be widened between Lady Peckitts Yard and Pavement to a minimum 1.8m and the road level raised such that the kerb heights are reduced to approximately 60mm (the height previously specified by disability groups as an acceptable minimum kerb check). This will improve pedestrian accessibility into and along Fossgate.

Council Plan

23. The proposals in this report relate to the Council Plan priorities “a prosperous city for all” and “a council that listens to residents”. The scheme aims to work with residents and businesses to support Fossgate, which is seen to be a vibrant, growing community with its own special character in the heart of York. Changes have been made to the proposals in responses to the consultation and road safety audit.

Implications

24. The following implications have been considered:
 - **Financial** – The overall budget for the scheme is £500k. Any further changes to the layout could increase the cost above the current allocation.
 - **Human Resources (HR)** None
 - **Equalities** None
 - **Legal** – if pedestrianisation or change to two way traffic flow is to be pursued then further consultation will be required together with advertisement of a revised TRO (experimental order). Based on the responses to the current consultation pedestrianisation is not likely to be fully supported and the TRO Consultation may lead to objections being received.

- **Crime and Disorder** None
- **Information Technology (IT)** None
- **Other**

The project is due to be reported to the Executive Member decision session meeting on 15th November, recommending approval of the measures shown in Annex C.

The aim is to construct the works in February/March 2019 to coincide with this being the quietest months for trading and also to coordinate the work with planned maintenance work on Stonebow and Pavement. By doing so, this would minimise disruption to Fossgate and the immediate area.

If works do not proceed as planned, the opportunity to coordinate the construction with the maintenance work, and thereby minimise disruption, will be lost, and implementation may need to be deferred until the following year.

Businesses and residents have expressed a desire to have works carried out to avoid risking losing funding.

Risk Management

24. In compliance with the Council's risk management strategy, the following risks have been identified and described in the following points:

Financial – there is a potential financial risk if the report is not considered at decision session in November, and if approval/implementation is consequently delayed.

Reputation – Similarly, traders and residents are keen to see construction works undertaken at Fossgate. A scheme was proposed in 2014 as part of the Reinvigorate York programme but was axed due to the lack of a consensus on the proposals. Delaying or shelving the scheme a second time would seriously damage the Council's reputation. An opportunity would be missed to coordinate implementation with the planned maintenance work and at the quietest time of the year for traders.

Recommendations

25. Members are asked to:

- i. Consider the reasons for calling in this matter prior to decision, together with all submissions made and decide whether they wish to make any specific comments/recommendations for consideration by the Executive Member.

Reason: To enable the called-in matter to be dealt with efficiently and in accordance with the pre-decision call-in arrangements.

Contact Details

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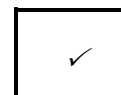
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Specialist Implications Officer(s)

Patrick Looker, Finance officer 01904 551633

Wards Affected: *Guildhall*

All



For further information please contact the author of the report

Background Papers:

Executive Member decision session report 22 June 2017

Executive Member decision session report 12 April 2018

Annexes

Annex A – Proposals for consultation

Annex B – Sample consultation responses

Annex C- Revised proposed layout.

Abbreviations

None