

Meeting	Decision Session - Executive Member for Economy and Transport
Date	12 March 2024
Present	Councillors Kilbane (Executive Member)
In attendance	James Gilchrist – Director of Environment, Transport and Planning Christian Wood – Head of Programmes and ITS Helene Vergergau – Head of Highway Access and Development Greg Morgan – Transport Planner Siavosh Mahmoodshahi – Structure Manager Andy Vose – Transport Policy Manager Michael Howard – Head of Highways and Transport

41. Declarations of Interest (10:01am)

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 they might have in respect of the business on the agenda. None were declared.

42. Minutes (10:01am)

Resolved: That the minutes of the Decision Session held on 20 February 2024 be approved and signed by the Executive Member as a correct record.

43. Public Participation (10:02am)

It was reported that there had been 7 registrations to speak at the session under the Council's Public Participation Scheme.

Andy D'Agorne spoke on agenda item 4. He discussed the options considered and effectiveness in achieving Transport hierarchy objectives, expressing concern that £35,000 of the £100,000 budget had already been spent on "ineffective measures". Mr D'Agorne conceded that although he had previously approved this work as executive member, the objectives

were not being completed by the proposed plan and the plan should be deferred for at least a month to take remedial action to avoid further unnecessary spending.

Andrew Mortimer spoke on agenda item 4; he stated that there the Active Travel Scheme was essentially a “yes or no” decision before the member without different options, due to the available budget. He suggested the executive member should approve officers recommendations but take into consideration additional factors such as selfish/inconsiderate drivers and school pick up times. He also suggested that there was no mention in the report about enforcement; urging that this should be considered, especially in the weeks following introduction. He noted that there was nothing in the scheme on how further participation in walking and cycling to school would be measured. Finally he suggested that any new signage should be non-intrusive and must be viewable at busy times and bollards must look appropriate to the local area.

Cllr Fenton Spoke on agenda item 5, welcoming the report and commending continuity between the prior executive and the present executive in completing work on this item. He expressed concern over an outstanding accessibility issue – specifically with barriers obstructing cyclists carrying children on their bikes who would have to tip bikes to get under them.

John Pybus, landlord of the Blue Bell pub and author of the petition, spoke on agenda item 7 and the benefits of pedestrianising Fossgate; he noted that the report from officers had not been directly communicated to the petitioners, instead they had heard about it via the York Press. He stated that the report only discussed negative financial impact of changes to the council and not the benefits of increased business rates. He said that the report discussed previous public consultation but commented that this had been in 2017, and there had been significant cultural changes since then; café culture has become accepted now and heating in winter is paid for by the café in summer which is significant after energy price increases caused by war in Ukraine.

Anthony Brennan spoke on agenda item 7, supporting the petition; he emphasised to the executive member and officers that Fossgate was a cultural and commercial hub, and that this aspect was more important than transport considerations, asking that the needs of people be prioritised over those of traffic flow.

Sarah Lakin, representing the Fossgate Social, spoke on agenda item 7, supporting the petition; she stated that pedestrianisation would strengthen the community following the established model of the Fossgate festival,

which required removal of traffic for the day. She suggested that a previous consultation had indicated that raising the road surface level with the curb made journey through town more inclusive for visually impaired people. She also suggested that pedestrianisation would help the council to more easily meet Ultra Low Emission Zone targets.

Cllr Steward spoke on agenda item 6. He stated that the works to the bridge were diverting Bishopthorpe traffic through Copmanthorpe including Heavy Goods Vehicles. He hoped traffic would revert to Bishopthorpe Bridge on conclusion of the works, as he believed it was far safer for heavy vehicles to go through Bishopthorpe than smaller villages. Cllr Steward expressed a preference for option 5 on this item. He queried why officers were still “establishing ownership of the bridge” in the report and proposed use of vehicle activated sign, “Slow” road markings and to reopening of the bridge on a one-way basis.

44. Active Travel Programme - Badger Hill Scheme (10:27am)

The Head of Programmes and ITS summarised the aims of the plan confirming that 49% of respondents to consultation said that they believed they would personally benefit from the proposals. He advised that the plans had been fed back to Active Travel England who he believed broadly supported them in their current form. He confirmed that in LTN1/20 assessment, the plan scored higher than previous arrangement, with an overall pass. One critical fail was noted as part of this assessment regarding speeds on Field Lane, and the proposed solution to this would be to install a signalised crossing point as part of a future scheme. He noted that this could not be undertaken as part of this plan as the budget did not allow it.

Regarding the point raised in Public Participation regarding enforcement, he confirmed that this would be further explored by officers. In response to the point regarding the metrics by which the relative success of the scheme would be measured after implementation – he stated that officers would ask the same questions again and compare responses. Responding to the point raised about materials used for bollards – and the possibility of using planters in place of bollards, he stated that they could not yet commit but were still at the detailed design stage.

The Executive Member noted Mr D’Agorne’s comments, suggesting that while this was not the ideal scheme, it was something that could be delivered to the budget available and that Mr D’Agorne had in fact commissioned the plan himself under the previous executive.

He also noted the points raised by Mr Mortimer regarding measurement of responses and enforcement, confirming that enforcement would be further explored. He acknowledged that asking the same questions again would give a satisfactory comparison, and while a more scientific method of analysis would perhaps give more detail it would also potentially be cost prohibitive.

Resolved: That option 1 be approved, as presented in the report and visually represented in Annex A, and proceed to detailed design and construction.

Reason: This proposal achieves the scheme objectives, enhancing the local environment for pedestrian and cyclists and de-prioritising motor vehicle traffic and discouraging parent parking on verge areas during school drop-off and pick-up times. The scheme falls within the available budget.

45. Access Control Barrier Review (10:38am)

The Director of Environment, Transport and Planning introduced the report and the Transport Planner (Active Travel) presented it.

The Executive Member noted the need to balance easier access to all with the need to preserve barriers as a deterrent for antisocial behaviour (such as motorcyclists) and to retain livestock within areas such as Hob Moor.

He acknowledged the University of Westminster who have agreed to evaluate this scheme for first year for free as the council's budget will currently not extend to gathering data for this. He acknowledged that it was a very good suggestion to share learning arising from this with private landowners.

Resolved:

- i. That the policies recommended in the Access Control Barrier Review report (which forms Annex A of Agenda Item 5) be formally adopted and authority be delegated to the Director of Transport, Environment & Planning to carry out any activities needed to facilitate the adoption and to review the impact of implementation of the policies.
- ii. That a stakeholder advisory panel be established, comprising representatives of a wide range of potential users, to review the audit data and prioritise the list of non-compliant sites, monitor the

progress of barrier removal / alteration, discuss broader accessibility issues and ensure the policy is disseminated appropriately.

- iii. That authority be delegated to the Director of Transport, Environment & Planning to enact a programme of barrier removal or redesign in consultation with the stakeholder advisory panel.

Reasons : Once the policies are adopted the Council will then be able to roll out a planned, prioritised programme of works to address existing barriers (plus any additional ones which were missed in the initial audit). This will help the Council comply with its Public Sector Equality Duty under the Equality Act 2010. The policy will also ensure that all council departments follow the same criteria for introduction of access control measures and their subsequent design. The adopted policy should then be disseminated more widely to other agencies and developers to ensure that they also consider amendments to their own barriers and that no new non-compliant barriers are installed going forwards.

46. Bishopthorpe Bridge Options (10:45am)

The Director of Environment, Transport and Planning presented the report, and responded to questions (assisted on technical matters by the Highways Structure Manager).

Referring to Cllr Steward's point concerning "ownership of the bridge", he noted that Sustrans owned the bridge itself but the local authority were responsible for the highway passing over it. Consultation had been made involving both Bishopthorpe and Copmanthorpe councils, and he would be looking into options to progress the plan with haste following the Executive Member's Decision.

The Executive Member asked for further clarification on implications of this point of ownership to any potential delays to work commencing. The Director of Environment, Transport and Planning answered that under normal circumstances "bridge owner" would be responsible for repairing bridge but Sustrans were also financially struggling and the easiest position for them would be to simply impose a weight limit, which was not the ideal outcome for the authority. Without prejudicing legal discussions he wanted to work with Sustrans within a legal framework to find a mutual solution.

The Executive Member noted the suggestion of a one-way weight limit that had been raised that day, and it was conceded that this would be

discussed. Highways Structure Manager explained the extremely high cost of temporary traffic lights.

Resolved:

- i. That officers will continue to undertake work to establish the ownership of the bridge and responsibilities for any maintenance, improvements or strengthening works be noted.
- ii. That approval be given that officers develop a bridge strengthening scheme as per option 5 of the report.
- iii. That authority be delegated to the Director of Environment, Transport & Planning to undertake the procurement of a suitable contractor to carry out the bridge strengthening works in accordance with the Contract Procedure Rules.
- iv. That once ownership of the bridge has been ascertained as a Council responsibility, authority be delegated to the Director of Environment, Transport & Planning in consultation with Head of Procurement and Director of Governance to take all necessary steps to award and enter into the resulting contract.

Reason: The temporary weight restriction has caused traffic to displace to other routes and roads which if the bridge is not strengthened would require mitigation in terms of the additional traffic.

47. Response to the petition to "Pedestrianise Fossgate" (10:51am)

The Director of Environment, Transport and Planning introduced the report, acknowledging that this issue had also challenged previous administrations. He noted that Fossgate had been refurbished five years ago, and that officers viewed this issue within the Transport Strategy, and a “no” decision now would not necessarily mean “no” forever.

The Head of Highway Access and Development presented the report itself, stating that the 2022 survey suggested very low vehicle use, but not completely absent of vehicles. Pedestrian café licensing would not be possible currently due to access requirements, and government guidance currently disallows the dropping of curbs. Shared use of not only vehicles and pedestrians but also cyclists would have an impact on people with protected characteristics, and the air quality point was not addressed within the report because the low number of vehicles on Fossgate did not make it a significant measurable factor.

The Executive Member stressed that the decision being made today lay with him, and officers were not responsible for this other than in an advisory

capacity. He stated that there was a shared desire to extend shared foot streets to areas like Fossgate but the council would not progress with these ideals regardless of other factors. There were other views among residents and also technical issues of access. He stated that the street was simply not wide enough for permanent pavement café in terms of being able to allow access for emergency vehicles but temporary events such as the festival were possible with street marshals. He suggested traders could apply for full day closures for the year and plan around this for events.

He stated that levelling off the road was not possible at present due to government moratorium. He acknowledged Mr Brennan's point that he would love to see an inclusive, safe way of doing this but further work would be needed before this was possible.

Resolved:

- i. That the petition be acknowledged, noting its request for Fossgate to be pedestrianised, and its aim to provide *“enough room to accommodate pavement café licenses and the needs of our local disabled community”*;
- ii. That the significant amount of analysis and consultation previously undertaken on the issue be acknowledged, and the fact be noted that there is no consensus amongst users on the street, with some businesses and users supporting further traffic restrictions, and other residents and businesses opposing any further (permanent) restrictions;
- iii. That it be acknowledged that implementing further permanent access restrictions in the street would not enable licensing of more pavement cafes, as it would not be possible to place tables and chairs in the carriageway (due to the need for emergency vehicle access and some limited vehicular access during the day) and it would only be possible to place cafes on footways where a minimum 1.5m width remains available for footway users to get past;
- iv. That it be acknowledged that CYC cannot support the removal of kerb delineation between the footways and the carriageway as this would transform Fossgate into a level surface shared space and this type of design is currently under a national moratorium and is not supported by national design and accessibility guidance;
- v. That Option A and Option E (as outlined on pages 234 and 239 respectively of the report for Agenda Item 6) be approved. Closures are to be managed as events and organisers to ensure all required permissions are in place, including support of the Security Advisory Group, and they are able to meet the events' costs;

- vi. That further work be undertaken as part of the Local Transport Strategy and Local Transport Plan to Investigate options for vehicles to turn around near Franklin's Yard to enable further consideration of part pedestrianisation of the street in future. This work will also need to consider whether the street should enable two-way movement for cyclists.

Reasons: To support the needs of businesses and users who support the pedestrianisation of the street and want to see more café and event type use, whilst acknowledging the need to retain sufficient footway width and emergency access at all times, and the needs of other businesses, residents, and visitors to retain limited vehicular access to the street during the day.

Cllr Kilbane, Chair

[The meeting started at 10.00 am and finished at 11.03 am].