

**Notice of a public
Decision Session - Executive Member for Transport**

To: Councillor D'Agorne (Executive Member)
Date: Thursday, 25 July 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 29 July 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 23 July 2019**.

1. Declarations of Interest

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

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

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

2. Minutes

(Pages 1 - 6)

To approve and sign the minutes of the meeting held on Thursday 20 June 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 24 July 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 Officer for the meeting, on the details at the foot of the agenda.

Filming, Recording or Webcasting Meetings

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

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (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. Definitive Map Modification Order recording a public footpath in woodland adjacent to Windmill Lane, Heslington (Pages 7 - 26)

This report is seeking authorisation to confirm the Definitive Map Modification Order.

In view of previous representations by the Executive Member in relation to the above and his position therefore being predetermined, Cllr D'Agorne cannot participate in any decision making in relation to this item. In accordance with the Constitution the Executive Leader will instead attend for the purpose of determining this issue.

The Executive Member for Transport will determine:

**5. Definitive Map Modification Order Application (Pages 27 - 40)
to record a public footpath between Chantry Lane, Bishopthorpe and Acaster Malbis 3**

The Executive Member is asked to consider an application for a definitive map modification order (DMMO) seeking to record a public footpath that has been investigated between Chantry Lane, Bishopthorpe and Acaster Malbis 3.

**6. Directorate of Economy & Place Transport (Pages 41 - 58)
Capital Programme - 2019/20 Consolidated Report**

This report identifies the proposed changes to the 2019/20 Economy & Place Transport Capital Programme to take account of carryover funding and schemes from 2018/19, and new funding available for transport schemes. The report also provides details of the 2018/19 Economy & Place Transport Capital Programme outturn.

**7. Junction Alterations – Bishopthorpe Road / (Pages 59 - 82)
Scarcroft Road**

A decision is required to approve the proposed junction alterations.

8. Urgent Business

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

Democracy Officer:

Fiona Young

Contact details:

- Telephone – (01904) 552030
- Email: fiona.young@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer 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 (Polish)
własnym języku.

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 (01904) 551550

City of York Council

Committee Minutes

Meeting	Decision Session - Executive Member for Transport
Date	20 June 2019
Present	Councillor D'Agorne

85. 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.

Cllr D'Agorne declared a personal non-prejudicial interest in agenda item 4 (Consideration of Objections to advertised proposal to introduce a residents priority parking area on the Danesmead Close Estate). He advised that he lived just outside the area of the proposed residents' priority parking area and whilst he could be affected by any resulting displacement of parking caused if the scheme was taken forward, he was not affected by the proposal itself. He stated that the three registered speakers for this item were known to him in his capacity as Ward Councillor.

In relation to comments made by one of the speakers, he also confirmed that his daughter had previously attended the Steiner School but advised that this was some time ago as she was now in her mid twenties and he advised that he still had links with the school and attended events there.

86. Minutes

Resolved: That the minutes of the Decision Session of the Executive Member for Transport and Planning held on 14 March 2019 be noted and signed by the Executive Member for Transport as a correct record.

87. Public Participation

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

The first speaker, Sarah Costello, attended the meeting with Dringhouses and Woodthorpe Ward Councillor, Councillor Fenton, and another local resident to present a petition. This had been collected by the Revival Residents Association calling for a residents parking scheme to be implemented on the Revival Estate (off the Askham Bar Roundabout on the Former York College Site) and for the speed limit on the estate to be lowered from 30mph to 20 mph. She explained that the estate had seen an increase in traffic and parking by students attending the college. Damage to vehicles and reckless driving had been witnessed and residents had experienced problems accessing their properties and there was a concern regarding access for emergency vehicles. She advised that an estate parking group had been formed which had consulted ward councillors, York College and undertaken an opinion survey of residents. She handed over the results of this survey and suggested that, as the majority of problems were due to parking by students, the problem could be addressed by a scheme running weekdays 10am to 3pm during school term times only. The Executive Member advised that the petition would be added to waiting list and would be dealt with in line with the normal process for requests for ResPark schemes detailed at page 35 of the agenda and that the speed limit issue would be dealt with under a separate report.

The following three speakers all spoke in relation to the only agenda item – Consideration of Objections to an advertised proposal to introduce a Residents Priority Parking Area on the Danesmead Estate. The Executive Member clarified that the proposals being considered at this meeting were in relation to the Danemead Estate only and not Fulford Cross which would be moved forward once issues with education land had been resolved.

Mr Keir Brown, Community Relations Mandate Holder for the Steiner School addressed the Executive Member on behalf of the school. He advised that he was objecting on the grounds of the proposed 10 minute maximum waiting time for non-permit holders not being long enough for parents to be able to drop off and pick up children from the school. He explained that, as one

of the only Steiner schools in the north east of England, the school did not have a typical catchment and many families travelled by car from far afield. Furthermore, the school relied on help from volunteers and the attached business wing also attracted visitors. He welcomed the additional options included in the report acknowledging that, while 3 hours would be ideal, 30 minutes waiting time would be much better than the proposed 10 minutes waiting time.

Mr Ben Thorpe, a local resident, spoke in relation to the proposed residents parking scheme on Fulford Cross. He expressed concerns that the decision about Danesmead Estate was being made separately to that regarding Fulford Cross. He advised that residents of Fulford Cross resisted using their cars during the daytime for fear of losing their parking spaces and that the published information did not refer to the additional consultation and previous decisions made about Fulford Cross. He expressed the view that decisions on both Danesmead Estate and Fulford Cross should be made together.

Mr Jamie Wood, a local resident, spoke against the implications of option 1 being selected without further consultation. He expressed the opinion that Broadway West should have been included in all consultations conducted with Danesmead and Fulford Cross. He advised that approving a scheme on the Danesmead Estate could concentrate parking on Broadway West and expressed dismay that when consultation took place, it wasn't made clear that each street would be considered on an individual basis. He advised that he supported option 6, to defer the decision and undertake additional consultation with residents on options 3, 4 and 5.

88. Consideration of Objections to an Advertised Proposal to Introduce a Residents Priority Parking Area on the Danesmead Estate

The Executive Member considered a report which set out the representations received to the advertised proposal to introduce a Residents' Priority Parking Area on the Danesmead Close Estate in order to determine what action was appropriate from the five options detailed in the report.

The Executive Member acknowledged that increasing the waiting time for non-permit holders from 10 minutes to either 30 minutes or 3 hours would require authorisation being obtained

from the Department for Transport and this could delay implementation of the scheme for a further 8 weeks.

The Executive Member noted that the Executive were due to consider a report in August seeking agreement for a piece of land at Danesgate School, currently in education remit, to become adopted highway and, if this occurred, the proposed Fulford Cross residents parking scheme could progress to advertisement. Should the land remain in Education remit, officers would report back to the Executive Member at that time. Officers advised that the Executive Member could make a decision today on the Danesmead Estate scheme but ask that both Danesmead and Fulford Cross schemes be implemented together, although they advised that this could potentially delay implication of the Danesmead scheme.

In relation to concerns raised by the speaker in relation to displacement parking on Broadway West, the Executive Member acknowledged that normal procedure allowed neighbouring streets, within 18 months of implementation of a residents parking scheme in an adjoining street to petition the council for additional consultation. If this occurred the neighbouring street would bypass the waiting list and consultation for a scheme would take place as soon as resources allowed.

Having considered the five options presented in the report and taking into account the original request for a residents parking scheme, the consultation responses, the small number of representations received in objection to the proposal, the views presented by speakers including the impact on the Steiner School of the 10 minute waiting time, the Executive Member expressed his support for option 4. He felt that this would respond to residents' desire for a scheme but would address the school's request for a longer waiting time to drop offs while still being very similar to what residents had been consulted on.

Resolved: That Option 4 be approved: to implement an amendment to the Traffic Regulation Order to introduce a new residents priority parking area on the Danesmead estate to operate from Monday to Friday, 9am to 5pm (to be allocated the zone number R63), to be implemented with a lesser restriction than advertised to give 30 minute parking for non-permit holders. This is subject to obtaining

authorisation from the Department of Transport (DfT) for the required regulatory signage.

Reason: To progress the majority views of the residents consulted by removing long term non residential parking but still allowing parents/carers of York Steiner School the requested time limit for pick up and drop off and allow short term customer parking for the business outlets.

Cllr D'Agorne, Executive Member
[The meeting started at 4.00 pm and finished at 4.35 pm].

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Decision Session – Executive Member for Transport**25 July 2019**

Report of the Corporate Director of Economy and Place

Definitive Map Modification Order recording a public footpath in woodland adjacent to Windmill Lane, Heslington**Summary**

1. Following on from the Executive Member Decision Session held on the 7 February 2019, the above definitive map modification order (DMMO) has been made and publicised. No objections were received during the statutory notice period. This report is seeking authorisation from the Executive Member to confirm the order.

Recommendation

2. The Executive Member is asked to authorise the confirmation of the DMMO to record the route through Mill Plantation as a public footpath as shown on the map at annex 2.

Reason: No objections were received during the statutory notice period. Additional evidence of use detailed at the 7 February 2019 decision session means that the way is a public right of way in the balance of probabilities.

Background

3. The report presented to the Executive Member on 7 February 2019 is attached to this report as annex 3 and contains all the background information that lead to the making of the DMMO.
4. At that Decision Session information was also given by officers about the additional evidence supporting the existence of the public footpath that CYC had received. This is reproduced here:

“In total, 32 user evidence forms now support the application alleging use between 1947 and 2019; of the 32 forms, 23 fell within the relevant period of 1969 to 1989; of the 23 forms alleging use within the relevant period, eleven evidenced use for 20 or more years; the majority of users (27 out of 32) said they had used the path on foot on a daily or weekly basis; and two users also said they had used the path on a bicycle but only for a period of six years each which was not sufficient to bring a right of way on a bike into being.”

5. As no objections were made during the statutory notice period it is now open to CYC to confirm the unopposed DMMO and record the route on the definitive map and statement. Before confirming the DMMO, the Executive Member must be satisfied that the way is a public footpath on the balance of probabilities.

Consultation

6. The statutory consultation has been carried out with Heslington Parish Council, the affected land owners, user groups, and the relevant ward councillors. In addition, notices were erected at each end of the route and a copy of the notice was placed in the local newspaper.
7. No objections or representations were received during the notice period.

Options

8. Option A. The Executive Member authorises the confirmation of the DMMO recording the way as a public footpath.

Reason: This is the recommended option because no objections were received to the order as advertised and the additional supporting evidence received is sufficient to show that the public footpath exists on the balance of probabilities.

9. Option B. The Executive Member does not authorise the confirmation of the DMMO and the council issues a notice to all parties to that effect.

Reason: This is not recommended because the additional supporting evidence received is sufficient to show that the public footpath exists in the balance of probabilities.

Analysis

10. As noted at para. 4 above, 23 people have evidenced use of the route during the relevant period (1969 to 1989) and 11 have claim their use extended for 20 or more years.
11. A further 9 people adduced evidence showing use from 1989 to 2019 demonstrating continued use of the path being made by members of the public.
12. The nature of the path through Windmill Plantation is such that it likely to be used most heavily by people living in its immediate vicinity. This is borne out by the evidence produced. This shows that the way is being used by the public at large, rather than by a specific class of user.
13. As such, in the balance of probabilities, the requirements set out in section 31 of the Highways Act 1980 have been met and a public footpath has been brought into being through use.
14. The above coupled with the fact that no objections were received to the order means that CYC are able to confirm the DMMO and record the footpath on the definitive map and statement.

Council Plan

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

Implications

Financial

16. The confirmation of an unopposed DMMO requires that a statutory notice is placed in a local newspaper. This will cost in the region of £800.
17. 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)

18. There are no human resource implications

Equalities

19. There are no equalities implications

Legal

20. 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.
21. 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.
22. 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.
23. 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.
24. 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

25. There are no crime and disorder implications

Information Technology (IT)

26. There are no IT implications

Property

27. There are no property implications

Risk Management

28. 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

29. To be added as they are received.

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 15.07.19
Approved

Specialist Implications Officer(s)

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

Annexes

Annex 1: Location map

Annex 2: Route map

Annex 3: Previous report

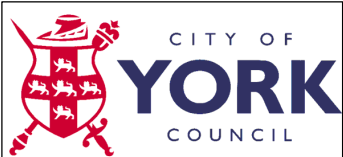
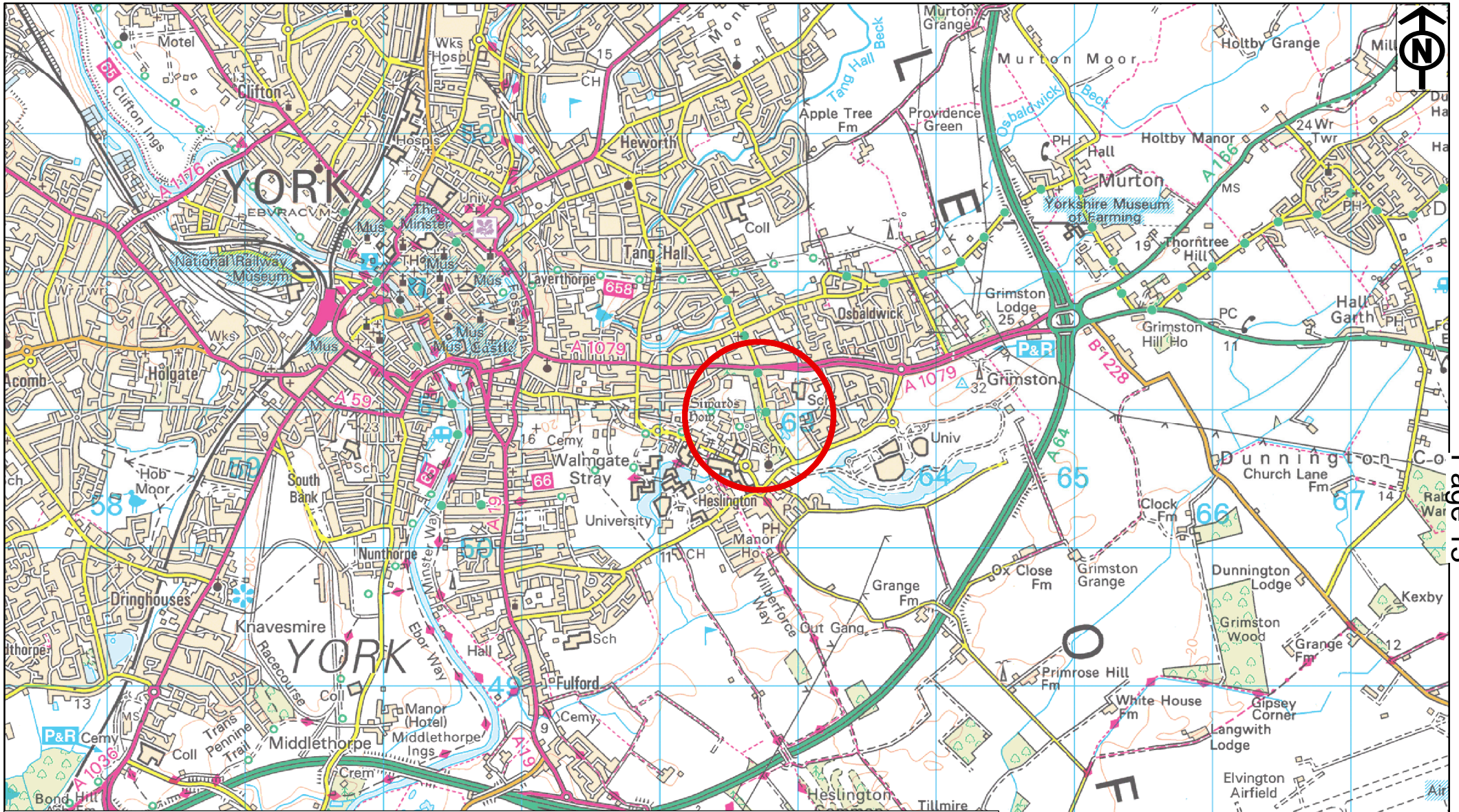
List of Abbreviations used in this Report

CYC – City of York Council

DMMO – Definitive map modification order

PRoW – Public right of way

WCA 1981 – Wildlife and Countryside Act 1981



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.

Contains Ordnance Survey data © Crown copyright and database right 2018

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462600

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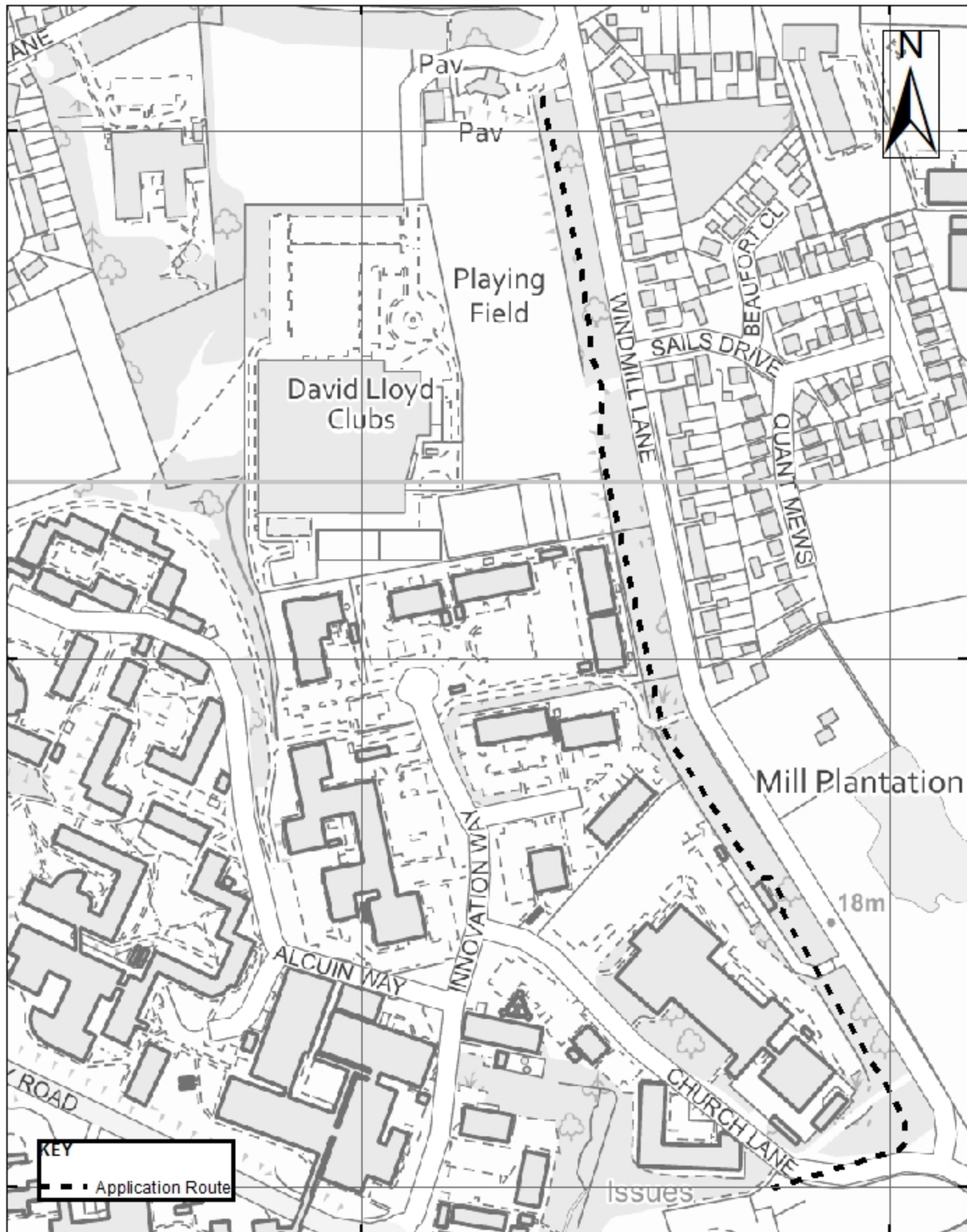
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462600

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.

Contains Ordnance Survey data © Crown copyright and database right 2018

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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.

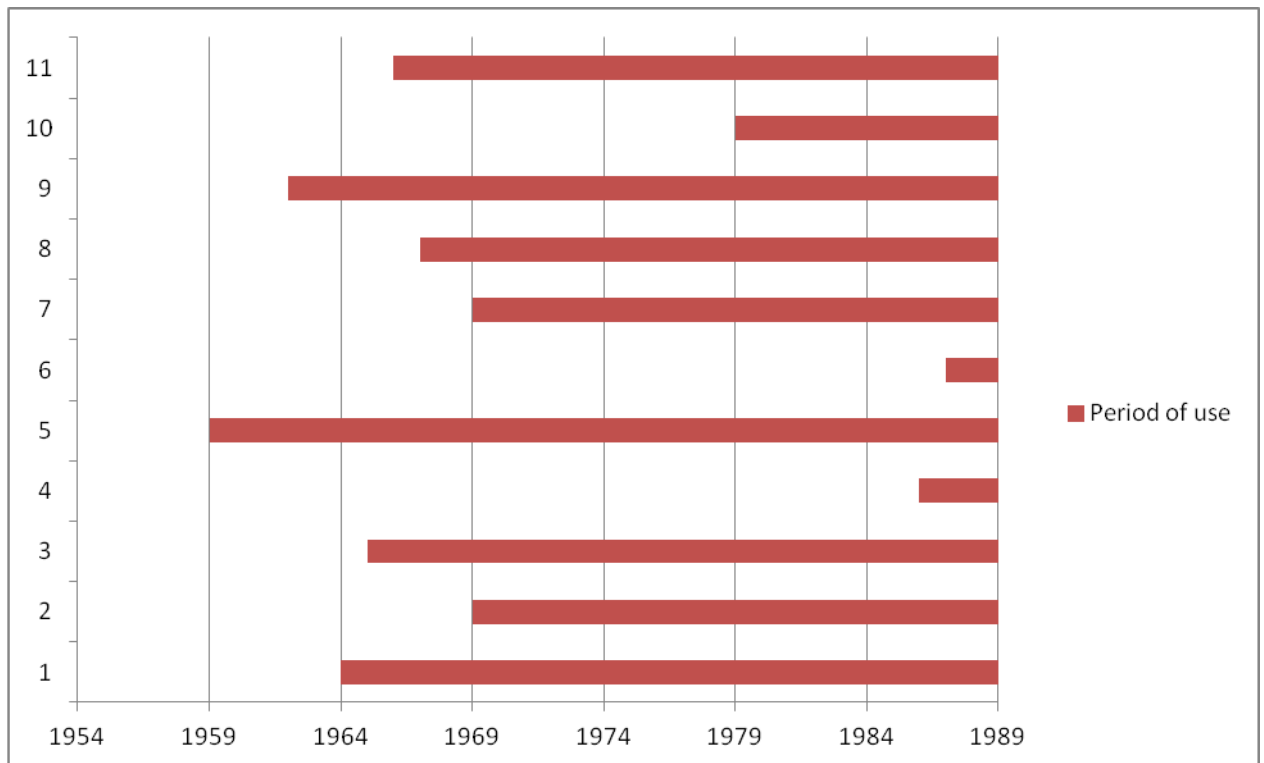
Reason: This is the recommend option because, although finely balanced, the evidence does reasonably allege the existence of a public footpath over the land.

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."

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Rights of Way
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Chief Officer Responsible for the report:

James Gilchrist
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Environment

Report **Date** 24.01.19
Approved

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Wards Affected: Rural West York.

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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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Decision Session – Executive Member for Transport**25 July 2019**

Report of the Corporate Director of Economy and Place

Definitive Map Modification Order Application to record a public footpath between Chantry Lane, Bishopthorpe and Acaster Malbis 3**Summary**

1. An application for a definitive map modification order (DMMO) seeking to record a public footpath between Chantry Lane, Bishopthorpe and Acaster Malbis 3 has been investigated. The result of this investigation is that the evidence available to the council is sufficient to allege that part of the way subsists as shown on the map at appendix 2.

Recommendation

2. The Executive Member is asked to:

Option A. Authorise the making of a DMMO to record the route from Ferry Lane to Acaster Malbis 3 (B to C to D as shown on the map at appendix 2) as a public footpath, reject the 2006 application because it was not duly made and only relates to the consecrated land, and inform the applicant of their right to appeal.

Reason: The available evidence meets the statutory test of reasonably alleging that a public right of way subsists over the land over the land affected by B to C to D.

Background

3. City of York Council (CYC) and North Yorkshire County Council before it have received a total of two duly made DMMO applications to record various parts of this route. The first was received in 1994 (“the 1994 application”) and the second application was submitted in 2004 (“the

2004 application”).CYC also received a third application in 2006 (“the 2006 application”) but it does not appear to have been supported by any evidence and therefore was not duly made. Consequently this application must fail and be rejected. This is because schedule 14(1)(a) of the Wildlife and Countryside Act 1981 requires that all applications must be accompanied by copies of the evidence on which they rely.

4. The 1994 application was for the route A to B to C on the map at appendix 2. The 2004 application was for the route A to B to C to D on the map at appendix 2.
5. As both duly made applications were submitted by Bishopthorpe Parish Council and encompass some, or all, of the same route, it is sensible to deal with them concurrently.
6. The two duly made applications (the 1994 and 2004 applications) are supported by 51 evidence forms that allege uninterrupted use between 1930 and 2001.
7. As a result of the length of the way, the land crossed by the application route is owned by a large number of land owners including the church and the parish council.
8. These applications have generated a large quantity of correspondence and attempts have been made to resolve them through creation agreements with the land owners. However, none of these have come to fruition.

Consultation

9. An initial consultation has been carried out with Bishopthorpe Parish Council, the affected land owners, user groups, and the relevant ward councillors.
10. One response supporting the application has been received from the Ramblers.
11. Replies from both the Byways and Bridleways Trust and the York RI Sailing Club have registered no objection to the proposal.
12. The Charity of Thomas Annotson replied to the consultation that they had no evidence that either supported or refuted the existence of public rights over the application route.

13. The St. Andrews Trust Bishopthorpe have submitted evidence for consideration by the Executive Member that relates to the section between A and B on the map at appendix 2. These detail the ownership of the land up to 1998 and the presence of signs on that section of the route.

Options

14. Option A. Authorise the making of a DMMO to record the route from Ferry Lane to Acaster Malbis 3 (B to C to D as shown on the map at appendix 2) as a public footpath, reject the 2006 application because it was not duly made and only relates to the consecrated land, and inform the applicant of their right to appeal.

Reason: This is the recommended option because the evidence does reasonably allege the existence of a public footpath over the land affected by B to C to D.

15. Option B. The Executive Member does not authorise the making of a DMMO and the applicant is informed that all their applications have been rejected.

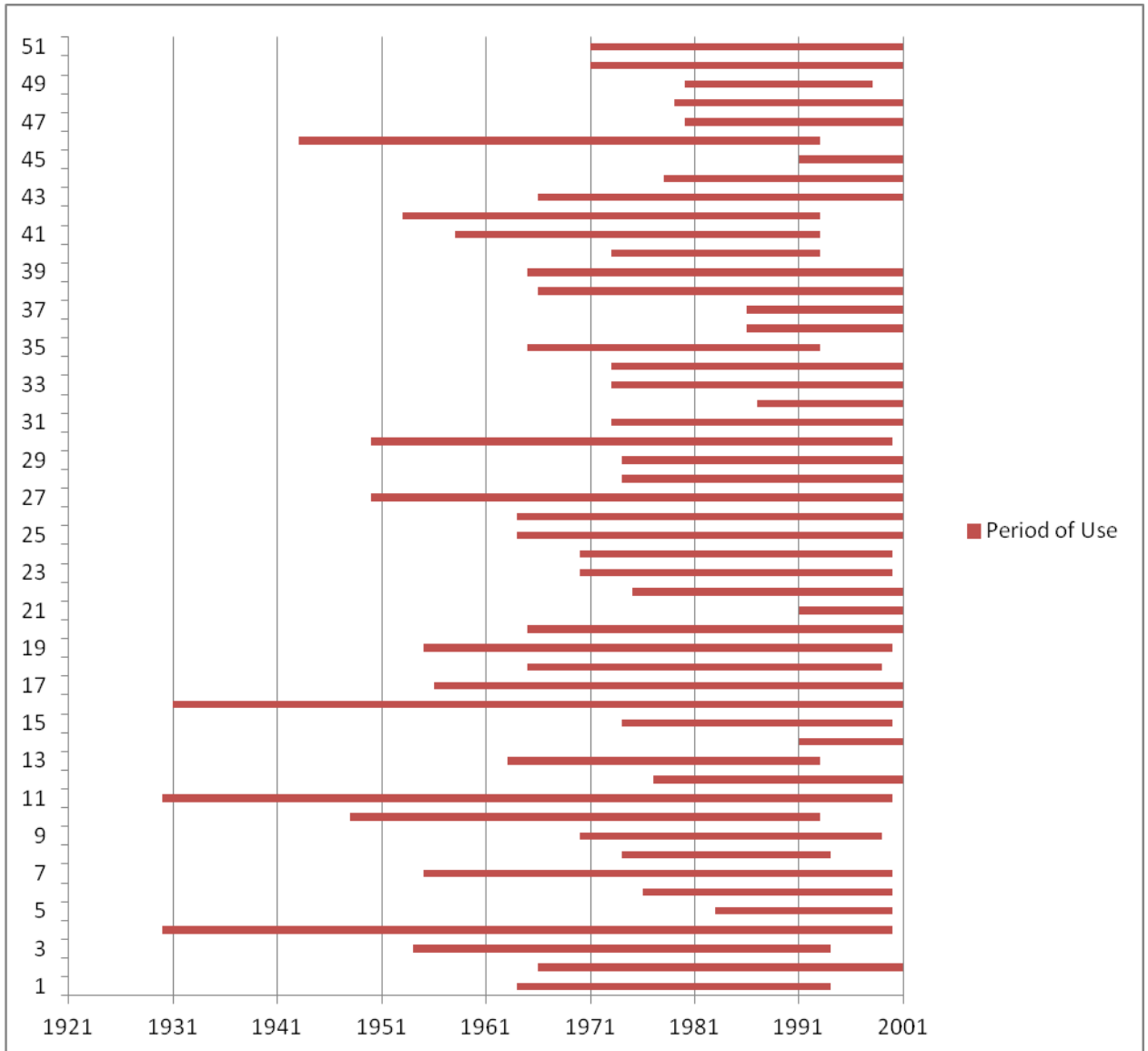
Reason: This is not recommended, because the evidence before the council does reasonably allege the existence of a public footpath from B to C to D on the map at appendix 2. In addition it gives the opportunity to the applicant to appeal this decision to the secretary of state. If CYC did reject this 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.

16. Option C. The Executive Member authorises the making of a DMMO over the whole route (from A to B to C to D on the map at appendix 2 in respect of the 1994 and 2004 applications).

Reason: This is not recommended because the evidence before the council shows that the land between A and B is consecrated and public rights of way cannot be established over consecrated ground. Therefore the requirements of section 31(1) of the Highways Act 1980 do not apply to the section of the application route between A and B on the map at appendix 2.

Analysis

17. The application is supported by 51 user evidence forms that allege continuous use from 1930 to 2001 as shown in the chart below and examined at para 20.



18. The applications have been considered under Section 31 of the Highways Act 1980. Section 31(1) which 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).

19. 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 first application. This means that the relevant period is 1974 to 1994.

20. Examination of the user forms highlights that not all the evidence adduced applies to the full application route (A to B to C to D). 38 of the forms only apply to the route through St Andrew's Church shown as A to B on the map at appendix 2. Eleven forms referred to walking the river side path and appear to indicate use of the full application route. It was not possible to determine which route was used by the remaining two people who completed user forms. Consequently it will be necessary to apply the legislation separately to the two routes being evidenced.
21. The information contained within both groups of user evidence indicates the route was used openly (without stealth). There is no suggestion that either group ever broke down fences to gain access (without force). Furthermore, there is no evidence that suggests either of the two groups of users giving evidence had ever, before 1994, 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.
22. 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.
23. 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 six people claim to have used the way daily and a further 24 allege use of the route at least once per week. A further eleven people indicate that they used the way on a monthly basis and the remaining ten people claim to have used the route annually. The use of the way was sufficiently high to make a well worn path over the land. Consequently, it seems unlikely that the land owners would have been unaware of the use.
24. Therefore the analysis of the evidence adduced to support the application and the representations made during the consultation appear to demonstrate that the whole application route (A to B to C to D) has been used as of right by the public at large to such a degree that any affected land owner would have been aware that a right was being asserted

against them. This seems to lead to the inevitable conclusion that a public right of way is reasonably alleged to subsist over the whole application route (A to B to C to D).

25. However, the above notwithstanding, section 53 of the Wildlife and Countryside Act 1981 requires the council to examine all the available evidence.
26. Examination of the old Ordnance Survey maps available to the council shows that a path from B to C to D has existed from 1851. On the earlier maps this was noted as being the Ouse towing path. Significantly the towing path did not continue past St Andrew's Church and the Archbishop's Palace. Those towing barges towards York were required to cross the river to the Fulford side using the Bishopthorpe Ferry.
27. The oldest evidence that a path existed running between A and B is a map from 1968 that shows a path beginning on Chantry Lane that passed to the north side of the old St. Andrew's Church and then continued south along the bank of the river to Ferry Lane where it joined the existing riverside path that dates back to at least 1851. The map available to the Council from 1958 does not show the path from Chantry Lane to Ferry Lane.
28. The relevant period for user evidence is 1974 to 1994. As the path was shown on a map from 1968 this provides confirmation that a physical feature existed on the ground that would have allowed the public to pass from Chantry Lane to Ferry Lane during the relevant period.
29. That notwithstanding, the St Andrew's Church land was owned by the Church of England until 1998 when it passed to the St. Andrew's Trust. Even though the ownership of the land has changed it remains consecrated ground and internments may still happen under certain circumstances.
30. St Andrew's Church was founded in the thirteenth century and has been closely associated with the Archbishop of York ever since. This means that the land affected by both applications (the route shown running between A and B) has been consecrated ground for approximately 800 years.
31. When land is consecrated it is set apart from "all that is common and profane" (profane in the sense of not sacred) and the land used as a burial ground forever. Once this happens, the legal character of the land

in question changes to one that cannot support a right of way arising at common law.

32. Section 31(1) of the Highways Act 1980 enshrines the principle that where a way is used for a period of twenty or more years without any steps being taken to prevent the public's use, the way becomes a public right of way. However the terms of section 31(1) contain an important caveat:

“Where a way over any land, other than a way of such character that use of it by the public could not give rise at common law to any presumption of dedication...”

33. As noted at paragraph 31 above, once land is consecrated it is set apart from ordinary (“profane”) land and as such cannot give rise to a public right of way at common law. This position has been considered by the courts on a few occasions, notably the Consistory Court heard the St. Martin Le Grand, York (1988) case (relating to a private easement) and the Court of Appeal heard *Oakley v Boston* (1976) (access over glebe land). In both cases the courts found that existence of a lost grant* made by the church could not be presumed.

**A lost grant is a presumed explicit dedication of a public right of way that was made at some point in the past but cannot now be found.*

34. Consequently, whilst a way physically existed and was used by the public from at least 1968, section 31(1) does not apply. This means that the public's use of A to B was not as of right. This is because the land was consecrated during all of the relevant period so it was of such character that it could not give rise to a public right of way at common law.
35. The remainder of the route (B to C to D) was not consecrated and section 31(1) does apply. The evidence available does reasonably allege that a public right of way subsists over this part of the application route.
36. 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.
37. Other than the information about the consecrated status of the land affected by the order route between A and B, the Council has received no evidence that any of the affected land owners took steps to prevent the public acquiring a right of way over the land.

38. 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 over the route B to C to D shown on the plan at appendix 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

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

Implications

Financial

40. 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.
41. 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.
42. 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)

43. There are no human resource implications

Equalities

44. There are no equalities implications

Legal

45. City of York Council is the Surveying Authority for the purposes of the Wildlife and Countryside Act 1981, and has a duty to ensure that the Definitive Map and Statement for its area are kept up to date.

46. 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.
47. 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 so as to allow the evidence to be properly tested through the statutory order process.
48. 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.
49. 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

50. There are no crime and disorder implications

Information Technology (IT)

51. There are no IT implications

Property

52. There are no property implications

Risk Management

53. 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 for route B to C to D in the event of an appeal.

Councillor Responses

54. Comment from Councillor Galvin (Bishopthorpe Ward), "as Ward member I support option A, route B-C-D. It would not be good to have a definitive footpath between A and B as it is consecrated ground."

Contact Details

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Chief Officer Responsible for the report:

James Gilchrist

Assistant Director Transport Highways and
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Report
Approved



Date 15.07.19

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Legal

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Wards Affected: Rural West York.

For further information please contact the author of the report

Background Papers:

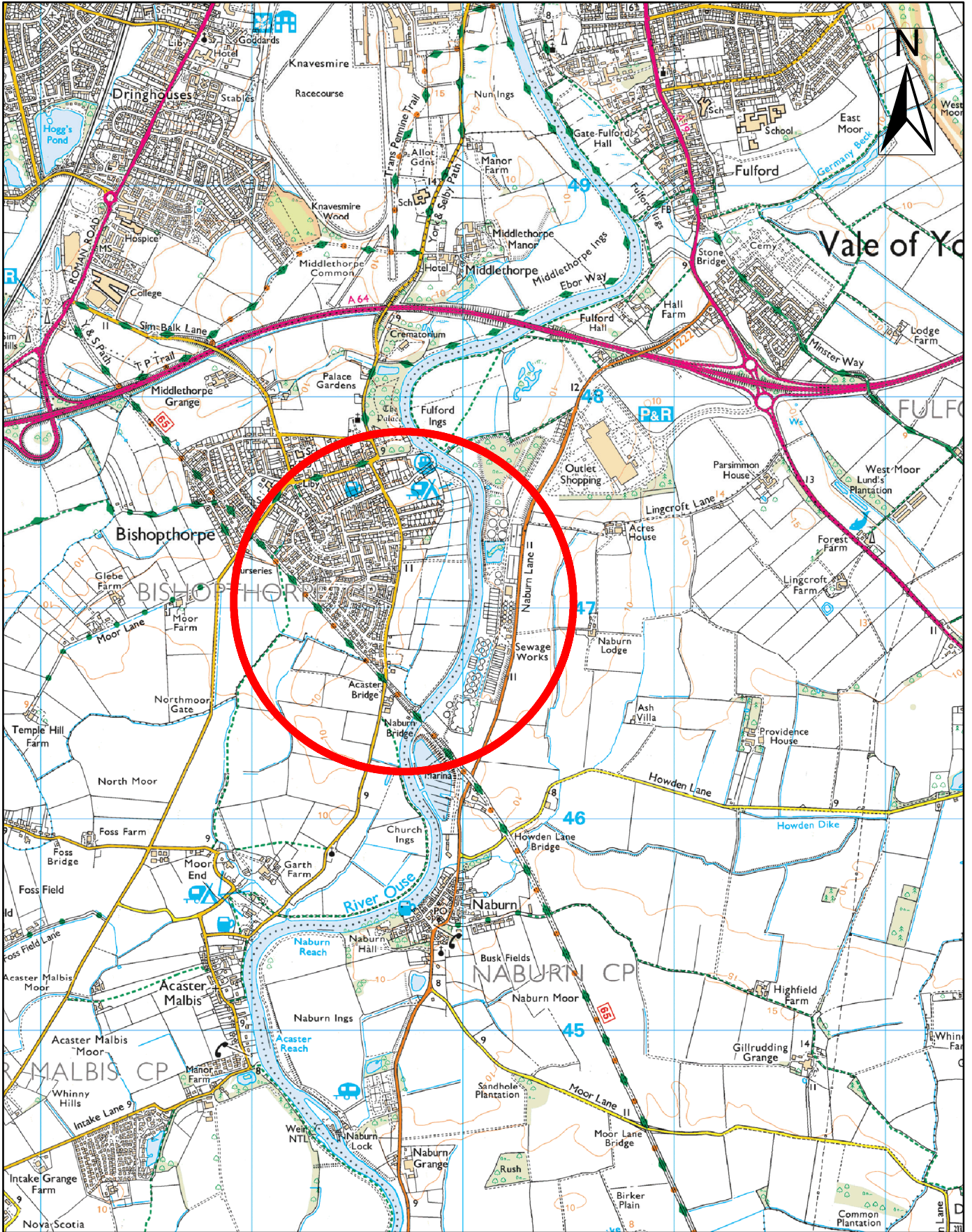
Highways Act 1980
Wildlife and Countryside Act 1981
Natural Environment and Rural Communities Act 2006
Grange Lane DMMO case file

Annexes

Appendix 1: Location map
Appendix 2: Route map

List of Abbreviations used in this Report

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



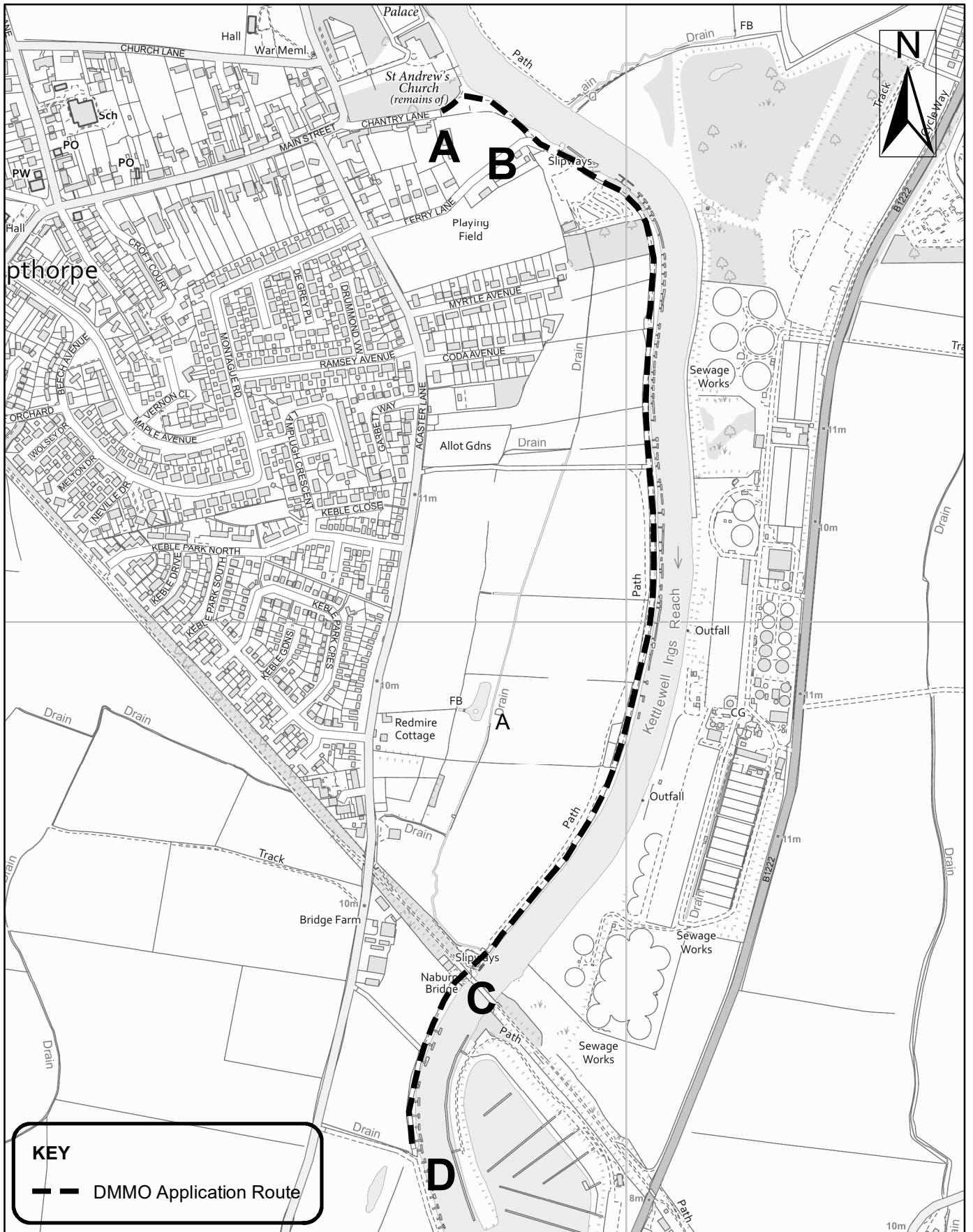
West Offices, Station Rise, York,
YO1 6GA
Telephone: 01904 551550

Location of DMMO application

Scale 1:25,000	Drawn By:RJV	Date:17/6/19
Public Rights of Way	Reference:	Drawing No.

Contains Ordnance Survey data © Crown copyright and database right 2019

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KEY
 - - - DMMO Application Route



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

DMMO Application river side path Bishopthorpe

Scale 1:7,500	Drawn By:RJV	Date:15/1/19
Public Rights of Way	Reference:	Drawing No.

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**Decision Session – Executive Member for
Transport****25 July 2019**

Report of the Corporate Director of Economy & Place

**Directorate of Economy & Place Transport Capital Programme –
2019/20 Consolidated Report****Summary**

1. This report identifies the proposed changes to the 2019/20 Economy & Place Transport Capital Programme to take account of carryover funding and schemes from 2018/19, and new funding available for transport schemes.
2. The report also provides details of the 2018/19 Economy & Place Transport Capital Programme outturn.

Recommendations

3. The Executive Member is asked to:
 - (i) Approve the carryover schemes and adjustments set out in the report and annexes.
 - (ii) Note the increase to the 2019/20 Economy & Place Transport Capital Programme, subject to approval by the Executive.

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.

Background

4. Following approval at Full Council on 28 February 2019, the Transport Capital Budget for 2019/20 was confirmed as £56,856k. The approved budget includes funding from the Local Transport Plan (LTP) grant, the Clean Bus Technology grant, the Better Bus Fund, grant funding from the government's Office of Low Emission

Vehicles (OLEV), and council resources including the Built Environment Fund

5. The budget also includes significant funding from various external sources following successful bids by the council, including Department for Transport, West Yorkshire City Connect Grant, the York & North Yorkshire Local Enterprise Partnership, the National Productivity Investment Fund, and the West Yorkshire Transport Fund.
6. A number of amendments need to be made to the 2019/20 capital programme in order to include carryover schemes and funding from 2018/19, and additional funding available in 2019/20.

2018/19 Transport Schemes

7. The 2018/19 Transport Capital Programme budget was £19,364k, and the total spend in 2018/19 was £13,057k. This included the progression of the following schemes:
 - Upgrade of the A1237/ Wetherby Road Roundabout to increase capacity at the junction, which included widening the roundabout approaches to three lanes at the entries to the roundabout and two lanes at the exits.
 - Replacement of the existing Scarborough Bridge footbridge including the construction of new access ramps, so the footbridge is now accessible for all users. A new link into York Station was also created as part of this scheme.
 - Installation of automated height barriers to improve security at Park & Ride sites.
 - Installation of a new bus shelter at Rougier Street, one of the main bus interchanges in the city centre.
 - Upgrade of traffic signals at 6 locations as part of the Traffic Signals Asset Renewal programme, which included improvements to footways and localised resurfacing where required.
 - Improvements to the layout and streetscape along Fossgate, following the changes to the traffic flow implemented in 2017/18, which included improvements at the junctions with Pavement and Merchantgate.
 - Completion of the improvements at the A19/ Crockey Hill junction, including resurfacing at the junction.

- The first phase of the programme of school bus exhaust refits, with conversion work carried out on six buses used for home to school transport to reduce polluting emissions.
8. Several smaller schemes to improve infrastructure at bus stops, improve facilities for pedestrians and cyclists, and measures to improve safety at various locations across York were also completed in 2018/19.
 9. However, due to delays in progressing some schemes, a number of amendments need to be made to the 2019/20 capital programme in order to include carryover schemes and funding from 2018/19, and additional funding available in 2019/20.

2019/20 Major Schemes

10. The council received £3.3m grant funding to provide 24 fully-electric buses for the Park & Ride service (and associated infrastructure improvements) in 2018/19, which is supported by match funding from the council's Local Transport Plan grant. Following discussions with First York throughout 2018/19, the grant funding for the new buses was carried forward to 2019/20 and has now been awarded to First York. The new buses are expected to be in use from autumn 2019.
11. Funding has been carried forward for the completion of the Scarborough Bridge Footbridge scheme in 2019/20, including completion works on the new bridge, and improvements to cycle routes on the approaches to the footbridge. This funding is from the West Yorkshire Combined Authority, the York, North Yorkshire, and East Riding Local Enterprise Partnership, and the council's capital resources.
12. Due to an underspend in 2018/19, funding from the National Productivity Investment Fund for the Smarter Travel Evolution Programme (STEP) has been carried forward to 2019/20, to continue the work to develop measures to implement real-time monitoring and associated infrastructure to allow York to prepare for future transport measures such as connected and autonomous vehicles.
13. Funding from the West Yorkshire Plus Transport Fund has also been carried forward from 2018/19 to continue the work on the

Station Frontage scheme, which aims to improve the highway network and public realm to the front of York Station. The planning application for the scheme was submitted in March 2019, and a decision on the proposed scheme is expected in November 2019.

14. During 2018/19, the council carried out initial feasibility and traffic modelling work to develop a strategic case for upgrading the A1237 Outer Ring Road to dual carriageway standard. The scope of this work was amended following the announcement of the potential availability of additional funding, subject to business case approval, from the government's Major Road Network fund for the proposed dualling of the section of the Outer Ring Road between the A19 to the Little Hopgrove roundabout. As a result, the feasibility work was not complete in 2018/19, the remaining grant funding will be carried forward to 2019/20 to complete the work.

2019/20 Transport Schemes

15. The allocation for Park & Ride Site Upgrades has been increased to include developer funding for the proposed new token barriers at Monks Cross Park & Ride, which was not progressed in 2018/19 due to delays during the procurement process. A supplier has now been appointed, and the new barriers at Monks Cross and Askham Bar Park & Ride sites will be installed in August 2019.
16. The scope of the Rapid Charger Hubs scheme was revised during 2018/19 following the council's successful bid for ERDF funding for the creation of Hyper Hubs in York. As a result, the grant funding from the government's Office of Low Emission Vehicles (OLEV) was not required in 2018/19, and has been carried forward to 2019/20 to implement the Hyper Hubs project as set out in the report to 18 March 2019 Executive.
17. Grant funding from the Clean Bus Technology fund has been carried forward from 2018/19 for conversion of the remaining two City Sightseeing buses to electric drive in 2019/20, following the conversion of three buses in previous years.
18. Developer funding has also been carried forward for the design and implementation of improvements to the bus stop on Peasholme Green, following feasibility work in 2018/19, and for minor completion work on several bus stop improvement schemes across the city.

19. An allocation of £1.5m council resources has been added to the capital programme to fund the Traffic Signals Asset Renewal programme, which aims to upgrade traffic signals at nine locations across York in 2019/20.
20. Funding from council resources has been carried forward to 2019/20 for the completion of the CCTV Upgrade scheme, following work to develop the scheme and appoint a supplier in 2018/19. The upgrades to CCTV at the Hungate development will be carried out as part of this scheme, and developer funding has been carried forward to 2019/20 to fund this improvement work.
21. The majority of the work on the Fossgate Public Realm scheme was completed in 2018/19, but the resurfacing work continued into April 2019, followed by some minor completion works. This scheme was funded through the Built Environment Fund, and the underspend from 2018/19 has been carried forward to 2019/20 for the completion costs of the scheme.
22. A new allocation for feasibility and design work on the proposed improvements to the Hopgrove Lane South/ Malton Road junction has been added to the programme, following a petition from local residents reported to the February 2018 Decision Session, and initial feasibility work carried out in 2018/19.
23. Following the completion of the Wetherby Road roundabout upgrades in February 2019, work on the new section of off-road cycle route between Rufforth and Knapton started on site in March. The council was successful in its bid to the York and North Yorkshire Local Enterprise Partnership (LEP) for funding for this scheme, and it is proposed to carry forward the LEP funding to 2019/20 to fund the construction of the new bridleway between Knapton and North Moor Lane.
24. Work was carried out in 2018/19 on the feasibility and design of a new uncontrolled pedestrian crossing on New Lane, Huntington, and it is proposed to carry forward developer funding to fund the construction of the scheme in 2019/20.
25. The proposed improvements to the public realm in the Stonebow/ Peasholme Green area were not progressed in 2018/19 due to

ongoing developments in the area. This funding has been carried forward to allow the scheme to be progressed in 2019/20.

26. Funding was allocated in the 2019/20 Budget Report for the School Safety Scheme programme, the Local Safety Schemes and Danger Reduction programme, and the Speed Management programme. Details of the proposed schemes have now been confirmed, and the overall Safety Schemes allocation has been increased to allow schemes where feasibility and design work was carried out in 2018/19 to be implemented in 2019/20.
27. Funding has also been carried forward for the Special Bridge Maintenance programme, due to the lower spend on this programme in 2018/19. Details of the schemes to be progressed in 2019/20 will be confirmed later in the year following the completion of the Principal Inspections programme.
28. Funding has also been carried forward for additional improvements to footpaths to be progressed as part of the CityFibre utility works across the city, and funding to continue the review of issues regarding maintenance of private streets in York.
29. Annexes 1 and 2 to this report show the revised 2019/20 transport capital programme following the addition of carryover funding from 2018/19, and Annex 3 shows the budgets and outturn for the 2018/19 Transport Capital Programme.

Consultation

30. The capital programme is decided through a formal process using a Capital Resources Allocation Model (CRAM). CRAM is a tool used for allocating the council's capital resources to schemes that meet corporate priorities.
31. Funding for the capital programme was agreed by the council on 28 February 2019. While consultation is not undertaken on the capital programme as a whole, individual scheme proposals do follow a consultation process with local councillors and residents.

Options

32. The Executive Member has been presented with a proposed programme of schemes, which have been developed to implement

the priorities of the Local Transport Plan (LTP3) and the Council Plan.

Analysis

33. The programme has been prepared to meet the objectives of LTP3 and the Council Plan as set out below; implement the City Centre Access & Safety scheme; implement the Low Emission Bus Strategy and Clean Air Zone schemes; progress the Smarter Travel Evolution Programme; and progress the Outer Ring Road upgrades and the Station Frontage major schemes.

Council Plan

34. The Council Plan has three key priorities:

- A Prosperous City For All.
- A Focus On Frontline Services.
- A Council That Listens To Residents

35. The Transport Capital Programme supports the prosperity of the city by improving the effectiveness, safety and reliability of the transport network, which helps economic growth and the attractiveness for visitors and residents. The programme aims to reduce traffic congestion through a variety of measures to improve traffic flow, improve public transport, provide better facilities for walking and cycling, and address road safety issues.

36. Enhancements to the efficiency and safety of the transport network will directly benefit all road users by improving reliability and accessibility to other council services across the city.

37. The capital programme also addresses improvements to the transport network raised by residents such as requests for improved cycle routes, measures to address safety issues and speeding traffic, and improvements at bus stops such as real-time information display screens and new bus shelters.

Implications

38. The following implications have been considered.

- **Financial:** See below.

- **Human Resources (HR):** In light of the financial reductions in recent years, the Executive Member's attention is drawn to the fact that the majority of Highways and Transport staff are now funded either through the capital programme or external funding. This core of staff are also supplemented by external resources commissioned by the council to deliver capital projects, which provides flexible additional capacity and reflects the one-off nature of capital projects.
- **Equalities:** There are no Equalities implications.
- **Legal:** There are no Legal implications.
- **Crime and Disorder:** There are no Crime & Disorder implications.
- **Information Technology (IT):** There are no IT implications.
- **Property:** There are no Property implications.
- **Other:** There are no other implications.

Financial Implications

39. Due to the delays on a number of schemes in the 2018/19 capital programme, there is £6,374k funding to be carried forward to 2019/20. The majority of this funding is made up of the Low Emission Bus Strategy grant, funding for the Scarborough Bridge Footbridge scheme, and funding for the Station Frontage scheme. Other funding to be carried forward to 2019/20 includes government grants, the Clean Bus Technology fund, developer funding, council resources, and funding from the York and North Yorkshire LEP.
40. Additional funding from council resources has been added to the transport capital programme for the Traffic Signal Asset Renewal programme, and Section 106 funding has been added for the New Lane pedestrian crossing scheme. Some amendments to Local Transport Plan budgets have been made to allow the implementation of schemes carried over from 2018/19.
41. If the proposals in this report are accepted, the Economy & Place Transport Capital budget in 2019/20 would increase by £7,884k to **£64,740k**, as shown in Annex 1. However it should be noted that

the budget includes an allocation of £28,000k for the A1237 Dualling phase 1 scheme which is subject to a decision by the Secretary of State for Transport. The allocation would also need to be adjusted to match the delivery programme and confirmation of how the scheme will be integrated into the current WYTF+ roundabout upgrade scheme.

Risk Management

42. For larger schemes in the programme, separate risk registers will be prepared and measures taken to reduce and manage risks as the schemes are progressed throughout 2019/20.

Contact Details

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Corporate Director – Economy & Place

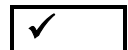
**Report
Approved**



Date 15.07.19

Wards Affected:

All



For further information please contact the author of the report

Background Papers:

E&P 2018/19 Capital Programme Monitor 2 Report – 20 December 2018

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=738&MId=10862>

E&P 2019/20 Capital Programme Budget Report – 14 March 2019

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=738&MId=10865>

Annexes

Annex 1: 2019/20 Transport Capital Programme Budgets

Annex 2: 2019/20 Transport Capital Programme Schemes

Annex 3: 2018/19 Transport Capital Programme Outturn

Abbreviations

LTP - Local Transport Plan

OLEV - Office of Low Emission Vehicles

STEP - Smarter Travel Evolution Programme

ERDF - European Regional Development Fund

CRAM- Capital Resources Allocation Model

York and North Yorkshire LEP - York and North Yorkshire Local Enterprise Partnership

Annex 1 - 2019/20 Transport Capital Budget

Funding Source	2019/20 Budget £1,000s	Carry over Funding	Revised Budget
Local Transport Plan	2,170	136	2,306
Developer Funding	34	218	252
Clean Bus Technology Grant	217	95	312
Better Bus Area	200	1	201
Wayfinding (CYC Resources/ York BID)	700		700
Council Resources	1,155	2,191	3,346
DfT Grant (Pergamentum)	-	46	46
York & North Yorkshire LEP	-	220	220
Built Environment Fund (City Centre Access; Fossgate Public Realm)	1,062	38	1,100
Clean Air Zone	1,640		1,640
Scarborough Bridge	555	867	1,422
Smarter Travel Evolution Programme	2,375	161	2,536
WYTF - York Outer Ring Road	15,748		15,748
WYTF - Station Frontage	3,000	587	3,587
WYTF - Outer Ring Road Dualling	28,000	24	28,024
Low Emission Bus Strategy Grant	-	3,300	3,300
Total	56,856	7,884	64,740

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Scheme Ref	2019/20 Transport Capital Programme	Total 19/20 Budget	Draft 19/20 Consol. Budget	Funding Source
		£1,000s	£1,000s	

Public Transport				
PR01/19	P&R Site Upgrades	200	270	Local Transport Plan/ Section 106
PT01/17	P&R Advance Signage	80	80	Local Transport Plan
PT01/19	Bus Shelter Improvements	50	50	
PT02/19	Bus Stop Access Improvements	20	20	
PT0319	Bus Stop Resurfacing	30	30	
Public Transport - Carryover Schemes				
PT03/16	North York Bus Priorities (Haxby Road/ Wigginton Road Jct)	200	201	Better Bus Funding
PT03/18	Peasholme Green Bus Stop Improvements	34	39	Section 106
TM07/16	Rapid Charger Hubs / Hyper Hubs	600	736	Government Grant
TM08/15	School Bus Exhaust Refits	217	217	
PT02/14	Tour Bus Conversions		95	
Var.	S106 Bus Stop Improvements		33	Section 106

Total Public Transport Schemes	1,431	1,771
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Traffic Management				
TM01/19	Fossgate Pedestrianisation	20	20	Local Transport Plan
TM02/19	Car Park Electric Vehicle Charging Points	25	25	
TM03/19	Signing & Lining	50	50	
TM04/19	AQ Monitoring	20	20	
TM05/19	Victoria Bar Access Control	20	20	
TM06/19	City Centre Footstreets VMS	10	10	
TM07/19	Wigginton Road Multi-Modal Study	50	50	
TM08/19	Fulford Road Corridor Improvements	45	45	
TM09/19	Car Park Improvements	180	180	
New	Hopgrove Lane South Review		5	
TSAR	TSAR Schemes		1,510	Council Resources/ Section 106
New	Pergamentum		46	Government Grant
Traffic Management - Carryover Schemes				
TM06/18	CCTV Upgrades	110	176	Council Resources
TM06/15	VMS Upgrade: Car Park Occupancy Systems	70	70	Local Transport Plan
TM10/17	Improved City Centre Signage (Wayfinding)	700	700	Council Resources
TM07/18	Hungate CCTV		90	Section 106
TM09/17	Fossgate Public Realm Improvements		38	Council Resources

Total Traffic Management Schemes	1,300	3,055
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Pedestrian & Cycle Schemes				
CY01/19	Rufforth-Knapton Cycle Route	200	270	York & North Yorkshire LEP
CY01/19	Bishopthorpe Road Cycle Route		145	Local Transport Plan
CY01/16a	Acomb Road Cycle Route		5	Local Transport Plan
CY02/19	Navigation Road Cycle Improvements	10	10	Local Transport Plan
CY03/19	Advanced Stop Line (ASL) Visibility	10	10	
CY04/19	Cycle Minor Schemes	25	25	
PE01/19	Pedestrian Schemes	50	50	
PE02/19	University Road Footway	25	25	
PE03/19	Haxby Road Pedestrian Crossings (Clarence Gardens)	20	20	
PE04/19	Pedestrian Crossing Review	50	60	Local Transport Plan/ Section 106
PE05/19	Pedestrian Minor Schemes	50	50	Local Transport Plan
Carryover Schemes				
PE03/16	Stonebow/ Peasholme Green Public Realm		175	Council Resources

Total Pedestrian & Cycle Schemes	440	845
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Scheme Ref	2019/20 Transport Capital Programme	Total 19/20 Budget	Draft 19/20 Consol. Budget	Funding Source
		£1,000s	£1,000s	

Safety Schemes

Scheme Ref	2019/20 Transport Capital Programme	Total 19/20 Budget	Draft 19/20 Consol. Budget	Funding Source
		£1,000s	£1,000s	

Var	School Safety Schemes			Local Transport Plan
SR02/18	Carr Infants School	55	40	
SR03/18	St Paul's Primary School			
SR06/18	St Barnabas Primary School			
SR01/19	Clifton Green Primary School			
SR02/19	2020/21 Safe Routes to School Programme Development		5	
SR08/18	Fulford School Access		10	
SR07/18	Lord Deramore's Primary School	30	50	

Safety & Danger Reduction Schemes

LS01/19	Local Safety Schemes	40	22	Local Transport Plan
	2020/21 LSS Programme Development			
	Hull Road/ Melrosegate LSS			
	Tower Street/ Skeldergate Bridge LSS			
	Foss Islands/ Navigation Road LSS			
	Fawcett Street/ Paragon Street LSS			
	A1237/ A59 Roundabout LSS			
	Hull Road/ Field Lane Roundabout LSS			
	Minor Local Safety Schemes			
LS03/18	Lindsey Avenue LSS			
LS05/18	York Road/ Eastfield Avenue, Haxby		8	
LS02/19	A1237/ A19 Roundabout LSS	10	10	Local Transport Plan
LS04/17	Hull Road/ Owston Avenue LSS	20	20	
DR01/19	Danger Reduction	30		
	Reactive Danger Reduction		5	
	2020/21 Programme Development		5	
	Holtby Danger Reduction		TBC	
DR01/18	Foxwood Lane Zebra Crossing		5	
DR01/17	Haxby to Strensall - Cross Moor Lane & Haxby Moor Road		3	
	Strensall Road Speed Limit		2	
	Haxby Road Speed Cushions		15	

Speed Management Schemes

SM01/19	Speed Mgt Scheme Development for 2020/21	5	10	Local Transport Plan
SM04/17	Hempland Avenue Speed Management	20	20	
SM04/18	Review of Experimental TROs (Various Locations)	15	10	
SM01/18	Alness Drive Speed Management	10	10	
SM02/15k	Green Lane Rawcliffe Speed Management	25	25	
SM01/16h	Stockton Lane, Stockton-on-the-Forest Speed Mgt		10	
SM02/19	Vehicle Activated Signs (VAS) Upgrade	10	20	

Total Safety Schemes	270	315
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Scheme Development

Var	Future Years Scheme Development	50	50	Local Transport Plan
Var	Previous Years Costs	50	50	
-	Staff Overheads	200	200	

Total Scheme Development	300	300
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Total Integrated Transport Programme	3,741	6,286
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Maintenance Schemes

Scheme Ref	2019/20 Transport Capital Programme	Total 19/20 Budget	Draft 19/20 Consol. Budget	Funding Source
		£1,000s	£1,000s	

Maintenance Schemes				
	Special Bridge Maintenance	765	930	Council Resources
	City Fibre Network	100	260	
TM11/17	Maintenance of Private Streets		125	

Total Maintenance Schemes	865	1,315
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Major Schemes				
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Major Schemes				
TM07/18	Transport Access & Security Measures	1,062	1,062	Council Resources
PR01/18	Low Emission Bus Strategy	200	3,500	Government Grant
CZ01/19	Clean Air Zone Measures	1,640	1,640	Council Resources
CY04/15	Scarborough Bridge Footbridge & Route Improvements	555	1,422	West Yorkshire Transport Fund; York & North Yorkshire LEP; Council Resources
STEP	Smarter Travel Evolution Programme	2,375	2,536	Government Grant
OR01/17	Outer Ring Road Upgrades	15,748	15,748	Government Grant
	1. Wetherby Road Roundabout			
	2. Monks Cross			
	3. Great North Way			
	4. Haxby Road			
	5. Strensall Road			
	6. Clifton Moor			
7. Wigginton Road				
YC01/17	Station Frontage	3,000	3,587	Government Grant
OR02/17	Outer Ring Road Dualling	28,000	28,024	Government Grant; Council Resources

Total Major Schemes	52,580	57,519
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Total Transport Capital Programme	57,186	65,120
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Overprogramming	330	380
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Total Transport Capital Budget	56,856	64,740
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Annex 3 - 2018/19 Transport Capital Programme Outturn

Funding	2018/19 Budget	2018/19 Outturn	Variance
	£1,000s	£1,000s	£1,000s
Special Bridge Maintenance (Structural Maintenance)	203	38	-165
Built Environment Fund (Transport)	671	633	-38
Better Bus Area	29	28	-1
Local Transport Plan	1,709	1,573	-136
Developer Funding	312	74	-238
Clean Bus Technology Grant	183	88	-95
National Productivity Investment Grant	132	132	0
Council Resources	574	274	-300
Scarborough Bridge	3,600	2,733	-867
WYTF - YORR	5,100	4,991	-109
WYTF - York Central Access	2,169	1,582	-587
WYTF - Dualling Study	285	261	-24
CCTV Asset Renewal	180	114	-66
Smarter Travel Evolution Programme	475	314	-161
Electric Bus Scheme (Park & Ride Low Emission Bus Strategy)	3,300	0	-3,300
York & North Yorkshire LEP Funding	220	0	-220
Additional Funding (added at year-end)	222	222	
Total	19,364	13,057	-6,308

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Decision Session - Executive Member for Transport**25 July 2019**

Report of the Corporate Director of Economy and Place

Junction Alterations – Bishopthorpe Road / Scarcroft Road**Summary**

1. The traffic signalling equipment at this junction is life expired and has become difficult and costly to maintain, it needs to be replaced.
2. The TSAR (Traffic Signal Asset Renewal) programme is the means by which life expired traffic signal assets across the city are refurbished.
3. Although the programme is primarily about asset renewal, there is scope to take advantage of 'easy wins' whilst refurbishing the equipment. To that end, junction alterations have been proposed that offer an improvement.
4. A decision is required to approve the proposed junction alterations.

Recommendations

5. The Executive Member is asked to approve Option 3.

Reasons: This option achieves the core aim of replacing the life-expired traffic signal asset such that it can continue be operated and repaired economically.

This option also includes the introduction of an additional pedestrian crossing which provides further benefits for users. This addition is generally supported by the consultees and local user groups.

Background

6. A report was brought to the Executive Member for Transport and Planning on 12 November 2015 to seek approval to undertake the 5-year

‘TSAR’ (Traffic Signal Asset Renewal) programme.

7. This programme entails a replacement of life expired traffic signal assets around York. The focus is on replacing equipment that is liable to imminent failure, rather than seeking to improve congestion or achieve a similar transport improvement goal. However, where ‘easy wins’ can be achieved at the same time as replacing obsolete equipment, these will be taken advantage of.
8. To date, 20 sets of signals have been refurbished and a further 10 are programmed in for the 19/20 financial year.

Consultation

9. Although the purpose of the project is simply to replace life-expired equipment, which would require no consultation, a much wider consultation has been carried out to address the input and involvement from the Bishopthorpe Road Traders Association and other groups.
10. A summary of the consultation feedback can be found in Annex A.
11. Local Ward Councillors were consulted again following recent local elections.
12. The most favoured option was Option 3.

Options

13. The following options are available:
14. Option 1 – Approve the proposed junction layout shown in drawing Annex B
15. Option 2 – Approve the proposed junction layout shown in drawing Annex C
16. Option 3 – Approve the proposed junction layout shown in drawing Annex D
17. Option 4 – Do not approve any of the presented options

Analysis

Option 1

Description of changes

18. A full replacement of all traffic signalling technology, including signal heads, poles, cabling, cabinets, detectors, communications and ducting.
19. The removal of the left turn lane on the southern arm of Bishopthorpe Road, to be replaced with a widened footpath and introduction of a short length of cycle lane and ASL.

Reasoning

20. Option 1 involves the fewest changes from the existing layout and is the cheapest option to construct. The estimated cost of this option is £90,000.
21. Replacement of the traffic signal technology is the fundamental purpose of this project, as per Section 2.
22. All presented options include the removal of the left turn lane on the southern arm of Bishopthorpe Road, to be replaced with a widened footpath and short length of cycle lane and ASL.
23. This is one of the 'easy wins' that the design team have identified due to the fact that the capacity of the junction can remain unaffected by the removal of this lane.

Impact on vehicular traffic

24. This option has a negligible impact upon the capacity of the junction and the journey times of vehicles travelling through it.
25. The introduction of a short length of cycle lane and an ASL is a minor improvement for cyclists.

Impact on pedestrians

26. The widening of the footpath is a minor improvement for pedestrians.

Safety Considerations

27. The new traffic signalling technology that will be introduced will improve pedestrian safety.
28. An independent Safety Assessment has been carried out on the preliminary design attached. It highlighted some minor points that will be adequately resolved during the detailed design stage.
29. A further Road Safety Audit will be carried out after detailed design and before construction. This is the means by which the design safety will be controlled.

Option 2

Description of changes

30. A full replacement of all traffic signalling technology, including signal heads, poles, cabling, cabinets, detectors, communications and ducting.
31. The removal of the left turn lane on the southern arm of Bishopthorpe Road, to be replaced with a widened footpath and introduction of a short length of cycle lane and ASL.
32. The removal of the left turn lane, and associated left turn filter arrow, on the Scarcroft Road approach, to be replaced by a widened footpath and a short length of cycle lane.
33. The removal of the existing traffic island on Bishopthorpe Road.
34. The remarking of the 2 lane approach on the northern arm of Bishopthorpe Road, including moving the existing cycle lane from the centre of the 2 lanes to adjacent to the footpath.
35. Changing of the junction staging, replacing the existing fully signal controlled right turn with an indicative arrow. This would allow vehicles to turn right within gaps, or during the arrow stage, from Bishopthorpe Road to Scarcroft Road.

Reasoning

36. Option 2 is the second most costly option and the estimated cost is £120,500.
37. Replacement of the traffic signal technology is the fundamental purpose of this project, as per Section 2
38. All presented options include the removal of the left turn lane on the southern arm of Bishopthorpe Road, to be replaced with a widened footpath and short length of cycle lane and ASL.
39. This is one of the 'easy wins' that the design team have identified due to the fact that the capacity of the junction can remain unaffected by the removal of this lane.
40. Removing the left turn lane, and left turn filter arrow, on Scarcroft Road allows the footpath to be widened and for the introduction of a short length of cycle lane. It also allows the junction staging to be changed, such that traffic approaching from Scarcroft Road can be better managed along the parade of shops.
41. Removing the traffic island and remarking the northern arm approach allows for an all-round pedestrian stage. It also makes the junction into a more traditional T-junction layout which assists with capacity.
42. Remarking the northern arm requires that the cycle lane be moved to the near side. This is because standards require that a cycle lane between two vehicle lanes must be of a width that cannot be accommodated in the space that is available. Cycle lanes by the kerb edge are permitted to be narrower and so can fit into the available road space.

Impact on vehicular traffic

43. This option will result in a small reduction in overall delay and queuing for traffic in the PM peak. It is not anticipated that any change in overall delay would occur during the other periods.
44. Queuing and delay are likely to increase on the Scarcroft Road approach to the junction during all periods given the removal of the left turn filter lane.

45. The introduction of short lengths of cycle lane and an ASL is a minor improvement for cyclists.
46. The narrowing of the carriageway will result in a worsening of the instances in which the Sainsbury's delivery lorry obstructs the carriageway and prevents the passage of traffic.
47. The altered staging allows traffic to be gated away from Bishopthorpe Road parade of shops. This will reduce the number of idling vehicles in the high street area and reduce emissions in the most highly used pedestrian area.

Impact on pedestrians

48. This option will result in a reduction in PM peak pedestrian delay.
49. The widening of the footpath is a minor improvement for pedestrians.
50. This layout permits the use of audible beepers to assist visually impaired users. The current layout does not and cannot have audible beepers.

Safety Considerations

51. The new traffic signalling technology that will be introduced will improve pedestrian safety.
52. An independent Safety Assessment has been carried out on the preliminary design attached. It highlighted an issue relating to the Sainsbury's lorry that loads on the Scarcroft arm of the junction. In this option the carriageway is narrowed, exacerbating the problem and potentially increasing the risk of vehicle collisions
53. The Project Team believe that this is an issue to be aware of, but is not of itself a reason to discount this option.
54. Consultation feedback raised concern regarding the staging change that means vehicles turning right into Scarcroft Road do so without a dedicated phase, instead moving in gaps and then on a right turns indicative.
55. The designers do not deem this to be a safety issue with the layout because this is the standard layout for T-junctions. However additional

work may be required to ensure users are aware of the change in staging.

56. A further Road Safety Audit will be carried out after detailed design and before construction. This is the means by which the design safety will be controlled.

Option 3

Description of changes

57. A full replacement of all traffic signalling technology, including signal heads, poles, cabling, cabinets, detectors, communications and ducting.
58. The removal of the left turn lane on the southern arm of Bishopthorpe Road, to be replaced with a widened footpath and introduction of a short length of cycle lane and ASL.
59. The removal of the left turn lane, and associated left turn filter arrow, on the Scarcroft Road approach, to be replaced by a widened footpath and a short length of cycle lane.
60. The removal of the existing traffic island.
61. The remarking of the 2 lane approach on the northern arm of Bishopthorpe Road, including moving the existing cycle lane from the centre of the 2 lanes to adjacent to the footpath.
62. The installation of a new pedestrian crossing on the northern arm of the junction.
63. The installation of the pedestrian crossing necessitates the relocation of the existing cycle stands as illustrated.
64. Changing of the junction staging, replacing the existing fully signal controlled right turn with an indicative arrow. This would allow vehicles to turn right within gaps, or during the arrow stage, from Bishopthorpe Road to Scarcroft Road.

Reasoning

65. Option 3 is the most costly option and the estimated cost is £165,000.

66. Replacement of the traffic signal technology is the fundamental purpose of this project, as per Section 2.
67. All presented options include the removal of the left turn lane on the southern arm of Bishopthorpe Road, to be replaced with a widened footpath and short length of cycle lane and ASL.
68. This is one of the 'easy wins' that the design team have identified due to the fact that the capacity of the junction can remain unaffected by the removal of this lane.
69. Removing the left turn lane on Scarcroft Road allows the footpath to be widened and for the introduction of a short length of cycle lane, but it also allows the junction staging to be changed such that traffic approaching from Scarcroft Road can be better managed along the parade of shops.
70. Removing the traffic island and remarking the northern arm approach allows for an all-round stage for pedestrians with crossings over all arms. It also makes the junction into a more traditional T-junction layout which assists with capacity.
71. Remarking the northern arm requires that the cycle lane be moved to the near side. This is because standards require that a cycle lane between two vehicle lanes must be of a width that cannot be accommodated in the space that is available. Cycle lanes by the kerbside are permitted to be narrower and so can fit into the available road space.
72. The addition of a new pedestrian crossing on the northern arm of the junction has been proposed at the request of the Bishopthorpe Traders Association.
73. It was requested as a means to further improve the public realm of Bishopthorpe Road and reinforce to motorists that the street is an area of high pedestrian footfall.
74. Introduction of this facility is not required to achieve the core aim of the project, that being to refurbish the existing assets. It can however be seen as an 'easy win' to improve the facility, though the cost is significant.

Impact on vehicular traffic

75. This option will result in a small reduction in overall delay and queuing for traffic in the PM peak. It is not anticipated that any change in overall delay would occur during the other periods.
76. Queuing and delay are likely to increase on the Scarcroft Road approach to the junction during all periods given the removal of the left turn filter lane.
77. The introduction of short lengths of cycle lane and an ASL is a minor improvement for cyclists.
78. The narrowing of the footpath will result in a worsening of the instances in which the Sainsbury's delivery lorry obstructs the carriageway and prevents the passage of traffic.
79. The altered staging allows traffic to be gated away from Bishopthorpe Road parade of shops.

Impact on pedestrians

80. This option will result in a reduction in PM peak pedestrian delay.
81. The widening of the footpath is a minor improvement for pedestrians.
82. This layout permits the use of audible beepers to assist visually impaired users. The current layout does not and cannot have audible beepers.
83. The additional crossing over the northern arm of Bishopthorpe Road provides an additional crossing point that would improve pedestrian facilities and reduce overall pedestrian delay.

Safety Considerations

84. The new traffic signalling technology that will be introduced will improve pedestrian safety.
85. An independent Safety Assessment has been carried out on the preliminary design attached. It highlighted an issue relating to the Sainsbury's lorry that loads on the Scarcroft arm of the junction. In this option the carriageway is narrowed, exacerbating the problem and

potentially increasing the risk of vehicle collisions.

86. The Principal Designer believes that this is an issue to be aware of, but is not of itself a reason to discount this option. They are looking at several options in the detailed design which would move the centre line further to the North, providing more space for vehicles to pass an unloading lorry.
87. A further Road Safety Audit will be carried out after detailed design and before construction. This is the means by which the design safety will be controlled.
88. Consultation feedback raised concern regarding the staging change that means vehicles turning right into Scarcroft Road do so without a dedicated phase, instead moving in gaps and then on a right turns indicative.
89. The designers do not deem this to be a safety issue with the layout because this is the standard layout for T-junctions. However additional work may be required to ensure users are aware of the change in staging.

Other options already discounted

90. Minor variations of the presented options have been considered that include different signal staging, equipment layouts and kerb alignments. The options presented are the most efficient variants and will be further optimised during detailed design.
91. Consultation feedback requested that an option be considered that included an 'all movements' pedestrian facility, similar to that present at Oxford Circus. An initial desktop assessment was carried out to evaluate this possibility.
92. It was determined that this location is not suitable for such a facility due to the available footpath space to mount the required equipment and because of the required kerb alignments to facilitate the crossings.
93. Consultation feedback requested that an option be considered that introduced a 'Danish style' cycle facility at the junction. This suggestion requires segregation of the cycle lane by installing a kerb or island for which there is insufficient carriageway space. Light segregation methods were considered, but there are currently no national design standards to

ensure that any scheme implemented would have a safety benefit for vulnerable road users.

94. Modelling demonstrates that the proposed changes to the junction caused a dramatic increase in the number of queuing vehicles, which would be detrimental to air quality in an area heavily travelled by pedestrians. A summary of the modelling results is displayed below with results for Option 3 provided for comparison. MMQ refers to the mean maximum queue length along each arm of the junction.

“Danish Style Scheme”

	AM Peak	PM Peak
	MMQ (pcu)	MMQ (pcu)
Bishopthorpe Road NB	18.7	18.2
Bishopthorpe Road SB	23	28.4
Scarcroft Road	12.8	12.5
Cycle Time (secs)	120	120
PRC	-4.1	-10.3
Total Traffic Delay (secs)	29.5	37.4
Avg Route Delay per Ped (secs)	72.9	67.4

Option 3 - (3 pedestrian crossings)

	AM Peak	PM Peak
	MMQ (pcu)	MMQ (pcu)
Bishopthorpe Road NB	10.2	5.8
Bishopthorpe Road SB	8.8	10.0
Scarcroft Road	7.1	5.2
Cycle Time (secs)	72	68
PRC	1.7	6.6
Total Traffic Delay (secs)	15.9	11.4
Avg Route Delay per Ped (secs)	30.7	28.8

95. A Danish Style Scheme would:
- Increase pedestrian delay time crossing the road at the junction
 - Increase bus journey times on the approaches
 - Increase general traffic stops and delay

- Make air quality worse in the area; specifically in the Bishopthorpe Road shops area.

96. Consultation feedback requested additional public realm improvements on the corner of Bishopthorpe Road and Scarcroft Road, alongside the car park. These improvements consisted replanting of the shrubberies and improvements to the footpath at this location.
97. This addition was deemed to be too far out of scope of the project and was not pursued.

Council Plan

98. Replacing life-expired traffic signalling assets allows the Authority to continue to manage the traffic on its highway network, minimising congestion and ensuring user safety. Therefore carrying out these works fulfils the 'A focus on frontline services' priority of the Council Plan.

Implications

99. **Financial**

The TSAR programme is funded from the council's capital resources, and was approved in the 19/20 Capital Budget report to 14 February 2019 Executive. Sufficient funds are available to construct any of the presented options.

100. **Human Resources**

There are no HR implications

101. **One Planet Council / Equalities**

All junctions are designed with equalities in mind. The recommended designs follow the most up to date guidance with respect to disability access. The technology included in all designs includes aids to persons with visual and mobility impairment.

102. **Legal**

There are no legal implications.

103. **Crime and Disorder**

There are no Crime and Disorder implications.

104. **Information Technology**

The Information Technology implications of constructing the proposed

designs has been considered and are included in the Project Plan. No issues are envisaged.

105. Property

There are no property implications

106. Other

Disruption during construction – Constructing the TSAR schemes inevitably means a certain level of work on the Highway, with an associated level of delay and disruption to pedestrians and vehicular traffic. Such works will be scheduled and planned to minimise this disruption, and sufficient information and notice will be given to affected parties.

Risk Management

107. There are no known significant risks associated with any option presented in this report.

108. Project Risks are recorded in the Project Risk Register and are handled by the Project Team and monitored by the Transport Board.

Contact Details

Author:

Stuart Andrews
Transport Systems Project
Manager
01904 552 378

Chief Officer Responsible for the report:

Neil Ferris
Corporate Director of Economy and Place

Report **Date** 16.07.19
Approved

Wards Affected: Micklegate Ward

For further information please contact the author of the report

Background Papers:

Cabinet Report - 'Traffic Systems Asset Renewals and Detection Equipment Plan' – 12 November 2015

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=738&MIId=9030>

Annexes

Annex A – Stakeholder Consultation Response

Annex B - YK2235-OP 1

Annex C - YK2235-OP 2

Annex D - YK2235-OP 3

List of Abbreviations used in this Report

ASL – Advanced Stop Line

MMQ - Mean Maximum Queue length.

PCU - Passenger Car Units. The unit of measure for single cars.

Ped – Pedestrian

PRC – Practical Reserve Capacity. A measure of available spare capacity.

TSAR – Traffic Signal Asset Renewal

TSAR – YK2235 – Bishopthorpe Road / Scarcroft Road Design Options Consultation

The below summarises are responses from Stakeholder consultation undertaken on the three options put forward. In total 10 external responses were provided, two of these by councillors.

- 5 were in favour of option 3
- 1 was in favour of option 2
- 2 was in favour of option 1
- 2 did not provide a preferred option.

The responses via formal letters from organisations are included within Annex X. These written responses were from:

- York Civic Trust
- York Cycle Campaign
- Bishopthorpe Road Traders Association

Each of these organisations was in favour of option 3 to be taken forward. Furthermore, all Local Ward Members who responded were in favour of Option 3.

Responses from councillors are shown below:

Green Party Representative

The Green group very much support the Option 3 with the additional crossing. In addition we would urge consideration of a different surface treatment for the junction and using the 'all green' pedestrian phase to allow diagonal crossing where this is the desire line for pedestrians.

Cllr Hayes (Micklegate)**In favour of Option 3.**

In November 2015 Bishopthorpe Road won Great British High Streets Award. One of the main reasons the street won the award was that the Bishopthorpe Road Traders Association (BRTA) had done its utmost to improve the sense of community and improve the environment from a residents and visitors perspective. To this end the BRTA over several years had been trying to do what it could to lobby for improvements to the street from a pedestrian perspective. After winning the award it was decided that they would invest some of the prize money to carry out a survey of traffic and pedestrian movements on the street. To then suggest to CoYC how the area could be improved for pedestrians and cyclists. This junction has been a major focus of this research.

With over £3,000 of the prize money BRTA employed a graduate student and with the help of many volunteers to carry out research into what was happening on the street from a traffic and pedestrian perspective. To then consider how we could improve Bishopthorpe Road for shoppers and residents and how highways department could make the shopping area more pedestrian friendly.

The report was published in March 2016 and with the help of Professor Tony May the report concluded that there were a number of improvements that could be made to make the shopping area a much more pedestrian and bike friendly area.

I am certainly not an expert on traffic but the research has made me very much aware of how the area needs to improve for pedestrians. This is a busy road with over 1000 car movements per hour at peak times in and around this junction. CCTV coverage surveys showed where people were crossing on the street and how long they were waiting. The suggested improvements that were put forward were based on what had been learned from this research. (I have attached the report.)

Our surveys carried out on who was using the shops showed some interesting results. Of those people passing the shops who were surveyed 21.1% came by car, 73.3% walked, 4.4% cycled and 1.1% used public transport. So our sense that this was a busy pedestrian street was confirmed and indeed the vast majority were walking or cycling to the street.

Our aim having looked at the results of the survey was to try to come up with ways of signalling to traffic that they were entering an area that should be treated as a pedestrian and bike friendly area. That vehicles needed to drive accordingly and be aware of pedestrians and that signalling and crossings should help improve safety and convenience for them.

As part of the conclusions about how to improve the street for pedestrians the crossings at the Bishopthorpe and Scarcroft Road was looked at in detail. Professor May put forward several alternatives that would help pedestrians at this junction without having a major impact on traffic congestion. The favoured option based upon our research is closest to Option 3 above.

Pedestrians have recorded their concerns about the length of times they were having to wait at this junction, particularly if they needed to cross from Cherry Tree Green to the Eastern side of Bishopthorpe Road. This involved two crossing and considerable potential delay. The additional crossing in option 3 will be very beneficial for pedestrians.

There have been many reported incidents of close misses at the junction with pedestrians nipping across and misinterpreting traffic movements. Clearer signalling and the additional crossing as suggested in Option 3 will help to reduce delays, help to make this a more pedestrian friendly junction, reduce the number of near miss situations but not have a major impact on congestion.

Although this is the most expensive option I would strongly favour Option 3 and that is based on sound research and sound advice.

The following points were raised in the consultation responses:

Option 1

- Generally, those who were in favour of option 1 saw that changes to the layout would lead to dis-benefits and as such wanted to keep the status quo. The major items raised in Options 2 and 3 that made respondents choose Option 1 were:
 - Potential increase in disruption / safety concerns by Sainsbury Delivery vehicles
 - Removal of central refuge and central cycle lane on Bishopthorpe Road leading to increased vulnerability to cyclists
 - Removal of the left turn filter from Scarcoft Road leading to increased delay and queuing on Scarcoft Road.
- Those who did pick option 1 did comment that a crossing on the north arm of Bishopthorpe Road would be a positive improvement and asked if this could be included within an existing junction form.
- For the majority of respondents Option 1 was seen as a continuation of the status quo and missed the opportunity to make a positive change.

Option 2

- Option 2 was only chosen as a preferred option by 1 respondent only. No reasoning was given by this respondent.
- However, respondents generally saw it as a positive change seeing it as beneficial in reappportioning road space more fairly between users of the junction and providing improved facilities to cyclists and pedestrians.

Option 3

- Option 3 is the preferred option by the majority of consultees.
- The provision of a pedestrian crossing over Bishopthorpe Road north was the main for the choice. This was seen to provide a significant benefit to pedestrians and reduce their delay crossing the road.
- As per option 2 there was support for the general reappportioning road space more fairly between users of the junction and providing improved facilities to cyclists and pedestrians.
- Consultees also suggested:
 - Looking at alternative signal staging (*this has been investigated by the council previously and rejected based on capacity issues*)
 - Introducing diagonal crossings at the junction (*safety concerns have been raised by the design team about such an installation at this location*)
 - Co-ordinating the green times of the Puffin crossing at Bishy Road shops to that of the junction to reduce congestion (*this will be done as any scheme taken forward*)
 - Provision of significant changes to the junction to provide enhanced cyclist infrastructure based on Danish philosophy (*seen as outside the scope of the project*)
 - Providing additional bike parking provision and relocating this to the car park (*seen as outside the scope of the project*)
 - Provision of a zebra crossing at Darnborough Street (*seen as outside the scope of the project and covered by other CYC feasibility studies in this area*)
 - Yellow box over Bishopthorpe Road / Vine Street junction (*seen as outside the scope of the project*)

Officer responses to the proposal were limited. They highlighted:

- Loading issue adjacent to Sainsbury's and if a design solution could be accommodated within the detailed design
- Concerns over increased delay on Scarcroft Road
- Reduction in stacking space on Bishopthorpe Road Southbound and impact on resilience of the junction
- Issues related to removing of the central island on Bishopthorpe North and the technical issues of providing forward visibility to traffic signal heads.

NOTES

- DO NOT SCALE FROM THIS DRAWING.

KEY

- WHITE ROAD MARKINGS TO BE INSTALLED
- EXISTING MARKINGS
- PROPOSED TACTILE PAVING
- PROPOSED KERB BUILD OUT
- PROPOSED TRAFFIC SIGNAL POLE

ISSUE/REVISION

I/R	DATE	DESCRIPTION

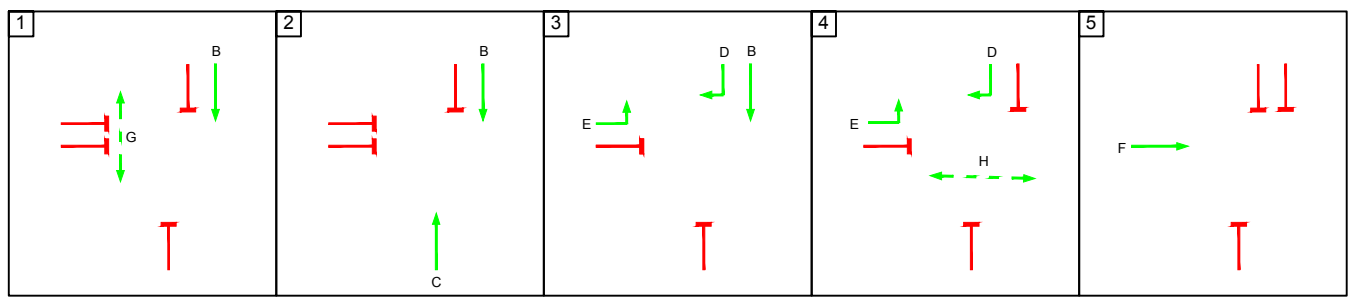
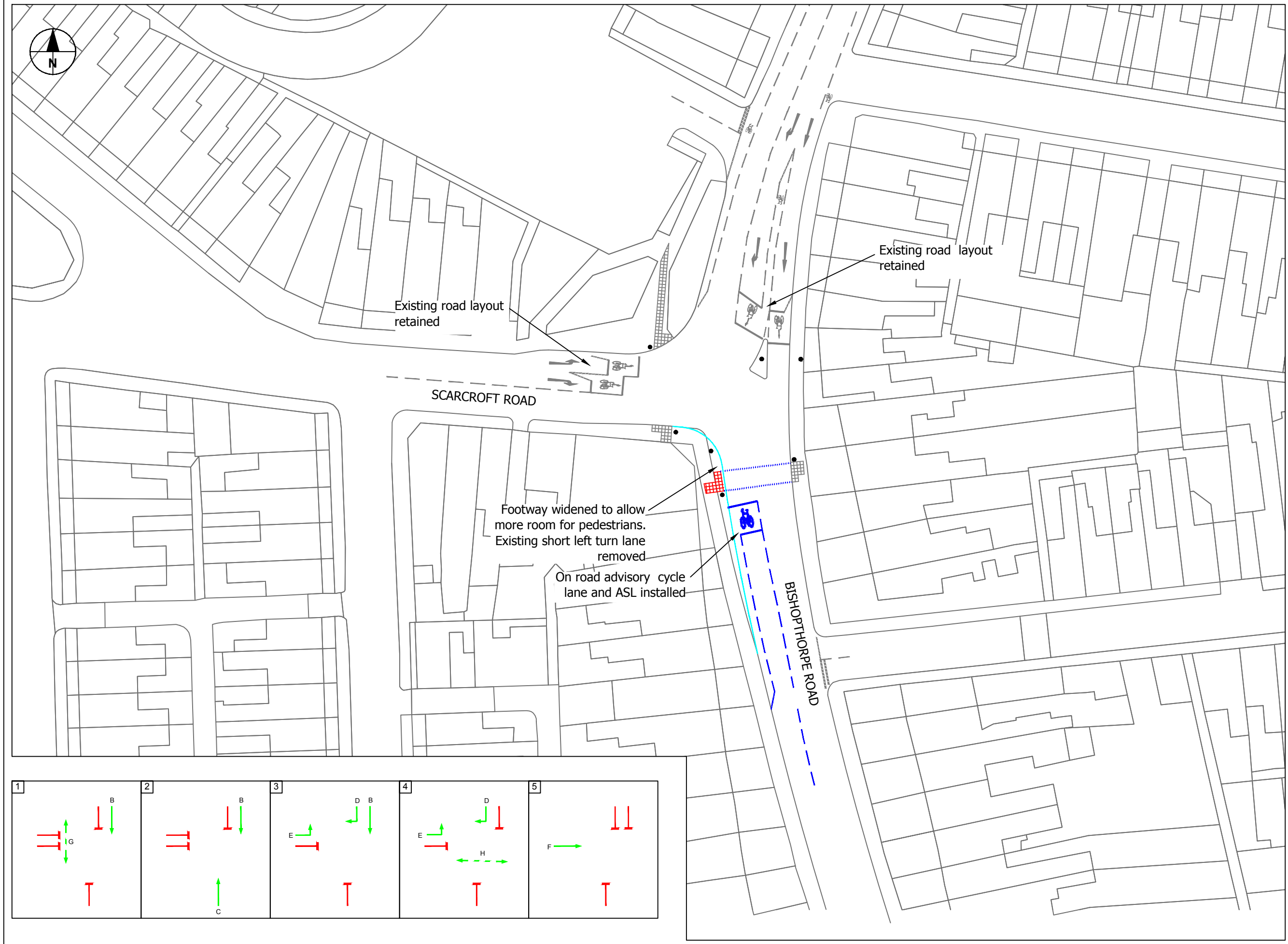
SHEET TITLE

TRAFFIC SIGNAL ASSET RENEWAL
BISHOPTHORPE RD/ SCARCROFT RD
OPTION 1

DRAWING NUMBER

TST-YK2235-OPTION 1

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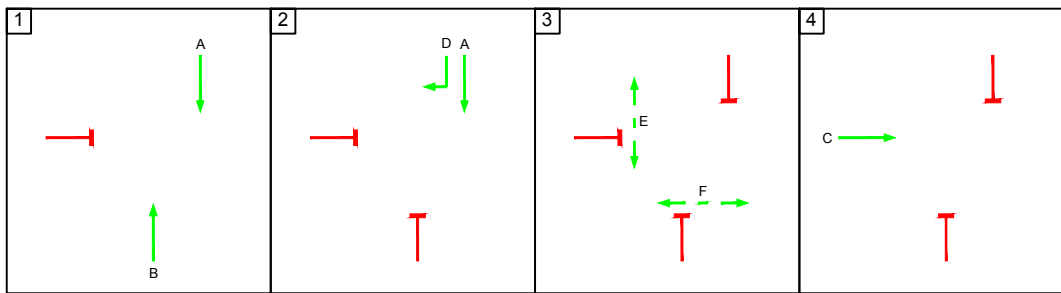
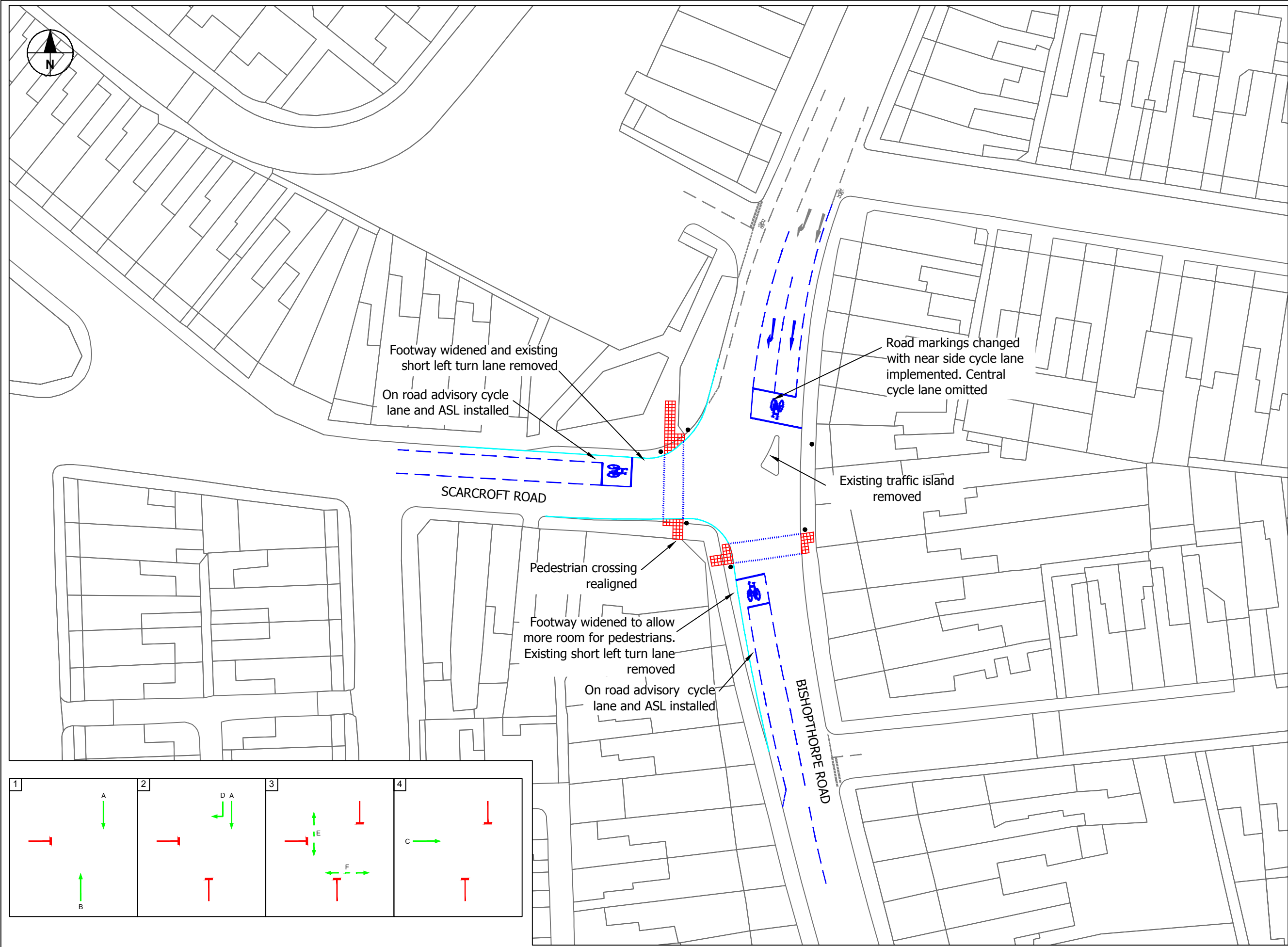
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ISSUE/REVISION

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SHEET TITLE

TRAFFIC SIGNAL ASSET RENEWAL
 BISHOPTHORPE RD/ SCARCROFT RD
 OPTION 2

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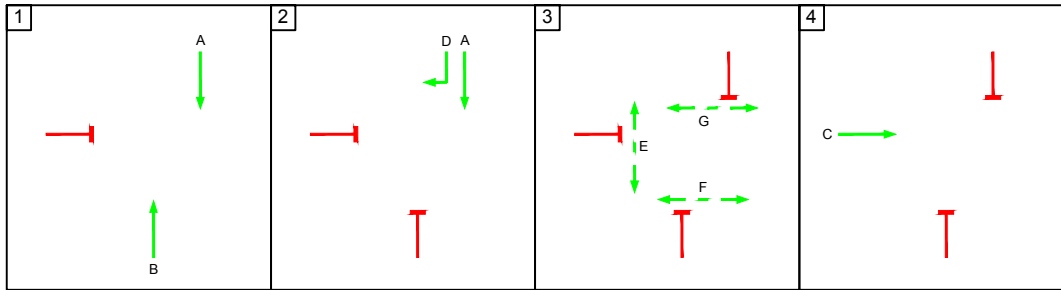
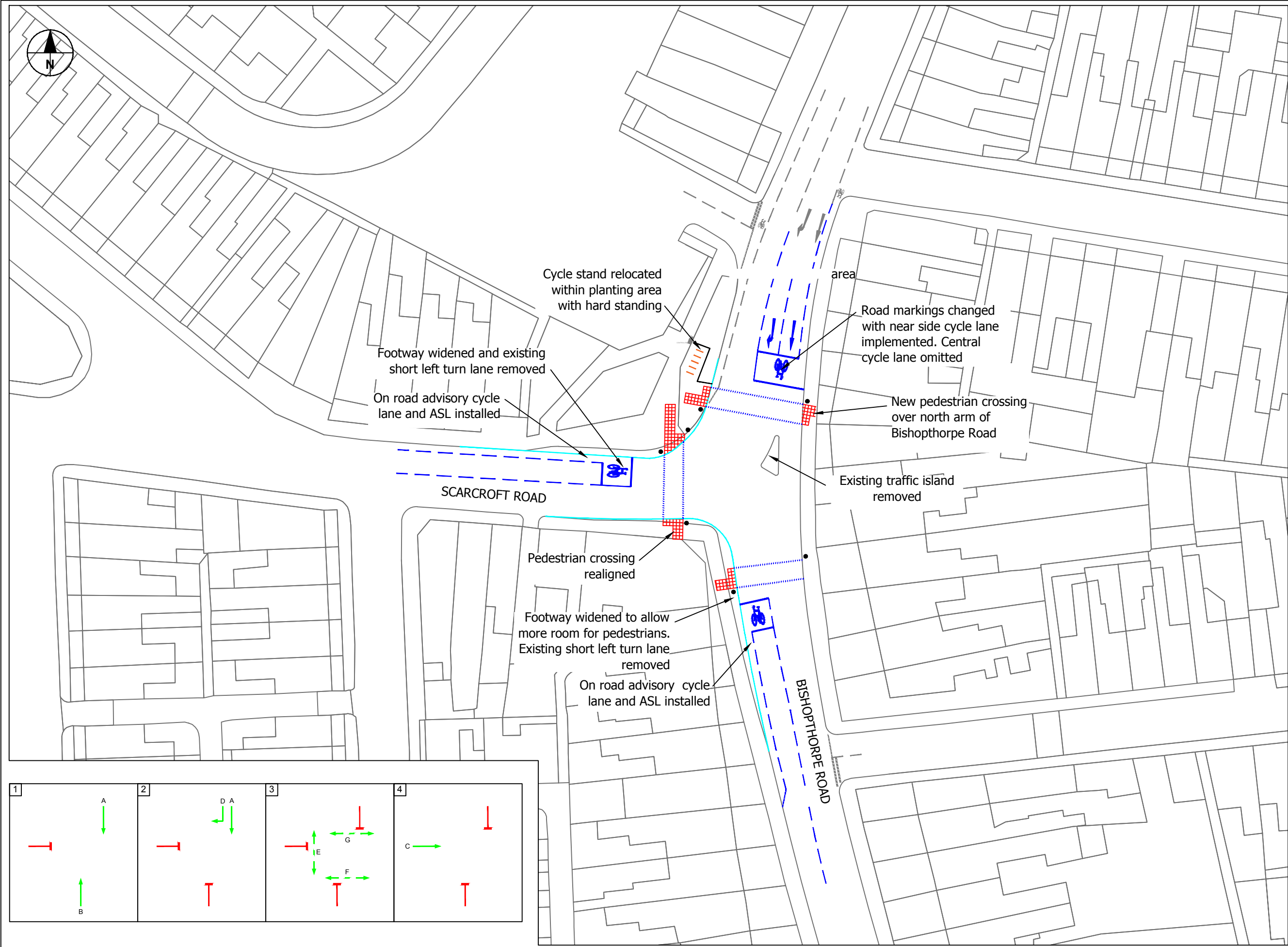
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TRAFFIC SIGNAL ASSET RENEWAL
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 OPTION 3

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TST-YK2235-OPTION 3

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