



York Civic Trust

Fairfax House, Castlegate, York, YO1 9RN

Tel: 01904 655543

First draft response to the statutory consultation on The York Traffic Management (Amendment) (No 14/12) Order 2022 1st April 2022

Overview

We only learnt of this statutory consultation from Paragraph 9 of the report to the Transport EMDS on March 22nd. That refers to this as being “the amendment to the Traffic Regulation Order (TRO) on exemptions and waivers to accessing the footstreet area”. In the context of that report, it appears that it includes the permanent exclusion of blue badge holders, though the documentation on the consultation available at West Offices is incomplete and opaque as to its coverage. We have prepared this submission on the understanding that this Amendment would permanently exclude blue badge holders.

On that basis, York Civic Trust objects, in the strongest possible terms, both to the nature of this opaque statutory consultation and to the specific intention of banning all blue badge parking from the footstreet area between 1030 and 1700 and, in due course, between 1030 and 1900. We argue that the proposed ban is both discriminatory and unnecessary. We are extremely concerned that the City of York Council has failed to heed the advice which it itself commissioned, the guidance from the Department for Transport or the evidence from other historic cities which have introduced measures to tackle the threat of hostile vehicles whilst effectively providing for blue badge access.

We address our concerns under three headings below:

- the opaqueness of the statutory consultation
- the impact of the proposed ban
- the failure to consider and act upon advice and evidence from elsewhere.

The statutory consultation

We only learnt of this consultation by reading Paragraph 9 of the report on the matter to the March 22nd Transport EMDS. By that time, the consultation had been live for 12 days, yet we had been given no notification of it as a prior objector or as a body which, officers had agreed, should be consulted on all such matters.

Patron H.R.H The Duchess of Kent

President Andrew Scott CBE CEng FMA • *Chair* Stephen Lusty • *Chief Executive and Company Secretary* Andrew Morrison

Email: info@yorkcivictrust.co.uk

www.yorkcivictrust.co.uk

1 Subsequent attempts to obtain details were made unnecessarily difficult:

- there was no mention of the consultation on the Council's website
- it was suggested to us that this was because the maps were too large to be accommodated, yet there is nothing in the hard copy finally provided which could not have been accessed online
- the reception staff at West Offices were initially unaware of the existence of the consultation, and it took some considerable persistence to access the consultation material
- when finally obtained, the material consisted solely of:
 - a notice of proposals
 - a one page citation headed "Part 1 – General" with no indication of whether any other Parts exist
 - a series of tables headed "First Schedule" indicating by code the exemptions applicable in each street, but with no explanation of that code
 - a simple map of the affected area (which appears to include streets which are not affected, such as Duncombe Place)
 - a brief two paragraph Statement of Reasons, which simply states that the Council "are satisfied that it is desirable to amend to *[sic]* the access restrictions ..." as specified.

Given the lack of information or access to advice, it has proved impossible to know whether the documentation provided is complete or, crucially, to understand the nature of the exemptions. However, we understand, from the earlier reports and associated publicity, that it is the Council's intention to ban blue badge holders from all access to the footstreet area.

While such a perfunctory approach to the advertising of, and provision of information on, these proposed changes may satisfy the legal requirements for such consultation, it gives the clear impression that the Council has little interest in consultation, or in responding to contrary views, and thus shows little concern for the community which it was established to serve. As a body focusing on the needs of York now and in the future, we consider this cavalier approach to the city's residents to be wholly reprehensible.

The impact of the proposed ban

As noted above, it is unclear from the documentation provided whether it is the intention to ban blue badge holders. We have assumed, based on past documentation, that it is.

The proposed ban would, as we understand it, deny access to the footstreet area during operational hours for all blue badge holders. Prior to the current temporary restrictions, such users were able to park in some 72 spaces, of which the most frequently used were Blake St, Church St, Goodramgate and St Sampson's Square. The Higgitt Report shows that around 60 blue badge parkers were parking in a typical day, with an average stay of over one hour. The Council is proposing providing 32 spaces, of which it appears that around half are new, of which the nearest are 250m from St Sampson's Square. It appears that the only

justification for such a ban is that the Police have advised that any exemptions would compromise security and the effectiveness of the hostile vehicle measures. No attempt appears to have been made to look at examples elsewhere in the UK, or to understand why the police in those situations have agreed to blue badge access.

We have argued previously that, in pursuing any such ban, the Council needs to consider the range of people affected and the appropriateness of the alternatives for everyone within that range. In our Transport Strategy for York, we have summarised the evidence on the needs of disabled people in pedestrian areas. We had provided fuller detail in our reports submitted in April 2021, drawing on reports which have been in the public domain for a considerable time, and of which officers should therefore be fully aware. It is important to bear in mind that such considerations are not limited to a small minority of the population; around 20% of the population has a disability which needs to be accounted for.

Briefly, the evidence indicates that needs differ markedly between those who are visually impaired, those who use wheelchairs, those who can walk with a stick, and those who can walk, need no aid, but are still limited in the distance which they can walk. Equally importantly, within each of these groups, there is a range of abilities which is far wider than that of able-bodied people. From the evidence available, the decision not to provide blue badge parking within 250m of St Sampson's Square means that 70% of wheelchair users, 75% of those who need no aid and 85% of those who rely on sticks would be unable to reach St Sampson's Square and the surrounding shops, restaurants and personal business facilities without having to rest at least once. As a compromise, reflecting this range of abilities, the Department for Transport's *Inclusive Mobility* recommends providing a maximum distance of 150m without taking (and hence providing for people to take) a rest.

At no point in the committee reports which we have seen is this major limitation on the facilities available to this section of the community discussed; neither is there any discussion of remedial measures or their adequacy; nor is there any reference to the government's guidance.

Moreover, it should be noted that blue badge holders are not guaranteed access to any of the new spaces which are to be provided. In practice they are in competition with vehicles servicing the surrounding properties, whose numbers have also increased during the temporary restrictions.

We understand that York Accessibility Action are preparing a case for injunctive relief to overturn what it argues is discriminatory decision in York to exclude blue badge holders from the city centre by City of York Council. Any such action would further add to the reputational damage to the Council and the City of York. As a body which endeavours to support the City, we would urge the Council to take all appropriate steps to avoid such an outcome.

The advice and evidence

As an input to developing the Council's policy on city centre access, the Council commissioned Martin Higgitt and Associates to produce a report and recommendations, which was published in October 2021 (and which we cite briefly above). In our professional opinion, this is an excellent, well-researched and clearly documented report, which offers a series of well-founded recommendations. The report is unequivocal on the need to provide continued access for blue badge holders, at least until effective alternatives have been provided [our emphasis underlined in the text below]:

"However, it is important to ensure that disabled people –as one of the protected characteristics in the Equality Act –are afforded reasonable access to the city centre.

Reasonable access includes:

- High quality, well located off-street parking, with access to support services such as Shopmobility;
- Convenient on-street parking at various locations at the edge of the footstreets zone, particularly for areas of the city centre remote from other car access;
- Good access to bus and taxi services, including enabling access by taxi into the footstreets zone, and examining the potential for a shuttle service providing access to the footstreets;
- Making supporting services such as Shopmobility, Dial & Ride and York Wheels accessible and relevant to as many people as possible, and enabling York Wheels to provide access into the footstreets zone;
- Physical improvements to key access routes from arrival points;
- Physical improvements to the conditions in the footstreets themselves;
- Increasing the availability of accessible toilets in the city centre and improving the quality of existing ones;
- Consolidating and enhancing information on access for disabled people into one on-line source, and disseminating this via appropriate media.

In the interim, until these measures are in place, we consider that blue badge motorised access into the footstreets for disabled people with specific additional needs is required, either through the provision of particular streets that blue badges are granted access to during footstreets hours, or through a modification to the hours the footstreets zone operates."

As far as we can tell, the Council and its officers have not taken this recommendation into consideration, or offered any justification for not doing so. It is difficult to understand why the Council should spend scarce resources on this report, and then not use it.

Martin Higgitt includes a number of case studies of good practice, and we offered our own in May 2021 in response to an invitation from officers; sadly no use appears to have been made yet of any of these case studies. We offer two, both of which are historic cities with similarities to York, both with existing hostile vehicle measures, and both of which permit blue badge access.

Bath is cited in the Higgitt Report. As the report notes, access to the city centre for blue badge holders was temporarily suspended in 2020. Following a consultation in early 2021, it was decided that some accessible (blue badge) bays would be positioned within the hostile vehicle mitigation central areas, with monitoring. This was done by the simple expedient of

allowing drivers with blue badges to enter at one specified point in Cheap St. and to circulate on a single route, leaving at Upper Borough Walls. This has placed all parts of the pedestrianised (and hostile vehicle-protected) city centre within 150m of a blue badge parking site. It appears to have been achieved with the full support of the police, and without compromising the security of the hostile vehicle measures. Yet we have seen no evidence of anyone from the Council visiting Bath or learning from its experience.

Chester is also cited in the Higgitt Report. It was the first UK city to win European Access City Award in 2017. We would hope that York might similarly aspire to such an award, but the Council's current actions would, we suggest, lead to it falling at the first hurdle. Chester's pedestrianised zone is extensive, and protected by hostile vehicle measures. However, blue badge holders are allowed access to certain streets where general traffic is not permitted. One-way southbound access along Northgate is permitted at a staffed barrier by the Town Hall. Access via Frodsham St is not barrier controlled, but the street has been redesigned as a pedestrian priority shared space. The combination of parking locations and an accessible, barrier-controlled route means that all areas of the city centre are accessible within 150m of blue badge parking. Once again, these measures appear to have the full support of the police, and do not seem to compromise the security of the hostile vehicle measures. Yet once again, we have seen no evidence of anyone from the Council visiting Chester or learning from its experience.

Conclusion

Based on the assessment above, York Civic Trust concludes that:

- the statutory consultation conducted by the Council is inadequate, unclear, potentially incomplete, and difficult to access;
- the Council has failed to
 - demonstrate a need to prohibit blue badge parking in the city centre;
 - assess the needs of disabled people or the impacts of the proposals on them;
 - appreciate and reflect the guidance from the Department for Transport;
 - heed the clear advice in the Higgitt Report which it commissioned;
- there is ample evidence from the examples of Bath and Chester that other solutions are possible, which fully satisfy the police and substantially ameliorate the adverse impacts of hostile vehicle measures on disabled people.

For all of these reasons, York Civic Trust objects, in the strongest possible terms, to the York Traffic Management (Amendment) (No 14/12) Order 2022 and to the specific intention of banning all blue badge parking from the footstreet area between 1030 and 1700 and, in due course, between 1030 and 1900. We argue that the proposed ban is both discriminatory and unnecessary. We are extremely concerned that the City of York Council has failed to heed the advice which it itself commissioned or the evidence from other historic cities which have introduced measures to tackle the threat of hostile vehicles whilst effectively providing for blue badge access.

We ask that the Council now withdraws this draft Order and carries out the necessary work to understand the requirements of disabled people, provide adequately for their needs, and heed the advice of its consultants and the evidence from other historic cities. We stand

ready to support the Council in doing so. Conversely, if the Council is not prepared to act in this way, York Civic Trust reserves the right to offer its professional expertise in support of any resulting legal action.