

Meeting:	Executive Member for Economy and Transport Decision Session
Meeting date:	12 March 2024
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Portfolio of:	Councillor Kilbane, Executive Member for Economy and Transport

Decision Report: Response to the petition to “Pedestrianise Fossgate”

Subject of Report

1. This report considers a petition titled *“We call on City of York Council to pedestrianise Fossgate”* (see Annex A), submitted to City of York Council in November 2023.
2. The report considers the changes proposed in the petition and whether it would be possible to achieve the aims stated in the petition by implementing these changes or other possible options.
3. An analysis of these options is presented to support the Executive Member’s decision on the Council’s response to the petition.

Benefits and Challenges

4. The recommended option (Option A - Current restrictions, no change, and Option E - Market day approach) brings the following benefits:
 - a) Existing access restrictions reduce the number of vehicles using the street during the day (compared to no restriction);

- b) Blue Badge parking and loading available during the day, Pay & Display and resident parking available on street between 6pm and 8am;
 - c) All businesses and residents retain vehicular access throughout the day, including to Franklins Yard and Lady Peckett's Yard;
 - d) On street parking (bays) available for Blue Badge holders during the day, then open for Pay and Display and residents between 6pm and 8am;
 - e) All traffic (including cyclists) is one-way.
5. The following challenges are also identified:
- a) Restricted opportunities for pavement cafes as they can only be permitted in areas where 3m remains available on the carriageway for vehicles to pass, and where a minimum of 1.5m remains available on the footway for pedestrians;
 - b) Many cyclists do not comply with the one-way restriction (very limited enforcement options).
6. It is important to note that there is no consensus on pedestrianisation amongst users of the street, with some businesses and users supporting further traffic restrictions, and some residents and businesses opposing any further (permanent) restrictions.

Policy Basis for Decision

7. The recommended option (Option A - Current restrictions, no change, and Option E - Market day approach) supports the Council's commitment to Equalities and Human Rights (see The 4 core commitments, One city for all, 2023 to 2027) as it ensures that Fossgate remains accessible to people and groups with protected characteristics and to emergency services.
8. The continued access restrictions on Fossgate also support the Council's commitment to "*change the way we move through and around the city, prioritising sustainable transport and discouraging non-essential vehicle journeys*" (see Priority d) Transport: Sustainable, accessible transport for all, One city for all, 2023 to 2027).

Financial Strategy Implications

9. There are no financial implications identified for CYC for the recommended options. Option A proposes that the permanent access restrictions remain unchanged (no additional costs to CYC) and that, when Option E is implemented, all event related costs are met by the events' organisers.

Recommendation and Reasons

10. The following actions and options are recommended to the Executive member for Transport:
 - a) Acknowledge the petition, its request for Fossgate to be pedestrianised, and its aims to provide *“enough room to accommodate pavement café licences and the needs of our local disabled community”*;
 - b) Acknowledge the significant amount of analysis and consultation previously undertaken on this issue and the fact that there is no consensus amongst users of the street, with some businesses and users supporting further traffic restrictions, and some residents and businesses opposing any further (permanent) restrictions;
 - c) Acknowledge that even if further permanent access restrictions were implemented in the street, this would not enable more pavement cafés to be licensed as it would not be possible to place tables and chairs in the carriageway (due to the need for emergency vehicle access and some limited vehicular access during the day) and it would only be possible to place cafes on footways where a minimum 1.5m width remains available for footway users to get past;
 - d) Acknowledge that CYC cannot support the removal of the kerb delineation between the footways and the carriageway as this would transform Fossgate into a level surface shared space and this type of design is currently under a national moratorium and is not supported by national design and accessibility guidance;
 - e) Approve Option A - Current restrictions, no change, and Option E - Market day approach, where vehicular access to the whole or part of the street would be restricted for specific events. The closures would be managed as events and the

organisers would have to ensure that they have all the required permissions in place, including the support of the Security Advisory Group, and that they are able to meet the events' costs;

- f) Request that further work is undertaken as part of the Local Transport Strategy and Local Transport Plan to investigate options for vehicles to turn around near Franklin's Yard to enable further consideration of part pedestrianisation of the street in the future. This work will also need to consider whether the street should enable two-way movements for cyclists.

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

Background

- 12. A petition was submitted to City of York Council in November 2023, titled "*We call on City of York Council to pedestrianise Fossgate*" (See Annex A). The petition received 1,675 signatures. 105 of the signatories also provided comments, generally in support of the proposed pedestrianisation. Key points from the comments include:
 - a) It would make the street safer and more pleasant for visitors and shoppers;
 - b) It would support the businesses on the street;
 - c) There is no need for vehicles to access the street during the day and deliveries could access at specified times;
 - d) Some signatories expressed the view the footways and carriageway should be brought to the same level (level surface shared space);
 - e) Some views also supported two-way access for cyclists on the street outside of pedestrianised hours.

13. The petition calls for Fossgate to be pedestrianised to provide *“enough room to accommodate pavement café licences and the needs of our local disabled community”*.

What access restrictions are currently in place on Fossgate?

14. Fossgate provides a link between Merchangate and Pavement. The section of the street located south-east of the river Foss is named Walmgate, with Fossgate starting north of the river. For the purpose of this report, Fossgate is generally understood to include the part of Walmgate between the river Foss and the junction with Merchantgate.
15. Significant changes were made to the highway layout and traffic movements on Fossgate in 2017/18. This followed a decision made by the Executive Member for Transport in June 2017 to implement an Experimental Traffic Regulation Order (ETRO) to create a pedestrian zone, except for access and pedal cycles, between 8am and 6pm, seven days a week, and to reverse the direction of the one way traffic flow (the decision and associated reports are available here: <https://democracy.york.gov.uk/ieDecisionDetails.aspx?ID=4946>).
16. The Executive Member for Transport decided to make the ETRO permanent in April 2018 (the decision and associated reports are available here: <https://democracy.york.gov.uk/ieDecisionDetails.aspx?ID=5185>).
17. The change in the direction of traffic (to one way from Merchantgate to Pavement making the street less attractive as a shortcut) is largely credited for reducing the volume of through traffic on Fossgate. This is because the previous restrictions were routinely ignored by drivers looking for a shorter/quicker route from Pavement to Walmgate and were difficult to enforce.
18. The report from officers considered pavement cafes (see at paragraph 8 of the report available here <https://democracy.york.gov.uk/documents/s122458/Fossgate%20Exp%20TRO%20representations%20-%20Approved%20NJF.pdf>) and noted that the take up of pavement cafes had been lower than expected and that tables and chairs were mainly being placed on the footways, resulting in complaints from members of the public about the furniture causing obstructions.

19. The changes implemented through the ETRO were supported by changes to parking restrictions and public realm improvements carried out in 2019, changing the character of the street, and making it a more pleasant environment for pedestrians. These changes were approved by the Executive Member for Transport in November 2018 (the decision and associated reports are available here:
<https://democracy.york.gov.uk/ieDecisionDetails.aspx?ID=5359>).
20. Before this decision was made, the officers report and recommendations were reviewed at a pre-decision scrutiny meeting, also in November 2018 (the documents are available here:
<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=942&MIId=11090>).
21. The decision and associated reports also noted that “*there is a strong desire to pedestrianise Fossgate*” and that “*a future, more focussed consultation on the potential to pedestrianise Fossgate either in full or partially*” should be organised after completion of the scheme.
22. After completion of the scheme, a further review was therefore undertaken by officers, supported by a questionnaire sent to businesses and residents on the street. The result of the consultation and options proposed were due to be presented to CYC decision makers in 2020 when this was paused due to the Covid pandemic.

How did this change during the Covid pandemic?

23. The petition submitted to the Council mentions the temporary arrangements that were put in place during the Covid pandemic to support hospitality businesses by enabling them to trade outside.
24. At the start of the recovery period, in July 2020, the Council made emergency decisions aiming to support businesses who were subject to very strict restrictions on the number of people they could allow on their premises.
25. The Fossgate Traders Association proposed a full closure of the street (similar to the footstreets area but still allowing cyclists one way), and a loading ban, in effect removing blue badge parking and deliveries. The aim was to allow businesses to apply for individual pavement café licences for seating outside their

premises to allow them to respond to Covid 19 guidance, and allow social distancing for pedestrians.

26. As part of the Covid 19 response, an officer decision was made on 6 July 2020 to approve a Temporary TRO for Fossgate to prohibit access by motorised vehicles, and to implement a loading ban, with both restrictions implemented between 10.30 and 20.00 (in line with extended footstreet hours), seven days a week. The restrictions came into force on 20 July 2020 (available here: <https://democracy.york.gov.uk/ieDecisionDetails.aspx?ID=5853>).
27. Complaints were raised in advance of the order coming into force and during the first week of operation, leading to a further review of traffic restriction options, aiming to reduce traffic levels to enable cafes on the footways, whilst retaining vehicular access for traders and residents. This resulted in the restrictions being changed to enable access, with staffed road closure barriers in place at the junction with Merchantgate. The loading ban remained in place between 10.30am and 8pm, in effect limiting the number of vehicles accessing the street as no parking was available for Blue Badge holders and loading could only be legally undertaken from two designated loading bays.
28. Although this approach was considered necessary at the time to support the City's economic recovery, it was not financially sustainable to continue staffing the closure point in the longer term.
29. The decision was therefore taken to end the staffed closure in September 2021 (see Director decision available here: <https://democracy.york.gov.uk/documents/s152499/230921%20Director%20Officer%20Decision%20-%20Fossgate.docx.pdf>).

Pavement café licensing

30. During the Covid pandemic, the Government set up a temporary process for hospitality businesses to be able to use highway space to set up tables and chairs.
31. Pre-2020, planning permission was required for venues which wanted to use part of the highway as a pavement café area. This enabled a full consultation process to take place and all relevant issues to be considered by the planning authority (for example, a dropped kerb could be required as a condition of the planning permission being granted to enable disabled access). Once

planning permission was obtained, the Highway Authority used to charge £660/year for café furniture to be licensed in the highway. Before the Business and Planning Act, there were approx. 45 pavement cafes which had received planning permission (change of use) and were licensed under Part VIIA of the Highways Act 1980.

32. In 2020, the Business and Planning Act introduced a deregulated approach with temporary fast-track licensing regime for pavement cafés set out on highways, as part of the Government's Covid recovery response to enable businesses to operate within public health guidance of limited indoor space use. Licences issued under this fast-track process did not undertake previously mandated consultation, which could address access issues and were initially only due to be valid for no longer than one year. The temporary fast-track regime is still currently in place as it has been extended several times.
33. A similar licensing regime will be permanently implemented when the required regulations are brought into effect to support the pavement café provisions included in the Levelling-up and Regeneration Act 2023 (Part 12 Section 229 and Schedule 22 – available here: www.legislation.gov.uk/ukpga/2023/55/contents/enacted).
34. As the temporary licensing regime was being extended by the Government, the Council's Executive requested a review of the authority's pavement café licensing guidance and process in July 2022. The Executive recommended that changes be made to the guidance, based on the recommendations of the review, in November 2022 (reports and associated documents are available here, under Item 48: <https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MI D=13292>). This was approved by Full Council in December 2022 (Item 36 available here: <https://democracy.york.gov.uk/ieListDocuments.aspx?CId=331&MI d=13697>).
35. One of the main changes to the guidance is the requirement that, where cafes are licensed on the footway, a minimum 1.5m width (increased to 2m in high footfall areas) must remain available for pedestrians to get past. Licences may only be issued for pavement cafes to cover the full width of the footway where the street is

pedestrianised and there is level access between the carriageway and the footway (for example on Coney Street).

36. This change had a significant impact on café licences on Fossgate as Fossgate does not have level access between the carriageway and footways and the footways are relatively narrow. Only a few hospitality businesses were able to continue with a pavement café area on Fossgate.

Would pedestrianising Fossgate enable more cafes to be permitted?

37. As Fossgate does not offer level access between the carriageway and the footways, it is not possible to license pavement cafes across the whole width of the footways as this would preclude wheelchair users from accessing some of the premises on the street or would require them to switch footway sides to be able to access some premises.
38. If Fossgate were pedestrianised, either from the junction with Merchantgate or from the junction with Franklin's Yard, emergency access would still be required at all times in the pedestrianised area. Limited exemptions for vehicular access would also be granted from time to time for utilities and their contractors accessing their apparatus (for example in case of a gas leak) or other trades responding to an emergency situation in the street (for example a broken shop window).
39. As a minimum, a 3m width of carriageway therefore needs to remain open for these vehicles to use during the day. This means that further access restrictions on Fossgate, although they may deliver other benefits, would not enable additional pavement cafes to be licensed when compared to the current situation. If two-way traffic were to be permitted between Franklin's Yard and Merchantgate to enable further traffic restrictions on the remainder of the street, hospitality businesses located between Franklin's Yard and Merchantgate would no longer be able to apply for a licensed area on the carriageway and existing parking bays would need to be removed to enable two-way traffic (also restricting loading areas).
40. It may however be possible to restrict vehicular access fully for specific events, as has happened in the past (for example a street market type event on Sundays). As these events are usually reviewed by the Security Advisory Group, which is attended by

blue light services, the proposals for emergency access arrangements for the duration of the event would be reviewed by these services and the event may be permitted, supported with a temporary road closure (subject to legal processes and to the costs being met by the event's organisers).

Traffic survey observations

41. A survey was commissioned by CYC in June 2022 to better understand how the street is used, the number of motorised vehicles, cycles, and pedestrians travelling on the street and conflicts occurring between these users.
42. The surveys were conducted on the following days: Wednesday 1 June to Sunday 5 June (half-term week in York and surrounding area), and Wednesday 8 to Sunday 12 June 2022. The weather was dry for all days surveyed.
43. The cameras were placed on Fossgate, just south of the junction with Franklins Yard (outside Ambiente), recording movements between 8am and 8pm.
44. The data summarised in Table 1 supports the following observations:
 - a) Motorised traffic flows on Fossgate are low, with the maximum number of motorised vehicles for the 12-hour period recorded as 176;
 - b) Motorised vehicle movements are spread out over the 12-hour period with the highest number of motorised vehicles over an hour recorded between 9 and 10am (29) and between 7 and 8pm (31) during the survey period;
 - c) Motorised traffic flows appear to be lower on Sundays, reflecting the fact that some of the businesses located on the street are closed on that day;
 - d) A few motorised vehicles contravene the one-way system by exiting the street southbound, through Merchangate. Anecdotal evidence supported by the survey data indicates that this is either from Franklins Yard or addresses south of Franklins Yard;
 - e) The number of cycling movements is relatively low although generally higher than the number of motorised vehicle

movements. A significant proportion of cycle movements are southbound, against the one-way system, in contravention of the current TRO;

- f) Pedestrian movements are high when compared to vehicle movements, often reaching above 1,200 movements per hour in the afternoon. Pedestrian flows were markedly higher during the first week of the survey as this was half-term for York and the surrounding area. Similar flow levels (above 10,000 movements) were only observed on the Saturday during the second week.

Table 1: Summary of traffic surveys undertaken in 2022

	Number of motorised vehicles	Number of bicycles	Number of electric scooters	Number of pedestrians
	<i>Southbound movements are in contravention of the current TRO</i>			
Wed 1 June	176	207	4	10,528
<i>Northbound</i>	174	125	1	4,949
<i>Southbound</i>	2	82	3	5,579
Thu 2 June	148	154	2	14,679
<i>Northbound</i>	147	95	1	6,782
<i>Southbound</i>	1	59	1	7,897
Fri 3 June	118	139	1	13,305
<i>Northbound</i>	113	2	1	6,323
<i>Southbound</i>	5	47		6,982
Sat 4 June	131	182	2	12,510
<i>Northbound</i>	130	120	0	5,821
<i>Southbound</i>	1	62	2	6,689
Sun 5 June	90	138	2	6,682
<i>Northbound</i>	90	85	2	3,247
<i>Southbound</i>		53		3,435
Wed 8 June	146	202	3	7,310
<i>Northbound</i>	144	112	3	3,488
<i>Southbound</i>	2	90		3,822
Thu 9 June	130	218	0	7,681
<i>Northbound</i>	129	136	0	3,623

	Number of motorised vehicles	Number of bicycles	Number of electric scooters	Number of pedestrians
	<i>Southbound movements are in contravention of the current TRO</i>			
<i>Southbound</i>	1	82	0	4,058
Fri 10 June	173	222	5	8,680
<i>Northbound</i>	173	144	0	4,089
<i>Southbound</i>	0	78	5	4,582
Sat 11 June	156	166	1	11,945
<i>Northbound</i>	155	111	1	5,728
<i>Southbound</i>	1	55	0	6,161
Sun 12 June	82	161	6	8,459
<i>Northbound</i>	81	103	3	3,937
<i>Southbound</i>	1	58	3	4,522

45. The survey commissioned in June 2022 also included conflict analysis. Conflicts were categorised as follows:
- a) Precautionary action - Action where one or both parties in conflict observe other with ample time, and make small speed or direction change to avoid potential conflict;
 - b) Controlled action - Action taken when collision is close but not emergency action, e.g. vehicle comes to stop with enough time when a pedestrian group walks out without observing vehicle;
 - c) Near miss - emergency action taken to avoid imminent collision, e.g. a vehicle swerving or rapidly braking to avoid a cyclist; and
 - d) Collision - collision between parties occurs.
46. The analysis recorded conflicts between motorised vehicles and cyclists, between motorised vehicles and pedestrians, between cyclists, and between cyclists and pedestrians.
47. Results are summarised in Table 2, showing that the vast majority of conflicts were averted early, through precautionary or controlled actions and identifying a limited number of near misses, 39 in total, over the survey period. One near miss incident was between a motorised vehicle and a cyclist, 13 were between a motorised

vehicle and pedestrians, and 25 were between cyclists and pedestrians. No collisions were observed.

48. 27% of recorded conflicts involved motorised vehicles, 73% involved cyclists conflicting with other cyclists or pedestrians. 28% of all conflicts recorded (including nine near misses) were between cyclists and pedestrians when cyclists travelled southbound, in contravention of the one-way system. This is likely to be due, in part, to pedestrians not expecting cyclists traveling southbound on Fossgate as the street is designed and signed as a one-way street for vehicles(northbound only).
49. The number of conflicts identified was generally higher during the busiest times for pedestrian movements, between 12 noon and 6pm.

Table 2: Summary of conflict analysis data for Fossgate (no collisions observed – 12 day period, 8am to 8pm)

	Precautionary action	Controlled action	Near miss
Conflict analysis for all movements			
Motorised vehicles and cyclists	19	8	1
Motorised vehicles and pedestrians	174	118	13
Conflict between cyclists	8	1	0
Cyclists and pedestrians	832	43	25
Conflict analysis for vehicles travelling southbound, contravening the TRO			
Motorised vehicles and cyclists	0	1	0
Motorised vehicles and pedestrians	4	2	0
Conflict between cyclists	4	1	0
Cyclists and pedestrians	322	19	9

Consultation Analysis

50. Several public consultation exercises have been undertaken to consider the use of the highway on Fossgate and how best to

serve the needs of the residents, businesses, and users of the street. This has included consultation undertaken:

- a) To prepare for and during the implementation of the Experimental Traffic Regulation Order (ETRO) approved in June 2017;
- b) To prepare and implement the proposed changes to parking restrictions and public realm improvements carried out in 2018/19;
- c) During the Covid pandemic, as changes were made to access, parking, and loading restrictions on the street, and to the pavement café licensing regime and associated guidance.

51. The key points identified from these consultation exercises can be summarised as follows:

- a) A strong desire for the street to be pedestrianised from some businesses and individuals who responded to the consultations, with varying views as to the extent of the pedestrianisation;
- b) Requests to further reduce the number of motorised vehicles, reduce or remove parking (including for Blue Badge holders), and in some cases, requests to restrict cycle access;
- c) Requests for vehicular access to be available at all times from other businesses and residents. Some businesses identified a need to access their own premises during the day for loading and servicing. Some businesses noted that as small independent businesses, they are not able to have staff available at the premises early in the morning or late into the evening to take deliveries. Other businesses identified vehicular access needs for their customers due to age or disability or the need to carry heavy loads;
- d) Requests for cyclists to be allowed to use the street in both directions;
- e) Requests for the section between Merchantgate and Franklin's Yard to allow two-way traffic;

- f) Requests for the street to be made a level surface shared space and some requests for additional crossing points on the street (dropped kerbs or raised crossing points);
- g) Some views that there should be more space for pavement cafes and seating, and some opposing views that pavement cafes should be restricted as they are obstructing the footways;
- h) Request for better signage and enforcement of the existing restrictions;
- i) Some residents offered negative feedback on the events which have taken place on Fossgate previously, such as the Sunday market events.

Options Analysis and Evidential Basis

52. Options are analysed in the table overleaf. They include:

- a) Option A - Current restrictions, no change;
- b) Option B - Restrictions as in the footstreets, with vehicular access for Blue Badge holders during pedestrianised hours;
- c) Option C – Restrictions as in the footstreets, no access for Blue Badge holders during pedestrianised hours;
- d) Option D – No motorised traffic except for access between Merchantgate and Franklins Yard with this section changed to two-way traffic, then as in the footstreets between Franklins Yard and Pavement;
- e) Option E - Market day approach, where restrictions are as in the footstreets, on specific days, no vehicular access for Blue Badge holders. Most likely to be supported by a majority of businesses if it runs on Sundays.

53. Within each option, a number of additional factors should be considered, including:

- a) Whether vehicular access for Blue Badge holders should be retained during pedestrianised hours (for pick-up and drop-offs only or with on-street parking provision);
- b) Whether cyclists should be permitted access during pedestrianised hours and whether this should be one way (as existing) or two-way. If cyclists are not permitted, consideration needs to be given to the alternative routes

available and their suitability. If cyclists were to be permitted to travel both way on Fossgate, facilities linking into Fossgate from the wider area would need to be considered, for example on Merchangate and Walmgate;

- c) How access restrictions could be enforced as this underpins the restrictions' effectiveness and the costs associated with enforcement options (e.g. moving traffic offences enforced by the Police or CYC, use of ANPR cameras and whitelists, use of bollards, staffing present at closure point);
- d) Whether any further changes to the street's character and use would require a review of the terrorism risk (under the Terrorism (Protection of premises) Bill once it is enacted), potentially leading to requests for the installation of Hostile Vehicle Mitigation measures to protect users of the street;
- e) For options which would restrict deliveries (loading) on Fossgate, it is important to consider whether these loading activities are likely to be displaced to Walmgate, Merchantgate and/or Pavement and what the impact of this displacement would be;
- f) For options which would restrict Blue Badge holders' parking and access to Fossgate, it is important to consider what alternative parking and access options are available and whether these are appropriate (distances, surfaces, availability of dropped kerbs and crossing points, etc).

Can the option of removing the kerbs be considered?

- 54. The removal of the kerbs to provide level access between the footways and carriageway on Fossgate (for the whole street or between Franklin's Yard and Pavement) has often been suggested during the various consultations. If the street were level and pedestrianised, like Coney Street for example, pavement cafes obstructing the whole width of the footways during pedestrianised hours would be permissible under the current CYC pavement café licensing guidance (available here: www.york.gov.uk/PavementCafeLicences).
- 55. It is however not possible for CYC to consider removing the kerbs in Fossgate at this point for the following reasons:
 - a) If the kerb delineation between the footways and the carriageway were to be removed, this would transform Fossgate into a level surface shared space. This type of

design is subject to a national moratorium (information for the Department for Transport available here:

https://assets.publishing.service.gov.uk/media/5bc7398de5274a36388e6f27/ministerial-letter-about-shared_space.pdf).

The focus of the moratorium is on *“level-surface schemes in areas with relatively large amounts of pedestrian and vehicular movement, such as high streets and town centres (outside of pedestrian zones)”*. As Fossgate would not be pedestrianised 24/7, a level surface shared space design would not be considered safe for all users, as it would cause difficulties for some user groups with protected characteristics under the Equality Act 2010 (especially visually impaired and blind users and young children);

- b) The Department for Transport guidance Inclusive Mobility, A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure (available here:

<https://www.gov.uk/government/publications/inclusive-mobility-making-transport-accessible-for-passengers-and-pedestrians>) states that *“Mixing pedestrians and cyclists should be avoided as far as possible, in order to reduce the potential for collisions or conflict, and shared use routes in streets with high pedestrian or cyclist flows should not be used”*; and

- c) National guidance on the design of cycle infrastructure (available here:

<https://assets.publishing.service.gov.uk/media/5ffa1f96d3bf7f65d9e35825/cycle-infrastructure-design-ltn-1-20.pdf>) also advises against spaces which are shared between pedestrians and cyclists, stating (Section 1.6, Summary Principle 2): *“Cycles must be treated as vehicles and not as pedestrians. On urban streets, cyclists must be physically separated from pedestrians and should not share space with pedestrians”*.

Options	Option summary	Strengths	Weaknesses
<p>Option A - Current restrictions, no change</p>	<p>One way street (Merchantgate to Pavement).</p> <p>No motorised vehicles between 8am and 6pm, except for access between Merchantgate and Pavement.</p> <p>Blue Badge parking and loading permitted between 8am and 6pm between Merchantgate and Pavement, Pay and display and resident parking permitted overnight.</p> <p>Access restrictions are very difficult to enforce in practice (enforcement by the police only at present, if the Council were to take this enforcement on, this would require a whitelist system, with significant associated costs and resource implications).</p>	<p>Access restrictions reduce the number of vehicles using the street during the day (compared to no restriction).</p> <p>Blue Badge parking and loading available during the day, Pay & Display and resident parking available on street between 6pm and 8am.</p> <p>All businesses and residents retain vehicular access throughout the day, including to Franklins Yard and Lady Peckett's Yard.</p> <p>On street parking (bays) available for Blue Badge holders during the day, then open for Pay and Display and residents between 6pm and 8am.</p> <p>All traffic (including cyclists) is one-way.</p>	<p>Restricted opportunities for pavement cafes as they can only be permitted in areas where 3m remains available on the carriageway for vehicles to pass and where a minimum of 1.5m remains available on the footway for pedestrians to pass.</p> <p>Many cyclists do not comply with the one-way restriction (very limited enforcement options).</p>
<p>Option B - Restrictions as</p>	<p>One way street (Merchantgate to Pavement).</p>	<p>Reduction in the number of vehicles travelling between</p>	<p>Cycling and loading prohibited during the day. Loading would</p>

Options	Option summary	Strengths	Weaknesses
<p>in the footstreets, with access for Blue Badge holders</p>	<p>No motorised vehicles except for loading and Blue Badge holders between 8 and 10.30am, then pedestrian zone (no vehicles) between 10.30am and 5pm except access for Blue Badge Holders, between Merchantgate and Pavement.</p> <p>As for Option A, access restrictions would be difficult to enforce unless automatic bollards can be installed. Staff may be required at the closure point to let Blue Badge holders in (depending on closure point design).</p>	<p>Merchantgate and Pavement between 10.30am and 5pm, especially if access can be controlled through automatic bollards. Cyclists would be prohibited as well.</p>	<p>need to take place before 10.30am or after 5pm. Loading activities may be displaced to Walmgate, Merchantgate and/or Pavement during that time.</p> <p>No vehicular access provided to the street, including Lady Peckett's Yard or Franklins Yard between 10.30am and 5pm (except for blue badge holders and limited exemptions).</p> <p>Restricted opportunities for pavement cafes as they can only be permitted in areas where 3m remains available on the carriageway for vehicles to pass (Blue Badge holders, emergency vehicles and limited waivers and exemptions) and where a minimum of 1.5m remains available on the footway for pedestrians to pass. On</p>

Options	Option summary	Strengths	Weaknesses
			<p>carriageway areas where Blue Badge parking is possible would not be available for pavement cafes.</p>
<p>Option C – Restrictions as in the footstreets, no access for Blue Badge holders</p>	<p>One way street (Merchantgate to Pavement).</p> <p>No motorised vehicles except for loading and Blue Badge holders between 8 and 10.30am, then pedestrian zone (no vehicles) between 10.30am and 5pm, between Merchantgate and Pavement.</p> <p>Removal of “for access” exemption and removal of Blue Badge parking and loading (loading ban in place between 10.30am and 5pm) between Merchantgate and Pavement.</p> <p>As for Option A, access restrictions would be difficult to enforce unless automatic bollards can be installed and</p>	<p>Significant reduction in the number of vehicles travelling between Merchantgate and Pavement between 10.30am and 5pm, especially if access (limited exemptions and waivers only) can be controlled through automatic bollards. Cyclists would be prohibited as well.</p> <p>P&D and resident parking available on street between 8pm (could be changed to 6pm) and 8am.</p>	<p>Blue Badge access, Blue Badge parking, cycling and loading prohibited during the day. Loading would need to take place before 10.30am or after 5pm. Loading activities may be displaced to Walmgate, Merchantgate and/or Pavement during that time.</p> <p>No vehicular access provided to the street, including Lady Peckett’s Yard or Franklins Yard between 10.30am and 5pm (limited exemptions would be granted for emergency requirements, for example gas leak, broken shop window, etc).</p> <p>Restricted opportunities for pavement cafes as they can</p>

Options	Option summary	Strengths	Weaknesses
	controlled from the CYC control room.		<p>only be permitted in areas where 3m remains available on the carriageway for vehicles to pass (emergency vehicles and limited waivers and exemptions) and where a minimum of 1.5m remains available on the footway for pedestrians to pass.</p> <p>Where the carriageway width allows, some pavement cafes could be licensed during pedestrianised hours (no parking or loading provision required).</p>
<p>Option D – No motorised traffic except for access between Merchantgate and Franklins Yard with this section changed to two-way traffic, then</p>	<p>As existing (no motorised vehicles between 8am and 6pm, except for access), with the section between Franklins Yard and Pavement becoming no vehicular access between 10.30am and 5pm (as footstreets). No cyclists and Blue Badge holder access between 10.30am and 5pm</p>	<p>Significant reduction in the number of vehicles travelling between Franklins Yard and Pavement between 10.30am and 5pm (controlled through lift out or automated bollards). Cyclists would be prohibited as well.</p> <p>All businesses and residents between Merchantgate and</p>	<p>Not deliverable unless additional land can be purchased and/or dedicated as highway (Franklins Yard is not adopted highway – see adopted highway boundary presented in Annex B). Without this additional highway, the turning point before the closure near</p>

Options	Option summary	Strengths	Weaknesses
<p>as in the footstreets between Franklins Yard and Pavement</p>	<p>between Franklins Yard and Pavement.</p> <p>One way street between Franklins Yard and Pavement, with two-way vehicular traffic allowed for access between Merchantgate and Franklins Yard.</p> <p>Removal of most parking and loading (including Blue Badge) would be required to permit two-way traffic.</p> <p>Automatic or lift out bollards placed after Franklins Yard (where the road narrows and bollard sockets are currently in place).</p>	<p>Franklins Yard retain vehicular access throughout the day.</p>	<p>Franklins Yard would be too tight, requiring most vehicles to mount the footways to be able to turn around.</p> <p>Traffic accessing Franklins Yard (and reversing out), and two-way traffic would have a negative impact on road safety for all users between Merchantgate and Franklins Yard and at the junction with Merchantgate.</p> <p>Parking and loading would need to be severely restricted at all times to enable two-way traffic.</p> <p>Merchantgate junction would need to be redesigned for two-way flow, bus stop on Merchantgate likely to require relocation (junction visibility requirements).</p>

Options	Option summary	Strengths	Weaknesses
			<p>No vehicular access provided to Lady Peckett's Yard between 10.30am and 5pm.</p> <p>Restricted opportunities for pavement cafes as they can only be permitted in areas where 3m remains available on the carriageway for vehicles to pass (emergency vehicles and limited waivers and exemptions) and where a minimum of 1.5m remains available on the footway for pedestrians to pass.</p> <p>No pavement cafes could be permitted between Merchantgate and Franklins Yard (two-way traffic).</p>
<p>Option E – Market day approach, where restrictions are as in the footstreets, on</p>	<p>One way street (Merchantgate to Pavement).</p> <p>On the day of the event, pedestrian zone (no vehicles) between 10.30am and 5pm,</p>	<p>No vehicles travelling between Merchantgate and Pavement between 10.30am and 5pm, especially if access can be controlled through barriers/bollards and staffing.</p>	<p>Cycling and loading prohibited during the day. Loading would need to take place before 10.30am or after 5pm. Loading activities may be displaced to Walmgate,</p>

Options	Option summary	Strengths	Weaknesses
<p>specific days, no access for Blue Badge holders/cyclists. Most likely to be supported by businesses on the street on Sundays.</p>	<p>between Merchantgate and Pavement.</p> <p>Restrictions enforced through the use of temporary barriers or removable bollards, supported by staffing for the day.</p> <p>As this would be considered an event, emergency access arrangements would be reviewed and agreed by the Safety and Advisory Group (including all blue light services).</p> <p>The event’s organisers would need to meet the costs of the closures, barriers, and staffing.</p>	<p>Cyclists would be prohibited as well.</p> <p>As this would be considered as an event and would likely take place on a quieter day for the businesses requiring access (probably on Sundays), it may be possible to use the full width of the carriageway to place tables, chairs and stalls (subject to review and approval by the Safety and Advisory Group and any other safety, access and legal requirements, such as licensing).</p>	<p>Merchantgate and/or Pavement during that time.</p> <p>No vehicular access to the street, including Lady Peckett’s Yard or Franklins Yard between 10.30am and 5pm (or for the duration of the event if different timings are agreed).</p>

Organisational Impact and Implications

56. The following implications have been identified:

- **Financial:** Recommended options A and E result in no additional costs to the Council. Event organisers will need to cover event related costs including temporary access and parking restrictions, associated signage and traffic management, etc.
- **Human Resources (HR):** no implications identified.
- **Legal:** As this report recommends no immediate changes to the traffic management arrangements, no legal implications have been identified.
- **Procurement:** no implications identified
- **Health and Wellbeing:** no implications identified,
- **Environment and Climate action:** no implications identified.
- **Affordability:** no implications identified.
- **Equalities and Human Rights:**

The Council recognises, and needs to take into account its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions).

The recommended option retains the existing arrangements where pavement cafes can only be licensed where sufficient footway width remains (1.5m minimum, in accordance with the Council's pavement café licensing policy) and retains vehicular access for users accessing premises on the street and for emergency vehicles. Existing blue badge parking capacity is also retained on the street.

As the recommended option does not propose any changes, an Equality Impact Assessment was not prepared for this report, but the Council's Equality Duty was considered within the report, considering the impacts of each of the options presented on people and groups with protected characteristics under the Equality Act.

- **Data Protection and Privacy:** no implications identified.
- **Communications:** no implications identified.
- **Economy:** Throughout this report, there is specific detail about the challenges and benefits of the various options for businesses, which ensures that these economic factors can be fully considered as part of the decision-making process alongside the implications for other users and stakeholders.

Risks and Mitigations

57. As the recommended option is for no change to the existing situation, no risks were identified in this report which does not recommend any changes.

Wards Impacted

58. Guildhall Ward

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For further information please contact the authors of this Decision Report.

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Background papers

All background papers quoted in this report are available online at the following links:

- <https://democracy.york.gov.uk/ieDecisionDetails.aspx?ID=4946>
- <https://democracy.york.gov.uk/ieDecisionDetails.aspx?ID=5185>
- <https://democracy.york.gov.uk/documents/s122458/Fossgate%20Exp%20TRO%20representations%20-%20Approved%20NJF.pdf>
- <https://democracy.york.gov.uk/ieDecisionDetails.aspx?ID=5359>
- <https://democracy.york.gov.uk/ieListDocuments.aspx?CId=942&MIId=11090>
- <https://democracy.york.gov.uk/documents/s152499/230921%20Director%20Officer%20Decision%20-%20Fossgate.docx.pdf>
- www.legislation.gov.uk/ukpga/2023/55/contents/enacted
- <https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MIId=13292>
- <https://democracy.york.gov.uk/ieListDocuments.aspx?CId=331&MIId=13697>
- www.york.gov.uk/PavementCafeLicences
- https://assets.publishing.service.gov.uk/media/5bc7398de5274a36388e6f27/ministerial-letter-about-shared_space.pdf

- <https://assets.publishing.service.gov.uk/media/5ffa1f96d3bf7f65d9e35825/cycle-infrastructure-design-ltn-1-20.pdf>

Annexes

- Annex A: Pedestrianise Fossgate petition
- Annex B: Fossgate adopted highway boundaries