



## Notice of a public meeting of

### Decision Session - Executive Member for Transport

**To:** Councillor Ravilious (Executive Member)

**Date:** Monday, 20 January 2025

**Time:** 1.00 pm

**Venue:** West Offices - Station Rise, York YO1 6GA

### 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 Democratic Services by **4:00 pm on Monday, 27 January 2025.**

\*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 Corporate Services, Climate Change and Scrutiny Management Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by **5.00 pm on Thursday, 16 January 2025.**

- 1. Apologies for Absence**  
To receive and note apologies for absence.

**2. Declarations of Interest** (Pages 5 - 6)

At this point in the meeting, the Executive Member is asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

*[Please see attached sheet for further guidance for Members].*

**3. Minutes** (Pages 7 - 12)

To approve and sign the minutes of the Decision Session held on Thursday, 5 December 2024.

**4. Public Participation**

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines have changed to 2 working days before the meeting. The deadline for registering at this meeting is at **5.00pm on Thursday, 16 January 2025.**

To register to speak please visit [www.york.gov.uk/AttendCouncilMeetings](http://www.york.gov.uk/AttendCouncilMeetings) to fill out an online registration form. If you have any questions about the registration form or the meeting please contact the Democracy Officer for the meeting whose details can be found at the foot of the agenda.

**Webcasting of Public Meetings**

Please note that, subject to available resources, this public meeting will be webcast including any registered public speakers who have given their permission. The public meeting can be viewed on demand at [www.york.gov.uk/webcasts](http://www.york.gov.uk/webcasts).

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates ([www.york.gov.uk/COVIDDemocracy](http://www.york.gov.uk/COVIDDemocracy)) for more information on

meetings and decisions.

**5. Review of proposed R67 Resident's Priority Parking Scheme consultation in the Huntington Road area** (Pages 13 - 42)

This report presents results of an informal consultation and representations received from residents regarding a proposed Respark area to be known as R67: Huntington Road, which includes properties on Huntington Road, Kitchener Street, Oakville Street, Ashville Street, Oakville Court and Yearsley Crescent.

The report also considers representations received from residents of Haley's Terrace and Somerset Road regarding their views on being added to the proposed scheme if progressed.

**6. Proposed diversion of public bridleway, Heworth (Without) No 1 and 2** (Pages 43 - 76)

This report concerns an application, made by the land owner, to divert a section of the public bridleway Heworth (Without) 1 and 2 away from Cow Moor Farm buildings, on to a wider and longer route mainly passing through mixed woodlands.

**7. Black Dike Lane - Danger Reduction Scheme** (Pages 77 - 142)

This report provides feedback and officer recommendations following a feasibility study into residents' concerns over the "risk of a serious accident due to vehicles driving at an inappropriate speed and the increasing volume of large vehicles using the lane", as well as from a subsequent consultation exercise.

**8. Urgent Business**

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

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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.

## Alternative formats

If you require this document in an alternative language or format (e.g. large print, braille, Audio, BSL or Easy Read) you can:



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We can also translate into the following languages:

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 własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (ہولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

### Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) <b>OR</b> Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) <b>OR</b> Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

City of York Council

Committee Minutes

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Meeting	Decision Session - Executive Member for Transport
Date	5 December 2024
Present	Councillor Ravilious
Officers in Attendance	Michael Howard - Head of Highways and Transport Darren Hobson - Traffic Management Team Leader Tom Horner - Head of Active and Sustainable Transport

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#### **24. Apologies for Absence (10:03am)**

There were no apologies.

The Head of Highways and Transport advised that he would be presenting reports on behalf of the Director of Environment, Transport and Planning.

#### **25. Declarations of Interest (10:03am)**

The Executive Member was asked to declare, at this point in the meeting, any disclosable pecuniary interests, or other registerable interests she might have in the respect of business on the agenda, if she had not already done so in advance on the Register of Interests. None were declared.

#### **26. Minutes (10:03am)**

Resolved: That the minutes of the Decision Session held on 12 November 2024 be approved and signed by the Executive Member as a correct record.

#### **27. Public Participation (10:03am)**

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

Cllr A Waller spoke on item 6; he supported the petition, noting that route 16 was the only bus serving many of the streets along its route and was a

“lifeline” for many residents. He said changes had made it increasingly difficult for the operator to adhere to timetable leading to cancellations, and that cancelling buses on a service with hourly intervals had led to a lack of faith and consequent decline in users, which needed to be remedied.

Peter Roddam spoke on item 6, representing regular passengers on the route; he echoed the points raised by Cllr Waller regarding the current timetable not working. He explained the frustrations of regular users, particularly elderly residents wishing to use bus passes.

Cllr D Merrett spoke on item 8; he strongly supported the proposed trial in Gillygate noting that he was pleased to see flexibility in the recommendations. He sought assurance that the council would double check diffusion tubes had been placed on residential streets which would be subjected to diverted traffic from Gillygate.

Cllr R Melly spoke on item 8; supporting officer recommendations. She stated that she had been supporting residents monitoring traffic and air quality and would be returning to help them with this after the decision session.

Cllr S Fenton spoke on item 8; he asked why the report was being brought forward now rather than after the Council’s Movement and Place plan had been progressed as part of the Local Transport Strategy. He felt Option 2 fitted best with the comprehensive scheme to move forwards. He also asked whether the Combined Authority had been approached to assist with funding – noting that there were other areas within North Yorkshire such as Knaresborough and Malton which face similar challenges.

Paul Gannon spoke on item 8; he emphasised the critical importance of taking action to reduce traffic on Gillygate and neighbouring streets to significantly reduce air pollution. He stated that local residents were keen to help the Council and York Civic Trust, and that traffic reduction was essential to reduce pollution.

Professor Tony May spoke on item 8, representing York Civic Trust; he commented on Option 1 – noting that this collaborative approach would require council data to be shared with partners. He said that the council should not wait for the conclusions of this trial before reducing traffic on Gillygate and should begin immediately. He stated that the Local Transport Strategy clearly sets out the council’s traffic management obligations and future reports from officers should make clear reference to this.



**28. Consideration of Statutory Consultation responses for the removal of Glen House from the Residents' Parking Zone (10:26am)**

The Traffic Management Team Leader presented the report; he advised that this application had been brought forward to remove the site from the Residents Parking R30 zone. He advised that three residents had objected that they would no longer be eligible for a parking permit.

The Executive Member noted that she was happy to approve the recommended option, since this presented fair options for existing permit holders. She noted that between car clubs, local on-street parking and sustainable travel options, there were many mitigations for affected residents.

**Resolved:** To approve Option 2, which will allow the making of an Order to remove the site from Residents Parking R30 (Layerthorpe/East Parade) zone and will allow existing permit holders to keep their permit until it expires, and to renew until the end of 2025 if required, but not to renew beyond this date.

**Reason:** The removal of the area from the Zone allows the development to meet Condition 13 of the Permission with the site no longer eligible for new permits. This will allow the existing permit holders to keep their permits until they expire, or until the end of 2025 if needed, which will provide current permit holders with an availability of parking amenity and time to find an alternative solution.

**29. Response to Bus Service 16 Petition (10:30am)**

The Head of Active and Sustainable Transport presented the report; he explained the recommended option and alternatives, and he discussed the historic disruption to the service, which was in part caused by the unanticipated closure of a lane on the A64 earlier in the year.

The Executive Member acknowledged this explanation, adding that every year major events such as the Christmas Market also caused significant disruption to traffic around York and in the past, additional services had been added to timetables to accommodate such disruption which consequently led to cancellations and timetabling issues through quieter periods.

The Executive Member stated that she was reluctant to take an extreme reaction which may not be necessary in the long term. She noted that Option 2 satisfied a regular timetable, while also accommodating people getting on board in the morning using free bus passes.

Resolved:

- i. To approve the implementation of the revised hourly frequency timetable outlined in option one and delegate authority to the Director of Environment, Transport and Planning (in consultation with the Director of Governance and the Head of Procurement) to take such steps as are necessary to implement the revisions.

Reason: To resolve the occasional need for some passengers to stand and to maintain a timetable that is easy to understand for passengers.

- ii. To instruct officers to undertake a route assessment to identify areas where there may be local obstructions to bus movement, approve the progression of any required changes using the BSIP small bus priority schemes fund and delegate authority to the Director of Environment, Transport & Planning (in consultation with the Director of Governance and the Head of Procurement) to take such steps as are necessary to implement the changes.

Reason: To seek to improve journey time variability on the route of bus service 16.

### **30. Proposed diversion of public bridleway, Heworth (Without No 1 and 2 (10:26am))**

The Executive Member advised that this item was being deferred to allow Rights of Way Officers to continue discussion with the landowner.

Resolved: To defer this item to a later decision session.

Reason: Further discussion with the landowner is required before the report can be presented to the Executive Member.

### **31. Gillygate Air Quality Trial (10:37am)**

The Head of Highways and Transport presented the report, assisted by the Head of Active and Sustainable Transport. The Executive Member thanked Officers, Members, York Civic Trust and other volunteers for their hard work on this trial.

She acknowledged that Gillygate had the worst levels of pollution in the city due to its canyon-like layout, which had been observed to trap pollution at ground level. She noted that while air quality had improved recently, one year's improvement did not give enough evidence to constitute a trend, and without reliable improvement over the past five years, Gillygate's pollution levels exceeded national safety standards, obligating the Council to act.

The Executive Member noted that the proposed change to the traffic signals would shift traffic to surrounding residential streets, but that these streets did not have the same canyon-like environment. Acknowledging public participation, the Executive Member stated that assurance would be sought from relevant officers to ensure that the side roads remained within safe levels of emissions.

The Executive Member acknowledged that the trial could lead to longer queues on some streets such as Lord Mayor's Walk and Clarence Street but these would hopefully be short term as people would find other routes and means of transport. If not, adjustments could be made to the trial to ensure the trial is not detrimental to travel around the city.

Responding to Cllr Fenton's suggestion of waiting for a fuller modelling study – the Executive Member advised that the level of pollution on Gillygate meant that doing nothing at this stage was not an option; immediate action was required. It did not mean that this was the only thing the Council would do and further assistance, especially with nitrogen dioxide particulates would be welcomed, given the financial constraints on the Council.

The Executive Member recognised that officer resource and funding control had not yet been allocated to the trial but advised that she would investigate these areas.

Resolved: To approve Option 1, which is to undertake a trial of traffic signal gating on Gillygate for 12 months with air quality and basic transport impact monitoring.

Reason: To understand the impacts of traffic signal gating on Gillygate and surrounding areas in order to inform future air quality and traffic management policies.

Cllr K Ravilious, Executive Member  
[The meeting started at 10.03 am and finished at 10.52 am].



<b>Meeting:</b>	Executive Member Decision Session
<b>Meeting date:</b>	20/01/2025
<b>Report of:</b>	James Gilchrist
<b>Portfolio of:</b>	Cllr. Ravilious. Executive Member for Transport

## **Decision Report: Consideration of results received from the informal consultation to implement Residents Priority Parking in the Huntington Road area to be known as ‘R67: Huntington Road’.**

### **Subject of Report**

1. To report the results of the informal consultation and representations received from residents in response to a proposal to implement Resident’s Priority Parking scheme (Respark). The Respark area to be known as R67: Huntington Road, which is proposed to include properties on Huntington Road, Kitchener Street, Oakville Street, Ashville Street, Oakville Court and Yearsley Crescent to determine if the Respark proposal should progress to statutory consultation following the responses received from the informal consultation. The report also considers the representations received from residents of Haleys Terrace and Somerset Road regarding their views on being added to the proposed scheme if it were to be progressed.

### **Benefits and Challenges**

2. The benefits are we have met our obligation to consult with relevant stakeholders providing them with the opportunity to provide comments either in favour or against the proposed scheme and take those responses into consideration when recommending if the proposal should move to the Statutory Consultation stage.

3. The challenges of the process are that the decision made will not be the desired results of all residents and may create other issues for residents. Had we not consulted we would not have provided ourselves with an opportunity to consider the views of the affected residents prior to statutory consultation been undertaken.

## **Policy Basis for Decision**

4. The recommendation not to take the proposed scheme to Statutory Consultation is in line with officers' current approach of not recommending progressing Resident's Priority Parking schemes if a 50% response rate is not achieved.
5. However, should the decision be made to progress to Statutory Consultation and following the further consultation the scheme is implemented this will comply with the Local Transport Plan (LTP) objective of "*the transfer of inward commuting and visitor trips to the Park & Ride service, combined with restricting the availability of city centre parking, will remain a key strategy for reducing trips in the urban area*". Including reducing vehicle miles and creating high quality public realm for residents.

## **Financial Strategy Implications**

6. The recommended option within the report has no future financial implications.
7. If the proposal is progressed to Statutory Consultation, then the cost of advertisement will be funded from the core transport budget.

## **Recommendation and Reasons**

8. It is recommended that approval be given to take no further action at the current time and remove the area from the resident's parking consultation waiting list.
9. The recommended option is in response to the low response rate received from the residents within the proposed scheme's boundary area. It is acknowledged the responses received were in favour of the proposed scheme. However, the level of responses received in favour in comparison to the overall number of properties consulted does not indicate support for the scheme.

## Background

10. A petition was received in December 2019 which included signatures from residents on Yearsley Crescent. The petition included 31 signatures.
11. In addition, a further separate petition was received in October 2020 from residents of Kitchener Street. The petition included 19 signatures.
12. The two petitions requested we consider implementing a Resident's Priority Parking scheme to prevent commuter parking in both areas. The receipt of the petitions was acknowledged by York Council and approval granted for the two streets to be added to the Resident Parking waiting list for consultation.
13. As the streets are in close proximity, it was proposed to progress the consultation as one area, as restricting parking in one street would affect parking in the nearby areas. Due to the impact of the introduction on the nearby area the informal consultation was expanded to include all properties on Oakville Street, Ashville Street, Oakville Court and properties No's 75-143 and 94-166 on Huntington Road. Oakville Court is located on a private unadopted access road with limited off-street parking amenity. Oakville Court was included in the consultation as residents of, and visitors to, these properties may need to park on Huntington Road and would require permits to do so. As such a boundary plan for a wider area was created. The boundary plan is detailed in Annex B.
14. We hand delivered all the relevant consultation documentation to all properties within the proposed area on 22<sup>nd</sup> August 2024 and requested residents and businesses return their questionnaires by email wherever possible or to the freepost address provided by 19<sup>th</sup> September 2024. All consultation documents, including the consultation letter, boundary plan, Respark information including current costs and questionnaire sheet are detailed in Annex A.
15. As restricting parking in a Respark zone can lead to a displacement of parking in to surrounding areas it was also deemed appropriate to consult with the residents and businesses of Haleys Terrace and Somerset Road to determine if they would like us to consider including these areas in the Respark scheme if it were to be taken forward. The letter sent to the residents and

businesses of Haleys Terrace and Somerset Road is detailed in Annex B.

## Consultation Analysis

16. A total of 267 properties within the proposed boundary received the consultation documentation. 63 responses were received and of this total 38 were in favour of the proposed scheme and 25 were against any scheme being implemented. Of the 63 responses, when asked if a scheme was to be implemented, 34 preferred a full time restriction. A full table of the results is detailed in Annex C.
17. Of the 38 responses received in favour, 12 provided further written representation with the majority expressing concerns regarding commuter parking and the number of HMO's (all from Yearsley Crescent) leading to an increase in cars per household. All representations received in favour are detailed in Annex D.
18. Of the 25 responses received against the proposed scheme, 7 provided further written representations with the majority expressing concerns regarding the cost of permits and the financial impact when managing a limited budget. All representations received against the proposed scheme are detailed in Annex E.
19. In response to the 21 letters delivered to the residents and businesses of Haley's Terrace we received 4 responses requesting we add it to the scheme if taken forward. No residents of Somerset Road responded to the consultation.
20. If approval to progress to Statutory Consultation is granted, which is not the recommended option, further consultation would be conducted. This would include Notices of Proposal placed on street, in the press and copies of the notice would be delivered to all properties within the affected area. A letter would also be delivered with the notice to advise residents how they can provide representation on the proposal, which would be considered at a further decision session, where a final decision would be made on if the scheme should be implemented or not.
21. It is acknowledged that from the response received, 60% were in favour of the proposal. However, the consultation did provide a low response rate, of 267 properties consulted only 63 (23.59%) responded. Therefore the percentage of properties in favour of the



proposal from the proposed area is only 14.2%. There was no response from 76.4% of the proposed area of Respark, which constitutes a large proportion of residents who have decided not to engage on the matter.

22. Following the consultation, we received representations from all ward Councillors, who expressed their support of the scheme progressing to the Statutory Consultation stage.

## **Options Analysis and Evidential Basis**

### **Option 1 (Recommended Option)**

23. To take no further action and remove the area from the waiting list.
24. This is the recommended option as it is in line with officers' current policy when assessing informal consultation results for proposed Respark restrictions and not progressing them to the next stage of Statutory Consultation when a very low response rate is received.

### **Option 2 (Not Recommended)**

25. To advertise an amendment to the Traffic Regulation Order to introduce new Resident's Priority Parking restrictions to the whole consultation area, known to be R67 Huntington Road and to operate 24 hours Monday to Sunday.
26. This is not the recommended option as it is against current officer policy due to the low response rate received from the consulted area.

### **Option 3 (Not Recommended)**

27. To advertise an amendment to the Traffic Regulation Order to introduce new Resident's Priority Parking restrictions to the whole consultation area and to also include Haleys Terrace within the proposed scheme, and to operate 24 hours Monday to Sunday. A boundary plan for this option is detailed in Annex F.
28. This is not the recommended option as it is against current officer policy due to the low response rate received from the consulted area.

## Organisational Impact and Implications

29. This report has the following implications:

30.

- **Financial:** If the recommended option is approved there is no financial implication. Should approval be given to progress to advertisement then funds allocated within the core transport budget will be used to progress the proposed residents parking scheme to legal advertisement. If the scheme is then implemented the ongoing enforcement and administrative management of the additional residents parking provision will need to be resourced from the department's budget, funded through income generated by the new restrictions.
- **Human Resources (HR):** If restrictions are progressed to advertisement and implemented on street, enforcement will fall to the Civil Enforcement Officers adding a new Resident Parking area and limited waiting restrictions. New zones/areas also impact on the Business Support Administrative services as well as Parking Services. Provision will need to be made from the income generated from new schemes to increase resources in these areas as well as within the Civil Enforcement Team as and when required.
- **Legal:** The recommended option would not have any Legal implications.  
If the option to progress to Statutory Consultation is approved, then a proposal to amend the York Parking, Stopping and Waiting Traffic Regulation Order 2014 would be required to be advertised.  
The Council regulates traffic by means of Traffic Regulation Orders (TROs) made under the Road Traffic Regulation Act 1984 which can prohibit, restrict, or regulate the use of a road, or any part of the width of a road, by vehicular traffic. In making decisions on TROs, the Council must consider the criteria within Section 122 of the Road Traffic Regulation Act 1984 and, in particular, the duty to make decisions to secure the expeditious, convenient, and safe movement of vehicular and other traffic (including pedestrians).

The balance between these considerations must come to the appropriate decision.

When considering any parking restrictions proposed, the Traffic Authority has to consider its duty (as stated above) against the factors mentioned in Section 1 of the Road Traffic Regulation Act 1984 and the implementation of the Local Transport Plan's objective of restricting commuter and visitor parking close to the city centre to encourage the use of Park & Ride and sustainable modes of transport in the urban area.

- **Procurement:** As the recommended option is to take no further action, there will be no requirement for any procurement.
- **Health and Wellbeing:** As the recommendation is to take no further action the health and wellbeing of residents will remain neutral.
- **Environment and Climate action:** As the recommendation is to take no further action the environment and climate actions will remain neutral. However, if the area is being utilised by commuters then implementing residents parking restrictions will restrict the number of vehicle movements looking to find on street parking and encourage the use of more sustainable transport modes for non-residents by reducing the opportunities to park in or close to the city centre, in line with Local Transport Plan objectives.
- **Affordability:** As the recommendation is to take no further action the affordability on residents will remain unchanged. Should any restrictions progress residents requiring on street parking will be required to pay to purchase a resident parking permit (or other permit as applicable) along with any visitor permits which would also be required. The impact on residents is likely to be high as the area consists of terraced streets with no access to off street parking. In addition, businesses on Huntington Road would lose their ability to park unrestricted and remove any access to all day parking for staff.

The drivers which may currently park to utilise free on street parking for commuting purposes would have to find somewhere else to park, possibly at a cost (car parks, pay and display bays or Park & Ride), change transport mode or change destination.
- **Equalities and Human Rights:** The Council recognises 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 impact of the recommendation on protected characteristics has been considered as follows:

- Age – Neutral.
- Disability – Neutral, as Blue Badge holders can park in Residents parking zones free of charge for unlimited durations.
- Gender – Neutral;
- Gender reassignment – Neutral;
- Marriage and civil partnership– Neutral;
- Pregnancy and maternity - Neutral;
- Race – Neutral;
- Religion and belief – Neutral;
- Sexual orientation – Neutral;
- Other socio-economic groups including :
  - Carer - Neutral;
  - Low income groups – Neutral;
  - Veterans, Armed Forces Community– Neutral

It is recognised that individual traffic regulation order requests may impact protected characteristics in different ways according to the specific nature of the traffic regulation order being considered. The process of consulting on the recommendations in this report will identify any equalities implications on a case-by-case basis which may lead to an individual Equalities Impact Assessment being carried out in due course.

- **Data Protection and Privacy:** No issues have been identified.
- **Communications:** No issues have been identified.
- **Economy:** No issues have been identified.

## Risks and Mitigations

31. No detrimental risks have been identified

## Wards Impacted

32. Heworth

## Contact details

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

### Author

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<b>Report approved:</b>	Yes/No
<b>Date:</b>	09/01/2025

### Co-author

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<b>Report approved:</b>	Yes
<b>Date:</b>	07/01/2025

## Background papers

### Annexes

- Annex A- All consultation documents, including the consultation letter, boundary plan, Respark information and costs and questionnaire sheet.
- Annex B- Letter sent to residents and businesses of Haleys terrace and Somerset Road.
- Annex C- Table of consultation results.
- Annex D- Representations received in favour of the proposal.
- Annex E- Representations received against the proposal.

- Annex F- R67 proposed boundary plan including Haleys Terrace.



To the owner/occupier

Dear Resident,

### Request for Residents' Priority Parking

We are writing to you because we have received a petition from residents of your area requesting us to consider introducing a Residents' Priority Parking scheme.

The attached plan indicates the extent of the proposed new area to be consulted which would be a new zone named R67 Huntington Road. We are proposing to introduce a scheme within the boundary which would operate on entry/exit signage for the side streets with marked bays located on Huntington Road providing a limited waiting period for non-permit holders, please see the information key included on the plan provided for the proposed restrictions. The type of scheme proposed for the side streets does not require extensive signing and lining and would allow residents, when the required permit has been purchased, to park anywhere on street so long as you are not parking on any existing restrictions which may be in place and no obstruction to the highway or private accesses is being caused. Entry/exit signs would be erected at the entrance to the streets and small ad hoc repeater signs can be placed on existing poles/lamp columns.

Generally, we require a 50% response rate from the consultation. Then from the returns we would require a majority in favour to take the proposal forward and initiate the legal consultation/advertisement process (when formal objections and representations can be made). Each street can be taken forward individually should some areas not reach the above requirement.

Consequently, it would be helpful if you would take the time to complete the included questionnaire and return your preferences to [highway.regulation@york.gov.uk](mailto:highway.regulation@york.gov.uk) before **Thursday 19<sup>th</sup> September 2024**

Alternatively, the questionnaire sheet can be returned to City of York Council using the following freepost address:

*Freepost RTEG-TYYU-KLTZ  
City of York Council  
West Offices*

Corporate Director: Neil Ferris

Directorate of Place  
West Offices  
Station Rise  
York  
YO1 6GA

Tel: 01904 551337  
Email: [highway.regulation@york.gov.uk](mailto:highway.regulation@york.gov.uk)  
Date: 22<sup>nd</sup> August 2024

Station Rise  
York YO1 6GA

### Consultation documents

The following information and documents are enclosed:

1. Plan of the consultation area proposed to be included within the new R67 zone (black outline), along with proposed restrictions within the zone (please see 'key to proposed restrictions')
2. How a Resident Parking Scheme Works using entry/exit regulations.
3. Questionnaire (please return responses via email where possible).

We can only accept one completed questionnaire from each household. Please return these details along with any comments you may have to us by 19<sup>th</sup> September 2024.

Please where possible do try to email your responses to:  
[highway.regulation@york.gov.uk](mailto:highway.regulation@york.gov.uk) Please give all the information we have asked for on the questionnaire, including your name and address.

You can add any comments you wish to make. For example, we would like to know if any of the following circumstances apply to you:

- You have special needs/circumstances that you believe would be disadvantaged by the introduction of a ResPark scheme.
- If you rent your property, please forward the contact details of the owner (if known) or managing agent. As residents in the area, you should still complete the questionnaire and return your preferences to us. We will contact the owner separately.

The results of the consultation will be reported to the Executive Member for Transport at a Public Decision Session. We will write to you again before the meeting date with further information on how to join the meeting or make further representation. The meeting is likely to take place in December.

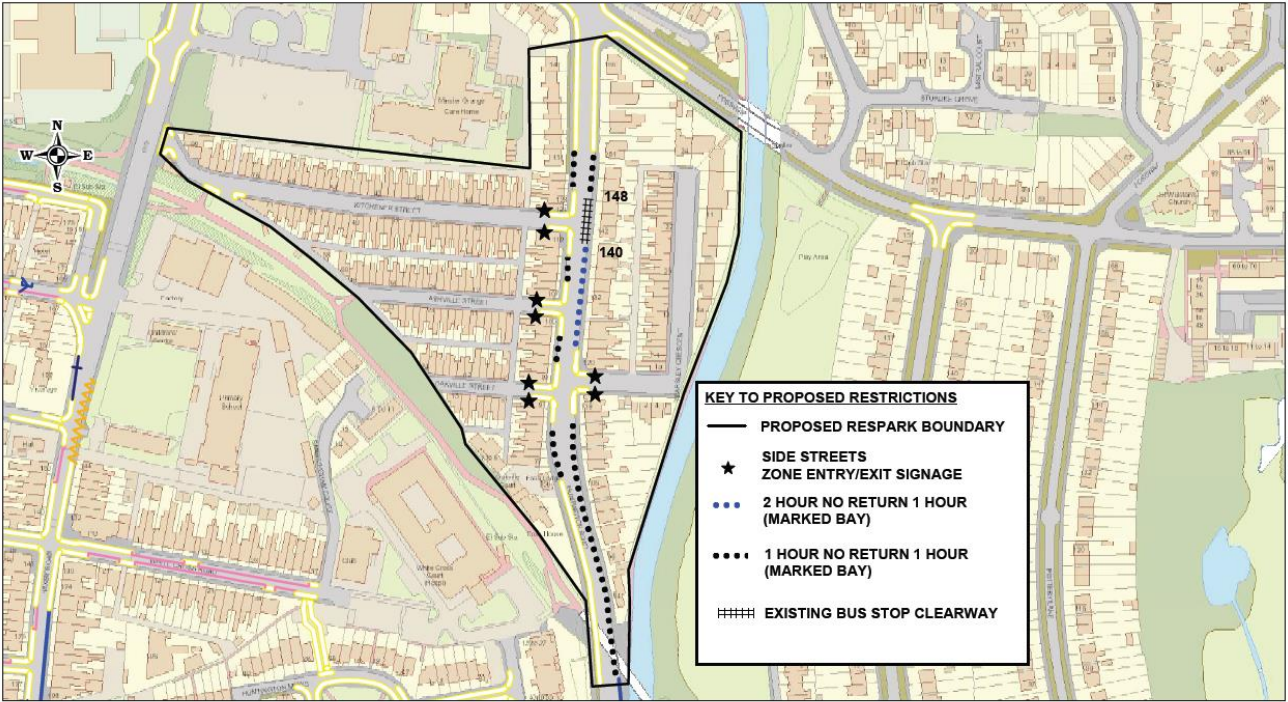
Please contact me on the email address provided if you wish to discuss this further or require any clarification at this stage.


Yours faithfully

*G. Holmes*

Geoff Holmes  
Traffic Project Officer





 <p>CITY OF <b>YORK</b> COUNCIL</p>	<p>+ Crown copyright. All rights reserved Licence No. 2003</p>		SCALE	1 : 2300
	<p><b>R67 PROPOSED BOUNDARY PLAN</b></p>		DATE	20/08/2024
			DRAWING No.	
			DRAWN BY	



## **A Residents' Priority Parking Scheme: R67 Huntington Road.**

In January 2012, the Department for Transport amended Road Traffic Regulations. The amended regulations permit us to reserve a road for permit holders during an indicated period (or 24 hours) where parking bays are not marked. These are suitable for cul-de-sacs or enclosed areas where the witnessed problems associated with inconsiderate parking are due to the level of non-resident parking.

Because of the changes, we can now offer residents a Residents' Priority Parking Scheme (Respark) where the resident has more control. You can park anywhere on street as long as you are not parked on any yellow lines, across a dropped kerb placed for the purpose of vehicle or pedestrian access/crossing or cause an obstruction.

Signs are mounted at the beginning of the restricted area to inform drivers that parking is reserved for permit holders. The scheme can operate full time, or on a part-time basis depending on resident preference. The timing on the shown sign is an example: – please indicate your preferred times of operation on the questionnaire sheet enclosed. Outside any specified times the street would be available for any vehicle to park. A Mon-Fri, 9am to 5pm scheme gives residents and their visitors more flexibility on an evening and weekend. A full time scheme is more beneficial if non-resident parking remains at significant levels during evenings and weekends.



Our Respark schemes cannot guarantee a space will be available. A scheme is introduced to give residents priority over available space within the boundary of the scheme. In areas of high density housing, pressure for space can still occur.

There would be no parking allowed for any non-permit holders whilst the scheme is in operation. Any visitors to your property would require a visitor permit, even for a short duration (except for those activities that are listed below).

### **Exemptions within the Traffic Regulation Order**

A Resident Parking scheme is a parking restriction; it does not prevent access. Non residents can wait on street in order to undertake one of the following activities.

1. Loading and unloading, including passengers. For example, you would still be able to get goods delivered, move house, or a friend arrive to collect you or

drop you off without the need to display a permit. Our Civil Enforcement Team wait for approximately 5 to 10 minutes to ensure no loading activity is occurring before issuing a penalty charge notice to a vehicle which does not display a valid permit.

2. Vehicles displaying a valid disabled permit (blue badge).
3. Vehicles used for medical requirements, or for weddings and funerals.
4. Vehicles which belong to emergency services, statutory bodies or vehicles being used for highway works.

If you are having work done on the house, your builder or other tradesman can use a visitor permit or purchase a “builders permit” from parking services.

## Enforcement

If a vehicle parks without a permit, the driver becomes liable for a Penalty Charge, issued by our Civil Enforcement Team.

## Permits

Within a ResPark zone a range of permits are available; please visit:

[www.york.gov.uk/ParkingAndPermits](http://www.york.gov.uk/ParkingAndPermits) for further details.

However, most residents will obtain a **Household Permit**. Tenants can apply in their own right although we also ask tenants to make their landlords aware of the scheme. If progressed your new permit would be allocated to a vehicle number plate (known as the vehicle registration mark, or ‘VRM’) of your choice. Using our Permit Portal, you’ll be able to change the allocation of a permit to another vehicle (for example, if you have a courtesy car, or need to park another of your cars on street.)

Residents can obtain additional permits if you need them. You can also register visitors (by the day) online.

Discounted permits are available for low emission vehicles and there’s a surcharge for some higher emission vehicles.

Permit Type	Discounted rate	Standard rate	Premium rate
Household	£54.98	£109.95	£164.95
Additional (1 <sup>st</sup> )	£120.00	£240.00	£340.00
Additional (2 <sup>nd</sup> )	£250.00	£500.00	£680.00
HMO residents	£101.25	£202.50	----
Business	£255.00	£510.00	----

Visitor Permits	Cost
Book of 5 permits	£7.00
Book of 5 permits – discounted charge	£1.75
Daily digital permit	£1.40
Daily digital permit – discounted charge	35p

Please visit: [www.york.gov.uk/ResPark](http://www.york.gov.uk/ResPark), for more information about resident parking schemes and associated costs.

**Questionnaire Sheet**

Residents' Priority Parking Scheme

Please indicate your preferences by ticking the appropriate box:



	YES	NO
Would you support a proposal to introduce a Resident Parking Scheme on your street?		

Please indicate your preferred time of operation, even if you are against the scheme:

24 hours, 7 days a week	
9am to 5pm, Monday to Friday	
Other: please state:	

Title: (Mr. Mrs. Miss Ms) -----Initial: -----

Surname: -----

Address: -----

-----

Postcode -----

*Please return in the freepost envelope provided by..... Your preferences are kept confidential. If you prefer you can email the information and comments to [highway.regulation@york.gov.uk](mailto:highway.regulation@york.gov.uk). Do not forget to let us know your address when emailing.*

**Please write any further Comments you wish to make overleaf** (or use a separate sheet)

# ANNEX B



**To the owner/occupier**

**Directorate of Place  
West Offices  
Station Rise  
York  
YO1 6GA**

Tel: 01904 551475  
Mobile: 07871 990988  
Email:  
[highway.regulation@york.gov.uk](mailto:highway.regulation@york.gov.uk)

Date: 22<sup>nd</sup> August 2024

Re: Consultation for a proposed Resident's Priority Parking Scheme.

Dear Residents,

We are writing to you to make you aware of a consultation that has begun today in an area close to your properties. We are consulting with residents as we received a petition and requests for us to consider introducing a Resident's Priority Parking scheme in their area.

Please find attached the plan of the proposed boundary for the scheme if it goes ahead.

If you would like to provide any comments regarding the proposed scheme or would like us to consider adding your street to the proposed zone please email [highway.regulation@york.gov.uk](mailto:highway.regulation@york.gov.uk) providing your full name and address.

Any comments or requests received will be placed within a report along with an officer recommendation to be considered by the Executive Member for Transport at a future decision session.

We will write to you again when a date has been set for the meeting to provide you with information on how to view the report and attend the meeting should you wish to do so.

Your faithfully

Geoff Holmes

Director: Neil Ferris

Traffic Projects Officer

# ANNEX C

Streets	TOTAL	Returned(%)	Yes	No	Full Time	Mon-Fri 9am to 5pm	Other	No Times Provided	% For	% Against
Kitchener Street	84	16(19.04)	12	4	9	6	-	1	80	20
Oakville Street	19	1(5.26)	0	1	0	1	-	-	0	100
Ashville Street	43	9(20.9)	6	3	7	1	-	1	66.67	33.33
Oakville Court	6	0	-	-	-	-	-	-	-	
Huntington Road	75	20(26.66)	9	11	10	6	-	4	45	55
Yearsley Crescent	40	17(42.5)	11	6	8	9	-		64.7	35.3
Results	267	63(23.59)	38	25	34	23		6	60.3	39.7
	TOTAL	Returned(%)	Add	Obj						
Haleys Terrace	21	4	4							
Somerset Road	11	0	-	-						
Results	32	4(12.5)								

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## **ANNEX D**

### **REPRESENTATIONS RECEIVED IN FAVOUR**

- *Kitchener Street gets congested, particularly with the traffic to the chinese take-away. Yellow lines need to be extended at the top of the street to allow space for a safe turning. Also, yellow lines on alley and back road to Ashville as these are often blocked, plus cars park illegally at entrance to cycle path, meaning cyclist have to stop and get off and manoeuvre round!*
- *I am in favour of a 24/7 permit because the current situation is difficult, and I can see it getting worse as people move into the Rowntree apartments, especially if they need to pay for a parking space. I have MS, but cannot take the car out unless I will be gone all day, because of the parking situation, so I already feel disadvantaged in not having a residents parking scheme.*
- *I have seen that, on many many occasions, the issue of residents not being able to park. It is particularly bad on Kitchener Street.*
- *There are at least 3 student houses on the street with 6 students per house which makes term time parking difficult. Students also encourage friends who live on other streets to park their cars on the street which contributes to the parking issue.*
- *My husband and I have lived in Yearsley Crescent for over 30 years. Over this time, parking has got steadily worse. We have always had to contend with people parking and going into town / work at the hospital, but several things have happened over recent years to make it even harder to park near your own house:  
1). Introduction of (very necessary) double yellow lines on the corners of Yearsley Crescent & Huntington Road have reduced the area available for parking  
2). A lot of the houses are now student lets, meaning many more people living in houses than there were in the past, which can also mean an increase in the numbers of cars in the street.*

3). At least two of the terraced houses on Yearsley Crescent are now operating as Air B and Bs, meaning that there is an increased volume of different cars coming and going.

I am also concerned that the semi opposite us is being turned into some sort of HMO, as it is having a massive extension built.

Goodness knows how many people / cars will be present once it's finished.

- *Very much welcome a proposed RPS. Our road is used by commuters who park around 7am onwards and then walk in to town, returning 5pm onwards. This means residents frequently find it impossible to park anywhere near home. this is exacerbated during term time with student parking.  
(some residents of Huntington Road also park on Yearsley Crescent, presumably to avoid parking on a busy highway! So having 'restricted' zones on the main road may encourage this even more.*
- *Please note that parking is a real [problem for people who live in this area. I am a single woman and nervous of going out at night, especially in the winter months as when I return there is nowhere to park and this unnerves me. Also there is a high proportion of HMO housing with an average of 4 cars per household usually from student this will also impact on the result of this proposal as students will not want to pay. I also feel YCC to try and stop most students from bringing their cars from student accommodation that has no parking they also park in this area and leave their cars for weeks, this is a massive problem. I don't work Mondays but when I come home there is never anywhere to park so I park at work in Bishopthorpe Road, not at all convenient.  
My issue is that when holidays for university the parking is less problematic, when term is on it's more than a nightmare. My other concern is how is this fair to get 50% of yes when the majority is rental, airbnb's and student HMO's. This is unfair to others that live here and just want peace of mind to park.*
- *- The street begins to fill up from 7.30am with people who park their cars then walk/cycle to work.  
- When I come home on my lunch break it is impossible to park on the street, and I received a parking ticket once when I had no*

*option but to double park outside my house, as no spaces on the street.*

*- I have to avoid going out in my car on my days off or on evenings, as I know I will not be able to get parked again.*

*- This is a big source of anxiety for me and the other residents*

- *People use the area as free parking for town all week – not just Monday to Friday, and not just from 9am. Sometimes we have to park nearly half a mile away from our house just to get a spot.*

## **Responses received from Haleys Terrace**

- *I would like residents' parking on Haley's Terrace. I am conscious that the new flats and homes on the old Rowntree's site have less than 1 space per property. The flats are only a quarter occupied but most spaces full. We're seeing a lot of hospital staff and Cocoa Works residents parking on our street. Another issue is theatre nights.*

*The new dentist's customers are parking in front of China Inn (much to the staff there's upset) so China Inn customers are parking on street. Also a family house is proposed for next to that so that's another 1-3 cars. The dentist seems to own a carpark (albeit overgrown with Japanese Knotweed).*

*A new restaurant is opening. I asked JRHT about the parking spaces behind but they intend to develop so that's potential 10+ resident cars needing to fit on the road.*

*Recently HAleys Terrace was added to a website showing free parking in York. People are driving from further afield etc to park outside our house and leaving cars there for days.*

*I think the side next to the houses should be residents of Haleys Terrace only. The other side should be open to all to allow support of Tasca Frango and the theatre. The permit should stand on weekends.*

- *Generally, it sounds like a much needed scheme for this area, but as a resident of Haleys Terrace we were disappointed to see our street omitted from the proposal.*

*Parking on Haleys Terrace has steadily become more fraught for residents in recent months. Since the cocoa works, the dentist*

*(despite space for a car park adjacent still boarded up), Joseph Rowntree theatre, private hospital, and overflow for Yearsley swimming pool; on top of the Joseph Rowntree garages seemingly unable to rent since contacting the foundation for reasons they will not divulge - have all culminated into a perfect storm for residents ability to park anywhere near their own homes.*

*If nothing is done about this, we are worried what this will do for neighbourhood house prices, and the ability to ever have any visitors to our residence. Haleys Terrace desperately needs a parking scheme - and it must come with ample free permits to guests of those residence only*

- *I have received priority parking scheme letter and would like to put Haley's terrace forward to be added we cannot park at our own home till tea time and again cannot on a night when we return , I have children and this is not convenient with shopping or school runs , a lot park and bike into town for work which is frustrating.*
- *we would certainly like you to consider adding our street, haleys terrace, to the R67 respark area that is under consideration.*

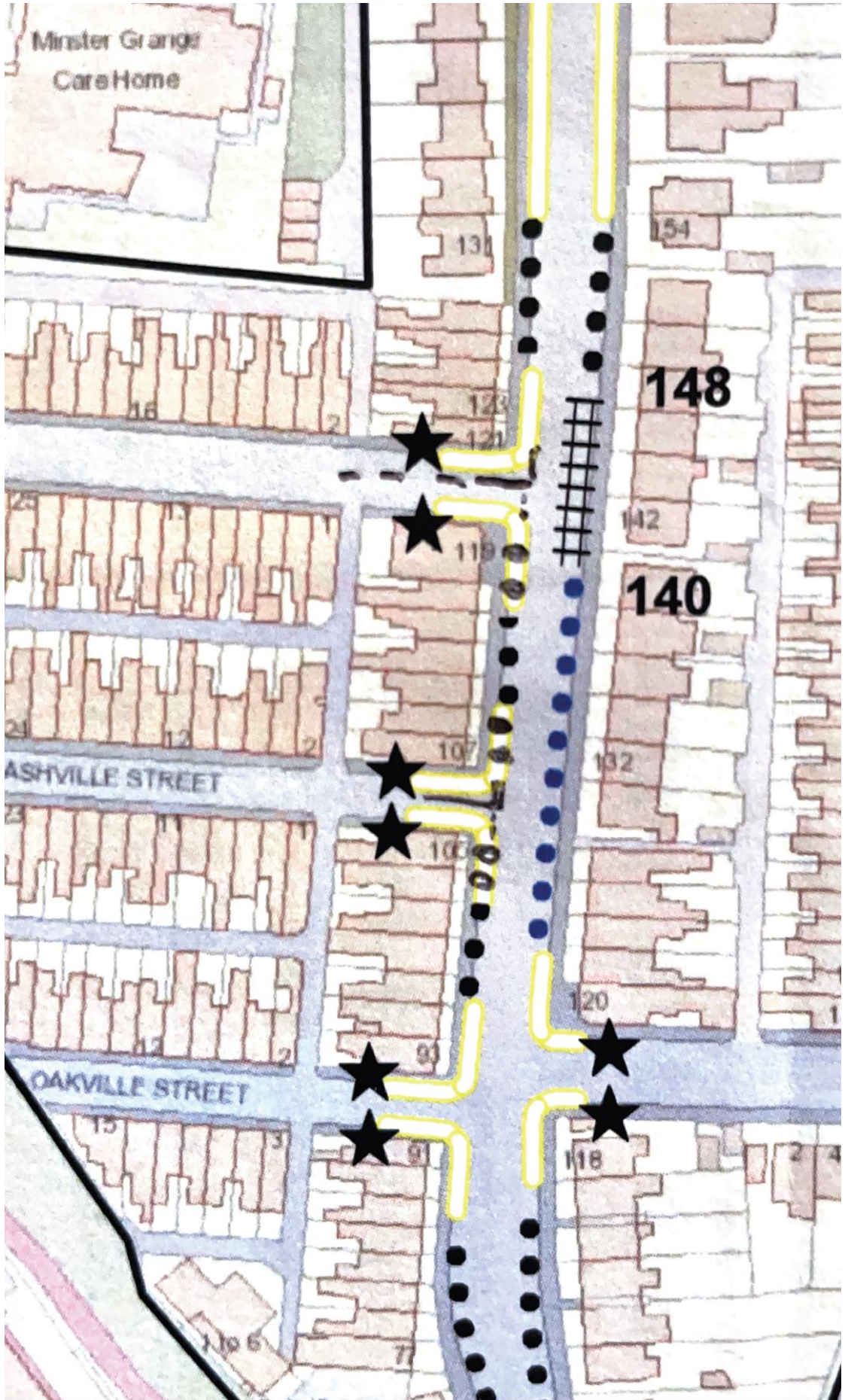
## **ANNEX E**

### **REPRESENTATIONS RECEIVED AGAINST THE PROPOSAL**

- *We do not consider it appropriate that we, as residents, should have to pay to park on our own street. Our council tax continues to rise and the services provided are not satisfactory. The proposed scheme seems to be another income generator that will undoubtedly provide little benefit.*
- *We are a professional couple living on Ashville Street. For our work, we regularly have to use hire vehicles. Introducing a permit scheme would make this incredibly costly and awkward. This was a decision we made on the basis of not needing to run two vehicles permanently as wherever possible we try to travel on foot or on public transport as we are both very environmentally conscious. However, as we both work jobs that require travel at unsociable hours, hiring vehicles is unavoidable on occasions. I entirely understand the concerns and frustrations of residents that rely on parking close to their properties. I just wonder if there is a way of implementing a scheme without penalising those of us that work in less traditional manner*
- *We have received paperwork regarding the proposed residents parking in Yearsley Crescent. My household would like to strongly object to residents parking in our street. We were effectively railroaded into signing the original request for by 2 people in the street. Literally the only way we could get them off our doorstep was to sign their petition. Parking problem in our street has been all but solved by 1) the addition of the double yellow lines (which I believe remain unfinished presently?) and 2) the building work at Nestlé being nearly complete (so much of the parking problems were caused by builders vans parked as nestle did not provide parking on site for their contractors apparently). I would not support res park in Yearsley Crescent. If we did have to have it forced upon us, Monday to Friday 9am to 5pm would certainly be my choice. I certainly would be very*

*unhappy as well if new yellow lines were to be painted anywhere else on the street.*

- *I am a resident of Yearsley Crescent YO31 8RS, and I would not support a proposal to introduce a Resident Parking Scheme down the road as this road contains many student houses who would find it highly difficult to afford a permit as, in my case, the rent is not fully covered by student loans. Furthermore, many students down our road need a job to afford to live, and having to pay for a permit is another unnecessary expense.*
- *This is in regards to the resident parking scheme letter I received at my address on yearsley crescent.  
I do not support the decision to make the road permit only, as I know myself and my housemates are all students, including many others on the road, and we wouldn't be able to afford a permit as well as our rent considering our loan doesn't cover it. As well as when we have family visiting it wouldn't be feasible to have them not be able to park on the road. All in all parking isn't a great concern on the road, except when it comes to parking near your own house. Even with a parking permit being introduced, there would still be a struggle to park near our own houses.*
- *As one of the residents living on Yearsley Crescent, I strongly believe that by enforcing such regulations on the main road, traffic would greatly increase upon ours. This would have a negative impact upon my ability to commute to and from work, leaving my car safely parked outside my own home.*
- *I DO NOT support a proposal to introduce a Resident Parking Scheme on my street.  
There SHOULD NOT be any time restrictions at all.*
- *The problem with parking on Huntington Road is due to lack of spaces outside residencies. Outside our block of terraces there is space for 3 spaces for a block of 7 houses. This could be rectified simple changing road markings and layout. Not a scheme that further taxes residents. See map of map for design idea. I have more.*








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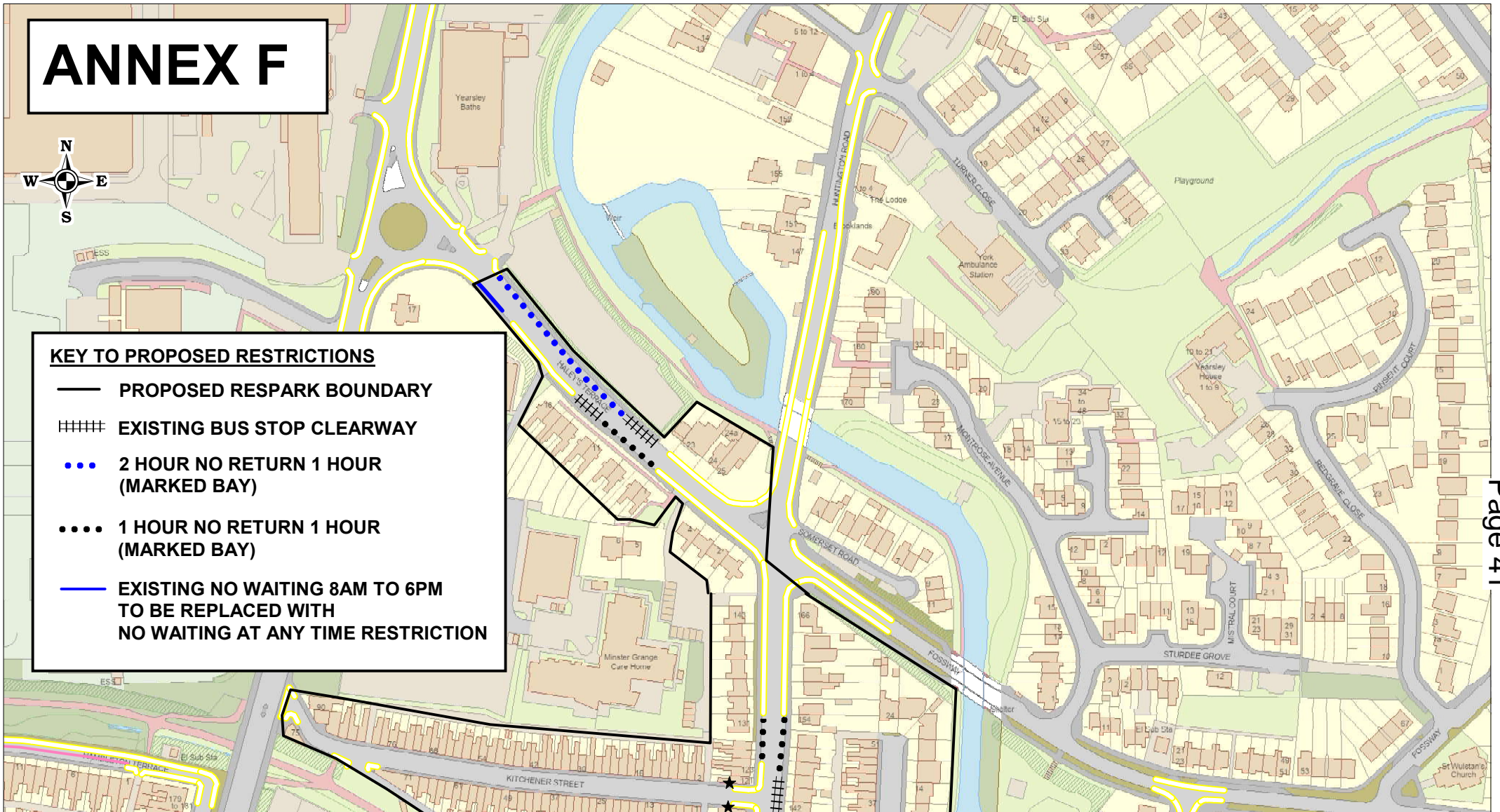


# ANNEX F



## KEY TO PROPOSED RESTRICTIONS

-  PROPOSED RESPARK BOUNDARY
-  EXISTING BUS STOP CLEARWAY
-  2 HOUR NO RETURN 1 HOUR (MARKED BAY)
-  1 HOUR NO RETURN 1 HOUR (MARKED BAY)
-  EXISTING NO WAITING 8AM TO 6PM TO BE REPLACED WITH NO WAITING AT ANY TIME RESTRICTION



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## R67 PROPOSED BOUNDARY PLAN INCLUDING HALEYS TERRACE

SCALE	1 : 2300
DATE	02/01/2025
DRAWING No.	
DRAWN BY	

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<b>Meeting:</b>	Decision Session – Executive Member for Transport
<b>Meeting date:</b>	20/01/2025
<b>Report of:</b>	James Gilchrist, Director of Transport, Environment and Planning
<b>Portfolio of:</b>	Cllr Ravilious, Executive Member for Transport

## **Decision Report: Proposed diversion of public bridleway, Heworth (Without) 1 and 2**

### **Subject of Report**

1. Diverting a section of the public bridleway Heworth (Without) 1 and 2 away from Cow Moor Farm buildings, on to a wider and longer route mainly passing through mixed woodlands.
2. The application to divert part of the public bridleway has been made by the land owner because moving the bridleway away from its current alignment, next to farm buildings will streamline farming operations.

### **Benefits and Challenges**

3. Diverting the section of the bridleway will allow the land owner to carry out farming activities more efficiently, such as being able to feed livestock from the hard standing of the farm access road and move stock around without interfering with users of the bridleway. The proposal should also more effectively separate livestock from the users of the bridleway.
4. The new section of bridleway will be 3 metres which is wider than the available 1.5 metre width on the current alignment of the bridleway.
5. The total length of the proposed bridleway will be approximately 237 metres longer than the current bridleway. This has been considered by equestrian users of the path to be a benefit due to the lack of

bridleway routes in the area, even though the proposed new alignment will run closer to the A64.

6. The proposed new alignment of the path will run through a mixed woodland setting, rather than alongside farm buildings, which may be considered more desirable and be a benefit to leisure users of the path, although some may be wary of using a circuitous woodland path for personal safety reasons.
7. All costs associated with this proposed diversion will be met by the land owner. This includes the costs associated with administering the diversion order process and the construction of the new path.

### **Policy Basis for Decision**

8. The proposals included in this report relate to the Council Plan for 2023-27 commitments and priorities, specifically:
  - a. Commitment: Climate, which states, “prioritise safe active travel in our Movement Plan and in routes to school”.
  - b. Commitment: Health, which states, “encourage healthy travel options to maintain healthy lifestyles”.
  - c. Priority: Health and Wellbeing, which states, “All York residents (young, old and future residents) will...be able to actively participate in their communities.”
  - d. Priority: Transport, which states, “York’s transport networks will be inclusive and sustainable, connecting neighbourhoods and communities”.

### **Financial Strategy Implications**

9. The financial implications of the recommended option are set out below.
10. The Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993 (S.I. 1993/407), amended by regulation 3 of the Local Authorities (Charges for Overseas Assistance and Public Path Orders) Regulations 1996 (S.I. 1996/1978), permit authorities to charge applicants the costs of making orders under S119 of the Highways Act 1980.

Therefore, there are no financial implications as the land owner will meet all the costs incurred by the diversion process, from initial application to completion of the bridleway on the ground.

11. If objections to the making of the order are received during the statutory consultation and these are unable to be resolved, then the matter can either be referred to the Secretary of State (SoS), Department of the Environment, Food and Rural Affairs for a final decision or the council can abandon the order. The council are not permitted to charge the applicant for sending an order to the SoS for confirmation. However, under these circumstances unresolved objections from the public would suggest that the diversion is not in their best interests - therefore the council would most likely abandon the order. This would be a matter for the Executive Member to decide and a new Decision Report would need to be put forward.
12. The current section of bridleway is highway maintainable at public expense. The proposed new section of bridleway will continue to be highway maintainable at public expense. The council currently cuts the surface of the existing bridleway as part of the public rights of way (PROW) annual cutting programme and as there is a problem of fast-growing nettles, the path is cut more frequently than other paths in the area. The path will continue to be included within the annual programme, but there is likely to be a small increase in cost, as the bridleway is longer and wider than the existing route. The land owner will continue to be responsible for cutting back any overgrowing vegetation.
13. Additionally, the surface of the existing bridleway is often flooded and would likely need extensive surface improvement works/drainage at some point in the future. The relocation of the bridleway to the new route, which follows a previously cleared and lightly surfaced route through mixed woodlands and under trees, means the ground will be less likely to become waterlogged.
14. There is a section of the proposed bridleway, approximately 81 metres, which is across an open field and it will not be fenced in. This means that users will be able to divert around the bridleway and each other in poor, wet/muddy weather conditions. This may reduce the council's maintenance liability for this section as there is less likely to be a clear, worn track across the field.

15. There will be no cost incurred by the council moving the existing public bridleway signs as the starting point and termination point will stay the same. Way-marker posts may need to be installed initially to signpost users to the new route, which the council are responsible for but this cost will be minimal.
16. Compensation can be claimed for the making of Diversion Orders, under S28 of the Highways Act 1980. However this proposal is at the land owner's request and they have agreed to defray any compensation which becomes payable in consequence of the coming into force of this order and any expenses which are incurred in bringing the new site of the path into fit condition for use by the public. This will be laid out in the Order.

### **Recommendation and Reasons**

17. That the Executive Member authorises:
  - (1) The making of a public path order under S119 of the Highways Act 1980 to divert part of the public bridleway Heworth (Without) 1 and 2 by creating a new public path and extinguishing the current public path as illustrated on the map attached to this report.
  - (2) Public notice of the making of the order be given and if no objections are received within the period specified, or if objections received are subsequently withdrawn, authorises the confirmation of the order.
  - (3) In the event the order is confirmed to authorise the making of a legal event modification order to change the Definitive Map.

#### Reasons

18. The council is satisfied that the proposed diversion order meets the legislative requirements as set out under S119 of the Highways Act 1980, on the ground that it is expedient to divert the path in the interests of the owner of the land crossed by the path.
19. The proposed new section of bridleway is not considered less convenient to the public, being wider and with only a short increase in travel distance, which is seen as a desirable by users.

## Background

20. S119 of the Highways Act 1980 gives City of York Council (CYC), as local highway authority, the power to divert public footpaths, bridleways, and restricted byways by making a public path diversion order where it is expedient to do so and in the interests of either:
  - a. the owner, lessee or occupier of land crossed by the path or way or,
  - b. the public,but only where the diverted route would be substantially as convenient to the public.
21. Additionally, any diversions made under S119 of the Highways Act 1980 shall not alter a termination point of a path or way:
  - a. If that point is not on a highway, or
  - b. (where it is on a highway) otherwise than to another point which is on the same highway, or a highway connected with it, and which is substantially as convenient to the public.
22. As the proposed diversion of public bridleway Heworth (Without) 1 and 2 does not alter the termination points of the way these conditions do not apply to the proposal.
23. Under S119(A) of the Highways Act 1980, the council must consider any material provisions of their Rights of Way Improvement Plan (ROWIP). The ROWIP is intended to be a mechanism for improving the network of public rights of way (PROW) and other non-motorised routes in light of the needs of all types of users. It is not designed to provide detailed solutions to access problems in every locality, but to take a strategic approach to managing public access. York's ROWIP is currently in draft format. The council are satisfied that the proposal meets the aspirations of the draft ROWIP.
24. The current section of bridleway was previously diverted in 2003. The alignment, before the 2003 diversion, ran through the farm yard and closer to the farm buildings and cottage.

25. There have been intermittent reports from the public about the bridleway being difficult to use. This is due to the narrow width of an enclosed section of the path where users are unable to safely pass each other. The surface is also prone to water logging and rapid nettle growth.
26. After liaising with the land owner about the above issues, the land owner made an application in May 2024 to divert the current bridleway, as diverting the path would also significantly streamline farming activities carried out on the land over which the bridleway runs.
27. Both the current section of bridleway and proposed new section of bridleway are shown on the map attached to this report.

### **Consultation Analysis**

28. An initial consultation was carried out between 11 July 2024 and 9 August 2024. Responses were received from one member of the public, Northen Powergrid, Heworth (Without) Parish Council, CYC Natural Environment, York Consortium of Drainage Boards, Northern Gas Networks, the British Horse Society and the Ramblers.
29. Northern Powergrid, CYC Natural Environment, York Consortium of Drainage Boards, Northern Gas and the Ramblers had no objections.
30. Heworth (Without) Parish Council, the British Horse Society and one member of the public supported the proposed diversion of Heworth (Without) 1 and 2.
31. Please note there will be a second, formal consultation if the Executive Member authorises the making of an order. This is required by the Highways Act 1980.

### **Options Analysis and Evidential Basis**

32. Option 1. That the Executive Member authorises the making of a public path order to divert part of public bridleway Heworth (Without) 1 and 2 by creating a new public path and extinguishing the current public path as illustrated on the map attached to this report, that public notice of the making of the order be given and if no objections are received within the period specified, or if



received objections are subsequently withdrawn, authorises the confirmation of the order.

33. If objections are received and not withdrawn, then the matter will be referred back to the Executive Member to decide whether it is sent to the SoS for a final decision.
34. This option is recommended as it is in the interests of the land owner and the council is satisfied that the legislative requirements have been met. Those in support of the order have commented that the new section of bridleway will be more pleasant for horse riders and walkers, although some may be wary of using a circuitous woodland path for personal safety reasons. The increased length of the bridleway is seen as a positive change as is the increased width which will enable all users to safely pass one another while using the path – an ongoing issue with the existing path. There have been no objections at pre-order consultation stage.
35. It is considered that the proposed diverted path will be a satisfactory alternative to the current one and that the legal tests for the making and confirming of a diversion order are satisfied.
36. In the event the Order receives no objections or any objections that are made are subsequently withdrawn, the council has the power to confirm the Order. Before doing so the council must have regard to:
  - i. The public's enjoyment of the whole path. The responses to the initial consultation indicate that the diversion will increase the public's enjoyment of the route.
  - ii. The effect of the Order on the land crossed by the current route and the new route. The land owner has agreed to defray any compensation that may become payable and no other land owners are affected by the diversion.
  - iii. material provisions of the council's ROWIP.
37. There will be a small increase in maintenance costs to the council as we are still responsible for the annual cutting of the bridleway, which would be longer and wider.

38. Option 2. That the Executive Member does not authorise the making of the diversion order.
39. This option is not recommended. Although the making of a diversion order is a power that the council can choose to exercise, the application to divert the path has been made by the land owner as it is their interest that the path be diverted. The new alignment will be wider and have a better surface. The increased length is seen as a desirable factor.
40. As this meets the requirement of the legislation for both making and confirming the order the application can be progressed.
41. Additionally, if the order were not made, an opportunity would be missed to address the narrow width and flooding/drainage issues of the existing section of the bridleway. The associated cost to the council of remedying these issues would be an expense to the council, whereas the land owner is meeting the cost of processing the order to divert the path.

### **Organisational Impact and Implications**

42. **Financial** - The recommended option is to authorise the making of a public path order to divert public bridleway, Heworth (Without) 1 and 2. The costs associated with the advertisement and construction of the route will be covered by landowner. The council will continue to be responsible for the maintenance of the new bridleway. This will be funded from Public Rights of Way / Public Realm budgets.
43. **Human Resources** - There are no HR implications noted in this report.
44. **Legal** - In accordance with Section 119 of the Highways Act 1980 it is within the Council's discretion to make a public path diversion order if it appears to the Council to be expedient to do so in the interests of the public or of the owner, lessee or occupier of the land crossed by the path.

Where objections to the making of an order are made and not withdrawn, this removes the power of the Authority to confirm the order itself.

In considering whether to confirm an unopposed order the Council, or the Secretary of State in deciding whether to confirm an opposed order, must in addition to the legislative criteria set out in paragraph 22 of this report, have regard to

whether it is expedient to confirm the order considering the effect:

- the diversion would have "on public enjoyment of the path or way as a whole"; and
- the new right of way and the extinguishment of the existing right of way would have on lands served by them.

Compensation can be claimed for the making of diversion orders under section 28 of the Highways Act 1980.

45. **Procurement** - If there are no financial implications, and CYC are not carrying out the works – then there are no procurement implications.
46. **Health and Wellbeing** - There are no public health implications.
47. **Environment and Climate** - It is suggested that the creation of the new bridleway is carried out in a way that minimises operational carbon emissions. Use of any materials should consider resilience to future changes in the climate.
48. **Affordability** - There are no affordability implications of this report.
49. **Equalities and Human Rights** - A full Equalities Impact Assessment is included at Annex C. This outlines mitigations which will be implemented to offset potential negative impacts identified.
50. **Data Protection and Privacy** - As there is no personal data, special categories of personal data or criminal offence data being processed, there is no requirement to complete a data protection impact assessment (DPIA). This is evidenced by completion of DPIA screening questions AD-10216.
51. **Communications** - We note the positive benefits of this proposed change that are outlined in this report. Communications will proactively support any media enquiries that arise.
52. **Economy** - There are no economic impacts arising from the proposals in this report.

## Risks and Mitigations

53. No additional risks identified other than those stated in Options above.

## Wards Impacted

54. Heworth (Without).

**Contact details**

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

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<b>Report approved:</b>	Yes
<b>Date:</b>	07/01/2025

**Co-author**

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<b>Report approved:</b>	Yes
<b>Date:</b>	07/01/2025

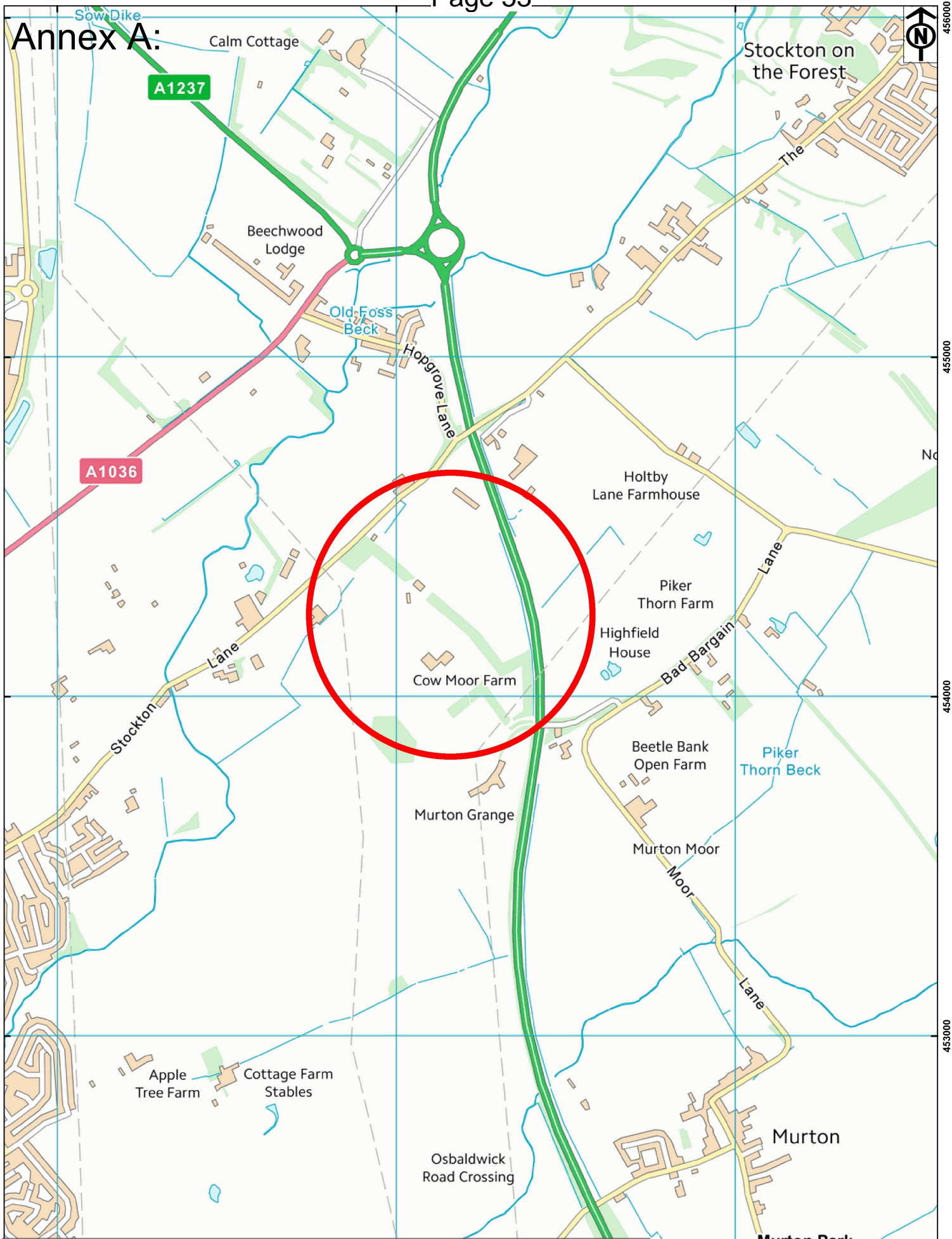
**Annexes**

Annex A, Location map – Heworth (Without) 1 and 2

Annex B, Proposed diversion route – Heworth (Without) 1 and 2

Annex C, Equalities Impact Assessment

# Annex A:



West Offices, Station Rise, York,  
YO1 6GA  
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## Location Map - Proposed diversion of public bridleway Heworth (Without) 1 and 2

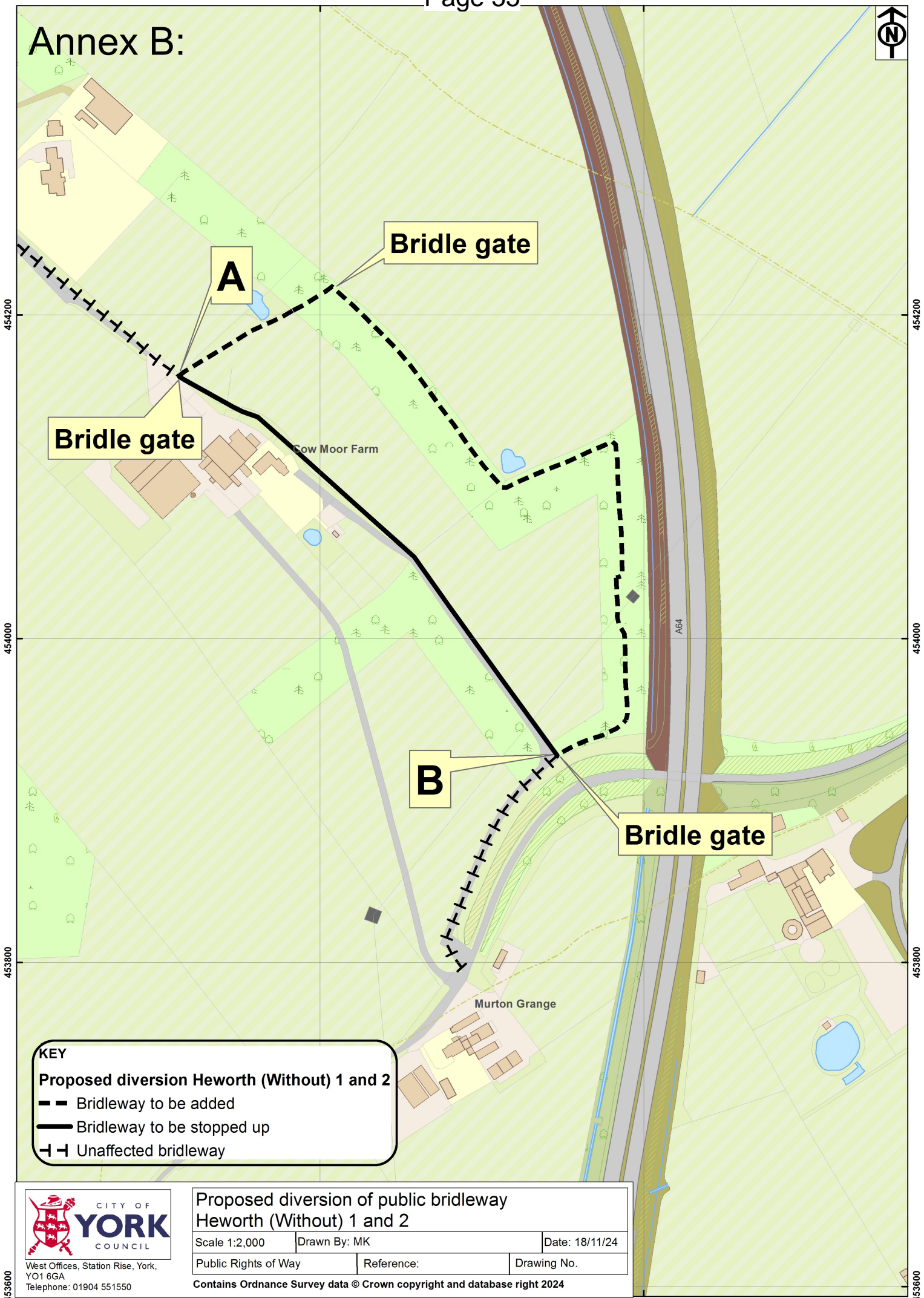
Scale 1:10,000 | Drawn By: MK | Date: 18/11/24

Public Rights of Way | Reference: | Drawing No.

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# Annex B:



**Bridle gate**




**Bridle gate**

**Bridle gate**

**A**

**B**

**KEY**

- Proposed diversion Heworth (Without) 1 and 2**
-  Bridleway to be added
-  Bridleway to be stopped up
-  Unaffected bridleway



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## Proposed diversion of public bridleway Heworth (Without) 1 and 2

Scale 1:2,000	Drawn By: MK	Date: 18/11/24
Public Rights of Way	Reference:	Drawing No.

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City of York Council  
**Equalities Impact Assessment**

**Who is submitting the proposal?**

<b>Directorate:</b>	Place		
<b>Service Area:</b>	Rights of Way		
<b>Name of the proposal:</b>	Proposed diversion of public bridleway Heworth (Without) 1 and 2		
<b>Lead officer:</b>	Molly Kay		
<b>Date assessment completed:</b>	8 November 2024		
<b>Names of those who contributed to the assessment:</b>			
<b>Name</b>	<b>Job title</b>	<b>Organisation</b>	<b>Area of expertise</b>
Alison Newbould	Rights of Way Officer	City of York Council	Public Rights of Way
Russell Varley	Definitive Map Officer	City of York Council	Public Rights of Way
Laura Williams	Assistant Director of Housing and Communities	City of York Council	Equalities and Human Rights
David Smith	Access Officer	City of York Council	Accessibility

<b>1.1</b>	<b>What is the purpose of the proposal?</b> Please explain your proposal in Plain English avoiding acronyms and jargon.
	<p>This proposal relates to the proposed diversion of a section of public bridleway Heworth (Without) 1 and 2 away from Cow Moor Farm buildings, on to a wider and longer route mainly passing through mixed woodlands.</p> <p>The application to divert the public bridleway has been made by the landowner because moving the bridleway away from its current alignment, next to farm buildings, will streamline farming operations.</p> <p>This Equalities Impact Assessment investigates the impact the above proposal will have on the accessibility of the path for people who have a protected characteristic.</p>

## Step 1 – Aims and intended outcomes

<b>1.2</b>	<b>Are there any external considerations?</b> (Legislation/government directive/codes of practice etc.)
	<p>The diversion will be made under S119 of the Highways Act 1980. The making of a diversion order is a power that the council can choose to exercise. There is no guarantee that the order to divert the footpath will be successful. If there are strong, unresolved objections to the order to divert the path, the proposal may be referred to the Secretary of State for determination, however in this scenario it is likely that the council will abandon the order. It is the officer's opinion that the diversion meets the statutory tests, which is that it is expedient to divert the path in the interests of the owner of land crossed by the path.</p> <p>Under S119(A) of the Highways Act 1980, the council must consider any material provisions of their Rights of Way Improvement Plan (ROWIP). The ROWIP is intended to be a mechanism for improving the network of public rights of way and other non-motorised routes in light of the needs of all types of users. It is not designed to provide detailed solutions to access problems in every locality, but to take a strategic approach to managing public access. York's ROWIP is currently in draft format. The council are satisfied that the proposal meets the aspirations of the draft ROWIP.</p>

<b>1.3</b>	<b>Who are the stakeholders and what are their interests?</b>
	<p><b>City of York Council</b> – The Highway Authority. Duty to assert and protect the use of the public bridleway for members of the public and to maintain the surface. Powers to make the required Public Path Order to divert the bridleway.</p> <p><b>The Landowner</b>– The owner of the land over which the bridleway passes.</p> <p><b>Current and future users of the routes</b> – Health and recreational use by walkers, runners, horse riders, cyclists, disabled horse riders and cyclists.</p> <p><b>Other stakeholders</b> – Statutory utilities who may have services, access points, pipework, telecommunications poles or cabling near or along the route.</p>
<b>1.4</b>	<b>What results/outcomes do we want to achieve and for whom?</b>
	<p><b>Links to Council Plan:</b> Two of the key outcomes are: Climate and Health.</p> <p><u>Climate – Environment and the climate emergency</u> The diversion of the existing bridleway will continue to allow use by cyclists and horse riders, as well as pedestrians, and to provide a convenient off-road, active travel and sustainable means of travelling between Stockton Lane and Bad Bargain Lane.</p> <p><u>Health - Health and wellbeing</u> The diversion of the bridleway will continue to help the city meet the 10 ‘big goals’ of the current Council Plan’s Health and Wellbeing Strategy, in particular:</p> <p>2. Support more people to live with good mental health, reducing anxiety scores and increasing happiness scores by 5%</p>

- |  |  |
|--|--|
|  | <p>5. Reverse the rise in the number of children and adults living with an unhealthy weight</p> <p>9. Reduce sedentary behaviour, so that 4 in every 5 adults in York are physically active</p> <p>10. Reduce the proportion of adults who report feeling lonely from 25% to 20% of our population</p> <p>Leisure users and commuters will continue to benefit from improved physical/mental health and wellbeing for example dog walking, jogging and enjoyment of green space as a place to relax and meet up with others.</p> |
|--|--|

## Step 2 – Gathering the information and feedback

2.1	<b>What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights?</b>	
<b>Source of data/supporting evidence</b>	<b>Reason for using</b>	
Application from the landowner	This helps us understand the needs of the individual landowner and their reason for applying for the diversion, which is to streamline farming operations. It allows us to understand what impact their day-to-day working activities can have on those with a protected characteristic.	
Responses from initial consultation	To gauge public opinion on the proposed diversion. An initial consultation was carried out between 11 July 2024 and 9 August 2024. Responses were received from Northern Powergrid, CYC Natural Environment, York Consortium of Drainage Boards, Northern Gas Networks and the Ramblers, all of whom had no objections to the proposed diversion. Heworth (Without) Parish Council, the British Horse Society and one member of the public all supported the proposed diversion. Please note there will be a second consultation if the Executive Member authorises the making of an order. This is required by the Highways Act 1980.	
Data from the council's rights of way management systems	Records of reports and comments taken from members of the public regarding the condition of the current bridleway. There have been intermittent reports from the public about the bridleway being difficult to use. This is due to the narrow width of an enclosed section of the path where users are unable to safely pass each other. The surface is also prone to water logging and rapid nettle growth. The latest report was recorded in July 2023.	
Previous diversion in 2003	The current section of bridleway was previously diverted in 2003. The alignment, before the 2003 diversion, ran through the farmyard and	

	closer to the farm buildings and cottage. Although records from this time are limited, the 2003 diversion provides some insight to the history of this route.
Information gathered from PROW Officer's site visits and correspondence with the landowner	To give an indication of the use of the path and by whom. The suitability of the proposed diversion has been assessed by officers and discussed with the landowner. This assessment included discussions regarding the alignment of the proposed diversion, increasing the available width to all users, effectively separating livestock from all users of the bridleway and improvement to the surface and bridle gates. There will be no increase in the number of bridle gates but these will need to remain along the route, as they are used for stock control purposes and they are the least restrictive option for this purpose. No stiles are included in this diversion.
ROWIP (draft under review)	Examines, in detail, the needs of walkers, ensuring we consider the accessibility for disabled people. Information gathered from a large number of publications and wide consultation, including a 'Bridleway Survey'. The survey was carried out in the local area, so that the council could better understand the needs of horse riders and users, and to help them take the first steps towards improving the bridleway network.
Countryside for All Good Practice Guide (2005) The Fieldfare Trust	Provides a series of tools and outlines suggested processes which can lead to better countryside access for disabled people, with due regard to economic and environmental constraints.
The British Horse Society (BHS) website and guidance	Provides advice and recommendations on how to make bridleways more accessible for all users.

### Step 3 – Gaps in data and knowledge

3.1	<b>What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.</b>	
<b>Gaps in data or knowledge</b>		<b>Action to deal with this</b>
If the proposed section of the bridleway will be used as frequently as the current section of the bridleway is used		Monitor use of the route. Although a bit longer, this diversion allows avoidance of the area that puts path users and livestock in frequent direct contact when livestock is moved across and along the path. It will also provide users with an increased available width from the current 1.5 metres to 3 metres.
If the schedule of works agreed between the council and landowner will satisfy requirements for all users		The order will not be finalised until the council are satisfied that the works to the section of bridleway proposed to be diverted have been carried out to a satisfactory standard by the landowner. Following this, monitor requests for action received by the rights of way team, paying particular attention to any that affect equality of access and enjoyment.



## Step 4 – Analysing the impacts or effects.

4.1	<p><b>Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments?</b> Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations.</p>		
<b>Equality Groups and Human Rights.</b>	<b>Key Findings/Impacts</b> (Think about these in terms of physical, operational and behavioural impacts)	<b>Positive (+) Negative (-) Neutral (0)</b>	<b>High (H) Medium (M) Low (L)</b>
<b>Age</b>	<p><b>Livestock</b>            The current bridleway is used to move livestock between fields, which means livestock can come in to contact with users as it is moved along and across the path. The proposed diversion should more effectively separate users from livestock, as the bridleway will no longer be used as a corridor to transport livestock. However, the proposed bridleway will have a section across an open field, for approximately 81 metres, where users of the bridleway will not be separated from livestock and they may come in to contact.</p> <p><b>Route</b>            Children and older people will benefit from the increased width of the proposed new bridleway route, although it will be slightly longer, which will mean a small increase in travel time.</p>	<p>+</p> <p>+</p>	<p>L</p> <p>L</p>

	<p><b>Gates</b> The current bridleway has 3 bridle gates along it. The proposed new bridleway route will still include 3 bridle gates however they should be easier to operate.</p> <p><b>Surface (terrain)</b> The surface of the current bridleway is a natural surface (with mud and leaves) around a field edge meaning it is not a smooth surface, which children and older people might have difficulty crossing. The proposed new bridleway route will also be around a field edge and then through mixed woodlands. However, as there will be an increased width and less livestock on the bridleway, then it may be less likely to become water logged.</p> <p><b>Personal safety</b> There is a generally agreed perception that older people are more fearful of crime and anti-social behaviour, so they may be wary of using a circuitous woodland path for personal safety reasons.</p>	<p>+</p> <p>0</p> <p>-</p>	<p>L</p> <p>L</p> <p>L</p>
<p><b>Disability</b></p>	<p><b>Route</b> The proposed route has a section running along the edge of a grass field and a section running through airy trees, all with good visibility which is better than along the existing narrow section. The width of the bridleway will increase from 1.5 metres to 3 metres and will be slightly longer than before.</p>	<p>+</p>	<p>L</p>

	<p><b>Surface (terrain)</b> The surface of the new bridleway route will be similar to that of the existing one, which has a natural surface (with mud and leaves), follows around a field edge and then through mixed woodlands. It will remain an uneven surface which will become boggy when wet. However, as there will be an increased width and less livestock on the bridleway, then it will be less likely to become water logged.</p> <p><b>Signage</b> The new section will be clearly signposted to make these users aware of the change in route. We will be reviewing the design of signposts we use on rights of way in the new year with the CYC Access Officer to ensure they are as accessible as possible.</p> <p><b>Gates</b> The proposed new bridleway route will still include 3 bridle gates, which should be easier to operate.</p> <p><b>Noise</b> The proposed new bridleway route will pass closer to the A64, which can be louder during busy traffic periods. This may cause anxiety for neurodivergent people and for those who are sensitive to noise.</p>	<p>0</p> <p>0</p> <p>+</p> <p>-</p>	<p>L</p> <p>L</p> <p>L</p> <p>M</p>
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	<p><b>Livestock</b>  The current bridleway is used to move livestock between fields, which means livestock can come in to contact with users as it is moved along and across the path. The proposed diversion should more effectively separate users from livestock, as the bridleway will no longer be used as a corridor to transport livestock. However, the proposed bridleway will have a section across an open field, for approximately 81 metres, where users of the bridleway will not be separated from livestock and they may come in to contact.</p> <p><b>Impact</b>  Some disabled people, especially those who are neurodiverse, blind or visually impaired, ambulant disabled, use a wheelchair (whether powered or manual) or other mobility device will continue to have difficulty using the footpath. This will likely put some off using this bridleway. However the terrain of the footpath remains as before but accessibility will be improved by the wider bridleway.</p> <p><b>Manoeuvring space</b>  2 out of the 3 bridle gates are not located on a straight alignment and will require an angular turn, approximately 90 degrees. There must be sufficient turning space on either side of the gate, especially for horse riders and disabled horse riders. The British Horse Society recommends a 4x4 metre manoeuvring space.</p>	<p><b>+</b></p> <p><b>0</b></p> <p><b>0</b></p>	<p><b>L</b></p> <p><b>L</b></p> <p><b>L</b></p>
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<b>Gender</b>	Lone females, especially at night-time, may feel vulnerable and prefer to stick to well-lit, busier areas. They may be wary of using a circuitous, unlit woodland path for personal safety reasons.	-	L
<b>Gender Reassignment</b>	No effects identified		
<b>Marriage and civil partnership</b>	No effects identified		
<b>Pregnancy and maternity</b>	<b>Route</b> The increased width of the route will make the path more accessible to people with pushchairs. It will be slightly longer, which will mean a small increase in travel time.	+	L
	<b>Surface(terrain)</b> The surface of the new bridleway route will be around a field edge and then through mixed woodlands, which will not have a smooth surface and those with pushchairs might have difficulty crossing. The surface of the new bridleway route will be similar as it goes around a field edge and then through mixed woodlands. However, as there will be an increased width and less livestock on the bridleway, then it may be less prone to becoming water logged.	0	L
	<b>Gates</b> For those with small children or toddlers then the operation of the bridle gates may temporarily take a parent's attention away from monitoring the child/toddler. There is also the risk to small children and toddlers of getting their fingers caught or trapped in the gates. Those	0	L

	<p>with pushchairs may struggle with the additional effort required to manoeuvre the pushchairs around/through the gate and to unlatch/latch the gate.</p> <p>The above also applies for people whose pregnancy means they are less mobile.</p> <p><b>Livestock</b> The current bridleway is used to move livestock between fields, which means livestock can come in to contact with users as it is moved along and across the path. The proposed diversion should more effectively separate users from livestock, as the bridleway will no longer be used as a corridor to transport livestock. However, the proposed bridleway will have a section across an open field, for approximately 81 metres, where users of the bridleway will not be separated from livestock and they may come in to contact.</p>	0	L
		+	M
<b>Race</b>	No effects identified		
<b>Religion and belief</b>	No effects identified		
<b>Sexual orientation</b>	No effects identified		
<b>Other Socio-economic groups including:</b>	<b>Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?</b>		

<b>Carer</b>	<ul style="list-style-type: none"> <li>Carers could personally have the same characteristic as any other group listed above and would therefore experience the same benefits.</li> <li>Carers who look after others who have a protected characteristic, may experience the same benefits/ issues as those with that protected characteristic.</li> </ul>	+/-	L
<b>Low income groups</b>	The diversion order continues to benefit the rights of way network, meaning there are still opportunities for free access to the countryside and the health and well-being benefits that brings.	+	L
<b>Veterans, Armed Forces Community</b>	No effects identified		
<b>Other</b>	No effects identified		
<b>Impact on human rights:</b>			
List any human rights impacted.	No impacts identified		

**Use the following guidance to inform your responses:**

Indicate:

- Where you think that the proposal could have a POSITIVE impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups
- Where you think that the proposal could have a NEGATIVE impact on any of the equality groups, i.e. it could disadvantage them
- Where you think that this proposal has a NEUTRAL effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

<p><b>High impact</b> (The proposal or process is very equality relevant)</p>	<p>There is significant potential for or evidence of adverse impact The proposal is institution wide or public facing The proposal has consequences for or affects significant numbers of people The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.</p>
<p><b>Medium impact</b> (The proposal or process is somewhat equality relevant)</p>	<p>There is some evidence to suggest potential for or evidence of adverse impact The proposal is institution wide or across services, but mainly internal The proposal has consequences for or affects some people The proposal has the potential to make a contribution to promoting equality and the exercise of human rights</p>
<p><b>Low impact</b> (The proposal or process might be equality relevant)</p>	<p>There is little evidence to suggest that the proposal could result in adverse impact The proposal operates in a limited way The proposal has consequences for or affects few people The proposal may have the potential to contribute to promoting equality and the exercise of human rights</p>

## Step 5 – Mitigating adverse impacts and maximising positive impacts



5.1	<b>Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?</b>
-----	---

The existing bridleway route has 3 bridle gates along its length, a natural surface, the possibility of livestock coming into contact with users and is unlit, which affect people with protected characteristics. The proposed new alignment of the bridleway has the same issues, plus there is a small increase in the length of the route and the route runs closer to the A64.

This is how the council plan to mitigate these unwanted advert impacts:

1. Bridle gates – The number of bridle gates is the same as there are on the current route, so there will be no increase to users. The new gates will be to British Standard (BS) 5709:2018. The 2018 version has been updated so that ‘The needs of land managers have been made rather more explicit without losing sight of the overall need for the structures to be as least restrictive as practicable.’ The council have discussed and agreed with the landowner how to make the new bridle gates easier to operate and provide sufficient manoeuvring space for horse riders and disabled horse riders on either side of the gate. The bridle gates are considered the least restrictive option. It is essential to have bridle gates on the route so that it is possible to contain livestock on the farm. We will monitor feedback from members of the public and take any action if needed.
2. The surface of the route being uneven in places – The proposed route will benefit from the trees along most of the route, which aid drainage. Also, the proposed route should be less prone to water logging. The surface of the new bridleway should be an improvement. We will monitor feedback from members of the public and take any action if needed.
3. The approximately 81 metre section where users are not effectively separated from livestock - This is a significant reduction in the current length of bridleway where users are not effectively separated from livestock. The proposed diversion will not be used as a corridor to transport livestock, unlike the current bridleway. Further, this 81 metre section will be across an open field, therefore the chance of livestock coming into contact with users in a confined space is reduced. Another improvement of this is that users will be able to divert around muddy or wet sections as there will be more space for users to divert around temporary obstacles and safely pass one another.

4. The route being unlit and users being wary of using the route – Although being diverted, it would remain a path over farmland in an area with a low crime rate. Users may prefer to use the route during daylight hours and/or with company.
5. The small increase in length – The new section of bridleway will increase the total length of the route by approximately 237 metres. Feedback from the initial consultation is that this is seen as a positive change and it should make a more pleasant route for users.
6. Proximity to A64 – It is not possible to control traffic flow on the A64 however we will ensure that trees remain planted on the A64 side of the route to aid in noise-reduction. If this continues to be an issue, we will suggest planting more trees/shrubs in this area. Users may prefer to use the route when the A64 is less busy.

Aside from the above, the proposal has been agreed in conjunction with the landowner, who has agreed to a wider bridleway which if the proposal is authorised, will provide current and future users with an improved and more accessible route.

## Step 6 – Recommendations and conclusions of the assessment

6.1	<b>Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:</b>
-----	--

- **No major change to the proposal** – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.
- **Adjust the proposal** – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations.
- **Continue with the proposal** (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty
- **Stop and remove the proposal** – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed.

**Important:** If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.

--

Option selected	Conclusions/justification
<p><b>Continue with the proposal</b> (despite the potential for adverse impact)</p>	<p>Where adverse impacts have been identified, there are sufficient ways to mitigate these. Officers have taken every opportunity to advance equality and foster good relations in furthering the proposal.</p> <p>The proposed diversion of Heworth (Without) 1 and 2 improves the width and surface of the public right of way, as well as the condition of the bridle gates and overall it makes it a more pleasant route; therefore making it more accessible and enjoyable for current and future users.</p>

## Step 7 – Summary of agreed actions resulting from the assessment

<b>7.1 What action, by whom, will be undertaken as a result of the impact assessment.</b>			
<b>Impact/issue</b>	<b>Action to be taken</b>	<b>Person responsible</b>	<b>Timescale</b>
To enable the landowner to carry out farming activities more efficiently, whilst providing users with an alternative route which is not considered less convenient than the current one.	To authorise the making of the order to divert Heworth (Without) 1 and 2 using S119 of the Highways Act 1980.	Director of Environment, Transport and Planning	Executive Member Decision Session to be held on Monday 20 January 2025
Adverse impacts identified by this EqIA will be monitored.	The public rights of way team	Public Rights of Way Officer	Ongoing

## Step 8 - Monitor, review and improve

Monitor use of the route and requests for action received by the rights of way team, paying particular attention relating any to equality of access and enjoyment.



<b>Meeting:</b>	Executive Member for Transport Decision Session
<b>Meeting date:</b>	20/01/2025
<b>Report of:</b>	James Gilchrist - Director of Environment, Transport and Planning.
<b>Portfolio of:</b>	Councillor Ravilious, Executive Member for Transport

## **Decision Report: Black Dike Lane – Danger Reduction scheme**

### **Subject of Report**

1. The Council received a petition from residents of Black Dike Lane and Manor Close, Poppleton. It was presented to Full Council by Councillor Hook on 21<sup>st</sup> October 2021.
2. The residents raised concerns about the “risk of a serious accident due to vehicles driving at an inappropriate speed and the increasing volume of large vehicles using the lane”.
3. The concerns have been reviewed as part of a feasibility study and this report provides feedback from the study as well as from the subsequent consultation exercise.
4. The Executive Member is asked to consider the findings and recommendations of the study and consultation, and to approve the recommended action for progression to implementation.
5. The decision is required so that the council can respond in an appropriate manner and demonstrate that the concerns of residents are being carefully considered and actions being progressed to address these concerns. The resulting scheme will aim to improve road safety conditions for the residents of Black Dike Lane and Manor Close and will be in line with the council’s core objectives.

## Benefits and Challenges

### Benefits

6. The scheme as proposed will address the concerns raised by residents of Black Dike Lane and Manor Close regarding road safety, specifically from large vehicles and the speeds of vehicles in general. The proposal represents a well-balanced and considered solution taking account of available data alongside the views of residents.
7. The proposed measures are low-key and sympathetic to the rural feel of Black Dike Lane and as such would not have any detrimental impact on the setting and environment of this part of Poppleton village.

### Challenges

8. The project is funded from the Danger Reduction programme. The budget for the 2024/25 Danger Reduction programme is £55,000. The budget allocated to the Black Dike Lane project to enable completion of design and delivery in 2024/25 is currently £20,000.
9. Any increase to the scheme costs would have a detrimental impact on the wider Danger Reduction programme.
10. The implementation of the 60mph speed limit reduction to 40mph on the A59 (extending into Black Dike Lane, which already has a speed limit of 30mph starting just south of Micklethorpe House) is being progressed as part of the annual speed limit review programme and is separate to the Danger Reduction scheme. This speed limit amendment scheme has been approved to progress to design and delivery in 2024/25. The proposed approach is to deliver the two schemes concurrently.

The approved extension of the 40mph into Black Dike Lane is to be further amended to reduce this to 30mph, initially as an Experimental TRO.

Residents have expressed a desire, via the ward members, for the existing 30mph speed limit to be reduced to 20mph within the residential part of Black Dike Lane and Manor Close.

## Policy Basis for Decision

11. The Danger Reduction programme aims to provide highway measures to improve road safety, often responding to concerns raised by road users and/or residents. The programme will contribute directly to the commitments in the Council Plan and the Local Plan.

12. This scheme reflects the four core commitments:

- **Equalities and Human Rights**

By referencing national guidance in developing potential solutions, which will address the road safety concerns of residents, the project reflects best practice and offers appropriate responses to the concerns and does not have any intentional or unintentional bias built into its aims and outcomes. Engagement has been undertaken with residents and key stakeholder groups (including equality groups) to determine their views on the proposals, and consideration has also been given to suggestions put forward as part of the consultation exercise.

An Equality Impact Assessment (EIA) has been undertaken and has demonstrated that the proposal has a slightly beneficial impact on some protected characteristic groups and no differential impact identified for others. The Access Officer is supportive of the proposals.

- **Affordability**

The proposed measures have focussed on addressing the main areas of concern in a manner which manages construction costs to an acceptable level, given the current programme budget available.

Low-key interventions are deemed appropriate to address the concerns without the need to introduce intrusive physical measures. The proposals are being developed in conjunction with the A59 speed limit reduction scheme, and resources are being utilised to minimise the expenditure by delivering both concurrently.

- **Climate -**

The introduction of low-key measures avoids the need for substantial, disruptive construction. Reducing the speed limits on

Black Dike Lane, whilst also influencing what size vehicle uses the lane, will serve to improve the environment along Black Dike Lane. The proposal aims to improve local conditions so that pedestrians, cyclists and other road users can travel more safely. This in turn will lead to improved health and well-being also linked to reductions in noise and air pollution.

Avoiding the need for substantive construction methods, materials and use of heavy machinery reduces the carbon footprint associated with the implementation of the scheme.

- **Health –**

The proposed measures will serve to improve how vehicles travel along Black Dike Lane and aim to improve local conditions so that pedestrians, cyclists, and other road users can travel more safely. This in turn will lead to improved health and well-being also linked to reductions in noise and air pollution.

## **Financial Strategy Implications**

13. The project is being progressed as part of the 2024/25 Danger Reduction programme, through the Local Transport Plan Capital Programme.
14. At the time of writing of this report, the budget for the 2024/25 Danger Reduction programme is £55,000. The estimated scheme costs to complete design and implementation for the Black Dike Lane project in 2024/25 is £20,000 (not including the costs for the A59 speed limit amendment).
15. The reduction of the 60mph speed limit on A59 and initial part of Black Dike Lane to 40mph is being progressed as part of the annual speed limit amendment programme. This has been approved to progress to design and delivery stage in 2024/25.  
The approved extension of the 40mph into Black Dike Lane is to be further amended to reduce this to 30mph, initially as an Experimental TRO.
16. If the Executive Member approves the request to reduce the speed limits on Black Dike Lane, this could be funded from a separate transport budget similar to the approach taken for the annual speed limit amendment programme.



## Recommendation and Reasons

17. The Executive Member is recommended to:
- a) Approve Option 1 as set out in Annex A (Plan 2) comprising:
    - (i) A complete refresh of all road markings along Black Dike Lane and replacement of all faded or damaged signs, as well as hedge trimming to improve visibility of the signage;
    - (ii) The introduction of additional signs and road markings to further reinforce the existing signs and markings and better highlight existing hazards to ensure motorists drive appropriately in compliance with the signed speed limits, and to dissuade larger goods vehicles from using Black Dike Lane; and
    - (iii) The reduction of the 60mph speed to 30mph under an Experimental Traffic Regulation Order for up to 18 months, after which a further decision will be sought about whether to make the ETRO permanent.
    - (iv) The reduction of the 30mph speed limit to 20mph under an ETRO for up to 18 months, after which a further decision will be sought about whether to make the ETRO permanent.

Reason: To carry out a number of complimentary measures to improve road safety on Black Dike Lane and Manor Close.

## Background

18. The Council received a petition from residents of Black Dike Lane and Manor Close, Poppleton. It was presented to Full Council by Councillor Hook on 21<sup>st</sup> October 2021.
19. The residents raised concerns about the “risk of a serious accident due to vehicles driving at an inappropriate speed and the increasing volume of large vehicles using the lane”.
20. The residents petitioned the council to “produce a plan to address the problems highlighted and work with partners to achieve this including speed reduction, restricting access to large vehicles and possibly gated closure of the lane at the junction with the A59”.
21. A report was presented to the Executive Member decision session meeting on 18<sup>th</sup> January 2022 in acknowledgement of the petition and provided details the nature of the concerns being raised as well as providing details of any actions taken by that time.

22. The Executive Member noted the petition and requested that the project be added to the proposed 2022/23 programme for further investigation and development of potential solutions. It was also decided that the project be reported back to an Executive Member decision session meeting for a decision on how to proceed following completion of the feasibility study and to feedback on consultation.
23. The project was added to the 2022/23 Danger Reduction programme and a feasibility study was undertaken to investigate the key concerns and issues and to consider potential options for progression to design and delivery.
24. The study took account of available data (road surface condition, speed survey data, accident records, traffic flow data, existing restrictions) alongside the views of residents. Various measures were considered and are detailed in the study report.
25. Physical traffic management measures were discarded as they were deemed to be inappropriate, would be detrimental to the rural setting of the lane and would impact negatively on residents with the likelihood of increased noise and vibration, particularly when ambient noise levels would be low.
26. The use of vehicle activated signs (VAS) would only serve to better manage the current speed limit and the criteria supporting the use of VAS would not be met.
27. Restrictions on access into Black Dike Lane, including a prohibition on left turns from the A59, would have served to reduce and manage the number of vehicles using Black Dike Lane but this option was discarded due to the likely impact on residents, forcing them to use alternative routes into the village and putting additional pressure on those routes.
28. Introducing physical measures to limit the road width and control access into Black Dike Lane were rejected as they would prevent vehicles which have authorised access requirements such as refuse and emergency vehicles. They would not deter the use of the lane by vehicles avoiding queues on the A59.
29. Improvements to pedestrian facilities were not proposed, as such measures would be difficult to provide due to the lack of available road width and low thresholds to properties. A footway immediately abutting properties would not be appropriate as doorways and windows would open onto the footway, presenting a hazard to

passing pedestrians as well as negatively impacting on privacy for the residents.

30. The proposal represents a well-balanced and considered solution taking account of available data alongside the views of residents.
31. The findings and recommendations of the study were discussed in detail with Councillor Hook on 20<sup>th</sup> July 2023. Councillor Hook was supportive of the recommendations.
32. A copy of the feasibility study report is attached in **Annex B**.

## **Consultation Analysis**

33. Consultation has been undertaken in two stages – firstly an internal CYC consultation followed by a wider external consultation with key and statutory consultees as well as residents.
34. Prior to commencing external consultation, a further update was given to ward members. Again, the proposals were well supported however it came to light that many of the residents of Black Dike Lane and Manor Close had approached the ward members requesting that the 30mph speed limit be reduced to 20. Members subsequently asked for this to be included as a recommendation as part of the proposed measures and officers agreed to canvas residents on this suggestion as part of the wider external consultation.
35. External consultation took place from 25<sup>th</sup> January 2024. Details of the proposal were sent to key stakeholders via email, and via hand-delivered letters to all properties fronting or having access from Black Dike Lane and Manor Close. A detailed description of the findings of the study together with reasoning for the proposed measures were included in the consultation material. A copy of the resident letter is attached in **Annex C** and details of the responses are included in **Annex D** together with officer comments.
36. None of the external statutory consultees (including equality groups) offered a reply to the consultation. The CYC Access Officer has considered the proposal and is supportive.

37. Ten responses were received from residents – 6 from residents of Black Dike Lane, 1 from a property located on The Green, 2 from Manor Close and 1 from Station Road.

Generally, the proposals are well supported although additional actions were requested by some.

38. Separate to the main consultation exercise, the ward councillors canvassed residents of Black Dike Lane and Manor Close on 18<sup>th</sup> February, plus the 4 in The Green / Hodgson Lane which have garage access via Black Dike Lane. This was to gauge the desire for a 20mph speed limit. The councillors spoke to residents at 18 of the 35 properties and reported that from those 18 properties, all those residents they spoke to wanted a 20mph speed limit, except one who was neither for nor against it.

## **Options Analysis and Evidential Basis**

### **Option 1: Implementation of the scheme shown in Annex A Plan 2.**

39. This option includes a complete refresh of all road markings along Black Dike Lane and replacement of all faded or damaged signs, as well as hedge trimming to improve visibility of the signage.
40. Additional signs and road markings are to be introduced to further reinforce the existing signs and markings and better highlight existing hazards to ensure motorists drive appropriately in compliance with the signed speed limits, and to dissuade larger goods vehicles from using Black Dike Lane.
41. This option includes the reduction of the speed limit on the initial length of Black Dike Lane from the A64 from 60mph to 30mph. This action has originally been developed separately, initially as a reduction to 40mph, and has been approved for implementation. The current option proposes to reduce this further to 30mph (speed survey data supports this) under an Experimental Traffic Regulation Order (ETRO) to avoid delays to the delivery of the wider project. The ETRO would be in place for up to 18 months after which a decision would need to be made to make the speed limit TRO permanent.
42. The option also includes for the reduction of the existing 30mph limit to 20 under an ETRO to avoid delays to the delivery of the wider project. The ETRO would be in place for up to 18 months after which a decision would need to be made to make the speed limit TRO permanent.

43. This will allow for the measures to be implemented expediently and at relatively low cost. It would also serve to address the concerns of residents as well as meeting the objectives of improving road safety.
44. The proposal was developed based on consideration of factual evidence as well as a review of anecdotal evidence and reflects the views of residents. The measures will not be detrimental to the rural setting of the road. It is considered that these actions will satisfactorily address the main concerns without the need to introduce invasive measures. The measures are supported by members and residents.
45. There is sufficient budget within the Danger Reduction programme to deliver Option 1 during 2024/25. The ETRO would be funded and progressed from a separate transport budget, similar to the approach taken for the annual speed limit amendment programme.
46. A reduction of the speed limit from 30mph to 20, achieved by signage only, would tend to reduce speeds by 2-3mph. As mean speeds are currently below 20mph and the 85<sup>th</sup> percentile speed is 24mph, a reduction to a 20mph limit would be satisfactory in bringing the speeds below the enforcement level and the speed limit should be self-enforcing.
47. A reduction of the speed limit from 60mph to 30, also achieved by signage only, would also tend to reduce speeds by circa 2-3mph. As mean speeds have been recorded at 28.93mph (southbound) and 28.75mph northbound, and 85<sup>th</sup> percentile at 35mph both directions), a reduction in the speed limit to 30mph would be deemed appropriate.
48. Option 1 would meet the core objectives of the Council and is the recommended option.

**Option 2: As Option 1 but without a reduction to the speed limits other than that already approved (60 to 40mph).**

49. Whilst officers acknowledge the concerns of residents about the speed of vehicles along the residential section of Black Dike Lane,

speed surveys indicate that compliance of the 30mph speed limit is good with mean speeds recorded at 19.56mph eastbound and 17.95mph westbound and 85<sup>th</sup> percentile speeds recorded at 24mph. Less than 1% exceeded the signed speed limit and less than 0.3% exceeded the enforcement limit.

50. However, the road layout, close proximity of houses to the road, the type of vehicles, and the rural setting all add to the feeling that pedestrians do not feel safe. Pedestrians need to use the road due to the lack of footways and are at risk due to passing vehicles.
51. Retaining the speed limit as 30mph will not be acceptable in achieving the desired road safety benefits. Motorists would be more likely to continue using Black Dike Lane as a suitable alternative to queuing on the A59 and any potential reduction in the risk of collision would not be achieved.
52. A reduction of the speed limit from 30mph to 20, achieved by signage only, would tend to reduce speeds by 1-2mph. As mean speeds are currently below 20mph and the 85<sup>th</sup> percentile speed is 24mph, a reduction to a 20mph limit would be satisfactory in bringing the speeds below the enforcement level and the speed limit would be self-enforcing.
53. Retention of the 30mph speed limit through the residential part of Black Dike Lane and Manor Close is therefore not recommended.
54. Compliance of the existing 60mph is also good, with no exceedance of the signed limit, and 85<sup>th</sup> percentile speeds recorded at 35mph. A reduction of the signed 60mph speed limit to 40mph is already approved as an extension of the reduction on the A59 to 40mph and can be implemented separate to the danger reduction scheme.

## Organisational Impact and Implications

55. The project will have the following implications:
  - **Financial**, contact: Chief Finance Officer.

There are no financial implications arising from the recommendations in this report at this point.

The project is funded from the Danger Reduction programme. The budget for the 2024/25 Danger Reduction programme is £55k. The budget allocated to the Black Dike Lane project to enable completion of design and delivery in 2024/25 is currently £20k.

If scheme is contained within £20k budget, this will leave enough money to cover remaining Danger Reduction schemes in 2024/25 Capital budget. Any additional costs for this scheme will reduce the funding available to the other schemes.

- ***Human Resources (HR)***

There are no HR implications.

- ***Legal, contact: Head of Legal Services.***

The Traffic Management Act 2004 places a duty on local traffic authorities to manage the road network with a view to securing, as far as reasonably practicable, the expeditious, convenient, and safe movement of all types of traffic. The Council, as a traffic authority, has the power to make Traffic Regulation Orders and temporary Traffic Regulation Orders under the Road Traffic Regulation Act 1984 and in accordance with the procedures contained in the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996 and the Road Traffic (Temporary Restrictions) Procedure Regulations 1992.

- ***Procurement, contact: Head of Procurement.***

There are no Procurement implications.

- ***Health and Wellbeing, contact: Director of Public Health.***

Public Health support any reduction of speed limits in residential areas.

This has an obvious benefit of reducing/preventing road traffic injuries. However, it can also support the promotion of physical activity through more active transport (e.g. walking and cycling) as people feel safer, benefitting wider health improvement. There is

likely to be the improvement of air quality which may result in a reduction of health problems related to pollution.

- **Environment and Climate action**, contact: Director of Transport, Environment and Planning, and Head of Carbon Reduction.

The proposed changes to speed limit and signage are likely to have a negligible impact on fuel efficiency and greenhouse gas emissions.

- **Affordability**, contact: Director of Customer and Communities.

There are no direct Affordability implications of the recommendations apart from: any accidents may affect a resident's ability to work and therefore may impact negatively on household income.

- **Equalities and Human Rights**, contact: Assistant Director of Customer, Communities, and Inclusion - every Decision Report must consider whether to have an Equalities Impact Assessment (EIA) and this section will include the key recommendations from the EIA or explain why no EIA is required.

*An Equalities Impact Assessment is provided in Annex E.*

*The key recommendation is **No major change to the proposal** – The proposal has a slightly beneficial impact on some protected characteristic groups and no differential impact identified for others.*

- **Data Protection and Privacy**, contact: [information.governance@york.gov.uk](mailto:information.governance@york.gov.uk) - every report must consider whether to have a Data Protection Impact Assessment (DPIA) and this section will include the compliance requirements from the DPIA or explain why no DPIA is required.

Data protection impact assessments (DPIAs) are an essential part of our accountability obligations and is a legal requirement for any



type of processing under UK data protection and privacy legislation. Failure to carry out a DPIA when required may leave the council open to enforcement action, including monetary penalties or fines.

DPIAs helps us to assess and demonstrate how we comply with all our data protection obligations. It does not have to eradicate all risks but should help to minimise and determine whether the level of risk is acceptable in the circumstances, considering the benefits of what the council wants to achieve.

The DPIA screening questions identified that whilst there is processing of personal and/or special categories of personal data and/or criminal offence data, it is not likely to result in a high risk to the rights and freedoms of individuals. Therefore, a simple DPIA was completed which identified the data protections risks as well as the mitigations either in place or that need to be put in place, to minimise these identified risks such as redacting or withholding personal identifiable information from the public report where we do not have a lawful basis to publish.

- ***Communications***, contact: *Head of Communications*.

We would expect significant interest in this report due to the focus on transport across the city. This will require a robust communications plan, timely responses, and sufficient horizon scanning. We will also cross-reference to see how this links into other projects going across the city.

- ***Economy***, contact: *Head of City Development*.

There are no Economy implications.

## **Risks and Mitigations**

56. The risks are largely set out above. The main concern is available budget – at present there is sufficient budget to progress the scheme as proposed but the wider Danger Reduction programme budget is limited and any increase in costs incurred as part of this

scheme may impact on the progression of other Danger Reduction schemes in 2024/25.

57. The proposal for the Black Dike Lane scheme is such that low-key measures are to be introduced but this still accounts for a substantial amount of the available programme budget.
58. The council's reputation is likely to be at risk of severe criticism if none of the proposed actions are delivered. Residents will continue to have concerns about road safety on Black Dike Lane, with continued risk of injury to pedestrians, cyclists, horse riders, etc.

## Wards Impacted

59. Rural West York (Councillors A. Hook and E. Knight).

## Contact details

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

### Author

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<b>Date:</b>	07/01/2025

### Co-author

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<b>Telephone:</b>	01904 552547
<b>Report approved:</b>	Yes
<b>Date:</b>	09/01/2025

## **Background papers**

Executive Member Decision Session report 18/01/2022

## **Annexes**

Annex A – Existing Layout (Plan 1) and Proposed Option 1 (Plan 2).

Annex B – Feasibility Study report.

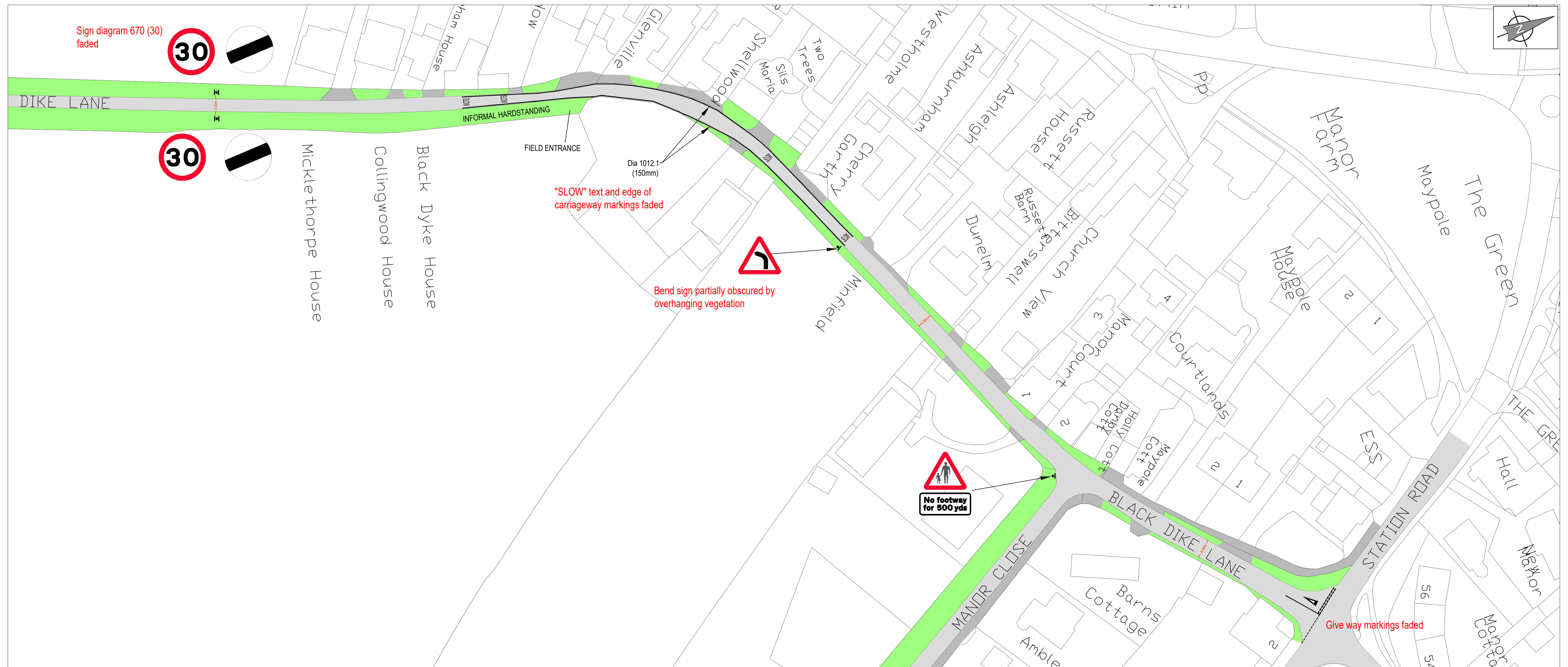
Annex C – External consultation letter.

Annex D – Consultation feedback and officer responses.

Annex E – Equalities Impact Assessment (EIA)

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# Annex A - Plan 1



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**CITY OF YORK COUNCIL**  
Highways - Transport Projects and Delivery Team  
Eco Dept, Hazel Court, James Street, York, YO10 3DS  
www.york.gov.uk

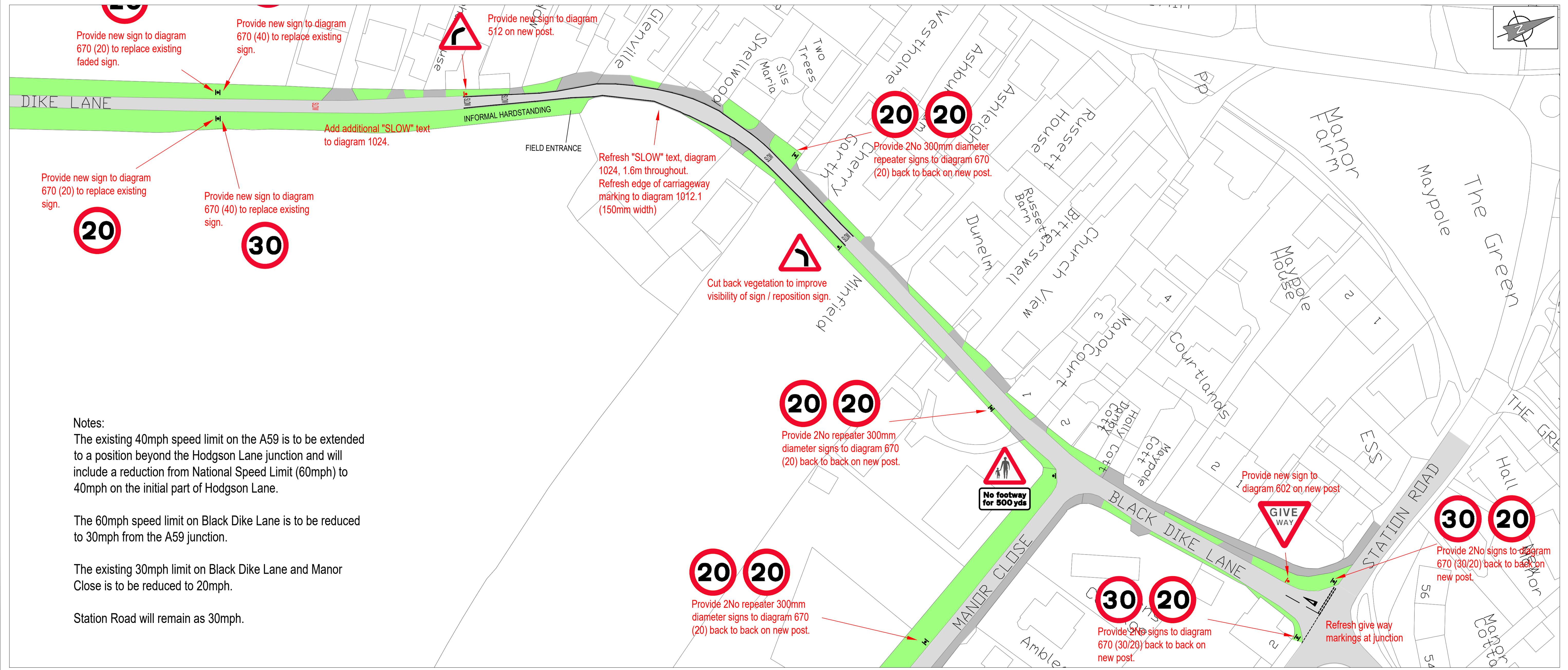
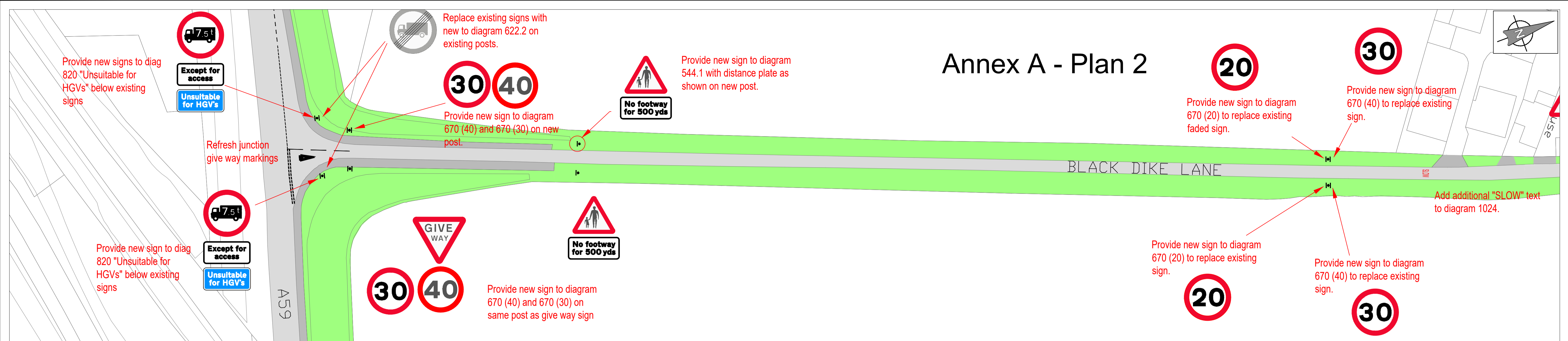
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Drawing Scale:	1:500	A1	
<b>FEASIBILITY</b>			
Revision	By	Checked	Approved

Project	BLACK DIKE LANE DANGER REDUCTION SCHEME UPPER POPPLETON
Drawing	ANNEX A PLAN 1 EXISTING SIGNS AND ROAD MARKINGS

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Drawing No.	ANNEX A PLAN 1
Revision	-

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# Annex A - Plan 2



**Notes:**  
 The existing 40mph speed limit on the A59 is to be extended to a position beyond the Hodgson Lane junction and will include a reduction from National Speed Limit (60mph) to 40mph on the initial part of Hodgson Lane.

The 60mph speed limit on Black Dike Lane is to be reduced to 30mph from the A59 junction.

The existing 30mph limit on Black Dike Lane and Manor Close is to be reduced to 20mph.

Station Road will remain as 30mph.

<p>Highways - Transport Projects and Delivery Team                  Eco Depot, Hazel Court, James Street, York, YO10 3DS                  www.york.gov.uk</p>	Drawn by DAF Checked by DM Authorised by A N OTHER Drawing Scale: 1:500	Date: APR 2023 Date: APR 2023 Date: XXXXXX A1	Project BLACK DIKE LANE DANGER REDUCTION SCHEME UPPER POPPLETON	Drawing ANNEX A PLAN 2 OPTION 1 - PROPOSED SIGNS AND ROAD MARKINGS	DRAWING NO. ANNEX A PLAN 2 REVISION A
	Revision: A Description: Reduction to 30mph on initial section from A59		Project BLACK DIKE LANE DANGER REDUCTION SCHEME UPPER POPPLETON	Drawing ANNEX A PLAN 2 OPTION 1 - PROPOSED SIGNS AND ROAD MARKINGS	
	Revision: A Description: Reduction to 30mph on initial section from A59		Project BLACK DIKE LANE DANGER REDUCTION SCHEME UPPER POPPLETON	Drawing ANNEX A PLAN 2 OPTION 1 - PROPOSED SIGNS AND ROAD MARKINGS	
	Revision: A Description: Reduction to 30mph on initial section from A59		Project BLACK DIKE LANE DANGER REDUCTION SCHEME UPPER POPPLETON	Drawing ANNEX A PLAN 2 OPTION 1 - PROPOSED SIGNS AND ROAD MARKINGS	

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## **Black Dike Lane Danger Reduction Scheme** **Feasibility study**

### **Background**

Residents of Black Dike Lane and Manor Close submitted a petition to the Council (presented by Councillor Hook at Full Council on 21<sup>st</sup> October 2021). Various concerns were raised by the residents.

The petition was reported to an Executive Member decision session meeting in January 2022. The preferred option was to note the petition and add the issues to the proposed 2022/23 programmes for further investigation and development of potential solutions.

The project was added to the 2022/23 Danger Reduction programme for review at feasibility stage.

### **The petition**

The wording on the petition is as below:

*“We, the undersigned residents of Black Dike Lane, Manor Close and other residents with garages in Black Dike Lane, are concerned about the risk of a serious accident due to vehicles driving at an inappropriate speed and the increasing volume of large vehicles using the lane.*

*“Black Dike Lane is partly a single-track country lane and partly a narrow residential lane with 31 houses (including those in Manor Close), a blind corner and, along most of its length, no footpaths.*

*“We consider that the lane is now unsafe for both pedestrians, especially the four residents who use wheelchairs and children, and riders of the horses and children’s ponies stabled in the lane.*

*“We petition that the council produces a plan to address the problems highlighted and work with partners to achieve this including speed reduction, restricting access to large vehicles and possibly gated closure of the lane at the junction with the A59”.*

It has since been confirmed that the horse riders use the length of Black Dike Lane between “Dunelm” and Station Road before proceeding along Long Ridge Lane towards Millfield Lane, which is a busier and potentially a more hazardous route than Black Dike Lane.

### **Existing layout**

The existing layout is shown in **Annex A**.

Black Dike Lane is located within Upper Poppleton to the northwest of York and links the A59 to Station Road / Long Ridge Lane.

From its junction with the A59, it is a rural road with a 60mph speed limit. Immediately prior to reaching the outskirts of the residential area the speed limit reduces to 30mph. It is a single lane road leading up to this, bounded by verges on either side. The road width here is between 3.0 to 3.75m (wider towards the A59 end).

It forms a "T" junction with the A59, with a give way for vehicles joining the A59. The give way markings are badly faded and in need of refresh. The kerb radii are large, resulting in a wide entrance into Black Dike Lane, serving as a speed reduction lane for left turning vehicles entering Black Dike Lane.

The speed limit is 60mph on both the A59 and the initial length of Black Dike Lane. Black Dike Lane is not signed for the speed limit as you enter the lane, however it is signed with a 7.5t weight restriction (except for access). The lane at this point has footways on either side and these continue for a short distance. A sign warning of pedestrians in the road (for 500 yards) is provided at the point of termination of the footways.

Thereafter, the lane continues as a single width lane with wide verges either side.

Immediately prior to the commencement of the properties, the speed limit changes to 30mph. The signs are positioned at 1.15m above ground level in the verge and are therefore directly in the eye line of most motorists. This speed limit continues for the remainder of Black Dike Lane to its junction with Station Road.



There are only 2 lighting columns present, both on the southern side within the residential section.

The single lane road continues up to the junction with Manor Close. Thereafter, to its termination at the Station Road junction, Black Dike Lane is wider and can accommodate two-way traffic.

At its junction with Station Road, Black Dike Lane forms a crossroads with Long Ridge Lane directly opposite. Black Dike Lane traffic needs to give way at the junction, however, the road markings are badly faded and there is no accompanying give way sign.

Black Dike Lane is adopted for its full length. The land registry plans indicate that many of the verge areas fronting the properties are adopted highway despite them having been landscaped by residents.

It is not a bus route or a primary gritting route.

### Road surface condition

The 2021 carriageway annual condition survey shows the residential section of Black Dike Lane as being mostly category 3-4 with pockets of grade 5. The section between the A59 to the properties is mostly grade 3.

Category 3 classification is that the surface is in a mid-life condition, whereas category 4 indicates that the road is functionally impaired. Grade 5 is structurally impaired.

There is currently no proposal to resurface Black Dike Lane in the near future, although some localised maintenance repairs may be undertaken in the near future.

### Speed

Speeding within the residential section of Black Dike Lane is noted by residents as one of their primary concerns. A speed concern had been submitted to North Yorkshire Police (NYP) and a speed survey was undertaken between 5<sup>th</sup> and 12<sup>th</sup> January 2022, with the logger being positioned on a BT pole near to a house called "Sils Maria" within the 30 limit.

Mean speeds were recorded at 19.56mph (east) and 17.95mph (west). The highest mean flows occurred at peak times and leading up to Midnight, suggesting that commuter traffic may use Black Dike Lane (there have been reports and observations of "rat-running" on Black Dike Lane).

85th percentile speeds were recorded at 24mph in both directions, and a top speed of 37.2mph in both directions.

Compliance with the signed speed limit is good – only 0.9% of vehicles exceeded the speed limit, and 0.1% (east) and 0.3% (west) exceeded the enforcement speed level. The recommendation from NYP as a result was that no further action is required.

Despite the evidence to indicate no speed concerns, it is likely that there is a perceived risk to pedestrians, heightened by the narrowness of the road, lack of footways and proximity of the properties.

Mean speed (mph)	East	West
Midnight – 7am	15.55	15.72
7am – 9am	20.62	18.49
10am – 3pm	18.03	16.67
4pm – 6pm	20.63	19.25
8pm - Midnight	21.22	18.60

No survey was undertaken within the 60mph on the approach to the village, so it is not clear if any speeding occurs on the approach from the A59.

Highway Regulation are currently advertising a change to the speed limit on the A59 to extend the existing 40mph limit to a point west of Hodgson Lane junction. This would extend it across the mouth of Black Dike Lane. The proposals were reported to Executive Member decision session in December 2022 and January 2023, and approval was given to advertise the speed limit change. Advertisement took place in April 2023 and a report is due to be presented to Executive Member decision session for approval to extend the 40 limit.

If this change is approved, there would be a justification to reduce the speed on Black Dike Lane from 60 to 40 also. This could be achieved by amendment to the decision session report to include Black Dike Lane (and additional advertisement). This action has been requested and if implemented would go a long way in managing speeds into the residential section of Black Dike Lane. Highway Regulation are progressing the amendment.

### Accident data

There have been no recorded accidents on Black Dike Lane over the period 2019-2021 inclusive. However, there have been three accidents on the A59 in the vicinity of the Black Dike Lane junction. 2 Slight, 1 Serious.

The two slights involved drivers turning into Black Dike Lane and poor decisions from vehicles following behind.

The accident resulting in a serious injury was located 38m west of the junction and was due to a very poorly timed overtake.

The nature of Black Dike Lane is such that residents perceive there to be a risk of accident. This is not substantiated by the accident data, but it is noted that no records of near misses or damage only incidents are available. As stated earlier, the lack of footways is a contributing factor to this perceived risk.

### Traffic flows

The traffic flows were recorded during the period 5<sup>th</sup> – 12<sup>th</sup> January 2022. The table below provides a summary of the key traffic flows.

Weekday traffic flows are low with an average of 132 vehicles eastbound and 102 westbound. Weekend averages drop to 77 eastbound and 72 westbound, with a more even balance of flows.

Average peak time flows are higher eastbound, with weekday AM peak at 40 vehicles compared to 23 westbound. Similarly, PM peak flows are 24 and 16 respectively.

The average peak flows during the weekend are considerably less.

	EASTBOUND			WESTBOUND		
	Average Daily Flow	Average AM Peak Flow (7-9am)	Average PM Peak Flow (4-6pm)	Average Daily Flow	Average AM Peak Flow (7-9am)	Average PM Peak Flow (4-6pm)
Average:	117	29	21	94	18	14
Weekday	132	40	24	102	23	16
Weekend	77	4	12	72	7	10
Monday	120	42	23	121	31	17
Tuesday	152	55	24	94	25	11
Wednesday	138	48	28	108	23	22
Thursday	144	36	27	97	18	10
Friday	101	18	16	85	18	12
Saturday	83	5	9	74	7	8
Sunday	71	2	14	70	7	12

Graphs are provided below showing the distribution of average traffic flow by hour.

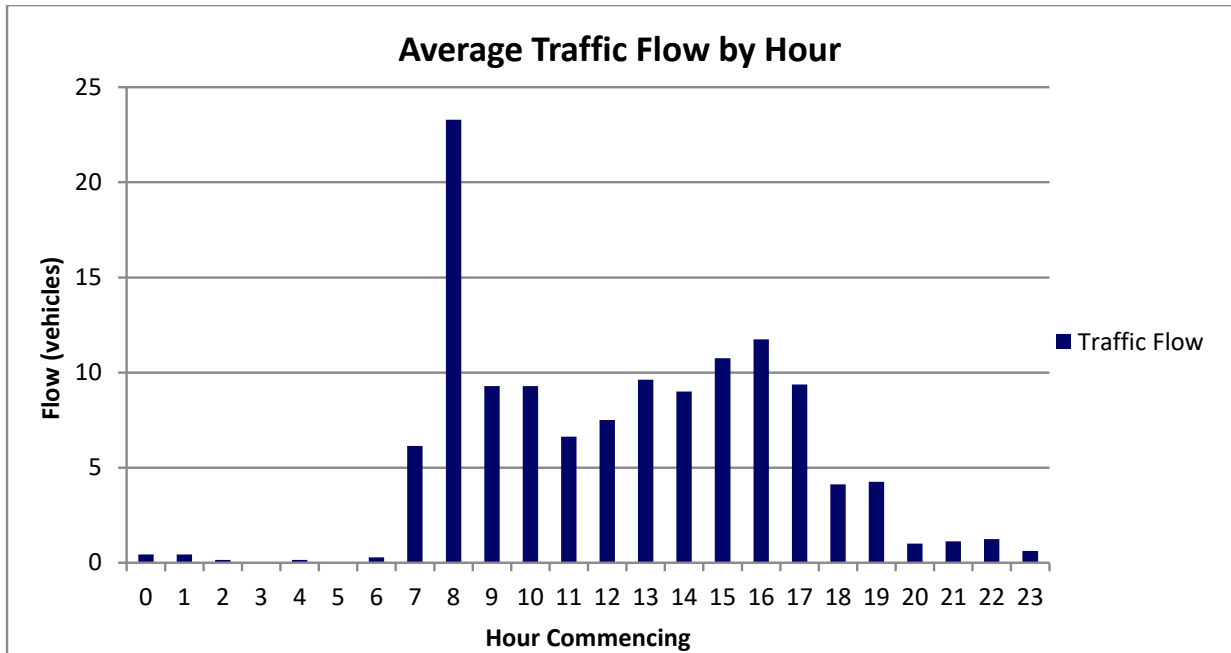
The average traffic flow counts illustrate that the dominant flow of traffic in an eastbound direction (from A59) is at its peak during 08:00-09:00, reaching an average of 23 vehicles/hour. This is almost double the next peak which is 12 vehicles between the hours of 16:00 and 17:00.

Average traffic flow by hour westbound does not exceed 10 and the distribution throughout the working hours is more even.

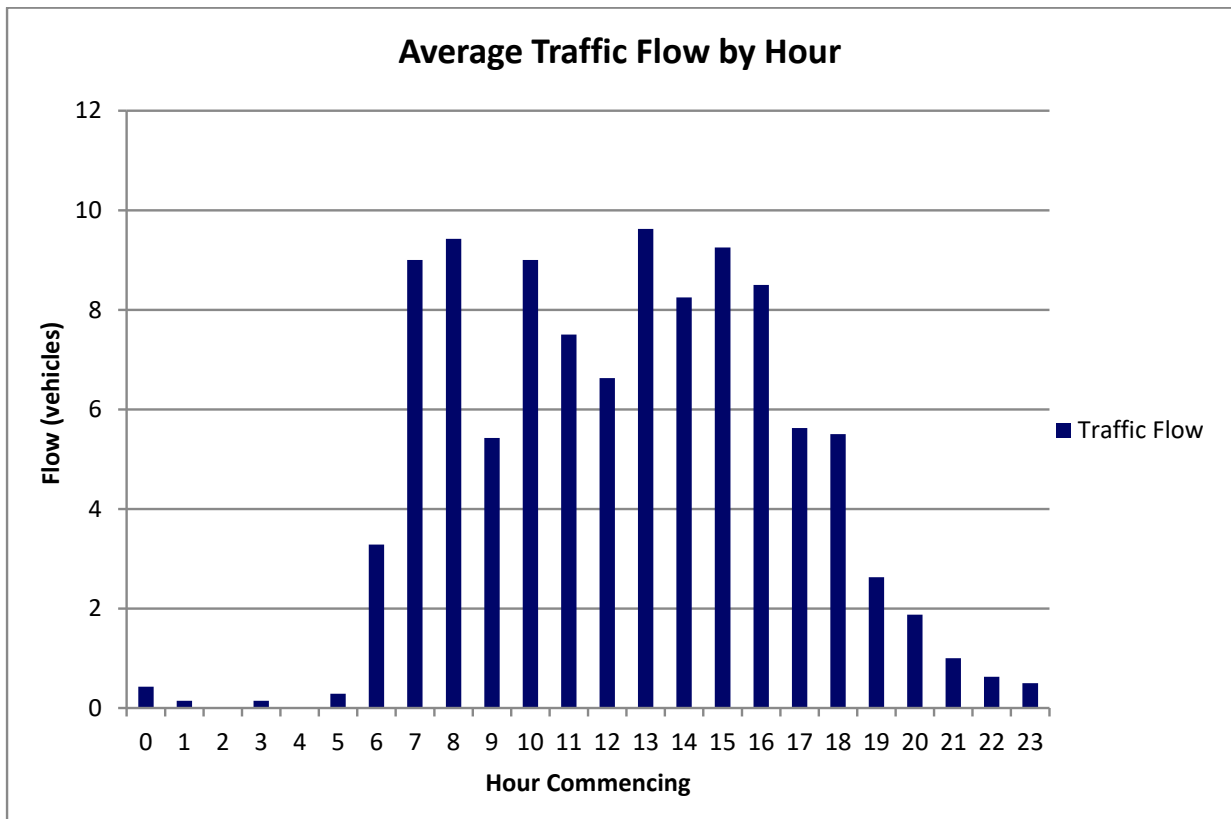
Queues are known to regularly build along the A59 from its signalised junction with Station Road, particularly at AM peak. The queues often extend up to the Black Dike Lane junction, sometimes beyond. Vehicles have been reported to be diverting off the A59 onto either Hodgson Lane or Black Dike Lane to avoid the queues, and observations have confirmed this.

The route using Black Dike Lane and proceeding along Long Ridge Lane to Millfield Lane is an attractive alternative to queuing on the A59, particularly for vehicles which are aiming to travel clockwise on the A1237. However, vehicles wishing to then join

the A1237 often find it difficult to do so, so the gain from using the alternative route is lessened. Traffic may also be using this route to reach Manor CoE School (a separate study is reviewing issues at the school).



Average traffic flow: Eastbound



Average traffic flow: Westbound

## Restriction on access

Traffic levels on Black Dike Lane and more generally through Poppleton were considered during the planning and delivery of the Poppleton Bar Park & Ride site and A59/A1237 roundabout improvement scheme in 2012. Surveys undertaken at that time indicated that the majority (70%) of vehicles using Black Dike Lane had an origin or destination in Poppleton. This may have changed since.

A temporary restriction to prohibit vehicular access on Black Dike Lane was put in place during the construction works to discourage additional traffic using Black Dike Lane when queue lengths on the A59 were expected to be longer. This was to ensure that Black Dike Lane was not used by any vehicles other than those exempted from the restriction. This was in place until June 2014.

The potential to introduce this on a permanent basis could be considered as part of this project, with signs to diagram 619 "Motor Vehicles prohibited" with a supplementary plate "except for access" provided at the entrance to Black Dike Lane at either end. However, this sign does not appear to be widely understood and abuse is common. Enforcement of the restriction is unlikely to occur.

There does exist a village-wide 7.5t weight restriction (except for access) - this includes the whole length of Black Dike Lane. The restriction is indicated by signs to diagram 622.1A ("Goods vehicles exceeding the maximum gross weight indicated prohibited") positioned at each of the entry points to the village. No other signs are required, hence the absence of such signs at the Station Road / Black Dike Lane junction.

The signs do not prevent the use of Black Dike Lane by vehicles exceeding 7.5t if they are requiring access to a destination within the zone. This would be very difficult to regulate and to enforce any abuse. Vehicles under 7.5t have a right of access.

Introducing a closure at the A59 junction would remove the issues being experienced but it would force "entitled" users to access Black Dike from the eastern end, having to divert from the A59 onto Hodgson Lane or Station Road, exacerbating any issues present there. A gated entrance would be difficult to introduce (legally and practically) and the management of such a facility would be almost impossible to control effectively.

## Other factors

The speed survey and traffic data does not give details of the pedestrian activity along Black Dike Lane. Observations have indicated that pedestrian flow is very low.

Speed does not appear to be a problem (as evidenced by the speed survey data). However, even with compliant speeds, the fact that Black Dike Lane is narrow with properties fronting directly on to the road may give residents the feeling of it being a higher risk. There is little protection for pedestrians from passing traffic, as there are no worthwhile lengths of footway along the section westwards from Manor Close (a distance of at least 500 yards).

Bends in the road limit forward visibility. There is a left bend sign on the westbound approach, but this is not clearly visible due to vegetation. A right bend sign used to be present on the eastbound approach but seems to have been absent for several years (since before 2012).

The length of Black Dike Lane between the two bend sign locations is marked by edge of carriageway markings to diagram 1012.1 /1010 although these markings are badly faded. SLOW text is also present, but each marking is also faded.

As pedestrian volumes are very low, the need for a footway is also low and the author considers that provision of footways would not be supported. Discussion with a small number of residents confirms this, particularly if the verge areas would be lost. Providing footways would “urbanise” a pleasant rural environment and would presumably result in the loss of verges.

There are only two street lighting columns on Black Dike Lane, one opposite “Minfield” and the other at the junction with Manor Close. Some additional lighting may be required to reduce the perceived danger at night, although consideration needs to be given to the rural environment of the road and increased light pollution. The provision of repeater signs for the speed limit would also need to be reviewed.

### Options considered and analysis.

#### a) Do nothing.

Doing nothing would not resolve the issues being experienced by residents and there would be continued concerns of risk of a serious accident and continued complaint. Given the strong feeling of residents (reinforced by the submission of the petition), failure to address the concerns would damage the reputation and credibility of the Council.

The speed limit through the residential area is deemed to be appropriate. However, the layout of the road is such that it is narrow and has bends, and these may be contributing to the feeling that it is unsafe.

As mentioned, speeds are generally compliant, and the risk is more likely to be perceived due to the absence of footways. There are no recorded injury accidents, but it is not known if there is a history of near misses or damage only incidents.

Traffic volumes are generally low and the restriction on the size of vehicles (by weight) still allows for these vehicles to pass along Black Dike Lane if for access purposes, but this could be to access any street within the restricted zone area.

#### b) Traffic management

The speed management plan is not clear as to the classification of Black Dike Lane. It appears to be classed as a residential area. Acceptable traffic management treatments would be:

- Road humps, speed tables or speed cushions
- Chicanes, traffic islands, mini roundabouts, and changes of priority.



Speed data recorded within the 30mph limit has proven that compliance of the speed limit is good despite the view of residents. It is not proposed to reduce speeds further by means of introducing traffic calming measures. In any case the layout would make it difficult to accommodate any such measures and they could be seen as being detrimental to the rural setting of the road. The introduction of traffic calming may also introduce adverse noise caused when vehicles bump over the measures, particularly in an environment where the ambient noise level is low.

Chicanes have the effect of narrowing the carriageway and encouraging drivers to reduce speed and could be considered more appropriate in villages, especially where road humps are deemed inappropriate. Black Dike Lane is very narrow in width and therefore Chicanes would not be a practical option. In addition, there is insufficient traffic flow for chicanes to operate effectively.

A review of the 60mph limit on the initial stretch of Black Dike Lane is being considered as an amendment to the 40mph extension being progressed for the A59. It is deemed to be a worthwhile treatment and would serve to reduce speeds of vehicles entering the 30mph section. The existing signage should be renewed as part of the speed limit change, alongside the introduction of repeater signs as necessary.

There are currently no vehicle activated signs (VAS) on Black Dike Lane. The 85<sup>th</sup> percentile speed is recorded at 24 mph both ways, therefore the criteria would **not** be satisfied.

The road markings along Black Dike Lane are faded and should be refreshed. This includes the edge of carriageway markings and SLOW text. The give way markings at both junctions should also be refreshed.

Due to the amount of concern of vehicles using Black Dike Lane to avoid queuing on the A59, a fact demonstrated by the traffic flow data, access into Black Dike Lane from the A59 could be reduced by means of preventing left turning vehicles from the A59. This would remove the dominant undesirable traffic from Black Dike Lane but negatively impact on residents who would usually access the lane from that direction, forcing them to use Hodgson Lane or Station Road. This is not supported by the ward member and is unlikely to be supported by residents.

### c) Access restriction measures – HGV Vehicle access from A59

Physical width restrictions are a self-enforcing means of restricting road access for large vehicles. Posts or bollards are placed in the road at about 7 feet (2.1 metres) apart so that vehicles wider than this cannot pass between them. As an alternative route must be available for large vehicles such as refuse collection vehicles, their use in residential areas may be limited.

Many residents mistakenly ask for width restrictions to be introduced as a means of slowing traffic. Width restrictions do not, and are not intended to, reduce traffic speed.

As an alternative to a physical restriction, provision of signs to diagram 820 advising motorists that the route is unsuitable for heavy goods vehicles could be provided at the entry from A59, to compliment the current 7.5t access restriction.

#### d) Pedestrian facilities

Introducing footways would be difficult due to the lack of available road width and low threshold levels to properties. The obvious means would be to remove the verges fronting the properties to provide a worthwhile length of footway and to link up the occasional short section in place. Records show the road to be adopted however many of the adopted verge strips have been landscaped (presumably without consent). A footway immediately abutting properties would not be appropriate as doorways and windows would open on to the footway, presenting a hazard to passing pedestrians.

Providing a footway of 1.8m width on the opposite side would result in the path encroaching into the road, and thereby pushing vehicles closer to the properties.

#### Recommendation

The proposed treatment is shown in **Annex B** and comprises the following measures:

- i) Reduce the 60mph speed limit to 40mph including revising associated signage
- ii) Refresh Give Way markings at A59 junction.
- iii) Refresh Give Way markings at Station Road junction and introduce new Give Way sign to diagram 602.
- iv) Refresh all road markings on Black Dike Lane (SLOW text and edge of carriageway markings).
- v) Replace all faded or damaged signs.
- vi) Replace / relocate left bend sign.
- vii) Provide new right bend sign to diag 512.
- viii) Provide signs to diag. 820 (unsuitable for heavy goods vehicles) at A59 junction.
- ix) Provide new "pedestrians in road" sign to diag 544.1 with supplementary 500yards distance plate to reinforce existing sign.

Optional extras include the introduction of a "No Left Turn" restriction from A59 into Black Dike Lane. This is not supported by the ward member and is unlikely to be supported by residents.

The above measures are low key and will not be detrimental to the rural setting of the road. It is considered that these will satisfactorily address the main concerns without the need to introduce invasive measures. The ward member (Councillor Hook) is supportive of the recommendations.

Transport Board are asked to approve progression of the scheme to design stage with the aim to introduce the measures outlined in items (i) to (ix) above as shown in **Annex B**.

Residents and other stakeholders will need to be consulted on the proposals during design stage, and a report taken to Executive Member decision session in due course to seek approval to implement the works.

The cost of implementing the measures is anticipated to be in the region of £20,000 including fees.

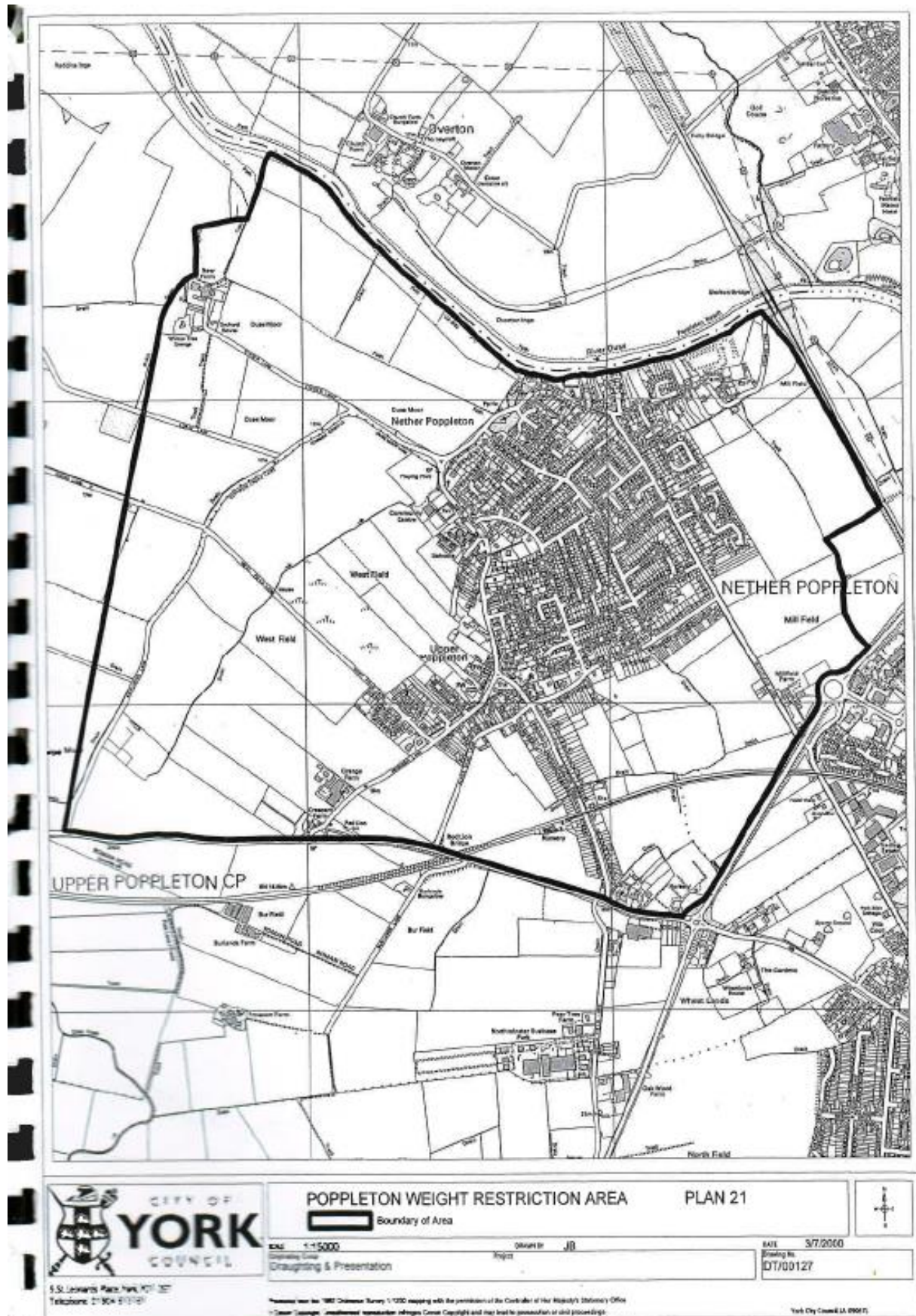
Annex A – Existing Signs and Road Markings

Annex B – Proposed Signs and Road Markings

Annex C – Land Registry Plan



Annex D – Poppleton Weight Restriction Area





## Annex C:

Place Directorate

City of York Council  
West Offices  
Station Rise  
York  
YO1 6GA

Our Ref: 220017Cons  
Date: 29 January 2024

Dear Resident,

### **Black Dike Lane - Danger Reduction Scheme**

The Council received a petition in October 2021. This raised various concerns about road safety on Black Dike Lane, specifically the risk of a serious accident due to vehicles driving at inappropriate speeds and due to the increasing number of large vehicles using Black Dike Lane.

Black Dike Lane was added to the Danger Reduction programme and a feasibility study was undertaken to review the key concerns and issues, and to consider potential options for progression to design and delivery. The key findings of the study are outlined below:

#### **1. Speed**

Speed surveys indicated good compliance of the signed 30mph speed limit within the residential part of Black Dike Lane, with only 0.9% of vehicles recorded as exceeding the limit. Key target speeds were well within the signed limit and, as such, North Yorkshire Police had no concerns about speeds and recommended no further action from a speed management perspective. The speeds recorded demonstrate that motorists consider the signed 30mph limit to be appropriate.

No measures are being proposed to manage speeds within the 30mph limit other than refreshing existing SLOW text and edge of carriageway markings at the location of the bend where any vehicle conflict would be most likely. A new right bend sign is to be introduced, and the hedgerow near the left bend sign is to be pruned back to ensure the sign is visible.

Recent discussions with ward councillors have indicated that there is a desire from residents to have the 30mph limit reduced to 20mph. Your views on this would be welcomed. However, whilst considering this, it should be borne in mind that reducing the speed limit will not necessarily reduce the speeds of vehicles along Black Dike Lane as motorists

consider 30mph to be an appropriate limit, and therefore it is more likely that compliance of the 20mph limit would be less.

The section leading from the A59 is currently subject to a 60mph limit. An amendment is being progressed to extend the existing 40mph to a point beyond Hodgson Lane junction and this proposal has been amended to include a reduction of the 60mph limit on Black Dike Lane to 40mph.

## 2. Accidents

There were no recorded injury accidents on Black Dike Lane during the 3-year period preceding the study. Damage-only or near miss records are not available as the Police tend not to be notified of such incidents. Despite the lack of evidence to support residents' worries, these concerns have been noted.

## 3. Traffic flows

Traffic flow data demonstrated that traffic flows on Black Dike Lane are low. Average peak time flows are higher eastbound, partly due to vehicles avoiding queues on the A59 from the Station Road junction (mostly during AM peak). Average morning peak flows are only 40 vehicles eastbound compared to 23 westbound. Similarly, evening peak flows were recorded as 24 and 16 respectively. During the day flows are even less.

The fact that vehicles detour along Black Dike Lane during morning peak times is a concern. The lane provides a convenient alternative route, even though these vehicles often then have to queue to rejoin the A1237. An option to prohibit left turns from A59 on to Black Dike Lane was considered and would reduce the number of vehicles but would severely restrict access for residents.

## 4. Access restrictions.

A village-wide 7.5t weight restriction (except for access) applies throughout Poppleton. This restriction is signed at each of the entry points into the village, with two signs at the head of Black Dike Lane. However, this restriction does not prevent access along Black Dike Lane by larger vehicles if they are requiring access to any destination within the zone.

The proposal includes for the introduction of "unsuitable for HGVs" signs at the entry to Black Dike Lane aiming to deter larger vehicles entering Black Dike Lane.

The use of signs to denote a prohibition on access for motor vehicles (except for access) was also considered but, without enforcement, this

restriction is unlikely to be effective as the sign is poorly understood and is usually not well observed leading to enforcement requirements.

A gated closure at the junction of A59 has not been considered as this would be difficult to introduce (legally and practically) and the management such a facility would be almost impossible to control effectively and would likely introduce new road safety issues.

#### 5. Other factors

It has been noted that there are a few missing traffic signs and faded road markings along Black Dike Lane. These will be replaced/refreshed.

The petition asked for improvements to be made to footways. The introduction of footways in the residential section would be difficult given the lack of available road width and low thresholds to properties. The most viable option would be to replace verges fronting the properties with footway. A footway immediately abutting properties would not be appropriate as doorways and windows would open on to the footway, presenting a hazard to pedestrians. In addition, pedestrians would pass closer to the properties reducing privacy for those properties.

Pedestrians currently use the road and signs are in place to advise motorists of this activity. The low traffic and pedestrian flows mean that there is only a very low risk of conflict. Introducing footways would impact negatively on the rural setting of the lane.

Attached to this letter is a copy of Plan No TP/220017/100/03 showing proposed measures at Black Dike Lane (shown by red text).

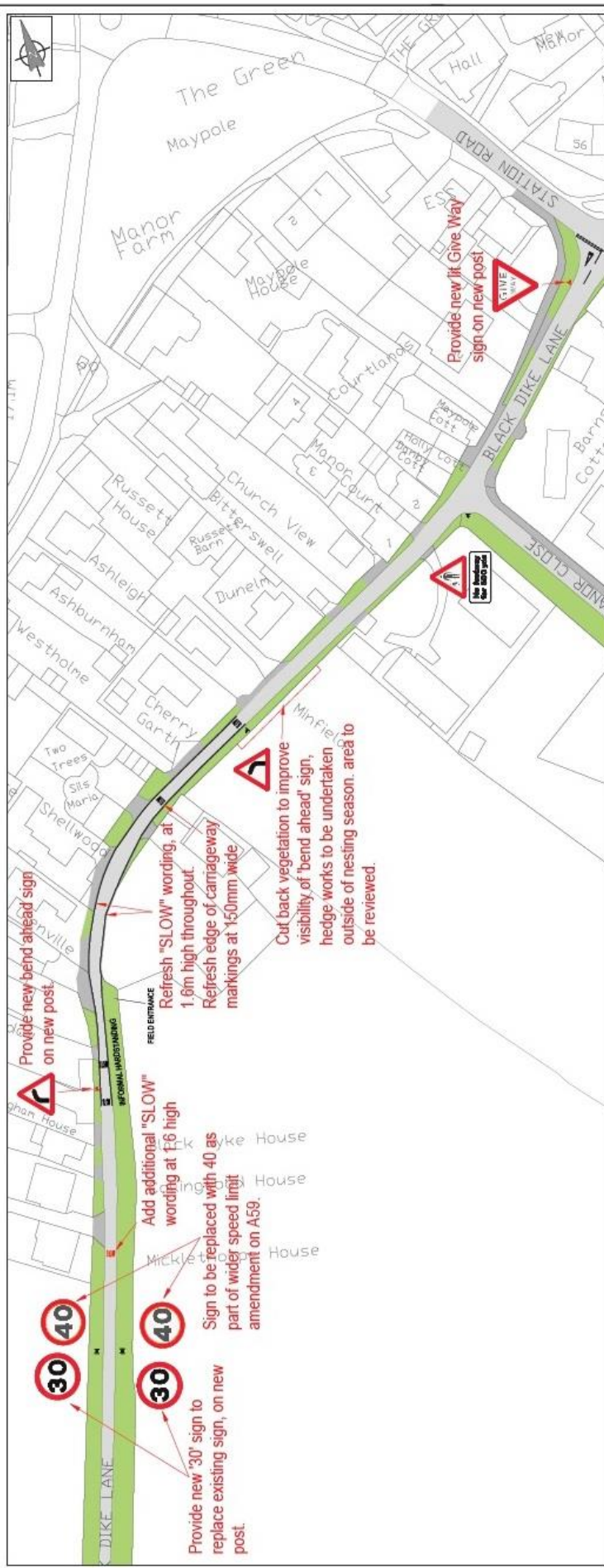
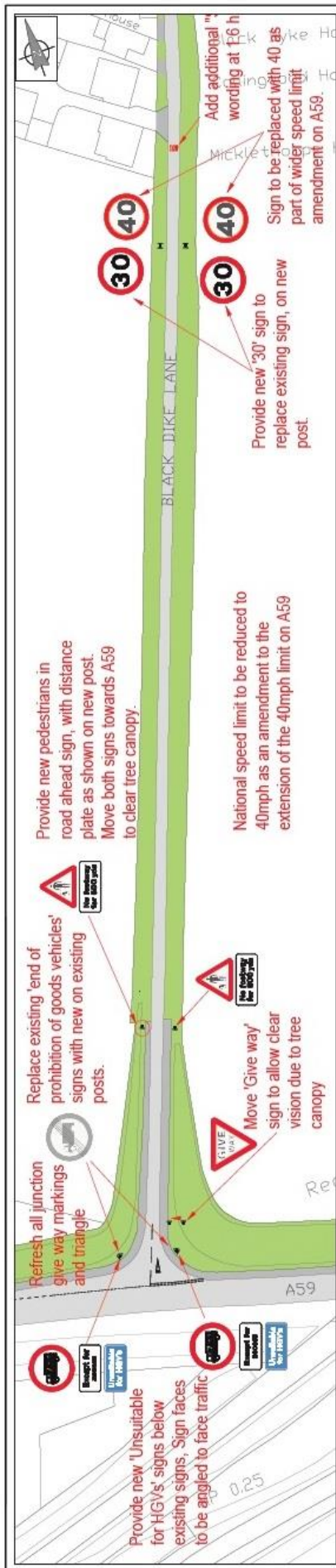
As a result of the review and in line with the findings and considerations above, the Council is proposing to make several amendments to the existing traffic signs and road markings. It is considered that these measures will serve to improve conditions experienced by residents without detrimentally impacting on the environment and nature of the lane.

We would appreciate your views on the proposals. If you would like to make any comments regarding the proposals, please submit them to me no later than 12pm on 18 February 2024, preferably in writing or by email.

Yours faithfully,

Jim Sotheran, Engineering Technician – Highway Engineering Design  
Tel: 07880 505374 / Email: [jim.sotheran@york.gov.uk](mailto:jim.sotheran@york.gov.uk)





		Date: DEC 2023 Drawn by: JFS Checked by: MJC Approved by: MJC Drawing title: FEASIBILITY
Project: BLACK DIKE LANE DANGER REDUCTION SCHEME UPPER POPPLETON		Drawing: PROPOSED WORKS TO SIGNS AND ROAD MARKINGS
Drawing No: TP/230017/100/03		Revision: -

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## Black Dike Lane Danger Reduction Scheme

### Feedback from consultation

#### 1. Feedback from CYC Officers

Respondent	Comment	Officers Response
Officer #1	During the construction of Poppleton Park and Ride (P&R) and associated improvements, residents complained in advance of the works about the potential for rat running through Black Dike Lane. CYC responded to this with the introduction of an Access Only Order during the P&R works.	This action was noted in the feasibility study. The temporary restriction was removed in June 2014.
Officer #2	<ol style="list-style-type: none"> <li>1. At the eastern end on the 'outside' of the new Give Way sign should it also be signed 'unsuitable for HGV's' &amp; 'except for access' to deter vehicles within Poppleton from using this route out?</li> <li>2. At the first 'no footway' sign heading east to west would a 'SLOW' road marking be of benefit?</li> <li>3. The next note (again heading west) suggests vegetation being cut back, Streetview 2009 shows there is a reasonable grass verge on the southern side that from Streetview 2021 is overgrown (I realise it may not be now)...and streetlight hidden; is it the plan to cut the hedge back/expose the hidden road surface/white line (May 2012 shows approx 18"/2' inside of IC in the road whilst Jun 2021 shows approx 6" and there is a road gully inside of the white line) all along this section, from Manor Close</li> </ol>	<ol style="list-style-type: none"> <li>1. Providing a sign to advise that the route is unsuitable for HGVs has been proposed for the entry into Black Dike Lane from A59 to deter larger vehicles entering Black Dike Lane, as desired by residents. A sign could be installed at the Station Road junction but would need to be carefully positioned to be visible on the approaches.</li> <li>2. The existing 60mph limit at this location is to be reduced to 40 so vehicles should be approaching the residential section at slower speeds once installed. Slow markings are to be provided on the approach to the bend. It is not considered necessary to have additional SLOW in advance of this.</li> <li>3. The hedge will be cut back as part of this project. As the overgrown hedge is under private ownership, future maintenance of the hedgerow will need to be pursued by Highway Regulation to avoid obstruction</li> </ol>

	westwards to approx opposite the property called Two Trees?	of the highway. The edge of carriageway marking is to be remarked as part of this scheme. The edge of carriageway marking is to be refreshed.
Officer #3	No comments other than checking there are sufficient parking restrictions along there to help with these issues and if required any repainting of lining along the whole of the route shown on the plan.	There are currently no waiting restrictions along Black Dike Lane. Parking is mostly off-road.  All road markings are to be refreshed.
Officer #4	Would a 20mph limit where the dwellings are located make sense, especially considering the lack of footways	Speed surveys indicate good compliance of the 30mph signed limit, with only 0.9% of vehicles exceeding the limit and only 0.1% (east) and 0.3% (west) exceeding the enforcement limit. Mean speeds were recorded as 19.56mph (east) and 17.95 (west).  85 <sup>th</sup> percentile speeds were recorded at 24mph in both directions. This value shows the speed at which 85% of all vehicles are travelling less than so it indicates the speed that the majority of drivers feel comfortable to drive at for the location. As 85% of drivers are driving at or below the posted speed limit, the limit is working well with most drivers.  In light of the concerns from residents, and following a late request from members, the suggestion to reduce the 30mph limit to 20mph is included in the decision session report as an addition to the scheme.  The reduction of the 60mph limit to 40 on the lead-in into the residential area is approved for delivery and is likely to result in reduced entry speeds into the current 30mph section.

## 2. External responses / concerns

Respondent	Comment	Officers Response
Resident #1	I thought the consultation letter from CoYC was well written, well researched and I found myself in total agreement with the contents and the proposals for improved road signage.	Comments noted.
Resident #2, Black Dike Lane	<ol style="list-style-type: none"> <li>1. The signs are welcome. We think an 'Unsuitable for HGVs' should be at both ends of the Lane, covering the Lane where there is no footpath at least.</li> <li>2. The Lane should be 20mph. We live near the bend and there has been screeching of brakes on the bend when two cars travel in opposite directions at a combined speed of say 50 to 60 mph. We have recovered crash debris at the bend but never witnessed one (yet). The suggested vegetation cut back will soon grow again so that is no solution.</li> <li>3. We walk the Lane on a daily basis. Most cars slow down to 20mph or so when they see a pedestrian. Some do not, and we have felt in danger. There are at least two houses where the residents are wheelchair bound. Others where the residents are in their 80s. It is safe most of the time but we feel a 20mph limit would reinforce the danger to the drivers. It would also be picked up on their satnavs. It is satnavs that bring a lot of cars at peak times down the Lane, and if the computer systems show it to be 20mph then it might just prevent the autopilot kicking in for some, and their dashboard will show it.</li> </ol>	<ol style="list-style-type: none"> <li>1. Providing a sign to advise that the route is unsuitable for HGVs has been proposed for the entry into Black Dike Lane from A59 to deter larger vehicles entering Black Dike Lane, as desired by residents. A sign could be installed at the Station Road junction but would need to be carefully positioned to be visible on the approaches.</li> <li>2. See response above. Officers are recommending that introduction of a reduced speed limit is included in the proposal.</li> <li>3. The comments are noted. The numbers of vehicles and pedestrians both tend to be low, although it is recognised that there is usually an increase of traffic during peak times, so the risk of conflict is low. The measures should serve to encourage more appropriate use of the lane by motorists.</li> </ol> <p>It is not confirmed how much satnavs influence the use of Black Dike Lane. It is more likely that motorists are aware that an alternative route is available through Poppleton to reach the A1237 without having to queue, so requesting a change to</p>

		satnav instructions may have limited benefit. This will be explored further.
Resident #3 The Green, Hodgson Lane (access off Black Dike Lane)	<p>Generally we agree with most proposals you have identified, however as requested we have a number of comments on the information supplied as follows:</p> <ol style="list-style-type: none"> <li>1. We were very disappointed to hear original meetings and petitions were raised (with councillor involvement) to propose a number of changes to vehicular access to Black Dike Lane. This was undertaken unofficially and without our [and our neighbours] knowledge. It seems very un-democratic not to ensure all parties with vehicular access to Black Dike Lane are notified and given the chance to make representations. Subsequent to this I believe the Parish Council made attempts to inform all the village of this issue.</li> <li>2. To prohibit left turns from the A59 on to Black Dike Lane would be very inconvenient and not acceptable to us. This would require us to make numerous daily detours down Hodgson Lane and Station Road and encounter busy traffic and pedestrians in the village green area.</li> <li>3. Replace verges with footway. This suggestion is completely unacceptable to us as this would prevent the use of our only garage which fronts Black Dike Lane. In our 25 year experience living here there are very few pedestrians using Black Dike Lane and those that do, step clear of the road onto grass verges when</li> </ol>	<p>The resident generally supports the proposed measures.</p> <ol style="list-style-type: none"> <li>1. The petition was raised by residents and presented to the council by members. It is unclear why the resident was not included at the time. The process of review and option consideration is a standardised part of the feasibility stage. Residents and wider stakeholders have been afforded the chance to comment on a range of items as part of the formal consultation exercise. Their views and feedback are being presented as part of this report to the Executive Member. Residents are also able to make representations at the public meeting in due course.</li> </ol> <p>In addition, it is understood that ward members have been in regular communication with residents and have represented their views in discussion with officers. The PC have not offered any response to the consultation, other than a former member stating that he is fully supportive of the recommendations.</p> <ol style="list-style-type: none"> <li>2. The option to prohibit left turns into Black Dike Lane is not supported by officers due to the negative impact it would cause to residents.</li> </ol>

	<p>traffic approaches in a sensible manner. We note that this suggestion is not being progressed.</p> <p>4. In our experience the blind bend on Black Dike Lane with poor visibility can inherently act as a speed deterrent with most vehicles slowing to navigate this area. The proposals documented can only help the situation.</p> <p>On the whole as residents we agree with the proposed works to signs and road markings with reference to our comments above.</p>	<p>3. The proposal to convert verges fronting properties into footway is not supported by officers and is therefore not being considered further. The comment about pedestrians is noted and supports the view and observations of officers.</p> <p>4. The comment about the bend is also noted and supports the view of officers that the road layout helps to govern / manage the speed of vehicles and keeps the speeds down to an acceptable limit.</p>
Resident #4 Manor Close	<p>1. I consider your argument against reducing the speed limit to be circular in nature and therefore invalid. "The speeds recorded demonstrate that motorists consider the signed 30mph limit to be appropriate." I don't know how motorists would independently know what's appropriate: I would suggest that they are simply complying with the speed limit, on the assumption that 30mph has been deemed appropriate by yourselves.</p> <p>"..reducing the speed limit will not necessarily reduce the speeds of vehicles along Black Dike Lane, as motorists consider 30mph to be an appropriate limit". Can we all drive at whatever speed we consider appropriate on any road, regardless of the speed limit? There are lots of 20mph speed limits in York; I make it my business to comply with them all, even if I might think it safe to drive faster. It's up to Highway authorities like yourself, in conjunction with residents, to determine what speed is appropriate.</p>	<p>1. Speed surveys indicate good compliance of the 30mph signed limit, with only 0.9% of vehicles exceeding the limit and only 0.1% (east) and 0.3% (west) exceeding the enforcement limit. Mean speeds were recorded as 19.56mph (east) and 17.95 (west).</p> <p>85<sup>th</sup> percentile speeds were recorded at 24mph in both directions. The 85<sup>th</sup> percentile speed defines the speed that 85 percent of drivers will drive at or below under free-flowing conditions. Most people don't drive according to the posted speed limit, but account for the visual aspects of the road and a 'feel' for the road. The visual factors that influence speeds can include:</p> <ul style="list-style-type: none"> <li>• Lane and shoulder configurations and widths</li> <li>• Presence of vertical and horizontal curves</li> <li>• Sight distance and obstructions</li> </ul>

	<p>2. In addition to the dangers of speeding traffic on the bend in Black Dike Lane, and to pedestrians (especially young children and the elderly) at any point on the road, I would suggest that the junction with Manor Close is another point of high risk. When driving out of Manor Close, I have a very limited view, especially to the right. I therefore drive forward very slowly until I can see clearly. Occasionally a vehicle on Black Dike Lane will be approaching at the full 30mph (by my estimation): having pulled out a short distance, I then have to apply the brakes harshly to avoid a collision. It would only require a small misjudgement on the part of either driver to cause a collision.</p> <p>3. I dislike the argument that there were no recorded injuries during a 3-year period. It would be good to keep it that way, and to increase the margin of safety. We do not want to wait for an accident to happen before precautions are taken.</p>	<ul style="list-style-type: none"> <li>• Presence of surrounding developments to the roadway</li> </ul> <p>The fact that the recorded 85<sup>th</sup> percentile speed is lower than the signed limit indicates that the signed limit is appropriate.</p> <p>Officers are recommending that introduction of a reduced speed limit is included in the proposal.</p> <p>The reduction of the 60mph limit to 40 on the lead-in into the residential area is likely to result in reduced entry speeds into the 30mph section.</p> <p>2. The arrangement at the junction with Manor Close is not as bad as the resident claims. Visibility is adequate to allow vehicles to pull out onto Black Dike Lane safely, although due care should always be taken.</p> <p>3. The accident record on Black Dike Lane is currently not a concern. No amount of road safety intervention will make a road 100% safe, but the aims are to improve safety as far as is practicable.</p>
Resident #5 Manor Close	<p>1. Speed - although we haven't got the equipment to measure vehicle speed along BDL, through our very regular use of the Lane, both as pedestrians and drivers, we have experienced meeting vehicles at speed particularly on the bend. Whilst your survey suggests the speed limit isn't being regularly broken, 2 cars meeting at 30MPH on the bend presents an increased risk of injury over a 20 MPH. A 30MPH</p>	<p>The resident generally supports the proposals.</p> <p>1. Comments as above re: recorded speeds and 20mph proposal. The proposals will serve to highlight the bend and to manage the speeds better. The road layout and environment also serve to manage speeds. Officers are recommending that</p>



	<p>accident with a pedestrian presents an 8% risk of fatality, as opposed to a 1.5% at 20 MPH. So consequently we would support a 20 MPH limit, even if only in approaching, in both directions, the bend.</p> <p>2. Accidents - comments as above.</p> <p>3. Traffic Flows - anecdotally, traffic seems to have increased markedly since the initial concerns were raised 2 years ago. This has partly been as a result of the now 4 times hourly train service through the village, causing cars to use BDL as an alternative to Station Road. Traffic on the A59 also impacts on the flows as does school pick-up and drop off and rush hour traffic. All appear to have increased in volume over the past 2 years. It is clear that Sat Nav's are directing vehicles down BDL at peak times. We have both witnessed cars going straight across BDL to Long Ridge Lane i.e. not giving way. It's only by luck that there has not been a serious accident. My guess is these cars are unfamiliar with the roads and are being lead by Sat Nav's. It needs to be stressed this is a single track Road and is not designed for this use. We would therefore support any plans to prohibit left turns from the A59.</p> <p>4. Access restrictions - we support your proposals outlined.</p> <p>5. Other factors - we support your proposals outlined.</p>	<p>introduction of a reduced speed limit is included in the proposal.</p> <p>3. The accident record on Black Dike Lane is currently not a concern. No amount of road safety intervention will make a road 100% safe, but the aims are to improve safety as far as is practicable.</p> <p>4. The recorded traffic data shows what the traffic flows were at the time of the survey, and is the data used in the review. It does not give historical data.</p> <p>The numbers of vehicles and pedestrians both tend to be low, although it is recognised that there is usually an increase of traffic during peak times, so the risk of conflict is also low. The measures should serve to encourage more appropriate use of the lane by motorists.</p> <p>It is not confirmed how much satnavs influence the use of Black Dike Lane. It is more likely that motorists are aware that an alternative route is available through Poppleton to reach the A1237 without having to queue, so requesting a change to satnav instructions may have limited benefit. This will be explored further.</p> <p>The road markings at Station Road junction were badly faded and have recently been remarked – this should reduce the risk if vehicles not giving way as required. The proposed Give Way sign will reinforce this message.</p>
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		<p>The left turn ban from A59 is not supported by officers or members, although could offer a reduction the number of vehicles entering BDL. Such a proposal would require a TRO which will need to be advertised and approved.</p>
<p>Resident #6 Black Dike Lane</p>	<p>It is pleasing to know that low-level improvements have been made to improve signage etc.</p> <p>Within your letter you mention an option to prohibit left turns from A59 onto Black Dike Lane. I think this is a fantastic idea which would not dramatically impact on residents of Black Dike Lane or Poppleton whilst significantly reducing vehicles attempting to rat-run through the village onto the A1237. Can you please clarify if this option will be implemented as I don't think it is shown on your sketch.</p> <p>Whilst we appreciate surveys have been completed for traffic flow, in our opinion, the volume of traffic is excessive. Quite often we will witness 8 to 10 vehicles consecutively driving along Black Dike Lane from A59 which is totally ridiculous considering that children and residents can be walking alongside the vehicles, not to mention horses and farming vehicles.</p>	<p>The left turn ban from A59 is not supported by officers or members, and does not form part of the proposed measures, although could offer a reduction the number of vehicles entering BDL. Such a proposal would require a TRO which will need to be advertised and approved.</p> <p>The occurrence of groups of vehicles will always be a possibility. This cannot be prevented. The numbers of vehicles and pedestrians both tend to be low, although it is recognised that there is usually an increase of traffic during peak times, so the risk of conflict is low. As noted by other residents, pedestrians are able to step clear of the road onto grass verges when traffic approaches.</p>
<p>Resident #7 Black Dike Lane</p>	<p>1. We would like to express our concern about the amount of traffic using our single track lane as a main thoroughfare particularly during the hours of 7 am until 9.30 am and 4 pm until 6pm weekdays, at anytime over weekends, all day during Bank Holidays or when there is queuing traffic on A59 York bound. This has been exacerbated by the level crossing closure four</p>	<p>1. Black Dike Lane is a public highway so vehicles are entitled to use it. The aim of this project is to manage the size of vehicles entering BDL and the speed at which all vehicles travel, as well as reinforcing the existing restrictions and measures.</p>

	<p>times per hour at Poppleton station and the introduction of lights for the Park and Ride at Northminster Business Park.</p> <ol style="list-style-type: none"> <li>2. Both Light and Heavy Goods vehicles are taking advantage of their satellite navigation systems to use Black Dike Lane in both directions to cut through the village to avoid the queues on ring road (these vehicles are not delivering to either Upper or Nether Poppleton as local delivery firms know how narrow Black Dike Lane is).</li> <li>3. With regard to speed and traffic flow we would like to ask the police when their figures were obtained? A visit to the lane during the hours mentioned as well as the loan of a speed gun to the residents to confirm or amend their figures would be appreciated.</li> <li>4. With regard to accidents there have been a number at the crossroads with Station road which have been documented and photographed by residents and whilst assuming there were no injury accidents please note there is a livery yard with horses and riders using the lane as well children walking and cycling to school and wheelchair users (known to be four).</li> <li>5. The issues surrounding traffic flow were highlighted when the MP and then council Executive Member at that time met in the lane when the Park and Ride was proposed (correspondence available).</li> </ol>	<p>Queuing does occur from the Station Road/P&amp;R junction particularly at peak times, and this can lead to vehicles detouring down Black Dike Lane. A left turn prohibition would go some way to preventing this, but this does not form part of the current proposal and is not supported in general.</p> <p>The traffic data was obtained at the time of the speed survey and was recorded over the period of a week. Details are provided in the study report. The data indicates that in general traffic volumes are low.</p> <ol style="list-style-type: none"> <li>2. It is not confirmed how much satnavs influence the use of Black Dike Lane. It is more likely that motorists are aware that an alternative route is available through Poppleton to reach the A1237 without having to queue, so requesting a change to satnav instructions may have limited benefit. This will be explored further.</li> <li>3. The speed survey was undertaken over a period of a week, 24/7, so recorded the speeds of all vehicles which travelled down Black Dike Lane during the survey period. The data was triaged by North Yorkshire Police who recommended no further action.</li> </ol> <p>Residents can request a community speed watch through North Yorkshire Police. Given that the Police do not consider there to be a speed issue at</p>
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	<p>6. Therefore, we would suggest that a Residents only access is considered during the peak traffic flow times (see above) and a complete ban on HG vehicles is implemented (the CO-OP complied with this when trading in the village). A flashing speed light with a maximum speed of 20 mph should be installed near the one street light - there is no way the bend in the lane is appropriate for a speed limit of 30 mph.</p>	<p>Black Dike Lane, it is unlikely that they would support this action.</p> <p>4. Station Road is beyond the scope of this project. Action has already been taken to refresh the give way markings at the Black Dike Lane junction and additional measures are proposed to highlight the need to give way. Horses are known to use Long Ridge Lane to access fields there – Long Ridge Lane has no better facilities for horse riders yet no concerns are being raised about this.</p> <p>5. The conditions currently being experienced are very different to those during the construction of the P&amp;R site, A1237 roundabout and Station Road signals junction. The actions taken at the time have been noted.</p> <p>6. The weight restriction applies to the whole village and permits access to any street in the village for vehicles over the 7.5t limit if access is required. A complete ban would not be appropriate and would displace such vehicles onto other roads. The measures aim to limit the type of vehicle using Black Dike Lane The criteria for a vehicle activated sign (VAS) would not be met at this location. Adequate signage is to be provided to further highlight the bend.</p>
Resident #8 Station Road	<p>1. We support the proposals especially the new Give Way sign at the junction with Station Road. Please see the email I sent to Highways following one of the more serious accidents we have seen here since we moved</p>	<p>1. Comments noted. The road markings were refreshed following receipt of a complaint. The introduction of the new give way sign will reinforce this.</p>

	<p>into our house in October 2020. The Highways Department quickly repainted the lines following this accident and that has helped.</p> <ol style="list-style-type: none"> <li>2. The proposed vegetation being cut back will need to be done on a regular scheduled basis not just a one off to be effective.</li> <li>3. The safety at the junction isn't helped by inconsiderate parking too close to the junction in both Station Road, Long Ridge Lane and Black Dike Lane and perhaps you could look at ways to protect the junction as part of this. XXXX recently had a near miss turning left into Black Dike Lane from Station Road when the car coming up BDL didn't see XXX because of the restricted view caused by parking too close to the junction.</li> <li>4. Unfortunately, Google Maps and directions given to drivers using it are compounding the problem and directing drivers off the A59 onto Black Dike Lane because it is a few metres shorter or seconds quicker than using Station Road. Unfortunately, Google is saying it's not their problem <a href="https://support.google.com/maps/thread/151710086/is-it-possible-to-mark-a-road-not-suitable-for-a-hgv-trucks-on-google-maps-to-a-place-of-business?hl=en">https://support.google.com/maps/thread/151710086/is-it-possible-to-mark-a-road-not-suitable-for-a-hgv-trucks-on-google-maps-to-a-place-of-business?hl=en</a> contact your local authority. Perhaps it would be a good idea for the Local Government Association to try to get Google to be more responsible and stop directing traffic down inappropriate roads just on the basis of time saved. The NHS driver (who didn't know</li> </ol>	<ol style="list-style-type: none"> <li>2. The hedge will be cut back as part of this project. As the overgrown hedge is under private ownership, future maintenance of the hedgerow will need to be pursued by Highway Regulation to avoid obstruction of the highway.</li> <li>3. Introducing waiting restrictions at the Station Road / Long Ride Lane / Black Dike Lane junction is not something considered as part of this scheme. Vehicles should not park within 20m of a junction. A recommendation will be put to Highway Regulation to consider introducing waiting restrictions at the junction.</li> <li>4. It is not confirmed how much satnavs influence the use of Black Dike Lane. It is more likely that motorists are aware that an alternative route is available through Poppleton to reach the A1237 without having to queue, so requesting a change to satnav instructions may have limited benefit. The measures being proposed at the A59 should deter unsuitable vehicles from using Black Dike Lane.</li> </ol>
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	<p>the area well) in the accident below said at the time “I only came along here because Google directed me”.</p>	
<p>Resident #9 Black Dike Lane</p>	<ol style="list-style-type: none"> <li>1. We have lived on Black Dike Lane for more than 30 years and feel well placed to comment on the report. As noted traffic volumes are very low, outside the peak there are long periods when there is no traffic so any measures need to be proportionate. We feel the report recommends a good well balanced approach for the conservation area and residents which we are happy to support. Our comments below are written to support the recommended approach :-</li> <li>2. Speed - Traffic volumes are very low but we understand the compliance issues associated with introducing a 20mph speed limit. However, on balance we feel a 20mph will encourage safer driving in the conservation area and help address safety concerns of some of our neighbours. The biggest safety risk for cars and pedestrians is the blind bend on the single lane section of Black Dike Lane, reducing speed and visibility would help improve safety.</li> <li>3. Traffic - Recent deliveries, 2022/23 for new house building/renovation work on Long Ridge Lane, Manor Close and Black Dike Lane may have influenced residents perspective that the number of large commercial vehicles has increased recently.</li> <li>4. Footpath - Happy that there is recognition that a footpath immediately abutting properties would not be appropriate. There would be a big safety risk for pedestrians when we open our windows for ventilation,</li> </ol>	<ol style="list-style-type: none"> <li>1. The comments of support are noted.</li> <li>2. Comments re: speed and suggested 20mph limit are as above.  Ditto comments about the bend.</li> <li>3. The number of goods vehicles serving the recent construction work may have influence residents' views. Under the current restrictions, such vehicles have a right of access.</li> <li>4. The footpath and privacy comments are noted and acknowledged by the study.</li> <li>5. The comments about proposed footpath construction adjacent the property are also noted.</li> </ol>

	<p>cleaning and maintenance. We have already added blinds to prevent pedestrians seeing into our lounge, if a footpath was built immediately abutting our property the blinds would need to be kept fully closed to avoid being overlooked and would cause a significant loss of privacy. Also this would remove any natural light from the front of the property.</p> <p>5. Engineering issues- There are engineering issues related to our property that we feel are worth adding to the report. This could result in damage to our property and potentially require costly underpinning work.</p>	
<p>Resident #10 Black Dike Lane</p>	<p>1. Speed. The limit along the residential section of the lane really should be 20mph, not 30mph, in fact in my opinion, knowing the lane, 30mph is reckless. I disagree that compliance of a 20mph limit would be less. I am suggesting that some drivers travel at 30mph because the signs say they are allowed to! I have monitored the speed I travel in and out of the lane and note that through the residential section I do not go over 20mph, partly out of respect for my neighbours and also for obvious safety reasons!</p> <p>Another point to consider is that if drivers know the limit is 20mph, just perhaps some will be less likely to cut-through to avoid queues at the outer ring road island and/or being stalled by a train crossing Station Road.</p> <p>Seeing around the bend is of course an issue and a slower speed allows more time to react to an oncoming vehicle.</p>	<p>1. Speed surveys indicate good compliance of the 30mph signed limit, with only 0.9% of vehicles exceeding the limit and only 0.1% (east) and 0.3% (west) exceeding the enforcement limit. Mean speeds were recorded as 19.56mph (east) and 17.95 (west). 85<sup>th</sup> percentile speeds were recorded at 24mph in both directions. The 85<sup>th</sup> percentile speed defines the speed that 85 percent of drivers will drive at or below under free-flowing conditions. Most people don't drive according to the posted speed limit, but account for the visual aspects of the road and a 'feel' for the road. The visual factors that influence speeds can include:</p> <ul style="list-style-type: none"> <li>• Lane and shoulder configurations and widths</li> <li>• Presence of vertical and horizontal curves</li> <li>• Sight distance and obstructions</li> <li>• Presence of surrounding developments to the roadway</li> </ul>

	<p>2. Traffic Flows. I strongly object to the idea of prohibiting left turns onto the lane from the A59. Being a resident is an obvious reason why! (If that were to happen it adds to problems elsewhere as well)</p> <p>3. Vegetation Management. Looking at the map provided, it is very important to make sure that the vegetation/hedge row at the actual bend (across from Glenville and Shellwood) is controlled as well as the section prior to the outward bend sign. When it is overgrown it is not possible to glimpse oncoming traffic.</p>	<p>The suggestion to reduce the 30mph speed limit to 20mph is included as an option in the decision session report.</p> <p>The proposals aim to highlight the bend and raise awareness to drivers so that they take due care.</p> <p>2. Prohibiting the left turn manoeuvres from the A59 is not supported by officers and does not form part of the proposed scheme. It has little support from residents.</p> <p>3. As the overgrown hedge is under private ownership, future maintenance of the hedgerow will need to be pursued by Highway Regulation to avoid obstruction of the highway.</p>
Resident #11 Black Dike Lane	<p>You asked for our views on the idea of reducing the speed limit to 20 mph along the residential part of the lane. We think this would help with the general calming of the traffic as it comes along the lane. We have witnessed quite a lot of "near misses" at the blind corner in the lane, which, as you say, go unreported. Accidents there have only been avoided by vehicles mounting the grass verges or gardens/drives of residents, sometimes at speed. Slower vehicles would be able to take avoiding action in a more controlled fashion.</p> <p>We are interested in your "average morning peak flows" and "average evening peak flows" and wonder to what the length of time (morning or evening) these numbers refer.</p>	<p>Comments as above re: 20 mph limit.</p> <p>The lane is single width so vehicles will need to use the verge to pass each other. Passing places are currently not provided.</p> <p>The traffic data was recorded over a week as part of the speed survey and provides an indication of the traffic volumes throughout the day for each day. The peak periods are the usual rush-hour spells. The "rat-running" to avoid queuing has been acknowledged in the study report.</p>



	<p>Some mornings when there is a queue on the A59 heading towards the ring road we have witnessed a very significant number of vehicles in just a few minutes.</p>	
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**City of York Council**  
**Equalities Impact Assessment**

**Who is submitting the proposal?**

<b>Directorate:</b>	Environment, Transport and Planning		
<b>Service Area:</b>	Highways and Transport		
<b>Name of the proposal :</b>	Black Dike Lane Danger Reduction scheme		
<b>Lead officer:</b>	David Mercer, Highway Engineering Design Manager		
<b>Date assessment completed:</b>	August 2024		
<b>Names of those who contributed to the assessment :</b>			
<b>Name</b>	<b>Job title</b>	<b>Organisation</b>	<b>Area of expertise</b>
Helene Vergereau	Head of Highway Access & Development	CYC	Highway Regulation
James Sotheran	Engineering Technician	CYC	Highway Design/Maintenance
David Smith	Access Officer	CYC	Equalities and Accessibility

## Step 1 – Aims and intended outcomes

<p><b>1.1</b></p>	<p><b>What is the purpose of the proposal?</b> Please explain your proposal in Plain English avoiding acronyms and jargon.</p>
	<p>The aim of the project is to address road safety concerns raised via petition by residents of Black Dike Lane and Manor Close, Upper Poppleton.</p> <p>The proposal includes for road safety improvements to signage and road markings, with the introduction of complimentary signage to address the concerns of residents about inappropriate vehicle types using Black Dike Lane and speeds of vehicles.</p> <p>These measures are being introduced alongside a reduction of the 60mph to 40mph on the A59 and initial part of Black Dike Lane into the village, and a proposal to reduce the 30mph limit within the residential section of the lane to 20mph.</p> <p>The above measures are low key and will not be detrimental to the rural setting of the road. It is considered that these will satisfactorily address the main concerns without the need to introduce invasive measures.</p>
<p><b>1.2</b></p>	<p><b>Are there any external considerations?</b> (Legislation/government directive/codes of practice etc.)</p>
	<p>A proposal to extend the 40mph speed limit on the A59 is being progressed separately. This includes the initial section of Black Dike Lane from its junction with the A59 to the extents of the 30mph limit. This is currently 60mph. The proposal has been advertised and approved for delivery.</p> <p>Upon its introduction, this reduction in speed limit will serve to enhance the measures being proposed by the Black Dike Lane scheme, by reducing speeds leading into the residential part of Black Dike Lane and continuing through along its whole length.</p>

	<p>Reference has been made to the council’s speed management plan and the York and North Yorkshire Road Safety Partnership speed management protocol in considering potential traffic calming treatments.</p> <p>Other national guidance such as the Traffic Signs Regulations and General Directions 2016, DfT Traffic Signs Manuals, Local Transport Notes (particularly LTN1/07 Traffic Calming) have been referred to during the consideration of the issues and development of the proposed solution. LTN1/20 guidance has also been referenced.</p> <p>The Equality Act 2010 prohibits direct and indirect discrimination, harassment and victimisation. It also prohibits discrimination in relation to something arising from a person's disability and creates a duty to make reasonable adjustments for disabled people. The Council is required to have due regard to the Equality Act when designing schemes, and this project has given due regard to the potential impact on protected characteristic groups.</p> <p>Inclusive mobility guidance has also been referred to during the design of this project.</p>
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<b>1.3</b>	<b>Who are the stakeholders and what are their interests?</b>
	<p>Statutory consultees as well as road users, emergency services, bus companies, cycling groups, equality and accessibility groups and conservation groups who may have a need to use Black Dike Lane as a thoroughfare.</p> <p>The key stakeholders are residents of Black Dike Lane and Manor Close who are identified as those persons who live and experience the issues being raised as road safety concerns and would directly benefit from any improvements being proposed.</p> <p>Rural West York ward members, who represent the residents of Black Dike Lane, Manor Close and Poppleton as a whole, and who have actively liaised on this matter with the residents and officers.</p>

	Upper Poppleton and Nether Poppleton Parish Councils, who represent the residents of Poppleton.
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1.4	<p><b>What results/outcomes do we want to achieve and for whom?</b> This section should explain what outcomes you want to achieve for service users, staff and/or the wider community. Demonstrate how the proposal links to the Council Plan (2019- 2023) and other corporate strategies and plans.</p>
	<p>The primary objective of the project is to achieve road safety improvements that will address the concerns of residents relating to the type and speed of vehicles using Black Dike Lane. The measures aim to preserve the rural setting and character of Black Dike Lane.</p> <p>The proposals are low-key and non-intrusive and therefore should have little impact on the rural setting of the road. They will serve to reinforce existing signage and road markings, better highlight existing hazards to ensure motorists drive appropriately in compliance with the signed speed limits as well as to the environment, and to dissuade larger goods vehicles from using the route.</p> <p>Although no improvements are being made to footway provision, the actions being proposed should make the route safer by managing the type, number and speeds of vehicles, allowing pedestrians to use the road more safely.</p> <p>The proposed scheme serves to meet at least three of the core objectives of the Council Plan:</p> <p><b>1. Climate - Environment and the climate emergency</b></p> <ul style="list-style-type: none"> <li>Reducing the number of larger vehicles using Black Dike Lane and managing speeds in general will impact positively by improving air quality, reducing noise pollution and ground-borne vibration thus helping towards creating a greener and cleaner city.</li> </ul>

	<p><b>2. Health - Health and wellbeing</b></p> <ul style="list-style-type: none"> <li>We will improve health and wellbeing by reducing the number of larger vehicles using Black Dike Lane and better managing speeds of all other vehicles, making Black Dike Lane safer for residents and other road users such as cyclists and pedestrians. Increased perception of road safety should lead to increased active travel, and making the local area safer for pedestrians, cyclists and horse riders.</li> </ul> <p><b>3. Accessibility</b></p> <ul style="list-style-type: none"> <li>No concerns were raised by the Access Officer other than that there were no pathways on the route meaning people will need to walk down the road. He agreed that this was part of the rural look and feel of the area and that it was important to the residents to keep as such. It is likely that pedestrians would mainly be residents of the area. Also any possible collisions would help to be mitigated by the speed reduction to 20mph through the residential areas. Road signage was going to be improved and made clearer as well as deterring vehicles over 7.5 tonnes.</li> <li>The speed reduction will also help to deter others from using the area as a 'rat-run' further reducing possible collisions with pedestrians.</li> </ul>
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## Step 2 – Gathering the information and feedback

<b>2.1</b>	<b>What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights?</b> Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.	
	<b>Source of data/supporting evidence</b>	<b>Reason for using</b>
	Data	Speed survey data, traffic counts and injury accident records have provided evidence to support the review of the concerns being raised

	and to assist the development of proposed measures to address the concerns.
Public consultation	<p>Engagement with residents and other key stakeholder groups to determine their views on the proposed measures. This includes liaison with ward members, who have been actively communicating with residents and are aware of the issues.</p> <p>The public engagement will assist in the decision-making process, informing the Executive Member of the views of the key stakeholders and to gauge the level of support for the proposals.</p>

### Step 3 – Gaps in data and knowledge

3.1	<b>What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.</b>	
	<b>Gaps in data or knowledge</b>	<b>Action to deal with this</b>
	Data used in the review of the road safety concerns was current at the time of review. Monitoring is required to gauge the success of the measures following their introduction.	<p>Future review of the success of the scheme will be based on feedback from residents. Undertake post-completion speed surveys to review speeds along Black Dike Lane, including a review of traffic data.</p> <p>Monitor accident records to gauge if the measures have created unforeseen road safety issues.</p>

### Step 4 – Analysing the impacts or effects.

4.1	<b>Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any</b>
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<b>adjustments?</b> Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations.			
<b>Equality Groups and Human Rights.</b>	<b>Key Findings/Impacts</b>	<b>Positive (+) Negative (-) Neutral (0)</b>	<b>High (H) Medium (M) Low (L)</b>
<b>Age</b>	<p>It is recognised that many of the residents are older people and are more likely to live with a disability or a longer term health condition which may affect their mobility. Although no improvements are being proposed to footway provision on Black Dike Lane, the measures to be introduced should reduce the number of large vehicles and slow vehicles down, making Black Dike Lane safer for all residents and other road users such as cyclists and pedestrians.</p> <p>Increased perception of road safety should lead to increased active travel, and making the local area safer for pedestrians, cyclists, and horse riders.</p>	+	L
<b>Disability</b>	As above, the proposed measures should create an environment which is safer for all residents and road users.	+	L
<b>Gender</b>	No differential impact identified.	0	0
<b>Gender Reassignment</b>	No differential impact identified.	0	0
<b>Marriage and civil partnership</b>	No differential impact identified.	0	0
<b>Pregnancy and maternity</b>	As above, the proposed measures should create an environment which is safer for all residents and road users.	+	L

<b>Race</b>	No differential impact identified.	0	0
<b>Religion and belief</b>	No differential impact identified.	0	0
<b>Sexual orientation</b>	No differential impact identified.	0	0
<b>Other Socio-economic groups including :</b>	<b>Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?</b>		
<b>Carer</b>	Impacts for this group are similar to those identified for the disability and age characteristics. Access to properties or parking provision will not be affected so no impact has been identified in terms of carers accessing properties on the lane.	0	0
<b>Low income groups</b>	No differential impact identified.	0	0
<b>Veterans, Armed Forces Community</b>	No differential impact identified.	0	0
<b>Other</b>	Not applicable.		
<b>Impact on human rights:</b>			
List any human rights impacted.	No human rights impacts identified.	0	0

**It should be noted that none of the equality groups offered a response to the formal consultation.**

**Step 5 - Mitigating adverse impacts and maximising positive impacts.**

5.1	<p><b>Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is being done to optimise opportunities to advance equality or foster good relations?</b></p>
<p>Monitoring of the performance of the completed scheme will be undertaken by regular reviews of feedback/complaints from residents and by reviews of speed data should concerns be raised.</p> <p>Accident data is reviewed annually. If proven not to have been successful in achieving its goals, further measures or amendments may need to be considered.</p> <p>Pedestrian facilities are not being improved despite concerns from residents about the lack of continuous footways. There is insufficient space to extend and/or widen footways without negatively impacting on household frontages and without introducing other road safety issues. If this continues to be a concern, then further modifications/improvements may need to be considered.</p>	

## Step 6 – Recommendations and conclusions of the assessment

6.1	<p><b>Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:</b></p>
<p>- <b>No major change to the proposal</b> – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.</p>	

- **Adjust the proposal** – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations.
- **Continue with the proposal** (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty
- **Stop and remove the proposal** – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed.

**Important:** If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.

Option selected	Conclusions/justification
No major change to the proposal	The proposal has a slightly beneficial impact on some protected characteristic groups.

## Step 7 – Summary of agreed actions resulting from the assessment

7.1 What action, by whom, will be undertaken as a result of the impact assessment.			
Impact/issue	Action to be taken	Person responsible	Timescale
Improved road safety	Review of resident feedback	Client / Designer	Over 12 months

Reduced speeds	Supplementary speed surveys		
Monitor accidents	Review of accident records		

**Step 8 - Monitor, review and improve.**

<b>8. 1</b>	<p><b>How will the impact of your proposal be monitored and improved upon going forward?</b>          Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?</p>
	<p>Monitoring of the performance of the completed scheme will be undertaken by regular reviews of feedback/complaints from residents and by reviews of speed data should concerns be raised. Accident data is reviewed annually.</p> <p>If proven not to have been successful in achieving its goals, further measures or amendments may need to be considered.</p>

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