



Notice of a public meeting of

Decision Session - Executive Member for Transport

To: Councillor Ravilious (Executive Member)

Date: Thursday, 5 December 2024

Time: 10.00 am

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 Thursday, 12 December 2024.**

*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 Tuesday, 3 December 2024.**

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

2. Declarations of Interest (Pages 1 - 2)

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 3 - 6)

To approve and sign the minutes of the Decision Session held on Tuesday, 12 November 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 Tuesday, 3 December 2024.**

To register to speak please visit 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.

5. Consideration of Statutory Consultation responses for the removal of Glen House from the Residents' Parking Zone (Pages 7 - 26)

The report considers the responses to the Statutory Consultation for the removal of Glen House from Residents Parking R30 (Layerthorpe/ East Parade) and provides a recommended option for future actions.

6. Response to Bus Service 16 Petition (Pages 27 - 40)

This report presents options to address the identified issues from both the petition submitted to Council on 19 September 2024 and monitoring work undertaken by officers since receiving the petition.

7. Proposed diversion of public bridleway, Heworth (Without) No 1 and 2, (Pages 41 - 74)

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.

8. Gillygate Air Quality Trial (Pages 75 - 90)

This report considers two approaches to delivering a traffic signal trial on Gillygate aimed at improving air quality in the Air Quality Management Area (AQMA).

9. Urgent Business

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

Democracy Officer: Ben Jewitt

Telephone No: 01904 553073

Email: benjamin.jewitt@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

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:



Email us at: cycaccessteam@york.gov.uk



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Select 'Switchboard' from the menu.



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 (بولی) 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) OR 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) OR 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

Meeting	Decision Session - Executive Member for Transport
Date	12 November 2024
Present	Councillor Ravilious (Executive Member)
Officers in Attendance	James Gilchrist - Director of Environment, Planning and Transport Darren Hobson - Traffic Management Team Leader
Apologies	Peter Marsland - Traffic Projects Officer

19. Declarations of Interest (10:01am)

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.

20. Minutes (10:01am)

Resolved: That the minutes of the Decision Session held on 8 October 2024 be approved and signed by the Executive Member as a correct record.

21. Public Participation (10:02am)

It was reported that there had been two registrations to speak at the session under the Council's Public Participation Scheme. Both speakers were in attendance.

Cllr R Melly spoke on item 6; she stated that people living in HMOs did not currently have the same parking rights as people who own a home, suggesting this excluded young people and those on a low income. She proposed reform of the system. She suggested that the current system was opaque and confusing.

Mr P Lindsay spoke on item 5; advising that he owned a property on the corner of Walker Lane. He stated his belief that Walker Lane was unsuitable for two-way traffic and said he would like to see it made one-way

from North Lane to Main Street and the speed limit reduced. He showed the Executive Member and officers photographs evidencing damage from heavy traffic and advised that there was a danger posed by HGVs knocking signage which he thought could presage collision with pedestrians if left unchecked.

22. Walker Lane, Wheldrake (10:08am)

The Traffic Management Team Leader presented the report. He advised that it had been prompted by a request from a resident and upon consultation, all local residents had agreed that further traffic restrictions were appropriate; the recommendation was that North Lane to Main Street become one-way.

The Executive Member agreed that this was a really narrow road and that changes to the TRO were important both for safety reasons and for the purposes of honouring the Council's policy of promoting increased use of sustainable means of transport; in this instance walking.

The Director of Environment, Planning and Transport confirmed that if the Executive Member were to approve officer recommendations, this matter would proceed to formal consultation on a wider basis.

Resolved: To approve Option B, which is to progress to statutory consultation to propose an amendment to the TRO and make Walker Lane one-way south to north from Main Street to North Lane.

Reason: This eliminates the risk of vehicular conflict, meets the majority of consultees wishes, and provides better visibility owing to the 'visplay' available at the Walker Lane/North Lane junction.

Risk may remain of vehicles turning too sharply into Walker Lane striking the structure of 45 Main Street (as has previously happened), but this is thought less likely as the possibility of opposing conflict with oncoming vehicles has been eliminated.

23. Review of the House of Multiple Occupancy (HMO) Parking Permit (10:12am)

The Traffic Management Team Leader presented; he explained that a change in legislation had meant that more properties were now recognised as Houses of Multiple Occupancy (HMOs); residents of which were entitled

to purchase specific permits from the Council allowing them to park in designated bays, and this potentially meant inequality between residents of a property classified HMO and residents of otherwise similar residential housing.

Officers recommended proceeding to consultation over a change of parking permits, in order that all residents would receive a “household” one, and “HMO” parking permits would be phased out. This would ultimately lead to increased fees for HMO residents, and officers proposed to have present HMO permits run their full course as opposed to terminating permits early and starting new permits immediately.

The Executive Member requested and received clarification that there would be a grace period. She remarked that while there was no easy and obvious solution to this issue, the current system was not equitable, and while the proposed system also had challenges, it was more equitable for all residents on a street.

Resolved: To approve Option C, which is to remove the HMO Permit completely from the available permits. This would require all HMO permit holders moving to household permits with the inflationary cost for second and third permits, all properties would be restricted to three permits.

Reason: This removes confusion for the applicant and customer service officers, who advise on permits in respect of HMO types. Although there may be some changes due to capacity, these should not be large.

Cllr K Ravilious, Executive Member

[The meeting started at 10.01 am and finished at 10.17 am].

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Meeting:	Executive Member for Transport
Meeting date:	05/12/2024
Report of:	James Gilchrist, Director of Environment, Transport & Planning
Portfolio of:	Cllr K. Ravilious, Executive Member for Transport

Decision Report: Consideration of Statutory Consultation of responses for the removal of Glen House from the Residents' Parking Zone

Subject of Report

1. Planning Permission 21/01379/FUL dated 22 October 2021 ("the Permission") authorised the redevelopment of Glen Garage. Condition 13 of the Permission required the removal of the site from the Residents Parking R30 (Layerthorpe/ East Parade) zone ("the Zone") prior to first occupancy.
2. The Council were not contacted by the developer to progress the amendment of the Traffic Regulation Order (TRO) to remove the site from the Zone, and the development has been completed and occupied. Residents of Glen House have since applied for and received resident parking permits. It was at this point that it was highlighted that they should not be eligible for a permit but the Council needed to go through the legal process to amend the TRO before an application could be rejected.
3. The report considers the responses to the Statutory Consultation for the removal of Glen House from the Zone and provides a recommended option for future actions.

Benefits and Challenges

4. The benefit of the recommended option is it will comply with Condition 13 of the Planning permission, which aimed to reduce pressure on the demand for car parking spaces in the surrounding

resident's parking zone and encourage residents to walk, wheel, cycle and take the bus. It should also be noted that Glen House is close to the city centre (approximately 1 mile), is served by bus services and has access to car club cars (0.3 mile away).

5. The removal of the site from the Zone, would be in line with other new developments within resident parking zones which would help provide a consistency in approach. If the decision is made to go against the recommended option, this may lead to other development areas, which were previously excluded requesting to be reconsidered, which would have a detrimental impact on residents' parking zones. This may also lead to Development Management no longer including a condition to remove developments from residents parking areas, if the highway authority is not going to progress the conditions.
6. The challenge with the recommended option is it will affect the residents of Glen House, who have entered tenancy agreements with the understanding that the property is eligible for parking permits within the Zone.

Policy Basis for Decision

7. The removal of the site from the Zone will be in line with the Council policy to reduce car dependency and help to shape healthy places, with the development becoming a car-free development.
8. The removal from the Zone will likely see future residents of the development look to utilise alternative methods of transport (walking, wheeling, cycling, public transport and car clubs). There are three bus stops within 50m of the development, which enable the residents to use public transport.
9. The policy to reduce car dependency looks at new developments to be planned so that active travel and public transport are the obvious choice, which was the reason behind the original decision for Condition 13 to be added to the Permission.

Financial Strategy Implications

10. The recommended option in the report requires an amendment to the TRO. This has been funded by the developer therefore there is no cost to the Council.

11. The recommended option will remove the site from the Zone, which will mean that the Council will lose any potential income from future residents who would like to apply for a permit. This is not considered to be material to the overall Respark income budget which total £917k.

Recommendation and Reasons

12. Option 1 – Approve the making of the Order to remove the site from the Residents Parking R30 (Layerthorpe/East Parade) zone and revoke all permits for residents of Glen House. This is not the recommended option.
Reason: Although the removal of the area from the Zone would be in line with Condition 13 of the Permission, the immediate removal of the permits from resident would not be fair and reasonable in the circumstances. The residents entered into the tenancy agreements under the impression that there would be an availability of parking amenity in the local area.
13. Option 2 – Approve the making of the Order to remove the site from Residents Parking R30 (Layerthorpe/East Parade) zone and 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. This is the recommended option.
Reason: The removal of the area from the Zone will allow the development to meet Condition 13 of the Permission with the site no longer eligible for new permits. This option would allow the existing permit holders to keep their permits until they expire, or until the end of 2025 if needed, which would provide the current permit holders with an availability of parking amenity and time to find an alternative solution.
14. Option 3 – Take no further action and allow the site to stay in Residents Parking R30 (Layerthorpe/East Parade) zone. This is not the recommended Option.
Reason: This option would be against the decision made through the planning process and be against policy in this situation and may lead to requests from previously excluded areas from the Residents' Parking scheme.

Background

15. The site was previously a Suzuki car garage, which was subject to a planning application for the following redevelopment (21/01379/FUL): “Erection of block of 7no. flats following demolition of building” Condition 13 of the Permission, required the removal of the site from the Zone, condition 13 stated the following:

“13 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

Measures to remove the site from the Residents Parking R30 (Layerthorpe/East Parade) zone.

Reason: The proposed development would have an impact on residents parking bays which are heavily oversubscribed in the vicinity of this property. It is considered that it is necessary to remove the site from the resident's parking zone prior to occupation so that it will not be placed under further pressure.”

16. The highway authority was not approached about the removal of the site from the Zone during the construction phase. The work to remove the site from the Zone was not undertaken prior to the occupancy and residents applied for permits. The Council's Planning Enforcement team have taken the matter up with the developers and the planning requirement has been progressed through the advertisement of the amendment of the TRO for the removal of the site from the Zone. The developer has agreed to meet the cost of the amendment to the TRO.
17. The Ward Cllr has also received reports of a lack of space in the Zone for permit holders and requests for additional space to be provided within the zone. Officers have met with the Ward Cllr to discuss the concerns and provide an updated on the current situation around the residents parking for Glen House.

18. The removal of new developments from residents' parking zones through planning condition is something that has happened for a number of years, with the developers required to meet the Councils costs. There has been lots of new/re-developments that have been removed from zones prior to first occupancy to help ensure the zone does not become oversubscribed.
19. There are currently 190 permits issued within the Zone, this is down from 2021 when there were 232 permits. These figures include all types of permit holders including proof of residence permit holders.
20. A measurement of the bays within the zone provides an estimate of 158 parking spaces within the zone, this is based on vehicles parking appropriately within the bays. Therefore, the permit numbers maybe down but there are still more permits issued than spaces within the zone.

Consultation Analysis

21. The amendment to the TRO was advertised on Friday 26th July 2024. The advertisement included the placement of Notice of Proposal on street and in a locally circulated newspaper. A letter was also hand delivered to the occupiers of 1-7 Glen House (ANNEX A), to ensure that they were aware of the proposal to remove the site from the Zone and the reason why it was being progressed.
22. The Council received five representations (ANNEX B) in objection to the proposal from three residents of Glen House. All the representation received from the residents highlighted that they decided on the accommodation due to the availability of parking nearby. This is a difficult situation as the property should never have been advertised with access to the residents parking scheme as the developer should have progressed the removal prior to first occupancy, to be in line with the Condition 13.
23. The representations highlighted the need for vehicles for their working life and the removal of the access to parking permits, would have either a financial impact or impact on their vehicle insurance, due to parking a significant distance from their place of residence.

24. The residents also supplied a number of photos of the area during the period of consultation, to highlight the availability of space near the site. The decision to remove the site from the Zone was due to the oversubscription to the Zone at the time of planning. This was in line with other developments in the Zone that had previously been approved. The Council Policy is to remove new developments from the zone if it is felt they will have a negative impact on the current zone.

Options Analysis and Evidential Basis

25. Option 1 – Approve the making of the Order to remove the site from the Residents Parking R30 (Layerthorpe/East Parade) zone and revoke all permits for residents of Glen House. This is not the recommended option.

Reason: Although the removal of the area from the Zone would be in line with Condition 13 of the Permission, the immediate removal of the permits from resident would not be fair and reasonable in the circumstances. The residents entered into the tenancy agreements under the impression that there would be an availability of parking amenity in the local area.

26. One of the main reasons for objection received was that the residents with permits, chose the property due to the availability of access to the parking permit area. The residents had not been made aware of the planning requirement for the removal of the area.

27. Option 2 – Approve the making of the Order to remove the site from the Residents Parking R30 (Layerthorpe/East Parade) zone and allow existing permit holders to keep their permit until it expires and to renew until the end of 2025 if needed, but not to renew beyond this date.. This is the recommended option.

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

28. This option will remove some concern from the residents as it will allow them access to parking during their current tenancy agreement, which will give them the access they were sold when

taking on the premises. The planning requirement was with the developers of the site, the residents should not be negatively affected because the condition was not met.

29. Option 3 – Take no further action and allow the site to stay in Residents Parking R30 (Layerthorpe/East Parade) zone. This is not the recommended Option.

Reason: This option would be against the decision made through the planning process and be against policy in this situation and may lead to requests from previously excluded areas from the Residents' Parking scheme.

30. If this option is chosen, it would allow the residents to continue to have access to the Zone but this would be against the planning approval. This may also lead to requests for reconsideration of other areas that have been excluded.

Organisational Impact and Implications

31. The report has the following implications.
- **Financial**, The costs of the Traffic Regulation Order have been funded by the developer. There are no significant financial implications to the report.
 - **Human Resources (HR)**, The recommended option will remove the area from the residents parking zone, this may put an extra demand on the workload for the Parking Services, as they will need to advise future residents why they are not eligible for permits.
 - **Legal:**
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 proposal would require an amendment to the York Traffic Management Order 2014

The statutory consultation process for TROs requires public advertisement through the placing of public notices within the local press and on-street. Formal notification of the public advertisement is given to key stakeholders including local Ward Members, Town and Parish Councils, Police and other affected parties.

The Council, as Highway Authority, is required to consider any objections received within the statutory advertisement period of 21 days, and a subsequent report will include any such objections or comments, for consideration. Where the Council does not “wholly accede” to any objection, it is required to provide reasons for this in its notification of the making of an order to any person that has objected.

The Council has discretion to amend its original proposal if considered desirable, whether or not, in the light of any objections or comments received, as a result of such statutory consultation. If any objections received are accepted, in part or whole, and/or a decision is made to modify the original proposals, if such a modification is considered to be substantial, then steps must be taken for those affected by the proposed modifications to be further consulted.

- **Procurement**, There is no requirement for any procurement for the recommend option.
- **Health and Wellbeing**, There are no Health and Wellbeing implications.
- **Environment and Climate action**, There are no Environment and Climate Action implications.
- **Affordability**, There are no Affordability implications for the Authority but the recommended option will potentially create an affordability issue for residents, as they would need to park further away from their property, which may amend their vehicle insurance or pay to park in a Council car park.
- **Equalities and Human Rights**, *contact: Director of Housing and Communities - 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.*
- **Data Protection and Privacy**, 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 (Blue Badge holders can park free of charge, with no time limit, in any of our residents' priority parking scheme areas);
- 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

Risks and Mitigations

32. The report summarises the comments of residents to the statutory TRO consultation and responds to these with mitigations where possible and appropriate that officers consider to be deliverable.

Wards Impacted

33. Heworth

Contact details

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

Author

Name:	James Gilchrist
Job Title:	Director of Environment, Planning & Transport
Service Area:	Place
Telephone:	01904 552547
Report approved:	Yes/No
Date:	DD/MM/YYYY

Co-author

Name:	Darren Hobson
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Service Area:	Place
Telephone:	01904 551367
Report approved:	Yes/No
Date:	DD/MM/YYYY

Annexes

- Annex A: Residents Letter – Glen House Cllr
- Annex B: Representations Received



To the Occupiers of:
1 – 7 Glen House
York

Place Based Services

West Offices
Station Rise
York
YO1 6GA

Contact: Darren Hobson
Tel: 01904 551367
Email: darren.hobson@york.gov.uk
Ref: ADB/DH/544

Date: 26th July 2024

Dear Occupier

Proposed Re-definition of Residents' priority Parking Area for the removal of Glen House

It is proposed to re-define the boundary of the resident parking bay to exclude Glen House from the R30 residents' priority parking area to improve the parking amenity for qualifying Permit Holders. The removal of the development from the Residents' Priority Parking Area was a condition of the planning approval, but this was not progressed at that time. The removal is now being undertaken to make the development compliant with the Planning conditions.

This is proposed to improve the parking amenity within the local area for qualifying permit holders. Should you require any further information in regard to this item then please contact the project manager Darren Hobson, telephone (01904) 551367, email darren.hobson@york.gov.uk.

I do hope you are able to support the proposals, but should you wish to object then please write, giving your grounds for objection, to the Director of Economy and Place at the address shown on the Notice of Proposals, to arrive no later than the date specified in the Notice.

Yours faithfully

D. Hobson

Darren Hobson
Traffic Management Team Leader

Enc. Documentation

Cc – Cllr T. Clarke, Cllr R. Melly & Cllr D. Merrett

CITY OF YORK COUNCIL
NOTICE OF PROPOSALS
THE YORK PARKING, STOPPING AND WAITING (AMENDMENT) (NO 14/60)
TRAFFIC ORDER 2024

Notice is hereby given that City of York Council, in exercise of powers under Sections 1, 2, 4, 32, 35, 45, 46, 53 and Schedule 9 of the Road Traffic Regulation Act, 1984 ("the Act") and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Schedule 9 of the Act, proposes to make an Order which will have the effect of:

Re-defining the boundary of Zone R30 (LAYERTHORPE) Residents' Priority Parking Area to exclude that area within the property boundary of Glen House thereby removing that area from within the Zone.

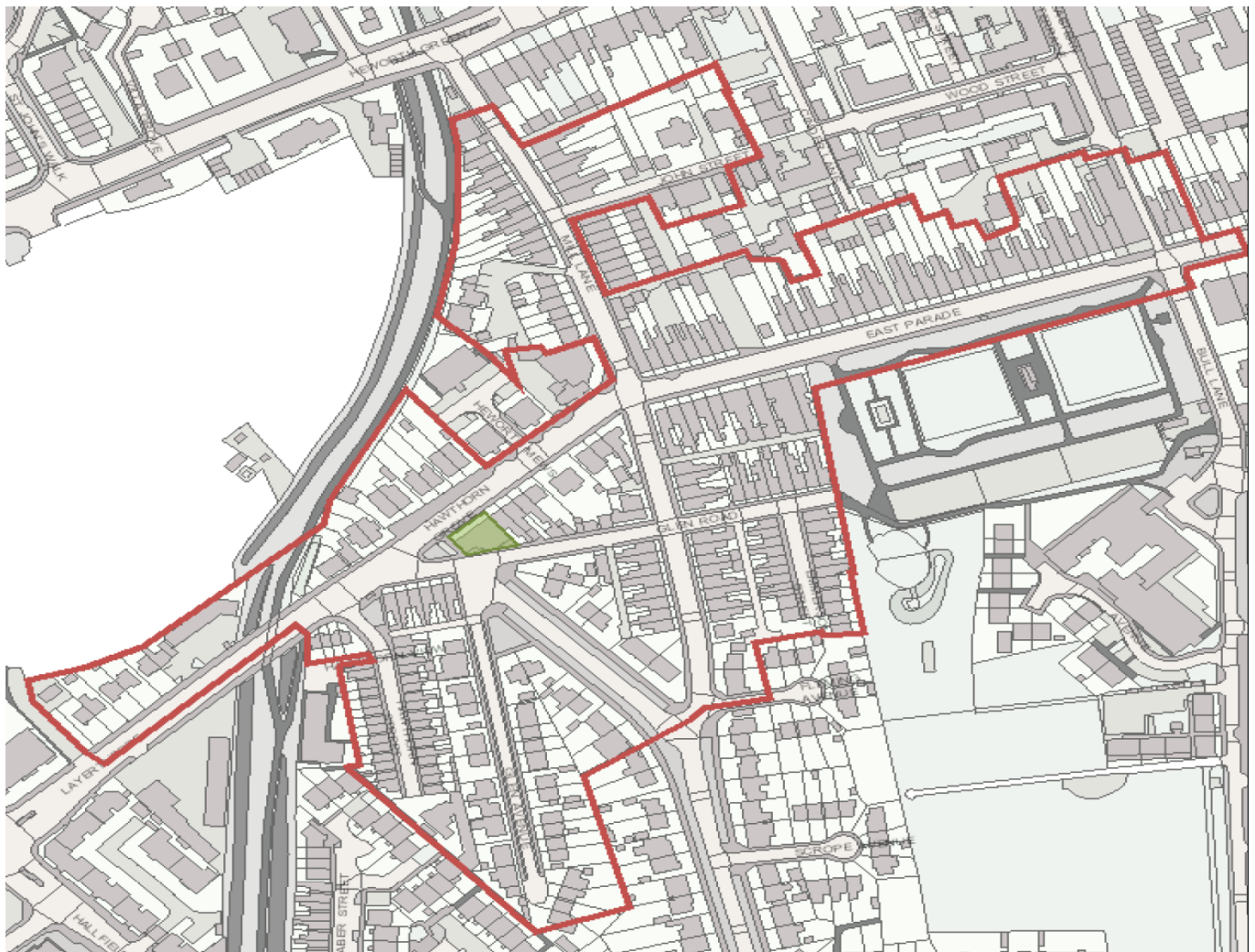
A copy of the draft Order, Statement of Reasons for making it and relevant maps can be inspected at the Reception, West Offices, Station Rise, York, during normal business hours. Objections or other representations specifying reasons for the objection or representation should be sent to me in writing to arrive no later than 16th August 2024.

Dated: 26th July 2024

Director of Place

Network Management, West Offices, Station Rise, York, YO1 6GA

Email: highway.regulation@york.gov.uk



REPRESENTATIONS RECEIVED

I am writing to formally object to the proposed re-definition of the R30 Layerthorpe Residents' Priority Parking Area which seeks to exclude Glen House from the said zone. This objection is lodged in accordance with the guidelines provided in the Notice of Proposals and the Road Traffic Regulation Act, 1984.

I wish to draw your attention to the fact that I was granted a one-year parking permit by York Council for the R30 Layerthorpe area. This permit significantly influenced my decision to rent my current Property, as the availability of parking was a primary concern and a deciding factor. Had I been aware that the permit would be rendered invalid due to the exclusion of Glen House from the priority parking Area, I would have reconsidered my rental decision.

The removal of Glen House from the R30 zone not only undermines the conditions under which I agreed to rent my property but also adversely affects my daily life. My only alternative would be to park my vehicle in the area of Tanghall. This would not only invalidate my car insurance due to parking outside the permitted zone but also increase the risk to my personal safety. As a young woman, I do not feel comfortable walking alone from my car to my residence, especially during the nighttime. This presents a significant concern for my well-being and contradicts the council's duty to ensure the safety and security of its residents.

The proposed changes will significantly reduce my access to parking amenities, The potential loss of parking amenities would force me to consider relocating, which is a daunting prospect given the current economic and rental market conditions. Such a move would not only be inconvenient but also a source of considerable stress and financial strain.

Furthermore, the re-definition of the parking area boundary appears to be an afterthought to comply with a previously unenforced planning condition. This oversight should not be rectified at the expense of current residents who have made decisions based on the existing terms.

It is important to note that there is an abundance of parking spaces available within the permitted area, indicating that the current residents are not in contention for parking spots. The proposed exclusion of Glen House seems unnecessary and unjustified.

I urge you to consider the impact this re-definition will have on me, and to find a solution that does not negatively affect my rights and amenities. The parking amenity within the local area for qualifying permit holders should not be improved by disadvantaging others, particularly when they have made significant life choices based on the assurances provided by the council.

Should you require further discussion on this matter, I am available for a meeting or a call. I trust that you will take my concerns into consideration and look forward to a resolution that upholds the interests of all affected parties.

I've left you a voicemail as well.

I've received a letter in the mailbox about a redefinition of the resident's priority parking area for 1-7 Glen House.

I've moved into this building not even a month ago and have been approved a parking permit for a year, which I've also paid for.

I do not work in the city and need my car for my work, without the ability to park, I will either be out of a job, which has far reaching impacts such as finding a new place to live.

I am a loyal resident and believe I have the same rights as other local residents. I pay and use all the same services.

Please let me know what is required for the permit to remain valid. So far, there has always been plenty of parking in the area, never a moment when it's full or taking space away from other permit holders, therefore the reasons stated in this letter are moot.

Hope you've been well.

I believe today was the last day to get any further objections to you.

To add to my objection to remove all permits to this building, I'd like to add:

I've taken photos over the last couple of weeks (some of which are below) at different times of day, covering weekdays evenings when one would assume most cars to be abound, along with weekends and there is always plenty of space for additional cars around our block on a number of streets. Perhaps a further survey could be conducted to understand the resident parking behaviour in this area anew, rather than rely on historic information.

I never have an issue parking around the building.

Walking around the immediate area many homes have designated parking bays, garages and drives.

If there was an over population issue when the planning for this building was approved, could it be reviewed now?

Or is there a halfway point, where vehicle permits are allowed but they have to meet certain low emission zone standards for example?

Let me know when the date is for the decision to be made.





I have just moved into Glen House. I have just reviewed your letter dated 26th July 2024 regarding redefining the Residents' Priority Parking Area to exclude the property. I wanted to clarify what this means in the future with regards to parking my vehicle in the area? I am a doctor, and my work necessitates a car.

I'd like to object to the proposed amendment to the Traffic Regulation Order as detailed in your previous email.

Firstly, my profession as a doctor necessitates having a car as I could be made to work in any of the regions covered by the Yorkshire and Humber deanery. I thoroughly enjoy living in York and working with and for its residents, and have just relocated back here after 2 years away, moving 300 miles away from my partner to do so. As far as I can tell from the council website, my only alternative would end up costing £1600 per year for a season ticket, a charge which I am unable to afford and would greatly affect my ability to serve the people of York, and my personal life.

Secondly, it is my understanding the reason the development is being excluded is because it is a larger development per your guidelines, and the main reason is to prevent the parking areas from becoming too congested. I have attached photographs that I have taken of the road immediately behind the flat at various times of day since my initial email. Despite this building and its occupants currently being eligible for permits, there are ample spaces, and the available spaces are largely underutilised. I do not believe this development or its residents are causing the road to be congested. In addition, this photo does not include other regularly free spaces in the immediate vicinity.

I would be grateful to hear more regarding this proposal as it continues.



9.16am on 06/08/2024



6.13pm on 07/08/2024



5.02pm on 12/08/2024



5.30pm on 13/08/2024



7.34am on 15/08/2024



Meeting:	Executive Member for Transport
Meeting date:	05/12/2024
Report of:	Director of Environment, Transport & Planning
Portfolio of:	Cllr Ravilious Executive Member for Transport

Decision Report: Bus Service 16 Petition

Subject of Report

1. A petition calling for improvements to the number 16 bus service was presented to Council by Councillor Waller on 19th September 2024. The petition asked for City of York Council and Connexions Bus Company “to sort out the timetable and frequency of the number 16 bus”.
2. This report presents options to address the identified issues from both the petition and monitoring work undertaken by officers since receiving the petition.

Benefits and Challenges

3. Bus service 16 provides an important route connecting parts of Westfield and Holgate wards to York City Centre, providing an hourly frequency on weekdays and Saturdays. Hamilton Drive, the Holly Bank Road area, Stephen’s Road and the Windsor Garth area all have no other bus provision other than service 16. These communities all benefit, through service 16 from direct buses to Acomb and York City Centre. Service 16 is fully tendered by City of York Council, therefore Connexions, the operator, cannot make timetable changes without agreement from the Council.
4. There are two core challenges associated with operating service 16. Firstly, delivering a punctual service using one bus to a clockface timetable (where the bus departs at the same time each hour) has been proven to be difficult in the traffic conditions experienced on the route since it’s registration in September 2024.

5. The second challenge has been ensuring there is sufficient seating space for all passengers. A smaller bus is required to operate the route as some of the roads are tight and would be impossible for a full-sized bus to operate on reliably without changes to the highway layout.
6. The earliest any timetable change could be implemented would be 19th January 2024. This is because of lead in times for service registrations to the Traffic Commissioner and time for officers to produce new composite timetables for affected bus stops. A short notice registration could be progressed sooner, but this would mean that printed timetable information at bus stops would be outdated for several weeks.
7. Bus operators are required by the Traffic Commissioner to operate registered services reliably. In practice this means operating to a window of tolerance; buses should not depart from starting points or registered timing points more than one minute early or more than five minutes late. Generally a 95% requirement to this window of tolerance is required.

Policy Basis for Decision

8. Providing bus services in areas where there is no commercial bus route is a key part of the Councils core commitment around Equalities and Human Rights to create equality of access for all.
9. Bus service 16 also provides an alternative to using the private car for journeys to destinations along the route which contributes towards the Councils Climate and Environment core commitments and supports the objectives within York's Local Transport Strategy.

Financial Strategy Implications

10. The options proposed work within existing budget approvals and as such, incur no additional expenditure. There is no funding available to increase the number of buses operating on service 16. This prevents consideration of options that increase the frequency of the service and minimises the options available to officers to address the issues outlined in the petition.

Recommendation and Reasons

11. **Recommendation one:** approve the implementation of the revised hourly frequency timetable outlined in option one 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 revisions.
12. **Reason:** To resolve the occasional need for some passengers to stand and to maintain a timetable that is easy to understand for passengers.
13. **Recommendation two:** 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.
14. **Reason:** To seek to improve journey time variability on the route of bus service 16.

Background

15. The meeting of the Executive on February 20th 2024 approved bus service 16 to be retendered as a longer, hourly route, taking on the Ascot Way loop from service 24. This reduced the frequency of service 16 from every 45 minutes to hourly. The funding available means that the service 16 timetable must be able to be operated using one bus only.
16. An hourly timetable was created by officers and registered by Connexions before commencing service on September 2nd 2024.
17. The registration of the service coincided with the month long closure of a lane of the eastbound carriageway of the A64 between Askham Bar and Fulford Interchange. As a result of traffic rerouting away from the A64 a host of bus services across the city,

particularly those using and connecting with the Tadcaster Road corridor suffered major punctuality issues.

18. The punctuality issues experienced across a wide range of bus services were so severe that the Head of Active and Sustainable Transport wrote to the Traffic Commissioner to advise of the exceptional circumstances that bus operators in the city were working to.
19. Officers undertook monitoring work during September 2024 which validated the concerns highlighted in the petition. Due to the exceptional circumstances officers agreed with Connexions to retain the existing timetable and to further monitor the service once the A64 had reopened to full capacity.
20. Monitoring recommenced from Monday 7th October through to 2nd November. Some causes for concern remain from a punctuality perspective;
 - a) The first trip of the day has been delayed by 8 minutes or more on arrival in the City Centre on 7 of the 24 days monitored.
 - b) Each of the four Fridays monitored has seen inconstant levels of delay with the final trip being between 18 and 30 minutes late. Levels of delay across the city's bus network on Fridays are considerable and officers are analysing the situation.
21. The numbers of passengers does, on occasion, exceed the seated capacity of the vehicle. Officers have attributed this to two factors; firstly the volume of concessionary pass holders seeking to arrive in the City Centre at the earliest opportunity allowed and secondly, when delayed, the first bus of the day carries more young people on their way to school. Commercial services typically carry these students when service 16 runs to time.
22. Service 16 is due to be retendered with operation of a new contract to commence in April 2025. Further work can be undertaken with users of the service, those living along the route and bus operators ahead of the tender publication to understand longer term preferences.

Consultation Analysis

23. Meetings have been held with Ward members and the lead petitioner to discuss the issues highlighted. The extensive monitoring work has validated, to a degree, the views of the lead petitioner and the signatories. There is a preference amongst ward members to retain the hourly clock face timetable for passengers.

Options Analysis and Evidential Basis

24. **Option One:** Retain the existing hourly frequency; retimed to split the first journey that concessionary pass holders can access as in implications c and d of option one. The key implications are;
- a) Due to traffic conditions in the city this option is not likely to be suitable to run to traffic commissioner windows of tolerance until January. Effectively meaning that the service would likely remain unreliable for the remainder of the month. Further action, including highways measures, will also be required by the council to ensure the timetable remains workable next autumn.
 - b) Provides a shorter journey time when traffic levels are lower making the service more attractive.
 - c) Retains a clockface timetable between the AM and PM peaks
 - d) The current 08:31 trip from Ascot Way is retimed to 08:44. This will permit concessionary pass holders in the Hamilton Drive area to use the service as it arrives after 9am.
 - e) Concessionary pass holders in the Ascot Way area will need to take the next bus at 09:54 - 19 minutes later than current timings.
 - f) The 16:35 trip from Ascot Way to Piccadilly needs to be removed to enable the 17:10 departure from Piccadilly to be operated. This service currently carries 3 passengers on average.
 - g) For printed timetable information at bus stops to be updated when the timetable changes this option would need to be implemented in January.
25. **Option Two:** Implement a revised timetable to a 70-minute frequency (Annex A Option Two).

26. This option reduces the frequency of service 16 further but will ensure a more reliable timetable by providing more time for the bus to complete each trip. The main implications of creating a more reliable, but longer service are;
- a) Reduced frequency and no clockface timetable which is highly likely to make the service less intuitive and convenient to use for some passengers and will make the service generally less attractive.
 - b) The operator is more likely to be able to operate to the window of tolerance required by the Traffic Commissioner.
 - c) The current 08:31 trip from Ascot Way is retimed to 08:44. This will permit concessionary pass holders in the Hamilton Driver area to use the service as it arrives after 9am.
 - d) Concessionary pass holders in the Ascot Way area will need to take the next bus at 09:54 - 19 minutes later than current timings.
 - e) The 16:35 trip from Ascot Way to Piccadilly needs to be removed to enable the 17:10 departure from Piccadilly to be operated. This service currently carries 3 passengers on average.
 - f) For printed timetable information at bus stops to be updated when the timetable changes this option would need to be implemented in January.
27. **Option Three:** Do nothing. This option is not recommended as there will remain occasions when trips are operated with passenger numbers exceeding the seated capacity of the bus. The operator would also be at risk of punitive action by the Traffic Commissioner if punctuality targets were not being met in the longer term.
28. Officers can undertake a route assessment to identify any potential small-scale measures to minimise the risk of obstructions. Any such measures could be implemented using the Bus Service Improvement Fund small scale bus priority measures programme which is currently undersubscribed.

Organisational Impact and Implications

29. The report has the following impacts and implications:

- a) **Financial** There are no financial implications arising from the recommendations in this report.
- b) **Human Resources (HR)** There are no HR implications arising from the recommendations in this report.
- c) **Legal.** Any existing bus service contracts between the Council and existing operators must only be extended and/or modified in accordance with their contractual terms and conditions and in accordance with the Council's Contract Procedure Rules and the Public Contracts Regulations 2015 or the Procurement Act 2023.
- d) **Procurement.** There are no procurement implications arising from the recommendations in this report.
- e) **Health and Wellbeing.** The evidence base on the link between active travel and physical activity is extensive. Movement makes people happier and healthier, and it does the same thing for communities – with life-changing, sustainable benefits that have huge economic and social value. A recent study in Scotland (Friel 2024) concluded that active commuters were less likely to suffer from a range of negative physical and mental health outcomes compared to non-active commuters. This further strengthens the evidence for the health benefits of active commuting and promotion of active travel.
- f) **Environment and Climate action** Public transport provides an important and lower carbon alternative to using the private car and aligns with the Climate Change Strategy objective to increase uptake of active travel and public transport.
- g) **Affordability** There are no affordability implications arising from the recommendations in this report.
- h) **Equalities and Human Rights** There are no equalities or human rights implications arising from the recommendations in this report.
- i) **Data Protection and Privacy** The data protection impact assessment (DPIAs) screening questions were completed for the recommendations and options in this report and as there

is no personal, special categories or criminal offence data being processed to set these out, there is no requirement to complete a DPIA at this time. However, this will be reviewed following the approved recommendations and options from this report and a DPIA completed if required.

- j) **Communications**, Communications recognises the options contained in this report, and their importance to residents. Communications will support any decision with relevant and timely messaging, as well as any reactive statements that are required.
- k) **Economy** There are no economy implications arising from the recommendations in this report.

Risks and Mitigations

30. If service 16 remains unreliable then there is a risk that the operator could be fined by the Traffic Commissioner and/or could choose deregister the service. The options have been proposed to the operator as part of the development of this report.

Wards Impacted

31. Westfield, Holgate and Guildhall.

Contact details

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

Author

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Date:	25/11/2024

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Service Area:	Highways and Transportation
Report approved:	Yes
Date:	25/11/2024

Background papers

N/a

Annexes

- Annex A: Bus Timetable Options

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Timetable Options for Bus Service 16.

Current Timetable:

Mon-Sat		16	16	16	16	16	16	16	16	16	16	16
		NS					NS					
Piccadilly		08:06	09:10	10:10	11:10	12:10	13:10	14:10	15:10	16:10	17:10	18:10
Rail Station		08:13	09:17	10:17	11:17	12:17	13:17	14:17	15:17	16:17	17:17	18:17
Holly Bank Rd		08:19	09:23	10:23	11:23	12:23	13:23	14:23	15:23	16:23	17:23	18:23
Acomb, Green Lane		08:25	09:29	10:29	11:29	12:29	13:29	14:29	15:29	16:29	17:29	18:29
Ascot Way		08:30	09:34	10:34	11:34	12:34	13:34	14:34	15:34	16:34	17:34	18:34
Mon-Sat		16	16	16	16	16	16	16	16	16	16	
	NS						NS					
Acomb, Green Lane		08:25 (S)	--	--	--	--	--	--	--	--	--	--
Ascot Way		08:31	09:35	10:35	11:35	12:35	13:35	14:35	15:35	16:35	17:35	
Acomb, Green Lane	07:45	08:44	09:48	10:48	11:48	12:48	13:48	14:48	15:48	16:48	17:48	
Holly Bank Rd	07:51	08:52	09:54	10:54	11:54	12:54	13:54	14:54	15:54	16:54	--	
Rail Station	07:57	09:01	10:00	11:00	12:00	13:00	14:00	15:00	16:00	17:00	18:00	
Piccadilly	08:04	09:08	10:07	11:07	12:07	13:07	14:07	15:07	16:07	17:07	18:07	
Notes:												
NS - Not Saturdays												
S – Saturdays												

Option One: Hourly Frequency

Mon-Sat		16	16	16	16	16	16	16	16	16	16	16
		NS, A					NS					
Piccadilly		08:14	09:25	10:29	11:29	12:29	13:29	14:29	15:29	16:29	17:19	18:19
Rail Station		08:22	09:32	10:36	11:36	12:36	13:36	14:36	15:36	16:37	17:26	18:26
Holly Bank Rd		--	09:38	10:42	11:42	12:42	13:42	14:42	15:42	16:45	17:32	18:31
Acomb, Green Lane		08:35	09:45	10:48	11:48	12:48	13:48	14:48	15:48	16:52	17:39	18:37
Ascot Way		08:42	09:52	10:52	11:52	12:52	13:52	14:52	15:52	16:57	17:44	18:41
Mon-Sat	16	16	16	16	16	16	16	16	16	16	16	16
	NS						NS					
Acomb, Green Lane		08:35 (S)	--	--	--	--	--	--	--	--	--	--
Ascot Way		08:44	09:54	10:54	11:54	12:54	13:54	14:54	15:54	--	17:46	
Acomb, Green Lane	07:45	08:59	10:08	11:08	12:08	13:08	14:08	15:08	16:08	--	18:00	
Holly Bank Rd	07:53	09:06	10:14	11:14	12:14	13:14	14:14	15:14	16:14	--	18:06	
Rail Station	08:03	09:14	10:20	11:20	12:20	13:20	14:20	15:20	16:20	--	18:12	
Piccadilly	08:11	09:22	10:27	11:27	12:27	13:27	14:27	15:27	16:27	--	18:17	
Notes:												
A - runs via Acomb Rd												
NS - Not Saturdays												
S - Saturdays												

Option Two: 70 Minute Frequency

Mon-Sat		16	16	16	16	16	16	16	16	16	16
		NS, A				NS					
Piccadilly		08:14	09:25	10:35	11:45	12:55	14:05	15:15	16:25	17:10	18:16
Rail Station		08:22	09:32	10:42	11:52	13:02	14:12	15:22	16:32	17:17	18:22
Holly Bank Rd		--	09:38	10:48	11:58	13:08	14:18	15:28	16:38	17:23	18:28
Acomb, Green Lane		08:35	09:45	10:55	12:05	13:15	14:25	15:35	16:45	17:30	18:34
Ascot Way		08:42	09:52	11:02	12:12	13:22	14:32	15:42	16:52	17:37	18:39
	16	16	16	16	16	16	16	16	16	16	
	NS					NS					
Acomb, Green Lane	--	08:35 (S)	--	--	--	--	--	--	--	--	
Ascot Way	--	08:44	09:54	11:04	12:14	13:24	14:34	15:44	--	17:39	
Acomb, Green Lane	07:45	08:59	10:09	11:19	12:29	13:39	14:49	15:59	--	17:53	
Holly Bank Rd	07:53	09:06	10:16	11:26	12:36	13:46	14:56	16:06	--	--	
Rail Station	08:03	09:14	10:24	11:34	12:44	13:54	15:04	16:14	--	18:06	
Piccadilly	08:11	09:22	10:32	11:42	12:52	14:02	15:12	16:22	--	18:13	
Notes:											
A - runs via Acomb Rd											
NS - Not Saturdays											
S - Saturdays											

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Meeting:	Decision Session – Executive Member for Transport
Meeting date:	05/12/2024
Report of:	James Gilchrist, Director of Transport, Environment and Planning
Portfolio of:	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 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 landowner 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.
16. Compensation can be claimed for the making of Diversion Orders, under S28 of the Highways Act 1980. However this proposal is at the landowner'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 landowner 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, Northern 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 landowner 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.

Author

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Report approved:	Yes
Date:	15/11/2024

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Report approved:	Yes
Date:	15/11/2024

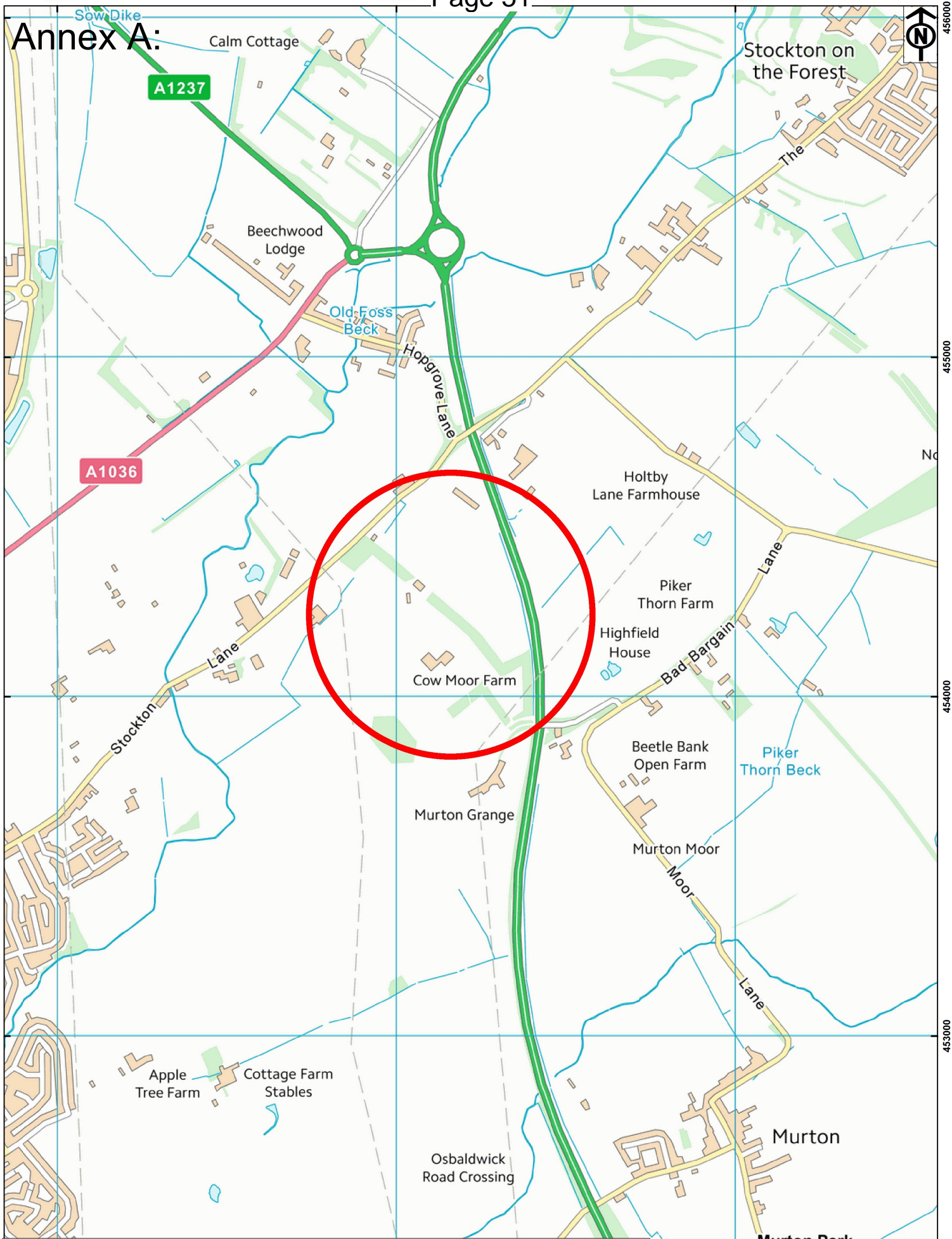
Annexes

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
Telephone: 01904 551550

Location Map - Proposed diversion of public bridleway Heworth (Without) 1 and 2

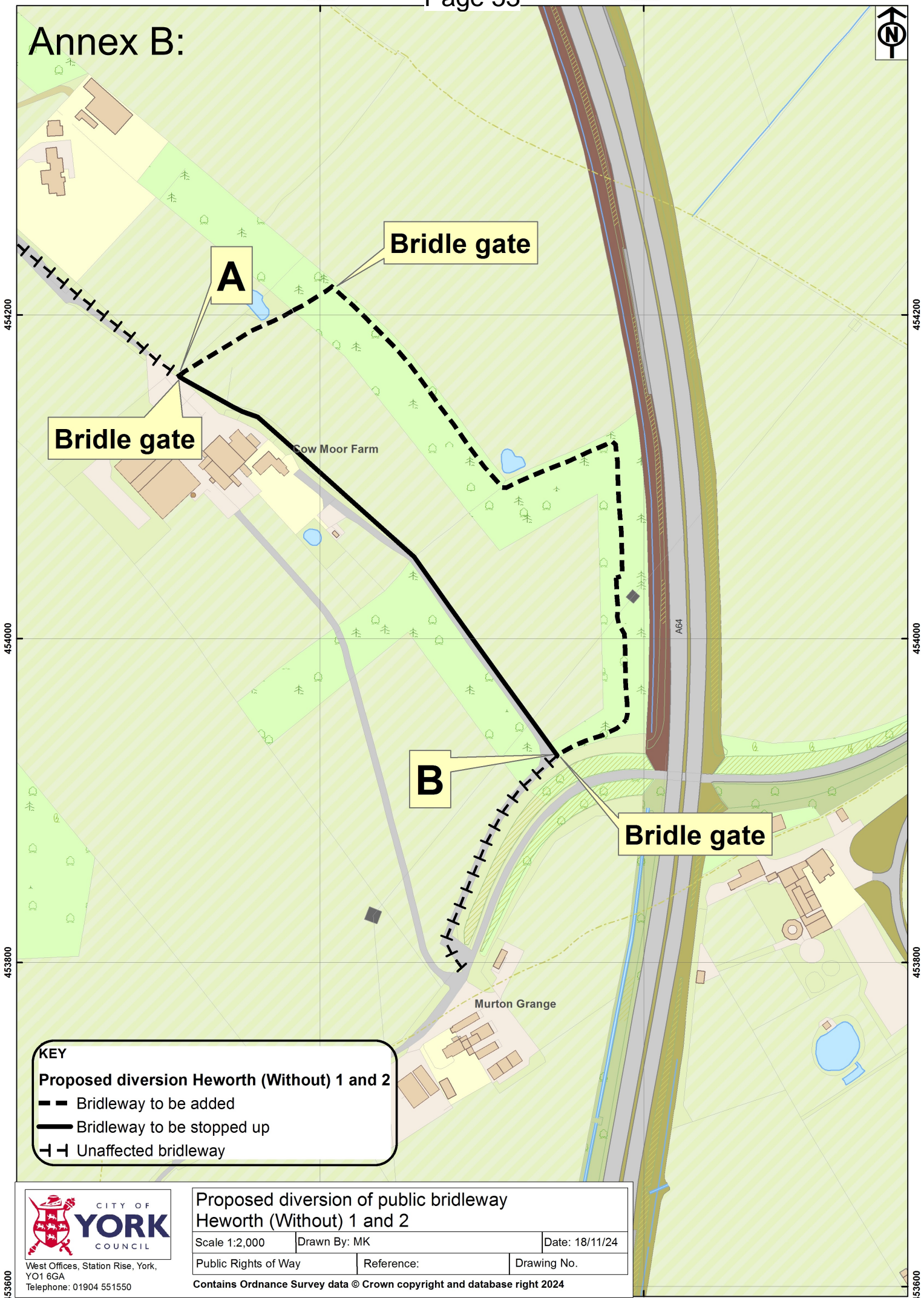
Scale 1:10,000 | Drawn By: MK | Date: 18/11/24

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



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

**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?

Directorate:	Place		
Service Area:	Rights of Way		
Name of the proposal:	Proposed diversion of public bridleway Heworth (Without) 1 and 2		
Lead officer:	Molly Kay		
Date assessment completed:	8 November 2024		
Names of those who contributed to the assessment:			
Name	Job title	Organisation	Area of expertise
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

1.1	What is the purpose of the proposal? 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

1.2	Are there any external considerations? (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>

1.3	Who are the stakeholders and what are their interests?
	<p>City of York Council – 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>The Landowner– The owner of the land over which the bridleway passes.</p> <p>Current and future users of the routes – Health and recreational use by walkers, runners, horse riders, cyclists, disabled horse riders and cyclists.</p> <p>Other stakeholders – Statutory utilities who may have services, access points, pipework, telecommunications poles or cabling near or along the route.</p>
1.4	What results/outcomes do we want to achieve and for whom?
	<p>Links to Council Plan: 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	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?	
Source of data/supporting evidence	Reason for using	
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.

Step 3 – Gaps in data and knowledge

3.1	What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.	
Gaps in data or knowledge		Action to deal with this
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 confirmed 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.

	<p>Gates 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>Surface (terrain) 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>Personal safety 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>Disability</p>	<p>Route 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>Surface (terrain) 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>Signage 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>Gates The proposed new bridleway route will still include 3 bridle gates, which should be easier to operate.</p> <p>Noise 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>Livestock 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>Impact 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>	+	L
		0	L
Gender	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
Gender Reassignment	No effects identified		
Marriage and civil partnership	No effects identified		

Pregnancy and maternity	Route 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
	Surface(terrain) 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
	Gates 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 with pushchairs may struggle with the additional effort required to manoeuvre the pushchairs around/through the gate and to unlatch/latch the gate.	0	L
	The above also applies for people whose pregnancy means they are less mobile.	0	L

	<p>Livestock</p> <p>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>	+	M
Race	No effects identified		
Religion and belief	No effects identified		
Sexual orientation	No effects identified		
Other Socio-economic groups including:	Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?		
Carer	<ul style="list-style-type: none"> • Carers could personally have the same characteristic as any other group listed above and would therefore experience the same benefits. • Carers who look after others who have a protected characteristic, may experience the same benefits/ issues as those with that protected characteristic. 	+/-	L
Low income groups	The diversion order continues to benefit the rights of way network, meaning there are still opportunities for free	+	L

	access to the countryside and the health and well-being benefits that brings.		
Veterans, Armed Forces Community	No effects identified		
Other	No effects identified		
Impact on human rights:			
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>High impact (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>Medium impact (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>Low impact (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	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?
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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 with the landowner how to make the new bridle gates easier to operate and 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	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:
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- **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>Continue with the proposal (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

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
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 Thursday 5 December
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.



Meeting:	Executive Member for Transport
Meeting date:	05/12/2024
Report of:	Director of Environment, Transport & Planning
Portfolio of:	Cllr Ravilious Executive Member for Transport

Decision Report: Gillygate Signal Trial

Subject of Report

1. This report considers two approaches to delivering a traffic signal trial on Gillygate aimed at improving air quality in the Air Quality Management Area (AQMA).
2. Poor air quality can lead to significant negative health impacts for residents of the city alongside a poor experience for those visiting. York's fourth Air Quality Management Plan (AQAP4) and the Local Transport Strategy both contain specific reference to exploring traffic management options for areas like Gillygate.

Benefits and Challenges

3. Queueing motor vehicle traffic emits gases such as nitrogen oxides and particulate matter that negatively affect air quality and in turn negatively impact the health of residents and visitors in those areas. Narrow streets with buildings on either side create a canyon effect, where pollution from queuing vehicle traffic becomes trapped, leading to poor air quality. Gillygate suffers from this canyon effect and has the worst air quality of any road in York. Reducing queuing traffic on Gillygate should improve air quality on the street.
4. There are three key questions where specific empirical data on traffic and air quality is lacking in the Gillygate area;
 - a) How much will air quality on Gillygate improve as a result of reduced motor vehicle emissions?

- b) Would the transfer of queues to adjacent streets, and particularly Lord Mayor's Walk and Clarence St, cause problems which more than offset the benefits in Gillygate?
 - c) Would those transferred queues result in traffic being displaced to other parts of the network, and if so, what would the consequences be?
5. Undertaking a trial traffic signal plan designed to minimise queuing traffic on Gillygate will help to answer these questions. In time, this trial will also inform updates to traffic management policy targeting other locations across York experiencing poor air quality or disruption as a result of queueing traffic.
 6. The core challenge, due to funding constraints, is how to fully evaluate all of the impacts. The Council has a significant number of diffusion tubes across the city. Diffusion tubes provide an indication of longer-term average NO_x levels at a spot location. Diffusion tube measurements across a calendar year will provide a good indication of the air quality impact associated with the proposed trial but cannot do so over a short period. This is because nitrogen dioxide diffusion tube data needs to be 'bias corrected' to provide a reliable estimate of concentrations for comparison with the health-based UK Annual Mean Air Quality Objective. This objective considers long-term exposure to air pollution over a period of 12 months. Bias correction factors are calculated by co-locating diffusion tubes with CYC's highly accurate continuous monitoring sites. In line with statutory reporting to DEFRA, bias correction factors are derived on a calendar year basis.
 7. CYC monitors particulate matter (PM_{10} and $\text{PM}_{2.5}$) at a small number of fixed locations in York. Whilst $\text{PM}_{2.5}$ is monitored on Gillygate, short term trends and annual variation in particulate matter do not generally reflect those seen with other traffic-borne pollutants such as nitrogen dioxide (NO_2). This is because while transport in York produces between 50-70% of total NO_x emissions (which become NO_2), it is only responsible for around 15% and 17% of PM_{10} and $\text{PM}_{2.5}$ emissions respectively, with the remainder from background sources and other sources such as domestic and commercial heating, nature, waste and agriculture.
 8. Assessing the transport impacts in detail across a period of time, such as delay levels at junctions in the Gillygate area, numbers of queuing vehicles and any driver behaviour impacts is more difficult and requires additional resource, both in terms of staff time and

funding. The Council has access to datasets such as live bus journey times and TomTom vehicle journey times. These datasets can be used to understand impacts on bus routes and point to point vehicle journey times. CCTV can also be used occasionally to measure queue lengths but is more time consuming and would divert staff away from their existing roles.

Policy Basis for Decision

9. The trial aims to contribute towards the three of the seven priorities in the Council Plan:
10. Health & Wellbeing. The proposed trial will reduce the number of queuing vehicles in Gillygate which is anticipated to improve air quality and thereby provide an improvement in the health and wellbeing of residents and those working in and passing through Gillygate.
11. Sustainability. A reduction in congestion on Gillygate should help enable sustainable modes of transport and create a safer environment for pedestrians, wheelchair users and cyclists. Gillygate is an important street for shopping, eating out, accessing school and passing through on the way to the City Centre. Current levels of queuing traffic do not encourage walking, wheelchair use, wheeling and cycling on Gillygate.
12. Economic. A safer environment for pedestrians, wheelchair users and cyclists would help to increase footfall on Gillygate, bringing benefit for businesses along the street.

Financial Strategy Implications

13. Option 1 (recommended) involves reassigning existing resources along with support from partner organisations including The Gillygate Air Quality Group and the York Civic Trust to undertake a simple trial. Although this option does use existing resources, these resources are currently assigned to other activities. This option therefore represents a reprioritisation of resources to the trial for approximately 15 days through 2025.
14. Option 2 involves seeking additional funding to implement a more comprehensive trial and therefore would have no financial impact.

The trial would not commence until suitable funding has been identified and secured.

Recommendation and Reasons

15. **Recommendation:** Implement Option 1. Undertake a trial of traffic signal gating on Gillygate for 12 months with air quality and basic transport impact monitoring.
16. **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.

Background

17. Local residents, business representative and other groups in York are concerned about air quality and the street environment, resulting in poor health conditions and a poorer quality of life. Particularly so on Gillygate. York's AQAP4 and Local Transport Plan both reference the need to consider traffic management on Gillygate.
18. Gillygate has the worst air quality of any street in York (Annex A) with an annual mean NO₂ concentration of 43µg/m³ exceeding the National Air Quality Standards¹ limit of 40µg/m³. The World Health Organisation guideline level is 10µg/m³.
19. The transport sector is the largest contributor to total oxides of nitrogen (NO_x) levels in York at 57% with the contribution from cars in areas of poor air quality ranging from 64% to 87%. Therefore, measures specifically targeting transport emissions in AQMA's are likely to deliver more benefit than targeting other sectors.
20. In January 2020, CYC launched a voluntary Clean Air Zone (CAZ) for buses to improve air quality. The CAZ is enforced by the Traffic Commissioner using Traffic Regulation Conditions (TRC) applied to bus operator licences. The CAZ includes the Inner Ring Road (IRR) and area contained within. Buses making 5 or more entrances to the city centre CAZ per day (including Gillygate) are required to be low emission (minimum Euro VI diesel or electric).

¹ https://uk-air.defra.gov.uk/assets/documents/Air_Quality_Objectives_Update_20230403.pdf

21. Whilst the bus-based CAZ area is restricted to the city centre / Inner Ring Road, the majority of local service buses use this area for part of their route, therefore the CAZ also has a beneficial impact of reducing air pollution and carbon emissions across the wider area of York. The CAZ currently captures 97% of bus movements to the city centre per day, with 65% of these journeys operated by fully electric vehicles and the majority of the remainder being operated by Euro VI diesel buses (or buses retrofitted to Euro VI equivalent standard).
22. Bus Services 1,5 and 6 are the most frequent bus routes operating on Gillygate. All are operated using electric buses. Service 40 and Tour Buses also run on Gillygate and use vehicles to EURO VI emissions standards. The Ghost Bus does not meet EURO VI emissions standards but operates on Gillygate infrequently; approximately once per day.
23. Recent survey work has shown that petrol and diesel vehicles still represent the majority of the car fleet, with around 6% of cars being either electric-hybrid or fully electric.
24. Traffic signal gating, also known as perimeter flow control or metering, is a method of controlling traffic flow by using traffic signals to limit the number of vehicles entering a protected network. Signals at the Bootham/St. Leonard's Place/Gillygate junction and the Gillygate/Clarence Street/Lord Mayor's Walk junction will form the focus of the trial. Other signalised junctions impacting on the flow of vehicles towards Gillygate will also be considered when confirming the exact timings to be used.
25. A trial of these principles was implemented in 2006, resulting in queues in Gillygate being roughly halved. However, changes in signal technology since that time necessitate a different approach. A mild form of signal gating is currently employed by 'capacity matching' each end of the street, using vehicle-actuated mode 'max sets', rather than fixed time Urban Traffic Control plans. This balances the number of vehicles entering and leaving Gillygate to reduce blocking back through adjacent junctions.
26. An initial two-week trial took place in October 2023. Different traffic signal timings were tested. The 2023 trial was successful in

significantly reducing queuing traffic on Gillygate. Queues were largely eliminated during the second week with traffic 'platooned' through the corridor to minimise stopping on Gillygate itself. The gating strategy led to queue relocation primarily onto Lord Mayor's Walk and to a far smaller extent, Clarence Street. The signal timing information from the October 2023 trial will be used to derive the signal timings to be used as part of the proposed traffic signal gating trial for the duration of 2025.

27. The Council has access to two main 'live' data sources that help inform on journey delays and vehicle speed. These are;
 - TomTom journey time data for the area – can be used to identify point to point journey time over a given period, such as Bootham to York Hospital. Comparisons with days, weeks or months in 2024 will provide an indication as to the general journey time impact of the trial.
 - Horizon bus journey – bus performance data can accurately map whether there will have been delays or improvements to bus journey times as a result of the trial.
28. Volunteer count data is extremely helpful and can provide details on queue length and traffic flows, but only for limited periods. Robust data across a full year period would require the siting of cameras to do full counts.

Consultation Analysis

29. The Gillygate Air Quality group which consists of local residents, business owners and interested parties has met regularly with Council officers and members of the Executive. This proposal has been formed as direct outcome of the engagement with the Gillygate Air Quality group.

Options Analysis and Evidential Basis

30. **Option 1** (Recommended) – Undertake a trial of traffic signal gating on Gillygate for 12 months with air quality and basic transport impact monitoring.
31. Across options 1 and 2 some potential outcomes of the trial may include;
 - Reduced vehicle queuing on Gillygate

- Improved air quality on Gillygate and therefore an improvement in public health
 - An improved environment for walking, wheelchair use and cycling on Gillygate resulting in an increase in active travel in the area, and increased footfall to the businesses on Gillygate.
 - Increased queueing on Lord Mayors Walk and Clarence Street.
 - The potential, if traffic queues extend to upstream junctions, for some diversion to other areas of the network including Burton Stone Lane.
 - A longer wait time for pedestrians at the Lord Mayor's Walk/Gillygate/Clarence Street crossing point, depending on the changes made to signal timings at this junction.
 - A potential for increased vehicle journey times if additional traffic flows on surrounding roads arise and become significant.
A potential for reduced air quality on surrounding roads if additional traffic queues emerge and become significant.
32. Air quality will be measured using diffusion tubes and a permanent monitoring station situated on Gillygate across both trial options. This will remain consistent and will provide information on NO₂ and particulate levels across 2025.
33. Transport impact monitoring will comprise TomTom journey time data comparisons against data from previous years and analysis of bus journey time data. This will provide a good indication of the time taken to travel through Gillygate and any connecting streets. It will not provide data on queue lengths, pedestrian or cycling impacts or behavioural changes from drivers or other road users. Some small-scale queue length surveys will be undertaken by Council Officers using CCTV. Volunteers would monitor traffic queue lengths on Lord Mayor's Walk, Clarence Street (and any upstream queuing into Monkgate and Wigginton Road) and traffic flows through the Lord Mayor's Walk/Gillygate/Clarence Street junction for limited periods.
34. Estimated council officer time to deliver this option would be approximately 15 days across 2025. Volunteers have offered to assist with wider queue length monitoring using CCTV. Officers would need to establish appropriate GDPR procedures to facilitate this.
35. Resource will also be required to complete a report on the trial. Volunteers have offered to assist in this. Appropriate governance procedures to allow volunteers to have access to Council data for

the purpose would need to be established to enable this to happen.

36. **Option 2** – Defer a trial of signal gating on Gillygate to 2026 and seek funding to deliver comprehensive monitoring and evaluation of air quality and transport impacts.
37. This option would provide far more robust data to understand transport impacts, such as queue lengths, pedestrian and cycling impacts and behavioural changes. Officers have sought a quote to deliver this across a 12-month period and the cost is likely to be in the order of £100k. More robust base (current) scenario data could be collected.
38. £100k would deliver air quality modelling, extensive transport impact data collection and transport modelling, stakeholder engagement and reporting. There is no guarantee that the funding would be found to deliver the comprehensive monitoring.
39. **Option 3** – Do not undertake a traffic signal gating trial. This option is not recommended as it is not consistent with AQAP4 or the Local Transport Strategy. There would remain air quality issues in Gillygate and solutions to the problem would have to come from future, as yet undefined, projects or policy.
40. Any option variation that does not cover a calendar year in full is not recommended due to the need to correct air quality monitoring data with an annual bias factor as outlined in paragraph 6.

Organisational Impact and Implications

41. The report has the following impacts and implications:

Financial Monitoring and implementing the trial as outlined in option 1 can be delivered using existing resources.

Human Resources (HR) There are no Human Resources implications arising from the recommendations in this report.

Legal

The Council is under a duty contained in section 16 of the Traffic Management Act 2004 to manage its road network with a view to securing the expeditious movement of traffic on that network, so far as may be reasonably practicable while having regard to their other obligations, policies and objectives. This is called the network management duty and includes any actions the Council may take in performing that duty which contribute for securing the more efficient use of their road network or for the avoidance, elimination or reduction of road congestion (or other disruption to the movement of traffic) on their road network. It may involve the exercise of any power to regulate or coordinate the uses made of any road (or part of a road) in its road network.

In exercising functions under the Road Traffic Regulation Act 1984, the Council must consider the criteria within Section 122 of that Act 1984 and, in particular, the duty to make decisions in accordance with s.122 so far as practicable having regard to the matters in s.122(2) to “secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway. The matters set out in s.122(2) are:

- a) a) the desirability of securing and maintaining reasonable access to premises;
- b) b) the effect on the amenities of any locality affected and the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;
- c) bb) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);
- d) c) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and
- e) d) any other matters appearing to the local authority to be relevant.

Procurement Should option 2 be progressed. All services requiring procurement must be procured via a compliant, and fair process in accordance with the council’s Contract Procedure Rules and where applicable, the Public Contract Regulations 2015 (soon to be Procurement Act 2023). Further advice regarding the procurement process and development of procurement strategies must be sought from the Commercial Procurement team.

Health and Wellbeing. Public Health support the ambitions outlined in the report, reducing traffic idling is beneficial for air quality and in turn this can have a positive impact on those who breath that air, potentially improving respiratory health and general wellbeing of residents.

Lower Emissions of Pollutants, Fuel Efficiency, Health Benefits reducing idling in these areas directly lowers exposure to harmful pollutants for pedestrians and nearby residents. Impact on Urban Air Quality Traffic idling significantly contributes to localized air quality issues in congested urban areas. Minimizing it can reduce "hotspots" of pollution.

As outlined in the report public health share the concern that displacing idling cars to another location may increase the impact of poorer air quality in a different location, this is particularly of concern if this is displaced into more dense residential areas or a more deprived area of the city where we already know negative health impacts are felt more severely.

Environment and Climate action The recommendation in the report is directly focused on making changes to improve the environment on Gillygate particularly in terms of air quality.

Affordability No impacts identified

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
- 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

Data Protection and Privacy. The data protection impact assessment (DPIAs) screening questions were completed for the recommendations and options in this report and as there is no personal, special categories or criminal offence data being processed to set these out, there is no requirement to complete a DPIA at this time. However, this will be reviewed following the approved recommendations and options from this report and a DPIA completed if required.

Communications. Communications will support any decision on the proposals with a robust communications plan that focuses on proactive messaging, whilst being agile in responding to any reactive enquiries.

Risks and Mitigations

42. There are a number of potential risks associated with the trial, these include;
43. Drivers may feel an increased level of frustration if they are held at a red light with a clear road ahead of them which then could potentially result in an increase of moving traffic offences. This safety concern could be mitigated by installing automatic numberplate recognition cameras at the junctions and taking appropriate action on drivers who commit moving traffic offences, but would require a budget.
44. Gating traffic further back along the network may result in stationary queues through junctions that do not currently occur. Whilst queuing back through junctions does already occur in the baseline situation, this trial is likely to increase the frequency of this event. Queueing back through junctions is a safety concern due to the impact it has on pedestrians and cyclists attempting to navigate the junction. This can be mitigated to a certain extent by adjusting signals across the wider network to help accommodate

the new configuration on Gillygate. It is also likely to ease over time. A study by the International Transport Forum in 2021, drawing on evidence from several countries, demonstrated that drivers rapidly adjust to changes in traffic capacity in urban road networks, and that any adverse impacts are typically short-lived.

45. Risk of reduction in air quality in surrounding areas. The areas likely to experience higher levels of queuing as a result of the gating trial will be Lord Mayor's Walk and to a lesser extent, Clarence Street.
46. There is also a Potential negative of increased pedestrian wait times at the Gillygate/Lord Mayors Walk/Clarence Street junction if an acceptable signal plan with two pedestrian stages cannot be delivered. Every effort will be made to design a junction with two pedestrian stages, but this will need to be balanced against the Councils Network Management Duty.
47. To manage the safety implications of the trial, conditions under which the trial would be aborted (and default traffic signals restored) or modified will be defined. This approach is to be confirmed after discussion with the CYC Road Safety Team.
48. Should bus and general vehicle traffic journey times increase substantially as a result of the proposed changes to signal operation then there will likely be public and stakeholder opposition to the trial. A key concept of undertaking a trial is to monitor the impacts; if significant issues are identified then the traffic signal plans can be modified in response to information from key stakeholders.
49. There are substantial risks with not doing the trial or deferring to 2026. Principally, the Council would not be meeting its air quality obligations or adhering to AQAP4. As stated in the report, Gillygate is currently exceeding the National Air Quality Standards level of NO₂. A method of addressing the primary contributor, traffic, to this exceedance has been identified. To defer or not undertake a trial risks legal action from residents and businesses suffering negative health implications as a result of the poor air quality and Council inaction on addressing an evidenced problem. There is no identified mitigation to this risk; the signal gate is the only tool available in the short term, within funding constraints that can be

implemented quickly to directly reduce transport related NO₂ levels in Gillygate.

Wards Impacted

Guildhall

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Background papers

City of York Council Fourth Air Quality Action Plan (AQAP4)
Local Transport Strategy

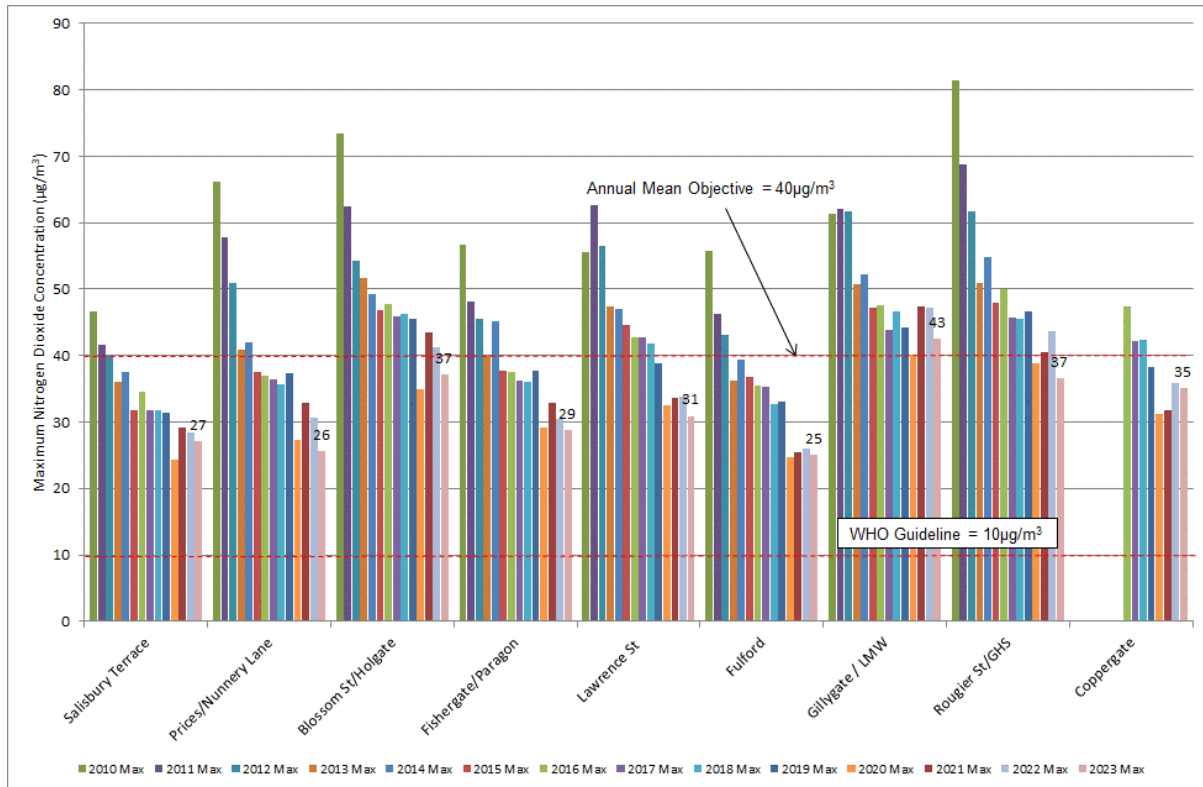
Annexes

Annex A: Air Quality Trends in York.

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The maximum NO₂ concentrations monitored (at relevant locations¹) in key areas across the city centre AQMA between 2010 and 2023 are shown below in Figure 1.

Figure 1: Maximum nitrogen dioxide concentration (at relevant location) in areas across the AQMA



Note: AQMAs covering in Salisbury Terrace and Fulford Road have now been revoked, but are shown on Figure 1 for information.

The maximum annual mean NO₂ concentration monitored at a relevant location in 2023 was 43µg/m³ (Diffusion tube A1 near the junction of Gillygate and Bootham).

Whilst there is a clear long-term downward trend in NO₂ concentrations over the last 10+ years for most areas of the AQMA, maximum concentrations of NO₂ in and around Gillygate have been more variable over the last 5/6 years.

¹ A relevant location is an outdoor, non-occupational location (e.g. facade of a residential dwelling) where members of the public may be exposed to poor air quality

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