

Meeting	Decision Session - Executive Member for Transport and Planning
Date	7 December 2016
Present	Councillor Gillies (Executive Member)

47. Declarations of Interest

At this point in the meeting, the Executive Member was asked to declare any personal, prejudicial or disclosable pecuniary interests that he might have in relation to the business on the agenda. No additional interests were declared.

48. Minutes

Resolved: That the minutes of the last Decision Session held on 10 November 2016 be signed and then approved by the Executive Member as a correct record.

49. Public Participation - Decision Session

It was reported that there had been four registrations to speak at the meeting under the Council's Public Participation Scheme. All had registered to speak under Agenda Item 4) Definitive Map Modification Order (DMMO) to add a footpath to the Definitive Map and Statement: Askham Fields Lane, Askham Bryan.

Shirley Smith spoke about the public use of the footpath over the past twenty years by cyclists and dogwalkers. She felt that a sufficient number of user evidence forms had been provided to determine that usage of the footpath was by the public. Thanks were given to the nearby villagers, the local Ward Member, the principal of Askham Bryan college, Julian Sturdy MP and the Officer for her work.

Audrey Hollas, felt that the an order should be made to add the footpath, as local residents in Copmanthorpe used it to access the children's play area on the college site.

It was also used by a variety of people including students, and those who lived in the private houses built on the land adjacent to the footpath and college.

John Mawson of Askham Bryan College, gave a brief historical introduction to the site and spoke about the unadopted road at Askham Fields Lane the footpath was the responsibility of the college. He informed the Executive Member how the College and Parish Council had worked together to secure funding for street lighting that ran from the college entrance to the bus stop to ensure safety of the students. He commented how open access would contravene planning permission granted for a zoo licence and care act standards that the college had to fulfil towards its students. This was because all visitors to the college had to wear ID cards therefore those people using the footpath who were not visitors would be contravening those standards, as the footpath crossed college grounds.

David Nunns of York Ramblers noted that the planning application had made the case for open access more difficult. He felt that Askham Fields Lane should be open to the public, he informed the Executive Member how he cycled along the route regularly. He also stated that the college boundary on the online map lay further to the west and did not take into account new developments. He circulated a copy of the map to the Executive Member.

The Executive Member asked John Mawson whether the both sides of the footpath across the college grounds could be made secure. It was confirmed that although this was difficult, it could be carried out.

50. Definitive Map Modification Order (DMMO) to add a footpath to the Definitive Map and Statement: Askham Fields Lane, Askham Bryan

The Executive Member considered a report which asked him to make a decision on whether an application for a Definitive Map Modification Order (DMMO) to add a public footpath to the Definitive Map and Statement at Askham Fields Lane, Askham Bryan met the legislative criteria.

Officers made a number of comments in response to the public speakers to explain that the application had been challenging, especially so, in trying to determine use by 'the public' because of the location of the claimed route. They advised the Executive Member that use of the claimed footpath by those who owned residential property within the college grounds was by licence, and the evidence therefore, was viewed as 'non qualifying'. Similar reasoning was presented for those persons who had in the past been employed by the college, and their immediate family members. Evidence in support and rebuttal of the application had been forthcoming over a number of months, and Officers had received correspondence from a past Principal of the College, which acknowledge use of the claimed route by 'the public'.

Officers explained that if the decision was to make an Order, the Order would be advertised, and open to objections. Alternatively, if the decision was not to make an Order, an appeal could be lodged with the Secretary of State.

The Executive Member considered all the comments by the public speakers before coming to his decision. He felt that although there was evidence provided of use by the public, this could have been more robust. He did understand the college's concerns.

Resolved: That Option A- that the Authority makes an order- be agreed.

Reason: The supporting evidence meets the threshold criteria of 'reasonably alleged'.

51. BT Public Payphone Removal Consultation

The Executive Member received a report which informed him of a formal consultation by British Telecom (BT) to the Council and the wider local community on its intentions to remove 26no public payphones at various locations throughout the city.

Officers recapped the process and updated the Executive Member on comments received in regards to two of the proposed payphones to be removed.

- 16/02132/TCNOT - Councillor Aspden and Fulford Parish Council had previously submitted comments in regards to the risk of flooding in the area. Officers had received information from BT about the use of mobile phones in emergency situations.
- 16/02145/TCNOT- Outside Ryedale Court, The Village Haxby

Haxby Town Council objected to the removal of the telephone box due to high usage rates.

The Executive Member stated that he was happy to recommend that objections be raised to the removal of that box.

Resolved: (i) To follow the recommendations to object or not object on each individual payphone as listed in Annex A, other than for the following application where it has been resolved to object;

16/02145/TCNOT – Outside Ryedale Court, The Village, Haxby.

(ii) If the local Consultation has identified a desire from the relevant Parish Council or other body to adopt a PCB (Public Call Box) for other uses, that BT be notified of this desire to adopt.

(iii) If new objections are received during the 2nd stage of the notification/consultation process to the removal of a PCB (Public Call Box) where the resolution was for there to be No objections, the Assistant Director of Planning and Public Protection be delegated to formally object to B.T in order to comply with the agreed timescale of the formal consultation process.

(iv) That these new objections then be considered by the Executive Member for Transport and Planning at the next available Executive Member Decision Session.

Reason: To comply with Ofcom procedural and timescale guidelines on such applications.

Cllr Gillies, Executive Member

[The meeting started at 4.00 pm and finished at 4.35 pm].