
Meeting	Decision Session - Executive Member for Transport
Date	25 July 2019
Present	Councillors D'Agorne (for Agenda Items 1-3 and 5-8) and Aspden (for Agenda Item 4)

5. Declarations of Interest

The Executive Member declared a personal, non-prejudicial interest in Agenda Item 7 (Junction Alterations – Bishopthorpe Road / Scarcroft Road), as a long-term supporter of York Cycle Campaign).

The Executive Member also declared that, having made previous representations in relation to Agenda Item 4 (Definitive Map Modification Order recording a public footpath in woodland adjacent to Windmill Lane, Heslington), he had predetermined his position on this matter. Therefore, in accordance with the Constitution, the Executive Leader would take his place when it came to considering and determining Item 4.

6. Minutes

Resolved: That the minutes of the Decision Session of the Executive Member for Transport held on Thursday 20 June 2019 be approved and signed by the Executive Member as a correct record, subject to the removal of the words '*and allow short term customer parking for the business outlets*' at the end of the Reason for the Resolution under Minute 4 (Consideration of Objections to an Advertised Proposal to Introduce a Residents Priority Parking Area on the Danesmead Estate).

7. Public Participation

It was reported that there had been 4 registrations to speak at the meeting under the Council's Public Participation Scheme, and two requests to speak from Ward Members.

Chris Warriner spoke on Agenda Item 5 (Definitive Map Modification Order Application to record a public footpath between Chantry Lane, Bishopthorpe and Acaster Malbis 3), as an affected landowner. He expressed surprise at the application, having always considered the path to be a public footpath, indicated that he had not been consulted, and queried who would cover any associated expenses, such as dog waste bins.

Cllr Warters, Member for Osbaldwick & Derwent Ward, spoke on Agenda Item 6 (Directorate of Economy & Place Transport Capital Programme - 2019/20 Consolidated Report) in respect of the Holtby danger reduction scheme (p.55 of the agenda). He urged that this scheme be progressed as soon as possible, adding that his communications to officers on this and other issues had been ignored.

Peter Broadly also spoke on Agenda Item 6 regarding the Holtby scheme, as a member of Holtby Parish Council. He expressed concern about the ongoing issues, which had been exacerbated by increased traffic to Monks Cross, and urged the council to use the donation kindly offered by a local developer as an opportunity to implement the scheme.

Cllr Kilbane spoke on Agenda Item 7 (Junction Alterations – Bishopthorpe Road / Scarcroft Road) as a Member for Micklegate Ward. He supported Option 3 in the report as the most pedestrian and cycle-friendly solution and suggested that the opportunity also be taken to make further improvements at the junction and address the problems caused by delivery vehicles.

Jonathan Wills spoke on Item 7 as a local resident and business owner. He opposed Option 3 on the basis that it would, in the longer term, have a negative environmental impact due to traffic becoming gridlocked, and that the respondents to consultation did not represent the majority of road users and residents in the area.

Peter Sheaf spoke on Item 7, on behalf of York Cycle Campaign (YCC). In line with the written statement that he had circulated, he asked that the decision be postponed pending resolution of the uncertainty over the Clementhorpe flood defence proposals and re-exploration of the 'Danish option' put forward by YCC in their response to consultation.

8. Definitive Map Modification Order recording a public footpath in woodland adjacent to Windmill Lane, Heslington

The Executive Leader took the chair at this point and considered a report which sought approval to confirm the above Definitive Map Modification Order (DMMO).

At a Decision Session on 7 February 2019, the then Executive Member for Transport and Planning had authorised the making of the DMMO, in accordance with the recommendations in the report to that meeting, attached as Annex 3 to the current report. Additional evidence provided by officers at the session, supporting the existence of the public footpath, was reproduced in paragraph 4 of the current report. Statutory consultation had now been completed, as detailed in paragraph 7, and no objections or representations had been received during the notice period.

Resolved: That the Definitive Map Modification Order to record the route through Mill Plantation as a public footpath, as shown on the map at Annex 2 to the report, be confirmed.

Reason: No objections were received during the statutory notice period, and the additional evidence of use detailed at the Decision Session on 7 February 2019 means that, on the balance of probabilities, the route is a public right of way.

9. Definitive Map Modification Order Application to record a public footpath between Chantry Lane, Bishopthorpe and Acaster Malbis 3

The Executive Member then resumed the chair and considered a report which presented options to determine an application for a Definitive Map Modification Order (DMMO) to record a public footpath between Chantry Lane, Bishopthorpe and Acaster Malbis 3.

Two duly made applications had been submitted by Bishopthorpe Parish Council, one in 1994 for the route A to B to C and one in 2004 for the route A to B to C to D, as shown on the map at Appendix 2 to the report. A third application, received in 2006, was unsupported by evidence so had not

been duly made. The land crossed by the route was held by a large number of landowners, including the parish council and the church. An initial consultation had been carried out, the results of which were summarised in paragraphs 9 to 13.

Three options were available, as set out in paragraphs 14-16, analysed in paragraphs 17-37 and summarised below:

Option A – authorise the making of a DMMO to record the route B to C to D, reject the 2006 application and inform the applicant of their right to appeal. This was the recommended option as the evidence met the statutory test.

Option B – reject all the applications and inform the applicant. Not recommended, as any appeal was likely to be successful.

Option C – authorise the making of a DMMO over the whole route. Not recommended, as the land between A and B was consecrated and public rights of way could not be established on such land.

In response to matters raised under Public Participation, officers confirmed that the speaker was included on the list of consultees. Once the path was recorded, the council would have powers to mitigate and assist landowners with any issues arising.

Resolved: That, in accordance with Option A:

- (i) The making of a DMMO to record the route from Ferry Lane to Acaster Malbis 3 (B to C to D), as shown on the map at Appendix 2, as a public footpath, be approved.

Reason: The available evidence meets the statutory test of reasonably alleging that a public right of way subsists over the land affected by B to C to D.

- (ii) The 2006 application be rejected and the applicant informed of their right to appeal.

Reason: The application was not duly made and relates only to the consecrated land (A-B).

10. Directorate of Economy & Place Transport Capital Programme - 2019/20 Consolidated Report

The Executive Member considered a report which provided details of the 2018/19 Economy & Place Transport Capital Programme out-turn and proposed changes to the 2019/20 programme to take account of carry-overs from 2018/19.

Schemes progressed in 2018/19, comprising a total spend of £13,057k on the £19,364k budget, were set out in paragraph 7 of the report and in Annex 3. Major schemes to be carried forward into 2019/20 were detailed in paragraphs 10-14; these included the grant-funded scheme for new electric Park & Ride buses, completion of the Scarborough Bridge footbridge scheme, work funded by the Smarter Travel Evolution Programme (STEP) and continuing work on the Station Frontage scheme. Transport schemes to be carried forward were set out in paragraphs 15-28. Funding details and a list of all schemes in the 2019/20 programme were provided in Annexes 1 and 2.

In response to questions from the Executive Member and matters raised under Public Participation, it was confirmed that:

- work on developing the Holtby danger reduction scheme was ongoing and officers would be engaging with ward members and other stakeholders on this;
- officers would inform the Executive Member when the last City Sightseeing bus was to be converted to electric drive;
- issues relating to the maintenance of private streets (paragraph 28) would be discussed with the Executive Member, with a view to bringing forward a report if required.

Resolved: (i) That the carryover schemes and adjustments set out in the report and annexes be approved.

(ii) That the increase to the 2019/20 Economy & Place Capital Programme, which is subject to approval by the Executive, be noted.

Reason: To implement the council's transport strategy, as identified in York's third Local Transport Plan and the Council Priorities, and deliver schemes identified in the council's Transport Programme.

11. Junction Alterations – Bishopthorpe Road / Scarcroft Road

The Executive Member considered a report which sought approval for proposed alterations at the junction between Bishopthorpe Road and Scarcroft Road.

Traffic signalling at the junction required replacing under the council's Traffic Signal Asset Renewal (TSAR) programme. This offered an opportunity to make alterations to further improve pedestrian safety. Four options were available, as detailed in paragraphs 18-89 of the report and summarised briefly below, with associated costs. Options 1-3 all included replacement of the traffic signalling technology in accordance with TSAR and removal of the left turn lane on the southern arm of Bishopthorpe Road. Responses to the stakeholder consultation carried out on options 1-3 were set out in Annex A to the report.

Option 1 (shown in Annex B) – replace the left turn lane with a widened footpath and short length of cycle lane and ASL. £90k.

Option 2 (shown in Annex C) – as Option 1, plus similar changes to the Scarcroft Road approach and further changes to the northern arm approach and junction staging. £120.5k.

Option 3 (shown in Annex D)- as Option 2, plus installation of a new pedestrian crossing on the northern arm of the junction and relocation of the cycle stands. £165k. This was the recommended option, as it provided all the benefits of options 1 and 2 plus further improvements to pedestrian safety, and was supported by the responses to consultation.

Option 4 – no changes. This was not recommended.

Officers confirmed that the 'Danish option' favoured by the YCC had been discounted as it would increase delays and worsen air quality, as detailed in paragraph 94. Having noted this, and the other comments made under Public Participation, the Executive Member

Resolved: (i) That Option 3 be approved, as set out in paragraphs 57 to 64 of the report.

- Reasons:
- a) To achieve the core aim of replacing the life-expired traffic signal asset such that it can continue be operated and repaired economically.
 - b) To provide further benefits for users by introducing a new pedestrian crossing, an addition generally supported by the consultees and local user groups.
- (ii) That officers note the suggestions made in respect of this item under Public Participation for consideration as part of the detailed design of the scheme.

Reason: To ensure that proper consideration is given to the feasibility of including further improvements within the scheme.

Cllr A D'Agorne, Executive Member for Transport

Cllr K Aspden, Executive Leader

[The meeting started at 2.00 pm and finished at 3.20 pm].