



**Notice of a public
Decision Session - Executive Member for Transport**

To: Councillor D'Agorne (Executive Member)

Date: Tuesday, 8 September 2020

Time: 9.30 am

Venue: Remote Meeting

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, 10 September 2020**.

*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 Customer and Corporate Services Scrutiny Management Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by **5.00pm on Thursday, 3 September 2020**.

1. Declarations of Interest

At this point in the meeting, the Executive Member is asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which he may have in respect of business on this agenda.

2. 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, in order to facilitate the management of public participation at remote meetings. The deadline for registering at this meeting is **5:00pm on Thursday, 3 September 2020**.

To register to speak please contact Democratic Services, on the details at the foot of the agenda. You will then be advised on the procedures for dialling into the remote meeting.

Webcasting of Remote Public Meetings

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

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

3. Traffic Management Order Waiting Lists (Pages 1 - 18)

This report advises on the likely cost of dealing with the items on the Traffic Management Order waiting lists and seeks guidance on which items to prioritise.

4. Winter Gritting Cycle Pilot Trial Analysis (Pages 19 - 28)

This report reviews the pilot carried out during the winter of 2019/20, providing winter treatment on a section of the defined highway cycle route as part of the regular winter treatments, and asks the Executive Member to consider whether to continue the trial.

5. Progress Towards Determining all Outstanding DMMO Applications (Pages 29 - 40)

This report details ongoing progress towards eliminating City of York Council's backlog of undetermined definitive map modification order applications and seeks authority to refer the report to the Local Government Ombudsman.

6. Urgent Business

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

Democratic Services

Contact details:

- Telephone – (01904) 552030
- Email – democratic.services@york.gov.uk

For more information about any of the following please contact Democratic Services:

- 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.

This information can be provided in your own language.

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)

 (01904) 551550



**Decision Session – Executive Member for
Transport**

8 September 2020

Traffic Management Order Waiting Lists

Summary

1. This report advises on the likely cost of dealing with the items on the waiting lists and seeks guidance on which items to prioritise.

Recommendation

2. It is recommended that the following orders are added to the Transport Services work programme and be delivered once funding is identified :

- Modifications to aid cycle movement

Option 1 –Once funding is identified advertise all the suggested amendments using the legal minimum consultation.

Reason: Because these uncontroversial minor alterations that introduce improvements to the cycle network and contribute to further encourage active travel options.

- Redundant restrictions

Option 2 – Subject to funding being identified advertise the removal of the old access restrictions and carry out some further investigation into the removal of the right turn prohibition from Lendal to be brought back for consideration at a later date.

Reason: Because these restrictions are not effective and are no longer needed. Plus the ongoing maintenance is a needless drain on resources.

- Potential new restrictions

Option 1 – Subject to identification of funding for further investigation for all items, and for a report to be brought back providing details of the outcome and recommendations for each item.

Reason: Because this has the potential to target limited resources to where there is scope for actual improvements.

- Speed limits changes

Option 1 - Note the intention to bring a report on these requests to a later meeting that will outline costs, potential for improvements and scheme priority depending on resources.

Reason: Because this has the potential to target limited resources to where there is scope for actual improvements.

- That the work be prioritised as suggested:

Priority one – the modifications to aid cycle movement and the removal of the redundant restrictions

Priority two – the speed limit review report

Priority three – the potential new restrictions

Reason: Because the modifications and removals require no further investigation work and the speed limit review report can be started. Whereas the requests for new restrictions if taken forward first would adversely impact on other areas of workload and commitment.

Background

3. At present there is a waiting list of around 20 traffic movement and 15 speed restriction requests (see Annex A) to be responded to. These issues have been put on the waiting lists following requests from; residents, councillors and officers.
4. The issues have been split into 4 broad areas for investigation:
 - Modifications to aid cycle movement
 - Redundant restrictions
 - Potential new restrictions, and
 - Speed limits changes

Annexes B to E give outline staff resource implications and budget requirements for each item along with a brief note on the expected outcome.

5. The *Modifications to aid cycle movement* are outlined in Annex B. These are minor changes to the existing regulations that have the potential to aid cycle movement and access and hence contribute to active travel options. The proposals are unlikely to be controversial or attract much in the way of objection. In addition making the changes on street would be at a low cost and can be funded from the annual new/amendments to signs and lines budget.
6. The *Redundant restrictions* in Annex C (except for Lendal) are old access restrictions, most likely put in during the 1970's in an attempt to prevent commuter parking close to the city centre and/or through traffic. These restrictions failed and the commuter parking aspect has been superseded by the introduction of residents parking schemes. These are much more successful in prioritising the on street parking availability for residential and local community / businesses use. The list of old access restrictions in Annex C are not through routes, hence the signs are merely left over items of street furniture that require ongoing maintenance and are a drain on resources. With this in mind these are unlikely to be controversial or attract much in the way of objection. In addition making the changes on street would be at a low cost and can be funded from the annual new/amendments to signs and lines budget. This cost should be recouped within 5 years due to reduced maintenance.
7. The no right turn at the end of Lendal is different in that it was introduced to discourage a cross-town route, again in the 1970's. Whilst in theory this is still relevant outside the pedestrian zone hours, it is regularly ignored and ongoing enforcement action is not a realistic expectation. Hence the suggestion to remove this restriction. Whilst inexpensive to remove, this is more likely to generate interest both for and against the proposal and some further investigation and consideration would be beneficial.
8. The *Potential new restrictions* are outlined in Annex D. Taking the 4 access type restrictions first, there is a known combination of widespread driver ignorance, deliberate abuse of and the difficulty the police have carrying out enforcement that contributes to these types of access restriction being almost totally ineffective. For these reasons access restrictions have not been put forward as a recommendation in the York area to resolve concerns about through traffic since the early 90's. Surveys have not been carried out to determine the actual extent of through traffic.
9. With regards to the Elvington weight limit access restriction request specifically, East Yorkshire County Council, implemented an experimental Traffic Regulation Order to restrict the weight of vehicles allowed over the

bridge carrying the B1228 between Elvington and Sutton upon Derwent several years ago following damage done to the bridge parapet wall by a large vehicle. The experiment was abandoned following objections from other local communities in East Yorkshire's area that had to accommodate the increase in HGV traffic on roads of a lower classification. As there have been no significant changes in the area and the B1228 is still part of the local main road network for the region we can reliably expect there to be repeat objections. Although no new investigation or design work has been carried out we can expect this to be quite an expensive project that is not expected to yield a noticeable change to conditions in Elvington for the reasons set out in the above paragraph on the failure of access type restrictions. A survey was commissioned by the local Ward committee, however that merely showed the number of large vehicles in the area and did not identify those that were visiting one of the many industrial premises accessed off the road through Elvington which would continue to have legitimate access if a restriction was introduced.

10. The removal or closing off of parking lay-bys overnight on the A1079 has not been investigated or reliably costed. Initial thoughts are this will be a difficult restriction to implement and ensure the lay-bys are open to those who may need them for access to fields during the day.
11. The introduction of a length of one way on part of Southfields Road in Strensall has not been investigated. Whilst the road is narrow and there will be occasional inconvenience there will likely be some opposition to making the route one way because of the change to some drivers/residents preferred route.
12. The anticipated costs for these projects is beyond the scope of what could be funded from the annual new/amendments to signs and lines budget. Hence, if investigating taking these projects further is approved an allocation from the Capital projects budget will be required.
13. The 17 *Speed limit change* requests are outlined in Annex E. Surveys have already been carried out on most of the sites however the report has been delayed due to other workload priorities. Depending on resources and the progress of other projects over the next few months it is anticipated that the speed limit waiting list review can be finalised by the end of the year.

Options for Consideration

Modifications to aid cycle movement

14. Option 1 – Approve advertising all the suggested amendments using the minimum legal consultation due to them being very minor changes. This is the recommended option.
15. Option 2 – Approve advertising some of the suggested amendments.
16. Option 3 – Take no further action at this time.

Redundant restrictions

17. Option 1 – Approve advertising all the suggested amendments.
18. Option 2 – Approve advertising the removal of the old access restrictions and carry out some further investigation into the removal of the right turn prohibition from Lendal to be brought back for consideration at a later date. This is the recommended option.
19. Option 3 – Take no further action at this time.

Potential new restrictions

20. Option 1 – approve further investigation for all items, providing Capital Project funding is made available, and for a report to be brought back providing details of the outcome and recommendations for each item. This is the recommended option.
21. Option 2 – note the desire for the implementation of access restrictions but take no further action on these requests and just progress further investigation into the other items, providing Capital Project funding is made available, for a report to be brought back providing details of the outcome and recommendations for each item.
22. Option 3 – Take no further action at this time.

Speed Limit Changes

23. Option 1 – note the intention to bring a report on these requests to a meeting later this year that will outline costs, potential for improvements and scheme priority depending on resources. This is the recommended option.
24. Option 2 – defer this area of work until a later date.

Project priority

25. It is suggested that the priority for taking the works forward the above should be:

Priority one – the modifications to aid cycle movement and the removal of the redundant restrictions

Priority two – the speed limit review report

Priority three – the potential new restrictions

Consultation

26. No consultation has been carried out yet. However any changes agreed will have to go through the standard legal process which involves a set public consultation process. In addition we will follow our usual extra consultation of advising those most directly by the proposals.

Council Plan

27. The above proposal contributes to the City Council's draft Council Plan of:
- A prosperous city for all,
 - A council that listens to residents

Implications

28. This report has the following implications:

Financial – The cost of undertaking the orders in terms of advertising and physical works are outlined in the annexes. It is important to note however that some of these costs do not include the staff resources to undertake the work. There are currently no specific revenue budgets available to resource the orders within the Transport budget and prior to any delivery of the orders budgetary provision will need to be identified. This can come from funding sources such as ward committees, viring from other departmental budgets or transport capital budgets where eligible. These would need to be identified prior to progressing the schemes.

Human Resources – None

Equalities – None.

Legal – None.

Crime and Disorder – None

Information Technology - None

Land – None

Other – None

Risk Management

29. None.

Contact Details

Authors:

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Principal Traffic Projects
Officer
Dept. Transport

Chief Officer Responsible for the report:

James Gilchrist
Assistant Director for Transport

Report approved: ✓

Date: 27/8/2020

Specialist Implications Officer(s)

None.

Wards Affected:

All

For further information please contact the author of the report.

Background Papers: None.

Annexes:

Annex A Waiting Lists

Annex B Modifications to aid cycle movement

Annex C Redundant restrictions

Annex D Potential new restrictions

Annex E Speed limits changes

Annex A**Waiting Lists****Modifications for cyclists**

Clifford St No Right Turn except for cyclists
 Duncombe Place to Blake Street slip road evening exemption for cyclists
 St. Martin's Lane remove access restriction on cyclists
 Little Kent Street remove access restriction on cyclists
 Foss Islands Road to James Street bus lane include cyclists
 St Andrewgate allow cyclists to access the cycle racks during the pedestrian zone hours

Redundant restrictions

Agar Street – remove access only restriction
 Portland Street – remove access only restriction
 Dewsbury Terrace – remove access only restriction
 Moss Street – remove access only restriction
 Clementhorpe area – remove access only restriction
 Navigation Rd – remove access only restriction
 Lendal – remove No Right Turn prohibition on to Museum Street

Potential new restrictions

Dunnington 7.5T weight restriction
 Askham Bryan 7.5T weight restriction
 Askham Bryan coach restriction
 Elvington 7.5T weight restriction
 A1079 lay-byes remove vehicle access
 A166 lay-byes remove vehicle access
 Southfields Road, Strensall one way

Speed limit changes


Stockton Lane	Deighton
The Hollies	Northfield Lane
A1079 Dunnington	Sim Balk Lane
North Lane Huntington	Askham Bryan x 2
Heslington Lane	Millfield Lane
Acaster Malbis	Naburn
Temple Lane	The Revival Estate
Wheldrake Lane	Towthorpe Road




Annex B

Modifications to Aid Cycle Movement

Note: the cost for taking forward a single TRO change is in the region of £2000 due mainly to the cost of the press advert. However taking forward several similar items at the same time significantly reduces the advertising costs. As a batch of 6 items the advertising costs would be in the region of £3000. The cost of the works on site are included in each below.

These proposals do not require any further investigation, just a small amount of detailed design work to enable the works to take place.

	<p>Clifford St No Right Turn When this restriction was originally put in place there wasn't an option to allow an exemption for cyclists. The regulations were changed some years ago. With some minor changes to the existing signs and road markings this route could be opened up for use by cyclists. Cost £200 The level of compliance by non-cycle traffic is not anticipated to change.</p>
	<p>Duncombe Pl. to Blake St. slip road This road closure was put in place to cut the access into the pedestrian zone and enable the removal of an old broken variable message sign. Following further consideration it is thought reasonable to allow cyclists the option of access through this point outside the pedestrian zone hours of 10.30am to 5pm. In addition, this gives more direct access to the cycle parking outside the pedestrian zone hours. Cost £500</p>

	<p>The level of compliance by non-cycle traffic is not anticipated to change.</p>
	<p>St. Martin's Lane An all vehicles restriction rather than an all motor vehicle restriction is an unusual restriction to have in place – possibly due to the width of the lane? Whilst neither restriction is likely to be enforced a change to make it legal for cyclists to use this route is thought appropriate. Cost £100 The level of compliance by non-cycle traffic is not anticipated to change.</p>
	<p>Little Kent Street An all vehicles restriction rather than an all motor vehicle restriction is an unusual restriction to have in place – possibly due to the width of the lane? Whilst neither restriction is likely to be enforced a change to make it legal for cyclists to use this route and short cut the busy one way system is thought appropriate. Cost £100 The level of compliance by non-cycle traffic is not anticipated to change.</p>
	<p>Foss Islands Road to James Street bus lane Although there is a nearby off road route this bus lane is not busy and for a confident cyclist this is the more convenient and quicker route. Cost £200 The level of compliance by non-cycle and bus traffic is not anticipated to change.</p>



St Andrewgate

The existing prohibition sign and the close proximity to the cycle parking leads to some abuse. By allowing cyclist to use this short section of St. Andrewgate, which is not particularly busy with pedestrians, will require an additional sign at the junction that could contribute to greater compliance within the pedestrian zone beyond the cycle parking or at least make enforcement more practical.

Cost £400

The level of compliance by non-cycle traffic is not anticipated to change.

Summary

Location	Estimated Cost of works (£)
Clifford St No Right Turn	200
Duncombe Pl. to Blake St. slip road	500
St. Martin's Lane	100
Little Kent Street	100
Foss Islands Road to James Street bus lane	200
St Andrewgate	400
Total	£1500

Annex C

Redundant Restrictions

Note: the cost for taking forward a single TRO change is in the region of £2000 due mainly to the cost of the press advert. However taking forward several similar items at the same time significantly reduces the advertising costs. As a batch of 6 items the advertising costs would be in the region of £3000. The cost of the works on site are included in each below.

Apart from Lendal, these proposals do not require any further investigation.

	<p>Agar Street, off Monkgate Cost £100 No change to vehicle movement is anticipated.</p>
	<p>Portland Street, off Gillygate Cost £100 No change to vehicle movement is anticipated.</p>
	<p>Dewsbury Terrace in the Bishophill area Cost £100 No change to vehicle movement is anticipated.</p>

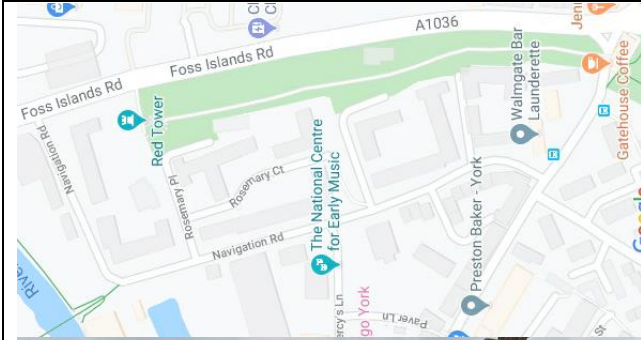


Moss Street near Scarcroft School
Cost £100
No change to vehicle movement is anticipated.



The streets between Clementhorpe and Vine Street
Cost £800
No change to vehicle movement is anticipated.





Area between Navigation Road and the city walls
Cost £400
No change to vehicle movement is anticipated.



Lendal – remove No Right Turn prohibition on to Museum Street
Cost £200
An often abused restriction which if removed will result in more vehicles making the right turn.

The removal of this restriction would lead to fewer vehicles going over Lendal Bridge and then returning via the one way system so some capacity improvements can be expected. However large vehicles would not be able to make the turn due to the traffic island but this is not an uncommon issue and it is down to the drivers judgement as to whether they are able to make a turn or not.

Summary

Location	Estimated Cost of works (£)
Agar Street – remove access only restriction	100
Portland Street – remove access only restriction	100
Dewsbury Terrace – remove access only restriction	100
Moss Street – remove access only restriction	100
Clementhorpe area – remove access only restriction	800
Navigation Rd – remove access only restriction	400
Total	£1600
These costs should be recouped within 5 years due to the lower maintenance liability	
Lendal – remove No Right Turn prohibition on to Museum Street	£200

Annex D

Potential New Restrictions

Note: the cost for taking forward a single TRO change is in the region of £2000 due mainly to the cost of the press advert. No investigation into the extent of the alleged problems has been carried out.

Location	Estimated costs (£)			
	Initial investigation	Design and legal work	Implementation	Total
Dunnington 7.5T weight restriction	500	2500	2500	5000
Askham Bryan 7.5T weight and coach restrictions	500	2500	2500	5000
Elvington 7.5T weight restriction	2000	3000	5000	10000
A1079 lay- byes remove vehicle access	500	3000	5000	8500
A166 lay- byes remove vehicle access	500	3000	5000	8500
Southfields Road, Strensall one way	500	2500	1500	4000
Total	£4500	£16,500	£21,500	£42,500

Note: there is some potential for the legal costs to be reduced if more than one item is taken forward at a time.

Annex E

Speed Limit Changes

Note: the cost for taking forward a single TRO change is in the region of £2000 due mainly to the cost of the press advert. However taking forward several similar items at the same time significantly reduces the advertising costs. As a batch of up to 17 items the advertising costs would be in the region of £4000. Further work on the need, likely impact and costs is due to be carried out for a report during the summer.

Stockton Lane The Hollies A1079 Dunnington North Lane H,ton Heslington Lane Acaster Malbis Temple Lane Wheldrake Lane	Deighton Northfield Lane Sim Balk Lane Askham Bryan x 2 Millfield Lane Naburn The Revival Estate Towthorpe Road
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**Decision Session – Executive Member for
Transport****8 September 2020****Winter Gritting Cycle Pilot Trial Analysis****Summary**

1. This report provides a review of the pilot carried out during the winter of 2019/20 providing winter treatment on a section of defined highway cycle route as part of the regular winter treatments.
2. The pilot trialled practical treatment options and has established base costing for further consideration by the executive as to whether to continue the cycle route treatment as a permanent part of the council's winter gritting programme.
3. The winter maintenance season commences in October, and concludes in April. The budget for the winter season is £401K which is based on an average 75 winter treatments. There is a financial contingency reserve of £178K for a severe winter.
4. The 2019/20 winter season overspent by £180K this overspend included the following high cost items:
 - £47 K Cycle pilot
 - £37K Standby increase
 - £10K Vehicle repairs
 - £51K Vehicle Hire
 - £15K Weather Station
 - £20K Forecasting Accrual
5. If the pilot is continued for another year, the cost should be very similar to the 19/20 year.

Recommendations

6. The Executive Member is asked to consider:

- Option 1: Continuation of the winter treatment on the cycle routes that have been defined during the trial period, using the reserve budget for a further year of trial.
- Option 2: Discontinue the treatment and do nothing considering the additional budget pressure to deliver this service.

Reason: To confirm the council's winter maintenance plans for the winter ahead.

Review

7. The aim of the winter maintenance service is, as far as is reasonably possible, to allow the safe movement of traffic, pedestrians and cyclists, on York roads, footways and cycleway during times of adverse winter weather. It also seeks to keep delays and accidents to a minimum.
8. This is done through precautionary treatment undertaken before ice forms or snow settles on the highway. The precautionary treatment is currently only to footways and carriageways on the defined network, which excludes some footways and cycle ways that are off the adopted highway.
9. The current policy states cycle routes will be treated as directed by the Winter Maintenance Duty Officer, this will only occur when there are available resources and materials.
10. In effect this means cycle routes on roads are treated but those off the main highway network are rarely treated.
11. The 2019/ 20 winter season pilot treated a defined section of York's cycle route that is off highway. A map of this is contained with Annex A.
12. The defined route is detailed in annex 3 and accompanying maps in annex 4 & 5. The routes were prepared with the Councils cycling officer to identify well used sections of the cycle network but also to ensure that the route works operationally without major modification to infrastructure such as gates etc.
13. The service operated with two John Deere tractors, which have proven to be the most effective delivery method. The mini tractor is fitted with a power brush and rear tank. The reason why a snow brush is required is that if it snows you need to be able to remove as much of the snow as possible to allow the liquid solution to be effective.

14. The tractors are fitted with a 400 litre tank. The table below gives you some guidelines on how far you would go on a tank if you are spraying 1.2m wide. The quantity of solution per meter squared(msq) required is based on the forecast.

• 15 ml / msq	-	22km
• 20 ml / msq	-	16.5km
• 25 ml / msq	-	13.3km
• 30 ml / msq	-	11km
• 35 ml / msq	-	9.5km
• 40 ml / msq	-	8.3km

15. Officers were mindful of the need to increase the application rate if it snows and when working out route lengths worked on a worst case scenario.

16. The routes were approximately 18km & 25km starting and finishing from Hazel Court James Street. To maximise the benefit of the routes the foot bridges along the route were treated with the non-corrosive application.

17. The service completed 59 runs in total using 9000 litres of pathway KA, the structure friendly non-corrosive solution, and 12000 litres of Probrine, effectively a salt water brine mix.

18. There were some issues from the delivery process which will require further analysis to improve the service, the tractors did suffer some breakdowns and technical issues with the new equipment, the majority can be put down to teething problems but some driver and mechanical faults also.

19. Refinement of the routes would be beneficial to resolve some issues. For example by the Minster the cycle path is approximately 4-5m wide, are CYC treating the whole area or a strip 1.5m wide (one run through). Lendal bridge, routes are an issue at evening time. The timing of the treatment will need reviewing as the tractor is very close to people on one side and the snow brush is close to vehicles on the other. As a result people are forced onto the very edge of the footway,

20. The team positioned the vehicle on the outside of the pavement and travelled very slowly, so people were discouraged from walking on the carriageway, but this leaves the vehicle with very little room around pedestrians especially in rush hours.

Feedback

21. Comments regarding the trial have been positive, with requests to increase treatments in a few areas. Although it has been a mild winter with only 59 treatments out of an average of 75, the consensus was that the reassurance for cyclists using the river side paths commuting to work being the significant dividend of the scheme. A few prominent comments regarding the last of the autumnal leaves being less slippery when frosty/icy also gave reassurance for cyclists. The scheme is a positive benefit to the public.
22. The city of York Council Cycle Officer had feedback from cyclists which can be summarised as the trial is a vast improvement and that they'd like it extending to other parts of the network which were not included in the trial.
23. Further feedback included:
 - *“The fact that the drivers of the mini-tractors were sent out at the same time as the road-gritters gives a visible message that cycle routes are not treated any differently than the road network which previously was the case when it took all day to grit the network and the grit used was more or less useless as it was blown away, washed away by rain and only covered a very small section of the path surface”*
 - *“We had a YBB meeting this evening. Several of the group commented that their usual walking cycling routes along Foss Islands and Terry Avenue had not been icy after the baby gritters had been out over the last couple of months. And that it seemed much safer to get around this winter than last year.*
 - *So... it seems to be working. Thank you! We look forward to the trial being extended to more walking cycling routes next year*

Consultation

24. The priority cycle routes selected had been determined seeking advice and consultation from internal sources, and an external list of e-mails received by the walkcycle.winter.maintenance@york.gov.uk e-mail address that was set up in mid-January 2019.

Replies received from 7 sources

Jubilee Terrace to Scarborough Bridge (6 replies)

Post Office Lane & Scarborough Bridge ramps (1 reply)

Millennium Bridge approaches including Butcher Terrace
Hospital Fields Road ramp and Maple Grove link (2 replies)
Foss Islands Path (former railway) (1 reply)

This e-mail address was sent to York Bike Belles and York Cycle Campaign.

Council Plan

25. The pilot of winter maintenance met the emerging Council Plan outcome of Getting around Sustainably

Implications

26. The following implications have been considered:

Financial – The cost of the pilot last year was estimated to be £42k. The total cost of the trial was £47k. Some of the increase in cost was due to the rise in standby payments prior to the commencement of the winter season. As identified in paragraphs 4 and 5 there are additional unbudgeted pressures across the winter maintenance budget which will need to be managed. Vehicle hire and repairs should reduce once the vehicle replacement programme is completed. However that is not going to be in time for the 2020/21 season.

To continue the service in 2020/21 this cost could be met from the winter maintenance contingency where £178k is available although this will reduce the amount available to support the winter maintenance budget should the winter be more severe than average. The ongoing level of service and budget impact in future years would need to be considered as part of the annual budget process as permanent budget will need to be identified. The plant would need to be hired prior to decisions being made on full year budgets.

Given the impact of covid 19 on the council's finances and the uncertainty of future funding levels available to the council Members are likely to need to prioritise which services are provided going forward and at what level as part of future budget rounds. Any increase in service is likely to lead the necessity to make savings elsewhere

Legal - The Council has a statutory obligation under Section 41 & 41.1A and section 150 of The Highways Act 1980 to maintain the highway. The Railways and Transport Safety Act 2003, Section 41/ 41.1A of the Highways Act, to place a duty on the highway authority to ensure, so far as

is reasonably practicable, that safe passage along a highway is not endangered by snow or ice.

If the service is made permanent in the future consideration will need to be given currently to procurement, these will fall significantly below the relevant EU procurement threshold for supplies and services (i.e. £189,330). As such, any procurement exercise run in respect of this option to acquire the relevant goods and/or services will not be subject to the full EU procurement regime under Part 2 of the Public Contract Regulations 2015.

That being said, any such procurement or request for quotes will still be subject to the Council's own Contract Procedure and Financial Procedure Rules, as well as the basic principles of transparency and fairness under the Treaty for the EU and those additional requirements under the Regulations that still apply to below threshold procurements (i.e. Regulations 53(3), 53(4), and 110 to 114).

Further advice should be sought from the Council's Legal Services and Procurements teams regarding how best to structure any such procurement and contracts to meet the requirements of the Regulations and the Contract and Financial Procedure Rules (and in the case of the latter, if any part of these rules need to be waived).

Risk Management

27. The proposed option is compliant with the Council's risk management strategy, the following risks associated with the recommendation in this report have been identified and described in the following points, and set out in the table below:
28. The following implications have been considered:

Authority reputation –This risk is in connection with the public perception of the Council if the recommended scheme does not significantly manage the route so far as is reasonably practicable, that safe passage along a highway is not endangered by snow or ice.

Contact Details

Author:

Bill Manby
Head of Highways and Fleet
Tel No. 01904 553233

Chief Officer Responsible for the report:

James Gilchrist
Assistant Director, Transport, Highways
and Environment

Report **Date** 8 September 2020
Approved

Wards Affected: All

For further information please contact the author of the report

Background Papers:

19 September 2019 – Decision Session for Executive Member for Transport -
Cycle Route Winter Treatment Pilot 13

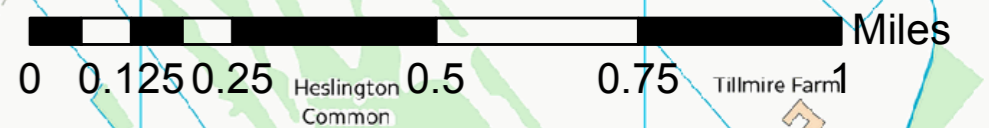
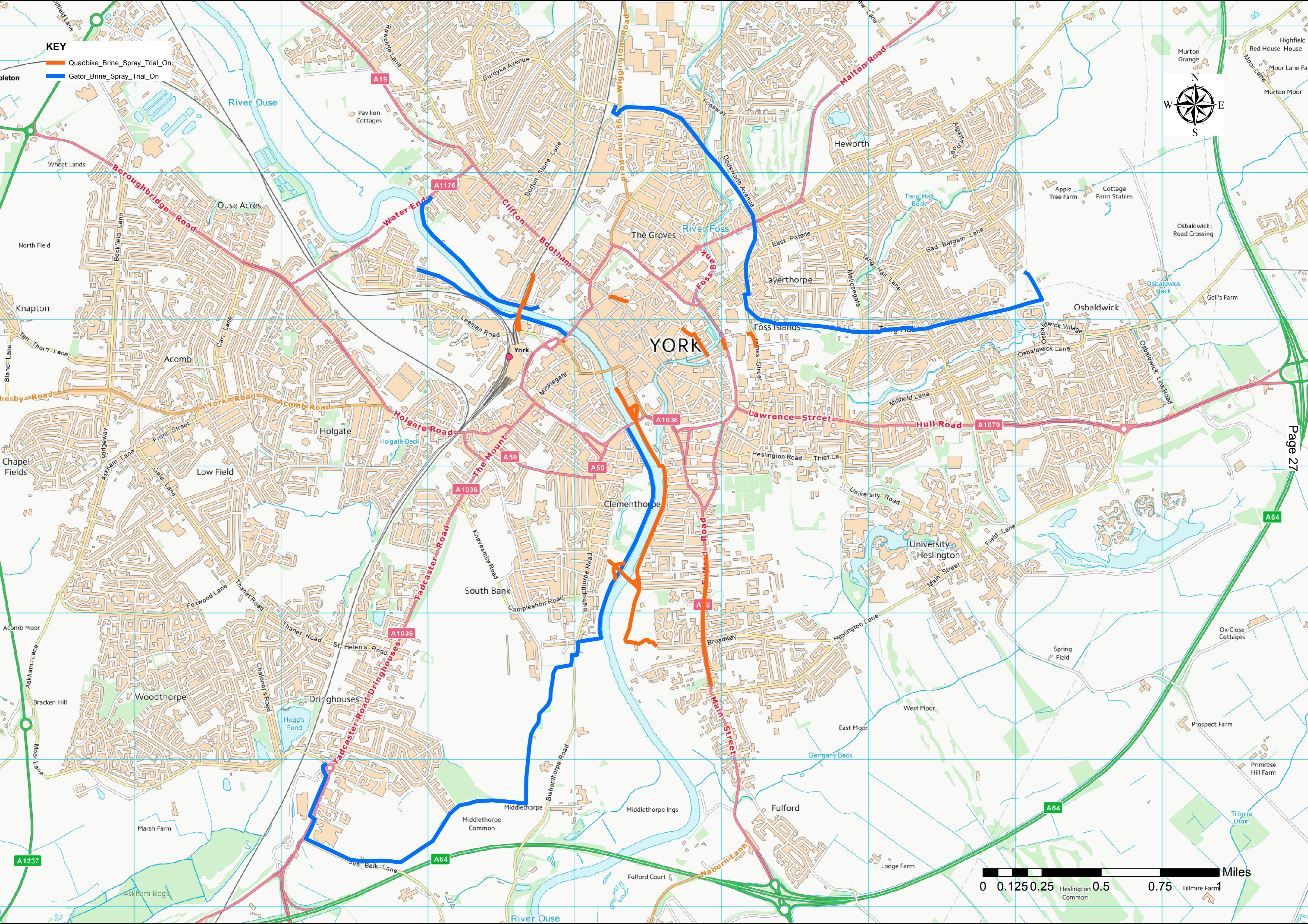
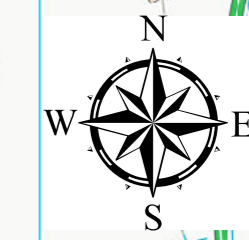
Annexes

Annex A Treatment Routes

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KEY

- Quadbike_Brine_Spray_Trial_On
- Gator_Brine_Spray_Trial_On



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Decision Session – Executive Member for Transport**8 September 2020**

Report of the Assistant Director, Transport, Highways and Environment

Progress Towards Determining all Outstanding DMMO Applications**Summary**

1. This report details ongoing progress towards eliminating City of York Council's backlog of undetermined definitive map modification order applications (DMMO).

Recommendation

2. The Executive Member is asked to note the content of the report and give authorisation for it to be forwarded to the Local Government Ombudsman.

Background

3. Following the finding of the Local Government Ombudsman (LGO) made in May 2019 that City of York Council (CYC) was at fault in the time taken to process the DMMO application of the individual known as Mr X, CYC is required to report progress towards reducing the backlog of undetermined DMMO applications to the Executive Member for Transport.
4. This report constitutes the second of those update reports, a copy of which is required to be forwarded to the LGO. The first report was made in January 2020.

Progress made to date

5. Since the last report two of the determined applications have had orders made (199712 Kexby – BW8 to FP11 & 199712 Kexby – Hagg Farm to FP11). These orders both attracted substantial numbers of objections and have now been submitted to the Secretary of State for a final decision.

6. At the time of writing we have no indication of how the Secretary of State is planning to resolve these two opposed applications.
7. Four applications were rejected and none of them have been appealed. Consequently these are now considered closed although the evidence will be retained.
8. The outstanding, undetermined application from the previous report has now been determined and the council.
9. One new DMMO application has been received from Strensall with Towthorpe Parish Council for a number of routes beside the River Foss. Initial investigations will be started on this in the near future.
10. All of the above means that the seventeen outstanding DMMO applications mentioned in the previous report that constituted council's backlog has been reduced to twelve.
11. See appendix 1 for a detailed progress chart for each application and appendix 2 for a flow chart illustrating the process.
12. Finally, the order CYC were directed to make as a consequence of the application submitted by Mr X (see para 3 above) has been submitted to the Secretary of State for a final decision. At the time of writing we have not received any indication of how the Secretary of State intends to resolve this matter.

Council Plan

13. The need for the council to be an "efficient, open, transparent, democratically-led and accountable organisation" identified by the Council Plan 2019-2023 means that historic failings identified by the LGO are being rectified by the measures set out in this report.

Implications

Financial

14. The making and confirmation of an unopposed DMMO requires that two statutory notices are placed in a local newspaper. This will cost in the region of £1700.
15. If the order attracts objections then CYC are required to send the opposed order to the secretary of state for determination. Depending on how the

secretary of state chooses to determine, the additional cost to CYC will be between £2000 and £5000.

16. Notwithstanding the above, the costs to the council of making a DMMO, are not relevant within the legislation and can therefore not be taken into account when determining an application.

Human Resources (HR)

17. There are no human resource implications. This work will continue to be managed within existing staffing levels.

Equalities

18. There are no equalities implications

Legal

19. City of York Council is the Surveying Authority for the purposes of the Wildlife and Countryside Act 1981, and has a duty to ensure that the Definitive Map and Statement for its area are kept up to date.
20. If the Authority discovers evidence to suggest that the definitive map and statement needs updating, it is under a statutory duty to make the necessary changes using legal orders known as DMMOs.
21. Before the authority can make a DMMO to add a route to the definitive map it must be satisfied that the public rights over the route in question are reasonably alleged to subsist. Where this test has been met, but there is a conflict in the evidence, the authority are obliged to make an order so as to allow the evidence to be properly tested through the statutory order process.
22. DMMOs, such as those mentioned within this report, do not create any new public rights they simply seek to record those already in existence.
23. Issues such as safety, security, desirability etc, whilst being genuine concerns cannot be taken into consideration. The DMMO process requires an authority to look at all the available evidence, both documentary and user, before making a decision.

Crime and Disorder

24. There are no crime and disorder implications

Information Technology (IT)

25. There are no IT implications

Property

26. There are no property implications

Risk Management

27. The need to reduce the backlog of undetermined DMMOs is part of the steps required for CYC to avoid a finding of maladministration by the LGO.
28. The need to make this report and submit it to the LGO are part of the steps required for CYC to avoid a finding of maladministration by the LGO.

Councillor Responses

29. Comment from Councillor ...

Contact Details

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Rights of Way
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Chief Officer Responsible for the report:

James Gilchrist

Assistant Director Transport Highways and
Environment

Report **Date** 27.08.20
Approved

Specialist Implications Officer(s) List information for all

Financial
Jayne Close
Accountant
01904 554175

Legal
Sandra Branigan
Senior Solicitor
01904 551040

Wards Affected: All wards.

For further information please contact the author of the report

Background Papers:

None

Annexes

Appendix 1

Appendix 2

List of Abbreviations Used in this Report

DMMO – definitive map modification order

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DMMO Ref No	Duly made	Initial consultation dates	No. of objs	AD report done?	Determination	Appeal	Order made	Consultation dates	No. of objs	Sent to SoS	Inquiry to be held	Final decisio
199712 Kexby - BW8 to FP11 (Hagg Wood)	Yes	25/9/2019 to 8/11/2019	2	Yes	Make the order	N/A	24/02/2020	3/3/20 to 17/4/20	10	24/07/2020		
199712 Kexby - Hagg Farm to FP11 (Hagg Wood)	Yes	25/9/2019 to 8/11/2019	2	Yes	Make the order	N/A	24/02/2020	3/3/20 to 17/4/20	10			
199803 Dringhouses & Woodthorpe - Mayfield Nature Reserve	Yes	25/9/2019 to 8/11/2019	0	Yes	Reject the order	None						Closed
199810 Naburn - Landing Lane to Acaster Malbis	Yes	25/9/2019 to 8/11/2019	0	Yes	Make the order	N/A						
200002 Haxby - Sandy Lane	Yes	25/9/2019 to 8/11/2019	0	Yes	Make the order	N/A						
200203 Strensall - The Village to Southfields Road	Yes	25/9/2019 to 8/11/2019	0	Yes	Make the order	N/A						
200308 Heworth - Hempland Lane Allotments 96 to 125	No	25/9/2019 to 8/11/2019	0	Yes	Reject the order	None						Closed
200309 Heworth - Hempland Lane Allotments 65 to Whitby Ave	Yes	25/9/2019 to 8/11/2019	0	Yes	Reject the order	None						Closed
200310 Heworth - Hempland Lane Allotments 92 to 81	Yes	25/9/2019 to 8/11/2019	0	Yes	Reject the order	None						Closed
200401 Dunnington - Common Road to FP7	Yes	25/9/2019 to 8/11/2019	0	Yes	Make the order	N/A						
200601 Heslington - Boss Lane to Main Street	Yes	25/9/2019 to 8/11/2019	1	Yes	Make the order	N/A						
200802 Naburn - Palmes Close to Vicarage Lane	Yes	25/9/2019 to 8/11/2019	1	Yes	Make the order	N/A						
200803 Heworth - Bad Bargain Lane to Burnholme Avenue	Yes	25/9/2019 to 8/11/2019	0	Yes	Make the order	N/A						
201201 Fulford - Hoisty Field	Yes	2/2/2015 to 2/3/2015	1	N/A	Directed to make the order		12/09/2019	24/09/2019 to 05/11/2019	1	29/04/2020		
201805 Skelton - Brecksfield to Burtree Dam	Yes	25/9/2019 to 8/11/2019	0	Yes	Make the order	N/A						
201805 Skelton - Hurns Bridge to Moorland Wood	Yes	25/9/2019 to 8/11/2019	1	Yes	Make the order	N/A						
201805 Skelton - Village Hall to Moorlands Road	Yes	25/9/2019 to 8/11/2019	0	Yes	Make the order	N/A						
201811 Westfield - Foxwood Lane to Osprey Close	Yes	25/9/2019 to 8/11/2019	1	Yes								
202006 Strensall - Towthorpe Bridge to Haxby Moor	Yes											

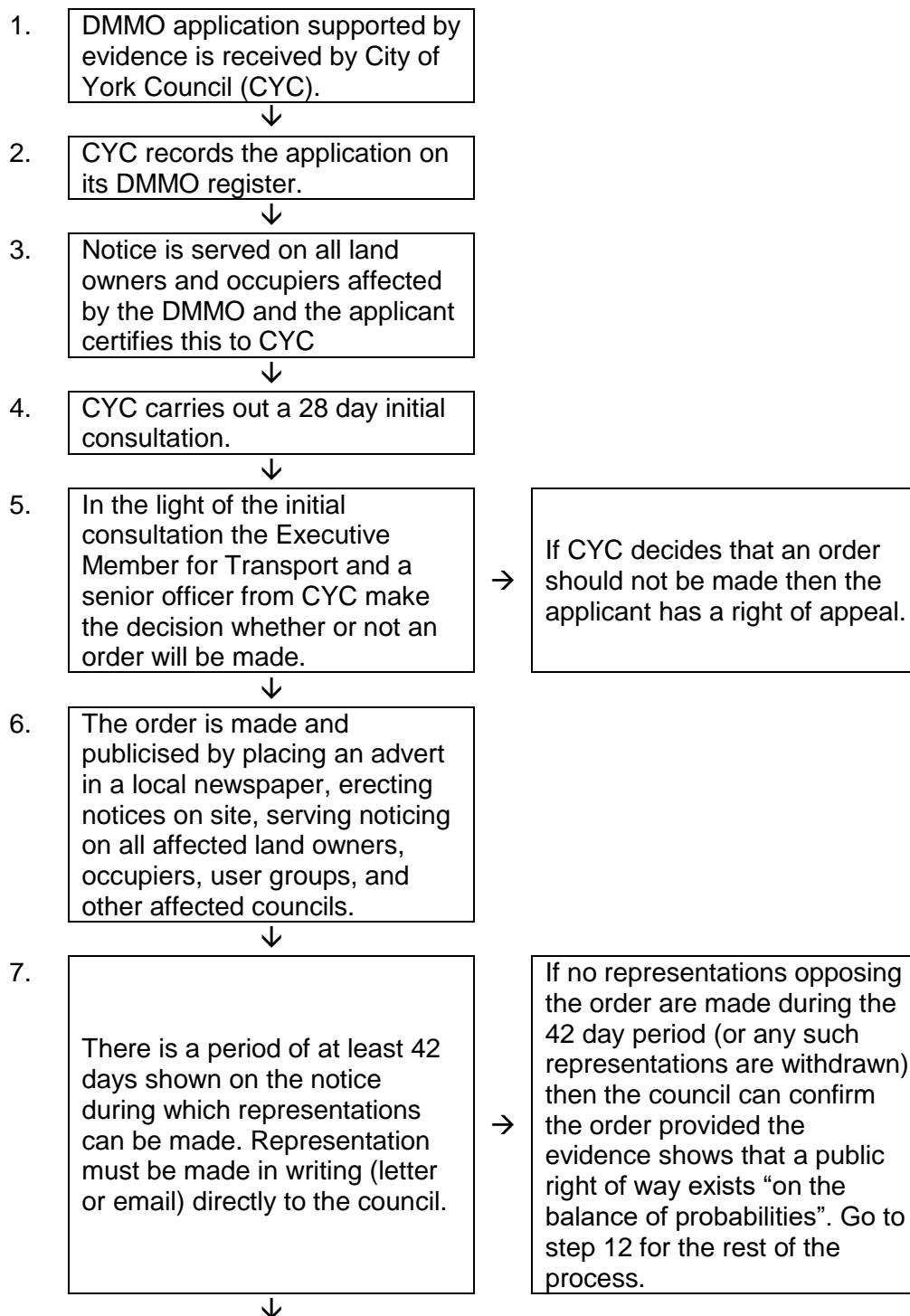
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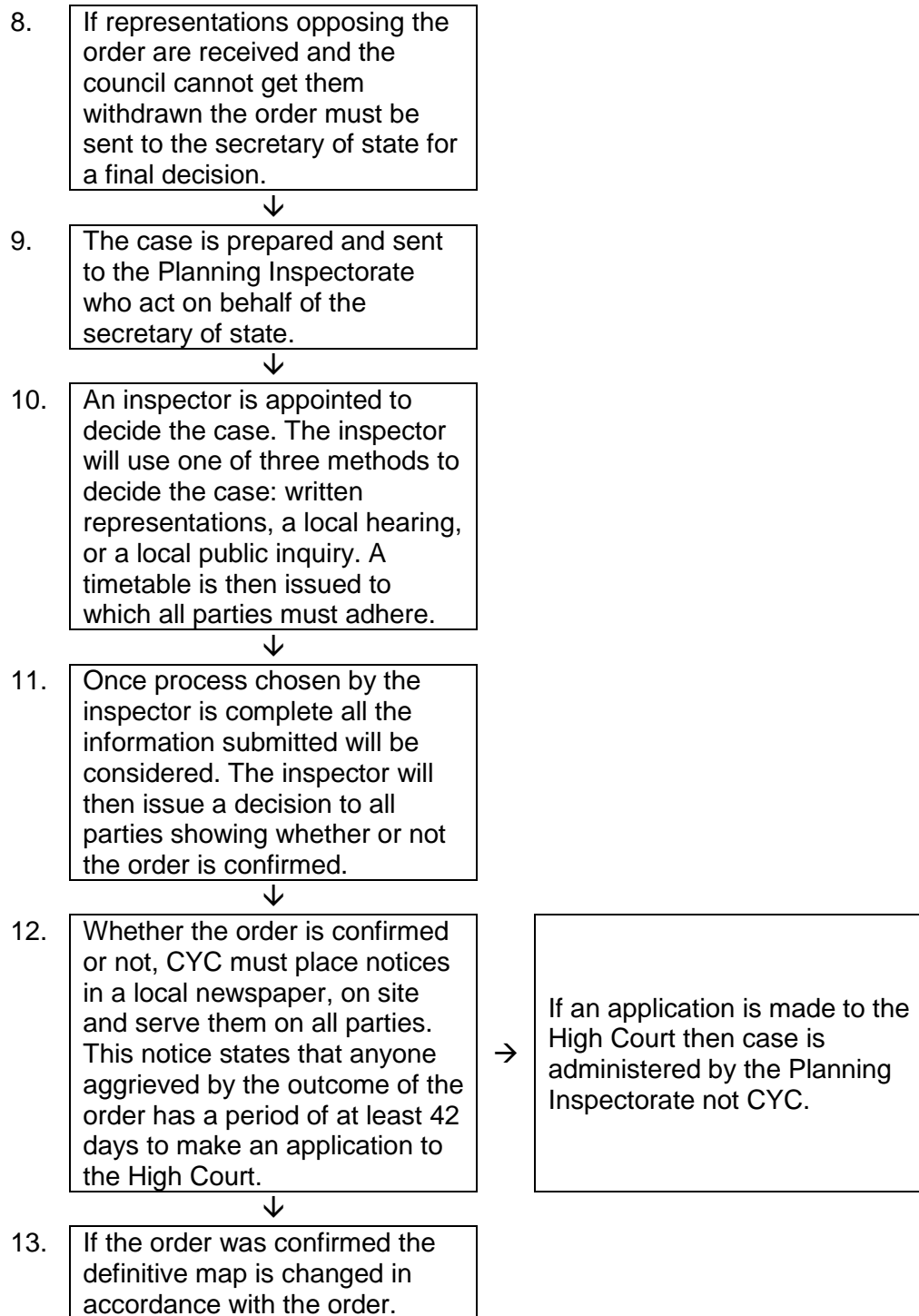


DMMO PROCESS

The definitive map modification order process – start to finish

These notes are intended to give a general view of the process that a definitive map modification order (DMMO) application has to go through before it is complete.





As mentioned at the beginning this document is only intended as a brief overview of the DMMO application process. You can find more detailed guidance on specific parts of the process on City of York Council's definitive map web page at <https://www.york.gov.uk/DefinitiveMap> .

Alternatively please get in touch and we will do our best to answer any questions you may have.

Contact details

You can get in touch with us in the following ways:

By email: rightsofway@york.gov.uk

By telephone: 01904 551550

By letter: The Rights of Way Officer, Rights of Way, City of York Council, West Offices, Station Rise, YORK, YO1 6GA.

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