

DECISION SESSION - EXECUTIVE MEMBER FOR CITY STRATEGY

TUESDAY, 2 FEBRUARY 2010

DECISIONS

Set out below is a summary of the decisions taken at the Decision Session – Executive Member for City Strategy held on Tuesday, 2 February 2010. The wording used does not necessarily reflect the actual wording that will appear in the minutes.

Members are reminded that, should they wish to call in a decision, notice must be given to Democracy Support Group no later than 4pm on the second working day after this meeting.

If you have any queries about any matters referred to in this decision sheet please contact Jill Pickering (01904) 552061.

3. PUBLIC RIGHTS OF WAY - APPLICATION FOR [Appendix B](#) DEFINITIVE MAP MODIFICATION ORDER, ALLEGED PUBLIC FOOTPATH, CHURCH LANE TO CARR LANE, WHELDRAKE

- RESOLVED:
- i) That the Executive Member agrees that public rights are reasonably alleged to exist;
 - ii) The Executive Member resolves that
 - (a) The Director of City Strategy be authorised to instruct the Head of Legal Services to make a Definitive Map Modification Order to add a public footpath, along the route A – B on Plan 1 attached at page 12 of the report, to the Definitive Map;
 - (b) If no objections are received, or any objections that are received, are subsequently withdrawn, the Head of Legal Services be authorised to confirm the Order made in accordance with (a) above; or
 - (c) If any objections are received, and not subsequently withdrawn, the Order be passed to the Secretary of State for confirmation.

REASON: All the available relevant evidence suggests that this has probably never been a heavily used path, but that it is nonetheless a public right of way, which has been subject to use from the mid Nineteenth Century until the latter part of the

Twentieth Century. As there is evidence in support of the existence of a public right of way over the application route the authority is required to make the order under the provisions of the Wildlife and Countryside Act 1981, Section 53(3)(c)(i).

**4. PUBLIC RIGHTS OF WAY - APPLICATION FOR [Appendix C](#)
DEFINITIVE MAP MODIFICATION ORDER,
ALLEGED PUBLIC FOOTPATH, INGS BRIDGE
TO STORWOOD, WHELDRAKE**

- RESOLVED:
- i) That having considered the available evidence the Executive Member agrees that the alleged public rights do not exist and resolves to refuse the application to modify the Definitive Map.
 - ii) That the applicant be advised of their right of appeal.

REASON: Taking the evidence as a whole there is not a prima facie case in favour (i.e. there is a reasonable allegation) of the establishment of public footpath rights over the application route

**5. PUBLIC RIGHTS OF WAY - APPLICATION FOR [Appendix D](#)
DEFINITIVE MAP MODIFICATION ORDER,
ALLEGED PUBLIC FOOTPATH, MAIN STREET
TO NORTH LANE (LOVE LANE), WHELDRAKE**

- RESOLVED:
- i) That the Executive Member agrees that public rights are reasonably alleged to exist;
 - ii) The Executive Member resolves that
 - (a) The Director of City Strategy be authorised to instruct the Head of Legal Services to make a Definitive Map Modification Order to add a public footpath, along the route A – B on Plan 1 attached at page 76 of the report, to the Definitive Map;
 - (b) If no objections are received, or any objections that are received, are subsequently withdrawn, the Head of Legal Services be authorised to confirm the Order made in accordance with (a) above; or
 - (c) If any objections are received, and not subsequently withdrawn, the Order be passed to the Secretary of State for confirmation.

REASON: There is evidence in support of the existence of a public right of way over the application route thus requiring the authority to make the order under the Wildlife and Countryside Act 1981, Section 53 (3)(c)(i).

**6. PUBLIC RIGHTS OF WAY - APPLICATION FOR [Appendix E](#)
DEFINITIVE MAP MODIFICATION ORDER,
ALLEGED PUBLIC FOOTPATH, FROM MAIN
STREET TO SPARROW HALLL FARM,
WHELDRAKE**

- RESOLVED:
- i) That the Executive Member agrees that public rights are reasonably alleged to exist;
 - ii) The Executive Member resolves that
 - (a) The Director of City Strategy be authorised to instruct the Head of Legal Services to make a Definitive Map Modification Order to add a public footpath, along the route A – B on Plans 1a and 1b attached at pages 98 and 99 of the report, to the Definitive Map;
 - (b) If no objections are received, or any objections that are received, are subsequently withdrawn, the Head of Legal Services be authorised to confirm the Order made in accordance with (a) above; or
 - (c) If any objections are received, and not subsequently withdrawn, the Order be passed to the Secretary of State for confirmation.

REASON: There is evidence to support the existence of a public right of way over the application route based both upon historic evidence and modern user, thus requiring the authority to make the order under the Wildlife and Countryside Act 1981, Section 53(3)(c)(i).

**7. PUBLIC RIGHTS OF WAY - APPLICATION FOR [Appendix F](#)
DEFINITIVE MAP MODIFICATION ORDER,
ALLEGED PUBLIC FOOTPATH, THORGANBY
LANE TO LAWN CLOSES (PUBLIC FOOTPATH
NO.7), WHELDRAKE**

- RESOLVED:
- i) That having considered the available evidence the Executive Member agrees that the alleged public rights do not exist and resolves to refuse the application to modify the Definitive Map.

- ii) That the applicant be advised of their right of appeal.

REASON: Taking the evidence as a whole there is not a prima facie case in favour (i.e. there is a reasonable allegation) of the establishment of public footpath rights over the application route

**8. A19/A1237 ROUNDABOUT IMPROVEMENTS - Appendix G
CONSULTATION RESULTS AND DETAILED
DESIGN**

RESOLVED: That the Executive Member agrees to:

- i) Note the comments raised by the public, Councillors and interested organisations.
- ii) Note the Officer's response to the comments and the proposed amendments to the design.
- iii) Approve the further development of the scheme in line with the amended layout subject to the removal of the rumble strips on Shipton Road, as part of the necessary resurfacing works, to enable the improvements to be tendered and constructed in the summer/autumn of 2010.
- iv) Approve the inclusion of a total allocation of £1.5m in the City Strategy Capital Programme to construct the proposed scheme.
- v) Authorise the removal of the minimum amount of vegetation from the A1237 West landscaped bund in February, to allow the main works to proceed later in the year to minimise the impact on nesting birds.

REASON: To reduce journey times for travellers in the A19/A1237 area whilst maintaining safe crossing points for pedestrians and cyclists.

**9. ORBITAL CYCLE ROUTE SCHEME - Appendix H
PROPOSALS FOR THE REMAINING THREE
SECTIONS**

RESOLVED: That the Executive Member agrees to:

- i) Note the proposals for each section;
- ii) Provide in-principle approval for sections 1 and 3 and authorise Officers to undertake further detailed design and public

consultation on the schemes shown in Annexes B and E.

- iii) Have the issues raised by the Cycling Champion regarding route alignment and signage to be considered during the detailed design and consultation stage of the process.
- iv) A review of a possible alternative route for section 2 to the west through West York and compares this with the current proposed route through Acomb. A further report to be brought back to the Decision Session for route approval.

REASON: The proposals will provide improved facilities for cyclists, completing an orbital route that cyclists will be able to use in accessing a variety of destinations while avoiding busy radial routes where possible. The proposed measures would also make a significant contribution towards the objectives of the Council in its Cycling City strategy.