

Study Findings

Obtaining Consent From Natural England

Natural England (NE) has legal powers under the Wildlife and Countryside Act to refuse consent to any operation that would damage the special features of a Site of Special Scientific Interest (SSSI). The Ings area is an important example of flood plain mire consisting of alluvial grassland, rich fen meadow and swamp. This unusual combination gives rise to rare plant and insect communities. In terms of building a surfaced path over the Ings, NE has concerns over:

- (a) damage to the site during construction operations,
- (b) the potential for the washing of construction materials into the Ings during flooding that may cause pollution,
- (c) potential impacts upon the tansy beetle (which is a Biodiversity Action Plan Species with a stronghold in the area),
- (d) increased access to the site leading to potential damage caused by motorbikes or cyclists straying from the cycle route,
- (e) how the path might affect the time taken for floodwater to recede,
- (f) changes to the pH of the surrounding soil due to surfacing materials.

Despite these concerns, NE does not object to the scheme in principle, subject to agreement on the measures to minimise possible adverse effects. However, they are very clear that only the riverside route (the Minster Way) would be acceptable to them. Because of this, the Millennium Way would not be acceptable to NE because it would mean the loss of valuable SSSI land and so has not been considered in depth.

Flooding Problem

There is no flood protection from the River Ouse along this section of its length and the area is prone to flooding. On average, it occurs three times a year, and the floodwaters typically take several days to recede, although there is no hindrance to the flow. The maximum flood level in 2000, an exceptional year, was 1.9 metres above existing ground level at St Oswald's Road. Each time a flood occurs, it would be necessary to clean off the deposited silt from the path. On other riverside paths, this is routinely carried out using a power washer mounted on a lorry.

Land Ownership

The Ings is in private ownership, with sixteen different parties owning seventeen plots that would be affected. Agreement would be required from all of these landowners in order to establish the cycle route. If agreement could be reached by negotiation, then the path could be created using a way leave

over the land concerned. This could be achieved at no or minimal cost in terms of compensation to the consenting landowners.

However, if such agreement could not be reached, the areas of land actually crossed by the proposed path would need to be bought by the Council through compulsory purchase order.

Initial consultations with the landowners over whose land the path would be built have taken place. Landowners were asked to confirm that they owned land on the lngs, whether or not they supported the scheme, and whether they had any other comments about the scheme. A few landowners have not responded to the consultation, while of those that have responded, the numbers for and against the scheme are approximately even.

Some respondents raised specific concerns such as the potential for increased vehicular access to the lngs, and to the spread of urbanisation.

Public Right of Way Issues

There are two main issues. The existing path is merely a footpath and as such it allows the passage of people on foot, but prohibits cyclists. Thus, the route needs to be converted by a legal process into a formal cycle path.

The second issue is that the existing public right of way is currently overgrown and impassable at one point. It would be better if it were officially diverted at this point along the route that pedestrians choose to follow now.

The two points mentioned above will be explored in more depth below.

The existing PRow is unusable at its northern end because of a blockage on the path by one of the boat owners who occupy the riverbank (some bushes have grown up across the path making it impassable). An unofficial diversion exists that diverges from the PRow and meets up with the vehicular access to the boathouse. This route appears to have been used for some considerable time. (See aerial photo and interpreted PRow on Annex B1).

The existing PRow continues northwards from the unofficial diversion and turns right through a 90-degree corner before it meets the Millennium Way. The section after the turn is narrow and sits between a row of trees and a high wall. The trees and wall obscure most of the light, and this, in combination with 90-degree bends at each end, make this part of the route unattractive to cyclists and pedestrians.

Given that a great deal of time and expense would be required to enforce the current alignment, and that it would offer a less attractive, less safe route, it would seem unreasonable to pursue the re-opening of the current PRow.

However, if the PRow were to be altered to suit what happens on the ground, then the existing PRow section, that would be made obsolete by this change, would be extinguished and the PRow diverted to follow the line of the vehicular access track to the boathouse. See Annex B2.

There are two separate stages to undertake:

- (1) divert the existing PRow north of the boathouse on to the vehicular access to the boathouse
- (2) convert the whole, revised path (from St Oswald's Road to Landing Lane) from footpath to cycle path.

The relevant pieces of legislation would be the Highways Act 1980, and the Cycle Tracks Act 1984 respectively. Both Orders would need to be submitted for public consultation and would require approval from an OIC meeting. Consulting on the scheme as a whole would be the most effective means of gauging public opinion, so while the two Orders would stand in their own right, they could be combined for the consultation and approval processes.

Influence Of Other Schemes

The Germany Beck Housing Development Planning Conditions state that, under a Section 106 agreement, the sum of £165,000 is to be made available to the Council by the Developer. This money is to be used for the Millennium Way / Minster Way Footpath Works, which the Agreement defines as the shared footpath / cycleway between St Oswald's Road and St Oswald's Court. The Condition allows for the location to be agreed between the Owners and / or the Developers and the Council. This sum is to be paid prior to the commencement of Phase 4 of the housing development.

The recent economic slow down has had a dramatic effect on the construction industry. It is likely that there will be a long delay before the development commences, and an even longer one before the Section 106 money becomes available. In connection with the Germany Beck development scheme, there is an outstanding counter-application to establish a village green on land that would be required to allow an access off the A19 to the development. If it were successful, it would be difficult for the development to go ahead on that site.