

Notice of a public

Decision Session - Executive Member for Environment and Climate Change

To: Councillor Widdowson (Executive Member)

Date: Wednesday, 9 February 2022

Time: 3.00 pm

Venue: The Snow Room - Ground Floor, West Offices (G035)

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 Friday 11 February 2022**.

*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 **5.00 pm on Monday 7 February 2022**.

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 she might have in respect of business on this agenda.

2. **Minutes** (Pages 3 - 8)

To approve and sign the minutes of the Decision Session held on 12 January 2022.

3. **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 Monday 7 February 2021**.

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill out an online registration form. If you have any questions about the registration form or the meeting, please contact the relevant Democracy Officer, on the details at the foot of the agenda.

Webcasting of Public Meetings

Please note that, subject to available resources, this public meeting will be webcast including any registered public speakers who have given their permission. The 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.

4. Birkdale Grove - Play area fence consultation (Pages 9 - 18)

This report seeks approval for the removal of the metal fence around Birkdale Grove “play area” (which inside the land shown edged red on the plan attached at Annex 1). A local consultation on this proposal generated comments from the immediate and wider local community which are provided to inform the Executive Member’s decision.

5. Urgent Business

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

Democracy Officer: Joseph Kennally

Telephone No - 01904 551573

Email - joseph.kennally@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- 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

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Coronavirus protocols for attending Committee Meetings at West Offices

If you are attending a meeting in West Offices, you must observe the following protocols.

Good ventilation is a key control point, therefore all windows have been opened to allow adequate ventilation, they must be left as set prior to the start of the meeting.

If you're displaying possible coronavirus symptoms (or anyone in your household is displaying symptoms), you should follow government guidance. You are advised not to attend your meeting at West Offices.

Testing

The Council encourages regular testing of all Officers and Members and also any members of the public in attendance at a Committee Meeting. Any members of the public attending a meeting are advised to take a test within 24 hours of attending a meeting, the result of the test should be negative, in order to attend.

Test kits can be obtained by clicking on either link: [Find where to get rapid lateral flow tests - NHS \(test-and-trace.nhs.uk\)](https://www.nhs.uk/conditions/coronavirus/covid-19/testing/rapid-tests/), or, [Order coronavirus \(COVID-19\) rapid lateral flow tests - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/order-coronavirus-covid-19-rapid-lateral-flow-tests).

Alternatively, if you call 119 between the hours of 7am and 11pm, you can order a testing kit over the telephone.

Guidelines for attending Meetings at West Offices

- Please do not arrive more than 10 minutes before the meeting is due to start.
- You are not required to wear a face covering whilst in West Offices. CYC supports the decision of those who wish to do so.
- Visitors to enter West Offices by the customer entrance and Officers/Councillors to enter using the staff entrance only.
- Ensure your ID / visitors pass and lanyard is clearly visible at all time and worn around the neck.
- Regular handwashing for 20 seconds is recommended.
- Please use the touchless hand sanitiser units on entry and exit to the building and hand sanitiser within the Meeting room.
- Bring your own drink if required.
- Only use the designated toilets next to the Meeting room.

Developing symptoms whilst in West Offices

If you develop coronavirus symptoms during a Meeting, you should:

- Make your way home immediately
- Avoid the use of public transport where possible
- Follow government guidance in relation to self-isolation.

You should also:

- Advise the Meeting organiser so they can arrange to assess and carry out additional cleaning
- Do not remain in the building any longer than necessary
- Do not visit any other areas of the building before you leave

If you receive a positive test result, or if you develop any symptoms before the meeting is due to take place, **you should not attend the meeting.**

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City of York Council

Committee Minutes

Meeting	Decision Session - Executive Member for Environment and Climate Change
Date	12 January 2022
Present	Councillor Widdowson

1. Declarations of Interest

The Executive Member was asked to declare, at this point in the meeting, any personal interests not included on the Register of Interests or any prejudicial or discloseable pecuniary interest that she might have in respect of the business on the agenda. None were declared.

2. Minutes

Resolved: That the minutes of the Decision Session held on 10 November 2021 be approved and signed by the Executive Member as a correct record.

3. Public Participation

It was reported that there had been 4 registrations to speak at the session under the Council's Public Participation Scheme.

Cllr Kallum Taylor spoke on Weed Treatment – Options. He stated that he was disappointed with progress made since he last spoke on the issue in 2019 and criticised the report's recommendations and options. He also stated that members of York Green Party had opposed the report, but he felt they were responsible for its contents as part of the Executive's coalition. Cllr Taylor voiced his opposition to the continued use of glyphosates on the scale proposed and argued that such a policy was not sustainable or environmentally friendly and urged the exploration of more options on how to deal with weeds.

Cllr Christian Vassie spoke on Weed Treatment – Options. He referred to a motion voted on unanimously by Full Council in July 2019 which committed the Council to protecting pollinators, and stated that it had a duty to protect their habitat in the city. He said that he welcomed the introduction of Pollinator Strategy in 2021, but he felt that the administration should follow

c.80 other local authorities in committing to end pesticide use. He stated that he felt that other solutions such as weed brushes, thermal lances and the usage of rubberised asphalt should be used instead of pesticides and that any contract should include clear annual pesticide reduction targets to incentivise innovation.

Robert Gordon spoke on Weed Treatment – Options. He stated that decisions on weed management had the potential to threaten the health of York’s ecosystems and residents, arguing that the continued use of glyphosate would result in damage to habitats in the city. He referred to the 2019 Full Council motion and resulting Pollinator Strategy. He stated that the contract under discussion accounted for half of the total pesticide spraying undertaken in the local authority area, and that the rest was performed by City of York Council staff. Mr Gordon urged the Executive Member to consider alternative methods of controlling weeds in the city, such as those Cllr Vassie had previously outlined.

Cllr Mark Warters spoke on Weed Treatment – Options. He stated that he recognised the need to continue some use of glyphosates, however he urged for its usage to be reduced as much as possible, and for a more controlled method of application than spraying from quad bikes, such as using backpack sprayers. He asked the Executive Member to bring all weed control operations under direct control and to reduce usage of weed-killers to two times each year. He asked for parish councils to have more control in determining what methods were used to combat weeds in their areas.

4. Weed Treatment – Options

This report examined options for weed treatment to inform how the Council’s in house service and external contractors would manage weeds for the next two years. The Head of Parks and Open Spaces and the Head of Environmental Services were in attendance to present the report and respond to questions.

Key points raised during the presentation of the report included:

- Officers confirmed that the contract was to be tendered and taken to the market to ensure that the best possible value for money was achieved.
- Reductions in treatments and areas treated were discussed in the report, as well as trials of methods other than glyphosates.
- The contractor engaged by the Council in 2019 did not meet expected standards, and they ultimately withdrew from that contract, resulting in a new contractor for 2020/21.

- Officers emphasised that they understood environmental concerns and that they had been considering other methods including a number of trials in 2021. They recommended the use of glyphosate for the next two years, but that those years be utilised to explore further options and alternatives.
- Any alternative weed management system would likely require extra funding bids. Strimming, hot lances and pedestrian rather than quad-bike based spraying were all deemed to be more costly and time consuming than the presently used method.
- 2021 trials had found that no other chemicals gave better results in weed control than glyphosates.

The Executive Member commented that:

- She thanked officers for their work on this issue.
- Residents' unhappiness during the period of the unsatisfactory contractor in 2019 and the increased spend on pavements and roads that resulted from that period due to the damage uncontrolled weeds did showed that new methods of weed control needed to be proven successful before they replace glyphosates.

In response to questions from the Executive Member, officers stated that:

- The services of an external expert consultant had been engaged to assist in determining which method was best, which had resulted in the recommendation to continue the use of glyphosates.
- The external advisor had stated that alternative treatments were less successful and these methods had resulted in complaints from residents during trials. These results were visually represented at Annex A to the report.
- Manual weeding of the 450 miles of highways and pavements etc. in York could cost upwards of £100,000 and would take a team of 6 over a month to achieve each time.
- Diamond glyphosate was not permitted for highway use as a weed killer.
- A hot foam method would include boiling around 1,000 litres of water each day and the purchase of equipment for it would cost around £30,000.
- Other organisations, including neighbouring local authorities, the Department for the Environment, Food and Rural Affairs, the Yorkshire Wildlife Trust and others could be involved in future trials to pool expertise.

Resolved:

- i. That the Chief Operating Officer be recommended to approve the continued use of glyphosate based treatments as the principle method of weed control.

Reason: To ensure the most effective weed control

- ii. That the Chief Operating Officer be recommended to approve a two year contract, with an option to extend for two years, with that decision being brought back to a future decision session.

Reason: To enable the future treatment option to be reviewed having considered changes in product availability and any trials, whilst allowing the council to obtain value for money

- iii. That the Chief Operating Officer be recommended to request a report for a future decision session, detailing discussions with a range of external organisations to obtain extra information on the feasibility of additional weed control trials.

Reason: To gather information on a new method which will inform future decision making.

5. York 5 Year Flood Plan Update

This report provided the Executive Member with an update on the York Five Year Flood Plan and sought feedback on its content. The Flood Risk Manager and Project Director, Environment Agency were in attendance to present the report and respond to questions.

Key points raised during the presentation of the report included:

- The Environment Agency and City of York Council were working effectively together overall.
- The works on Germany Beck in Fulford, which had been project managed by City of York Council, were ongoing with preparations to present an application to the Planning Committee underway, although these had been delayed by issues around mitigating impact on certain species in the watercourse and concerns around preservation of heritage assets.
- Work on the Innovative Flood Resilience Project, which was funded by the Department for Environment, Food and Rural Affairs, was expected to be completed in Spring 2022. The Project Manager for the scheme was expected to begin their role at the end of January 2022.

Key updates from the Environment Agency included:

- Flood Cell B4 was complete, with gate testing due to be undertaken in February 2022, although this was due to be completed in one day.
- Cell B8 at Clementhorpe was due to be completed in August.
- Work at Cell B10 at Clifton was progressing well. It was planned that some trees would be removed to complete these works, but it was emphasised that the Environment Agency was committed to planting many more trees than they remove.
- All glass panels and flood gates were installed at Cell B11 and Cell B12 was nearing completion.
- The compound in Marygate Car Park, which served Cells B11 and B12 was expected to be greatly reduced in size at the end of January 2022.
- Works at Bishopthorpe, and Foss Barrier were on schedule and progressing well.
- The Community Hub had to close due to Covid-19 regulations, but was due to re-open as soon as possible.

The Executive Member commented that she was pleased with the strong partnership between the Environment Agency and City of York Council and the increased communications with residents.

Resolved:

- i. That the Chief Operating Officer be recommended to note the updated report and the evidence presented by the Environment Agency in the session, with feedback provided by the Executive Member.

Reason: To support the delivery of flood resilience interventions in York and across the wider River Ouse catchment.

Cllr P Widdowson, Executive Member

[The meeting started at 3.03 pm and finished at 3.48 pm].

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**Decision Session - Executive Member for
Environment and Climate Change**9th February 2022

Report of the Director of Transport, Environment and Planning

Birkdale Grove Play area fence**Summary**

1. This report seeks approval for the removal of the metal fence around Birkdale Grove “play area” (which inside the land shown edged red on the plan attached at Annex 1). A local consultation on this proposal generated comments from the immediate and wider local community which are provided to inform the Executive Member’s decision.

Recommendation

2. The Executive Member is asked to:

Approve the removal of the fence around Birkdale Grove “play area”.

Reason: To reflect the view of the immediate local residents.

Background

3. Birkdale Grove “play area” is located off Beckfield Lane in Acomb Ward. The area is located at the end of two cul-de-sacs, bounded one side by farm land to the West, the old Backfield Lane school site to the North and overlooked by several houses to the East and South. See annex 1 for site location. The “play area” is part of a larger area of green space land owned by the Council which was transferred to the Council in 1992 (by the developer of adjoining housing estate) for use as public open space.
4. The whole of green space is recorded as amenity open space in the Local Plan evidence base. Within the green space is an enclosed area known locally as a play area. For reasons not recorded, no play equipment was installed in the play area when the estate was being built. See annex 2 for site photographs.

5. The “play area” is surrounded by a 1m high green metal bow top fence. The whole site measures 4,500m² (95m x 50m) with an inner fenced area 2,300m² (75m x 35m). The inner fenced area is not listed as a play area on the council web site <https://www.york.gov.uk/playgrounds>; as there is no equipment it is not visited by the council’s play area inspector.
6. For several years the space has used been by dog walkers who value the enclosed facility. This has caused tension between some local residents who believe the area should not be used for such purposes and others who felt it should. Other people are content to have both children and dogs in the area. It is an issue that has been raised with Acomb Ward Committee and the council’s Enforcement Officers had also been asked several times over the years to intervene.
7. During 2020 Public Realm were requested by a local resident to install ‘no dog’ signs at the site. Being unaware of the history of the site, three ‘no dogs’ signs were installed in January 2021. This promoted a reaction from those both for and against – some people were pleased to see them put up, others less so, and one was pulled off and a second damaged. As a result the remaining sign was removed and background information obtained from the local ward councillor.
8. The Council’s Legal Services department have confirmed that any signs prohibiting dogs from the fenced play area are advisory only and cannot be enforced without a separate legal process putting dog control orders in place. There are no legal implications from a planning law perspective.
9. Following the removal of the signs a number of local residents continued to request that a solution to the current impasse be found. Arising from this contact the idea of removing the fence emerged and following discussions with the local ward Councillor it was agreed that a local ballot of the immediate effected streets would be held on whether the fence should be removed or retained.

Ballot

10. In late October ballot paper and explanatory letters were issued to all households in Birkdale Grove, Prestwick Court and Greensborough Avenue. These being the streets adjoining or

leading to the green space and are the streets most affected by the incoming dog walkers; this approach was confirmed with the ward councillor. Responses could be sent to the Council via e-mail or on paper form (with pre-paid envelopes provided). The expectation being that a simple majority from the households who replied would determine the result.

11. By the closing date of 11th November 2021 19 responses were received from three streets in the ballot area; a response rate of 33%. The votes cast were as follows:

For removal of the fence	11 (58%)
Against removal of the fence	8 (42%)

12. During the ballot a number of residents in the ballot area and from outside the ballot area sent in range of comments explaining why they thought the fence should stay. These are detailed below:-

- It serves a wider area than the three streets and so a wider consultation should take place
- The fenced area creates a safe place for children to play so they can't wander off
- It a good place for uniform groups to meet
- It is a safe place to train and socialise dogs
- It's a great place for dog owners to get together which breaks down social isolation
- Its keeps dogs out of peoples gardens
- It is only one person in the area who is against dogs walkers
- If the fence is removed it will render the area useless for anything (the ground is uneven, no good for sports).
- It will encourage dog owners to use the nearby sports field instead.
- It means people don't have to drive elsewhere to exercise their dogs.

Options and analysis

13. The options open to the Executive Member are :
- a) Agree to the removal of the fence
 - b) To retain the fence
14. If the fence is removed, the general area will still be available for children to play and for dog walking. Removing the fence does not

change the ground conditions. Neither does it stop people socialising or meeting friends. For some users removing the fence will lessen the attractiveness of the area as the fence defines the exercise area for the dog.

15. As the green space is at the end of two cu de sacs there is little risk from passing road traffic. The wider area is surrounded in the main by fences so there is limited opportunity for children or dogs to go far if supervised. No gardens directly access the green space.
16. Removal of the fence will make grass cutting more straightforward and take away the need to spray or strim under the fence bottom.

Consultation

17. Local consultation was undertaken in November 2021 and detailed above in the options and analysis.
18. In seeking to resolve this issue there has been a regular dialogue with the local ward council who states *“There is an ongoing concern for local residents around dog fouling and noise as many people view this as a ‘dog park’ some travelling by car and parking in the adjacent cul-de-sacs to use the park to allow their dogs to run off the lead. As a local Councillor I have had representations from residents who wish for this use of the space to stop and from those who wish to continue to allow their dogs to exercise safely off the lead. It is my belief that the real issue is fouling, inconsiderate parking and noise which is opposed, rather than the dogs in the park themselves.*
19. *This is a very difficult issue to resolve, the park clearly has a widely known reputation as a ‘dog park’ and despite its very small size and hidden location it is attractive to dog owners and commercial dog walkers for off-lead exercise. The one thing that local residents are agreed on is that the park needs to be available for use by all, children, adults, and dogs. Continuing issues with fouling, noise and inconsiderate parking have however caused some to seek the exclusion of dogs to prevent the nuisances, while others view the nuisances as separate and the exclusion of dogs to be a step too far*
20. *The ballot of residents was relatively close, representing the many conversations I have had with local residents. Removing the fence would definitely reduce the use of the area for off-lead exercise for dogs and that might reduce some of the nuisance but there will still*

be dog walking in the area and given the seclusion it is likely that many will continue to allow dogs off the lead.

21. *One of the issues that compounds the problem is the lack of green space in Acomb Ward. The ward has the lowest area of green space per resident of any ward and the green spaces we do have are small and in poor condition. The large open green space that was formerly the playing fields of Manor School (owned by CYC) would make an ideal space for dog walking, along with many other outdoor activities for all. Sadly this space is currently closed to local residents leaving them having to compete for the small spaces that do exist nearby. If we genuinely want to solve the problem outlined here we must open up more green spaces to residents for their use and ensure that everyone has equal access to space to exercise and play. Until then we will continue to have situations where residents with different needs from green space are pitted against one another resulting in a 'solution' that excludes some."*

Council Plan

22. This proposal supports and contributes to the following Council Plan priority – a cleaner and greener city.

Implications

23. **Financial** - The funding for removal of the fence can be met from the existing service budget provision. It is possible that some of the fencing can be reused for other projects.
24. There are no Public Health, Legal, Property, Human Resources, Crime and Disorder, or Information Technology implications arising from this report.

Risk Management

25. In compliance with the Council's risk management strategy the main risks that have been identified in this report are reputational. Measured in terms of impact and likelihood, the risk score has been assessed at "Low". This means that the risk level is acceptable.

Annex 1 – site location plan.

Annex 2 – site photographs.

Contact Details

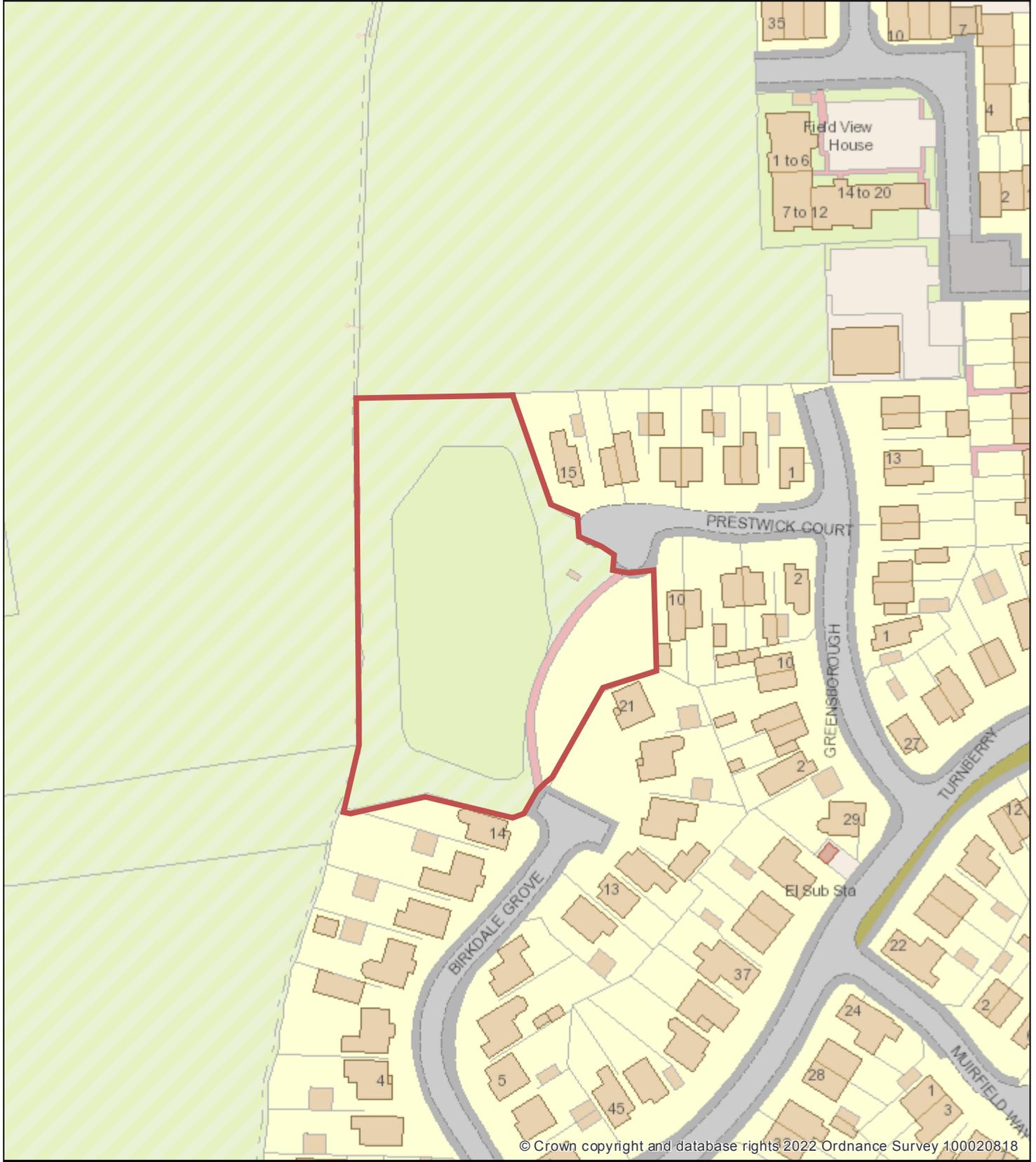
Author:	Chief officer responsible for the report:
Dave Meigh Operations Manager Public Realm	James Gilchrist Director of Transport, Environment and Planning

Report Approved	X	Date: 01/02/2022
Specialist Implications Officer(s): N/A		
Wards Affected: Acomb	All	
For further information please contact the author of the report		

Background Papers:

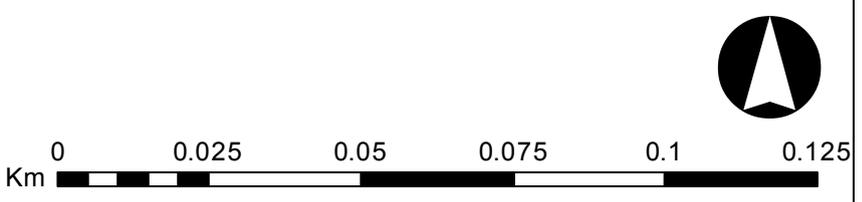
None

Birkdale Grove amenity green space



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Date: 24 Jan 2022
Author: City of York Council
Scale: 1:1,250



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Annex 2 - Site photographs



Looking towards Prestwick Court (May 2021)



Looking towards Birkdale Grove (May 2021)

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