HARROGATE BOROUGH COUNCIL
DECISION NOTICE

Cabinet Member for: Environment, Transport and External Affairs

Date of Decision: 29 September 2014

1. Decision No / Your Ref: E14/15/05	**1a. Wards affected: High Harrogate And Granby**

2. Subject: (Title and description of action proposed as described in the written report)

STRAY LAND – HOSPITAL ENTRANCE SCHEME

3. A. The information given in this form is a fair and accurate record of the decision made by: Councillor Phil Ireland

Portfolio Holder: (Signature)

B. The Cabinet Member (Environment, Transport and External Affairs) declared the following interest: (Explain the nature of the interest) None

C. Was a substitute appointed?: No

4. DECISION: (Completion of this Section is a statutory requirement)

Please state:

A. Decision/s made:

That under the Harrogate Stray Act 1985 the proposal to provide the footpath link off the footpath that connects Willaston Road to Wetherby Road on the Stray is approved.

That an Arboricultural Method Statement (AMS) in line with the relevant British Standards is provided and agreed in advance of starting works on site, and the works are overseen by Harrogate Borough Council's (HBC) Arboricultural Manager.

That all areas are reinstated to the satisfaction of the Head of Parks and Environmental Services.

B. Reason/s for making decision:

The proposals affect Stray land and the HBC as managers of the Stray must determine whether the proposals should receive consent under the Harrogate Stray Act 1985.

When considering the proposal against the Stray Act:

They do not breach the Council's duty to maintain and preserve the aspect (appearance) of the Stray;

They do not result in damage to trees, shrubs, plants, turf and herbage growing on the Stray;

Sufficient replacement grass areas, which are equally advantageous to those areas lost, are provided; and,

They are consistent with the general purpose of the Act.

It is considered necessary to restrict works under the trees to protect them from potential harm.

C. Alternative options considered and rejected:

To refuse the applications under the Stray Act. The changes to the appearance of the Stray will not be significant. There is no loss to the total amount of grass area on the Stray. It is therefore considered the request complies with the Stray Act and consequently this option is recommended for rejection.

5. Please outline all additional material or information considered at the meeting whether written or oral and not detailed in the written report:

None

6. With regard to the written report please indicate:

A.	**The number of appendices:**	3
B.	**The number of background papers and their location/file reference:**	0
C.	**The number of any additional papers considered which are to form part of the 'definitive report' on the matter:**	0

7. Was all or any part of the report deemed to be exempt? No

8. ***If so:***

A. Please state to which part of the report it is applicable and give the wording of the relevant paragraph of Schedule 12A to the Local Government Act 1972:

B. Is there an Exempt Decision Notice? No

9. A. Is this a Key Decision? No

(Key Decisions are subject to the 5 working days Call-in procedure and must not be actioned until notification to proceed has been received)

If so, please state

B. Forward Plan reference number:

C. Relevant Overview and Scrutiny Commission:

D. Date Member Services were supplied with report and accompanying papers for publication and consequent circulation to the Scrutiny Commission Chair:

E. Urgent Item of Business – Call-in
(Overview and Scrutiny Procedure Rule 16b)

If a matter is urgent and Call-in cannot be applied please state:

(i) Reasons:

(ii) Date of agreement of Scrutiny Commission Chair that the decision is urgent:

(iii) Means of communication of agreement:

10. Officers in attendance at the meeting during consideration of this item:
Patrick Kilburn, Head of Parks & Environmental Services
Corinne Firbank, Principal Solicitor
Colin Milward, Senior Assistant Accountant
Susan McGarry, Parking Services Manager

11. Decision to be actioned by: (Please state name and post title of the appropriate Officer who would need to be notified of validation and Call-in)

Patrick Kilburn, Head of Parks & Environmental Services

12. Please confirm that all Officers required to be consulted prior to forwarding this Decision Notice to the Member Services Section have been consulted: (eg Legal Services, Finance, Human Resources)
Yes

13. Date Decision Notice despatched to Member Services via Email:

29 September 2014

14. NOT TO BE COMPLETED UNLESS it was impracticable to include the Key Decision in the Forward Plan:
(See Access to Information Procedure Rules 15 and 16)

A. Call-in to apply: (Access to Information Procedure Rule 15)

Please state:

(i) Reasons:

(ii) Date Proper Officer and Scrutiny Commission Chair were supplied with report and papers:

B. Special Urgency Provision (Call-in cannot be applied):
(Access to Information Procedure Rule 16)

Please state:

(i) Reasons:
(ii) Date on which agreement obtained from Scrutiny Commission Chair that the decision is urgent:

(iii) Means of communication of agreement:

15. (For use in Member Services Section)

A.	**Decision Validated by:**	Andy West
B.	**Date decision validated and published:**	1 October 2014
C.	**Date Call-in procedure ends (if appropriate) - 4.30 pm on:**	N/A
D.	**If 9D or 14A is answered give date of public notice:**	N/A
E.	**File Ref and Officer Ref:**	ETEA05Sep29/HM
F.	**If Special Urgency Provision (14B above) has been applied please confirm that relevant item will be included on next Council Agenda**	N/A

5.8.02.