

Public Document Pack

**North Yorkshire County Council
Business and Environmental Services - Executive Members & Corporate Director Meetings -
Department**

Friday, 22 October 2021 / 9.30 am

A G E N D A

- 1 **Apologies for Absence**
- 2 **Declarations of Interest**
- 3 **Exclusion of the public from the meeting during consideration of item(s) # on the grounds that it/they each involve the likely disclosure of exempt information as defined in the paragraph(s) # of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to information)(Variation) Order 2006**

Items for Executive Member decision

Items for Corporate Director decision

- 4 Wheatcroft Avenue Scarborough - proposed TRO (Pages 3 - 22) Matthew Baldwin
- 5 Washbeck Close Scarborough - proposed TRO (Pages 23 - 38) Matthew Baldwin
- 6 Review of Driven Carriageway Inspections during Covid-19 (Pages 39 - 48) Nigel Smith
- 7 Allerton Waste Recovery Park Landscape Culture and Heritage Fund (Pages 49 - 72) Lisa Cooper
- 8 Opposed DMMO to RBs Appleton le Moors, Ryedale (Pages 73 - 86) Penny Noake

Any Other Business

- 9 BES Directorate Risk Registers Karl Battersby
- 10 Date of future formal meetings

Circulation:

Executive Members

Derek Bastiman
Don Mackenzie

Officer attendees

Karl Battersby
Jane Connolly
Michael Leah

Presenting Officers

Matthew Baldwin
Nigel Smith
Lisa Cooper
Penny Noake

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North Yorkshire County Council
Business and Environmental Services

Executive Members

22 October 2021

Wheatcroft Avenue, Scarborough – proposed waiting restrictions.

Report of the Assistant Director – Highways and Transportation

1.0 Purpose of Report

- 1.1 To enable the Corporate Director - Business and Environmental Services (BES) and County Councillor Don Mackenzie– Executive Member for Access to consider objections and comments received following public consultation and statutory advertisement carried out for proposed waiting restrictions.

2.0 Background

- 2.1 Wheatcroft Avenue, Scarborough is a local distributor road accessed from a signalised junction with Filey Road. It ends in a cul-de-sac adjacent to the cliff. The cul-de-sac section of Wheatcroft Avenue serves four properties, one of which is divided into seven apartments. All properties have a constructed access and have ample off street parking provision. Wheatcroft Avenue is 7.2m wide, with verges on either-side approximately 2.0m wide and footways 1.8m minimum width.



Figure 1 - photograph of the cul-de-sac section of Wheatcroft Avenue



Figure 2 - plan showing Wheatcroft Avenue and its proximity to two primary schools and a further/ higher education establishment.

- 2.2 As can be seen on the plan above there are two schools on Holbeck Hill to the south east of its junction with Wheatcroft Avenue, both primary. The Scarborough University Campus, on Filey Road opposite Wheatcroft Avenue, has become Scarborough TEC. There is a free car park at the seaward end of Sea Cliff Road with pedestrian access to Wheatcroft Avenue.
- 2.3 There have been long running local issues around parking in this area with increased numbers of students attending the University wanting to park, and parents of pupils attending the two local primary schools parking to drop off and pick up their children. A series of restrictions prohibiting waiting have been introduced in the last two decades. In 2003 restrictions were introduced on Holbeck Hill and the section of Wheatcroft Avenue between Filey Rd and Holbeck Hill. This led to increased parking on the seaward side of Wheatcroft Avenue and, at the time, resulted in additional parking restrictions being requested by local residents and the local member.
- 2.4 The existing no waiting at any time restriction, which can be seen in figure 1, and which is the subject of this report, was introduced in summer 2005.
- 2.5 Following representations from local residents of Holbeck Hill in the vicinity of the two primary schools and the schools, it was agreed to consult on proposals to increase parking provision on Wheatcroft Avenue in an effort to relieve pressure on the section of Holbeck Hill immediately outside the schools. The subsequent consultation in 2010 proposed to allow for more parking between 9am and 3pm Monday to Friday on the southern side of Wheatcroft Avenue for practically its full length. After representations from Wheatcroft Avenue residents, a decision was taken not to proceed with the proposals.

3.0 Proposals

- 3.1 Improved parking provision has been requested for a section of Wheatcroft Avenue; from its junction with Holbeck Hill to its cul-de-sac end. This section is pictured in Figure 1.
- 3.2 The proposal is to remove a length of existing double yellow lines to allow for a limited number of unrestricted parking spaces. The proposal allows for the maintenance of a turning area for vehicles at the end of the cul-de-sac by retaining the waiting restriction there.

4.0 Consultation

- 4.1 The proposals have been the subject of consultation and public advertisement in accordance with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. Appendix A contains the consultation letter and a drawing showing the extent of the proposals. The Traffic Regulation Order was advertised on 19 November 2020 and any person could make objections and representations until 14 December 2020. Appendix B contains the advertised schedule

5.0 Consultation response

- 5.1 There were a total of 16 consultation letters delivered to residents with 10 responses received from the residents of Wheatcroft Avenue. Of those responding, six responses were opposed to the proposals. One made other related comments. Three others who agreed to the proposals requested that any parking be limited to school arrival and leaving times, to prevent whole day and overnight parking. It should also be noted that, following the close of the consultation, residents have continued to correspond directly with local area highways office highlighting parking practices and problems and relatively new concerns specifically regarding motor caravan parking.
- 5.2 Cllr Callum Walsh, the local County Councillor for the Weaponness and Ramshill Division, expressed that he welcomed the comments and concerns received from the consultation and that he supported the as advertised proposals providing much needed additional parking for parents of pupils at the two schools without affecting the access to properties.
- 5.3 A consultation letter was sent to the Yorkshire Coast Disability Forum, as a statutory consultee and no response was received.
- 5.4 A summary of the consultation comments received, together with officer comments, is attached as Appendix C.
- 5.5 Given the strength of feelings expressed by residents concerning unrestricted 24 hour parking and the prospect of motor caravans parking for lengthy periods and the wish of the local member that a solution be found to address the concerns, officers recommend that the proposals are re-advertised, with parking permitted in the same locations as previously proposed, but only between the hours of 8am -10am and 2pm - 5pm, every day.
- 5.6 Cllr Walsh was advised that officers, having reviewed the consultation findings and the reasoning for the initial request for a relaxation of the existing restrictions, recommend to re-advertising proposals as described in 5.5. Cllr Walsh approves of this way forward.

6.0 Equalities

- 6.1 Consideration has been given to the potential for any equality impacts arising from the recommendation. It is the view of officers that the recommendation does not have an adverse impact on any of the protected characteristics identified in the Equalities Act 2010 and a copy of the Equalities Impact Assessment screening form is attached as Appendix D.

7.0 Climate Change

- 7.1 Consideration has been given to the potential for any climate impacts arising from the recommendation. It is the view of officers that the recommendation has a neutral impact on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030 and a copy of the Climate change impact assessment screening form is attached as Appendix E.

8.0 Finance

- 8.1 The cost of advertising the Traffic Regulation Order and installing the appropriate lining and signage is estimated to be £5,000 which will be funded by Cllr Walsh's Locality Budget.

9.0 Legal

- 9.1 North Yorkshire County Council proposes to make an Order under Sections 1 of the Road Traffic Regulation Act 1984, specifically with reference to the provisions of sections 2(1) to (3), 4(2), 32(1), 35(1) and 45 to 49 and Part IV of Schedule 9 to the 1984 Act and under the Traffic Management Act 2004, the effect of which will be to introduce waiting restrictions on the various named roads in Scarborough.
- 9.2 Section 122(1) of the Road Traffic Regulation Act 1984 provides that it shall be the duty of every local authority upon whom functions are conferred by or under the 1984 Act so to exercise those functions as to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.
- 9.3 The County Council considers that it is expedient to make this TRO on grounds of Section 1(1)(a,c and f) of the 1984 Act - *for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, for facilitating the passage on the road or any other road of any class of traffic (including pedestrians) and for preserving or improving the amenities of the area through which the road runs*; having taken into account its duty under Section 122(1) of the 1984 Act.
- 9.4 Where an Order has been made (sealed), if any person wishes to question the validity of the Order or any of its provisions on the grounds that it or they are not within the powers conferred by the Road Traffic Regulation Act 1984, or that any requirement of the 1984 Act or of any instrument made under the 1984 Act has not been complied with, they may apply to the High Court within 6 weeks from the date on which the Order is made.
- 9.5 A new process for the consideration of objections to traffic regulation orders was approved by the Executive on 29 April 2014 and County Council on 21 May 2014. The consideration of objections to Traffic Regulation Orders (TROs) is now a matter for the Executive and the role of the Area Constituency Committee is changed to a

consultative role on wide area impact TROs. The consideration of objections has been delegated by the Executive to the Corporate Director of Business and Environmental Services (BES) in consultation with BES Executive Members. The new decision making process relates to the provision and regulation of parking places both off and on the highway where an objection is received from any person or body entitled under the relevant statute. A wide area impact TRO is classed as a proposal satisfying all of the three criteria set out below:

- The proposal affects more than one street or road and,
- The proposal affects more than one community and,
- The proposal is located within the ward of more than one County Councillor.

9.6 These proposals do not meet the criteria required to be classed to have an area wide impact.

10.0 Recommendations

- 10.1 On the basis of the consultation responses, it is recommended that in consultation with County Councillor Don Mackenzie – Executive Member for Access:
- i. the proposals are re-advertised, with parking permitted in the same locations as previously proposed, but only between the hours of 8am -10am and 2pm - 5pm, every day.
 - ii. The commenters/objectors are notified of the decision to re-advertise
 - iii. A further report is brought once the re-consultation has concluded

BARRIE MASON
Assistant Director - Highways & Transportation

Author of Report: Matthew Baldwin, Project Engineer, Area 3 - Whitby

Background Documents: None

Formal Consultation – November 2020, Wheatcroft Avenue



Contact : Matthew Baldwin

Richard Marr CEng., MICE
 Highways and Transportation
 Area 3 – Whitby Office
 Discovery Way
 Whitby
 North Yorkshire
 YO22 4PZ
 Tel: 01609 780780

17th November 2020

E-mail: area3.whitby@northyorks.gov.uk
www.northyorks.gov.uk

Dear Sir/Madam,

CONSULTATION RE. – Proposed amendments to revise the 'No waiting at any time' restriction on Wheatcroft Avenue, Scarborough.

I am writing to advise that we are proposing changes to the existing 'no waiting at any time' restrictions, double yellow lines on Wheatcroft Avenue between its junction with Holbeck Hill and its cul de sac end. The proposal is to reduce the amount of double yellow lines to allow for a limited number of parking spaces. This should create a more suitable location for parents to drop and pick up than immediately outside the two schools, increasing pupil and pedestrian safety.

The Council is required to consult those directly affected by the proposal and the purpose of this letter is to provide you with details of the scheme and allow you the opportunity to express your views.

Attached is a plan showing the proposed location of the scheme and a simple questionnaire for you to signify your views regarding the proposals. Please return questionnaires by 14th December 2020.

It is also the duty of the Council to legally advertise this proposal, which will be done in parallel with the consultation exercise. The legal process includes site notices and adverts in the local press detailing the specifics of the Traffic Regulation Order amendment.

If there are no objections to the proposals, it is anticipated that the scheme would be implemented within six months from the end of the consultation period. However, if objections are raised which are not resolved or withdrawn, it will be necessary to report them to a meeting of the County Council's Business and Environmental Services (BES) Executive Members overseeing the responsibilities of Corporate Director, BES, Karl Battersby, to decide whether the objections should be upheld or overruled.

The date and venue of any meeting together with conditions regarding public access will be advised, if applicable. I trust this is satisfactory and look forward to receiving your comments.

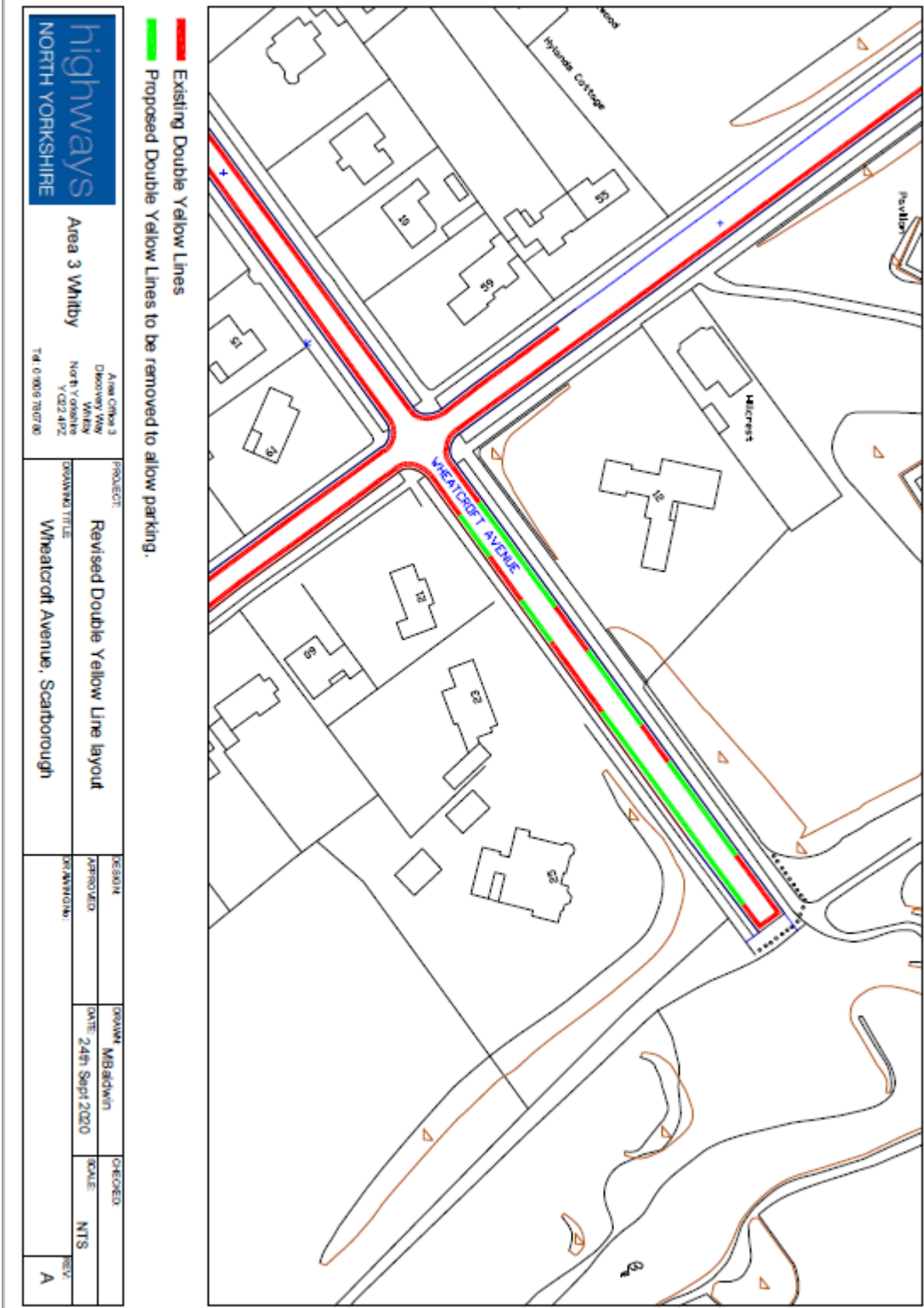
Yours Faithfully

H Watson

Helen Watson
 Improvement Manager

Business and Environmental Services ■

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TRO Schedule.

Street	Side	From	To	Restriction	Hours	Zone
Wheatcroft Avenue	North west	Its junction with Holbeck Hill	To a point 15 metres north east of its junction with Holbeck Hill	No waiting	At any time	
Wheatcroft Avenue	North west	To a point 43 metres north east of its junction with Holbeck Hill	To a point 55 metres north east of its junction with Holbeck Hill	No waiting	At any time	
Wheatcroft Avenue	North west	To a point 75 metres north east of its junction with Holbeck Hill	To a point 85 metres north east of its junction with Holbeck Hill	No waiting	At any time	
Wheatcroft Avenue	North west	To a point 110 metres north east of its junction with Holbeck Hill	To its north eastern Cul de Sac end	No waiting	At any time	
Wheatcroft Avenue	South east	Its junction with Holbeck Hill	To a point 15 metres north east of its junction with Holbeck Hill	No waiting	At any time	
Wheatcroft Avenue	South east	To a point 26 metres north east of its junction with Holbeck Hill	To a point 38 metres north east of its junction with Holbeck Hill	No waiting	At any time	
Wheatcroft Avenue	South east	To a point 49 metres north east of its junction with Holbeck Hill	To a point 68 metres north east of its junction with Holbeck Hill	No waiting	At any time	
Wheatcroft Avenue	South east	To a point 120 metres north east of its junction with Holbeck Hill	To its north eastern Cul de Sac end	No waiting	At any time	

Summary of consultation comments received and officer comments

	Themes raised	Number of responses mentioning	Officer comment
1	Concerns that vehicles would be parked across private accesses making it difficult for residents to access their properties and that the parking would make access for emergency vehicles difficult.	5	<p>The 7.1m road width is sufficient to allow parking on both sides of the road and still have enough width for single file traffic, allowing access by Emergency vehicles should it be needed.</p> <p>Retaining the existing parking restrictions across property drives will deter obstruction and provide passing places.</p> <p>No waiting at any time road markings will be retained between the last property and the end of the cul-de-sac creating a turning area.</p> <p>The carriageway is wide enough (7.1m) to allow additional on street parking spaces, immediately adjacent local residential properties have sufficient off street parking and perhaps are concerned about additional parked vehicles affecting their amenity which is not a legitimate highway concern.</p>
2	Concerns that there is no constructed turning area at the cul-de-sac end for vehicles to use and that sometimes drivers use driveways (verge crossings) to aid their turn.	4	<p>No waiting at any time restrictions and line markings will be retained at the end of the cul-de-sac and for 20 metres on the northern side and 10 metres on the southern side to give enough room for vehicles to manoeuvre and also space for an additional vehicles to wait.</p> <p>The highway extends from the back of the footway, including any verge on both sides giving approximately 3.6 metres</p>

			<p>either side. This is legitimate use of the highway, although it is acknowledged this can be irritating for residents, it appears unlikely that vehicles would enter a resident's property in order to turn.</p>
3	<p>Concerns that if parking is re-introduced that any spaces should be time restricted to stop all day parking, and the potential for overnight parking by motor homes. Several suggested that morning and afternoon parking windows for parents are all that is required.</p>	10	<p>Wheatcroft Avenue is sufficiently wide to allow some much needed and requested parking. Lack of parking in this area has exacerbated issues of inconsiderate and unlawful parking around the local schools. The local schools on Holbeck Hill have tried to control this with education campaigns and parents have raised the issues as a concern to children's safety.</p> <p>It should be noted that the end of the cul-de-sac also provides access to the coastal pathways regularly used by locals and visitors alike.</p> <p>Most of the comments expressed concern that the proposal was to allow parking 24 hours a day.</p> <p>Officers accept the comments and note that if the proposals we re-advertised, time windows should be created to allow parking suited to the needs of the schools. A morning and afternoon parking window could be created by use of single yellow lines which could prohibit waiting overnight and the middle of the day.</p> <p>Therefore, officers recommend that the proposals are re-advertised, permitting parking 7 days a week but between the hours of 8:00am – 10:00am and 2:00pm - 5:00pm. Officers recommend that restrictions are proposed consistently, 7 days a week and all year round, in order that the signs explaining the restrictions will be simpler and therefore easier to understand. This is preferable to overly-complicated signs.</p>

4	Concerns that Wheatcroft Avenue (Filey Rd to Holbeck Hill) and Holbeck Hill are already busy roads and hence the junction is busy and that the addition parking on Wheatcroft Avenue on the eastern side of Holbeck Hill will increase the pressure at this already busy junction.	4	<p>Allowing some parking at the cul-de-sac end of Wheatcroft Avenue will not overly stress the junction.</p> <p>There is unlikely to be a significant increase in the number of vehicle movements at school times.</p> <p>In the last five years there has been no recordable injury collision incidents.</p> <p>The local member asked for this review to take place to increase the amount of local on street parking.</p>
5	The point was raised that the road layout of Holbeck Hill adjacent to the schools has a turning facility and that there is space available for additional parking there, if the 'no waiting' and other restrictions are reviewed on Holbeck Hill.	3	Any increase in parking outside the schools on Holbeck Hill has been examined previously and it was concluded that encouraging further vehicle movements closer to the schools is undesirable. Creating additional parking spaces on Wheatcroft Avenue, further away from the schools is more preferable.
6	There is a car park on Sea Cliff Rd and it is free to park, perhaps implying there is no need for additional parking on Wheatcroft Avenue	1	<p>There have been a number of attempts to organise a 'park and stride' operating from the car park to the schools however the organisers had been told it is too far for the primary aged pupils to walk.</p> <p>The local member has asked for this review to take place to increase the amount of local on street parking on Wheatcroft Avenue.</p>
7	Concerns were raised that creating new parking spaces on Wheatcroft Avenue would not stop the parking outside the schools on Holbeck Hill.	1	This scheme does not seek to resolve all the existing long running issues on Holbeck Hill.

8	<p>Provided general information regarding the restriction on Wheatcroft Avenue including comments on why the restriction was initially introduced, the school crossing patrol and historical accident history.</p>	1	<p>Noted. In the last five years there has been no recordable injury collision incidents.</p>

Initial equality impact assessment screening form			
This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
Directorate	Business and Environmental Services		
Service area	Highways and Transportation		
Proposal being screened	The revision of the Road Traffic Regulation Order to allow more parking.		
Officer(s) carrying out screening	Matthew Baldwin		
What are you proposing to do?	The revision of the Road Traffic Regulation Order to allow more parking.		
Why are you proposing this? What are the desired outcomes?	to allow further on street parking where the road is wide enough to accommodate it		
Does the proposal involve a significant commitment or removal of resources? Please give details.	No		
Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristics			
As part of this assessment, please consider the following questions:			
<ul style="list-style-type: none"> To what extent is this service used by particular groups of people with protected characteristics? Does the proposal relate to functions that previous consultation has identified as important? Do different groups have different needs or experiences in the area the proposal relates to? 			
If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked 'Do not know / no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your Equality rep for advice if you are in any doubt.			
Protected characteristic	Potential for adverse impact		Do not know / No info available
	Yes	No	
Age		X	
Disability		X	
Sex		X	
Race		X	
Sexual orientation		X	
Gender reassignment		X	
Religion or belief		X	
Pregnancy or maternity		X	
Marriage or civil partnership		X	
NYCC additional characteristics			
People in rural areas		X	
People on a low income		X	
Carer (unpaid family or friend)		X	
Does the proposal relate to an area where there are known	No		

inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.				
Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	No			
Decision (Please tick one option)	EIA not relevant or proportionate:	Yes	Continue to full EIA?;	No
Reason for decision	It is considered that there are no significant negative impacts on people with protected characteristics. None of those consulted, including the Yorkshire Coast Disability Forum, identified equality concerns.			
Signed (Assistant Director or Equivalent)	<i>Barrie Mason</i>			
Date	<i>12/10/2021</i>			

Climate change impact assessment

The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision-making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance please email climatechange@northyorks.gov.uk

Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:

Planning Permission
Environmental Impact Assessment
Strategic Environmental Assessment

However, you will still need to summarise your findings in the summary section of the form below.

Please contact climatechange@northyorks.gov.uk for advice.

Title of proposal	Amendment to Borough of Scarborough (Prohibition of Waiting and Loading and Provision of Parking) Consolidation Order 2011, Wheatcroft Avenue, Scarborough
Brief description of the proposal	Amend current no waiting restrictions to allow additional parking.
Directorate	BES
Service area	Highways & Transportation
Lead officer	Matthew Baldwin
Names and roles of other people involved in carrying out the impact assessment	
Date impact assessment started	16 th August 2021

Options appraisal
 Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.

No

What impact will this proposal have on council budgets? Will it be cost-neutral, have increased cost or reduce costs?
 Please explain briefly why this will be the result, detailing estimated savings or costs where this is possible.

The cost of advertising the Traffic Regulation Order, installing the appropriate lining and signage is estimated at approximately £5,000 which will be funded from Cllr Walsh's Locality Budget.

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How will this proposal impact on the environment?		Positive impact (Place a X in the box below where)	No impact (Place a X in the box below where)	Negative impact (Place a X in the box below where)	Explain why will it have this effect and over what timescale? Where possible/relevant please include: <ul style="list-style-type: none"> Changes over and above business as usual Evidence or measurement of the effect Figures for CO₂e Links to relevant documents 	Explain how you plan to mitigate any negative impacts.	Explain how you plan to improve any positive outcomes as far as possible.
Minimise greenhouse gas	Emissions from travel			X	Allow some additional parking on both sides of the road		

How will this proposal impact on the environment? N.B. There may be short term negative impact and longer-term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.		Positive impact (Place a X in the box below where	No impact (Place a X in the box below where	Negative impact (Place a X in the box below where	Explain why will it have this effect and over what timescale? Where possible/relevant please include: <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of the effect • Figures for CO₂e • Links to relevant documents 	Explain how you plan to mitigate any negative impacts.	Explain how you plan to improve any positive outcomes as far as possible.
emissions e.g. reducing emissions from travel, increasing energy efficiencies etc.	Emissions from construction						
	Emissions from running of buildings						
	Other						
Minimise waste : Reduce, reuse, recycle and compost e.g. reducing the use of single-use plastic			X				
Reduce water consumption			X				
Minimise pollution (including air, land, water, light and noise)				X	Allow some additional parking on both sides of the road		

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer-term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where</p>	<p>No impact (Place a X in the box below where</p>	<p>Negative impact (Place a X in the box below where</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of the effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Ensure resilience to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers</p>		<p>X</p>				
<p>Enhance conservation and wildlife</p>		<p>X</p>				
<p>Safeguard the distinctive characteristics, features and special qualities of North Yorkshire's landscape</p>		<p>X</p>				
<p>Other (please state below)</p>						

Are there any recognised good practice environmental standards in relation to this proposal? If so, please detail how this proposal meets those standards.

Summary Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision-maker.

Neutral Impact - The negative impacts are minor and not significant particularly when balanced with the need to make improvements for road users at this location.

Sign off section

This climate change impact assessment was completed by:

Name	Matthew Baldwin
Job title	Project Engineer
Service area	Highways & Transportation
Directorate	BES
Signature	
Completion date	16 th August 2021

Authorised by relevant Assistant Director (signature): **Barrie Mason**

Date: 12/10/2021

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North Yorkshire County Council

Business and Environmental Services

Executive Members

22 October 2021

Washbeck Close, Scarborough – proposed Traffic Regulation Order

Report of the Assistant Director – Highways and Transportation

1.0 Purpose of Report

- 1.1 To enable the Corporate Director - Business and Environmental Services (BES) and County Councillor Don Mackenzie, Executive Member for Access to consider objections and comments received following public consultation and statutory advertisement carried out for proposed waiting restrictions.

2.0 Background

- 2.1 Washbeck Close, Scarborough is a residential cul-de-sac accessed from a mini roundabout on Valley Road at its junction with St James Road and Londesborough Road. Washbeck Close serves 18 terraced and semi-detached properties and five apartment blocks. The 18 properties have some off street parking provision and the apartments have off street parking provided in two car parks.

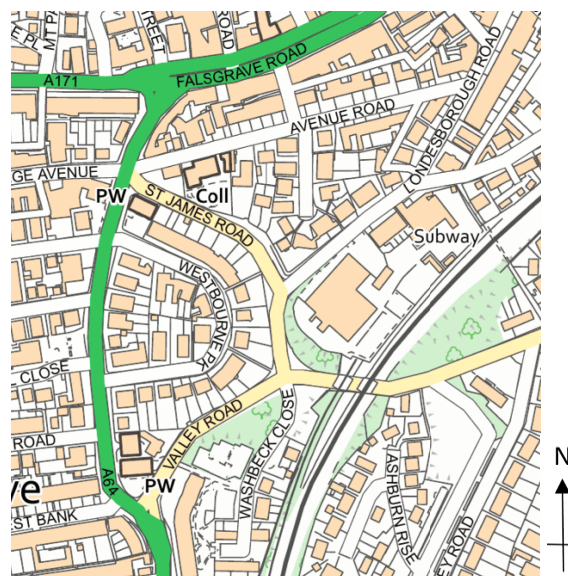


Figure 1 – plan showing Washbeck Close leading off from the junction with Valley Road and St James Road. The junction is a mini roundabout.

- 2.2 There have been long running issues around parking on Washbeck Close on the approach to the roundabout on Valley Road. There are usually approximately 10 vehicles parked end to end along the western side of Washbeck Close from the junction of Washbeck Close with Valley Road. This means Washbeck Close is narrowed for a length of approximately 50m, leaving a carriageway surface only wide enough for one way traffic. This length of road has a steep uphill gradient leading

away from the mini roundabout and is also situated on a bend in the road. As vehicles park as close to the roundabout as possible, this causes problems for vehicles wanting to access or leave Washbeck Close to reach residences. Residents say that drivers have to reverse uphill or back onto the roundabout depending which vehicle starts passing the parked cars first. The horizontal alignment of Washbeck Close means that the visibility of two vehicles approaching each other from opposite directions can be hindered by parked cars. The radii at the junction with the roundabout are currently protected by double yellow lines, but these do not extend along Washbeck Close for any distance.

2.3 Pedestrians waiting to cross the mouth of the junction can have difficulty seeing vehicles coming down the hill due to parked vehicles, vertical and horizontal alignment. However, in the last five years there have been no recorded injury collision incidents.

2.4 After receiving representations from the local residents requesting improvements to this junction and after having discussions with the local area highways office, the local member requested that additional no waiting restrictions be proposed and funded from her Locality Budget.

3.0 Proposals

3.1 The proposal is to extend the existing 'no waiting at any time' restriction by 12 metres, on both sides of the road, to create better visibility for pedestrians crossing at the junction, and to create a reserve for vehicles to wait if the passage ahead/uphill is obstructed by a vehicle proceeding down the hill.

4.0 Consultation

4.1 The proposals have been the subject of consultation and public advertisement in accordance with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. Appendix A contains the consultation letter and a drawing showing the extent of the proposals. The Traffic Regulation Order was advertised on 28 January 2021 and any person could make objections and representations until 22 February 2021, Appendix B contains the advertised schedule.

5.0 Consultation response

5.1 There were a total of 18 consultation letters delivered to residents with 14 responses received from residents. Of those responding, 12 were in support of the proposals, one expressed objection and one was neutral.

5.2 Cllr Liz Colling, the local County Councillor for the Falsgrave and Stepney Division, expressed that she welcomed the positive comments received from residents about the proposals, and believes that the proposed restrictions would improve visibility at the junction.

5.3 A consultation letter was sent to the Yorkshire Coast Disability Forum, as a statutory consultee and no response was received.

5.4 A summary of the consultation comments received, together with officer comments, is attached as Appendix C.

6.0 Equalities

- 6.1 Consideration has been given to the potential for any equality impacts arising from the recommendation. It is the view of officers that the recommendation does not have an adverse impact on any of the protected characteristics identified in the Equalities Act 2010 and a copy of the Equalities Impact Assessment screening form is attached as Appendix D.
- 6.2 A consultation letter was sent to the Yorkshire Coast Disability Forum, as a statutory consultee and no response was received.

7.0 Climate Change

- 7.1 Consideration has been given to the potential for any climate impacts arising from the recommendation. It is the view of officers that the recommendation has a neutral impact on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030 and a copy of the Climate change impact assessment screening form is attached as Appendix E.

8.0 Finance

- 8.1 The cost of advertising the Traffic Regulation Order, installing the appropriate lining and signage is estimated at approximately £5,000 which will be funded from Cllr Colling's Locality Budget.

9.0 Legal

- 9.1 North Yorkshire County Council proposes to make an Order under Sections 1 of the Road Traffic Regulation Act 1984, specifically with reference to the provisions of sections 2(1) to (3), 4(2), 32(1), 35(1) and 45 to 49 and Part IV of Schedule 9 to the 1984 Act and under the Traffic Management Act 2004, the effect of which will be to introduce waiting restrictions on the various named roads in Scarborough.
- 9.2 Section 122(1) of the Road Traffic Regulation Act 1984 provides that it shall be the duty of every local authority upon whom functions are conferred by or under the 1984 Act so to exercise those functions as to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.
- 9.3 The County Council considers that it is expedient to make this TRO on grounds of Sections 1(1) (a) and (f) of the 1984 Act – *for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or for preserving or improving the amenities of the area through which the road runs*; having taken into account its duty under Section 122(1) of the 1984 Act.
- 9.4 Where an Order has been made (sealed), if any person wishes to question the validity of the Order or any of its provisions on the grounds that it or they are not within the powers conferred by the Road Traffic Regulation Act 1984, or that any requirement of the 1984 Act or of any instrument made under the 1984 Act has not been complied with, they may apply to the High Court within 6 weeks from the date on which the Order is made.

- 9.5 A new process for the consideration of objections to traffic regulation orders was approved by the Executive on 29 April 2014 and County Council on 21 May 2014. The consideration of objections to Traffic Regulation Orders (TROs) is now a matter for the Executive and the role of the Area Constituency Committee is changed to a consultative role on wide area impact TROs. The consideration of objections has been delegated by the Executive to the Corporate Director of Business and Environmental Services (BES) in consultation with BES Executive Members. The new decision making process relates to the provision and regulation of parking places both off and on the highway where an objection is received from any person or body entitled under the relevant statute. A wide area impact TRO is classed as a proposal satisfying all of the three criteria set out below:
- The proposal affects more than one street or road and,
 - The proposal affects more than one community and,
 - The proposal is located within the ward of more than one County Councillor.
- 9.6 These proposals do not meet the criteria required to be classed to have an area wide impact.

10.0 Recommendations

- 10.1 On the basis of the consultation responses, it is recommended that in consultation with County Councillor Don Mackenzie, Executive Member for Access:
- i. The proposals are implemented as advertised.
 - ii. The objectors are notified of the decision within 14 days of the Order being made.

BARRIE MASON
Assistant Director - Highways and Transportation

Author of Report: Matthew Baldwin, Project Engineer, Area 3 - Whitby

Background Documents: None

Formal Consultation – January 2021, Washbeck Close



Your ref:

Richard Marr CEng., MICE.

Highways and Transportation

Area 3 – Whitby Office

Our ref:

Discovery Way

Whitby

YO22 4PZ

Contact: Matthew Baldwin

Tel: 01609 780780

Date 25th January 2021

e-mail: area3.whitby@northyorks.gov.uk |

www.northyorks.gov.uk

Dear Sir/Madam,

CONSULTATION RE. – Proposed amendments to introduce ‘No waiting at any time’ restriction on Washbeck Close, Scarborough.

I am writing to advise that we are proposing changes to the existing ‘no waiting at any time’ restrictions, double yellow lines at the junction of Washbeck Close and Valley Road. The proposal is to extend the existing restriction by 12 metres to create better visibility for pedestrians crossing at the junction and will create a reserve for vehicles to wait if the passage is obstructed by a vehicle proceeding down the hill.

The Council is required to consult those directly affected by the proposal and the purpose of this letter is to provide you with details of the scheme and allow you the opportunity to express your views.

Attached is a plan showing the proposed location of the scheme and a simple questionnaire for you to signify your views regarding the proposals. **Please return questionnaires by 22nd February 2021.**

It is also the duty of the Council to legally advertise this proposal which will be done in parallel with the consultation exercise. The legal process includes site notices and adverts in the local press detailing the specifics of the Traffic Regulation Order amendment.

If there are no objections to the proposals, it is anticipated that the scheme would be implemented within six months from the end of the consultation period. However, if objections are raised which are not resolved or withdrawn, it will be necessary to report them to a meeting of the County Council’s Business and Environmental Services (BES) Executive Members overseeing the responsibilities of Corporate Director, BES, Karl Battersby, to decide whether the objections should be upheld or overruled.

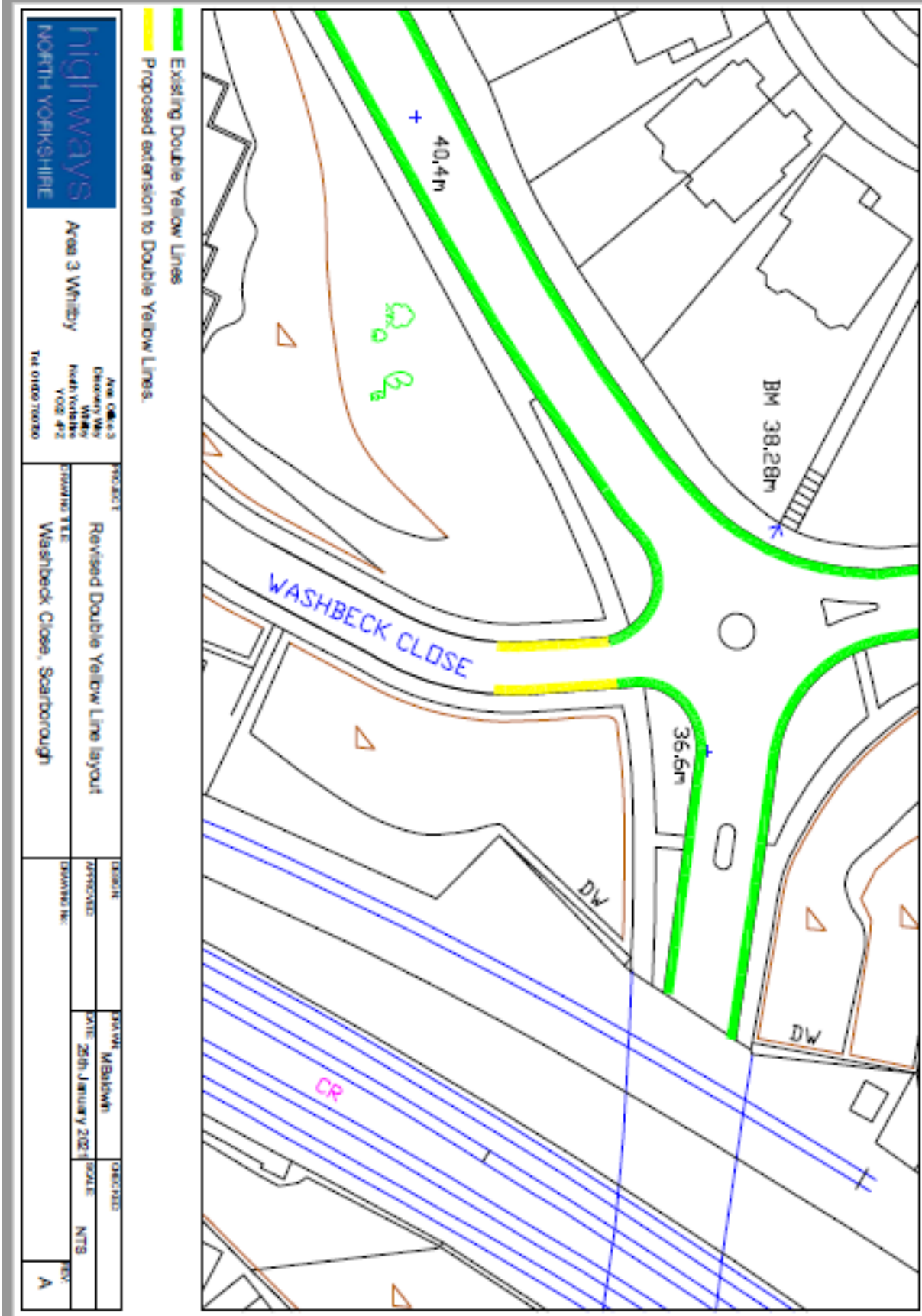
The date and venue of any meeting together with conditions regarding public access will be advised, if applicable. I trust this is satisfactory and look forward to receiving your comments.

Yours Faithfully

H Watson

Helen Watson
Improvement Manager

Business and Environmental Services ■



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Appendix B - TRO Schedule.

Street	Side	From	To	Restriction	Hours	Zone
Washbeck Close	both	A point 8 metres south of its junction with Valley Road	A point 20 metres south of its junction with Valley Road	No waiting	At any time	

Summary of consultation comments received and officer comments

	Themes raised	Number of responses mentioning	Officer comment
1	Concerns about vehicles meeting each other at either end of the parked vehicles and the safety issues relating to reversing onto Valley Rd or reversing uphill towards the residential car parks.	1	Noted. The double yellow lines are proposed as a remedy to this concern.
2	Concerns about the parked vehicles causing obstruction for vehicles exiting Valley Road or travelling towards Valley Road.	1	Noted. The double yellow lines are proposed as a remedy to this concern whilst seeking to maximise the remaining length of street available for parking.
3	Comments were received requesting the proposed restriction should go further up the road (6) or should not extent as far as proposed (2)	8	Officers consider that extending the proposed restrictions any further is unnecessary. The proposal is considered to be the minimum required to have the desired effect of improving visibility and space for vehicles to manoeuvre, whilst maximising the remaining length of the street available for parking.
4	Concerns about the reduction in the available on street parking spaces.	2	It is necessary to propose these measures in response to the safety concerns.

Initial equality impact assessment screening form			
This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
Directorate		Business and Environmental Services	
Service area		Highways and Transportation	
Proposal being screened		the introduction of Road Traffic Regulation Order	
Officer(s) carrying out screening		Matthew Baldwin	
What are you proposing to do?		The proposal is to extend the existing 'no waiting at any time' restriction on Washbeck Close, Scarborough by 12 metres, on both sides of the road.	
Why are you proposing this? What are the desired outcomes?		To create better visibility for pedestrians crossing at the junction, and to create a reserve for vehicles to wait if the passage ahead/uphill is obstructed by a vehicle proceeding down the hill.	
Does the proposal involve a significant commitment or removal of resources? Please give details.		No	
Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristics			
As part of this assessment, please consider the following questions:			
<ul style="list-style-type: none"> To what extent is this service used by particular groups of people with protected characteristics? Does the proposal relate to functions that previous consultation has identified as important? Do different groups have different needs or experiences in the area the proposal relates to? 			
If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked 'Do not know / no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your Equality rep for advice if you are in any doubt.			
Protected characteristic	Potential for adverse impact		Do not know / No info available
	Yes	No	
Age		X	
Disability		X	
Sex		X	
Race		X	
Sexual orientation		X	
Gender reassignment		X	
Religion or belief		X	
Pregnancy or maternity		X	
Marriage or civil partnership		X	
NYCC additional characteristics			
People in rural areas		X	

People on a low income		X		
Carer (unpaid family or friend)		X		
Does the proposal relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.	No			
Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	No			
Decision (Please tick one option)	EIA not relevant or proportionate:	Yes	Continue to full EIA?;	No
Reason for decision	<p>It is considered that there are no significant negative impacts on people with protected characteristics. None of the consultation responses highlighted issues for those with protected characteristics.</p> <p>A consultation was sent to the Yorkshire Coast Disability Forum, as a statutory consultee and no response was received.</p>			
Signed (Assistant Director or Equivalent)	Barrie Mason			
Date	12/10/2021			

Climate change impact assessment

The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision-making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance please email climatechange@northyorks.gov.uk

Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:

Planning Permission
Environmental Impact Assessment
Strategic Environmental Assessment

However, you will still need to summarise your findings in the summary section of the form below.

Please contact climatechange@northyorks.gov.uk for advice.

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Title of proposal	Amendment to Borough of Scarborough (Prohibition of Waiting and Loading and Provision of Parking) Consolidation Order 2011, Washbeck Close, Scarborough
Brief description of the proposal	Extend the current no waiting restrictions to improve visibility at the junction for all road users.
Directorate	BES
Service area	Highways & Transportation
Lead officer	Matthew Baldwin
Names and roles of other people involved in carrying out the impact assessment	Matthew Baldwin – Project Engineer
Date impact assessment started	16 th August 2021

Options appraisal

Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.

No

What impact will this proposal have on council budgets? Will it be cost-neutral, have increased cost or reduce costs?

Please explain briefly why this will be the result, detailing estimated savings or costs where this is possible.

The cost of advertising the Traffic Regulation Order, installing the appropriate lining and signage is estimated at approximately £5,000 which will be funded from Cllr Colling’s Environmental Locality Budget.

How will this proposal impact on the environment?		Positive impact (Place a X in the box below where relevant)	No impact (Place a X in the box below where relevant)	Negative impact (Place a X in the box below where relevant)	Explain why will it have this effect and over what timescale? Where possible/relevant please include: <ul style="list-style-type: none"> Changes over and above business as usual Evidence or measurement of the effect Figures for CO₂e Links to relevant documents 	Explain how you plan to mitigate any negative impacts.	Explain how you plan to improve any positive outcomes as far as possible.
Minimise greenhouse gas emissions e.g.	Emissions from travel			X	Removing the parking spaces may lead to addition distances travelled by vehicles to find a parking space.		

How will this proposal impact on the environment? N.B. There may be short term negative impact and longer-term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.		Positive impact (Place a X in the box below where relevant)	No impact (Place a X in the box below where relevant)	Negative impact (Place a X in the box below where relevant)	Explain why will it have this effect and over what timescale? Where possible/relevant please include: <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of the effect • Figures for CO₂e • Links to relevant documents 	Explain how you plan to mitigate any negative impacts.	Explain how you plan to improve any positive outcomes as far as possible.
reducing emissions from travel, increasing energy efficiencies etc.	Emissions from construction			X	Road markings will need to be laid and maintained.		
	Emissions from running of buildings						
	Other						
Minimise waste : Reduce, reuse, recycle and compost e.g. reducing the use of single-use plastic			X				
Reduce water consumption			X				
Minimise pollution (including air, land, water, light and noise)			X				

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer-term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where relevant)</p>	<p>No impact (Place a X in the box below where relevant)</p>	<p>Negative impact (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of the effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Ensure resilience to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers</p>		<p>X</p>				
<p>Enhance conservation and wildlife</p>		<p>X</p>				
<p>Safeguard the distinctive characteristics, features and special qualities of North Yorkshire's landscape</p>		<p>X</p>				

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer-term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where relevant)</p>	<p>No impact (Place a X in the box below where relevant)</p>	<p>Negative impact (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of the effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Other (please state below)</p>						

Are there any recognised good practice environmental standards in relation to this proposal? If so, please detail how this proposal meets those standards.

Summary Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision-maker.

Neutral Impact – the negative impacts are not significant, particularly when balanced against the need to make improvements to visibility at this junction.

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Sign off section

This climate change impact assessment was completed by:

Name	Matthew Baldwin
Job title	Project Engineer
Service area	Highways & Transportation
Directorate	BES
Signature	
Completion date	16 th August 2021

Authorised by relevant Assistant Director (signature): Barrie Mason

Date: 12/10/2021

North Yorkshire County Council

Business and Environmental Services

Executive Members

22 October 2021

Review of Driven Carriageway Inspections during Covid-19

Report of the Assistant Director – Highways and Transportation

1.0 Purpose Of Report

- 1.1 The purpose of this report is to seek agreement from the Corporate Director, Business and Environmental Services (BES), in consultation with County Councillor Don Mackenzie, Executive Member for Access, for a continuation of an amendment to the current Highway Safety Inspection Manual V2.0 where deemed necessary, but also to begin a move back towards double-crewed highway safety inspections. This would continue to make provision in the exceptional circumstances due to the outbreak of Covid-19 for single person highway inspections of all categories of road for which the Highway Authority is responsible based on the proposal outlined later in this report, but also recognise the lifting of restrictions in line with Stage 4 of the Government's roadmap.
- 1.2 The intention is to continue to manage the risk to the Council's employees by striking a balance between the new mantra of 'living with Covid' whilst maintaining and delivering a resilient service. It is acknowledged that at the time of writing this report most restrictions have now been lifted, however if new or additional guidance is released or the situation has changed, a further update may well be required during the meeting of 22 October 2021.

2.0 Background

- 2.1 Earlier reports were presented to this meeting on 7 May 2020, again on 18 December 2020, with the most recent report on 23 July 2021. In those reports, officers outlined that in complying with its duty to maintain the highway, as outlined within Section 41 of the Highways Act 1980 and for the purposes of Section 58, which provides for special defence, North Yorkshire County Council undertakes inspections of the highway. These inspections incorporate the carriageway, footway, grass verge and pathways upon which the public have a right of access and which are maintained at public expense.
- 2.2 The 7 May 2020 report outlined in detail the background to and purpose of the NYCC Highways Safety Inspection Manual (HSIM) and its the primary aim of providing operational guidance to those officers involved in undertaking highways safety inspections and the method of assessing, recording and responding to defects in the highway using a risk based approach.
- 2.3 Also contained in that report was an overview of the Coronavirus Act 2020 and the proposal to amend the HSIM to ensure compliance with the Act and the Regulations without compromising the Council's statutory duties nor unduly compromising the health and wellbeing of Council staff during the Government declaration of a threat to public health

- 2.4 As such, an amendment to the wording in HSIM V2.0 was approved so that all Category of Roads may be inspected without a dedicated driver so long as that inspection be carried out in both directions and in accordance with the specific Risk Assessment. Following agreement at your meeting, the relevant part of Section 2 of the manual was amended to read as follows:

“As an exception to the above, driven inspections can be carried out from a slow moving vehicle without a dedicated driver being present in low risk situations on category 4b roads, and in the event of a Government declaration of threat to public health for the duration of the declaration made under statutory provisions. This would be in situations where any actionable defects can still be identified and there are no additional public safety risks from not having a dedicated driver. In such circumstances the normal safety inspection vehicle may be replaced with an appropriately liveried Highways Officer’s van. In urban areas, the inspection will be carried out at no more than 10 mph on category 4b roads and 20 mph on higher category roads and in both directions and the Highways Officer must walk any sections where parked vehicles restrict the view of the full highway extent. A record must be kept of the inspection method used.”

- 2.5 Minor changes were also made to Section 2.6 – Performance Management, Page 15 of HSIM, regarding the frequency and methodology of safety inspection audits and specifically two types of random inspections.

3.0 Review of these (modified) arrangements

- 3.1 There have been a number of phases and changes to the landscape of national guidance and restrictions during the pandemic. In the summer of 2020 both infection and death rates were falling and restrictions were eased significantly from those initially imposed during the first ‘lockdown’. Towards the end of the summer of 2020, sadly rates rose again, necessitating a second ‘lockdown’. Given this ever changing picture, enquiries from local teams regarding how inspections were being undertaken and the pandemic continuing with no clear end in sight, it was agreed between the Assistant Director, Highways and Transportation and Head of Highway Operations that a formal 6-month review of these arrangements should be undertaken

4.0 Review Process

- 4.1 The report of December 2020 outlined how input from key personnel / groups was requested and associated discussions were also held. This led to the following recommendations being approved at that meeting (18 December 2020):
- i. the relevant part of Section 2 of the Highway Safety Inspection Manual that currently reads: ‘*The maximum speed of the inspection vehicle throughout an inspection will be 20mph*’ is amended with the highlighted text shown below to read:
 - a. ‘*The maximum speed of the inspection vehicle throughout an inspection will be 20mph unless a dynamic risk assessment on rural roads concludes it is safer to undertake these inspections at a speed more in keeping with traffic flows. However, this would still be limited to no more than 20mph on category 4b roads and 30mph on higher category rural roads*’

- ii. to retain the amendments made to the HSIM following the BES Executive Members meeting of 7 May 2020 shown in italics in para 2.4 of this report, with the addition of the text shown as highlighted below:
- a. *“As an exception to the above, driven inspections can be carried out from a slow moving vehicle without a dedicated driver being present in low risk situations on category 4b roads, and in the event of a Government declaration of threat to public health for the duration of the declaration made under statutory provisions. This would be in situations where any actionable defects can still be identified and there are no additional public safety risks from not having a dedicated driver. In such circumstances the normal safety inspection vehicle may be replaced with an appropriately liveried Highways Officer’s van. In urban areas, the inspection will be carried out at no more than 10 mph on category 4b roads and 20 mph on higher category roads and in both directions and the Highways Officer must walk any sections where parked vehicles restrict the view of the full highway extent. A record must be kept of the inspection method used including those occasions where the inspection was conducted between 20mph and 30mph in rural locations.*
- iii. that such amendments are only to be effective for the duration of the public health response period as conferred by the Coronavirus Act 2020 and the Health Protection (Coronavirus Restrictions) (England) Regulations 2020 and made by Government declaration
- iv. that a further review is undertaken at the end of March 2021 unless deemed necessary to be undertaken sooner.
- 4.2 Whilst the March review was delayed due to a variety of factors including that restrictions were still such that social distancing / wearing of masks etc. had not changed, officers were also dealing with a particularly challenging winter season (until May 2021) and other resource was also focused on the launch of NY Highways. In this intervening period, the practice of single crewed inspections was still in force and the arrangement continued throughout. Following the meeting on 23 July 2021 based on input and advice at the time from key consultees and the prevailing situation it was resolved that single-crewed inspections would continue, with a further review in October 2021.
- 4.3 In preparation for this report, key colleague / subject matter experts’ views have again been sought – these are summarised in the remainder of this section.
- 4.4 In terms of Legal and Democratic Services:
- As advised previously, the Health Protection (Coronavirus Restrictions) (Steps etc.). (England) (Revocation and Amendment) Regulations 2021 came into force on 18 July 2021 and revoked (amongst others) the “Steps Regulations” and the Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020. This removed the restrictive requirements for social contact and gatherings and the wearing of face coverings. There is cautious government guidance which advises an expectation that face coverings are worn in crowded areas and enclosed settings where you come into contact with people you don’t normally meet such as on public transport, and ensuring there is adequate fresh air in indoor settings.
 - The Coronavirus Act 2020 has a two year lifespan and will formally expire at midnight on 24 March 2022. It will be reviewed in Spring 2022 and a decision will be made by the Government whether it and the remaining Regulations, including the No 3 Regulations need to remain in place.

- Now that restrictions have been lifted there appears to be currently (as of 29th September 2021) no legislative barrier to the Highway Authority carrying out its duty to inspect the highway by a return to previous staffing levels of crew vehicles, having regard to the relevant guidance. In the event the Highway Authority were challenged on the duty to maintain under section 41 of the Highways Act 1980, or needed to look to the special defence in action against for damages for non-repair of highway under section 58 of the Act, it may be difficult to justify any operational restrictions remaining, unless the Government imposed restrictions which may impact on services.
- The Government has published its Autumn and Winter Plan 2021 COVID-19 Response: Autumn and Winter Plan 2021 - GOV.UK (www.gov.uk) within which it refers to a “Plan B” if it is needed to help control transmission of the virus whilst seeking to minimise economic and social impacts. The Plan states that the Government hopes not to have to implement Plan B but given the uncertainty it may need to and if so, measures include:
 - Communicating clearly and urgently to the public that the level of risk has increased, and with it the need to behave more cautiously.
 - Introducing mandatory vaccine-only COVID-status certification in certain settings.
 - Legally mandating face coverings in certain settings.
- We advise when making amendments to policies and procedures, decisions which are based on for example the distribution of available workforce and/or resulting in changes to the nature of inspections following the removal of all restrictions should be considered on a risk based approach, after a risk analysis has been undertaken and recorded and having regard to any up to date government guidance.

4.5 From an Insurance & Risk Management (IRM) Perspective:

- Colleagues report they see there is some support for returning to Business as Usual (double crewed). From an insurance defence perspective IRM believe that decision would be desirable, however there has been no pressure exerted from insurers to do so and they would support the current single crewed arrangements if having taken account of **ALL** considerations NYCC continued with the current regime until British Summer Time commences.

4.6 In terms of ADEPT (Association of Directors of Economy, Planning & Transport) Engineering Board,

- NYCC’s Assistant Director H&T confirmed in July 2021, feedback from ADEPT members is that the approach is currently varied with some members retaining single crewed inspections ‘for now’, some members having moved permanently to single crewed inspections and some members having reverted to double crewed inspections. No further update will be available before the meeting of 22 October, therefore the ADEPT feedback remains unchanged.

4.7 From a Health & Safety perspective, the following feedback was received:

- Covid levels in North Yorkshire still remain above the national average with a steady increase although within Highways & Transportation we have only had 2 reported cases over the previous 3 months
- Government guidance for those other than transport organisations has removed the requirement for reducing the number of people travelling in the same vehicle. The advised controls are now:
 - use fixed travel partners
 - do not sit face-to-face
 - Providing adequate ventilation by switching on ventilation systems that draw in fresh air or opening windows
 - Cleaning shared vehicles between shifts or on handover.

- H&S concluded: we could look to moving back to double crewed inspections however we would suggest we continue to remain cautious and would need to ensure the above controls are rigorously implemented.
- 4.8 With regard to NY Highways (NYH): (under normal circumstances NYH would typically provide drivers to assist NYCC Highway Officers undertake such inspections)
- NYH's Operations Manager (NYHOM) confirmed NYH were reviewing whether the additional fleet vehicles were still required to allow single crewed travel to site and in addition had already returned to double crewing in some circumstances. NYHOM stated he would be comfortable with providing a driver in a double-crewed scenario if control measures such as those outlined above were followed.
- 4.9 HR colleagues stated:
- We would agree with everything that H&S have said, and would add that we need to ensure that appropriate risk assessments are in place for all involved, just to take account of any pre-existing health conditions, and indeed any emerging health matters such as pregnancy etc.
 - We would also recommend engagement and consultation with the workforce around the future working arrangements around driven inspections to address any concerns coming from employees
- 4.10 Public Health colleagues commented:
- Rates are currently high and going up but that is predominantly due to school-aged children. There is a secondary peak in c.40 year olds (i.e. parent/teacher age group). It is unclear how long this will last.
 - From a general policy perspective we are now very much into the 'living with COVID' phase. Most restrictions on social distancing etc. were relaxed when we moved to Stage 4 of the Roadmap, and close contacts are no longer required to isolate if fully vaccinated and the 'work from home' national guidance is also no longer in place, although workplaces are expected to keep mitigation measures in place where practicable.
 - Moving away from single crewed inspections would seem reasonable, providing some mitigation measures remained in place (e.g. regular LFD testing, face coverings inside shared cabs, windows open/good ventilation, strongly recommending staff vaccination etc.). There would be 2 scenarios under which it may need to be reconsidered:
 - An outbreak among the crew workforce (where you might need to use single crews due to number of people in isolation anyway, or may wish to avoid people who are close contacts of a confirmed case from being too close to others)
 - A move to the government's 'Plan B' on the Autumn/Winter Roadmap, where the 'work from home' requirement may be brought back in (which would signal a national ambition to try and reduce workplace contacts as much as possible)
- 4.11 UNISON, having taken soundings from members who work in this area replied:
- We have spoken to our members who are involved in this work and, although there aren't strong feelings either way, our position is as it was at the last review. We feel that we are now at a stage in the Covid pandemic where the risks associated with single-crew (i.e. the risks associated with driving slowly, having to concentrate on both driving and inspection, etc.) outweigh the risks of double-crew (i.e. Covid transmission).
 - Most employers have now resumed double-crew (and triple-crew in some cases) for similar roles, e.g. refuse collection, delivery drivers, etc.

- Notwithstanding appropriate measures such as ventilation, mask-wearing where appropriate, etc., we believe it is appropriate to return to double-crew.
- 4.12 Colleagues in Fleet stated, from a fleet perspective double crewing was feasible based on other areas of fleet activity, suggesting:
- Adequate ventilation
 - Regular cleaning with appropriate cleaning materials of surfaces especially regular touch points
 - Maximise distance between passengers – use outer seats.
 - Sit side by side and not behind others
 - Use a face covering when travelling with others that you do not usually travel with.
- 4.13 Taking into account all of the points listed above, there is clearly a balance to be struck given the ‘Living with Covid’ phase we are now in whilst maintaining an appropriate level of workforce resilience. This will ensure service delivery & continuity as well as taking account of individual circumstances (such as underlying health conditions and/or people who may be clinically vulnerable).
- 4.14 A return to a more BAU approach, does now seem feasible with the appropriate risk mitigation and control measures in place, such as the wearing of face masks, ventilating vehicles and ‘buddying up’ / same pairings as much as possible in order to reduce the risk of transmission or loss of personnel in the case of positive tests.
- 4.15 With regard to the specific point of fixed travel partners, it may not always be possible to achieve this as Highway Officers (HO) have specific knowledge of their areas and on occasion where they are not driving for NYCC the NYH employee will be working with other NYH employees and therefore not always in the same ‘bubble’. Whilst it might be deemed feasible to have one NYCC HO undertaking all inspections, this will mean a shift in working practice that would result in inefficiencies given where some HOs live / would have to travel to in order to undertake their inspections or cover colleagues’ other duties. Where fixed travel partners is not achievable, it is imperative that additional control measures such as wearing of face coverings are adhered to. Other control measures, however, should be fully achievable.
- 4.16 A key consideration has always been the ability to retain a wider degree of resilience and business continuity. Having personnel double-crewed means twice the impact in terms of absences if positive tests result and the second person contracts Covid-19 from the first. Whilst the impact of this was particularly significant prior to isolation rules being relaxed in August 2021, this still needs close monitoring with any change in approach or return to double-crewed inspections. As can be seen from earlier commentary in this report, ultimately there is now a balance to be struck between living with Covid (including managing the health and well-being of employees), the safety elements associated with single crewed driving and the County Council’s ability to successfully defend against third party claims.
- 4.17 Having taken all of the above into account, the recommendations in section 9 of this report outline a way in which a transition to double crewed inspections can be enacted and managed

5.0 Equalities

- 5.1 An initial equality and impact assessment screening form has been completed and is outlined in Appendix A

6.0 Finance

- 6.1 There are no additional financial implications arising from this report. Activity will continue to be managed within existing budgets.

7.0 Legal

- 7.1 The County Council as Local Highway Authority, Street Authority and Traffic Authority has a wide range of statutory duties imposed by a variety of legislation.
- 7.2 The legal impacts of the emergency legislation, which have been enacted are outlined in this report and were referenced in the report of 18 December 2020 and background paper (Executive Members report of 7 May 2020) as well as the report of July 2020.

8.0 Climate Change Impact Assessment

- 8.1 The current changes to the Highways Safety Inspection Manual with respect to driven carriageway inspections during Covid-19 were put in place to allow certain safety inspections to be completed without a dedicated driver. This amendment to how the service is delivered has no impacts with respect to climate change and so there is no need for a climate change impact assessment.

9.0 Recommendations

- 9.1 It is recommended that the Corporate Director, Business and Environmental Services (BES), in consultation with County Councillor Don Mackenzie, Executive Member for Access agree:
- i. That a transition to double crewed inspections commences from 1 November 2021, including consultation / engagement with Highway Officers via local management teams.
 - ii. As part of that consultation / engagement, where specific circumstances might preclude double crewed inspections - including personal/underlying health conditions - and Highway Officers are in agreement that single crewed inspections are retained in those circumstances
 - iii. Where double crewed inspections commence, the Health & Safety / Fleet / Public Health guidance contained in this report regarding mitigation and control measures is followed as rigorously as possible / activities permit and that this is done in conjunction with any task specific and Covid related risk assessments
 - iv. That provision remains in place to revert to single-crewed inspections on a larger scale if there is either a large outbreak amongst the workforce and/or the Government's Plan B on the Autumn /Winter roadmap is invoked
 - v. That ongoing monitoring of the situation continues over the coming months and a further report is submitted to your meeting of 18 February 2022 (unless deemed necessary to be reported sooner).
 - vi. That the transition back to double-crewed inspections is fully concluded by the end of March 2022 unless circumstances dictate otherwise.

BARRIE MASON
Assistant Director
Highways and Transportation

Author of Report: Nigel Smith

Background Documents:

Reports to Executive Members 7 May 2020, 18 December 2020 and 23 July 2021

Initial equality impact assessment screening form (As of October 2015 this form replaces 'Record of decision not to carry out an EIA')			
This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
Directorate	BES		
Service area	H&T		
Proposal being screened	Amendment to Highways Safety Inspection Manual V2.0 (HSIM)		
Officer(s) carrying out screening	Nigel Smith		
What are you proposing to do?	Amend the HSIM to allow for single person carriageway inspections during the Covid-19 social distancing protocols		
Why are you proposing this? What are the desired outcomes?	Endorsement of the Recommendations within this report allows NYCC to fulfil its obligations under the Highways Act 1980 whilst complying with the social distancing guidelines set down by Public Health England.		
Does the proposal involve a significant commitment or removal of resources? Please give details.	No		
Is there likely to be an adverse impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristics?			
As part of this assessment, please consider the following questions:			
<ul style="list-style-type: none"> To what extent is this service used by particular groups of people with protected characteristics? Does the proposal relate to functions that previous consultation has identified as important? Do different groups have different needs or experiences in the area the proposal relates to? 			
If for any characteristic it is considered that there is likely to be a significant adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your <u>Equality rep</u> for advice if you are in any doubt.			
Protected characteristic	Yes	No	Don't know/No info available
Age		✓	
Disability		✓	
Sex (Gender)		✓	
Race		✓	
Sexual orientation		✓	
Gender reassignment		✓	
Religion or belief		✓	
Pregnancy or maternity		✓	
Marriage or civil partnership		✓	

NYCC additional characteristic			
People in rural areas		✓	
People on a low income		✓	
Carer (unpaid family or friend)		✓	
Does the proposal relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.	No.		
Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	No		
Decision (Please tick one option)	EIA not relevant or proportionate:	✓	Continue to full EIA:
Reason for decision	The proposed works will have no negative impact on the operation of the highway from the current position. As a consequence no people will be impacted including those with protected characteristics.		
Signed (Assistant Director or equivalent)	<i>Barrie Mason</i>		
Date	12/10/2021		

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North Yorkshire County Council

Business and Environmental Services

Executive Members

22 October 21

Allerton Waste Recovery Park Landscape and Cultural Heritage Fund

Report of the Assistant Director – Travel, Environment and Countryside Services

1.0 Purpose of Report

- 1.1 To provide an update on the Allerton Waste Recovery Park (AWRP) Landscape and Cultural Heritage Fund to date (LCHF)

2.0 Background

- 2.1 The Section 106 Agreement for Allerton Waste Recovery Park (AWRP) was signed on 14 February 2013 and included the requirement for the Council to establish a Landscape and Cultural Heritage Fund (LCHF).
- 2.2 The purpose of the LCHF was in use towards reducing the visual and landscape impacts of the development and the delivery of enhancement and strengthening of the local landscape character, biodiversity and/or features of cultural heritage prioritised within a 3.5km radius of AWRP. The LCHF has been informed by the Landscape Management Strategy developed by Amey and approved by the Planning Authority which includes a Conservation Management Plan and Outline Habitat Management Plan. The original value of the LCHF was £839,500.
- 2.3 On 18 September 2015, a report was approved by BES Executive Members to enter into a contract with Two Ridings Community Foundation (TRCF) to manage distribution of the LCHF on behalf of the County Council. The contract began on 1 October 2015 and ended on 1 October 2019. The contract was extended for one year until 1 October 2020 in line with the original contract provisions. Due to Covid-19, the contract was then extended a further six months and ended on 31st March 2021.
- 2.4 The small grants fund (£100 to £1,000) was launched in October 2015, the large grants fund (£10,001 to £50,000) was opened in December 2015 and the medium grants fund (£1,001 to £10,000) was opened in early 2017 (the upper limit for medium grants was subsequently extended to £25,000).
- 2.5 Applications for the large and medium grant fund were normally assessed at an independent panel meeting. The panel was made up of NYCC and HBC Councillors, the local community, technical advisors and TRCF. Two meetings were held per year to maximise scope for delivery of projects taking into account planting and seasonal activities. The last panel meeting was held on 29 January 2020.
- 2.6 The large grant element of the fund was over-subscribed with 14 grants accounting for over half of the fund. The fund was consequently suspended for large grants and the 1 February 2018 was the last large grants panel. The large grant fund was not reopened due to the amount of applications made to the small and medium grant funds.

- 2.7 Funding for small grants has been released by TRCF providing that the projects meet the necessary requirements set out in the guidance information and application process.
- 2.8 A small amount of outstanding work will now be managed by both the Waste Management Team and Heritage Services Team, NYCC. Further details are provided in paragraph 3.5.

3.0 Project Update

- 3.1 Since the launch of the fund in October 2015, 122 applications were received to the fund and 92 awards were made with a total value of £742,126.
- 3.2 The table below shows the number of awards made in each size category:

	Number of grants	Total value of grants awarded
Small grant awards	51	£45,285
Medium grant awards	27	£202,406
Large grant awards	14	£494,435
Total	92	£742,126

- 3.3 The table below shows the distribution of grant awards by type of applicant:

	Number of grants	Total value of grants awarded
Individuals	49	£259,543
Community groups/charities/churches	16	£233,825
Parish Councils	17	£156,856
Schools	9	£71,902
Businesses	1	£20,000
Total	92	£742,126

- 3.4 Appendix A provides details of all awarded projects, project spend and a progress update on the various projects. End of grant reports have been received for the majority of the completed projects.
- 3.5 The Panel recommended any remaining money left in the fund is administered by NYCC, in consultation with the NYCC Waste Planning Authority. This small amount of outstanding work is now being managed by both the Waste Management Team and Heritage Services Team, NYCC. Since the TRCF contract finished, the Waste Management Team has awarded funds to two projects, with the approval of Cllr Windass, Chair of the LCHF Panel. The Heritage Services Team is hoping to finalise the award of funding for the repair of the Allerton Park Wall project. Approval from Cllr Windass will be requested for this, once the details are finalised. There is also one project that will be returning money to the fund due to the sale of scrap wrought iron fencing.
- 3.6 Of the £742,126 which was awarded, approx. £39,000 has been returned for various reasons. Allowing for the TRCF fees to administer the fund (£126k which is 15% of the value of the fund), there remains approx. £10,000.
- 3.7 It was also suggested by the Panel members that any remaining monies were distributed to the local Parish Councils for them to spend on projects in accordance with the LCHF project principles. The amount remaining is approx. £10,000. The Heritage Services Team at NYCC will manage this process.

- 3.8 TRCF have produced a Final Report (see Appendix B) explaining what the fund has been spent on and the difference this has made. As you can see from the Final Report, the LCHF has been a huge success, below are extracts from the report:
- 3.8 kilometres of hedgerow has been repaired
 - 2.9 kilometres of new hedgerow has been planted
 - 3400 trees have been planted
 - 14 ponds have been created or restored
 - 8 new wildlife areas have been created, including over 2000 square metres of new wildflower planting
 - Outdoor education & wildlife spaces have been created at 6 schools & 1 local charity
 - 14 projects have received funding to restore local features of cultural heritage
 - 2.2km of pathways have been created or repaired improving access for the local community into the local countryside.
- The report also summarises the added value of the fund.
- The value to the economy through use of local contractors and goods and services purchased locally within Harrogate District, is calculated at £171,086 (of this £97,359 was spent within a 5 mile radius of the AWRP)
 - 172 volunteers have been involved providing a total of 7604 volunteer working hours and a further £51,100 financial contribution has been added to the projects from other sources.
- 3.9 The success of the Fund will be promoted through the media. The Final Report by TRCF will also be available on the NYCC, CYC and AWRP websites.
- 3.10 A Final Report will be provided to the BES Executive Members once all funds have been spent.

4.0 Equalities Implications

- 4.1 TRCF has a robust equalities policy in place which has been used as part of the fund assessment process. The equalities information has been collected through the application forms for the medium and large grants fund and proportional information has been collected in relation to the small grants fund. This information was used to inform specific targeted marketing/outreach activities to ensure that the LCHF process was accessible to the widest audience given the parameters on the fund set by the planning process.
- 4.2 An Equalities Impact Assessment (EIA) was completed by TRCF on the LCHF. The outcome was no adverse impact and therefore no change needed. Information on the TRCF equalities policy was also been provided to NYCC.
- 4.3 An Equality Impact Assessment screening form has been completed by NYCC and it concludes a full EIA is not relevant or proportionate. The completed form is in Appendix C.

5.0 Financial Implications

- 5.1 The fund was launched in October 2015 and to date 92 awards were made with a total value of £742,126. Allowing for the TRCF fees to administer the fund, there remains approx. £10,000 to be allocated to the local Parish Councils.
- 5.2 There are no additional financial implications arising for NYCC as a result of this report

6.0 Legal Implications

- 6.1 In accordance with the previous LCHF reports, funding release for the large and medium projects is subject to the standard NYCC Terms and Conditions.

6.2 Claw back provisions are included as part of the grant agreements, which will protect the longevity of the funds impacts and projects undertaken.

7.0 Climate Change Implications

7.1 There are no negative climate change implications. The fund has had a variety of positive impacts on climate change and these impacts are summarised in paragraph 3.6 of this report.

8.0 Recommendations

8.1 To note the update on the LCHF.

MICHAEL LEAH

Assistant Director – Travel & Environment, Waste and Countryside Services, BES

Author of Report: Suzanne Williamson

Background Documents: None

AWRP LCHF Project Update - Small Projects

Project Summary	Status/Progress	Amount Awarded	Actual Amount Returned
Funding for Marton cum Grafton Woodlands Group to purchase a variety of bird boxes to promote ecological diversity within the Marton Cum Grafton woodland.	Complete	£957.00	£0.00
Funding for Whixley and District Community Cricket Club to improve the landscape around the cricket club by planting a mixture of native saplings and improving hedgerows.	Complete	£1,000.00	£0.00
Funding to repair a listed brick wall at Allerton Park.	Complete	£1,000.00	£0.00
Funding for Little Ouseburn Parish Council to create a seating area and floral display on the entrance to the village.	Complete	£1,000.00	£0.00
Funding for Great Ouseburn Parish Council for initial consultancy work for the development of landscape and ecological enhancements in Great Ouseburn.	Complete	£1,000.00	£0.00
Funding to pay for landscape architects fees to prepare a planting scheme to provide screening for a private residence close to AWRP.	Complete	£600.00	£0.00
Funding for the costs of carrying out isotope testing on a Roman skeleton found at Grafton.	Complete	£1,000.00	£4.00
Funding for a private individual to remove Leylandii hedging and replace with native species hedgerow	Complete	£996.00	£0.00
Funding to improve habitats for local wildlife around Marton Cum Grafton and to hold a public information evening around improving habitats for hedgehogs.	Complete	£1,000.00	£0.00
Funding for Friends of Marton School to run outdoor education activity sessions for local school children led by The Conservation Volunteers. Children will learn about wildlife habitats and build bird, bat and hedgehog boxes in their new woodland classroom area.	Complete	£900.00	£0.00
Funding to create a wetland and pond area at a private residence	Complete	£1,000.00	£0.00
Funding for Marton cum Grafton Parish Council to plant 18,000 bulbs in the verges around the village of Marton cum Grafton	Complete	£1,000.00	£0.00
Replacement of leylandii hedging at a private residence	Complete	£990.00	£0.00

Planting for screening at a private residence	Project not undertaken due to house move	£950.00	£950.00
Funding for Goldsborough & Flaxby Parish Council for a disused telephone box to house a defibrillator.	Complete	£730.00	£0.00
Funding to replace rotten fencing with a native species hedge along with planting native shrubs and trees to encourage more wildlife at a private residence.	Complete	£996.00	£0.00
Funding to remove leylandii hedge and plant new soft fruit trees at a private residence	Complete	£1,000.00	£0.00
Funding to supply and plant new native hedging at a private residence	Progress update / end of grant report required	£939.00	£0.00
Funding to supply and plant new native hedging at a private residence	Complete	£1,000.00	£0.00
Removal of nuisance species and supply and planting of native hedgerow at a private residence	Complete	£1,000.00	£0.00
Funding for the Marton cum Grafton Memorial Hall Committee to restore a wall and gate post which is a heritage asset in the local community.	Complete	£715.00	£0.00
Funding to undertake a number of measures to improve local wildlife habitats including tree and wildflower planting, hedgerow infill planting and additional tree and wildflower planting to support wildlife habitats at a private residence	Complete	£1,000.00	£0.00
Funding to create a new hedgerow and pond to improve local wildlife habitats and increase biodiversity at a private residence	Complete	£1,000.00	£0.00
Funding for Kirk Hammerton Nursery School to help renovate an outdoor area of a nursery school into a gardening and wildlife area. The project will be of great educational benefit to the nursery school children and the wildlife area will be used to encourage bees and butterflies.	Complete	£500.00	£0.00
Funding to plant seven crab apple trees with early pollinator underplanting and a bat box at an individuals property to benefit local wildlife.	Complete	£400.00	£0.00
Funding for Parish of the Dunsforths for tree planting in community spaces in Upper Dunsforth.	Complete	£274.00	£0.00
Funding to plant two new hedgerows and fill gaps in an existing hedgerow to improve wildlife habitats and increase biodiversity at a private residence	Complete	£994.50	£0.00

APPENDIX A

Funding for Great Ouseburn Parish Council to undertake an ecological survey to establish the scope for a wildflower meadow with grass mown paths for recreation at the Fishpond Bridge area of Ousegill Beck.	Complete	£1,000.00	£0.00
Planting of native trees, provision of stock fencing and natural hedgerow for a private residence	Complete	£1,000.00	£0.00
To establish a wildflower meadow within orchard adjoining the paddock at a private residence	Complete	£1,000.00	£0.00
Planting trees to create a screen at a private residence	Progress update / end of grant report required	£1,000.00	£0.00
Funding to remove non-native conifers and magnolia and plant fruit trees and native shrubs at a private residence	Complete	£984.00	£0.00
Funding for Staveley Community Primary School to create a specific wildlife area in school.	Complete	£821.00	£0.00
Funding for Ferrensby Parish Meeting for an ecology report to support the larger pond refurbishment project.	Complete	£1,000.00	£0.00
Funding to provide planting for pollinating insects to increase biodiversity at a private residence	Complete	£975.00	£0.00
Funding for Kirk Hammerton Primary school to provide a pond grill to enable the school to provide safe pond dipping activities for children.	Complete	£1,000.00	£0.00
Funding to cover the cost of compost, labour and planting flowers and perennials that encourage wildlife - birds, butterflies and bees (pollinators) at a private residence	Complete	£810.00	£0.00
Funding to purchase wild flowers, bulbs and timber to make bird nesting boxes to encourage wildlife to the area at a private residence	Complete	£552.00	£0.00
Funding to convert a garden into a wildlife pond. This private property is situated in a conservation area and we would like to attract more wild birds/wildlife through water. We have provided hibernation features for hedgehogs.	Progress update / end of grant report required	£1,000.00	£0.00
Funding to create new native hedgerow and gap existing hedgerow at a private residence	Complete	£1,000.00	£0.00
Funding to plant 60 metres of native beech hedgerow at a private residence	Complete	£550.00	£0.00
Funding for planting & new hedgerow selected to encourage wildlife, birds and pollinating insects at a private residence	Complete	£1,000.00	£0.00

Funding to create an area of new hedgerow to support birds and butterflies at a private residence	Complete	£1,000.00	£0.00
Funding to undertake tree & hedgerow planting at a private residence	Complete	£869.00	£0.00
Funding to plant native hedging that will increase bio-diversity at a private residence	Complete	£438.00	£0.00
Funding for Marton cum Grafton Christ Church to replace a rotten tree stump with a semi-mature rowan tree which provides a feature in the churchyard.	Complete	£744.00	£0.00
Funding to plant trees and shrubs and create a pond to encourage wildlife and improve local biodiversity at a private residence	Progress update / end of grant report required	£1,000.00	£0.00
Funding to plant trees and shrubs to create additional screening and encourage wildlife at a private residence	Progress update / end of grant report required	£1,000.00	£0.00
Funding to plant new native hedgerow and orchard trees at a private residence	Progress update / end of grant report required	£1,000.00	£0.00
To extend the planting to encourage wildlife plant native species and visually improve local landscape at a private residence	Progress update / end of grant report required	£1,000.00	£0.00
Consultancy fee for wildlife pond.	Complete	£600.00	£0.00

Total (51 projects)**£45,284.50****£954.00****AWRP LCHF Project Update - Medium Projects**

Project Summary	Status/Progress	Amount Awarded	Actual Amount Returned
Funding for Nuzzlets to develop and improve a range of wildlife habitats on the site. The habitats will be used to educate children with and without learning disabilities.	Complete	£5,389.00	£0.00
Funding for Great Ouseburn Parish Council to undertake the next stage of the Fishpond Bridge conservation area project to include ecological surveys and full technical drawings to be produced.	Complete	£4,110.00	£0.00
Funding for a private individual to purchase trees and protective fencing to provide screening, make visual improvements to the local landscape and increase local biodiversity by creating new habitats.	Complete	£8,961.00	£0.00

APPENDIX A

Funding for the restoration of the roof and external walls of a heritage building which is a private residence in the village of Arkendale.	Complete	£9,999.00	£0.00
Funding for the Friends of Kirk Hammerton School to create a wildlife area within the school grounds to improve habitats and support children's learning about the environment.	Complete	£8,766.00	£0.00
Funding to purchase equipment for use by the volunteers of the Harrogate Support Group in supporting the work of the Yorkshire Wildlife Trust at the Staveley nature reserve and also to site a shipping container to store the equipment on site.	Complete	£9,931.00	£0.00
Funding for KindleWood CIC to support the restoration of the coppice where participants will cut coppice, restore the pond area and widen one of the rides. This in turn will promote biodiversity and encourage wildlife numbers to increase.	Complete	£10,000.00	£0.00
Funding for Whixley Parish Council to encourage wildlife, planting of native species, visual improvement, preserving and improving cultural heritage through the planting of native wildflowers and bulbs and information boards to educate the public about the local landscape.	Complete	£5,000.00	£0.00
Funding for St Bartholomew's Parochial Church Council to install electrical equipment to power the clock and chimes.	Complete	£4,479.00	£0.00
Funding for the Friends of Great Ouseburn School to create an outdoors classroom and sensory area at a school playground.	Progress update / end of grant report required	£8,870.00	£0.00
Funding for the The Conservation Volunteers to support the Ouse Beck Wetland Himalayan Balsam Removal Project.	Progress update / end of grant report required	£8,087.50	£0.00
Promotional seed packets	Complete	£1,050.00	£0.00
Funding for the Whixley Heritage Project for refurbishment of heritage stained glass windows in the church as part of a wider community heritage project.	Complete	£10,000.00	£0.00
Schools bird boxes	Complete	£1,998.00	£0.00
Funding for Ferrensby Parish Meeting for works to improve the pond area and village green in Ferrensby	Complete	£3,393.00	£0.00

Funding to create 193 metres of new native hedgerow for a private residence	Complete	£6,596.63	£0.00
Funding for Great Ouseburn Parish Council to undertake improvements to the Fishpond Bridge area of Ouse Gill Beck including planting of wildflowers, creation of small ponds and an interpretation board.	Complete	£4,885.00	£0.00
Funding for a private individual to repair the external rendering of a historic dovecote building by removing the existing badly damaged rendering and replacing with a lime based render.	Complete	£7,456.00	£0.00
The grant will be used by Staveley & Copgrove Parish Council to improve the area around the village pinfold and the play area together with the replacement of a tree on one of the village greens and the refurbishment of the BT phone box which is used to house the village defibrillator.	Complete	£9,176.00	£0.00
Funding to replace wrought iron fencing and undertake essential tree work at the entrance to Staveley village.	Progress update / end of grant report required	£17,640.00	£1,000.00
Funding for St Bartholomew's Parochial Church Council to install an automatic mechanism for the church clock and to provide automated winding and chimes.	Complete	£3,479.00	£978.00
Funding for a private individual to plant hedgerows which will have a positive impact on environmental bio-diversity and create windbreaks for wildlife.	Progress update / end of grant report required	£8,713.00	£0.00
Funding for Ferrensby Parish Meeting for work to improve the pond area in Ferrensby	Complete	£22,000.00	£3,896.20
Funding for a private individual to implement a series of environmental measures that will improve the habitat and increase bio-diversity. This will include pond improvements, tree planting and educational sessions with schools.	Complete	£8,335.09	£0.00
Funding for a private individual to plant trees which will improve habitats for wildlife.	Complete	£2,640.00	£0.00
Funding for a private individual to plant trees and hedging which will enhance the habitat for birds and wildlife.	Fund no longer required due to house move	£1,452.00	£1,452.00
Funding for Boroughbridge High School to renovate the school pond to improve local habitats and create a safe outdoor learning space	Complete	£10,000.00	£0.00

Total (27 projects)

£202,406.22

£7,326.20

AWRP LCHF Project Update - Large Projects

Project Summary	Status/Progress	Amount Awarded	Actual Amount Returned
Funding to restore a Grade II Listed building within the grounds of Allerton Castle.	Progress update / end of grant report required	£50,000.00	£0.00
Funding for Arkendale, Coneythorpe and Clareton Parish Council for costs of survey work and professional fees for two large replanting and regeneration projects, and costs of refurbishing a telephone box.	Complete	£26,052.00	£0.00
Funding for Marton cum Grafton Woodlands Group to support the costs of a path regeneration project and to remove invasive Himalayan Balsam.	Complete	£44,984.00	£0.00
Funding for St Bartholomew's Parochial Church Council for replanting and regeneration scheme for the local churchyard.	Complete	£35,109.27	£4,977.99
Funding for an environmental improvement project for residents of Clareton Lane.	Complete	£33,212.53	£10,153.91
Funding for a regeneration and screening scheme for a private residence overlooking the AWRP.	Complete	£40,390.15	£4,672.83
Funding to repair a length of the badly dilapidated section of listed wall at Allerton Park	Liz Small (Growth and Heritage Services Manager, NYCC) working with Grantee	£50,000.00	£0.00
Planting for screening for a private residence	Complete	£19,715.00	£10,990.00
Funding for the Yorkshire Wildlife Trust towards a project to replace and extend a decayed wooden boardwalk and fencing at Upper Dunsforth Carrs SSSI.	Complete	£47,000.00	£0.00
Funding for Arkendale, Coneythorpe and Clareton Parish Council for a large scale planting & environmental improvement project, gapping 1.05 km of hedgerows, providing additional trees for screening and restoration work at the Mar, an important local wetland habitat.	Complete	£41,253.00	£0.00
Funding for Goldsborough & Flaxby Grouped Parish Council to make the woodland more accessible through the resurfacing of the path, which in turn will encourage people to keep to the path and ensure the wildflowers are able to continue to grow.	Complete	£34,983.00	£0.00
Funding for Marton cum Grafton CE (VA) Primary School for a large scale planting of hedgerows and provision of an outdoor classroom	Progress update / end of grant report required	£39,947.00	£0.00

Funding for Yorkshire Farming & Wildlife LLP on a programme of hedgerow restoration including hedge laying, coppicing and gapping up. Existing standard trees will be retained in the hedges to be restored. Local hedgelayers and forestry workers will be employed to carry out the work and the funding will also be used to purchase native species shrubs from a local tree nursery to gap up the restored hedges where necessary.	Complete	£20,000.00	£0.00
Funding for a private residence for planting for screening and to improve local biodiversity.	Complete	£11,790.00	£71.68

Total (14 projects) **£494,435.95** **£30,866.41**

Initial equality impact assessment screening form (As of October 2015 this form replaces 'Record of decision not to carry out an EIA')	
This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.	
Directorate	BES
Service area	Travel & Environment, Waste and Countryside Services
Proposal being screened	Releasing funds from the Allerton Waste Recovery Park, Landscape and Cultural Heritage Fund
Officer(s) carrying out screening	Suzanne Williamson
What are you proposing to do?	Implement the Landscape and Cultural Heritage Fund for Allerton Waste Recovery Park (AWRP) (as set out in the section 106 planning agreement). The Fund was managed and delivered through a third party organisation (Two Ridings Community Foundation) who set up an independent panel to make recommendations on projects to receive funding through the LCHF. The contract with TRCF has now come to an end and it was suggested by the Panel members that any remaining monies were distributed to the local Parish Councils for them to spend on projects in accordance with the LCHF project principles.
Why are you proposing this? What are the desired outcomes?	The purpose of the LCHF is to assist with mitigating the impacts of the AWRP development by using the fund to deliver projects to enhance and strengthen the local landscape character, biodiversity and/or features of cultural heritage prioritised within a 3.5km radius of the Site. The priority areas and types of projects which could be delivered through the LCHF are set out in two separate planning documents – the Landscape Management Strategy and Outline Habitat Management Plan.
Does the proposal involve a significant commitment or removal of resources? Please give details.	No – the total fund amount £839,500 was made available in 2014, with a view to the fund being spent within five years. This decision is to

	release the remaining funding to the local Parish Councils for projects in keeping with the LCHF		
<p>Is there likely to be an adverse impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristics?</p> <p>As part of this assessment, please consider the following questions:</p> <ul style="list-style-type: none"> To what extent is this service used by particular groups of people with protected characteristics? Does the proposal relate to functions that previous consultation has identified as important? Do different groups have different needs or experiences in the area the proposal relates to? <p>If for any characteristic it is considered that there is likely to be a significant adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your <u>Equality rep</u> for advice if you are in any doubt.</p>			
Protected characteristic	Yes	No	Don't know/No info available
Age		✓	
Disability		✓	
Sex (Gender)		✓	
Race		✓	
Sexual orientation		✓	
Gender reassignment		✓	
Religion or belief		✓	
Pregnancy or maternity		✓	
Marriage or civil partnership		✓	
NYCC additional characteristic			
People in rural areas		✓	
People on a low income		✓	
Carer (unpaid family or friend)		✓	
Does the proposal relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.	No		
Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	No		
Decision (Please tick one option)	EIA not relevant or proportionate:	✓	Continue to full EIA:
Reason for decision	Release of the project funding from the LCHF does not have adverse impacts on people with protected characteristics.		

Signed (Assistant Director or equivalent)	Michael Leah
Date	05.08.21

Allerton Waste Recovery Park Landscape & Cultural Heritage Fund

Final Report - April 2021

As part of the planning process for the Allerton Waste Recovery Park, North Yorkshire County Council were required to establish a Landscape and Cultural Heritage Fund and Two Ridings Community Foundation managed the distribution of the fund on behalf of the County Council.

The Allerton Park Landscape and Cultural Heritage Fund was designed to assist with projects which enhanced the landscape, cultural heritage and biodiversity of the designated area of benefit around the Allerton Waste Recovery Park and also projects which helped to mitigate the visual effects of the site within that same area.

The area of benefit was defined by the boundary of the landscape character areas and communities most affected by the development. This included communities within the parish boundaries of: Allerton Mauleverer with Hopperton, Arkendale, Coneythorpe & Clareton and Flaxby.

And included some areas within the parish boundaries of: Marton Cum Grafton, Great Ouseburn, Little Ouseburn, Goldsborough, Whixley, Staveley, Boroughbridge, Ferrensby, Knaresborough, Dunsforths.



Where did the money go?

Grants were available to community groups, charities, individuals and private businesses. The fund was launched and the first awards were made in April 2016 and the final awards were made in February 2020. During this period 122 applications were received to the fund and 92 awards were made with a total value of £742,126.

There were three levels of funding awarded: Small grants up to the value of £1000, Medium grants from £1001 to £10,000 and Large grants from £10,001 to £50,000

The table below shows the number of awards made in each size category

	Number of grants	Total value of grants awarded
Small grant awards	51	£45,285
Medium awards	27	£202,406
Large	14	£494,435

The table below shows the distribution of grant awards by type of applicant

	Number of grants	Total value of grants awarded
Individuals	49	£259,543
Community groups/charities/churches	16	£233,825
Parish Councils	17	£156,856
Schools	9	£71,902
Businesses	1	£20,000

What difference has this made?

Improving landscapes and increasing local biodiversity

3.8 kilometres of hedgerow has been repaired



2.9 kilometers of new hedgerow has been planted



3400 trees have been planted



14 ponds have been created or restored and 8 new wildlife areas have been created including over 2000 square metres of new wildflower planting along with new wetland areas and installation of numerous bat and bird boxes to increase local biodiversity and/or improve the local landscape and public spaces.



Ferrensby parish meeting received a grant to give the village pond area a facelift, reinforcing the banks, dredging and introducing new planting.



Whixley parish council received a grant to increase wildflower planting in public spaces within the village

Wildflower planting for pollinating insects at Marton Cum Grafton



Arkendale & Coneythorpe parish council received funding to undertake an extensive tree planting programme throughout the parish and to improve the area around the Mar for both wildlife and the local community. The parish council reported: 'The difference is significant and already the increase and increased diversity in bird life especially is obvious. I am told the same is the case for amphibious life, the great crested newts in particular. The other significant difference the works have had is the impact on the visual character of the area.

The Mar was a dilapidated and sorry looking water body. You could not see it's full extent for the scrub and tree cover and it was an under utilised and under appreciated village asset. Now it looks fantastic and not only attracts wildlife but also people from the village who walk to it or walk through it, especially when out with their dogs'.



This pond in Marton Cum Grafton provides a home for rare species associated with native wetlands and rarely found in isolated field ponds. The careful removal of silt and overgrowth to restore more permanent open water has improved this natural habitat.



Education

Outdoor education & wildlife spaces have been created at 6 schools & 1 local charity that provides outdoor learning experiences for children with life limiting illnesses.



Boroughbridge High school received funding to make the school pond area into a useable space for pond dipping and outdoor learning.



Although Boroughbridge High School sits just outside the area of benefit, its catchment area includes pupils from the primary schools within the Allerton Park Landscape & Cultural Heritage fund area. They are delighted with the space that has been created following the clearing of the pond and are looking forward to receiving more wildlife visitors, they have installed a wildlife camera to capture images to enable the children to see what is happening when they are not there. A science teacher at Boroughbridge High school said, 'The area looks amazing and is being used weekly now, in fact I can't keep them out of it, which is great'. They are also planning to establish a 'womble' group to help with litter picking and maintaining the space.

To further support outdoor learning, all local schoolchildren were offered a voucher to enable them to receive a free bird box or bug hotel to install at home.



Staff from Two Ridings Community Foundation and Rabbit Hill Country Store at the launch of the bird box scheme

Cultural Heritage

14 projects have received funding to restore local features of cultural heritage including refurbishment of telephone boxes at Arkendale, Goldsborough and Staveley, restoration of the historic pinfold at Staveley and the renovation of the area around the war memorial at St Bartholomew's Church in Arkendale.



The pinfold at Staveley was refurbished, removing damaging overgrown vegetation and replacing the gate.


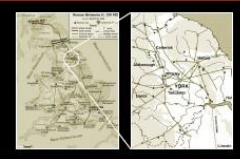


The war memorial area at St Bartholomew's church was resurfaced to make it more accessible, railings were installed around the churchyard to make the space safer and useable for community events and seating was installed.

In Whixley, the Whixley Heritage project received funding to contribute to a large community heritage project to both restore significant stained glass windows in the local church and also to research and tell the story of Whixley. This project involved a large number of community members, young and old, and now forms a display in the local church.

Whixley Heritage Story

The Romans invaded these parts in the First Century AD. Our village is situated on Rudgate, the Roman road linking Aldborough (Isurium) with Tadcaster (Calcaria). Native tribes would have settled here to trade with weary soldiers who marched along this highway, and nearby Dere Street, linking York (Eboracum) with the north of Britain.





In Saxon times, Whixley was called Cwichelem's Leah, in the kingdom of Northumbria, under King Edwin, who was baptised in York's earlier Minster in AD627.

Christianity had been brought to these shores by Augustinian monks and through St Aidan's missionaries from Iona and Lindisfarne in the 7th Century. Christians have worshipped on this hallowed site for over 1000 years.

The Synod of Whitby in AD666 harmonised the different practices of Augustinian and Celtic Christianity.

When William the Conqueror invaded Britain in 1066, he commissioned a great survey, "The Domesday Book". In it was recorded the existence of a church, lands and a settlement engaged in farming, in Cuchelaga, as this place was then known. The lands here were then governed on the king's behalf by a Norman knight, William de Perci. As our language evolved, Cuchelaga became Quixle, before becoming the present day Whixley.



THE WHIXLEY HERITAGE PROJECT 2019

Life in the Middle Ages

Under Whixley's feudal Lord of the Manor, the land was worked by peasant farmers under the Open-field strip-farming system. Disputes, (of which there were many), were settled at the local Court Leet.



Early strip-farm ploughing



Cherry-growing



Extensive Cherry-growing was introduced by the Friars of Knitroboro in 14th century, who received tithes in return for providing education, medicine, legal-aid, spiritual guidance and church services for the local community. Many properties in the village still have "Cherry" in their title.

Church records show that between 14th-19th century, Whixley became a self-enclosed community with yeomen, butchers, waggons, weavers, blacksmiths, farm-workers, tanners, shop-keepers, builders and schoolmasters.

The Tancred family acquired most of the village land 1600-1800 which was chiefly rented to tenant farmers, whilst their Park in 1744 was completely walled and stocked with 40 deer.




Map of Whixley strip lands






Original park wall photograph also shown in detail

THE WHIXLEY HERITAGE PROJECT 2019

A Prominent Family

The Tancred family, descendants of the Duke of Normandy, come to England with William the Conqueror in 1066, seizing extensive lands throughout this area.

During the English Civil War (1642-1651), Richard Tancred and his son Charles, actively support the Royalist cause, themselves fighting in the battle of Marston Moor nearby.






Christopher Tancred Whixley Hall c.1850 Tancred coat of arms

In 17th century, Whixley Hall is built and occupied by a branch of the Tancred family, into which Christopher is born in 1689. At a young age, he studies law at Christ College, and, in 1705, returns to occupy Whixley Hall, where he becomes both lord of the manor and a local judge.

On his death in 1754, Christopher leaves most of his wealth to Christ College Trust whilst the rest of his estate establishes a hospital for "twelve indigent and decaying gentlemen". Following an Act of Parliament the hospital closes down in 1872. In his will, Christopher demands that his body should never be buried, and his coffin is left hanging in the Hall's wine cellar until it is finally brought to rest in this church.

The Governors of the Tancred Charities supported the building of the Village School in 1853, and donated a tenor bell at the time of the church restoration in 1862.



Whixley School c.1853

THE WHIXLEY HERITAGE PROJECT 2019

Changes down the centuries

The site on which you stand had probably been the centre for primitive worship well before the Romans introduced Christianity to Europe as recorded by the Venerable Bede in 156 AD.





Primitive church Norman font Pre 1853

In the early Norman days, Christian people worshipped here in wooden structures which were burnt down by the marauding Scots during their frequent raids in the north of England. However, we know that an early stone church already existed here before the 1066 invasion by William the Conqueror as evidenced by a Norman window arch and a hexagonal stone font, along with documentary evidence in King William's Domesday survey of 1086.

Early paintings on the walls survived the over-painting by the Puritans in the 17th century, when the musician's gallery was probably removed.

In 1853, when the Reverend William Valentine was appointed as vicar, he set upon restoring the church, replacing the roof, porch, pulpit, reredos, and organ using both his own money and public subscription. The church was re-dedicated at a grand ceremony in 1862.

A further restoration took place in the 1990s headed by parishioners to bring the building back to its former glory. In 2000, the social area under the tower was created, along with a new lighting system in 2016, and two restored stained-glass windows in 2019 as part of the Whixley Heritage Project.





Early stone coffin Restored church 1862 Restored window 2019

THE WHIXLEY HERITAGE PROJECT 2019

Welcome to OUSE GILL BECK

Site of Importance to Nature Conservation (SINC)



The stream ahead of you, Ouse Gill Beck, has had huge symbolic significance since pagan times. Rising from springs some 2 kms upstream, marked by a stone column erected in the 1700's, it gushes flows downstream to join the River Ure.

It is a Site of Importance to Nature Conservation (SINC) and is a Special Area of Conservation (SAC) for the Ouse Gill Beck. It is also a Site of Special Scientific Interest (SSSI) for the Ouse Gill Beck.

The Ouse Gill Beck is a Site of Importance to Nature Conservation (SINC) and is a Special Area of Conservation (SAC) for the Ouse Gill Beck. It is also a Site of Special Scientific Interest (SSSI) for the Ouse Gill Beck.

THE WHIXLEY HERITAGE PROJECT 2019

Ouse Gill Beck at Fishpond bridge has been improved with wildflower planting and new scrapes providing additional wetland habitat but in addition, a new interpretation board celebrates the significance of this area from a cultural heritage aspect providing historical information about the area.



Phone boxes at Goldsborough and Staveley have been refurbished and now house the village defibrillators.



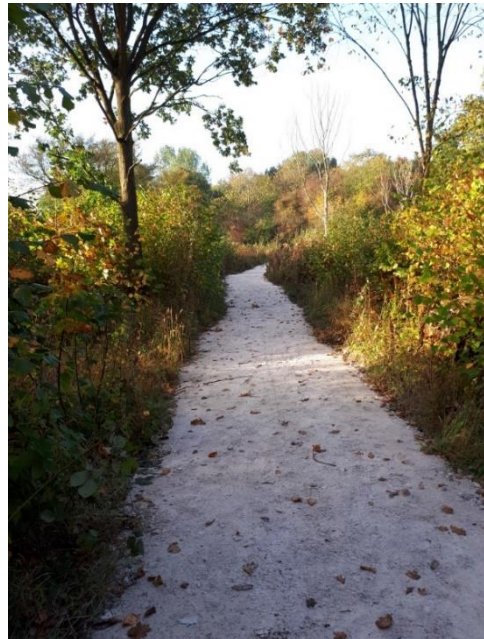
Improving access

2.2km of pathways have been created or repaired improving access for the local community into the local countryside.

Goldsborough parish council received funding to improve pathways and replace stiles to improve access.

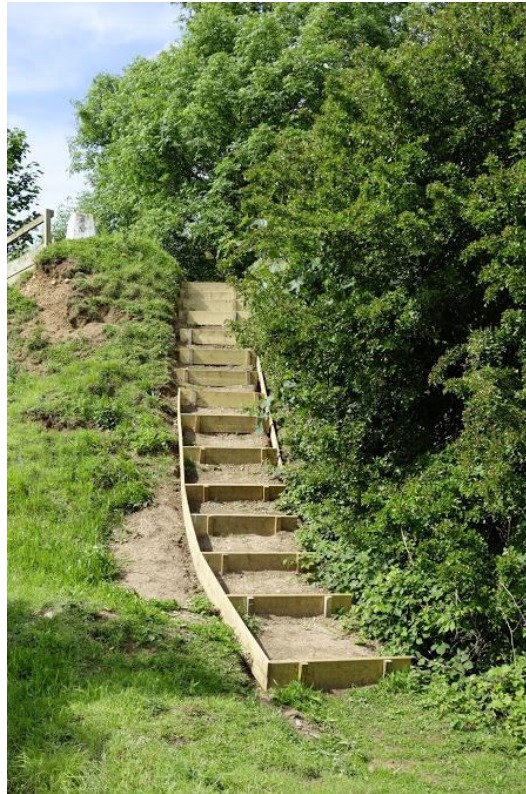


Improvements to pathways in Goldsborough parish means a much drier outing for walkers of the Knaresborough round.



Yorkshire Wildlife Trust received funding to improve and extend the boardwalk at Upper Dunsforth Carrs and at the same time were able to make use of recycled material. They said 'The installation of 230m of recycled plastic boardwalk at Upper Dunsforth Carrs has improved access to the reserve significantly. The previous wooden boardwalk had rotted in many places and was not safe or suitable. This new plastic boardwalk is much safer and has a vastly greater lifespan compared to using traditional wooden boards. The recycled plastic used is sourced exclusively from UK materials, such as milk bottles and other plastic containers. It's estimated that the new boardwalk could contain between 50,000 and 60,000 recycled milk bottles'.

Marton Cum Grafton Woodlands Group received funding to improve and extend the network of pathways through the woodland. They said: 'The major beneficiaries have been the local population, of all ages, who are now enjoying a safe & proficient path network. There have been numerous positive comments made by local & not so local residents regarding the outcome of this project. The additional path route has significantly expanded the network giving greater options to both walkers & runners to enjoy their local environment & increase their activity. We have noticed not just a significant increase in use by the local population but also of residents from as far away as Whixley. Young children have particularly benefited as the local primary school, and children from a wider catchment area including Boroughbridge & Great Ouseburn, are now using the



woodland to a far greater degree than previously. The environment has also benefited through using the new South West path to help control the spread of Himalayan Balsam into the Parish Woodland & also to help facilitate our bird box monitoring project'.

Added Value

In delivering the various funded projects, the value to the economy through use of local contractors and goods and services purchased locally within Harrogate District, is calculated at £171,086 (of this £97,359 was spent within a 5 mile radius of the Allerton Waste Recovery Park).



172 volunteers have been involved providing a total of 7604 volunteer working hours and a further £51,100 financial contribution has been added to the projects from other sources.

Yorkshire Wildlife Trust volunteers replacing and extending the boardwalk at Upper Dunsforth Carr to improve access



The Conservation volunteers digging out a pond to create a community wildlife area from a disused allotment at Great Ouseburn

In conclusion

The large variety of projects that have received funding from the Allerton Park Landscape & Cultural Heritage fund will provide a lasting benefit to this area. Projects have been funded which will encourage wildlife and increase biodiversity with new & restored ponds, wetlands and hedgerows. Features of local cultural heritage have been restored to be handed to the next generation along with projects allowing the very young to learn about the world around them. Projects in schools developing outdoor learning spaces and community projects such as the Whixley heritage project pass down both natural and cultural heritage providing a sense of place and belonging. Access into outdoor space has been improved and a variety of interpretation boards seek to inform local residents and visitors alike about the area around them. Community learning has been provided by local history projects and talks have been held locally about hedgehog care and an important Roman skeleton discovered locally! The number of volunteer hours involved with the various projects has added significantly to the value of the work undertaken and the report would not be complete without this acknowledgement. In Marton Cum Grafton, volunteers planted 18,000 bulbs to enhance the entrance to the village, Yorkshire Wildlife Trust volunteers undertook the work to extend and repair pathways and The Conservation volunteers renovated an allotment to put it back into community use as a wildlife area. Volunteers have also been involved with clearing nuisance species at Great Ouseburn and in the woodland at Marton Cum Grafton and looking after the nature reserve at Staveley.

Along with the volunteers, we would like to thank the local community for undertaking all of these projects which have served to enhance the local area so well. We would also like to thank the members of the local community that supported the decision making process, attending panel meetings to provide local insight and enabling grant awards that have really maximized the benefit of this fund to the local area and that will provide a lasting legacy.

Our thanks also to North Yorkshire County Council for trusting us to manage this fund and for working with and supporting us so well to achieve its aims.

Two Ridings Community Foundation



North Yorkshire County Council

Executive Members

22 October 2021

Opposed Definitive Map Modification Order: Restricted Byways 14 (South Ings Lane) & 207 (Back Lane) Appleton Le Moors Definitive Map Modification Order 2014

Report of the Assistant Director – Travel, Environmental and Countryside Services

1.0 Purpose of the report

- 1.1 To advise the Corporate Director of Business and Environmental Services (BES) of the proposed submission to the Secretary of State (SoS) of an opposed Definitive Map Modification Order (DMMO).
- 1.2 To request the Corporate Director, in consultation with the Executive Member for Access, to authorise that North Yorkshire County Council (NYCC), in its submission of the opposed Order to the SoS **will support confirmation of the Order.**

2.0 Background

- 2.1 Two applications were submitted to North York Moors National Park Authority (NYMNP) by Ryedale Bridleway Group in respect of two routes in Appleton le Moors, to be recorded as public bridleways. South Ings Lane is currently recorded on the Definitive Map as a public footpath whilst Back Lane is not recorded. The routes subject of the 2 applications are shown on Plan 2 attached to this report.
- 2.2 The application was supported by 17 user evidence forms in respect of the use of South Ings Lane, and 20 user evidence forms in respect of the use of Back Lane.
- 2.3 The evidence was supportive of use by the public at large; and that use had been continuous throughout the relevant time-period (20 years preceding the erection of a DEFRA Countryside Walks Notice in 2003/4)
- 2.4 Following the pre-order consultation and consideration of further evidence, it appeared that on the balance of probabilities, public vehicular rights existed over both routes before being suspended by the NERC Act in 2006 and that both ways should therefore be recorded on the Definitive Map as restricted byways.
- 2.5 Attached to this report as Appendix 1 is a copy of the report submitted to the NYMNP Access and Rights of Way Panel dated 7 January 2014 in which the case for making a Definitive Map Modification Order to record restricted byways was outlined. The Panel approved the making of a DMMO.
- 2.6 The Order was made by the NYMNP in February 2014 and subsequently advertised, attracting representations from 4 people, one of which is clearly an objection and which remain outstanding. The County Council cannot confirm a DMMO where there are outstanding objections; the Order must be forwarded to the Secretary of State for resolution.

3.0 Responses to the sealed order

- 3.1 Of the 4 responses made to the making of the order 3 people responded concerned that the proposed recording of the routes as restricted byways would affect their existing access to their land from the lanes with motor vehicles and machinery. The

correspondents were assured by the NYMNPA that if the routes were recorded as restricted byways that there would be no effect on any private rights of access they may already have, with vehicles.

3.2 The fourth response was a clear objection to the Order from one household in the village. Their comments are that:

- The proposal to ban motor bikes and motorised vehicles is a waste of money,
- The few motor bikers using the route are very courteous to walkers and riders,
- The motorised vehicles are usually owned by landowners accessing their land,
- Horse riders damage the verges, causing mud to wash onto the track, and making them uneven to walk on,
- Overuse by horse riders are making it almost untenable for walkers,
- These byways have been used for very many years by anyone and everyone and this should not now be changed purely to suit the equestrian fraternity who cause more damage to the byways than anyone else.

3.3 The response that clearly objects to the Order suggests grievance that motor bike and motor vehicle rights of access will be taken away by the Order, however public motor vehicle rights were extinguished by the NERC Act 2006. As it seems unlikely that the exceptions within the Act apply, the highest public status that these routes can now be, are as restricted byways.

3.4 No evidence was put forward by any of the 4 correspondents to suggest that restricted byway rights do not exist

4.0 Representations made by the local member

4.1 No formal representations were received from the local councillor in response to the consultations regarding the Order.

5.0 Equalities

5.1 It is the view that the recommendations do not have an adverse impact on any of the protected characteristics identified in the Equalities Act 2010.

6.0 Finance

6.1 As the evidence submitted consists mainly of user evidence, it is probable that the Order would be resolved by public inquiry.

6.2 There would be unavoidable costs to the Authority in preparing a submission to SoS and holding an Inquiry. These costs would relate to officer time which would be met by the respective staffing budgets

7.0 Legal

7.1 The opposed Modification Order would be determined by an inspector appointed by the SoS and as stated above, determination will most likely be by way of a public enquiry.

7.2 The Inspector, on the basis of the evidence and legal criteria will decide whether or not to confirm the opposed Modification Order. If the Inspector decides to confirm the Order, the routes will be amended on the Definitive Map and statement in accordance with the details within the Modification Order.

8.0 Climate change

8.1 The proposal is to alter the status of a route already recorded as a public right of way and to record a right of way along an unrecorded route. The confirmation of this Order would have no positive or negative impact on climate change.

9.0 Current Decision to be made

9.1 In submitting an opposed Order to the SoS the County Council needs to express whether, on the basis of the available evidence, it;

- supports confirmation of the Order,
- believes the Order should not be confirmed, or
- considers the evidence is either so finely balanced, or is particularly unclear and wishes to take a neutral stance.

9.2 The current decision to be made is which stance the County Council is to take within its submission of this opposed DMMO to the SoS.

9.3 From all the available evidence, there is sufficient evidence of use and documentary evidence to support confirmation of the Order.

9.4 The objectors have not provided any evidence that would successfully challenge the Order. The objectors seem to be more concerned about a perceived loss of private rights of access with motor vehicles by the landowners, than a belief that restricted byway rights do not exist. Several objectors use the route(s) to access their property and have queried the effect the Order would have on their vehicular access to property, but as the Order relates to public rights, any private rights of access to property would remain unaffected.

10.0 Conclusion

10.1 Overall, it currently appears that there is sufficient documentary evidence to suggest that the routes were historically public carriageways but that any public motor vehicle rights have been extinguished, and public use of the routes by horse riders is additional evidence suggestive of at least bridleway status of the routes. To conclude it seems that on the balance of probabilities these routes should be recorded as restricted byways on the Definitive Map, and therefore of the options outlined in 9.1, that in this instance, the Order should be confirmed.

11.0 Recommendation

11.1 The application is supported by documentary evidence and additional user evidence which has not been countered by evidence from the objectors provided to date, and which indicates that on the balance of probabilities restricted byway rights exist.



11.2 It is recommended that the Authority support confirmation of the Order.

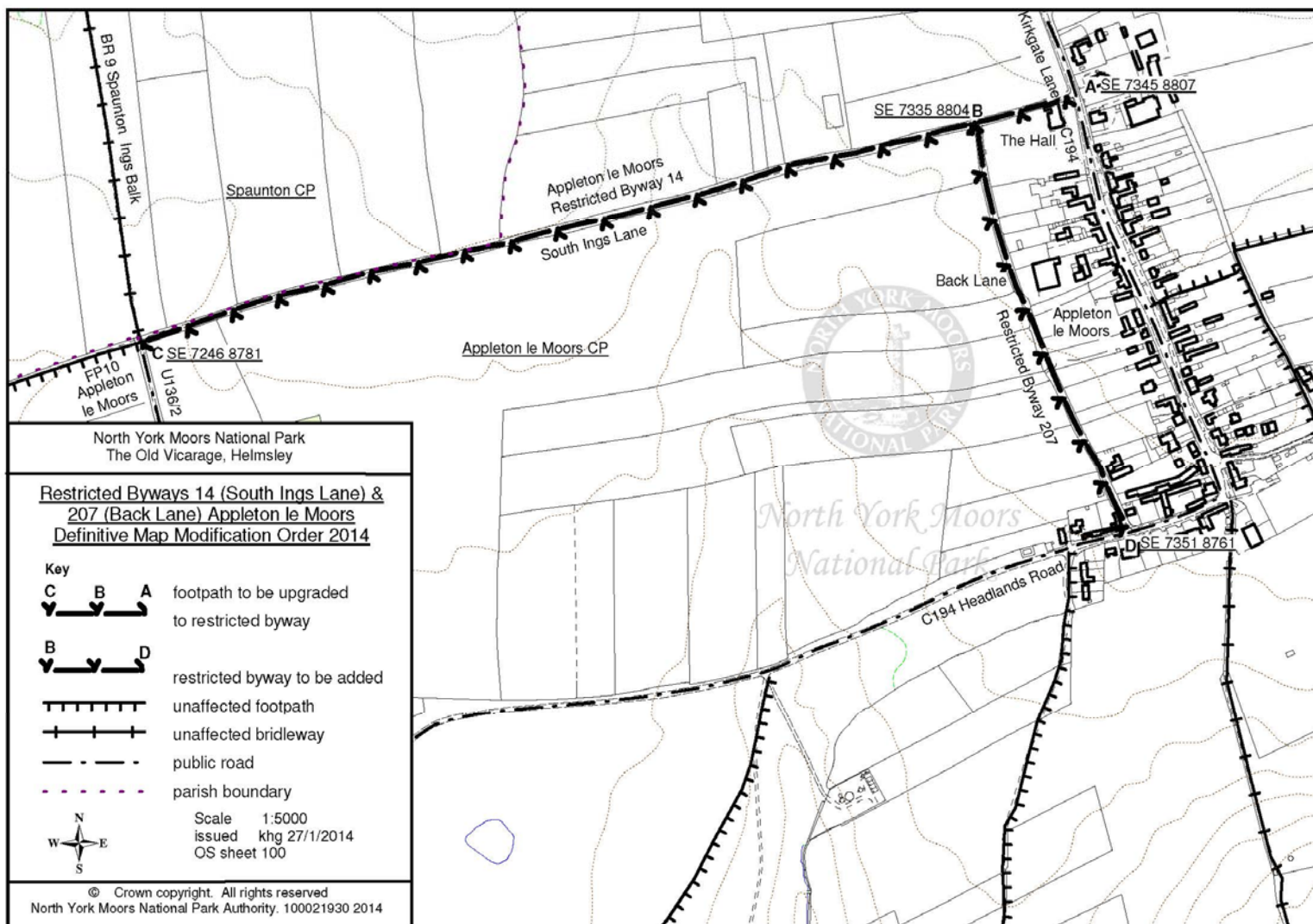
MICHAEL LEAH
Assistant Director - Travel, Environment and Countryside Services

Author of report: Andrew Hunter

Background Documents: File Ref NYM/2014/03/DMMO



 <p>North Yorkshire County Council</p> <p>Public Rights of Way Waste and Countryside Services County Hall Northallerton DL7 8AH</p>	<p>Key: Approximate location of routes</p>  <p>Map drawn on 23 September 2021 Drawn by AWH Scale 1:50000</p>	<p>North Yorkshire County Council</p> <p>Location Plan Appleton le Moors</p> <p>File Ref RYE/2014/03/DMMO</p>
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North Yorkshire County Council

Corporate Director - BES

22 October 2021

**Opposed Definitive Map Modification Order:
Restricted Byways 14 (South Ings Lane) & 207 (Back Lane) Appleton Le Moors
Definitive Map Modification Order 2014**

Report of the Assistant Director – Travel, Environmental and Countryside Services

AUTHORISATION

I approve / do not approve the recommendation set out above

.....

ANY ADDITIONAL RECOMMENDATION or COMMENT:

.....

.....

Karl Battersby
Corporate Director - BES

Signed:Date:

North York Moors National Park Authority

Item 5

Access and Rights of Way Panel

7 January 2014

Proposed Definitive Map Modification Orders - Back Lane and South Ings Lane,
Appleton le Moors

1. Purpose of the Report

- 1.1 To set out the circumstances relating to proposed Definitive Map Modification Orders (DMMOs) in respect of two claimed public bridleways, in light of objections having been received.
- 1.2 To seek Members' refusal of the applications for bridleways.
- 1.3 To seek Members' approval to:
 - 1. make a DMMO to upgrade Appleton le Moors Footpath 14 (South Ings Lane) to Restricted Byway and add Back Lane as Restricted Byway and
 - 2. to submit the matter to the Secretary of State for determination if objections are received or remain un-withdrawn.

2. Legal Introduction

- 2.1 The National Park Officer has delegated responsibility to authorise the making of a definitive map modification order under section 53(3)(c) of the Wildlife and Countryside Act 1981 unless a statutory consultee objects to the proposal.
- 2.2 In this case, the relevant test under S53 (c) that the Access and Rights of Way Panel needs to consider is:
 - (i) *"that a public right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates"*
- 2.3 If an order is made and any remaining objections are not withdrawn, the matter would probably be resolved by a public inquiry at which an inspector must weigh up whether on the balance of probabilities restricted byways subsists over the claimed routes.
- 2.4 A comprehensive explanation of the Authority's duties as "Surveying Authority" and of the legislative context appears in the consultant's report: "Consideration of the Status of South Ings Lane and Back Lane in the parish of Appleton le Moors" **Appendix 1** sections 2 and 3 respectively.

3. Background

- 3.1 Applications dated 1 October 2012 have been received from Ryedale Bridleway Group in respect of two routes in Appleton le Moors to be recorded as public bridleways as shown on the plans in the **Evidence Bundle Tab 1**. South Ings Lane is currently recorded on the definitive map as public footpath whilst Back Lane is not recorded at all.

North York Moors National Park Authority

- 3.2 The applications were made in accordance with the required procedures, landowners and tenants were notified and certificate of service of this notice has been received by the NPA. No documentary evidence was submitted with the applications, but considerable user evidence was provided in support.
- 3.3 South Ings Lane runs west from C194 Main Street Appleton le Moors (Point A, Plan 1 **Tab 1**) between enclosed fields to Ings Balk where it meets an un-metalled road U 136/2; a Bridleway, number 9 Spaunton and a footpath, No. 10 Appleton le Moors. Photographs taken on 18 April 2012 appear in **Tab2**
- 3.3 Back Lane runs south from South Ings Lane (Point B Plan 2 **Tab 1**) behind all the properties on the western side of Main Street to the tarmac surfaced C194 Headlands Road near the south-western corner of the village (Point D). The width varies from 5 to 9 metres between boundaries through which private access is available through hand or field gates. Photographs taken on 18 April 2012 appear in **Tab3**
- 3.4 A selection of photographs of both routes will be presented at the meeting.
4. **Ownership**
- 4.1 Despite extensive research, it has not been possible to confirm ownership of the land crossed by either route. An Open Land Registry Search conducted in May 2012 **Tab 8** revealed no records in respect of the property. A deposit made by Spaunton Estate in 1996 under Highways Act 1980 section 31(6) for the purpose of showing an intention not to dedicate public rights of way shows both routes to lie beyond the extent of the Estate's land holding. Direct contact was therefore made by letter dated 4 January 2013 with all frontagers and with Spaunton Estate which, despite the declaration referred to above, may retain remnant manorial rights.
- 4.2 It is likely that all frontagers have the benefit of vehicle access to their property, but this private right is not inconsistent with public rights of way co-existing along both ways.
5. **Initial Investigations**
- 5.1 Site inspections by the Head of Recreation and Access Officer in April and May 2012 confirmed the ways to have the appearance of public rights of way, connecting with other highways and running between long established enclosures; neither had any gates or stiles restricting access in any way. South Ings Lane, had a wooden public footpath sign at each end, where there was also a defra Conservation Walks Notice **Tab7**. This identified several permissive bridleways in the area, including South Ings Lane and Back Lane under the terms of a Countryside Stewardship Scheme and stated. "Existing rights of way are unaffected." "Access ends in September 2012".
6. **Consultations**
- 6.1 Informal consultation to obtain the views of statutory consultees and other interested parties began on 2 January 2013 July 2012 with the letters and plans at **Tab 14.1-4**
7. **Observations of Consultees**
- 7.1 No objections were received from statutory undertakers, Natural England North Yorkshire County Council or Appleton le Moors Parish Meeting. No reply was received from the Cyclists' Touring Club, Ryedale District Council, the Open Spaces Society or Ryedale Walkers are Welcome Group.

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- 7.2 The Ramblers', **Tab 14.5** raised concern at the increased risk of surface damage to the existing footpath if it were to be used by horses and commented that they would have expected more evidence regarding Back Lane
- 7.3 Byways and Bridleways Trust **Tab 14.6** supported the proposed Bridleway orders, but questioned whether Restricted Byway would be the more appropriate status.
- 7.4 Mrs C Cook for the British Horse Society objected **Tab 14.7**, saying the ways should be recorded as restricted byways and subsequently provided documentary in support of this hypothesis: Documents already considered in the Consultant's Report appear at **Tab 9**, the remainder, were supplied later by Mrs Cook and appear in chronological order at **Tab 15**.
- 7.5 For South Ings Lane, two landowning frontagers replied in support of upgrading of the footpath to bridleway because that is how they have known the way to be used.
- 7.6 For Back Lane, three frontagers replied seeking clarification of the continuance of their private vehicle access rights. One supported bridleway status whilst two others suggested Restricted Byway status would be preferable – one saying that this would protect the pre-existing access rights of occupiers which were protected by the 2006 Natural Environment and Rural Communities Act.

8. Comment and response

- 8.1 Brief assessment of the user evidence submitted by the applicant in support of both claims indicated there to have been sufficient for public bridleways to have arisen through presumed dedication.
- 8.2 The NPA has a duty to thoroughly investigate all rights of way claims, and so a contractor was appointed to carry out research into documentary evidence in order for a fair assessment of all available evidence to be made before deciding whether or not to make the Bridleway Orders applied for. His Report, **Appendix 1** included the Evidence Bundle Tabs 1 – 13 only. Tabs 14 on have been added after receipt of his Report.

9.0 User Evidence

- 9.1 This is contained in **Tabs 5 and 6**; explained and summarised in the Contractor's Report **Appendix 1**. It concludes at 6.4 that there is a reasonable amount of user evidence in support of both lanes; the evidence is supportive of use by the public at large; and, at 6.6, that use has been continuous throughout the relevant time period (20 years preceding the erection of the defra Countryside Walks Notice in 2003/4)

10. Documentary Evidence

- 10.1 The Contractor's Report Introduces numerous items of documentary evidence at 4.7 – 4.15 **Tabs 9-13** and at section 7 considers the value of each in determining the status of South Ings Lane and Back Lane.
- 10.2 The NPA needs to consider all the available evidence in reaching a conclusion, so in addition to the documents considered in the Contractor's Report, attention needs to be given to the documents provided by the objector, Mrs Cook at **Tab 15**. Mrs Cook has provided a brief summary of the relevance of her documents to the claimed routes at **Tab 14.7 a** and **b**. Of particular interest is Bacon's half inch road map at

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Tab 15.6 which depicts South Ings Road as a “best cycling road”. These documents support the Contractor’s view that both ways were public carriageways.

- 10.3 Additional documents appearing at **Tab 16**. Have been discovered by the Authority and these are summarised below:
- 10.4 1818 Tuke’s Map has the Main Street through Appleton, but does not show either of the claimed ways.
- 10.5 1929/32 Highways County Roads map. Neither way is shown as an adopted highway but other roads in Appleton are recorded as currently appear on the list of Streets. This is evidence of the way not having been considered at the time to be a public vehicular highway.
- 10.6 1948 Batholomew’s Map shows both routes as “other roads and tracks” though much of South Ings Lane is obscured by the village name.
- 10.7 1954 OS National Grid Plan SE78 denotes Roads, subdivided by Ministry of Transport Class I and Class II and Other roads (not classified by the Ministry of Transport) then Footpaths. No bridleways appear on this map at all. The claimed routes are shown as “other roads; poor or unmetalled” the same as ways currently on the list of streets and others which are private. This gives a good indication of the physical existence of the route, without offering much indication of its status.

11. **Comment**

- 11.1 The additional evidence shows the physical existence of both routes consistently in almost all documents. Of particular interest is the OS Object Names Book describing Back Lane as a District Road in 1910, but 20 years later the Handover Map of Highways going to the North Riding Council from the Rural District Council omits both routes.

12. **Action to Negate a Right of Way Arising**

- 12.1 Enquiries have revealed that no deposit under section 31(6) of the Highways Act has been made for any of the land crossed by the claimed bridleway. No private signs have been erected, no gates appear to have been placed across the way and no evidence has come forward of anybody having been stopped from using the way.
- 12.2 The defra Conservation Walks Notice referred to in 5.1 above could be taken to be a challenge to the public wishing to use South Ings Lane and Back Lane on horse-back or pedal cycle, but this carries little weight, as it is without prejudice to existing rights of way and in any event it is doubtful whether there is actually a landowner with the capacity to challenge public use of the ways.

13 **Conclusion**

- 12.3 The Contractor’s Report concludes at 6.10 that the prima facie case in support of the establishment of bridleway rights based on the user evidence should stand.
- 13.1 Weighing all the additional documentary evidence it still appears as though the conclusion in the Contractor’s Report at 8.0 holds true – that on the balance of probabilities public vehicle rights existed over both routes before being suspended by the NERC Act in 2006 and that both ways should therefore be recorded on the Definitive Map as Restricted Byways.

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14. Financial and Staffing Implications

- 14.1 The likely cost of making, confirming and advertising both Orders is in the region of £1500, plus a further £1,000 if the orders are opposed and need to be sent to the Secretary of State for confirmation. This is available from existing budgets. There are no staffing implications.

15. Contribution to National Park Management Plan

- 15.1 Policy U3: The public will be able to enjoy the National Park using the rights of way network - achieved through the Delegation Agreement with NYCC and with reference to the Rights of Way improvement Plan.
- 15.2 Policy E1: The landscape character of the National Park will be maintained by greater protection being afforded to Back Lane.
- 15.3 Policy C3: Community involvement with the project comes from the application and user evidence submitted by Ryedale Bridleway Group and consultation with all frontagers.

16. Legal Implications

- 16.1 The NPA has a duty to determine DMMO applications within 12 months of receipt. This time period has already expired and so it would be prudent to avoid further unnecessary delay in determination.

17. Recommendation

- 7.1 That Members refuse the applications for bridleways.
- 17.2 That Members give authorisation to:
1. make a DMMO to upgrade Appleton le Moors Footpath 14 (South Ings Lane) to Restricted Byway and add Back Lane as Restricted Byway and
 2. submit the matter to the Secretary of State for determination if objections are received or remain un-withdrawn.

Contact Officer

Karl Gerhardsen Head of Recreation and Access

Tel No 01439 772700

Background papers to this Report

File ref

- | | |
|--|-------------------|
| 1. Application of 1 October 2012 re Back Lane | 5050/5/02/MOD 207 |
| 2. Certificate of serving notice 1 October 2012 re Back Lane | " |
| 3. Application of 1 October 2012 re South Ings Lane | 5050/5/02/MOD 14 |
| 4. Certificate of serving notice 1 October 2012 re South Ings Lane | " |
| 5. Letter of 4 December 1996 re Section 31 (6) deposit | 5050/5/02/MOD 207 |
| 6. Letter of 11 Feb 2013 seeking Restricted Byway | " |
| 7. E-mail of 15 Feb 2013 suggesting Restricted Byway | " |

North York Moors National Park
The Old Vicarage, Helmsley

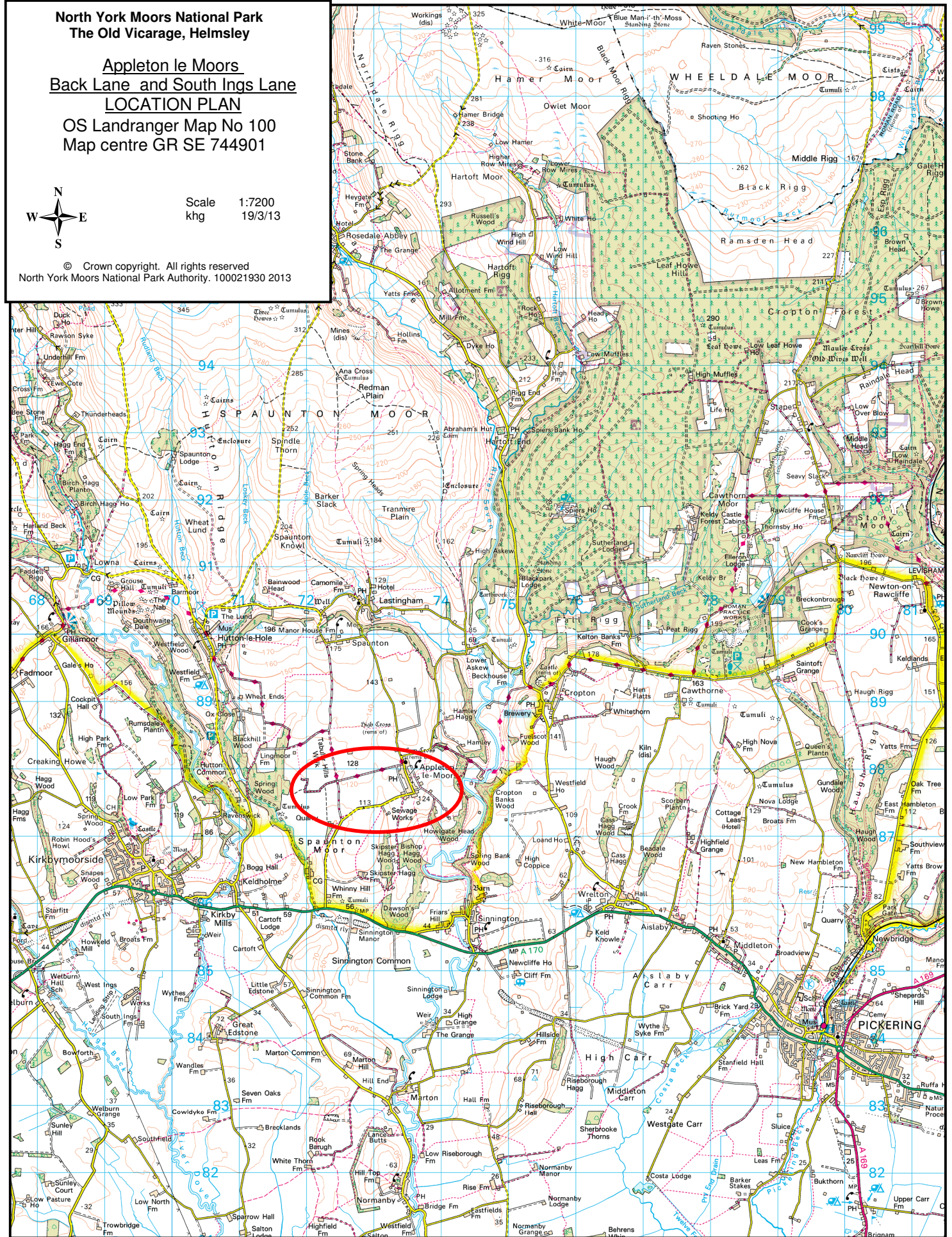
Appleton le Moors
Back Lane and South Ings Lane
LOCATION PLAN

OS Landranger Map No 100
Map centre GR SE 744901






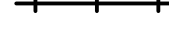
Scale 1:7200
kgg 19/3/13

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**Proposed Bridleway 207 Appleton le Moors
(Back Lane West)**
Definitive Map Modification Order 2013

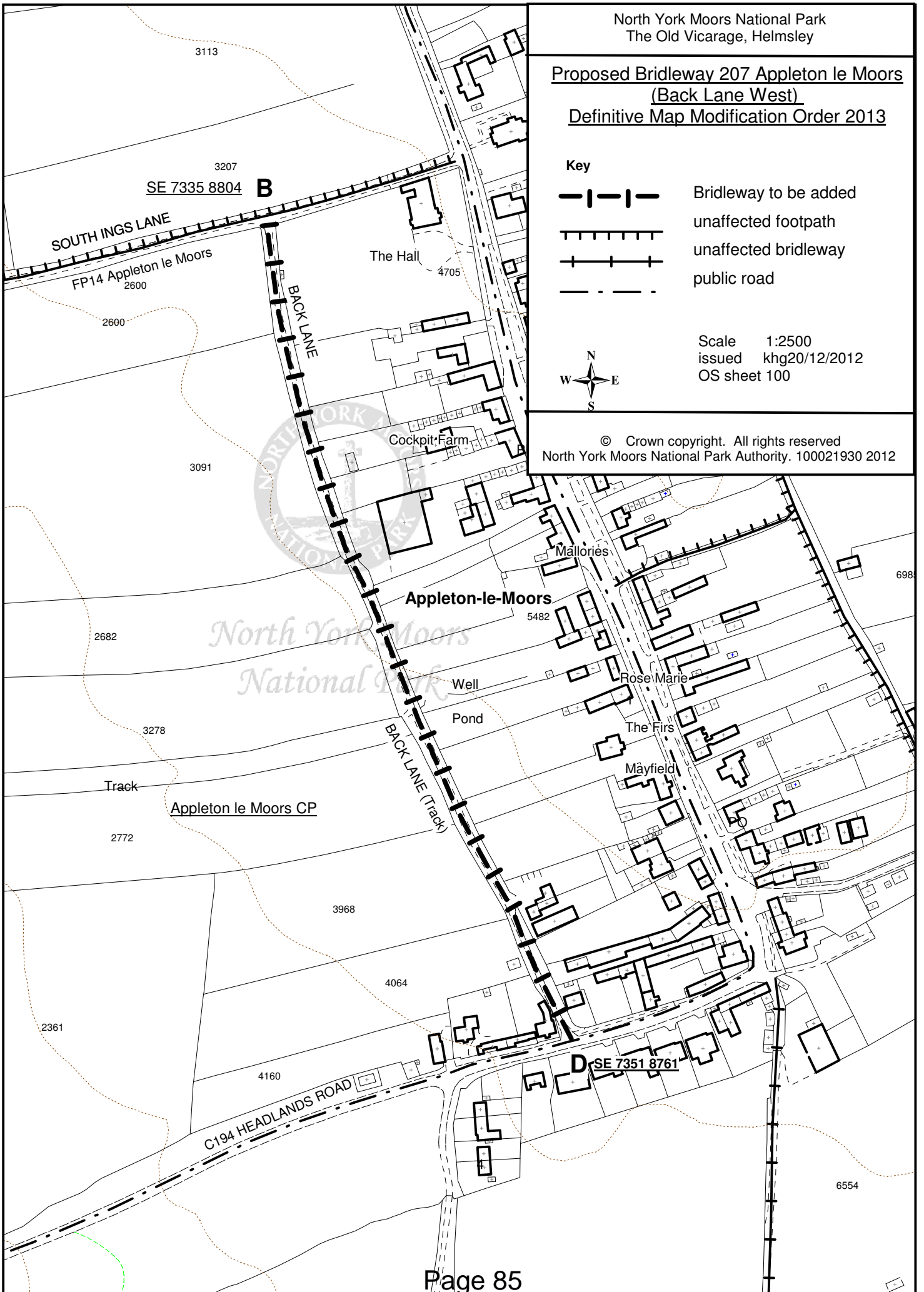
Key

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-  unaffected footpath
-  unaffected bridleway
-  public road

Scale 1:2500
issued khg20/12/2012
OS sheet 100





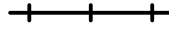
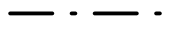

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Proposed Bridleway 14 Appleton le Moors
(South Ings Lane)
Definitive Map Modification Order 2013

Key

-  footpath 14 to be upgraded to bridleway
-  unaffected footpath
-  unaffected bridleway
-  public road
-  parish boundary

Scale 1:5000
issued khg20/12/2012
OS sheet 100



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