

# Public Document Pack

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

**Friday, 18 February 2022 / 2.00 pm**

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## **A G E N D A**

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- 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 Qtr.3 Finance Update
- 5 Highways Capital Programme 2022-23 (Pages 3 - 32) James Gilroy
- 6 Hambleton District Council - consent to amend off street parking places order (Pages 33 - 44) David Kirkpatrick
- 7 Review of Highways Fees and Charges (Pages 45 - 62) Allan McVeigh
- 8 School Streets - Initiative Review and Proposed Trial Location (Pages 63 - 74) David Kirkpatrick
- 9 Review of Driven Carriageway Inspections during Covid-19 (Pages 75 - 86) Nigel Smith
- 10 North Yorkshire and York English National Concessionary Travel Scheme (Pages 87 - 100) Cathy Knight
- 11 Review of Waste and Countryside Services Charges (Pages 101 - 116) Michael Leah
- 12 Opposed Public Bridleways 15.44-3 and 15.44-5 and Public Footpath 15 (Pages 117 - 124) Penny Noake
- 13 Opposed Public Path Order to Divert a Public Footpath at 124 Main Street, Cononley (Pages 125 - 146) Penny Noake

### **Any Other Business**

14

**Circulation:**

**Executive Members**

Derek Bastiman  
Don Mackenzie

**Officer attendees**

Karl Battersby  
Connolly

**Presenting Officers**

Vicki Dixon  
James Gilroy  
David Kirkpatrick  
Allan McVeigh  
Nigel Smith  
Cathy Knight  
Michael Leah  
Penny Noake

## North Yorkshire County Council

### Business and Environmental Services

#### Executive Members

18 February 2022

### Highways Capital Programme 2022/23

#### Report of the Assistant Director – Highways and Transportation

#### **1.0 Purpose of Report**

- 1.1 To seek agreement from the Corporate Director, Business and Environmental Services (BES), in consultation with the BES Executive Member for Access, to authorise additions to the Highways Capital Forward Programme for Structural Highway Maintenance identified since the last Highways Capital Programme report dated 20 August 2021.
- 1.2 To update the Corporate Director, Business and Environmental Services (BES), and BES Executive Member for Access on highway maintenance schemes included within the 2022/23 Highways Capital Annual Programme.

#### **2.0 Background**

- 2.1 The Highways Capital Programme is made up of four specific elements; these are Street Lighting; Bridges and Structures; Integrated Transport and Structural Highway Maintenance. Each of these elements is subject to prioritisation methods based upon an assessment of the required outcomes.
- 2.2 BES Executive Members will be aware that usual practice is to present two main reports per year; one in the summer, identifying schemes to be added to the forward programme; followed by a further report, when necessary changes to the programme are reported along with the headline allocations for the programme for the year after.
- 2.3 In line with 2.2 above, the report was considered at the BES Executive Members meeting held on 20 August 2021.
- 2.4 Although advanced planning is maximised through the implementation of a three-year rolling capital works programme, there are occasions when it is necessary, for sound operational reasons, to introduce new schemes into the forward programme.
- 2.5 In a similar way it is sometimes not possible to deliver programmed schemes in the financial year initially intended, these schemes are then re-programmed into later years when implementation of works can take place.

#### **3.0 New Schemes to be added to the Highways Capital Forward Programme**

- 3.1 It is proposed to add three new schemes, with the combined value of £305K to the Highways Capital Forward Programme. As outlined at the BES Executive Members Meeting on 20 August 2021, entry on to the forward programme does not guarantee delivery in a specific year. It does however approve the proposed scheme for future delivery. By adding these schemes to the forward programme now, it provides additional time for design and development for potential scheme delivery in 22/23.

- 3.2 One of the schemes that is proposed to be added to the Forward Programme is a provision of funding to support the development and implementation of 20mph speed limits following the outcome of the review led by the Transport, Environment and Economy Overview and Scrutiny Committee and the revised 20mph speed limit policy which was presented to the County Council Executive on 11 January 2022. A prioritisation process is currently being developed for 20mph speed limit requests and a report will be presented to a future BES Executive Members to approve this process.
- 3.2 The other proposed schemes were identified through ongoing asset condition and engineering assessments carried out since the forward programme was approved on 20 August 2021.
- 3.3 A full list of schemes to be added to the forward programme is provided in Appendix 1.

#### **4.0 2022/23 Highways Capital Annual Programme**

- 4.1 As outlined at the 17 December 2021 BES Executive Members meeting, we are still awaiting final confirmation of our 22/23 Highways Capital funding settlement from the Department of Transport (DfT). Officers have been developing the 22/23 annual programme, based on a predicted settlement of £40M which is in line with funding received for 21/22.
- 4.2 Should the funding settlement be lower than the predicted value of £40M, officers will look manage the programme by either moving schemes back to the Highways Capital Forward Programme or increase the level of over programming to retain the schemes with the 22/23 annual programme. Should the funding settlement be higher than £40M, further schemes will be identified from the Highways Capital Forward programme. An update will be provided to this meeting following receipt of the funding settlement, outlining the impact on the 22/23 annual programme.
- 4.2 Schemes have been selected for inclusion within the 22/23 annual programme from our Highways Capital Forward Programme. This forward programme includes schemes that were approved at the 21 August 2021 BES Executive Members Meeting, alongside schemes that have been moved from previous year's BES Executive Member approved annual programmes due to financial or operational reasons.
- 4.3 Design work has been completed for the vast majority of the 22/23 annual programme and we are working closely alongside NY Highways to develop the delivery programme, with on-site delivery planned to commence from early April 2022.
- 4.4 A summary of the schemes to be included within the 22/23 annual programme is included in Appendix 2.
- 4.5 Design and development work for the 23/24 annual programme is underway, with a significant number of schemes on the Forward Programme already designed ready for delivery. These can be brought forward should there be capacity within the 22/23 programme. It is assumed that the DfT will announce the funding settlement for 23/24 and 24/25 alongside the announcement of the 22/23 settlement. This will help us to plan ahead more effectively.

## **5.0 Financial Implications**

- 5.1 Any additional costs associated with implementation of the scheme/s named in Appendix 1 will be accounted for as part of the routine strategic management of the Highways Capital Works annual Programme for the year in which the schemes are added to.
- 5.2 As outlined in section 4.1 we are awaiting on final details of the 22/23 funding settlement from DfT. The annual programme has been developed based on an assumed £40M funding settlement. It also takes in to consideration any financial impact of schemes that have been moved in year from 21/22 to 22/23 and also any over programming in 21/22.
- 5.3 Officers continue to monitor the delivery of the 21/22 programme and its associated impact on 22/23, alongside confirmed costs for 22/23 schemes as they are procured and delivered through NY Highways. Where required officers, will adjust the 22/23 programme to manage any financial and/ or operational impacts.
- 5.4 The contents of this report make no changes to the BES Capital Plan expenditure limits.

## **6.0 Equalities Implications**

- 6.1 An Equality Impact Assessment screening form was included as part of the Capital Programme overall and this found that an Equality Impact Assessment was not required. As these schemes are typical maintenance schemes it is deemed that the original screening form included schemes of this type and that there will be no Equality Implications arising from this recommendation, see Appendix 3

## **7.0 Legal Implications**

- 7.1 The County Council as Local Highway Authority has a wide range of statutory duties imposed by a variety of legislation relating to highways and transportation and also has a wide range of duties imposed by legislation in its capacity as Lead Local Flood Authority, Street Authority and Local Traffic Authority. This includes a duty under s41 of the Highways Act 1980 to maintain highways maintainable at the public expense and a duty under s122 of the Road Traffic Regulation Act 1984 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. Under s16 of the Traffic Management Act 2004, the County Council is also required to manage its road network to secure the expeditious movement of traffic in that network.
- 7.2 The forward programme has been developed and prioritised in line with the County Councils duties and responsibilities under the above and other legislation, including the Transport Act 2000 and the Flood and Water Management Act 2010.

## **8.0 Climate Change Impact**

- 8.1 A climate change impact assessment has been carried out, see Appendix 4. This has identified that the development of a forward programme will help to improve efficiency of delivery, reducing waste and emissions through improved coordination and planning of works.

## **9.0 Recommendation**

9.1 It is recommended that

- i) the Corporate Director, Business and Environmental Services (BES), in consultation with the BES Executive Member for Access authorises additions to the Highways Capital Forward Programme for Structural Highway Maintenance identified since the last Highways Capital Programme report dated 20 August 2021.
- ii) the Corporate Director, Business and Environmental Services (BES), and BES Executive Member for Access notes the update provided on highway maintenance schemes included within the 2022/23 Highways Capital Annual Programme.

BARRIE MASON

Assistant Director - Highways and Transportation

Author of Report: James Gilroy

Background Documents: None

## **Appendix 1 Schemes to be added to the Highways Capital Forward Programme**

<b>District</b>	<b>Location</b>	<b>Address</b>	<b>Est Cost/£</b>	<b>Reason for addition</b>
Ryedale	Kirkham Bridge	Kirkham	£50,000	Repairs to the wing wall on Kirkham Bridge, which were identified during the design of a revenue funded repair following a vehicle strike. Combing these works will reduce overall costs and local disruption.
Ryedale	Low Bell End Landslip	Rosedale	£180,000	Installation of Gabion Wall installation to mitigate against the impacts of a landslip in this location
Countywide	20mph Speed Limits Countywide	Various	£75,000	Funding to commence installation of 20mph speed limits in line with the recommendation of the report presented to the County Council Executive 11 January 2022

## **Appendix 2 Schemes Included within the 22/23 Highways Capital Annual Programme**

Key

R&R = Resurface & Reconstruction scheme

SD = Surface Dressing scheme

### **Area 1 Richmondshire**

<b>Scheme Name</b>	<b>Proposed Treatment</b>	<b>Location</b>
Area 1 C28 Lucy Cross To Aldbrough St John R&R	R&R	Aldbrough St John
B6275 Hang Bank Patching	Patching	Aldbrough St John
U1249 St Pauls Drive Patching	Patching	Brompton On Swale
U1230 Brompton Park Roads Patching	Patching	Brompton-On-Swale
U1235 Brompton Park Roads Patching	Patching	Brompton-On-Swale
U1236 Brompton Park Roads Patching	Patching	Brompton-On-Swale
C118 Church Bank Patching	Patching	Carperby
Area 1 Catterick Garrison Footway R&R	Footway	Catterick Garrison
C37 Hipswell Road West Patching	Patching	Catterick Garrison
A6136 Leeming Lane South Patching	Patching	Catterick Village
U254 Road From Summer Lodge To Low Houses Patching	Patching	Crackpot
A6108 East Witton To Jervaulx Hall Patching	Patching	East Witton
Area 1 C7 Eppleby To Greystones R&R	R&R	Eppleby
Area 1 C229 Eryholme Lane R&R	R&R	Eryholme
Area 1 Feetham R&R	R&R	Feetham
Area 1 C32 Beggarmans Road Fleet Moss R&R	R&R	Gayle
Area 1 - Cat 3a R&R - Gilling West	R&R	Gilling West
Area 1 U3129 Track To Harmby Moor House R&R	R&R	Harmby
U195 Cotterdale To A684 Road Landslip	Landslip	Hawes
B6255 Old Widdale Head To Hawes Road Patching	Patching	Hawes
A684 Hawes To GarSDale Head Patching	Patching	Hawes
B6270 Low Lane Patching	Patching	Healaugh
B6270 Healaugh To Feetham Patching	Patching	Healaugh
Area 1 C122 Hudswell To Holly Hill R&R	R&R	Hudswell
A6108 Spring Hill To Jervaulx Hall Patching	Patching	Jervaulx
Area 1 C29 Langthwaite To Tan Hill R&R	R&R	Langthwaite
A6108 Harmby Main Road R&R	R&R	Leyburn
U1135 Park View Patching	Patching	Leyburn
A6108 Middleham To Leyburn Road Patching	Patching	Leyburn



<b>Scheme Name</b>	<b>Proposed Treatment</b>	<b>Location</b>
B6275 River Tees Crossing To Hangbank Patching	Patching	Manfield
Area 1 C109 Marrick To Reels Head R&R	R&R	Marrick Moor
C228 Melmerby To Penhill Farm Road Cattle Grid	Cattle Grid	Melmerby
C35 Road From Melmerby To Gildersbeck Farm Entrance Patching	Patching	Melmerby
C12 West Lane Patching	Patching	Melsonby
C35 Middleham R&R	R&R	Middleham
Area 1 C35 Pinkers Pond To Middleham Gallops R&R	R&R	Middleham
C6 Middleton Tyas Lane Footway	Footway	Middleton Tyas
Area 1 Middleham Footway R&R	Footway	Middleham
B6160 Street Head To Newbiggin Patching	Patching	Newbiggin
U889 Light Lane Patching	Patching	Preston Under Scar
U888 Preston Under Scar To Thawker Corner Patching	Patching	Preston Under Scar
U2755 Preston Under Scar Village Patching	Patching	Preston Under Scar
U889 Preston Under Scar To Redmire Road Patching	Patching	Preston Under Scar
Cravengate, Richmond	R&R	Richmond
A6108 Reeth Road Patching	Patching	Richmond
Area 1 Satronside R&R	R&R	Satronside
Area 1 U207 Sedbusk To Litherskew R&R	R&R	Sedusk
A684 Temple Bank To Swinithwaite Patching	Patching	Swinithwaite
U1158 Moor Lane Patching	Patching	Thornton Steward
Area 1 U1227 St Giles Farm Road R&R	R&R	Tunsatall
Area 1 Slurry Seal Footway	Footway	Various
A684 Wensley To Leyburn R&R	R&R	Wensley
A684 Wensley To Leyburn Patching	Patching	Wensley
C35 Road From Gildersbeck Farm Entrance To Wensley Patching	Patching	Wensley
A6108 Mightens Bank Patching	Patching	Wensley
B6160 Eilers Lane Patching	Patching	West Burton
Area 1 West Scrafton	Drainage	West Scrafton
A684 Mesnes Lane Patching	Patching	West Witton
A684 Holl Gate Patching	Patching	West Witton
Area 1 Worton Layby R&R	R&R	Worton
Area 1 Worton R&R	R&R	Worton
Area 1 Worton Village R&R	R&R	Worton

## Area 2 Hambleton

Scheme Name	Proposed Treatment	Location
U2215 Green Hills Lane SD	SD	Ainderby Steeple
U1887 Appleton Wiske R&R	R&R	Appleton Wiske
Area 2 Emgate R & R	R&R	Bedale
B6268 Masham Road, Bedale Patching	Patching	Bedale
U1529 Thiefgate Lane SD	SD	Binsoe
B1356 Brandsby Village SD	SD	Brandsby
U1887 Olivers Bank SD	SD	Brandsby
C4 Brompton Lane SD	SD	Brompton
U1908 Long Lane SD	SD	Brompton
B6285 Burneston Hargill SD	SD	Burneston
C24 Main Road Through The Village, Carlton-In-Cleveland Patching	Patching	Carlton In Cleveland
C99 Catton Village SD	SD	Catton
U1718 Chapmans Lane SD	SD	Chapmans Lane
U1511 Halfpenny Houses To Sargeant Plantation SD	SD	Charlgot
C170 Crayke Lane SD	SD	Crayke
U1961 Dalton R&R	R&R	Dalton
C147 Danby Wiske R&R	R&R	Danby Wiske
C147 Mounstrall Lane SD	SD	Danby Wiske
U2228 Crowfoot Lane SD	SD	Danby Wiske
C421 Area 2 Thirsk Road Easingwold R & R R&R	R&R	Easingwold
C178 Road From Rising Sun House To Oak Trees SD	SD	Easingwold
C9 East Harlsey To Somerset House Farm SD	SD	East Harsley
C91 Gaol Lane To Farlington SD	SD	Farlington
C91 Farlington To District Boundary SD	SD	Farlington
C101 Felixkirk R&R	R&R	Felixkirk
Felikirk R&R 21/22 Carry Over Scheme	R&R	Felixkirk
C25 Easby Lane, Great Ayton Patching	Patching	Great Ayton
C153 Dikes Lane Patching	Patching	Great Ayton
U1883 Waterbeck To Beth Haven Farm, Great Broughton Patching	Patching	Great Broughton
A684 Road From North End To White Cross SD	SD	Great Crakehall
A684 Road From White Cross To Crakehall SD	SD	Great Crakehall
B6271 Brockholme To Red House SD	SD	Great Langton
B1257 Great Broughton To Clay Bank SD	SD	Greate Broughton
C132 Bowbridge Lane SD	SD	Hackforth

<b>Scheme Name</b>	<b>Proposed Treatment</b>	<b>Location</b>
C132 Tickergate Lane SD	SD	Hackforth
B1264 West Lynn To Fardeanside Patching	Patching	Hornby
C100 Tollerton Road SD	SD	Huby
U1582 Highthorne Lane SD	SD	Husthwaite
U2201 Church Lane SD	SD	Hutton Bonville
#N/A	SD	Ingleby Cross
U1842 Percy Cross Rigg Cattle Grid	Cattle Grid	Kildale
U1896 High Lane SD	SD	Kirby Sigston
U1743 Delf Lane SD	SD	Knayton
C156 Leake Lane SD	SD	Leak Lane
C36 Hackforth Road SD	SD	Little Crakehall
C162 Weary Bank Patching	Patching	Middleton On Leven
C92 Moor Lane SD	SD	Newton On Ouse
U1714 High Moor Lane SD	SD	Newton On Ouse
U1716 New Road SD	SD	Newton On Ouse
A684 Stokesley Road, Northallerton Patching	Patching	Northallerton
C150 Deighton Lane SD	SD	Northallerton
Area 2 Northallerton Footway R&R	Footway	Northallerton
<b>Mount Road Footway</b>	<b>Footway</b>	<b>Northallerton</b>
C27 Road From Quarry Lane To Coalmire Lane SD	SD	Osmotherly
U1814 Paradise Road SD	SD	Paradise Road, Boltby
C2 Appleton Wiske To Worsall Toll Bar SD	SD	Picton
The Close Footway	Footway	Romanby
U1720 Corban Lane To Newlands SD	SD	Shipton By Beningbrough
U1881 Skewsby Brow Wood To Whenby SD	SD	Skewsby
Topcliffe Road Drainage	Drainage	Sowerby
U1876 Road From Snargate Farm To Bonnygate Lane SD	SD	Stearsby
C91 West Lane SD	SD	Stillington
B1363 Main Street SD	SD	Stillington
U1701 Skeugh Lane SD	SD	Stillington
Area 2 Stillington Drainage	Drainage	Stillington
Area 2 Beakhills Landslip ( Was Stillington )	Landslip	Stillington
B1364 Stillington Road SD	SD	Sutton On The Forest
B1365 Main Street SD	SD	Sutton On The Forest
B1367 York Road SD	SD	Sutton On The Forest
C100 York Road SD	SD	Sutton On The Forest
A170 Sutton Road SD	SD	Sutton Under Whitestone

<b>Scheme Name</b>	<b>Proposed Treatment</b>	<b>Location</b>
A170 Sutton Nursery To Sutton Bank SD	SD	Sutton Under Whitestonecliffe
A170 Sutton Bank Special	Special	Sutton Under Whitestonecliffe
U1871 Scugdale R&R	R&R	Swainby
Area 2 Cat 2 Urban York Road R'bout R&R	R&R	Thirsk
Area 2 Blakey Lane R & R	R&R	Thirsk
C168 Newsham Road SD	SD	Thirsk
Area 2 York Road Drainage	Drainage	Thirsk
Area 2 Thirsk Market Place Phase 1 Special	Special	Thirsk
A170 Sutton Road, Thirsk Patching	Patching	Thirsk
C87 High Lane, Tholthorpe Patching	Patching	Tholthorpe
A168 Thirsk Road SD	SD	Thornton-Le-Moor
A168 Thirsk Road To Crosby Grange Track SD	SD	Thornton-Le-Moor
A168 Crosby Grange Track To Thornton Le Street SD	SD	Thornton-Le-Moor
C31 Crossways Wood To High Pond And District Boundary SD	SD	Thrin
C185 Tholthorpe To Waaf Farm SD	SD	Thrintoft
U2203 Thrintoft Moor Lane SD	SD	Thrintoft
U1664 Derrings Lane SD	SD	Thrintoft
A167 Topcliffe To Dalton Lane R&R	R&R	Topcliffe
C169 Upsall Road SD	SD	Upsall
Area 2 Slurry Seal Footway	Footway	Various
B6271 Moor Lane SD	SD	Yafforth

### Area 3 Scarborough

<b>Scheme Name</b>	<b>Proposed Treatment</b>	<b>Location</b>
U2307 Egton Road Drainage	Drainage	Aislaby
Beckhole Landslip	Landslip	Beckhole
B1410 The Carrs SD	SD	Briggswath
Area 3 Brompton Ings Landslip	Landslip	Brompton
C209 Broxa Hill Landslip	Landslip	Broxa
C20 Sandy Lane To Westerdale Side Cattle Grid	Cattle Grid	Castleton
B1261 Main Street SD	SD	Cayton
U2244 Burtree Lane To Plum Tree Farm SD	SD	Danby Dale
U2392 Tofts Lane To North End Farm SD	SD	Danby Dale
U2243 Dandby Dale To Castleton SD	SD	Dandby Dale
U801 Westway SD	SD	Eastfield
U802 Eastway SD	SD	Eastfield

<b>Scheme Name</b>	<b>Proposed Treatment</b>	<b>Location</b>
U692 Beech Walk Footway	Footway	Eastfield
A174 Newton Lane To Mickleby Hole SD	SD	Ellerby
A174 Newton Lane To Mickleby Hole SD	SD	Ellerby
A174 Newton Lane To Mickleby Hole SD	SD	Ellerby
Area 3 Filey R&R	R&R	Filey
C75 Carr Lane R&R	R&R	Folkton
C145 Stonebeck Gate Lane To Fryup Lodge Drainage	Drainage	Fryup
U2260 New Road Drainage	Drainage	Fryup
C145 Castle Lane Cattle Grid	Cattle Grid	Fryup
Fryup Dale Bridge	Special	Fryup
A169 Breckon Howe To Eller Beck Bridge SD	SD	Goathland
C70 Broxa Lane SD	SD	Hackness
C226 Back Lane SD	SD	Hawkser
U2343 Hall Farm Road SD	SD	Hawkser
A165 Moor Road R&R	R&R	Hunmanby
U287 Sands Road SD	SD	Hunmanby
U285 Hunmanby Industrial Estate SD	SD	Hunmanby
C214 Kitter Lane To Broomhouse Drainage	Drainage	Hutton Mulgrave
B1261 Killerby Lodge Farm To Public House SD	SD	Lebberston
U2276 Mounter Beck To Jacobs Well SD	SD	Newton Mulgrave
U2276 Newton Lane SD	SD	Newton Mulgrave
U2276 Mounter Beck To Jacobs Well Drainage	Drainage	Newton Mulgrave
C367 Hunmanby Road To Goslin Slack SD	SD	Reighton
B1447 Station Road SD	SD	Robin Hoods Bay
Area 3 New Road, Robin Hoods Bay - Cat 4b R&R	R&R	Robin Hoods Bay
A171 Scaling Dam Farm To High Street SD	SD	Roxby
Bank Top Lane To Cockpit Hill Footway	Footway	Runswick Bay
C19 Ellerby Lane Patching	Patching	Runswick Bay
B1410 The Carrs SD	SD	Ruswarp
U2340 Golden Grove SD	SD	Ruswarp
C250 Coldyhill Lane Footway	Footway	Scalby
Area 3 Scalby Drainage	Drainage	Scalby
C250 Coldyhill Lane Patching	Patching	Scalby
Area 3 Scarborough Central R&R	R&R	Scarborough
U548 Royal Avenue R&R	R&R	Scarborough

<b>Scheme Name</b>	<b>Proposed Treatment</b>	<b>Location</b>
Area 3 Scarborough Specials	Special	Scarborough
Area 3 Cat 3,4,5, Parkfield Footway	Footway	Scarborough
Area 3 Scarborough Footway R&R (Huntriss)	Footway	Scarborough
Area 3 Burniston Road Roundabout R&R	R&R	Scarborough
U456 Mount Park Road Patching	Patching	Scarborough
C73 Eastgate SD	SD	Seamer
C73 Stoney Hags Road SD	SD	Seamer
A170 High Street Snainton SD	SD	Snainton
A170 High Street Patching	Patching	Snainton
U2341 Beacon Way SD	SD	Sneaton
U2346 Raikes Lane SD	SD	Sneatonthorpe
C225 Sneaton Thorpe Lane SD	SD	Sneatonthorpe
C225 Stainsacre Lane To Raikes Lane SD	SD	Stainsacre
C225 Stainsacre Lane SD	SD	Stainsacre
U2339 Summerfield Road SD	SD	Stainsacre
C70 Troutsdale Low Hall To Moor Road Drainage	Drainage	Troutsdale
Area 3 Slurry Seal	Footway	Various
A171 Stainsacre Lane SD	SD	Whitby
B1460 Castle Road Footway	Footway	Whitby
U268 Woodgate R&R	R&R	Woodlands

#### **Area 4 Ryedale**

<b>Scheme Name</b>	<b>Proposed Treatment</b>	<b>Location</b>
U175 New Lane SD	SD	Aisalby
C173 Road From Amotherby To Easthorpe SD	SD	Amotherby
C88 Main Street SD	SD	Ampleforth
U125 Appleton Lane SD	SD	Appleton Le Street
U1848 Steelmoor Lane SD	SD	Barton Le Willows
U1848 Steelmoor Lane SD	SD	Barton Le Willows
Area 4 Broughton Footway R&R	Footway	Broughton
C93 Stamford Bridge To Buttercrambe Bridge SD	SD	Buttercrambe
C176 Bossall To Sand Hutton Road SD	SD	Buttercrambe
C176 Bossall To Carr Plantation SD	SD	Buttercrambe
U1867 Bossall To Buttercrambe Road SD	SD	Buttercrambe
Area 4 BUTTERWICK R&R	R&R	Butterwick
C356 Butterwick To Foxholes SD	SD	Butterwick
Area 4 Butterwick Drainage	Drainage	Butterwick

Scheme Name	Proposed Treatment	Location
Area 4 THORN WATH R&R	R&R	Church Houses
U2002 Kirk Balk Lane SD	SD	Claxton
C189 Cold Kirby Road Drainage	Drainage	Cold Kirby
C189 Cooper Cross Patching	Patching	Cold Kirby
C189 Cooper Cross To Cold Kirby Patching	Patching	Cold Kirby
C172 Coneysthorpe To Hepton Hill SD	SD	Coneysthorpe
C89 Coulton Road SD	SD	Coulton
U640 Coulton Lane SD	SD	Coulton
C63 Cropton Lane SD	SD	Cropton
C63 Cropton Lane SD	SD	Cropton
C63 Cropton To Lower Askew SD	SD	Cropton
C201 High Street SD	SD	Cropton
C201 High Lane SD	SD	Cropton
Area 4 East Heslerton Landslip	Landslip	East Heslerton
B1258 West Knapton To Snainton Road SD	SD	Ebberston
C181 Ruffin Lane SD	SD	Eddlethorpe
C61 Starfits Lane Patching	Patching	Fadmoor
C181 Moor Lane SD	SD	Flaxton
C181 Main Street SD	SD	Foston
B1249 Road From Cotes Road To Gantondale House Hotel SD	SD	Foxholes
U527 Foxholes Manor Road To Simon Howe Patching	Patching	Foxholes
C93 Buttercrambe Road SD	SD	Gate Helmsley
Area 4 GILLAMOOR R&R	R&R	Gillamoor
C193 Kirkby Lane SD	SD	Gillamoor
C61 Gillamoor Bank SD	SD	Gillamoor
C61 Gillamoor Bank To Lund Road SD	SD	Gillamoor
C60 Westside Road Cattle Grid	Cattle Grid	Gillamoor
B1363 Burnt Gill SD	SD	Gilling East
U639 Moor Lane SD	SD	Gilling East
C20 Great Barugh Footway	Footway	Great Barugh
U81 Mill Street Drainage	Drainage	Harome
U1863 Barton Lane SD	SD	Harton
C190 Hawnby To Mcdougall Plantation SD	SD	Hawnby
U8 Peak Scar Road SD	SD	Hawnby
U2 Village Streets SD	SD	Hawnby
U1 Hawnby To Lane House SD	SD	Hawnby
U1 Hall Lane To Square Corner SD	SD	Hawnby
U1 Hall Lane SD	SD	Hawnby
U1 Lane House To Hall Lane SD	SD	Hawnby

<b>Scheme Name</b>	<b>Proposed Treatment</b>	<b>Location</b>
C97 Helmsley To Harome Road SD	SD	Helmsley
U28 East Moor To Cockayne Cattle Grid	Cattle Grid	Helmsley
U28 East Moor To Cockayne Cattle Grid	Cattle Grid	Helmsley
U302 Swanland Road Patching	Patching	Helmsley
U1800 Long Hill SD	SD	Helperthorpe
Area 4 Hovingham Drainage	Drainage	Hovingham
C61 Barton Le Willows To Howsham SD	SD	Howsham
C61 High Lane SD	SD	Howsham
U516 Low Lane SD	SD	Howsham
C64 Moor Lane SD	SD	Hutton Le Hole
C64 Hutton Le Hole To Lavingham SD	SD	Hutton Le Hole
C61 Lowna Road SD	SD	Hutton Le Hole
C356 Low Road SD	SD	Kirby Grindalythe
C65 Kirby Misperton To Little Barugh R&R	R&R	Kirby Misperton
Area 4 Kirkbymoorside Footway R&R	Footway	Kirkbymoorside
U572 Parkers Mount Patching	Patching	Kirkbymoorside
C181 Main Street SD	SD	Langton
C181 Cordike Lane SD	SD	Langton
Area 4 Langton Drainage	Drainage	Langton
C64 Front Street SD	SD	Lavingham
C64 Ings Lane SD	SD	Lavingham
C177 Mook Street SD	SD	Leppington
U489 Leppington Lane SD	SD	Leppington
Levisham (Carry Over) Drainage	Drainage	Levisham
C65 Barugh Lane R&R	R&R	Little Barugh
Area 4 Little Barugh Footway R&R	Footway	Little Barugh
Area 4 BRAYGATE STREET R&R	R&R	Malton
B1248 York Road SD	SD	Malton
B1258 Castlegate Malton Footway	Footway	Malton
U593 Fitzwilliam Drive Patching	Patching	Malton
U609 Paddock Hill Patching	Patching	Malton
C197 Marton Road SD	SD	Marton
C197 Gallowheads Lane SD	SD	Marton
U177 Middleton Carr Lane SD	SD	Middleton
U173 Low Moor Road SD	SD	Newton On Rawcliffe
U174 Bradley Road SD	SD	Newton On Rawcliffe
U241 Ruddings Road SD	SD	Newton On Rawcliffe
B1248 Hogg Lane SD	SD	North Grimston
B1248 Norton To Beverly Road SD	SD	North Grimston



<b>Scheme Name</b>	<b>Proposed Treatment</b>	<b>Location</b>
C181 North Grimston To Langton Crossroads SD	SD	North Grimston
U470 Luddith Road SD	SD	North Grimston
U465 Stonepit Lane SD	SD	North Grimston
U469 Woodhouse Farm Road SD	SD	North Grimston
Area 4 BRAMBLING R&R	R&R	Norton
B1248 Beverley Road Patching	Patching	Norton
U424 Beverley Road Patching	Patching	Norton
U406 The Chase Patching	Patching	Norton
C180 Leysthorpe To Nunnington SD	SD	Nunnington
C180 Station Road SD	SD	Nunnington
C180 Station Road SD	SD	Nunnington
U11 Wethercote Lane SD	SD	Old Byland
C88 Oswaldkirk To Ampleforth SD	SD	Oswaldkirk
A169 Malton Road SD	SD	Pickering
A169 Malton Road SD	SD	Pickering
C197 Marton Lane SD	SD	Pickering
C197 Street Lane SD	SD	Pickering
C66 Yatts Road SD	SD	Pickering
U171 Swainsea Lane SD	SD	Pickering
U64 Northfield Lane Patching	Patching	Pockley
U64 Northfield Lane Patching	Patching	Pockley
U64 Pockley Rigg Patching	Patching	Pockley
U2265 Heygate Bank SD	SD	Rosedale Abbey
U3453 Hancow Road SD	SD	Rosedale Abbey
U3448 Daleside Road Special	Special	Rosedale East
C176 Sand Hutton To Black Dike Plantation SD	SD	Sand Hutton
C176 Sand Hutton To Black Dike Plantation SD	SD	Sand Hutton
C93 Sand Hutton To Claxton Road SD	SD	Sand Hutton
C93 Stamford Bridge Road SD	SD	Sand Hutton
C349 Main Street Special	Special	Scagglethorpe
U1760 Town Street Special	Special	Scampston
U1788 Town Street SD	SD	Settrington
U1789 Chapel Road SD	SD	Settrington
U1788 Scarlet Balk Lane SD	SD	Settrington
Area 4 SHERBURN R&R	R&R	Sherburn
C72 St Hildas Street Patching	Patching	Sherburn
C72 Station Road Patching	Patching	Sherburn
C90 Strensall To Sheriff Hutton Road SD	SD	Sheriff Hutton
C90 Strensall To Sheriff Hutton Road Patching	Patching	Sheriff Hutton

<b>Scheme Name</b>	<b>Proposed Treatment</b>	<b>Location</b>
C195 The Green Patching	Patching	Sinnington
B1258 Welldale Beck To High Street SD	SD	Snainton
C63 Moor Lane SD	SD	Spaunton
A170 Thirsk To Scarborough Road SD	SD	Sproxton
B1249 Staxton Hill To Binnington Ness SD	SD	Staxton
U518 Wold Lane Patching	Patching	Staxton
U645 New Road SD	SD	Terrington
U649 Main Street SD	SD	Terrington
U650 The Square SD	SD	Terrington
U649 Main Street SD	SD	Terrington
U650 Mowthorpe Lane SD	SD	Terrington
U499/2/70 Gatehowe Road (Hanging Grimston) Landslip	Landslip	Thixendale
C351 Main Street Patching	Patching	Thixendale
C351 Aldro Farm To Thixendale Patching	Patching	Thixendale
U267 Hurrell Lane SD	SD	Thornton Dale
U267 Hurrell Lane SD	SD	Thornton Dale
U280 Longlands Lane SD	SD	Thornton Dale
U285 Fox Lane SD	SD	Thornton Dale
C181 Thornton Le Clay To Thornton Moor SD	SD	Thornton Le Clay
C181 Thornton Le Clay To Foston Road SD	SD	Thornton Le Clay
U658 Moor Lane SD	SD	Thornton Le Clay
U658 Skegmer Lane SD	SD	Thornton Le Clay
C66 New Bridge To Blansby Park Lane SD	SD	Thornton Le Dale
Area 4 Slurry Seal	Footway	Various
C92 Common Lane SD	SD	Warthill
C92 Common Lane SD	SD	Warthill
C92 Holtby To Warthill Road SD	SD	Warthill
C72 Fosters Wold Plantation To Sked Dale Patching	Patching	Weaverthorpe
C72 Sked Dale Patching	Patching	Weaverthorpe
Area 4 JAMIIE CRAGGS R&R	R&R	Welburn
C59 Kirkdale Lane Patching	Patching	Welburn
B1258 Malton Road SD	SD	West Knapton
Area 4 LILLING BACK LANE R&R	R&R	WEST LILLING
C177 Gally Gap To Four Lane Ends SD	SD	Westow
C181 Dark Lane To Badger Bank SD	SD	Westow
C358 Dark Lane SD	SD	Westow
B1248 Wharram Le Street To Hogg Lane Special	Special	Wharram Le Street

<b>Scheme Name</b>	<b>Proposed Treatment</b>	<b>Location</b>
U533 Shepherdfields Lane SD	SD	Whitwell On The Hill
C181 Foston To Whitwell Hill SD	SD	Whitwell On The Hill
C231 Flatts Lane SD	SD	Wombledon
U90 Hungerhill Lane Patching	Patching	Wombledon
A170 Aislaby To Wrelton Cliff Road Special	Special	Wrelton
C201 Cawthorne Lane Patching	Patching	Wrelton

## Area 5 Craven

<b>Scheme name</b>	<b>Proposed Treatment</b>	<b>Location</b>
C119 Main Street Footway	Footway	Austwick
Bank Newton (Carry Over) Special	Special	Bank Newton
Area 5 Storiths Lane	Landslip	Beamsley
A59 Edmondson Lane To Bull Inn R&R	R&R	Broughton
C387 Wenning Bank Bridge To A65t Underpass Clapham Footway	Footway	Clapham
Area 5 Cowling Footway R&R	Footway	Cowling
Area 5 Cracoe Footway R&R	Footway	Cracoe
B6160 Bolton Road Landslip	Landslip	Draughton
Area 5 Embsay Footway R&R	Footway	Embsay
C33 Church Street Footway	Footway	Gargrave
C394 Stainforth & Halton Gill SD	SD	Halton Gill
C401 Halton West SD	SD	Halton West
U758 Wigglesworth & Halton West SD	SD	Halton West
U1899 Hanlith R&R	R&R	Hanlith
C404 Gatecliffe Brow To Back Lane Hetton Footway	Footway	Hetton
U672 Nutgill High Bentham R&R	R&R	High Bentham
Area 5 Ingleton R & R	R&R	Ingleton
Area 5 Ingleton R&R	R&R	Ingleton
U715 Ingleton R&R	R&R	Ingleton
C385 Bentham Road Landslip	Landslip	Ingleton
B6255 Ingleton To Ribbleshead SD	SD	RIBBLESHEAD
Settle R&R	R&R	Settle
U1906 Sowarth Field Settle Footway	Footway	Settle
A6131 Keighley Road R&R	R&R	Skipton
A59 A6069 Thorlby Roundabout SD	SD	SKIPTON
A6069 Otley Road, Skipton SD	SD	Skipton
Area 5 Skipton Specials	Special	Skipton
A629 Skipton Western Bypass 1 Drainage	Drainage	Skipton

Scheme name	Proposed Treatment	Location
B6479 Dog Hill Brow To Ofgang Laithe Stainforth Footway	Footway	Stainforth
C249 Ellers Road 1 Drainage	Drainage	Sutton In Craven
U2298 Thorlby R&R	R&R	Thorlby
A56 County Boundary To Cam Lane SD	SD	THORNTON IN CRAVEN
C131 Thornton In Craven SD	SD	THORNTON IN CRAVEN
Area 5 Slurry Seal	Footway	Various
B6478 Wigglesworth SD	SD	Wigglesworth

### Area 6 Harrogate

Scheme Name	Proposed Treatment	Location
C256 Darley To Birstwith SD	SD	Birstwith
C256 Darley To Birstwith SD	SD	Birstwith
C256 Darley To Birstwith SD	SD	Birstwith
C256 Darley To Birstwith SD	SD	Birstwith
Blubberhouses Meagill Lane Surface Dressing SD	SD	Blubberhouses
Copt Hewick Area Surface Dressing SD	SD	Copt Hewick
C256 Darley To Birstwith SD	SD	Darley
C256 Darley To Birstwith SD	SD	Darley
A59 A6 York Road R&R	R&R	Goldsborough
York Road, Green Hammerton	R&R	Green Hammerton
Area 6 Greenhow Hill Landslips , Including Red Brae Bank	Landslip	Greenhow
Duck Street (Carry Over) Special	Special	Greenhow
C31 Kirkby Malzeard To Nutwith Common SD	SD	Grewelthorpe
C31 Kirkby Malzeard To Nutwith Common SD	SD	Grewelthorpe
C31 Kirkby Malzeard To Nutwith Common SD	SD	Grewelthorpe
U745 Station Ave To Nth Park Rd R&R	R&R	Harrogate
U510 A6 Montpellier Road R&R	R&R	Harrogate
Area 6 Albert Street Hra Resurfacing	R&R	Harrogate
Area 6 Ainsty Road Harrogate R&R	R&R	Harrogate
Area 6 Claro Road Area Patch And R & R	R&R	Harrogate
Harrogate Arthurs Avenue Area Surface Dressing SD	SD	Harrogate
Harrogate Arthington Avenue Area Surface Dressing SD	SD	Harrogate
Harrogate Grantley Drive Area Surface Dressing SD	SD	Harrogate
Harrogate Albany Avenue Area Surface Dressing SD	SD	Harrogate

<b>Scheme Name</b>	<b>Proposed Treatment</b>	<b>Location</b>
Harrogate Camwal Road Area Surface Dressing SD	SD	Harrogate
U143 Harrogate Knapping Hill Footway	Footway	Harrogate
Area 6 Hopperton Patch And R & R	R&R	Hopperton
Area 6 A658 Huby Village Patching	Patching	Huby
Area 6 A658 Huby Village Patching	Patching	Huby
C31 Kirkby Malzeard To Nutwith Common SD	SD	Kirkby Malzeard
C31 Kirkby Malzeard To Nutwith Common SD	SD	Kirkby Malzeard
Area 6 Abbey Road Knaresborough R&R	R&R	Knaresborough
Area 6 Blind Lane, Knaresborough Resurfacing	R&R	Knaresborough
Area 6 High Bridge Knaresborough Main Street Little Ouseburn Surface Dressing SD	SD	Little Ouseburn
Nidd & Brearton Area Surface Dressing SD	SD	Nidd
Ripon Minster Road / St Mary's Gate R & R R&R	R&R	Ripon
Area 6 New Road Scotton Drainage	Drainage	Scotton
C31 Kirkby Malzeard To Nutwith Common SD	SD	Swinton
	Footway	Various
Various Schemes Drainage	Drainage	Various
Whixley Village Surface Dressing SD	SD	Whixley
C288 Wighill Church To Tadcaster Boundary SD	SD	Wighill
C288 Wighill Church To Tadcaster Boundary SD	SD	Wighill
C288 Wighill Church To Tadcaster Boundary SD	SD	Wighill

## Area 7 Selby

<b>Scheme Name</b>	<b>Proposed Treatment</b>	<b>Location</b>
Area 7 Barlby Footway R&R	Footway	Barlby
Area 7 Barlby Drainage	Drainage	Barlby
Barlby R&R	R&R	Barlby
C286 York Road Patching	Patching	Bilbrough
U881 Tinklers Lane Patching	Patching	Birkin
C322 Brayton Lane Footway	Footway	Brayton
A19 Doncaster Road Footway	Footway	Brayton
Area 7 Brayton Footway R&R	Footway	Brayton
U912 Moat Way Special	Special	Brayton
U938 Burton Common Lane Patching	Patching	Burton Salmon

<b>Scheme Name</b>	<b>Proposed Treatment</b>	<b>Location</b>
U1466 Lund Lane Patching	Patching	Cliffe
U1038 Rawfield Lane SD	SD	Fairburn
U1042 Landing Road Patching	Patching	Gateforth
C340 Heck & Pollington Lane R&R	R&R	Great Heck
U1080 Betteras Hill Hillam R&R	R&R	Hillam
U1080 Betteras Hill Road Patching	Patching	Hillam
	Footway	HIRST COURTNEY
	Footway	KELLINGTON
B1223 Raw Lane Patching	Patching	Kirkby Wharfe
U731 Road From Raw Lane To Crow Wood Patching	Patching	Kirkby Wharfe
C317 Menthorpe To Bowthorpe Lane SD	SD	NORTH DUFFIELD
C371 Menthorpe Lane SD	SD	North Duffield
A163 Market Weighton Road W SD	SD	North Duffield
A63 Hull Road SD	SD	Osgodby
U752 Ouston Lane Patching	Patching	Oxton
	R&R	Selby
U1130 Abbots Road Selby R&R	R&R	Selby
C316 Monk Lane SD	SD	Selby
C316 Lordship Lane SD	SD	Selby
A1041 Camblesforth Road Patching	Patching	Selby
U1130 Abbots Road Footway	Footway	Selby
Area 7 Selby Footway R&R	Footway	Selby
U1244 Highfield Villas SD	SD	Sherburn-In-Elmet
U1245 West View SD	SD	Sherburn-In-Elmet
U1246 East View SD	SD	Sherburn-In-Elmet
U1272 Rose Avenue SD	SD	Sherburn-In-Elmet
U1273 Rose Crescent SD	SD	Sherburn-In-Elmet
U1243 New Lane SD	SD	Sherburn-In-Elmet
U1274 Beechwood Close SD	SD	Sherburn-In-Elmet
U1275 Beechwood Glade SD	SD	Sherburn-In-Elmet
U1392 Beechwood Croft SD	SD	Sherburn-In-Elmet
U1257 Eversley Mount SD	SD	Sherburn-In-Elmet
U1258 Eversley Avenue SD	SD	Sherburn-In-Elmet
U1276 Eversley Garth Crescent SD	SD	Sherburn-In-Elmet
U1279 Deighton Avenue SD	SD	Sherburn-In-Elmet
U1280 Eversley Court SD	SD	Sherburn-In-Elmet
U1281 Park Avenue SD	SD	Sherburn-In-Elmet
U1284 Elmete Avenue SD	SD	Sherburn-In-Elmet
U1277 Low Garth Road SD	SD	Sherburn-In-Elmet
U1278 Low Garth Link SD	SD	Sherburn-In-Elmet

<b>Scheme Name</b>	<b>Proposed Treatment</b>	<b>Location</b>
U1502 Athelstans Court SD	SD	Sherburn-In-Elmet
U1285 Carr Avenue SD	SD	Sherburn-In-Elmet
U1282 Tomlinson Way SD	SD	Sherburn-In-Elmet
U1283 Foster Walk SD	SD	Sherburn-In-Elmet
U1247 Garden Lane SD	SD	Sherburn-In-Elmet
U154 Garden Close SD	SD	Sherburn-In-Elmet
U1567 The Fairway SD	SD	Sherburn-In-Elmet
U1567 Pasture Way SD	SD	Sherburn-In-Elmet
U1568 Showfield Close SD	SD	Sherburn-In-Elmet
U1569 Carousel Walk SD	SD	Sherburn-In-Elmet
U1570 Prospect Avenue SD	SD	Sherburn-In-Elmet
U1579 Fairway Close SD	SD	Sherburn-In-Elmet
U1577 Fairfield Link SD	SD	Sherburn-In-Elmet
U1578 Fairfield Close SD	SD	Sherburn-In-Elmet
U1580 The Coppice SD	SD	Sherburn-In-Elmet
U1649 Pasture Court SD	SD	Sherburn-In-Elmet
U1648 Pasture Close SD	SD	Sherburn-In-Elmet
U1658 Pasture Avenue SD	SD	Sherburn-In-Elmet
U1685 Moorbridge Croft SD	SD	Sherburn-In-Elmet
U1684 Bond Ings Rise SD	SD	Sherburn-In-Elmet
U1603 Pasture View SD	SD	Sherburn-In-Elmet
U356 Copperfield Close SD	SD	Sherburn-In-Elmet
U1268 Wolsey Croft SD	SD	Sherburn-In-Elmet
U1266 Wolsey Close SD	SD	Sherburn-In-Elmet
U1265 Wolsey Gardens SD	SD	Sherburn-In-Elmet
U1260 Cardinal Close SD	SD	Sherburn-In-Elmet
U1512 Church View SD	SD	Sherburn-In-Elmet
U1513 Church Mews SD	SD	Sherburn-In-Elmet
U3441 Corn Mill Court SD	SD	Sherburn-In-Elmet
U1267 Croftway SD	SD	Sherburn-In-Elmet
U1259 Rudstone Grove SD	SD	Sherburn-In-Elmet
U1262 Beech Grove SD	SD	Sherburn-In-Elmet
U1638 Appletree Way SD	SD	Sherburn-In-Elmet
U1735 Moor Lane SD	SD	Sherburn-In-Elmet
U1412 Pinfold Avenue SD	SD	Sherburn-In-Elmet
U1413 Pinfold Close SD	SD	Sherburn-In-Elmet
U1504 Pinfold Court SD	SD	Sherburn-In-Elmet
U1503 Pinfold Garth SD	SD	Sherburn-In-Elmet
U1534 Pinfold Way SD	SD	Sherburn-In-Elmet
U1251 Moor Road SD	SD	Sherburn-In-Elmet
U1254 Springfield Road SD	SD	Sherburn-In-Elmet

<b>Scheme Name</b>	<b>Proposed Treatment</b>	<b>Location</b>
U1253 Meadow View SD	SD	Sherburn-In-Elmet
U1270 Hungate Road SD	SD	Sherburn-In-Elmet
U1255 Duffield Crescent SD	SD	Sherburn-In-Elmet
U1252 North Drive SD	SD	Sherburn-In-Elmet
U1263 North Crescent SD	SD	Sherburn-In-Elmet
U1272 Rose Avenue Footway	Footway	Sherburn-In-Elmet
U1605 Skipwith Common Road SD	SD	Skipwith
C317 Dyon Lane SD	SD	South Duffield
U1313 Springfield Court SD	SD	South Milford
C320 Whitecote Lane Patching	Patching	South Milford
U1288 Westfield Lane Patching	Patching	South Milford
U1307 Common Lane Patching	Patching	South Milford
A659 York Road - Wighill Crossroads R&R	R&R	Tadcaster
C289 Oxtan Lane Tadcaster R&R	R&R	Tadcaster
Area 7 Toulston, Rudgate	Drainage	Tadcaster
U2885 From Junc With C288 To End Of Cul De Sac Special	Special	Tadcaster
Ulleskelf (Carry Over) Special	Special	Ulleskelf
Area 2 Slurry Sealing Footway	Footway	Various
C316 Pinfold Hill SD	SD	Wistow
C314 Station Road Patching	Patching	Wistow



### Appendix 3 Initial equality impact assessment screening form

<b>Initial equality impact assessment screening form</b> (As of October 2015 this form replaces 'Record of decision not to carry out an EIA')  <b>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.</b>			
<b>Directorate</b>	Business and Environmental Services		
<b>Service area</b>	Highways & Transportation		
<b>Proposal being screened</b>	Highways Capital Forward Programme Approval of schemes not included at previous BES Executive Members meeting.		
<b>Officer(s) carrying out screening</b>	James Gilroy		
<b>What are you proposing to do?</b>	Agree additions to the Highways Capital Programme in advance of the next scheduled capital programme BES Executive Member report.		
<b>Why are you proposing this? What are the desired outcomes?</b>	Minimise the duration between scheme identification and agreement for inclusion on the agreed capital programme.		
<b>Does the proposal involve a significant commitment or removal of resources? Please give details.</b>	No, the proposal will result in reprioritisation of the current allocations to enable the additional schemes to be delivered.		
<b>Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristic</b> As part of this assessment, please consider the following questions: <ul style="list-style-type: none"> <li>To what extent is this service used by particular groups of people with protected characteristics?</li> <li>Does the proposal relate to functions that previous consultation has identified as important?</li> <li>Do different groups have different needs or experiences in the area the proposal relates to?</li> </ul> <b>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 <a href="#">Equality rep</a> for advice if you are in any doubt.</b>			
<b>Protected characteristic</b>	<b>Yes</b>	<b>No</b>	<b>Don't know/No info available</b>
Age		✓	
Disability		✓	
Sex (Gender)		✓	
Race		✓	
Sexual orientation		✓	
Gender reassignment		✓	
Religion or belief		✓	

Pregnancy or maternity		✓	
Marriage or civil partnership		✓	
<b>NYCC additional characteristic</b>			
People in rural areas		✓	
People on a low income		✓	
Carer (unpaid family or friend)		✓	
<b>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.</b>	<b>No, the proposals do not negatively affect any groups of people.</b>		
<b>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.</b>	<b>No, the proposal will have no effect on how other organisations work.</b>		
<b>Decision (Please tick one option)</b>	EIA not relevant or proportionate:	✓	Continue to full EIA:
<b>Reason for decision</b>	The allocation of funding is based on the 'manage, maintain and improve' (MMI) hierarchy set out in LTP4 which has been the subject of a full EIA. This concluded that the introduction of fewer improvement schemes may have a greater impact on people with mobility difficulties or without access to private vehicles as there will be fewer new facilities provided e.g. pedestrian crossings, dropped kerbs, bus stop accessibility improvements; however, it is also considered that prioritising maintenance, particularly for footways, through the MMI hierarchy is likely to produce a net benefit for people with the same protected characteristics; particularly in terms of age and disability.		
<b>Signed (Assistant Director or equivalent)</b>	Barrie Mason		
<b>Date</b>	07/02/22		

## Appendix 4 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](mailto: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 in the summary section of the form below.

Please contact [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk) for advice.

<b>Title of proposal</b>	<b>Highways Capital Programme 2020/21 – October 2020/21 Update</b>
<b>Brief description of proposal</b>	To seek agreement from the Corporate Director, Business and Environmental Services (BES), in consultation with BES Executive Member for Access, to authorise additions to the Highways Capital Forward Programme for Structural Highway Maintenance identified since the last Highways Capital Programme report dated 20 August 2021.
<b>Directorate</b>	<b>BES</b>
<b>Service area</b>	<b>Highways and Transportation</b>
<b>Lead officer</b>	<b>James Gilroy</b>
<b>Names and roles of other people involved in carrying out the impact assessment</b>	
<b>Date impact assessment started</b>	<b>04.02.2022</b>

**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 other options were progressed for adding schemes to the forward capital programme.

**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.

It is hoped that the forward programme will help to reduce costs. Adding schemes to the forward programme does not have an immediate financial cost, however it provides the ability for operational teams to develop more efficient programmes of work when identifying schemes for delivery within an annual programme.

<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><b>Positive impact</b> (Place a X in the box below where</p>	<p><b>No impact</b> (Place a X in the box below where</p>	<p><b>Negative impact</b> (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"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<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>Minimise <b>greenhouse gas emissions</b> e.g. reducing emissions from travel, increasing energy efficiencies etc.</p>	<p>Emissions from travel</p>	<p>x</p>			<p>More efficient planning and coordination of future highway works, will help to reduce emissions form construction vehicles.</p>		
	<p>Emissions from construction</p>	<p>X</p>			<p>More efficient planning and coordination of future highway works, will help to reduce emissions form construction vehicles.</p>	<p>Where possible – ensure that vehicle mileage is reduced by planning vehicle movements / diversion routes etc</p>	
	<p>Emissions from running of buildings</p>	<p>X</p>					
	<p>Other</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><b>Positive impact</b> (Place a X in the box below where</p>	<p><b>No impact</b> (Place a X in the box below where</p>	<p><b>Negative impact</b> (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"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<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>Minimise <b>waste</b>: Reduce, reuse, recycle and compost e.g. reducing use of single use plastic</p>	X			<p>A more longer-term programme will potentially increase the potential for in-situ materials recycling on highway schemes, helping to reduce waste sent to landfill.</p>		
<p>Reduce <b>water</b> consumption</p>		x				
<p>Minimise <b>pollution</b> (including air, land, water, light and noise)</p>	x			<p>Encouraging sustainable transport modes through 20mph introduction</p>		
<p>Ensure <b>resilience</b> to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers</p>	X			<p>Delivery of landslip schemes to help potential reduce severance issues</p>		
<p>Enhance <b>conservation</b> and wildlife</p>		x				
<p>Safeguard the distinctive characteristics, features and special qualities of <b>North Yorkshire's landscape</b></p>		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><b>Positive impact</b> (Place a X in the box below where</p>	<p><b>No impact</b> (Place a X in the box below where</p>	<p><b>Negative impact</b> (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"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<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>		<p>x</p>				

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

N/A

**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.

The development of a forward programme will help to improve efficiency of delivery, reducing waste and emissions through improved coordination and planning of works.

**Sign off section**

This climate change impact assessment was completed by:

<b>Name</b>	<b>James Gilroy</b>
<b>Job title</b>	<b>Team Leader Highway Asset Management</b>
<b>Service area</b>	<b>Highways and Transport</b>
<b>Directorate</b>	<b>BES</b>
<b>Signature</b>	<b>J Gilroy</b>
<b>Completion date</b>	<b>04.02.2022</b>

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

**Date: 07/02/2022**



## North Yorkshire County Council

### Business and Environmental Services

#### Executive Members

18 February 2022

#### Hambleton District Council – Consent to Amend Off-Street Parking Places Order

#### Report of the Assistant Director – Highways and Transportation

##### 1.0 Purpose of Report

- 1.1 To apprise the Corporate Director of Business and Environmental Services (BES) and BES Executive Members of the request from Hambleton District Council for consent to amend its off-street parking places order.
- 1.2 To recommend approval of the request for consent.

##### 2.0 Background

- 2.1 Hambleton District Council has powers under Sections 32, 33, 35 and 124 of the Road Traffic Regulation Act 1984 (as amended) to make changes to existing car parking conditions and restrictions by means of Traffic Regulation Orders, which are enforced under the Traffic Management Act 2004.
- 2.2 An Amendment Order is required to amend conditions relating to the use of a car park or parking place, which extend beyond varying existing charges. In exercising these powers district councils are required by Section 39(3) of the 1984 Act to obtain the consent of North Yorkshire County Council as traffic authority. The County Council has power to give or withhold consent to the making of the Order and may require such modifications of the terms of the proposed Order as they think appropriate.
- 2.3 In formulating a response the County Council must pay due regard to Section 16 of the Traffic Management Act 2004, which places a duty on every local traffic authority “to manage its road network to secure the expeditious movement of traffic on their road network”. Consideration therefore needs to be given to the transport policy implications of the proposed changes along with the road safety and traffic management impacts on the local highway network.
- 2.4 Where proposals are classed as Wide Area Impact TROs it necessary to consult with the relevant Area Constituency Committees. A wide area TRO is where proposals meet the following criteria:
  - 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.
- 2.5 It is considered that, the proposals do not meet the above criteria and therefore there is not a requirement to consult with the relevant Area Constituency Committees.
- 2.6 Hambleton District Council has ensured 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. HDC confirmed that no objections were received to the proposals.

### 3.0 Proposals

- 3.1 In summary Hambleton District Council (HDC) have requested consent for the following amendments;
- Introduce powers to manage parking and modify car park layout plans for legislative clarity to remove individual bays and replace with parking place described within a boundary demarcation within the Thirsk & Sowerby Leisure Centre car park.
  - Introduce Free payment prescribed hours of operation to which car park users must exhibit a valid ticket, permit, season ticket or current parking session via an electronic parking system within the Thirsk & Sowerby Leisure Centre car park between the hours of 07:00 - 23:00 hrs Monday to Friday and 08:00 – 14:00 hrs Saturday & Sunday.
  - Introduce a period of waiting limited to 3 hours and a period of no return of 2 hours with the Thirsk & Sowerby Leisure Centre car park.
  - Introduce coach parking into the Northallerton Applegarth Long Stay car park and the Stokesley Showfield car park.
  - To change the prescribed hours of operation in Electric Vehicle charging bays from 08:00 – 18:00hrs Monday to Saturday to all times within the Northallerton Applegarth Long and Short Stay car parks, Northallerton Hambleton Forum Long Stay car park, Thirsk Market Place, Thirsk Marage and Millgate car parks, Bedale Auction Mart and Bridge Street car parks and Stokesley Showground car park.

### 4.0 Consideration of the proposals

- 4.1 Proposed - Car Park Layout Thirsk & Sowerby Leisure Centre  
The purpose of this amendment is to remove the need for individual parking bay detail shown on the car park plan associated with the Order thus introducing it with a parking place described and shown by boundary. This simplifies the process for adjusting the layout of the parking place allows the council (HDC) to be more responsive in changes in legislation. The introduction of the boundary plans (removing the need for a detailed car park layout) removes the requirements for statutory process.
- 4.1.1 NYCC Officer Comment;  
The County Council has previously agreed to this amendment for other HDC car parks and the proposal is also considered to be acceptable in this case.
- 4.2 Proposed – Free Payment prescribed hours Thirsk & Sowerby Leisure Centre  
The purpose of this amendment is to allow users of the car park to evidence their use of the parking place during the hours of operation by exhibiting a valid ticket, permit, season ticket or have a current parking session by means of an electronic payment system.
- 4.2.1 NYCC Officer Comment;  
The proposal to introduce free payment during the prescribed hours of operation is supported, and provides parking control between the hours of 07:00 - 23:00 hrs Monday to Friday and 08:00 – 14:00 hrs Saturday & Sunday. It is indented that ticket machines are installed in the car park to issue parking tickets indicating the date and time by which a vehicle must leave. Valid permits, season tickets and an electronic payment parking session can also be used in connection with a free parking session. This proposal is considered acceptable.

- 4.3 Proposed – Parking Period of waiting Thirsk & Sowerby Leisure Centre  
The purpose of this amendment is to introduce a maximum parking period of 3 hours with a no return period of 2 hours.
- 4.3.1 NYCC Officer Comment;  
The proposal to restrict parking to a maximum stay of 3 hours with a no return period of 2 hours should ensure a better turnover of parking spaces and prevent all day parking in line with the strategic approach for short stay parking.  
This is not seen to be of any particular detriment to on-street parking, though it may encourage some drivers requiring additional time to seek parking elsewhere, potentially on-street, though the nearest street is subject to day time parking restrictions which should negate any impact This proposal is considered to be acceptable.
- 4.4 Proposed - Coach Parking  
The purpose of this amendment is to make provision for coach parking at Northallerton Applegarth Long Stay car park and Stokesley Showfield car park.
- 4.4.1 NYCC Officer Comment;  
The provision of coach parking in the Northallerton Applegarth Long Stay and Stokesley Showfield car parks could be seen as a benefit to the local road network by providing a designated parking area, which should encourage off-street parking. The capacity and usage of both car parks have been examined by HDC and it was resolved that there is sufficient capacity. Therefore, this proposal is considered to be acceptable.
- 4.5 Proposed - Electric Vehicle Parking Bays  
It is proposed to change the prescribed hours for charging fees in the Electric Vehicle charging bays from 08:00hrs to 18:00 Monday to Saturday to All hours. This will apply to the Northallerton Applegarth Long Stay Car Park, Northallerton Applegarth Short Stay Car Park, Hambleton Forum Long Stay Car Park, Thirsk Market Place Car Park, Thirsk Marage Car Park, Thirsk Millgate Car Park, Bedale Bridge Street Car Park, Bedale Auction Mart Car Park and Stokesley Showfield Car Park.
- 4.5.1 NYCC Officer Comment;  
The provision of electric vehicle (EV) charging bays is in line with the county councils emerging strategy of encouraging EV use and the development of the wider infrastructure to support that transition. The proposals to increase the fee charge period from 08:00hrs to 18:00hrs Monday to Saturday to at all times will allow HDC to recover costs associated with the implementation of their charging network to reinvest into the service. This proposal is considered to be acceptable.
- 5.0 Conclusion**
- 5.1 In consideration of the above, it is the opinion of Officers that the proposals are reasonable in their intended effect and operation and should have minimal impact on the surrounding highway network.
- 5.2 As a standard measure to safeguard against any unforeseen future impact to the highway network from operational changes it is suggested that NYCC places a condition on its consent to ensure the district council funds any required remedial works required as a consequence of the changes or amends its operations to relieve the network of the problem(s).

## **6.0 Equalities Implications**

6.1 Consideration has been given to the potential for any equality impacts arising from the proposal. 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 Equality Impact Assessment screening form is attached as Appendix A.

## **7.0 Financial Implications**

7.1 There are no financial implications arising directly from this proposal.

## **8.0 Legal Implications**

8.1 The main legal aspects are covered in the section 2.0 Background of this report. Beyond that, it is the view of officers that the proposals do not have any legal implications for the County Council.

## **9.0 Climate Change Impact Assessment**

9.1 It is considered the proposed amendments will not have any climate change impact. The assessment is included as Appendix B to this report.

## **10.0 Recommendations**

- 10.1 It is recommended that: -
- i. The Corporate Director BES in consultation with the BES Executive Member for Access provides consent to Hambleton District Council to amend its parking places order as per the proposals detailed in this report.

BARRIE MASON  
Assistant Director Highways and Transportation

Author or report: Andrew Clare

Background documents: None

<b>Initial equality impact assessment screening form</b> (As of October 2015 this form replaces 'Record of decision not to carry out an EIA:')			
<b>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.</b>			
<b>Directorate</b>	Business and Environmental Services		
<b>Service area</b>	Highways and Transportation		
<b>Proposal being screened</b>	Hambleton District Council – Off Street Parking Places Amendment Order		
<b>Officer(s) carrying out screening</b>	Andrew Clare		
<b>What are you proposing to do?</b>	Provide consent to Hambleton District Council to amend its off-street parking places order.		
<b>Why are you proposing this? What are the desired outcomes?</b>	In accordance with the procedure for district councils to seek the consent of the county council as local highway authority on any operational amendment to its off-street parking order, which extends beyond the changing of tariffs.		
<b>Does the proposal involve a significant commitment or removal of resources? Please give details.</b>	No		
<b>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?</b>			
As part of this assessment, please consider the following questions:			
<ul style="list-style-type: none"> <li>To what extent is this service used by particular groups of people with protected characteristics?</li> <li>Does the proposal relate to functions that previous consultation has identified as important?</li> <li>Do different groups have different needs or experiences in the area the proposal relates to?</li> </ul>			
<b>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 <a href="#">Equality rep</a> for advice if you are in any doubt.</b>			
<b>Protected characteristic</b>	<b>Yes</b>	<b>No</b>	<b>Don't know/No info available</b>
Age		✓	
Disability		✓	
Sex (Gender)		✓	
Race		✓	
Sexual orientation		✓	
Gender reassignment		✓	
Religion or belief		✓	
Pregnancy or maternity		✓	
Marriage or civil partnership		✓	
<b>NYCC additional characteristic</b>			
People in rural areas		✓	
People on a low income		✓	
Carer (unpaid family or friend)		✓	

<b>Does the proposal relate to an area where there are known inequalities/probable impacts</b> (e.g. disabled people's access to public transport)? Please give details.	No			
<b>Will the proposal have a significant effect on how other organisations operate?</b> (e.g. partners, funding criteria, etc.). <b>Do any of these organisations support people with protected characteristics?</b> Please explain why you have reached this conclusion.	No			
<b>Decision (Please tick one option)</b>	EIA not relevant or proportionate:	✓	Continue to full EIA:	
<b>Reason for decision</b>	NYCC as highway and road traffic authority is required to provide consent to District Councils when making operational changes to off street parking facilities by means of a Traffic Regulation Order. This is to ensure the proposed changes are reasonable, will not adversely impact the highway network and are in accordance with the county parking strategy.			
<b>Signed (Assistant Director or equivalent)</b>	Barrie Mason			
<b>Date</b>	07/02/22			



**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](mailto: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 in the summary section of the form below.

Please contact [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk) for advice.

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<b>Title of proposal</b>	<b>NYCC Consent to Hambleton District Council to amend its off street parking order</b>
<b>Brief description of proposal</b>	<b>Amend (in part) the operation of HDC off-street car parks</b>
<b>Directorate</b>	<b>BES</b>
<b>Service area</b>	<b>Traffic Engineering</b>
<b>Lead officer</b>	<b>David Kirkpatrick</b>
<b>Names and roles of other people involved in carrying out the impact assessment</b>	<b>Andrew Clare</b>
<b>Date impact assessment started</b>	<b>14/1/22</b>

**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.

**None**

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**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.

**None**

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<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><b>Positive impact</b> (Place a X in the box below where</p>	<p><b>No impact</b> (Place a X in the box below where</p>	<p><b>Negative impact</b> (Place a X in the box below where</p>	<p><b>Explain why will it have this effect and over what timescale?</b></p> <p><b>Where possible/relevant please include:</b></p> <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<p><b>Explain how you plan to mitigate any negative impacts.</b></p>	<p><b>Explain how you plan to improve any positive outcomes as far as possible.</b></p>
<p>Minimise <b>greenhouse gas emissions</b> e.g. reducing emissions from travel, increasing energy efficiencies etc.</p>	<p>Emissions from travel</p>	X				
	<p>Emissions from construction</p>	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><b>Positive impact</b> (Place a X in the box below where</p>	<p><b>No impact</b> (Place a X in the box below where</p>	<p><b>Negative impact</b> (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"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<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>	
	Emissions from running of buildings		X				
	Other		X				
Minimise <b>waste</b> : Reduce, reuse, recycle and compost e.g. reducing use of single use plastic			X				
Reduce <b>water</b> consumption			X				
Minimise <b>pollution</b> (including air, land, water, light and noise)			X				

<p>How will this proposal impact on the environment?</p> <p><b>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.</b></p>	<p><b>Positive impact</b> (Place a X in the box below where</p>	<p><b>No impact</b> (Place a X in the box below where</p>	<p><b>Negative impact</b> (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"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<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 <b>resilience</b> to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers</p>		X				
<p>Enhance <b>conservation</b> and wildlife</p>		X				
<p>Safeguard the distinctive characteristics, features and special qualities of <b>North Yorkshire's landscape</b></p>		X				
<p>Other (please state below)</p>		X				

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


None

**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.

There are no impacts within the assessment, as the proposal is to consider only the proposed amendments to the management of the respective car parks, which are considered to be acceptable in terms of scale and potential impact to the highway network.

**Sign off section**

This climate change impact assessment was completed by:

<b>Name</b>	<b>Andrew Clare</b>
<b>Job title</b>	<b>Senior Engineer Traffic Management &amp; Parking</b>
<b>Service area</b>	<b>Traffic Engineering</b>
<b>Directorate</b>	<b>BES</b>
<b>Signature</b>	
<b>Completion date</b>	<b>14/1/22</b>

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

**Date:** 07/02/22

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## North Yorkshire County Council

### Business and Environmental Services Executive Members

#### Executive Members

18 February 2022

### Review of Highways Fees and Charges

#### Report of the Assistant Director – Highways and Transportation

#### **1.0 Purpose of report**

- 1.1 To seek approval from the BES Corporate Director in consultation with the BES Executive Member for Access, to increase Highways and Transportation Fees and Charges for the Financial Year 2022/23, in line with a recent review and the Corporate Fees and Charges Strategy.

#### **2.0 Background**

- 2.1 Highways fees and charges were reviewed in 2014 and following a report to the Corporate Director and BES Executive Members in December 2014, were increased in line with inflation.
- 2.2 A benchmarking exercise was carried out in 2017 to compare the fees and charges charged in North Yorkshire against other local authorities and these have been reviewed again in 2021, on an individual basis to establish if and by how much they should be increased for the next financial year. The outputs from this process were then considered in-line with the corporate approach to fees and charges.

#### **3.0 Methodology**

- 3.1 A review has been carried out on the latest fees and charges schedule, with increases based either on the cumulative rate of Consumer Price Inflation (CPI) for the years 2018/19 to 2020/21 or on a redefined cost base, where there has been a tangible increase in NYCC costs since fees and charges were last reviewed.
- 3.2 Where the fee has been calculated on a redefined cost basis, the corporate fees and charges calculator has been used. This tool ensures that the fee charged for a council service is reflective of the council's costs of provision and thereby ensures services are not being inadvertently subsidised. The tool helps the user calculate staffing, material, travel, overheads and other costs to provide a cost per unit, be that a unit of time or an item.
- 3.3 The tool is optional as it is just one method to calculate cost, and different regulations can apply to services, for example when there is a statutory fee, or the fee is based on another external fixed cost. It does though provide a thorough and consistent process to the calculation and review of fees and charges.

3.4 For the vast majority of fees and charges a fairly modest increase is proposed, based largely on the application of CPI. It should though be noted that more significant increases in Con29 and non-Con29 searches fees are proposed. This is the result of a more accurate identification and analysis of actual costs, based on the corporate finance calculator tool. For assurance, the proposed revised fees are broadly comparable to fees charged by other local authorities for the same service.

#### **4.0 Financial Implications**

4.1 The Corporate Fees and Charges Strategy 2020 establishes a requirement to review fees and charges within Directorates on an annual basis in order to help raise income and lower the burden to Council Tax payers and ensure that the fee charged for a council service is reflective of the council's costs of provision.

4.2 The review of H&T fees and charges has not been carried out in recent years, due to ongoing service pressures, but also in-part because of the impact of Covid-19. The Council followed national guidance, for example, and suspended charges for street café licences, in efforts to support the local economy. This suspension remains in place, with a July 2022 review point, at which time, the Council will consider its reintroduction, in light of latest government thinking. More generally, in order to meet the requirements of the corporate strategy, fees and charges will be reviewed annually going forward.

4.3 The proposed schedule attached as Appendix 1 does not include all H&T fees and charges. For areas of the service that have been the subject of more significant cost increases, detailed cost exercises are being carried out to establish the current cost of provision, in order to ensure fees and charges are set at the right level.

4.4 For example, costs relating to delivery of the NYCC Permit scheme for managing utility and other works on the highway are the subject of a separate exercise, the outputs from which will be presented to the Corporate Director and BES Executive Members later this year.

4.5 More generally, this report proposes that Highways and Transportation Fees and Charges estimated income will increase to £3.4M for the 22/23 financial year, increasing from £3.2M in 2021/22. In the main, these increases are due to applied inflation since the previous fee review.

#### **5.0 Equalities Implications**

5.1 No equalities implications are considered to arise as a result of the proposed changes to Highways and Transportation Fees and Charges. Any increase is reflective of the cost of delivering the service and/or in line with the Consumer Price Index inflation rate. All the rates have been benchmarked against comparator authorities. An Equalities Impact Assessment screening from has been completed, see Appendix 2.

#### **6.0 Climate Change Impact Assessment**

6.1 No climate change impact is considered to arise as a result of the proposed Highways and Transportation Fees and Charges. See Appendix 3.

## **7.0 Legal Implications**

- 7.1 The review has been carried out with input from the appropriate service and budget managers and the relevant legislation has been taken into account in setting the proposed revised fees and charges.

## **8.0 Recommendations**

- 8.1 It is recommended that the Corporate Director, Business and Environmental Services, in consultation with the BES Executive Member for Access approve the revised set of H&T fees and charges as set out in Appendix 1.

BARRIE MASON  
Assistant Director – Highways & Transportation

Author: Allan McVeigh

Background Documents: None

## Current and Proposed Fees and Charges

Title	NYCC Current price	New Cost	Increase Description
Abnormal loads notification	No fee		
Traffic speed and flow data (where available) Per site. Where non-standard reports are requested this fee will increase. Applicants will be notified prior to charges. Where the request is received from a member of the public and is straightforward the fee may be waived.	£52.00	£55.07	CPI Only
Traffic speed and flow data (where available). Per hour (or part hour). Where non-standard reports are requested this fee will increase. Applicants will be notified prior to charges. Where the request is received from a member of the public and is straightforward the fee may be waived.	£44.00	£46.60	CPI Only
Over-sail of the highway by crane and cable spanning the highway applications	£144.00	£152.50	CPI Only
Officer time spent dealing with requests for commercial events on the highway	£44.00	£46.60	CPI Only
Officer time spent dealing with applications from external organisations to carry out traffic surveys on the public highway	£44.00	£46.60	CPI Only
Skip licences 2 week licence.	£72.00	£76.25	CPI Only
Skip licences Early start fee (if licence is required within 3 days of request).	£28.00	£29.65	CPI Only
Skip licences Failure to comply with the licence conditions will result in a further inspection fee	£55.00	£58.25	CPI Only
Skip licences No licence extensions. If a skip needs to be in situ for longer than 2 weeks then an additional fee will apply.	£72.00	£76.25	CPI Only
Skip licences If an un-licensed skip is found on the highway.	£155.00	£164.15	CPI Only
Scaffold / hoarding licences Standard (<10m height) Licence fee (4 weeks)	£199.00	£210.74	CPI Only
Scaffold / hoarding licences Standard (<10m height) Early start fee	£28.00	£29.65	CPI Only
Scaffold / hoarding licences Standard (<10m height) Extension fee	£88.00	£93.19	CPI Only
Scaffold / hoarding licences Non-standard (> 10m height) Licence fee (4 weeks)	£199.00	£210.74	CPI Only
Scaffold / hoarding licences Non-standard (> 10m height) Early start fee	£28.00	£29.65	CPI Only
Scaffold / hoarding licences Non-standard (> 10m height) Extension fee	£88.00	£93.19	CPI Only
Scaffold / hoarding licences Retention scaffold Licence fee (4 weeks)	£397.00	£420.42	CPI Only
Scaffold / hoarding licences Retention scaffold Early start fee	£28.00	£29.65	CPI Only



Title	NYCC Current price	New Cost	Increase Description
Scaffold / hoarding licences Retention scaffold Extension fee	£88.00	£93.19	CPI Only
Scaffold / hoarding licences Tower scaffold (if removed daily) Licence fee (4 weeks)	£33.00	£34.95	CPI Only
Scaffold / hoarding licences Tower scaffold (if removed daily) Early start fee	£28.00	£29.65	CPI Only
Scaffold / hoarding licences Tower scaffold (if removed daily) Extension fee	£17.00	£18.00	CPI Only
Scaffold / hoarding licences Hoarding (remaining width of footway 1.5m+) Licence fee (4 weeks)	£99.00	£104.84	CPI Only
Scaffold / hoarding licences Hoarding (remaining width of footway 1.5m+) Early start fee	£28.00	£29.65	CPI Only
Scaffold / hoarding licences Hoarding (remaining width of footway 1.5m+) Extension fee	£88.00	£93.19	CPI Only
Scaffold / hoarding licences Hoarding (remaining width of footway <1.5m) Licence fee (4 weeks)	£199.00	£210.74	CPI Only
Scaffold / hoarding licences Hoarding (remaining width of footway <1.5m) Early start fee	£28.00	£29.65	CPI Only
Scaffold / hoarding licences Hoarding (remaining width of footway <1.5m) Extension fee	£88.00	£93.19	CPI Only
Street café license Application fee Up to 5 tables or Up to 10m2 - plus works costs	£276.00	£292.29	CPI Only
Street café license Application fee Over 5 tables or Over 10 m2 - plus works costs	£497.00	£526.32	CPI Only
Street café license Application fee - Amount non refundable	£88.00	£93.19	CPI Only
Street café license Annual renewal fee Up to 5 tables or Up to 10m2	£72.00	£76.25	CPI Only
Street café license Annual renewal fee Over 5 tables or Over 10 m2	£127.00	£134.49	CPI Only
Building materials licence	£72.00	£76.25	CPI Only
Highway projection licence	£144.00	£152.50	CPI Only
Cellar opening licence	£44.00	£46.60	CPI Only
Temporary Traffic Regulation Orders 18-month closure - (plus advertising costs)	£442.00	£468.08	CPI Only
Temporary Traffic Regulation Orders 5 day closure	£331.00	£350.53	CPI Only
Temporary Traffic Regulation Orders Emergency closure	£331.00	£350.53	CPI Only
Temporary Traffic Regulation Orders Event closure - for a new event	£331.00	£350.53	CPI Only
Temporary Traffic Regulation Orders Recurring event (plus advertising at cost)	£166.00	£175.79	CPI Only
Temporary Traffic Regulation Orders Additional charges will be applied where further work is required in relation to a temporary closure at an hourly rate of:	£44.00	£46.60	CPI Only

Title	NYCC Current price	New Cost	Increase Description
Rechargeable works admin fee – Damage works Work costs <£500	£50.00	£52.95	CPI Only
Rechargeable works admin fee – Damage works Work costs £500 - £1,000	£100.00	£105.90	CPI Only
Rechargeable works admin fee – Damage works Work costs >£1,000 20% of total			
Con29 Highway Search, Standard Highway search	£26.76	£42.00	Calculated using the Finance Calculator Tool excluding vat
CON29 Highway Search Optional Questions Q4	£ 9.30	£13.02	Calculated using the Finance Calculator Tool excluding vat
CON29 Highway Search Optional Questions Q21	-	£3.60	Calculated using the Finance Calculator Tool excluding vat
CON29 Highway Search Optional Questions Q22	£14.00	£18.10	Calculated using the Finance Calculator Tool excluding vat
Non-CON29 Highway Enquiry (inc. a plan (up to 100m) and CON29 type questions but not in accordance with the Local Authorities (Charges for Property Searches) Regulations 2008	£15	£62.00	Calculated using the Finance Calculator Tool VAT not applicable
Non-CON29 Highway Enquiry (inc. a plan (additional 100m) and CON29 type questions but not in accordance with the Local Authorities (Charges for Property Searches) Regulations 2008	-	+£30.00	
Section 6 of the 2006 Act CA1 Creation of a right of common over existing common land	£240.00	£295.00	Calculated using the Finance Calculator Tool
Section 6 of the 2006 Act CA1 Creation of a right of common over existing common land Creation of a right of common resulting in the registration of new common land	Free	N/A	
Section 7 of the 2006 Act CA2, Variation of a right of common	£240.00	£295.00	Calculated using the Finance Calculator Tool
Section 7 of the 2006 Act, CA2, Variation of a right of common resulting in the registration of new common land	Free	N/A	
Section 8 of the 2006 Act CA3, Apportionment of a right of common	£240.00	£295.00	Calculated using the Finance Calculator Tool
Section 10 of the 2006 Act, Attachment of a right of common	Free	N/A	

Title	NYCC Current price	New Cost	Increase Description
Section 11 of the 2006 Act CA5 Reallocation of attached rights	£240.00	£295.00	Calculated using the Finance Calculator Tool
Section 12 of the 2006 Act, CA6, Transfer of a right in gross	£90.00	£110.00	Calculated using the Finance Calculator Tool
Section 13 of the 2006 Act CA7, Surrender or extinguishment of a right of common	£180.00	£220.00	Calculated using the Finance Calculator Tool
Section 4, paragraph 8 of the 2006 Act CA8, Statutory disposition pursuant to section 14 of the 2006 act (including the exchange of land for land subject to a statutory disposition)	£360.00	£440.00	Calculated using the Finance Calculator Tool
Section 15(1) or Section 15(8) of the 2006 Act CA9 Registration of a new town or village green by the owner or someone other than by the owner	Free	N/A	
Section 19 of the 2006 Act CA10 Correction, for a purpose described in section 19(2)(d)	£40.00	£50.00	Calculated using the Finance Calculator Tool
Section 19 of the 2006 Act CA10 Correction, for a purpose described in 19(2)(b) or (e)	£240.00	£295.00	Calculated using the Finance Calculator Tool
Section 19 of the 2006 Act, CA10 Correction, for a purpose described in Section 19(2)(a) or (c)	Free	N/A	
Schedule 1, paragraph 19(6)(b), to the 2006 Act CA11 Severance by transfer to public bodies	£60.00	£75.00	Calculated using the Finance Calculator Tool
Schedule 1, paragraph 3 (7)(b), to the 2006 Act CA12	£180.00	£220.00	Calculated using the Finance Calculator Tool
Schedule 2, paragraphs 6 - 9, to the 2006 Act CA13 Deregistration of certain land registered as common land or as a town or village green	£1,200.00	£1,470.00	Calculated using the Finance Calculator Tool
Schedule 2, paragraph 2 or 3, to the 2006 Act CA13 Non-registration of common land or town or village green	Free	N/A	
Schedule 2, paragraph 4, to the 2006 Act CA13, Waste land of a manor not registered as common land	Free	N/A	
Schedule 2, paragraph 5, to the 2006 Act CA13 Town or village green wrongly registered as common land	Free	N/A	

Title	NYCC Current price	New Cost	Increase Description
Schedule 3, paragraph 2 or 4, to the 2006 Act CA14 Creation of a right of common, statutory disposition (including the exchange of land for land subject to a statutory disposition) and variation	£360.00	£405.00	Calculated using the Finance Calculator Tool
Schedule 3, paragraph 2 or 4, to the 2006 Act, CA14, Apportionment of a right of common (to facilitate any other purpose)	£330.00	£370.00	Calculated using the Finance Calculator Tool
Schedule 3, paragraph 2 or 4, to the 2006 Act CA14 Surrender or extinguishment of a right of common, severance of a right of common, transfer of a right in gross	£220.00	£250.00	Calculated using the Finance Calculator Tool
Regulation 43 of the Commons Registration (England) Regulations 2014 CA15 Declaration of entitlement to exercise a right of common	£60.00	£70.00	Calculated using the Finance Calculator Tool
Section 15A(1) of the 2006 Act, CA16 Deposits under section 31(6) of the Highways Act 1980 and section 15A(1) of the Commons Act 2006	£350.00	£390.00	Calculated using the Finance Calculator Tool
Section 15A(1) of the 2006 Act, CA16 Deposits under section 31(6) of the Highways Act 1980 and section 15A(1) of the Commons Act 2006 Cost per any Additional notices	£25.00	£30.00	Calculated using the Finance Calculator Tool
S38 Superintendence fees, 10% of calculated bond value. Minimum fee for both Section 38 and 278 Agreements £2,000.	10% of bond value	N/A	Bond value %
S278 Superintendence fees, 10% of calculated bond value. Minimum fee for both Section 38 and 278 Agreements £2,000.	10% of bond value	N/A	Bond value %
S278 Supervision fees for 278 agreement work where the Highway Development Service has been used - 8.5% of bond value	8.5% of bond value	N/A	Bond value %
Stopping up order Officer time spent dealing with an application will be charged at an hourly rate as listed. Other external costs incurred by the County Council will be recharged to the applicant.	£44.00	£46.60	CPI Only
Stopping up order Other external costs are also charged to the customers.			
Stopping up order Initial fee the applicant must pay with the initial request, the balance must be settled prior to the application to the Magistrates Court.	£828.00	£ 876.86	CPI Only
H-Bar Markings	£221.00	£234.04	CPI Only

Title	NYCC Current price	New Cost	Increase Description
Request from consultants / private companies for 'new' information	£44.00	£46.60	CPI Only
Structures approval Hourly rate of officer time spent assessing new structures proposed by developers	£44.00	£ 46.60	CPI Only
Structures approval Initial request fee the applicant must pay (the balance must be settled with the request for signature of the Approval in Principle (AIP))	£110.00	£116.49	CPI Only
Application from developer for a Traffic Regulation Order amendment	£44.00	£46.60	CPI Only
Regulation 43 of the Commons Registration (England) Regulations 2014 (Application form CA15)	£60.00	£63.54	CPI Only
Section 6 of the 2006 Act (Application form CA1)	No fee		
Section 6 of the 2006 Act (Application form CA1)	£240.00	£254.16	CPI Only
Section 7 of the 2006 Act (Application form CA2)	£240.00	£254.16	CPI Only
Section 7 of the 2006 Act (Application form CA2)	No fee		
Section 8 of the 2006 Act (Application form CA3)	£240.00	£254.16	CPI Only
Section 10 of the 2006 Act (Application form CA4)	No fee		
Section 11 of the 2006 Act (Application form CA5)	£240.00	£ 254.16	CPI Only
Section 12 of the 2006 Act (Application form CA6)	£90.00	£95.31	CPI Only
Section 13 of the 2006 Act (Application form CA7)	£180.00	£190.62	CPI Only
Section 4, paragraph 8 (Application form CA8)	£360.00	£381.24	CPI Only
Section 15(1) of the 2006 Act (Application form CA9)	No fee		
Section 15(8) of the 2006 Act (Application form CA9)	No fee		
Section 19 of the 2006 Act	No fee		
Section 19 of the 2006 Act (Application form CA10)	No fee		
Section 19 of the 2006 Act (Application form CA10)	£240.00	£254.16	CPI Only
Schedule 1, paragraph 19(6)(b), to the 2006 Act (Application form CA11)	£60.00	£63.54	CPI Only
Schedule 1, paragraph 3 (7)(b), to the 2006 Act (Application form CA12)	£180.00	£190.62	CPI Only
Schedule 2, paragraph 2 or 3, to the 2006 Act (Application form CA 13)	No fee		
Schedule 2, paragraph 4, to the 2006 Act (Application form CA13)	No fee		
Schedule 2, paragraph 5, to the 2006 Act (Application form CA13)	No fee		
Schedule 2, paragraphs 6 - 9, to the 2006 Act (Application form CA13)	£1,200.00	£1,270.80	CPI Only
Schedule 2, paragraphs 6 - 9, to the 2006 Act (Application form CA13)	£500.00	£529.50	CPI Only

Title	NYCC Current price	New Cost	Increase Description
Schedule 3, paragraph 2 or 4 to the 2006 Act Creation of a right of common (including the exchange of land for land subject to a statutory disposition) and variation	No fee		
Schedule 3, paragraph 2 or 4 to the 2006 Act Surrender or extinguishment of a right of common	No fee		
Schedule 3, paragraph 2 or 4 to the 2006 Act (Application form CA14) - Note: applications made after the end of the transitional application period will incur a fee (Paragraph 4) Variation of a right of common	No fee		
Schedule 3, paragraph 2 or 4 to the 2006 Act (Application form CA 14) - Note: applications made after the end of the transitional application period will incur a fee (Paragraph 4) Apportionment of a right of common (to facilitate any other purpose)	No fee		
Schedule 3, paragraph 2 or 4 to the 2006 Act (Application form CA14) - Note: applications made after the end of the transitional application period will incur a fee (Paragraph 4) Severance of a right of common	No fee		
Schedule 3, paragraph 2 or 4 to the 2006 Act (Application CA14) - Note: applications made after the end of the transitional application period will incur a fee (Paragraph 4) Transfer of a right in gross	No fee		
Schedule 3, paragraph 2 or 4 to the 2006 Act (Application form CA14) - Note: applications made after the end of the transitional application period will incur a fee (Paragraph 4) Statutory disposition (including the exchange of land for land subject to a statutory disposition).	No fee		
General Enquiry requesting a copy of a register and/or plan	£15.00	£15.89	CPI Only
Mobile mechanical plant machinery e.g. cherry picker, scissor lifts and cranes (one day or less) There is no charge for mobile mechanical plant machinery that is on site for one day or less.	No fee		
Mobile mechanical plant machinery e.g. cherry picker, scissor lifts and cranes (more than one day) £144.00 for a 2 week licence	£144.00	£152.50	CPI Only
Mobile mechanical plant machinery e.g. cherry picker, scissor lifts and cranes (more than one day) Early start fee (if licence is required within 3 days of request).	£28.00	£29.65	CPI Only
Mobile mechanical plant machinery e.g. cherry picker, scissor lifts and cranes (more than one day) If mobile mechanical plant machinery needs to be in situ for longer than 2 weeks then an additional weekly extension fee will apply:	£88.00	£93.19	CPI Only
Mobile mechanical plant machinery e.g. cherry picker, scissor lifts and cranes (more than one day) Failure to comply with the licence conditions will result in a further inspection fee of:	£55.00	£58.25	CPI Only
Tourist Traffic Signs Initial assessment fee (non-refundable).	£165.00	£174.74	CPI Only

Title	NYCC Current price	New Cost	Increase Description
Tourist Traffic Signs Additional charges will be applied where further work is required in relation to an application at an hourly rate:	£44.00	£46.60	CPI Only
Road safety audits	£44.00	£46.60	CPI Only
Turning-off (or Bagging-off) of traffic signal lights (including pedestrian crossing lights)			
Inspection fee for temporary excavation in the Highway (s171 HA)	£150.00	£158.85	CPI Only
Temporary excavation in the Highway (s171 HA) and licence to place and maintain/repair apparatus in the Highway (s50 NRSWA) Total	£331.00	£350.53	CPI Only
Temporary excavation in the Highway (s171 HA) and licence to place and maintain/repair apparatus in the Highway (s50 NRSWA) Licence fee	£181.00	£191.68	CPI Only
Temporary excavation in the Highway (s171 HA) and licence to place and maintain/repair apparatus in the Highway (s50 NRSWA) Inspection fee x 3	£150.00	£158.85	CPI Only
Temporary excavation in the Highway (s171 HA) and licence to place and maintain/repair apparatus in the Highway (s50 NRSWA) Coring fee	£92.00	£97.43	CPI Only

<b>Initial equality impact assessment screening form</b> (As of October 2015 this form replaces 'Record of decision not to carry out an EIA')			
<b>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.</b>			
<b>Directorate</b>	Business and Environmental Services		
<b>Service area</b>	Highways and Transportation		
<b>Proposal being screened</b>	Highways Fees & Charges Review		
<b>Officer(s) carrying out screening</b>	Allan McVeigh		
<b>What are you proposing to do?</b>	Amend the Highway Fees & Charges Rates		
<b>Why are you proposing this? What are the desired outcomes?</b>	Highways Fees & Charges have remained static since 2014 and are due to be increased to reflect the inflationary cost of delivering the services.		
<b>Does the proposal involve a significant commitment or removal of resources? Please give details.</b>	No		
<b>Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristic</b> As part of this assessment, please consider the following questions:			
<ul style="list-style-type: none"> <li>To what extent is this service used by particular groups of people with protected characteristics?</li> <li>Does the proposal relate to functions that previous consultation has identified as important?</li> <li>Do different groups have different needs or experiences in the area the proposal relates to?</li> </ul>			
<b>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 <a href="#">Equality rep</a> for advice if you are in any doubt.</b>			
<b>Protected characteristic</b>	<b>Yes</b>	<b>No</b>	<b>Don't know/No info available</b>
Age		No	
Disability		No	
Sex (Gender)		No	
Race		No	
Sexual orientation		No	
Gender reassignment		No	
Religion or belief		No	
Pregnancy or maternity		No	
Marriage or civil partnership		No	
<b>NYCC additional characteristic</b>			
People in rural areas		No	
People on a low income		No	
Carer (unpaid family or friend)		No	
<b>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.</b>	No.		



<p><b>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.</b></p>	No		
<p><b>Decision (Please tick one option)</b></p>	EIA not relevant or proportionate:	X	Continue to full EIA:
<p><b>Reason for decision</b></p>	To allow the County Council to recover all costs associated with the delivery of Highways Services,		
<p><b>Signed (Assistant Director or equivalent)</b></p>	Barrie Mason		
<p><b>Date</b></p>	08/02/2022		



## 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](mailto: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 in the summary section of the form below.

Please contact [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk) for advice.

<b>Title of proposal</b>	Review of Highways Fees and Charges
<b>Brief description of proposal</b>	Review of Highways Fees and Charges to ensure the County Council charges the correct rate for its services
<b>Directorate</b>	Business & Environmental Services
<b>Service Area</b>	Highways and Transportation
<b>Lead Officer</b>	Allan McVeigh
<b>Names and roles of other people involved in carrying out the impact assessment</b>	David Kirkpatrick
<b>Date impact assessment started</b>	January 2022

### Options appraisal

The Highways Fees and Charges need to be revised to reflect the actual cost of services to the County Council

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

The review and implementation of the new fees and charges should have a positive effect on council budgets ensuring the correct fee or charge is received for that service. It will be cost neutral

<p><b>How will this proposal impact on the environment?</b></p> <p><b>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.</b></p>		<p><b>Positive impact</b> (Place a X in the box below where relevant)</p>	<p><b>No impact</b> (Place a X in the box below where relevant)</p>	<p><b>Negative impact</b> (Place a X in the box below where relevant)</p>	<p><b>Explain why will it have this effect and over what timescale?</b></p> <p><b>Where possible/relevant please include:</b></p> <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<p><b>Explain how you plan to mitigate any negative impacts.</b></p>	<p><b>Explain how you plan to improve any positive outcomes as far as possible.</b></p>
<p>Minimise <b>greenhouse gas emissions</b> e.g. reducing emissions from travel, increasing energy efficiencies etc.</p>	<p>Emissions from travel</p>		x				
	<p>Emissions from construction</p>		x				
	<p>Emissions from running of buildings</p>		x				
	<p>Other</p>		x				

Minimise <b>waste</b> : Reduce, reuse, recycle and compost e.g. reducing use of single use plastic		x				
Reduce <b>water</b> consumption		x				
Minimise <b>pollution</b> (including air, land, water, light and noise)		x				
Ensure <b>resilience</b> to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers		x				
Enhance <b>conservation</b> and wildlife		x				
Safeguard the distinctive characteristics, features and special qualities of <b>North Yorkshire's landscape</b>		x				
Other (please state below)		x				

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

n/a

### Summary

In summary, no climate change impact is considered to arise as a result of the proposed Highways and Transportation Fees and Charges.

### Sign off section

This climate change impact assessment was completed by:

<b>Name</b>	Allan McVeigh
<b>Job Title</b>	Head of Network Strategy
<b>Service Area</b>	Highways & Transportation
<b>Directorate</b>	Business & Environmental Services

<b>Signature</b>		
<b>Completion Date</b>	04/02/22	
<b>Authorised by relevant Assistant Director (Signature)</b>	Barrie Mason	Barrie Mason
<b>Date</b>	08/02/22	

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## North Yorkshire County Council

### Business and Environmental Services Executive Members

#### Executive Members

18 February 2022

### School Streets - Initiative Review and Proposed Trial Location

#### Report of the Assistant Director – Highways and Transportation

#### 1.0 Purpose of Report

- 1.1 To apprise the Corporate Director of Business and Environmental Services (BES) and the BES Executive Member for Access of a study in to the School Streets Initiative and to seek approval for a proposed trial.

#### 2.0 Background

- 2.1 The School Streets initiative is a national scheme promoted by the Department Of Transport to restrict most traffic movement on a street or streets directly outside a school at drop off and pick up times, to create a safer environment and encourage more children to walk, cycle or scoot to school. It promotes the opportunity for a healthier lifestyle, reducing congestion, improving air quality and overall leading to a better environment for all road users. Typically, they have been introduced at Primary Schools by some local highway authorities in other parts of the country.
- 2.2 More recently, as a result of Covid 19 restrictions and a shift in national policy focus towards greater support for active and sustainable modes of travel, the School Streets Initiative has received interest from the County Council's Stronger Communities Team, the public and other local interest groups in North Yorkshire.
- 2.3 In response, officers from the Traffic Engineering Team have researched the initiative, looking at how other authorities that have been early adopters of School Streets have approached delivering and managing its schemes from application, assessment, legislative and deployment perspectives.
- 2.4 This research determined that a pilot is advisable to assist with development of the policy on a more permanent basis. During the pilot performance, monitoring and evaluation will be carried out to determine a greater understanding of how a scheme would operate if implemented on permanent basis. A greater understanding of a scheme -through a pilot will be achieved in respect of managing the expectations of parents, residents and the wider community both from an operational and enforcement perspective.

#### 3.0 Trial Location Assessment

- 3.1 Five schools have been suggested as potential trial locations by the respective NYCC Highways Area Teams with the agreement of the schools, these are;
- Seamer & Irton Community Primary School, Scarborough
  - Wheatcroft Community Primary / St Martins Church of England Primary School, Scarborough

- Braeburn Primary & Nursery School, Scarborough
- Holy Trinity Primary School, Ripon
- Sharrow Church of England Primary School, Ripon

- 3.2 In order to identify the most suitable location for the trial, it is important to set out the assessment rationale and form a framework of criteria against which sites can be judged comparatively.
- 3.3 For the purposes of the trial, the rationale is that schools should be on a street that does not have traffic movement as its primary function and/or does not provide access to multiple other streets. Ideally, the school will be within a cul-de-sac with a single point of entry, though it is reasonable to consider schools on streets that are through roads i.e. two points of entry, but have no other highway access from it and are generally quiet in nature.
- 3.4 It is acknowledged that setting this relatively narrow scope does restrict the number of viable sites, but at this trial stage, caution must be applied so not to have an adverse and unnecessary impact on other road users, which may compromise the performance and outcome of the trial. Furthermore, consideration must also be given to the resource requirement to deploy and manage the closure.
- 3.5 It is anticipated that schools streets will not be appropriate for the majority of locations due to traffic management and practical reasons. However, as we gain a better understanding of how a school street works in 'live' conditions through the trial then it may be possible to expand the scope of application in due course should the outcome be favourable.
- 3.5 The assessment criteria that has been used to select the proposed trial location are;
- Existing road safety measures e.g. traffic calming, parking restrictions
  - Collision history
  - Speed limit of the road(s)
  - Evidence of an existing congestion problem
  - Existing Park & Stride / Cycling Options to travel to school
  - Impact to surrounding road network e.g. parking displacement, access to other streets, emergency access.
- 3.6 Each of the above criteria has been assessed to develop an overall evidence base from which a preferred trial location has been identified and is set out in Appendix A to this report.
- 3.7 The assessment has identified Seamer & Irton Community Primary School as the preferred option for the trial.

#### **4.0 Consultation, Deployment and Monitoring**

- 4.1 Consultation will be carried out with all stakeholders, e.g. Elected Members, local residents directly affected, parents of school pupils on the proposal. If there is overall support for the trial going ahead, the scheme will progress to the legal stage and the making of the necessary Traffic Regulation Order.
- 4.2 It should be noted that North Yorkshire Police is responsible for enforcing moving vehicle contraventions. However, when contacted as part of the research exercise, NYP advised that it is supportive of School Streets, but could not resource enforcement. An appropriately applied scheme should minimise the risk of regular



contravention and enforcement issues. Officers will work closely with NYP whilst taking forward the development of the proposed trial location.

4.3 The period the trial will be in place for will be a period of up to 18 months to which a decision will be required before the end of the 18-month experimental period to remove the restriction or implement it on a permanent basis. In respect of evaluation surveys will be carried out pre implementation, and at 6 and 12 months after implementation of the pilot to determine the following

- Pupil mode of transport (Participating school to collate) to determine if any increase in active travel has been achieved along with support from parents and local community.
- Speed and traffic volume data.
- On site surveys to determine levels of congestion and vehicle migration from a network management perspective and the impact on surrounding community and environment.

## **5.0 Equalities Implications**

5.1 No equalities implications are considered to arise of the trial. The proposal will be consulted on with all stakeholders offering the opportunity to register support or oppose the proposal and provide comments. A decision will be taken on the outcome whether to progress, or not or make amendments to the proposal. Vehicular access will remain for residents and those with a genuine need.

5.2 Should the trial be implemented and found to perform to the expected standard or there are unforeseen circumstances impacting on individuals or certain groups, then arrangements can be made for it to be withdrawn from operation.

5.3 An Equalities Impact Assessment screening form has been completed, see Appendix B.

## **6.0 Financial Implications**

6.1 The funding requirement is for the deployment of the traffic management, the consultation exercise and other functions associated with its progress such as officer time and business as usual. Essentially, the traffic management funding will be for a series of cones and a 'Road Closed' sign, to be placed across the road by the school at the appropriate times. These will be purchased for the sole purpose of the trial, in order to keep costs to a minimum and are expected to cost no more than £500. Given the modest outlay, the funding will be found within existing highways budgets.

## **7.0 Legal Implications**

7.1 The trial will require the making of an experimental traffic regulation order in accordance with the statutory procedures. An experimental traffic regulation order is made under Sections 9 and 10 of the Road Traffic Regulation Act 1984. This allows local authorities to implement restrictions for up to a period of 18 months to allow the effects of the restriction to be monitored and assessed. During this period the public can object to the proposals being made permanent however, this must be done within 6 months to the day in which the legal order comes into force. A decision is required before the end of 18-month experimental period to determine if the order is to be made permanent or removed once the 18-month period expires.

## 8.0 Climate Change Implications

- 8.1 The proposal to trial a school street is considered to have a positive impact on climate change by discouraging vehicle use and reducing vehicle miles. Should the trial have a positive outcome and more School Streets are implemented throughout the county, the benefits will be proportionately greater. A Climate Impact Assessment form has been completed, see Appendix C

## 9.0 Recommendations

- 9.1 It is recommended that the Corporate Director, Business and Environmental Services, in consultation with the BES Executive Member for Access approves:
- i. The proposed School Streets trial at Seamer & Irton Community Primary School, Scarborough.

BARRIE MASON  
Assistant Director – Highways & Transportation

Author: David Kirkpatrick

Background Documents: None

## APPENDIX A

SCHOOL	LOCATION	ROAD TYPE	EXISTING ROAD SAFETY MEASURES	COLLISION HISTORY	PARK & STRIDE / CYCLING OPTIONS	EVIDENCE OF EXISTING CONGESTION PROBLEM	IMPACT TO SURROUNDING ROAD NETWORK E.G. PARKING DISPLACEMENT, ACCESS TO OTHER STREETS, EMERGENCY ACCESS	ASSESSMENT SCORE 1 – 5	PREFERRED OPTION	REASON
Seamer & Irton Community Primary Seamer, Scarborough	Bell Close	Cul de sac	No existing road safety measures	No Accidents recorded	None	High	High congestion to which traffic will migrate into surrounding estate. Parking capacity in surrounding road network available to cope.  Majority of traffic is local.	5	YES	No existing road safety measures or parking restrictions currently in place to assist with traffic flow. Evidence of high congestion. Site characteristics considerably more favourable than other suggested locations.
Wheatcroft Community Primary / St Martins C of E Scarborough	Holbeck Hill,	Cul de sac	One way turning circle and Chicane	No Accidents recorded	None	Medium	Medium congestion and parking migration into surrounding estate but parking capacity available to cope.  Majority of traffic is local	3	NO	Existing road safety measures in place and medium impact to surrounding road network however, further consideration possible at later date.
Braeburn Primary & Nursey, Scarborough	Burnside, Braeburn,	Cul de sac	20mph limit, buildouts and speed cushions	2 X SL 1 X SE	None	Medium	Medium congestion and parking migration into surrounding estate but parking capacity available to cope.  Majority of traffic is local	3	NO	Existing road safety measures in place and medium impact to surrounding road network however, further consideration possible at later date.
Sharrow C of E Primary Sharrow, Ripon	Berrygate Lane,	TR	No existing road safety measures	No Accidents recorded	None	Medium / High	Access required to St Johns Close & Church Close. Medium to high congestion with traffic migration into surrounding estate but parking capacity available to cope.  Majority of traffic is local	4	NO	Site characteristics not favourable as it is a through road and access to adjacent roads is required.  Access to additional roads prevents closure.
Holy Trinity Primary School	Trinity Lane, Ripon	TR	20mph and associated yellow line parking restrictions	2 X SL	None	Low/ Medium	Access required to Colgate Hill & Church Lane. Low to medium congestion with traffic migration into surrounding estate but parking capacity available to cope.  Majority of traffic is local.	3	NO	Site characteristics not favourable as it is a through road and access is required  Access to additional roads prevents closure

### Assessment Score Basis

- 1 – Road safety measures in place, parking restrictions, no evidence of congestion and no impact to surrounding road network.
- 2 - Road safety measures in place, parking restrictions, low evidence of congestion
- 3 – Road safety measures in place, limited or no parking restrictions, medium evidence of congestion and impact to surrounding road network.
- 4 – No road safety measures, no parking restrictions and medium / high evidence of congestion and impact to surrounding road network, site characteristics not suitable.
- 5 – No road safety measures in place, no parking restrictions, evidence of high congestion and impact to road network, site characteristics suitable.

### Road Type

- C – Cul de sac
- L – Loop Road
- TR – Through Road

### Collision History

The number of recorded injury accidents, occurring during a school travel period, within a 250m radius of the main school gate, over the last 5 years.

F – Fatal  
SE – Serious  
SL – Slight

Congestion

Low – Available parking spaces, no congestion, free flowing traffic.

Medium – Kerbside parking limited, some poor driver behaviour.

High – Traffic Sensitive, no parking spaces, widespread poor driver behaviour, significant impact on residents

<b>Initial equality impact assessment screening form</b> (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.			
<b>Directorate</b>	Business and Environmental Services		
<b>Service area</b>	Highways and Transportation		
<b>Proposal being screened</b>	School Streets Trial		
<b>Officer(s) carrying out screening</b>	Andrew Clare		
<b>What are you proposing to do?</b>	Trial a School Street		
<b>Why are you proposing this? What are the desired outcomes?</b>	In response to interest from NYCC and public		
<b>Does the proposal involve a significant commitment or removal of resources? Please give details.</b>	No		
<b>Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristic</b> As part of this assessment, please consider the following questions:			
<ul style="list-style-type: none"> <li>To what extent is this service used by particular groups of people with protected characteristics?</li> <li>Does the proposal relate to functions that previous consultation has identified as important?</li> <li>Do different groups have different needs or experiences in the area the proposal relates to?</li> </ul>			
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 <a href="#">Equality rep</a> for advice if you are in any doubt.			
<b>Protected characteristic</b>	<b>Yes</b>	<b>No</b>	<b>Don't know/No info available</b>
Age		No	
Disability		No	
Sex (Gender)		No	
Race		No	
Sexual orientation		No	
Gender reassignment		No	
Religion or belief		No	
Pregnancy or maternity		No	
Marriage or civil partnership		No	
<b>NYCC additional characteristic</b>			
People in rural areas		No	
People on a low income		No	
Carer (unpaid family or friend)		No	
<b>Does the proposal relate to an area where there are known</b>	No.		

<b>inequalities/probable impacts</b> (e.g. disabled people's access to public transport)? Please give details.					
<b>Will the proposal have a significant effect on how other organisations operate?</b> (e.g. partners, funding criteria, etc.). <b>Do any of these organisations support people with protected characteristics?</b> Please explain why you have reached this conclusion.	No				
<b>Decision (Please tick one option)</b>	<table border="1"> <tr> <td>EIA not relevant or proportionate:</td> <td>X</td> <td>Continue to full EIA:</td> <td></td> </tr> </table>	EIA not relevant or proportionate:	X	Continue to full EIA:	
EIA not relevant or proportionate:	X	Continue to full EIA:			
<b>Reason for decision</b>	To allow the County Council to trial a School Street with a view to offering it as a service				
<b>Signed (Assistant Director or equivalent)</b>	Barrie Mason				
<b>Date</b>	08/02/2022				



## 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](mailto: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 in the summary section of the form below.

Please contact [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk) for advice.

<b>Title of proposal</b>	Proposed School Street Trial
<b>Brief description of proposal</b>	Undertake School Streets trial to investigate the delivery and management process and measure of benefit
<b>Directorate</b>	Business & Environmental Services
<b>Service Area</b>	Highways and Transportation
<b>Lead Officer</b>	Andrew Clare
<b>Names and roles of other people involved in carrying out the impact assessment</b>	
<b>Date impact assessment started</b>	January 2022
<b>Options appraisal</b>	
Trial of a School Street is linked to climate change improvement by promoting and encouraging modal shift to walking and cycling etc.	

<b>What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?</b> The proposed trial will have minimal impact on Council budgets.							
<b>How will this proposal impact on the environment?</b>  <b>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.</b>  Page 72		<b>Positive impact</b> (Place a X in the box below where relevant)	<b>No impact</b> (Place a X in the box below where relevant)	<b>Negative impact</b> (Place a X in the box below where relevant)	<b>Explain why will it have this effect and over what timescale?</b>  <b>Where possible/relevant please include:</b> <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<b>Explain how you plan to mitigate any negative impacts.</b>	<b>Explain how you plan to improve any positive outcomes as far as possible.</b>
Minimise <b>greenhouse gas emissions</b> e.g. reducing emissions from travel, increasing energy efficiencies etc.	Emissions from travel	x			Reduced vehicle miles		
	Emissions from construction		x				
	Emissions from running of buildings		x				



	Other		x			
Minimise <b>waste</b> : Reduce, reuse, recycle and compost e.g. reducing use of single use plastic			x			
Reduce <b>water</b> consumption			x			
Minimise <b>pollution</b> (including air, land, water, light and noise)	x				Reduced vehicle miles	
Ensure <b>resilience</b> to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers	x				Reduced vehicle miles, encouraging long term modal shift to sustainable modes of travel	
Enhance <b>conservation</b> and wildlife			x			
Safeguard the distinctive characteristics, features and special qualities of <b>North Yorkshire's landscape</b>	x				All environmental and social improvements of reduced vehicle miles and modal shift to sustainable modes of travel	
Other (please state below)			x			

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

n/a

**Summary**

The proposed School Street trial will identify how the scheme will work in practice and what level of benefit may be achieved with a wider application

**Sign off section**

This climate change impact assessment was completed by:		
<b>Name</b>	Andrew Clare	
<b>Job Title</b>	Senior Parking & Traffic Management Engineer	
<b>Service Area</b>	Highways & Transportation	
<b>Directorate</b>	Business & Environmental Services	
<b>Signature</b>		
<b>Completion Date</b>	04/02/22	
<b>Authorised by relevant Assistant Director (Signature)</b>	Barrie Mason	Barrie Mason
<b>Date</b>	08/02/22	

## North Yorkshire County Council

### Business and Environmental Services

#### Executive Members

18 February 2022

#### 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 some further restrictions have now been lifted, however if new or additional guidance is released or the situation has changed, a further verbal update may well be required during the meeting of 18 February 2022.

##### **2.0 Background**

- 2.1 Earlier reports were presented to this meeting on 7 May 2020, then again on 18 December 2020, 23 July 2021 and 22 October 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 first report on 7 May 2020 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 regular reviews 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 The October 2021 report contained a number of recommendations which are listed below for ease of reference:
- That a transition to double crewed inspections commences from 1 November 2021, including consultation / engagement with Highway Officers via local management teams.
  - 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
  - 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
  - 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
  - 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).
  - That the transition back to double-crewed inspections is fully concluded by the end of March 2022 unless circumstances dictate otherwise.

- 4.4 Since the meeting of October 2021, a new variant of Covid – the Omicron variant – emerged. This particular variant was highly transmissible and did give cause for ongoing caution and consideration from a business and service continuity perspective. This was particularly salient given that Highway Officers who undertake routine and non-routine highway inspections are also duty officers for our winter service, so any impact of Covid-19 would have the potential to impair two key service functions in Highway Operations.
- 4.5 As such, single crewed inspections have remained in place since the last report.
- 4.6 In preparation for this latest review, key colleague / subject matter experts' views have once again been sought as per previous reports – these are summarised in the remainder of this section.
- 4.7 In terms of Legal and Democratic Services:
- The PM announced on 19<sup>th</sup> January 2022 a return to Plan A. Working from home, mandatory face coverings, and mandatory Covid passes are no longer required. The Coronavirus Act 2020 expires on 24 March 2022, but there is power within it to extend that date. It is understood that there is an intention to bring forward the Government's long term strategy for living with Covid before the expiry date of the Act. The many Regulations which flow from the CA 2020 can also be subject to extension.
  - The government guidance was (at the time of writing) last updated on 27<sup>th</sup> January 2022 Coronavirus (COVID-19): safer transport guidance for operators and people who work in or from vehicles - GOV.UK ([www.gov.uk](http://www.gov.uk)) This non statutory guidance suggests wearing a face covering in enclosed spaces if possible. For staff members working in vehicles the guidance suggests reducing the number of people travelling in the same vehicle where possible and ensuring ventilation.
  - Highways Act 1980: The return to Plan A and the indication that the Government's intention is for the Regulations to lapse signals living with Covid without mandatory restrictions in place. An allegation of a breach of duty under s41 will as ever fall on its own facts. In the absence of restrictions and working practices which can be managed, it follows that Courts will expect the HA to have carried out its statutory duty. Self-isolation regulations remain in force which may mean staff absences having a detrimental effect on work streams and prioritisation, although those regulations may be revoked before they expire in March.
  - S58 defence: that the HA had taken such care as in "*all the circumstances*" was reasonably required to secure that the part of the highway to which the action relates was not dangerous for traffic. Subsection (2)(a) to (e) are matters the Court will take into account in considering whether the defence is available to the HA.
  - The "*all the circumstances*" element may include relevant issues arising from the pandemic but as all restrictions are eased it may be more difficult to justify. Recording decisions made on a risk basis is advised should evidence be required to defend a claim.
  - Our standing advice is to ensure compliance with the statutory obligations and the Council's own policies, having regard to the most up to date government guidance. Decisions should be taken on a risk based approach, after a risk analysis has been undertaken and recorded.

- 4.8 From an Insurance & Risk Management (IRM) Perspective:
- Insurance claims – repudiation rates are in line with expectation and not showing deterioration.
  - If tested evidentially (in court) IRM believe our lawyers and insurers *would prefer* twin crewed inspections simply to take away any challenge - however whilst the required measures for staff safety are in place then that remains the justification for single crewed inspections.
- 4.9 In terms of ADEPT (Association of Directors of Environment, Economy, Planning & Transport) Engineering Board,
- NYCC’s Assistant Director H&T confirmed that the latest feedback from ADEPT members indicates a range of risk-based approaches are currently being taken ranging from:
    - arrangements being reviewed on an individual officer basis,
    - to a blended 2/1 person approach
    - to a dedicated driver & inspectors
    - and double crewed inspections for high speed roads
 so no one single approach is dominant or being favoured at present
    -
- 4.10 From a Health & Safety perspective, the following feedback was received:
- Covid-19 infection rates continue to remain high throughout North Yorkshire. We have had 6 positive cases reported for staff working from Highways and Transportation offices during the previous three month period, none of which were found to be likely through transmission within the workplace environment.
  - Government guidance for working safely during Coronavirus, updated 27<sup>th</sup> January 2022 remains the same for those sharing vehicles, with the exception of point one, which now requires that we only encourage people to use fixed travel partners or avoid sitting face to face.
  - The updated controls are:
    - Encouraging people travelling together in any one vehicle to, wherever possible to use fixed travel partners or avoid sitting 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.
  - We would therefore suggest that we continue to look towards transitioning towards double-crewed inspections with appropriate controls in place as above and ensuring a suitable risk assessment is completed taking into account those staff who may be at higher risk of infection or an adverse outcome if infected.
- 4.11 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) re-affirmed the position communicated in October 2021 where NYH were regularly 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.
- 4.12 HR colleagues’ comments remain unchanged from October 2021 and were:
- 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
- 4.13 Public Health colleagues commented:
- In terms of the direction of travel, the Government's direction is clearly towards "living with COVID" (with details to be confirmed). Plan B restrictions were removed last week, and we are not likely to have further extension of the Coronavirus Regulations after March. This suggests that we should be trying to get back to business as usual as much as possible [N.B. this doesn't mean no mitigations – ventilation, face coverings, vaccination and (for the moment) regular testing are still important]
  - The current position is despite the above, there are still extremely high levels of COVID-19 across the county (and country). Children and young people are currently worst affected, but there is spread into parent ages too. Omicron is extremely infectious (and more so than other variants), although with boosters a smaller proportion of people are experiencing severe symptoms. Current rates are hovering around 1000 per 100,000 (significantly higher than anything pre-Omicron).
  - Regarding guidance changes, close contacts are no longer required to isolate, but are asked to do daily LFD testing for 7 days. Self-isolation time can also now be shorter than 10 days if two negative LFDs are taken 24hrs apart from Day 5. These should mean that the impact from isolation on staff should be reduced (but not (yet) removed – however we may see complete removal of isolation requirements over the next few months).
  - We are disinclined to change anything immediately but think we need to be planning for a potential return over the next couple of months (which will align with expected removal of regulations in March). Keeping measures like good ventilation, face coverings if rates high, not sharing if close contact etc. will help mitigate any ongoing risk following that.
- 4.14 UNISON, having taken soundings from members who work in this area and replied as outlined below in October 2021:
- 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.
- 4.14.1 Having discussed the matter again as part of this round of engagement, UNISON conformed that their position was the same as previously, stating they think we are at a stage in the pandemic where we should be able to resume double-crewed inspections. Obviously with some guidance to staff about ventilation, being aware of what you have to do if you have Covid symptoms etc.
- 4.15 Within Highway Operations, a selection of Maintenance Managers were canvassed; comments and their summarised feedback was:
- The majority view seems to be moving slightly toward double crewed inspections. There will be some specific instances of individuals who still do not want to mix with others due to underlying health conditions, but the majority view seems to be that whilst our inspection success rate may be holding up, the (other) benefits gained by having 2 people in the cab are starting to be missed.



- If the desire is to revert back to double crewed inspections, would like to see a way in the recommendations for some individual HOs with any issues to be able to still run single crewed.
- 4.16 Colleagues in Fleet stated, from a fleet perspective double crewing was feasible based on other areas of fleet activity, maintaining the suggestions offered in the October 2021 report, namely:
- 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
- 4.17 Taking into account all of the points listed above, comments in the October 2021 report relating to striking balance between ‘Living with Covid’ whilst maintaining an appropriate level of workforce resilience remains valid. This ensures service delivery & continuity as well as taking account of individual circumstances (such as underlying health conditions and/or people who may be clinically vulnerable).
- 4.18 Whether the Omicron wave has or has not peaked, it does appear that the impact of this latest strain has been less than anticipated in terms of severity or staff absences in Highway Operations and NYHighways. Any issues due to isolated staff absences have been mitigated along the way, and a blended approach of working from home / limited time in the office has no doubt assisted alongside Highway Officers’ mobile/lone working. Retaining a direction of travel back to full business as usual in a measured manner still seems feasible. Ensuring the appropriate risk mitigation and control measures are 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 will also assist.
- 4.19 With regard to the specific point of fixed travel partners, it has previously been acknowledged this may not always be possible, since Highway Officers (HO) have specific knowledge of their areas and (where they are not driving for NYCC) the NYH employee will be working with other NYH employees 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 referenced earlier in this report are adhered to, since those other control measures (such as wearing face coverings) should be fully achievable.
- 4.20 A key consideration throughout these series of reports during the pandemic has always been the ability to maintain as much resilience and business continuity as possible whilst protecting staff. Having personnel double-crewed means twice the impact in terms of absences if a positive test results and the second person contracts Covid-19 from the first and therefore this would still need close monitoring as part of any change in approach or return to double-crewed inspections. However, as can be seen from earlier commentary in this report, ultimately there is that balance to be struck between living with Covid and managing the associated risks. These risks include managing the health and well-being of employees, safety elements associated with single crewed driving, the County Council’s ability to successfully defend against third party claims and the benefits that can be gained from shared

knowledge, mentoring and 'live' training with an experienced and new HO sharing a vehicle.

- 4.21 Having taken all of the above into account, the recommendations in section 9 of this report outline a way in which the direction of travel, transition and ultimately a return 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 requirement 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 the transition to double crewed inspections that was enabled from 1 November 2021 (following your last meeting/discussion on this matter) continues, including consultation / engagement with Highway Officers via local management teams.
  - ii. As part of the above consultation / engagement, where specific circumstances might preclude double crewed inspections (such as personal / underlying health conditions) and Highway Officers are in agreement, that single crewed inspections are retained in those circumstances but reviewed bi-monthly by the Highway Officer concerned and their line manager
  - 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 / as 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 wider scale if there is either a large-scale Covid outbreak amongst the workforce and/or Government guidance changes

- v. That the transition back to double-crewed inspections is fully concluded by the end of March 2022 unless circumstances [such as (iv)] dictate otherwise.
- vi. That ongoing monitoring of the situation continues over the coming months and a final report is submitted to your meeting of 29 April 2022 (unless deemed necessary to be reported sooner) in order to bring this matter to a conclusion and return to Business as Usual. This would ultimately be dictated by factors such as the anticipated lifting of all restrictions and overall infection rates.

BARRIE MASON  
Assistant Director  
Highways and Transportation

Author of Report: Nigel Smith

Background Documents:  
Reports to Executive Members 7 May 2020, 18 December 2020, 23 July 2021 & 22 October 2021

<b>Initial equality impact assessment screening form</b> (As of October 2015 this form replaces 'Record of decision not to carry out an EIA')			
<b>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.</b>			
<b>Directorate</b>	BES		
<b>Service area</b>	H&T		
<b>Proposal being screened</b>	Amendment to Highways Safety Inspection Manual V2.0 (HSIM)		
<b>Officer(s) carrying out screening</b>	Nigel Smith		
<b>What are you proposing to do?</b>	Amend the HSIM to allow for single person carriageway inspections during the Covid-19 social distancing protocols		
<b>Why are you proposing this? What are the desired outcomes?</b>	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.		
<b>Does the proposal involve a significant commitment or removal of resources? Please give details.</b>	No		
<b>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?</b>			
As part of this assessment, please consider the following questions:			
<ul style="list-style-type: none"> <li>To what extent is this service used by particular groups of people with protected characteristics?</li> <li>Does the proposal relate to functions that previous consultation has identified as important?</li> <li>Do different groups have different needs or experiences in the area the proposal relates to?</li> </ul>			
<b>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 Equality rep for advice if you are in any doubt.</b>			
<b>Protected characteristic</b>	<b>Yes</b>	<b>No</b>	<b>Don't know/No info available</b>
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)		✓	
<b>Does the proposal relate to an area where there are known inequalities/probable impacts</b> (e.g. disabled people's access to public transport)? Please give details.	No.		
<b>Will the proposal have a significant effect on how other organisations operate?</b> (e.g. partners, funding criteria, etc.). <b>Do any of these organisations support people with protected characteristics?</b> Please explain why you have reached this conclusion.	No		
<b>Decision (Please tick one option)</b>	EIA not relevant or proportionate:	✓	Continue to full EIA:
<b>Reason for decision</b>	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.		
<b>Signed (Assistant Director or equivalent)</b>	Barrie Mason		
<b>Date</b>	08/02/2022		

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## North Yorkshire County Council

### Business and Environmental Services

#### Executive Members

18 February 2022

### North Yorkshire and York English National Concessionary Travel Scheme

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

This report contains information of the type defined in paragraph 3 of Schedule 12A of Part 1 of Schedule 12A Local Government Act 1972 (as amended).

#### 1.0 Purpose Of Report

- 1.1 To update the Corporate Director Business and Environmental Services (BES) and Councillor Don Mackenzie the Executive Member for Access (BES) on the proposals for a new North Yorkshire and York English National Concessionary Travel Scheme, including reimbursement to local bus service operators, to commence 1 April 2022 and operate for two years.
- 1.2 To seek authorisation from the Corporate Director Business and Environmental Services (BES) to introduce the new scheme, as set out in section 5 below.

#### 2.0 Background

- 2.1 The English National Concessionary Travel Scheme is enshrined in primary legislation through the Greater London Authority Act 1999 and the Transport Act 2000 (as modified by the Concessionary Bus Travel Act 2007). The Department for Transport (DfT) is responsible for the national policy and provides guidance about the administration of the scheme.
- 2.2 Responsibility for administering concessionary travel was transferred from Shire Districts to Shire County Councils from 1 April 2011 and an administering council is known as a Travel Concession Authority (TCA).
- 2.3 The current scheme in North Yorkshire expires 31 March 2022 and is delivered jointly with City of York Council with North Yorkshire County Council acting as lead authority for the scheme. A new scheme is therefore required to commence from 1 April 2022.

#### 3.0 Existing Provision

- 3.1 Outside London, the statutory concession currently consists of free off-peak travel for older and disabled people on all local buses anywhere in England from 09:30 until 23:00 on weekdays and all day at weekends and on Bank Holidays.
- 3.2 The following groups are eligible for the concession:
  - 3.2.1 Eligible older people are those specified in Regulation 2 of the 2010 Regulations as being “in the case of a woman, her pensionable age [and] in the case of a man, the pensionable age of a woman born on the same day”. Due to the policies of successive governments to raise the female state pension age and equalise it with that of men, this means that the eligible age for the statutory concession is also increasing.
  - 3.2.2 Eligible disabled people are those specified in section 146 of the 2000 Act, as amended:

- “disabled person” means a person who—
- is blind or partially sighted,
- is profoundly or severely deaf,
- is without speech,
- has a disability, or has suffered an injury, which has a substantial and long-term adverse effect on his ability to walk,
- does not have arms or has long-term loss of the use of both arms,
- has a learning disability, that is, a state of arrested or incomplete development of mind which includes significant impairment of intelligence and social functioning, or
- would, if he applied for the grant of a licence to drive a motor vehicle under Part III of the Road Traffic Act 1988, have his application refused pursuant to section 92 of that Act (physical fitness) otherwise than on the ground of persistent misuse of drugs or alcohol,
- Certain people are automatically ‘passported’ to free bus travel based on their eligibility for other schemes / welfare benefits. These include:
  - People in receipt of the higher rate Disability Living Allowance mobility component,
  - People receiving Personal Independence Payments (PIP) who have been awarded at least eight points against either the PIP “Moving around” and/or “Communicating verbally” activities, and
  - Recipients of the War Pensioner’s Mobility Supplement

3.3 In addition to the mandatory bus concession, TCAs are also able to make use of powers provided by the Greater London Authority Act 1999 and the Transport Act 1985 to introduce additional “discretionary” concessions, such as extending the time of availability or allowing carers of disabled resident’s free travel when they accompany them.

3.4 In North Yorkshire the following discretionary provisions are provided:

- Passes from 9.00am to 6.00am as opposed to the statutory requirement of 9.30am to 11.00pm.
- In addition to the above point concessions are accepted on certain 6.00am to 9.00am journeys. Such exemptions are considered on a case by case basis, on request only for specific and unique circumstances, for example where a passenger is not likely to reach their service centre, GP, hospital or similar before 11.00am on a direct service without the exemption. Current exempt journeys:
 

<u>Service</u>	<u>Time</u>	<u>Details</u>
34	8.53am	Middleton Tyas and all onward stops to Scorton
24	7.20am	Pateley Bridge and all onward stops to Harrogate
22	8.34am school day	Ripon and all onward stops to York
	8.13am school holidays	
30	8.30am	Reeth and all onward stops to Richmond
30	8.50am	Alne and all onward stops to York
31X	8.24am school days	Oswaldkirk and all onward stops to Helmsley
	8.34am school holidays	
80	7.52am	Hutton Rudby and all onward stops to Northallerton
89	8.33am	Northallerton and all onward stops to Stokesley
136	8.12am	Melmerby and all onward stops to Ripon
194	8.10am	Hovingham and all onward stops to Malton
23	7.41am	Kirby Hill and all onward stops to Ripon
18	8:45am	Stokesley and all onward stops to Guisborough
18	8:54am	Great Ayton and all onward stops to Guisborough
- We provide companion passes in certain circumstances.



- Generally the companion entitlement is only valid for journeys in the issuing authorities' area but a reciprocal arrangement exists between the Travel Concession Authorities below\* whereby each other's companion passes are accepted. The pass will only be accepted for the cross boundary part of the journey, and not for onward journeys.

3.5 It is proposed that no changes are made to these discretionary enhancements and they continue to be provided in the new scheme.

3.6 The Travel Concessions (Eligible Services) (Amendment) Order 2009 revised the definition of 'eligible services' to exclude services on which the majority of seats can be reserved in advance of travel; that do not run for a period of at least six consecutive weeks; that are operated primarily for their historical interest or for tourism; rail replacement services; and services where the fare charged by the operator has a special amenity element. In North Yorkshire the following services are considered exempt in that they meet the exclusions that they are operated for tourism and / or the fare charged by the operator has a special amenity element:

<u>Service Number</u>	<u>Route</u>
108 / 109	Scarborough Sea Front Tour buses
64 / 65	Scarborough Park and Ride Services
P1 / P2	Whitby Summer Seasonal Park and Ride
Grey/Yellow	Whitby Summer Tour Services
22	DalesBus: York – Grassington
825	Eastern DalesBus: York- Richmond
829	Eastern DalesBus: Richmond – Bedale
830	Northern DalesBus: Preston – Richmond
831	Northern DalesBus: Middlesbrough – Kirkby Lonsdale
881	Malham DalesBus: Lancaster - Malham
X99	Henry Hulley and Sons: Sheffield – Scarborough

\* East Riding of Yorkshire Council, West Yorkshire Combined Authority, Kingston Upon Hull City Council, South Yorkshire PTE, North Lincolnshire Council, North Yorkshire County Council, North East Lincolnshire Council and City of York Council

#### **4.0 Operator Reimbursement**

4.1 TCAs are required by law to reimburse bus operators for carrying concessionary passengers. In respect of the mandatory concession, TCAs must reimburse bus operators for all concessionary journeys starting within their boundaries, regardless of where the concessionary passholder making the journey is resident.

4.2 The DfT has issued guidance and supporting calculator to assist TCAs in the calculation of reimbursement with individual operators. These documents encompass the following elements of reimbursement:

- a) Revenue Reimbursement – payment at full fare for the proportion of trips which would have been made if the fare were charged, i.e. non-generated trips;
- b) Marginal Operating Costs – reimbursement for the marginal costs of carrying generated concessionary passengers within the existing capacity of the service; and
- c) Marginal Capacity Costs – the net costs incurred in operating additional capacity (e.g. more journeys or bigger buses) to cater for generated trips.

In addition, it is recognised that TCAs may be obliged to meet two other forms of additional cost incurred by operators:

- Administrative Costs – primarily in providing information to TCAs; and
  - PVR Costs – the costs associated with the requirement to run additional vehicles in the peak period due to generated concessionary travel.
- 4.3 The calculation itself is based on a number of factors including fares and ticket types, journey and route lengths, speed, vehicle occupancy. The overriding principal is to ensure that operators receive reimbursement that is 'no better, no worse' than if the scheme was not in existence.
- 4.4 A TCA is free to use their choice of methodology in calculating reimbursement, and the DfT acknowledge that in specific certain circumstances it may be appropriate to deviate from the guidance and calculator in order to give effect to the 'no better, no worse off' principle. This can include reaching fixed or capped agreements with operators. These options help provide budget stability for all parties concerned, as actual reimbursements can vary in accordance with numbers of concessionary pass holders carried.
- 4.5 However, if an operator is not satisfied with the reimbursement they can appeal to the Secretary of State (or decision makers appointed on his behalf) who will apply the law relating to the compensation of operators and will be guided by the DfT reimbursement guidance.
- 4.6 Calculations of revised reimbursement arrangements, based on the DfT guidance, have taken place and the details are provided in Annex 1. This Annex should be treated as exempt under in accordance with paragraph 3 of Schedule 12A of Part 1 of the Local Government Act 1972, as it provides commercially sensitive information regarding reimbursements and agreements with specific operators. The information provided by operators to allow discussions to take place is commercially sensitive and has been provided to us on the understanding that it is exempt.

## **5.0 Partnership and New Scheme Arrangements**

- 5.1 It is proposed that a new scheme is established from 1 April 2022, to commence on expiry of the existing scheme and operates for 2 years. It is also proposed that a joint scheme is delivered with City of York Council, as in place already.
- 5.2 It is proposed that in addition to the statutory minimum requirements the new scheme includes the additional discretionary enhancements as detailed at section 3.4.
- 5.3 It is proposed that the leisure services detailed at section 3.6 will not be eligible services in the new scheme.
- 5.4 It is proposed to reimburse operators as set out in Annex 1.

## **6.0 Legal Implications**

- 6.1 Failing to reimburse operators under the Concessionary Travel Act 2007 would result in legal challenge, and decisions regarding reimbursements would be imposed upon the Authority, in addition to costs associated with the legal challenge

## **7.0 Financial Implications**

- 7.1 The financial implications associated with the recommendation of this report are detailed in Annex 1. This Annex should be treated as exempt under in accordance with paragraph 3 of Schedule 12A of Part 1 of the Local Government Act 1972, as it provides commercially sensitive information regarding reimbursements and agreements with specific operators. The information provided by operators to allow discussions to take place is commercially sensitive and has been provided to us on the understanding that it is exempt.
- 7.2 The overall financial impact of the proposed changes is that forecast expenditure is expected to increase by £216k in 22/23 based on 2021/22 passenger numbers. If passenger numbers increase to pre-pandemic levels based on 2018/19 passenger numbers then expenditure could increase by up to £581k. The expected increases based on 2021/22 expenditure will be met by current concessionary fares budgets, however if passenger levels approach the higher end of the scale, an in year inflationary budget pressure could be a risk which would need further review during 23/24 budget setting.

## **8.0 Equalities Implications**

- 8.1 Consideration has been given to the potential for any adverse equality impacts arising from the recommendations. An Equalities Impact Assessment Screening Form is included as Annex 2 of this report.

## **9.0 Climate Change Implications**

- 9.1 Consideration has been given to the potential climate change implications. The scheme is related to public transport, in that passes issued to eligible residents can be used to obtain free travel and subsequent reimbursement to bus operators. However, there is no intention to make changes to the public facing elements as available under the existing scheme. As such there is likely to be no impact on the environment. A Climate Change Impact Assessment is included as Annex 3 of this report.

## **10.0 Recommendations**

- 10.1 The Corporate Director Business and Environmental Services (BES) and the Executive Members (BES) note the proposals for a new North Yorkshire and York English National Concessionary Travel Scheme, including reimbursement to local bus service operators, to commence 1 April 2022 and operate for 2 years.
- 10.2 The Corporate Director Business and Environmental Services (BES) authorise the commencement of a new North Yorkshire and York English National Concessionary Travel Scheme, as set out in section 5 above.

MICHAEL LEAH  
Assistant Director – Travel, Environmental and Countryside Services

Author of Report: Cathy Knight

Background documents: None

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<p><b>Initial equality impact assessment screening form</b> (As of October 2015 this form replaces 'Record of decision not to carry out an EIA')</p> <p><b>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.</b></p>	
<b>Directorate</b>	Business and Environmental Services
<b>Service area</b>	Integrated Passenger Transport
<b>Proposal being screened</b>	North Yorkshire and York English National Concessionary Travel Scheme
<b>Officer(s) carrying out screening</b>	Cathy Knight
<b>What are you proposing to do?</b>	<p>Introduce a new ENCTS scheme to replace the current scheme which expires 31/03/2022.</p> <p>This assessment screening form considers the impact of the new scheme, with particular references to the impact on people with protected characteristics.</p>
<b>Why are you proposing this? What are the desired outcomes?</b>	<p>The council has a statutory obligation to issue ENCTS travel passes to people eligible for the concession that reside within the authority area. The council also has a statutory obligation to reimburse local bus service operators for carrying passengers as a result of the scheme.</p> <p>As with the existing scheme, the new scheme provides discretionary enhancements to the statutory minimum.</p> <p>The council will therefore be fulfilling its statutory obligations.</p>
<b>Does the proposal involve a significant commitment or removal of resources? Please give details.</b>	<p>The total budget for 2021/22 for reimbursement to local bus service operators and administration is £6.5m, which includes income from and payments made on behalf of City Of York Council (as we manage payments to some of their bus operators).</p> <p>The new scheme is not expected to significantly vary existing budget expenditure.</p>
<p><b>Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristic</b> As part of this assessment, please consider the following questions:</p> <ul style="list-style-type: none"> <li>• To what extent is this service used by particular groups of people with protected characteristics?</li> <li>• Does the proposal relate to functions that previous consultation has identified as important?</li> <li>• Do different groups have different needs or experiences in the area the proposal relates to?</li> </ul>	

<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 <a href="#">Equality rep</a> for advice if you are in any doubt.</p>			
Protected characteristic	Yes	No	Don't know/No info available
Age		x	
Disability		x	
Sex (Gender)		x	
Race		x	
Sexual orientation		x	
Gender reassignment		x	
Religion or belief		x	
Pregnancy or maternity		x	
Marriage or civil partnership		x	
NYCC additional characteristic			
People in rural areas		x	
People on a low income		x	
Carer (unpaid family or friend)		x	
<p><b>Does the proposal relate to an area where there are known inequalities/probable impacts</b> (e.g. disabled people's access to public transport)? Please give details.</p>	<p>The scheme is related to public transport, in that passes issued to eligible residents can be used to obtain free travel and subsequent reimbursement to bus operators. However, there is no intention to make changes to the public facing elements as available under the existing scheme.</p>		
<p><b>Will the proposal have a significant effect on how other organisations operate?</b> (e.g. partners, funding criteria, etc.). <b>Do any of these organisations support people with protected characteristics?</b> Please explain why you have reached this conclusion.</p>	<p>No. There are changes to the individual reimbursement arrangements to operators of local bus services, some negative. However, the council is using the DfT guidance for the reimbursement calculations. In addition if an operator is not satisfied with the reimbursement an appeal process is available to them.</p>		
<p><b>Decision (Please tick one option)</b></p>	EIA not relevant or proportionate:	x	Continue to full EIA:
<p><b>Reason for decision</b></p>	<p>Consideration has been given to the potential for any adverse equality impacts arising from the new scheme.</p> <p>There is no intention to make changes to the public facing elements as available under the existing scheme and no significant effect on how other organisations operate.</p>		
<p><b>Signed (Assistant Director or equivalent)</b></p>	Michael Leah		
<p><b>Date</b></p>	07 02 22		



## 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](mailto: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 in the summary section of the form below.

Please contact [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk) for advice.

<b>Title of proposal</b>	North Yorkshire and York English National Concessionary Travel Scheme
<b>Brief description of proposal</b>	To review in the context of the council's equalities duties whether further "discretionary" concessions, to include additional groups of people with disabilities, should be considered.
<b>Directorate</b>	Business and Environmental Services
<b>Service area</b>	Travel, Environmental and Countryside Services
<b>Lead officer</b>	Cathy Knight
<b>Names and roles of other people involved in carrying out the impact assessment</b>	None
<b>Date impact assessment started</b>	December 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.

None. The council has a statutory obligation to issue ENCTS travel passes to people eligible for the concession that reside within the authority area. The council also has a statutory obligation to reimburse local bus service operators for carrying passengers as a result of the scheme.

**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 total budget for 2021/22 for reimbursement to local bus service operators and administration is £6.5m, which includes income from and payments made on behalf of City Of York Council (as we manage payments to some of their bus operators).

The new scheme is not expected to significantly vary existing budget expenditure



<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><b>Positive impact</b> (Place a X in the box below where</p>	<p><b>No impact</b> (Place a X in the box below where</p>	<p><b>Negative impact</b> (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"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<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>Minimise <b>greenhouse gas emissions</b> e.g. reducing emissions from travel, increasing energy efficiencies etc.</p>	Emissions from travel	X		<p>The scheme is related to public transport, in that passes issued to eligible residents can be used to obtain free travel and subsequent reimbursement to bus operators. However, there is no intention to make changes to the public facing elements as available under the existing scheme.</p>		
	Emissions from construction	X				
	Emissions from running of buildings	X				
	Other	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><b>Positive impact</b> (Place a X in the box below where</p>	<p><b>No impact</b> (Place a X in the box below where</p>	<p><b>Negative impact</b> (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"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<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>Minimise <b>waste</b>: Reduce, reuse, recycle and compost e.g. reducing use of single use plastic</p>		<p>X</p>				
<p>Reduce <b>water</b> consumption</p>		<p>X</p>				
<p>Minimise <b>pollution</b> (including air, land, water, light and noise)</p>		<p>X</p>		<p>The scheme is related to public transport, in that passes issued to eligible residents can be used to obtain free travel and subsequent reimbursement to bus operators. However, there is no intention to make changes to the public facing elements as available under the existing scheme.</p>		
<p>Ensure <b>resilience</b> to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers</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><b>Positive impact</b> (Place a X in the box below where</p>	<p><b>No impact</b> (Place a X in the box below where</p>	<p><b>Negative impact</b> (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"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<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>Enhance <b>conservation</b> and wildlife</p>		<p>X</p>				
<p>Safeguard the distinctive characteristics, features and special qualities of <b>North Yorkshire's landscape</b></p>		<p>X</p>				
<p>Other (please state below)</p>		<p>X</p>				

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

Not currently aware of any good practice environmental standards relating to this.

**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.

The scheme is related to public transport, in that passes issued to eligible residents can be used to obtain free travel and subsequent reimbursement to bus operators. However, there is no intention to make changes to the public facing elements as available under the existing scheme. As such there is likely to be no impact on the environment.

**Sign off section**

This climate change impact assessment was completed by:

<b>Name</b>	Cathy Knight
<b>Job title</b>	Commercial Sector Service Development Manager
<b>Service area</b>	Transport, Waste and Countryside Services
<b>Directorate</b>	Business and Environmental Services
<b>Signature</b>	Cathy Knight
<b>Completion date</b>	December 2021

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

**Date:**

## North Yorkshire County Council

### Business and Environmental Services

#### Executive Members

18 February 2022

#### Review of Waste and Countryside Services Charges

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

##### **1.0 Purpose of report**

- 1.1 To inform the Corporate Director Business and Environmental Services (BES) and the BES Executive Members of charges made for services provided by Waste and Countryside Services, and to obtain approval to set charges for 2022/23.

##### **2.0 Background**

- 2.1 Waste and Countryside Services make charges in respect of the following services:

- In Countryside Access there are five areas of charging
  - i) Public Path Orders (PPOs)
  - ii) Making a Statement or Declaration under Section 31(6) of the Highways Act 1980
  - iii) Temporary Closure Orders
  - iv) Stopping up Orders
  - v) Local Searches
- In Waste charges are made for
  - i) Household Waste Recycling Centre (HWRC) commercial and non-household waste and for waste from customers that are not North Yorkshire residents
  - ii) Waste Collection Authority (WCA) commercial waste disposal

- 2.2 The Corporate Director (BES) approved 2021/22 Waste and Countryside Service charges in consultation with Executive Members on the 29 January 2021.

- 2.3 Charges used by Waste and Countryside Services for Local Searches, Temporary Closures and Stopping up Orders are based on Highways and Transportation fees. These charges are currently subject to review.

##### **3.0 Current Charges and Income**

- 3.1 Full details of current and proposed charges are included in Annex A.

- 3.2 The income from the Waste and Countryside Services fees and charges for 2020/21 and 2021/22 estimates are set out in Table one below.

<b>Table 1 – Waste and Countryside Services Income 2020/21 and 2021/22</b>	<b>2020/21</b>	<b>2021/22 Est.</b>
Countryside Access Service charges <ul style="list-style-type: none"> <li>Public Path Orders</li> <li>Statement or Declaration under Section 31(6) of the Highways Act 1980 and section 15A(1) of the Commons Act 2006</li> </ul>	£109,337	£117,000
Highways based charges used by Countryside Access Service <ul style="list-style-type: none"> <li>Temporary Closure orders</li> <li>Stopping Up Orders</li> <li>Local Searches charges</li> </ul>	£82,376	£96,000
Household Waste Recycling Centre - Commercial and Non-Household Waste	£371,401	£500,000
Disposal charges for Waste Collection Authority Commercial Waste	£1,746,226	£2,184,312
<b>TOTAL</b>	<b>£2,309,340</b>	<b>£2,897,312</b>

3.3 The estimated income for waste from the Household Waste Recycling Centres (HWRCs) has increased in 2021/22 compared to 2020/21 by 25%. In 2020/21, commercial waste was not accepted at the HWRCs from 23 March 2020 until 4 July 2021 due to site closures and restricted waste acceptance because of COVID. The Waste Collection Authorities income has increased by 20% in 2021/22, following reductions in collections due to businesses being closed because of COVID restrictions in 2020/21.

3.4 The number of statement of declarations application remains strong linked to ongoing high demand on the PROW network and local searches continue at a sustained high rate.

#### **4.0 Proposed Charges and Income**

4.1 Contractual inflationary increases have been applied to Waste Collection Authority charges and an inflationary increase has been added to other TECS charges. No increase has been applied to Highways based charges which are subject to review.

4.2 Proposed charges for 2022/23 are included in Annex A.

4.3 2021/22 and 2022/23 Income estimates are shown in Table 2 below:

<b>Table 2 - Estimated income</b>	<b>2021/22 Est</b>	<b>2022/23 Est</b>
Countryside Access Service charges <ul style="list-style-type: none"> <li>Public Path Orders</li> <li>Statement or Declaration under Section 31(6) of the Highways Act 1980 and section 15A(1) of the Commons Act 2006</li> </ul>	£117,000	£146,100
Highways based charges used by Countryside Access Service <ul style="list-style-type: none"> <li>Temporary Closure orders</li> <li>Stopping Up Orders</li> <li>Local Searches charges</li> </ul>	£96,000	£87,000
Household Waste Recycling Centre - Commercial and Non-Household Waste	£500,000	£536,000
Disposal charges for Waste Collection Authority Commercial Waste	£2,184,312	£2,329,660
<b>TOTAL</b>	<b>£2,897,312</b>	<b>£3,098,760</b>

4.4 Income from Waste Collection Authority commercial waste and HWRC commercial and non-household wastes is expected to increase on 2021/22 levels due to the inflationary increase in charges. There is no expected increase in tonnages accepted either by the Waste Collection Authority or at the HWRCs.

4.5 The markets for the HWRC waste materials have recovered in 2021/22 with income for materials increasing on average by more than 50% between December 2020 and December 2021.

## 5.0 Equalities Implications

5.1 Consideration has been given to the potential for any adverse equality impacts arising from the recommendations (See Annex B - EIA Screening Form). 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 Financial Implications

The financial impact is set out in detail in paragraph 4.3 above. In summary, this report proposes that waste and countryside services estimated income will increase to £3,098,760 for the 22/23 financial year – increasing from an estimated £2,897,312 in 2021/22. In the main, these are inflationary increases.

## 7.0 Legal Implications

7.1 The power to charge for these services is included in Table 3 below:

<b>Table 3—Power to charge for services</b>	Power to charge
Public Path Order	Local Authorities (recovery of costs for Public Path orders) Regulations 1993 amended by regulation 3 of the Local authorities (charges for overseas Assistance and Public Path orders) Regulations 1996
Making a Statement or Declaration under Section 31(6) of the Highways Act 1980 and section 15A(1) of the Commons Act 2006	The Commons (Registration of Town or Village Greens) and Dedicated Highways (Landowner Statements and Declarations) (England) Regulations 2013 -Regulation 2
Temporary closure orders	The Local Authorities (Transport Charges) Regulations 1998
Stopping up Orders	Section 117 of the Highways Act 1980
Con 29(Local Searches) Q5 charges	The Local Authorities (England) (Charges for Property Searches) Regulations 2008  The Environmental Information Regulations 2004
HWRC commercial and non-household waste charges	Environmental Protection Act 1990 section 51 (3) and Local Government Act 2003 section 93
WCA commercial waste disposal charges	Environmental Protection Act 1990 section 52 (9)

## **8.0 Climate change Implications**

- 8.1 Consideration has been given to the potential for any adverse climate change impacts arising from the recommendation. If people chose to dispose of Commercial and Non-Household waste using other options, due to the increase in charges, emissions and pollution may increase. A Climate Change Implication is included as Annex C of this report.

## **9.0 Recommendation**

- 9.1 It is recommended that the Corporate Director BES acting in consultation with BES Executive Member for Open for Business approves proposals for fees and charges for 2022/23 as detailed in Annex A of this report.

MICHAEL LEAH

Assistant Director, Travel, Environment and Countryside Services

Authors of Report: Joanne Kearney and Ian Kelly

Background Papers: None



## Current and Proposed Waste and Countryside Services Charges

### 1) Countryside Access Service

#### Public Path Order Charges

	Current 2021/22 Charges	Proposed 2022/23 Charges
1. Initial advice and site visit	£500	£510
2. Registration	£60	£70
3. Informal consultation	£770	£790
4. Initial liaison with objectors (only charged where a proposal is opposed)	£790	£810
5. Making of a Public Path Order	£1,930 Further £190 for each additional path	£1,960 Further £190 for each additional path
6. Liaison with objectors (only charged where an Order is opposed)	£1,430	£1,460
7. Forwarding opposed Order to the Secretary of State	No Charge	No Charge
8. Confirming an unopposed Public Path Order	£420	£430
<b>Based on the charges above an unopposed PPO will cost an applicant</b> (plus the actual cost of the 2 statutory newspaper adverts, one at the end of Stage 5 AND one at the end of Stage 8. Each advert costs in the region of £400 - £700 depending on the local newspaper's fee).	<b>£3,680</b>	<b>£3,760</b>

#### Making a Statement or Declaration under Section 31(6) of the Highways Act 1980 Charges

	Current 2021/22 Charges	Proposed 2022/23 Charges	What is included:
<b>New S31(6) submission</b> Registration fee	£360	£380	Includes the processing and registration of the Highway Statement and Highway Declaration for up to two blocks of land
<b>New S31(6) submission</b> Registration of extra blocks of land	£30 per block (up to a max of £150)	£30 per block (up to a max of £150)	Additional fee for the processing and registration of land holdings made up of multiple blocks of land
<b>Renewal of a current submission with no changes to be made</b> Renewal fee	£60	£60	Processing of a Highways Declaration to renew a previous submission which has not yet expired and where there have been no changes to the land holding or other details

<b>Renewal of a current submission where changes are being made</b> Renewal update fee	£240	£260	Processing of a Highways Statement and/or Highways Declaration to renew a previous submission which has not yet expired, to include minor modifications to the land holding (e.g. to include additional land purchased adjoining the current land holding, or to delete blocks of land which have been sold)
<p>Please note: where additional land has been purchased which is separate from (i.e. not adjoining) the current land holding or where large areas of new land are being added, the fee for a new registration will be charged.</p> <p>For all renewals where land is being added to the land holding, both a Highways Statement and Highways Declaration must be submitted, to ensure all land is protected</p> <p>Definition of "Block of land" A block of land is a single, contiguous area of land not broken in multiple parts by land in another person's possession or by a public road. For example, two fields separated by a boundary fence or hedge would constitute one block of land; the same two fields separated by a public road would constitute two blocks of land. Please note no registration will be processed until the appropriate fee is received.</p>			

**CHARGES DETERMINED BY HIGHWAYS - Local Searches charges (2021/22 charge)**  
£9.30 \*

**CHARGES DETERMINED BY HIGHWAYS - Temporary Closure Orders (2021/22 charges) \***

Period	Adverts	Notice Required	Cost (VAT Exempt)	Estimated Total Cost *
Emergency (21 Days)	Not required	Next day	£331.00	£331.00
5 days	Not required	2 weeks	£331.00	£331.00
6 months	2 Chargeable Adverts	6 weeks	£442.00	£442 + cost of adverts at cost*
6 month extension	1 Chargeable Advert	3-4 weeks	£442.00	£442 + cost of adverts at cost*

Advertising rates vary according to the local newspaper used but are typically £250 per advert

**CHARGES DETERMINED BY HIGHWAYS - Stopping up Orders (2021/22 charges) \***

Stopping up order	<p>Officer time spent dealing with an application will be charged at an hourly rate of £44.00 per hour.</p> <p>Other external costs incurred by the County Council will be recharged to the applicant.</p> <p>The applicant must pay a fee of £828.00 with the initial request and the balance must be settled prior to the application to the Magistrates Court.</p>
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\*Please note the above charges determined by Highways are subject to review.

## 2) Waste Charges

## HWRC Commercial Waste Charges (all VAT free)

Type	Volume	Current 2021/22 Charges	Proposed 2022/23 Charges
<b>Active waste</b>	Standard waste bags	£3.90	£4.20
	Up to 0.5 standard transit sized van load	£50.30	£53.90
	0.5 to 1 standard transit sized van load	£100.60	£107.80
	1 to 1.5 standard transit sized van loads	£150.90	£161.80
	1.5 to 2 standard transit sized van loads	£201.30	£215.80
<b>Green waste</b>	Standard waste bags	£2.10	£2.30
	Up to 0.5 standard transit sized van load	£36.40	£39.00
	0.5 to 1 standard transit sized van load	£72.70	£77.90
	1 to 1.5 standard transit sized van loads	£109.10	£117.00
	1.5 to 2 standard transit sized van loads	£145.40	£155.90
<b>Wood waste</b>	Standard waste bags	£1.40	£1.50
	Up to 0.5 standard transit sized van load	£44.80	£48.00
	0.5 to 1 standard transit sized van load	£89.50	£95.90
	1 to 1.5 standard transit sized van loads	£134.30	£144.00
	1.5 to 2 standard transit sized van loads	£178.90	£191.80
<b>Cardboard waste</b>	Standard waste bags	£0.60	£0.60
	Up to 0.5 standard transit sized van load	£11.00	£11.80
	0.5 to 1 standard transit sized van load	£22.00	£23.60
	1 to 1.5 standard transit sized van loads	£33.10	£35.50
	1.5 to 2 standard transit sized van loads	£44.10	£47.30
<b>Glass waste</b>	Standard waste bags	£1.10	£1.20
	Up to 0.5 standard transit sized van load	£35.00	£37.50
	0.5 to 1 standard transit sized van load	£70.00	£75.00
	1 to 1.5 standard transit sized van loads	£104.90	£112.50
	1.5 to 2 standard transit sized van loads	£139.80	£149.90

<b>Paper waste</b>	Standard waste bags	£1.30	£1.40
	Up to 0.5 standard transit sized van load	£43.00	£46.10
	0.5 to 1 standard transit sized van load	£86.00	£92.20
	1 to 1.5 standard transit sized van loads	£129.00	£138.30
	1.5 to 2 standard transit sized van loads	£172.10	£184.50
<b>Hardcore/ rubble</b>	Standard hardcore and rubble bag	£2.90	£3.10
<b>Plasterboard</b>	Standard hardcore and rubble bag	£2.80	£3.00
<b>Cooking Oil</b>	Up to 5 litres	£0.60	£0.60
	Up to 25 litres	£2.80	£3.00
<b>LPG bottles (repatriable)</b>	Less than 15kg	£0.60	£0.60
	15kg and above	£2.80	£3.00
<b>Tyres</b>	Standard tyre (car/motorcycle/4x4) (off rim)	£2.70	£2.90
	Standard tyre (car/motorcycle/4x4) (on rim)	£2.70	£2.90
	Truck (off rim)	£10.10	£10.80
	Truck (on rim)	£12.30	£13.20
	Agricultural (off rim)	£16.80	£18.00
	Agricultural (on rim)	£22.30	£23.90
	Solid	£12.30	£13.20

### Commercial Waste – Disposal charges for Waste Collection Authorities

<b>Council</b>	<b>Current 2021/22 rate per tonne</b>	<b>Proposed 2022/23 rate per tonne</b>
Craven DC	£ 130.76	£140.21
Harrogate BC	£ 125.23	£134.28
Richmondshire DC	£ 141.31	£151.52
Ryedale DC	£ 128.49	£137.78
Scarborough BC	£ 146.11	£156.67
Selby DC	£ 128.04	£137.29

<b>Initial equality impact assessment screening form</b>			
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.			
<b>Directorate</b>	BES		
<b>Service area</b>	TECS		
<b>Proposal being screened</b>	Inflationary increase to Waste and Countryside Services charges		
<b>Officer(s) carrying out screening</b>	Joanne Kearney and Ian Kelly		
<b>What are you proposing to do?</b>	To obtain approval for 2022/23 charges in order to ensure that the authority can cover legitimate costs and to authorise the Corp Dir BES to apply annual inflationary increases.		
<b>Why are you proposing this? What are the desired outcomes?</b>	Inflationary increases can be applied annually to ensure that the authority can cover legitimate costs for undertaking a range of functions		
<b>Does the proposal involve a significant commitment or removal of resources?</b> Please give details.	No		
<p><b>Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristics</b></p> <p>As part of this assessment, please consider the following questions:</p> <ul style="list-style-type: none"> <li>To what extent is this service used by particular groups of people with protected characteristics?</li> <li>Does the proposal relate to functions that previous consultation has identified as important?</li> <li>Do different groups have different needs or experiences in the area the proposal relates to?</li> </ul> <p>If for any characteristic it is considered that there is likely to be an 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 <a href="#">Equality rep</a> for advice if you are in any doubt.</p>			
Protected characteristic	Potential for adverse impact		Don't 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	
<b>NYCC additional characteristics</b>			

People in rural areas		X	
People on a low income		X	
Carer (unpaid family or friend)		X	
<b>Does the proposal relate to an area where there are known inequalities/probable impacts</b> (e.g. disabled people's access to public transport)? Please give details.	No		
<b>Will the proposal have a significant effect on how other organisations operate?</b> (e.g. partners, funding criteria, etc.). <b>Do any of these organisations support people with protected characteristics?</b> Please explain why you have reached this conclusion.	No		
<b>Decision (Please tick one option)</b>	EIA not relevant or proportionate:	X	Continue to full EIA:
<b>Reason for decision</b>	<p>The charges will be levied on a range of customers who choose to pay for the services in question.</p> <p>Some of those customers will fall within the group of protected characteristics within the equality act. However, there is no evidence that the charges will disproportionately impact on customers within any of the protected characteristic groups.</p>		
<b>Signed (Assistant Director or equivalent)</b>	<i>Michael Leah</i>		
<b>Date</b>	31 01 2022		



## 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](mailto: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 in the summary section of the form below.

Please contact [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk) for advice.

<b>Title of proposal</b>	Review of Waste and Countryside Services Charges
<b>Brief description of proposal</b>	To inform the Corporate Director Business and Environmental Services (BES) and the BES Executive Members of charges made for services provided by Waste and Countryside Services, and to obtain approval to set charges for 2022/23.
<b>Directorate</b>	Business and Environmental Services
<b>Service area</b>	Transport, Environment and Countryside Services
<b>Lead officer(s)</b>	Joanne Kearney and Ian Kelly
<b>Names and roles of other people involved in carrying out the impact assessment</b>	Joanne Kearney, Waste Contracts Manager Ian Kelly, Countryside Access Manager
<b>Date impact assessment started</b>	January 2022

**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.

The authority has three options in reviewing the charges made by Waste and Countryside services

Option 1 - No change to the existing charges.

Option 2 - An inflationary increase should be applied to one or more of the charges.

Option 3 - An above inflation increase should be applied to one or more of the charges.

Option 2 provides the most desirable outcome as he increases ensure the authority can cover its legitimate costs.

**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.

If demand for the services are maintained the proposed recommendation has no additional costs and the impact will be income neutral



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"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	Explain how you plan to mitigate any negative impacts.	Explain how you plan to improve any positive outcomes as far as possible.
Minimise <b>greenhouse gas emissions</b> e.g. reducing emissions from travel, increasing energy efficiencies etc.	Emissions from travel			x	As charges are being increased, there is a risk that some existing users who dispose of Commercial and Non-household wastes at the Household Waste Recycling centres (HWRC) or Commercial waste through their collection authorities, may choose other options for disposal of their waste, these may be more or less convenient for them but the impact should be minimal.  There will be no impact from increase in Countryside Access charges.	Ensure service data is captures to assess Commercial and Non-Household waste quantities to make informed decisions	N/A
	Emissions from construction		x				
	Emissions from running of buildings		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><b>Positive impact</b> (Place a X in the box below where</p>	<p><b>No impact</b> (Place a X in the box below where</p>	<p><b>Negative impact</b> (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"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<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>
Other		x				
<p>Minimise <b>waste</b>: Reduce, reuse, recycle and compost e.g. reducing use of single use plastic</p>		x		<p>Recycling/ reuse options are available for most types of Commercial and Non-Household wastes and there are no charges for some of these wastes.</p>	<p>Continue to encourage separation of wastes and recycling /reuse</p>	
<p>Reduce <b>water</b> consumption</p>		x				
<p>Minimise <b>pollution</b> (including air, land, water, light and noise)</p>			x	<p>As charges are being increased, there is a risk that some existing users who dispose of Commercial and Non-Household wastes at the Household Waste Recycling Centres (HWRC), or Commercial waste through their collection authorities, may choose other less environmentally beneficial options for disposal of their waste, but the impact should be minimal.</p> <p>There will be no impact from increase in Countryside Access charges.</p>	<p>Ensure service data is captures to assess Commercial and Non-Household waste quantities to make informed decisions. Continue to benchmark prices against other local authorities where comparable data exists.</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><b>Positive impact</b> (Place a X in the box below where</p>	<p><b>No impact</b> (Place a X in the box below where</p>	<p><b>Negative impact</b> (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"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	<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 <b>resilience</b> to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers</p>		x				
<p>Enhance <b>conservation</b> and wildlife</p>		x				
<p>Safeguard the distinctive characteristics, features and special qualities of <b>North Yorkshire's landscape</b></p>		x				
<p>Other (please state below)</p>		x				

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

Not currently aware of any good practice relating to this.

**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.

If people chose to dispose of Commercial and Non-Household waste using other options, due to the increase in charges, emissions may increase. The same is applicable to pollution.

Recycling/ reuse options are available for most types of Commercial and Non-Household wastes and there are no charges for some of these wastes.

It is anticipated that there will be minimal, if any, impact on water consumption, resilience, conservation and distinctive features and special qualities of North Yorkshire's landscape.

### Sign off section

This climate change impact assessment was completed by:

<b>Name</b>	Joanne Kearney	Ian Kelly
<b>Job title</b>	Waste Contracts Manager	Countryside Access Manager
<b>Service area</b>	Travel, Environment and Countryside Services	
<b>Directorate</b>	BES	
<b>Signature</b>	Joanne Kearney	Ian Kelly
<b>Completion date</b>	January 2022	

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

**Date:**

## North Yorkshire County Council

### Business and Environmental Services

#### Executive Members

18 February 2022

### Opposed Public Bridleways 15.44/3 and 15.44/5 and Public Footpath 15.44/7, Thwaite House, Fountains Earth Diversion Order 2021

#### Report of the Assistant Director – Travel, Environmental & Countryside Services

#### 1.0 Purpose Of Report

- 1.1 To advise the Corporate Director of Business and Environmental Services (BES) of an opposed Public Path Diversion Order for two bridleways and a footpath in Fountains Earth parish. A location plan is attached to this report as Plan 1. The proposal is shown in detail on Plan 2.
- 1.2 To request that the opposed diversion order be referred to the Secretary of State and that the Authority supports the confirmation of the Order.

#### 2.0 The Application

Applicant:	Mr. R. Burrows (agent on behalf of Mr. S. Halsall)
Date of application:	04/03/2021
Type of Application	Diversion Order made under Section 119 Highways Act 1980
Parish:	Fountains Earth
Local Member:	Cllr. Stanley Lumley
Local Member Comments:	None
Applicant's grounds for making the application	To move the current route out of the gardens of Thwaite House to enhance the privacy and security of the property.

#### 3.0 Relevant legal criteria

- 3.1 Under Section 119 of the Highways Act 1980, the County Council, having consulted any other local authority, may divert a public right of way (PROW) where it appears to the Authority that in the interests of the owner of the land crossed by the PROW described in the Order, it is expedient that the line of the PROW should be diverted, and that the diversion would not be substantially less convenient to the public.
- 3.2 The County Council charges applicants for the costs incurred in the processing/making of diversion Orders, as provided for by the Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993 (S.I. 1993/407), amended by regulation 3 of the Local Authorities (Charges for Overseas Assistance and Public Path Orders) Regulations 1996 (S.I. 1996/1978).
- 3.3 Where an Order is opposed, the County Council cannot confirm the Order; it can only be confirmed by the Secretary of State (SoS). The SoS will confirm an Order if he/she is satisfied that:

- i) in the interests of the landowner it is expedient to divert the footpath, and
- ii) the diversion will not be substantially less convenient to the public as a result of the Order, and that it is expedient to confirm the Order having regard to the effect which:
  - (a) the diversion would have on public enjoyment of the route as a whole;
  - (b) the coming into operation of the Order would have, as respects other land served by the existing public right of way; and
  - (c) any new public right of way created by the Order would have, as respects the land over which the right is created and any land held with it.

3.4 There is a legal requirement to consult with any other local authority or local authorities in whose area the land concerned is situated.

#### **4.0 Background to the Application**

4.1 An application was received by the Authority on 3/12/2020 to divert Public Bridleways 15.44/3 & 15.44/5 along with public footpath no 15.44/7 in the vicinity of Thwaite House Farm, Lofthouse. The grounds for the application were to enhance privacy and security of the property and is therefore made in the interests of the landowner.

4.2 All the land affected by the application is within the ownership of Thwaite House, Lofthouse.

#### **5.0 Responses to the initial consultations**

5.1 An informal consultation was carried out from 23<sup>rd</sup> April 2021 to 21<sup>st</sup> May 2021 which resulted in one representation being made requesting a number of changes to be made to the proposal. The issues were discussed with the applicant and some compromises were made. The further suggestions upon which agreement was not reached were not considered to be objections to the overall proposal to divert the routes.

#### **6.0 Responses to the publication of the sealed order**

6.1 The Diversion Order was then made on 31<sup>st</sup> August 2021 and duly advertised by notice on 23 September 2021.

6.2 One letter of objection was received which included the following points of objection:

6.2.1 Effect of Order. The Order is made under Section 119 of the Highways Act 1980. It provides for diversions of two parts of one path (bridleway 15.44/3) and the diversion of one path (footpath 15.44/7). It also extinguishes part of one path (bridleway 15.44/5) without diverting that path. There appears to be no power in Section 119 to extinguish a path without diverting that path, so that that element of the Order appears not to be validly made. I therefore OPPOSE that element of the Order.

Officer comments:

- officers do not agree with this interpretation of the order description and are satisfied that each section of path to be extinguished is replaced by a new section of path of corresponding status.

6.2.2 Diversion of BW 15.44/3 between A and B.

This diversion does not appear to satisfy the preconditions in Section 119(1) of the Highways Act, so that this element of the Order does not appear to have been validly made. I therefore OPPOSE that element.

Officer comments:

- the landowner has stated that there is an intention to re-plant and manage the woodland in this area which diversion of the path will facilitate. It is therefore in the landowners interest that the path is diverted which meets the requirements of S119(1) of the Highways Act.

#### 6.2.3 Diversion of BW 15.44/3 between C and Q

Despite some loss of public enjoyment and loss of convenience to some users, I would not oppose this element of the Order, provided that the new footpath on a more direct route is constructed to a satisfactory standard (i.e. to a width of 2 metres throughout) and that agreement can be reached on satisfactory routing of the paths connected to this section of the bridleway.

Officer comments:

- the specified width in the order for the footpaths is 2 metres. Officers consider that the new routes are not substantially less convenient for the public to use; the route between points C and Q using the current paths is approximately 386 metres, using the proposed routes the shortest route will be approximately 391 metres.

#### 6.2.4 BW 15.44/5 and BW 15.44/3

Whether or not it is correct that the Order cannot validly extinguish part of bridleway 15.44/5 without diverting that bridleway, I OPPOSE the Order as it affects the field north-east of Thwaite House, because it would detract from the public enjoyment of the paths, by introducing the obligation make a 90 degree turn at an apparently arbitrary point in the middle of the field; it would have a negative impact on management of the field, because more paths through the middle of the field would create more disturbance and require a signpost at point N in the middle of the field, so one more thing for farm machinery to avoid in the future, and more initial expense; it would increase the number of walkers overlooking Thwaite House from Point N; and the increase in the number of walkers and other users in the middle of the field is likely to have a negative impact on the conservation of protected wild birds.

Officer comments:

- The route will pass through upland pasture with open views of the valley; it is difficult to see how this detracts from the enjoyment of the walk.
- There are numerous paths across the county with junctions or turns not associated with specific features, including the existing line of bridleway no 15.44/5 between points K and N. It is anticipated that most users will take a line which does not follow the exact new definitive line at Point N and the landowner has no issues with this.
- There is no requirement for a signpost at Point N. If however, a post of some type is installed any cost would fall on the landowner alone and given that this is pastureland there is unlikely to be any significant use of machinery, any inconvenience would be to the landowner and cannot be considered grounds for objection.
- Currently the paths pass within 7 metres of Thwaite House, the new route of bridleway 15.44/3 will be located between 44 and 68 metres from the house. It is well established that the sense of privacy and security are a matter for the occupiers of premises, not the public. In this case, the landowner has concluded that diversion of the paths onto the proposed routes will achieve a greater feeling of privacy and security.
- The Authority's Ecology unit was consulted on the proposed diversion and responded that –
  - *A screening assessment of the proposed diversion of a bridleway at Thwaite House, Lofthouse was considered necessary due to its proximity*

*to the North Pennine Moors SAC/SPA in accordance with the provisions of the Conservation of Habitats and Species Regulations 2017*

- It was concluded that –
  - Following Stage 1 screening, it is evident from existing information that there will be no likely significant effect on the North Pennine Moors SAC SPA arising from the proposed bridleway diversion and new footpath at Thwaite House. If the proposals were to change significantly, this screening stage may need to be repeated.
  - Based on the current information, North Yorkshire County Council as the competent authority considers that there is no requirement to continue the assessment into Stage 2 and beyond.

6.2.5 B/way 15.44/5 I have proposed an amendment to the Order, which would remedy or mitigate problems I have identified in the Order.

Officer comments:

- Officers do not agree with the objector's view that there are problems with the order which would prevent confirmation. The amendments suggested by the objector do not meet the needs of the applicant and cannot therefore be considered.

6.2.6 Other matters - There appear to be a number of minor errors in the Order.

Officer comments:

- It is accepted that there are a couple of minor errors in the order and a request for amendments to correct would be made to the Inspector. Those errors are not fatal to the order.

## **7.0 Legal Implications**

7.1 If the opposed Order is to be referred to the SoS, it would be determined by an Inspector, by way of, as stated above, either a Public Inquiry or by written representations.

7.2 The Inspector, on the basis of the legal criteria summarised in paragraph 3.3 above, will decide whether or not to confirm the opposed Diversion Order. If he/she decides to confirm the Order, part of the existing route(s) would be extinguished and the proposed route(s) would be added to the Definitive Map.

## **8.0 Financial Implications**

8.1 If the opposed Order were to be submitted to the SoS, the Order would be resolved by written representations or a Public Inquiry. As in this instance there is only 1 objector it is likely that the former method would be adopted.

8.2 There would be a non-rechargeable cost to the Authority in preparing a submission to the SoS and responding to any queries raised by the SoS and these costs would be for officer time, which would be met by the respective staffing budgets. If the Inspector chose to hold a Public Inquiry, the costs of arranging, hosting and supporting the Inquiry would fall to the Council and would be in the region of £1,000



## **9.0 Equalities Implications**

9.1 Consideration has been given to the potential for any adverse equality impacts arising from the recommendations. 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.

## **10.0 Climate Change Implications**

10.1 This decision would have no positive or negative impacts on climate change.

## **11.0 Current decisions to be made**

11.1 The decisions to be made at this stage are, firstly, whether the Order is to be abandoned, or is to be forwarded to the SoS for resolution.

11.2 Secondly, if it is decided that the matter is to be forwarded to the SoS then a further decision will need to be made, namely which stance the Authority would take within its submission to the SoS towards the confirmation of the Order; that is the Authority needs to decide if it:

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

## **12.0 Conclusions**

12.1 In conclusion, it is felt that the diversion order as made meets the legal tests outlined in Para. 3.3 above.

12.2 The Council has received one objection to the Order made on several grounds, as outlined in this report, but considers that the grounds made are insufficiently substantial to prevent the confirmation of the Order.

12.3 It is recommended that the Order be referred to the Secretary of State and that the Authority takes a stance of supporting the confirmation of the Order as the criteria for the Order are considered to be met. A request would also be made as part of the submission, for amendments to correct minor details within the Order.

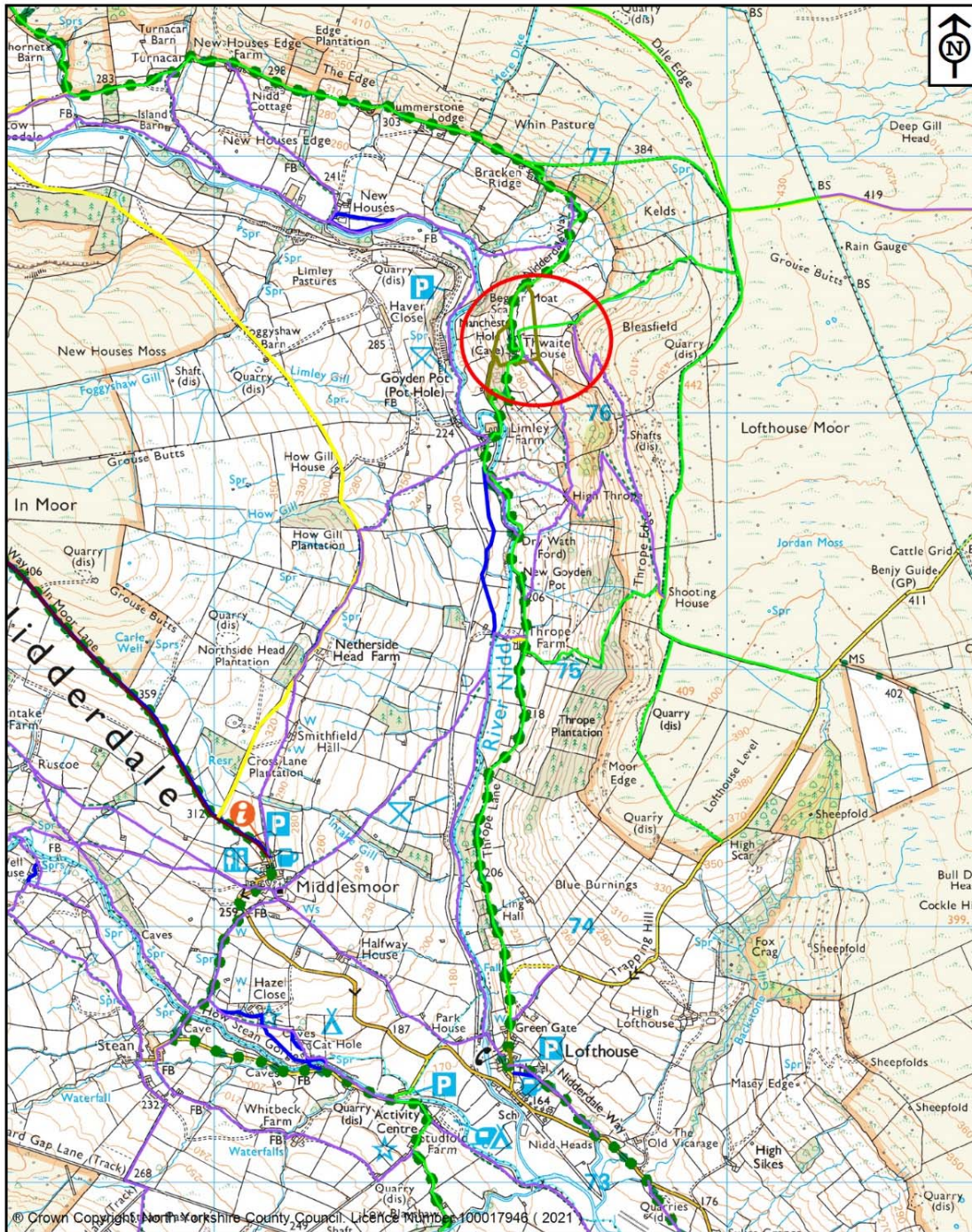
## **13.0 Recommendation**

13.1 It is therefore recommended that the Corporate Director of Business and Environmental Services in consultation with the Executive Member, authorises the opposed Diversion Order be referred to the Secretary of State and that the Authority supports the confirmation of the Order.

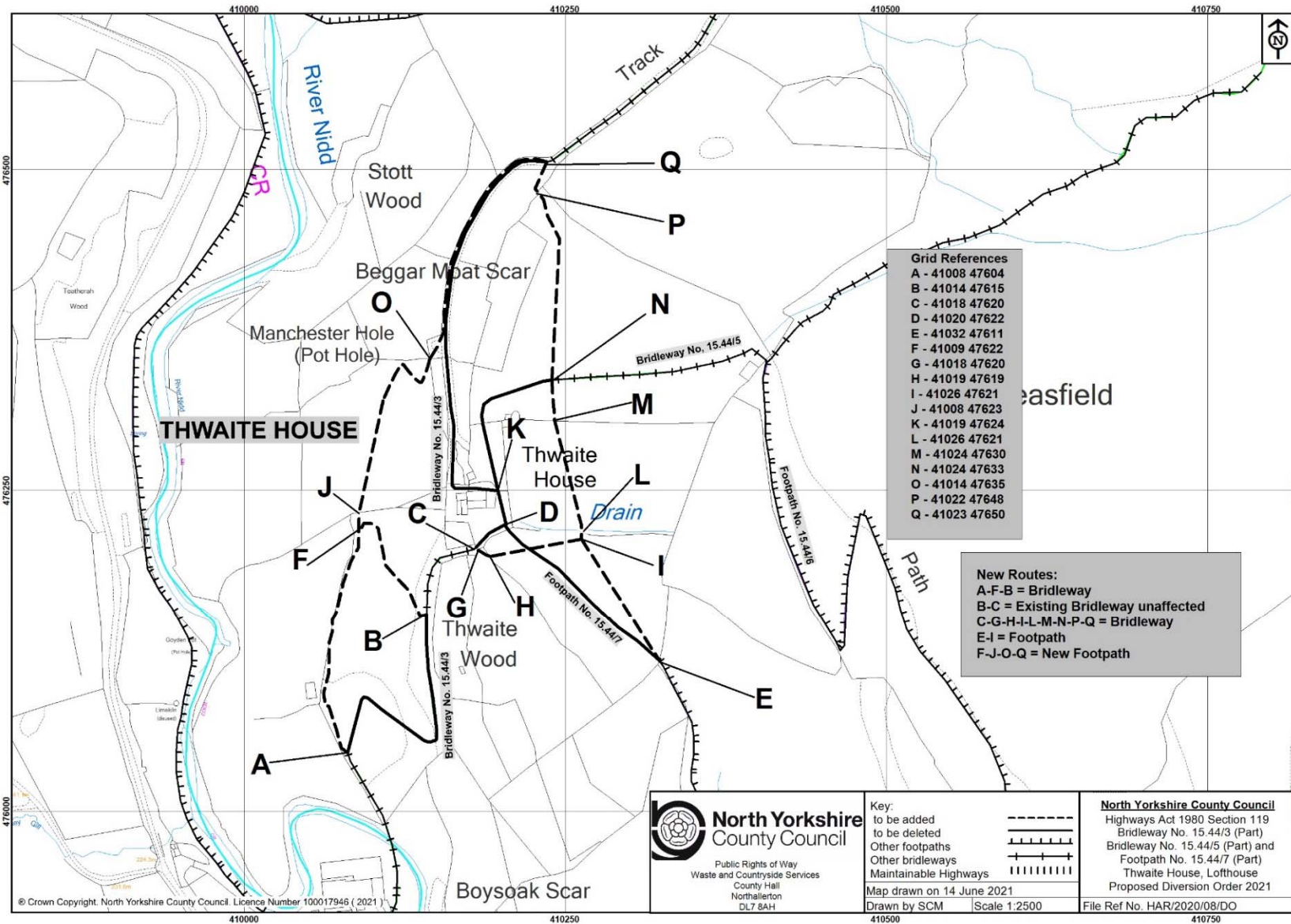
MICHAEL LEAH  
Assistant Director – Travel, Environmental and Countryside Services

Author of Report: Steve Metcalfe

Background Documents: File Ref: HAR/2020/08/DO



 <p><b>North Yorkshire County Council</b> Public Rights of Way Waste and Countryside Services County Hall Northallerton DL7 8AH</p>	<h2>LOCATION PLAN</h2>		<p><b>North Yorkshire County Council</b> Location Plan for Thwaite House</p>
	<p>Map drawn on 25 November 2021 Drawn by SCM</p>	<p>Scale 1:20000</p>	<p>File Ref No. HAR/2020/08/DO</p>



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## North Yorkshire County Council

### Business and Environmental Services

#### Executive Members

18 February 2022

#### Opposed Public Path Order to Divert a Public Footpath at 124 Main Street, Cononley

#### Report of the Assistant Director – Travel, Environmental & Countryside Services

##### 1.0 Purpose of the Report

- 1.1 To advise the Corporate Director of Business and Environmental Services (BES) of change in circumstances relating to the opposed Diversion Order. A copy of the report previously presented to the Corporate Director of Business and Environmental Services and Executive Members is attached to this report as Appendix A.
- 1.2 To request the Corporate Director BES, in consultation with the BES Executive Members to reconsider how the opposed Diversion Order should be progressed, in the light of newly received evidence relating to the long term use of the proposed Diversion Order route.

##### 2.0 Background

- 2.1 A report regarding this opposed Diversion Order was presented to the Corporate Director of Business and Environmental Services and Executive Members on 26 February 2021, requesting authorisation to refer the opposed Order to the Secretary of State (SoS) and for the Authority to take a neutral stance towards the confirmation of the Order within the formal submission of the case to the SoS. The recommendation to forward the opposed Order to the SoS, taking a neutral stance to the confirmation of the Order, was approved.
- 2.2 This case was one of a number of cases awaiting referral to the SoS during last year and in the intervening period a representation was made by a member of the public suggesting that the route onto which the footpath was being proposed to be diverted, had already been used by the public for over 20 years, claiming that in all likelihood the proposed route was already a public highway and concluding that the consequence is that that the Diversion Order cannot succeed, and that the Authority should not forward the matter to the SoS.
- 2.3 The member of the public further commented that the Corporate Director and Executive Members were misled in the meeting on 26 February 2021 as they had not been advised that the proposed route had been used by the public for such a long period of time and were therefore unable to make a well informed decision.
- 2.4 In response to this comment it was drawn to the attention of the complainant that it was noted within the previous report that the route had apparently been used for a number of years, but that at the time of the writing of the report officers had not been made aware of the precise extent of the use of the route that is now being alleged. The potential significance of the long term use of the proposed route was not at that time, considered to be an influential factor. Therefore Members were not misled as they were provided with the information known at that time.

2.5 The member of the public has now collected, and submitted to the Definitive Map Team, credible evidence from a number of local residents to support the contention that the proposed diversion route has had relatively substantial use without hindrance in excess of 20 years prior to the application for the diversion order. A formal application for a Definitive Map Modification Order is to be made imminently to accompany the evidence already submitted.

### **3.0 The nature of the evidence submitted**

3.1 The existing evidence submitted is in the form of letters, and proforma letters (where the number of years of use has been inserted), received from 22 people, 14 of whom claim to have personally used the route for more than 20 years prior to the original Diversion Order application being processed. The evidence also includes a photograph published in a local magazine in 1980, taken from the end of Gordon Terrace, showing that there was apparently nothing preventing public access on what is currently the proposed route for the Diversion Order.

3.2 Although the evidence is not conclusive in its current form and it has not yet been tested, the evidence is nevertheless reasonably persuasive and, if expanded upon, would be the type of evidence appropriate to support an application for a Definitive Map Modification Order to record the route as a public right of way on the Definitive Map. The compilation of such evidence, and the subsequent investigation of an application and the associated evidence would clarify the public status of the route.

### **4.0 Consequences of the evidence submitted to date**

4.1 The reason that the new evidence complicates the progress of the Diversion Order is that the new evidence suggests that the proposed diversion route may be proven to be a public right of way through long usage. The relevant legislation for the diversion of public rights of way does not allow for the diversion of the of one public right of way onto an adjacent existing public right of way (regardless of whether it is a *recorded* public right of way) as the effect would be, in fact, to extinguish the first right of way, by not providing a separate alternative public right of way.

4.2 Advice was sought from Legal Services on the implications of the recently received evidence, and on the proposal to forward the Diversion Order to the SoS. The advice received was that in accordance with the relevant legislation, and with reference to relevant Case Law relating to similar circumstances, it seems that the Diversion Order is now not capable of being confirmed by the SoS.

4.3 It is acknowledged however that the evidence referred to, is not yet tested therefore the matter is not entirely conclusive.

4.4 The changed circumstances were explained to the applicant for the Diversion Order who was nevertheless most insistent that the Diversion Order should still be referred to the SoS.

### **5.0 Options available to the Authority**

5.1 After discussion of all the circumstances with Legal Services it was agreed that the following 3 options are available to the Authority:

- i) A formal resolution could be made within this meeting to abandon the current diversion order entirely, declining to forward it to the SoS for consideration, on the basis that it is believed that the order cannot be confirmed.

It would be open to the applicant to make an alternative application to extinguish the existing footpath on the basis that is 'not needed', given the close proximity, and availability, of the alleged path. Processing an Extinguishment Order would follow the same public consultation procedure as for the Diversion Order and may well also attract objection.

- ii) The Authority could maintain its resolve to forward the opposed Diversion Order to the SoS, but in the light of the legal advice suggesting the Order cannot be confirmed due to the emerging evidence regarding the alleged existence of public rights on the proposed Diversion Order route, the Authority cannot now reasonably take a neutral stance towards confirmation of the Order. The Authority could however take the stance that it believes the Order should not be confirmed. This approach would respect the applicant's strong desire that the matter be sent to the SoS for consideration, and would rely upon the SoS to consider the relevance of the emerging evidence.
- iii) The current Diversion Order process could be put on hold to allow for the proper submission of the Definitive Map Modification Order and investigation of the evidence now being presented regarding the proposed diversion route. If that investigation concluded that the proposed route has not become a public right of way then the Diversion Order could be forwarded to the SoS, and the County Council would in those circumstances be able to return to taking a neutral stance towards confirmation of the Order. However, if that investigation concluded that the proposed route had become a public right of way then it would be clarified that the Diversion Order could not be confirmed and the process should be abandoned. The applicant if he so wished, could apply for an Extinguishment Order, as described in i) above.

## **6.0 Financial implications**

- 6.1 Abandoning the Diversion Order at this stage would incur no further direct cost to the Authority.
- 6.2 In terms of the recommended option of forwarding the opposed Order to the SoS there would be the usual unavoidable financial implications for the Authority in covering any costs associated with any subsequent public inquiry. If the SoS elects to hold a 'live' public inquiry over 2 days the costs to the Authority in this instance, without the need for advocacy support, would be in the region of £1,000.00, including the preparation of a Statement of Case, and officer travel and attendance, and hire of a venue. This would be considerably less if the matter is dealt with by a virtual public inquiry due to the current pandemic restrictions. These costs are largely officer time which would be met by the respective staffing budgets. The cost of the hire of the venue would be met from the Countryside Access Service budget.
- 6.3 The Authority cannot charge the applicant for the costs associated with a public inquiry and the preparation for an inquiry. As required, the applicant has agreed to meet all other administration and advertisement costs up to the point of any submission to be made to the SoS, in line with standard policy and procedures.
- 6.4 There would be no additional costs incurred if the referral to the SoS is put on hold pending the outcome of the expected Definitive Map Modification Order process.

## **7.0 Equalities Implications**

7.1 Consideration has been given to the potential for any adverse equality impacts arising from the recommendations. 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.

## **8.0 Legal Implications**

8.1 It seems unlikely that this Order can now be confirmed if it is forwarded to the SoS for determination but this will depend upon the Inspector's interpretation of the existing legislation and case law. The SoS may refuse to confirm the Order from the outset, declining to open the matter for consideration via a public inquiry process, or may proceed by way of written representations, a public hearing or a public inquiry.

## **9.0 Climate Change Implications**

9.1 The initial proposal is merely to divert a short section of existing public footpath on to an alternative alignment very close by. The confirmation or abandonment of this Order would have no positive or negative impact on climate change.

## **10.0 Current Decisions to be made**

10.1 As described in section 5.0 above there are 3 options available:

- i) Make a formal resolution to abandon the Diversion Order process due to the probability that it is incapable of confirmation.
- ii) Resolve to forward the Diversion Order to the SoS for determination but take the stance that the Order should not be confirmed.
- iii) Put the Diversion Order process on hold for a reasonable period of time, to allow for the investigation and determination of in the expectation of a duly made application for a Definitive Map Modification Order (DMMO) to be made.

10.2 The first option to be considered is whether the Order is to be formally abandoned. This approach would be justifiable as it would be our normal response to a heavily opposed Order where we believe there is little chance that the Order would be confirmed, and there is apparently little merit in the expending further officer time, and actual expense. However this approach would be totally unacceptable to the applicant as he has paid a considerable sum to get the Order to this point, and he believes that the allegation that the proposed route is already a public right of way due to long usage, is weak. He wishes the Authority to allow the SoS to be permitted to disregard or test the available evidence regarding the proposed route.

10.3 The second option, to forward the matter to the SoS is the option chosen last February, however last time it was decided that the Authority should take a neutral stance, neither supporting or opposing the confirmation of the Order. This time, as we believe there is merit in the evidence so far submitted of long term use of the proposed route officers feel that we would now have to take the stance of not supporting confirmation of the Order rather than taking a neutral stance. This approach would allow a swifter resolution to the Diversion Order, whether the outcome is non-confirmation of the Order or whether the SoS does not accept the evidence so far submitted, and chooses to confirm the Order. This is the option favoured by the applicant as he believes there is a possibility the Order may be confirmed.



10.4 The final option is to put the Diversion Order process on hold until the application for a DMMO is made and can be investigated to allow an appropriate test of the supportive evidence to be made. If the evidence proves insubstantial then the Diversion Order could be submitted to the SoS with the Authority reverting to the initial neutral stance towards the confirmation of the Order. Alternatively if the evidence that the proposed route is already a public right of way proves to be robust, then this would constitute a clear argument for the Authority to abandon the Diversion Order.

## 11.0 Conclusions

11.1 Overall, it is officers' view that the second option would give greater clarity more quickly to the applicant and to the Authority, on the future of the Diversion Order, in that the SoS will decide whether the Order can be confirmed, bringing some finality to this long standing case.

## 12.0 Recommendation

12.1 It is recommended that the Diversion Order be referred to the Secretary of State for resolution, and in its submission to the Secretary of State the Authority does not support the confirmation of the Order.

MICHAEL LEAH  
Assistant Director – Travel, Environmental and Countryside Services

Author of report: Penny Noake

Background papers: File Ref: CRA/2019/04/DO Cononley - FP 05.13/25 Main St

**North Yorkshire County Council**  
**Business and Environmental Services**  
**Executive Members**

**26 February 2021**

**Opposed Public Path Order to Divert a Public Footpath at 124 Main Street, Cononley**

**Report of the Assistant Director – Transport, Waste and Countryside Services**

**1.0 Purpose of the Report**

- 1.1 To advise the Corporate Director of Business and Environmental Services (BES) of an opposed Diversion Order and the proposed submission of the order to the Secretary of State (SoS). A location plan as attached to this report as **Plan 1**. The route is shown on **Plan 2**. Photographs of the current and proposed routes are shown as **Photos 1- 8**.
- 1.2 To request the Corporate Director BES, in consultation with the BES Executive Members, to authorise the submission of the opposed Order to the SoS, and to authorise that the Authority, in its submission of the opposed Order to the SoS, will take a neutral stance towards the confirmation of the Order.

**2.0 Legal Context**

- 2.1 Under Section 119 of the Highways Act 1980, the County Council, having consulted any other local authority, may divert a footpath where it appears to the Authority that in the interests of the owner of the land crossed by a footpath, and/or in the interests of the public, it is expedient that the line of the path should be diverted.
- 2.2 Where a Public Path Order is opposed, the County Council cannot confirm an Order. Where it is considered that an Order should be confirmed or it is unclear whether the Order should be confirmed it can be submitted to the Secretary of State (SoS) for resolution. The SoS will only confirm an Order if he/she is satisfied that:
- i) in the interests of the landowner and/or the public, it is expedient to divert the footpath, and
  - ii) the diversion will not be substantially less convenient to the public as a result of the Order, and that it is expedient to confirm the Order having regard to the effect which:
    - (a) the diversion would have on public enjoyment of the route as a whole;
    - (b) the coming into operation of the Order would have, as respects other land served by the existing public right of way; and
    - (c) any new public right of way created by the Order would have, as respects the land over which the right is created and any land held with it.
- 2.3 In relation to opposed Public Path Orders the County Council has the discretion not to proceed with an opposed order and can decline to forward it to the SoS for confirmation. In these instances the authority must make a formal resolution not to proceed.

### **3.0 Background to the Application**

- 3.1 The applicant made a previous application for the same proposal in 2015. At that time a Diversion Order was made and was opposed.
- 3.2 All stages of processing Diversion Orders, and the associated costs for necessary advertisements, are chargeable to the applicant except from the point where the need arises to forward opposed cases to the SoS.
- 3.3 The applicant had already been advised that if a made Order were to be opposed, the County Council would not be able to confirm the Order, and that with respect to opposed Diversion Orders, it is not our usual practice to refer them to the SoS for determination, due to the financial burden on the Authority.
- 3.4 The applicant was fairly confident that he would be able to resolve the objections and was allowed time to attempt to achieve this. However, he was not fully successful and some objections remained, therefore a formal decision was made in 2017 to abandon the Order as made and the applicant was advised. There is no process of appeal available to the applicant.
- 3.5 The applicant has since re-made this application in 2019, having been advised by officers that a further application, for the same proposal, so soon after the previously abandoned proposal was unlikely to be successful. However, the applicant persisted, and paid the relevant fees.
- 3.6 The pre-Order informal consultation was undertaken with interested parties in March 2020.
- 3.7 Following objections from the Local Parish Council to the Informal Consultation, the Order was referred to the Assistant Director, Transport, Waste and Countryside Services on 20 July 2020, and approval was given to make an Order. The Order was made and was advertised on 27 August 2020.

### **4.0 Responses to the sealed order**

- 4.1 The Order has attracted an extraordinary number of letters of support, matched by the numbers of letters of objection.
- 4.2 Thirty five letters/e-mails were received in support of the Order. Examples of the comments made are:
  - The proposed new route is safer because it exits Gordon Terrace onto a wide pavement where there is a dropped curb, a grit bucket for use in the winter, and full view of the traffic from all directions.
  - The proposed alternate route has better visibility and has no gates so easy use for everyone.
  - The proposed new route is all flat as opposed to the three steps on the existing path which exit directly onto the road.
  - The proposed new route is much wider which makes it accessible for wheelchair users, people with other mobility aids, and those with pushchairs.
  - The proposed new route is also much straighter than the existing route which has tight 90 degree corners which are blind bends, which again are inaccessible for wheelchair users and those with other disabilities.
  - The proposed route is not gated like the current footpath.
  - I always use the proposed alternative route and I always see others on this path too.

- We offer our approval of the closure of the right of way to the right of Gordon House on the grounds that it is unnecessary and intrusive, the alternative route has always been more than efficient.

4.3 Thirty Four letters/e-mails of objection to the Order were received. Examples of comments made are:

- This proposal is not a diversion to the current footpath but closure.
- If this footpath was to be closed, then the alternative walking route is around a dangerous blind corner which has no pavement.
- The existing footpath is an important route for the safety of local children, as it is the safest route to walk from the Institute to the local primary school.
- The footpath is a route used by parents and young children to walk from the Institute, where there is a nursery.
- Using the footpath in question avoids the risk from speeding traffic at a dangerous and unsighted corner.
- The alternative offered already exists and is not a new route or a safe route.
- The alternative offered requires walkers coming up Main Street to go onto carriageway of the road. This is avoided if they use the existing footpath.
- The footpath is a historically important route used for at least a century. It is one of the last two remaining cut throughs between Main Street and what is now called Meadow Lane and an important historical feature of the village.

4.4 Of the objections received, there were several instances where 2 or more letters/e-mails from members of the same household or family were submitted, using the same or similar content for their objections.

## **5.0 Representation made by the local member**

5.1 No formal representations were received from Councillor Patrick Mulligan in response to the consultations regarding the Diversion Order.

## **6.0 Financial implications**

6.1 Given the number of representations made by members of the public to this Order, it is probable that if the opposed Order were to be submitted to the SoS, the Order would be resolved involving a Public Inquiry.

6.2 In forwarding the opposed Order to the SoS there would be the usual unavoidable financial implications for the Authority in covering any costs associated with any subsequent public inquiry. If the SoS elects to hold a 'live' public inquiry over 2 days the costs to the Authority in this instance, without the need for advocacy support, would be in the region of £1,000.00, including the preparation of a Statement of Case, officer travel and attendance, and hire of a venue. These costs are largely officer time which would be met by the respective staffing budgets. The cost of the hire of the venue would be met from the Countryside Access Service budget. This would be considerably less if the matter is dealt with by a virtual public inquiry due to the current pandemic restrictions.

6.3 The Authority cannot charge the applicant for the costs associated with a public inquiry and the preparation for an inquiry. As required, the applicant has agreed to meet all other administration and advertisement costs up to the point of any submission to be made to the SoS, in line with standard policy and procedures.

6.4 The proposed route is approximately 29 metres in length (approx. 6 metres less than the original path) and has a paved surface. It is anticipated that the initial cost to the Authority in maintaining the proposed path would be two waymarks, and that on-going maintenance costs would be negligible.

## **7.0 Equalities Implications**

- 7.1 Consideration has been given to the potential for any adverse equality impacts arising from the recommendations. 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.

## **8.0 Legal Implications**

- 8.1 The opposed Diversion Order will be determined by an Inspector appointed by the SoS, and, as stated above, determination will be by way of written representations, a public hearing or a public inquiry.
- 8.2 The Inspector, on the basis of the legal criteria summarised in paragraph 4.2 above, will decide whether or not to confirm the opposed Diversion Order. If he/she decides to confirm the Order, part of the existing footpath would be extinguished and the proposed route would be added to the Definitive Map as a public footpath.

## **9.0 Climate Change Implications**

- 9.1 The proposal is merely to divert a short section of existing public footpath on to an alternative alignment very close by. The confirmation of this order would have no positive or negative impact on climate change.

## **10.0 Current Decisions to be made**

- 10.1 There are two decisions to be made at this stage:
- 10.2 The first decision to be made is whether the Order is to be abandoned or is to be forwarded to the SoS for resolution. To be consistent with our usual practice in the light of substantial objection to an Order it would be justifiable to abandon this Order as was the previously made and opposed Order.
- 10.3 However, whilst there is no right of appeal for the applicant, if it were to be decided again to abandon the order, it is possible that a further application would be made necessitating the further input of officer resources.
- 10.4 It would be open to the Authority to forward the case to the SoS requesting that the Order is not confirmed although this would require the case to be made why the legislative criteria has not been met.
- 10.5 It would also be open to the Authority to take a neutral stance, allowing the SoS to decide whether or not to confirm the Order by taking into account the arguments in support of the confirmation and those against, within the legislative framework without an opinion being expressed by the Authority.
- 10.6 This matter has become very controversial locally and by forwarding the opposed Order to the SoS a formal, and more final, resolution will be reached by a higher authority; either the confirmation of the Order or non-confirmation of the Order.
- 10.7 If the matter is to be forwarded to the SoS then a second decision needs to be made, namely which stance the authority would take within its submission to the SoS towards the confirmation of the Order, with reference to the points made above.

- 10.8 In submitting an opposed Order to the SoS the Authority needs to decide whether, on the basis of the available information, it;
- supports confirmation of the Order,
  - believes the Order should not be confirmed, or
  - considers the circumstances are so finely balanced, or are particularly unclear and wishes to take a neutral stance.

## 11.0 Conclusions

- 11.1 It is officers' view that the proposed diversion meets the relevant legal criteria outlined in paragraph 4.2 in that -
- It is expedient to divert the footpath in the interest of the owners on the grounds of privacy and security.
  - Privacy would be achieved by diverting the footpath away from the house and out of the small enclosed gardens.
  - Security would be enhanced in that the owners would be able to challenge anyone found within the curtilage of the house and garden area.
  - The diversion route is not 'substantially less convenient' for the public with regard to ground levels/contours and distance travelled.
  - The length of footpath will be reduced by 6 metres from the current 35 meters to 29 metres on the proposed route, which is not substantially less convenient for the public.
  - The current alignment through the small front and back gardens maybe inhibiting to some members of the public due to the enclosed and private character of the garden, whereas the proposed route has a more open aspect.
  - Walkers already make use the proposed route indicating that it is an acceptable route to the public.
- 11.2 The diversion of the footpath is desirable to the applicant in terms of safety, privacy and security, and in officers' view it would also be of some benefit to the public, as the proposed diverted route would avoid the confined curtilage of the property and the steps.
- 11.3 Officers are not convinced that the point of access on to Main Street is any more inconvenient or unsafe for the public. The existing end of the footpath and the proposed end of the footpath on the short section of roadside footway are relatively close together on the bend in the road, both exits requiring the same care and attention in relation to the oncoming traffic.
- 11.4 It is contended that the objections raised do not support a sufficient case to warrant the refusal of confirmation of the order on the only grounds stated in Sec 119(6) Highways Act, namely that the proposed route is substantially less convenient for users.
- 11.5 In conclusion, the view is that as the Order has merit to the applicant, and to some extent to the public, there is no reason for the Authority to oppose the confirmation of the Order. As the general practice of the Authority is not to pursue the confirmation of substantially opposed Public Path Orders it would be inconsistent for the Authority to actively support the confirmation of this Order at this stage. Therefore the remaining option for the Authority is to take a neutral stance towards the confirmation of the Order.

## **12.0 Recommendation**

12.1 As this is the second application for the same diversion, and in order to resolve the controversial long-standing issue, it is recommended that the Diversion Order be referred to the Secretary of State for resolution, and in its submission to the Secretary of State the Authority takes a neutral stance towards the confirmation of the Order.

IAN FIELDING

Assistant Director - Transport, Waste and Countryside Services

Author of report: Mike Lee

### Enclosures:

- Location Plan (Plan 1)
- Order Plan (Plan 2)
- Photographs 1 - 8

Background papers: File Ref: CRA/2019/04/DO Cononley - FP 05.13/25 Main St



**PLAN 1**



**North Yorkshire  
County Council**

Public Rights of Way  
Waste and Countryside Services  
County Hall  
Northallerton  
DL7 8AH

**LOCATION PLAN**

Map drawn on 20 July 2020

Drawn by pn

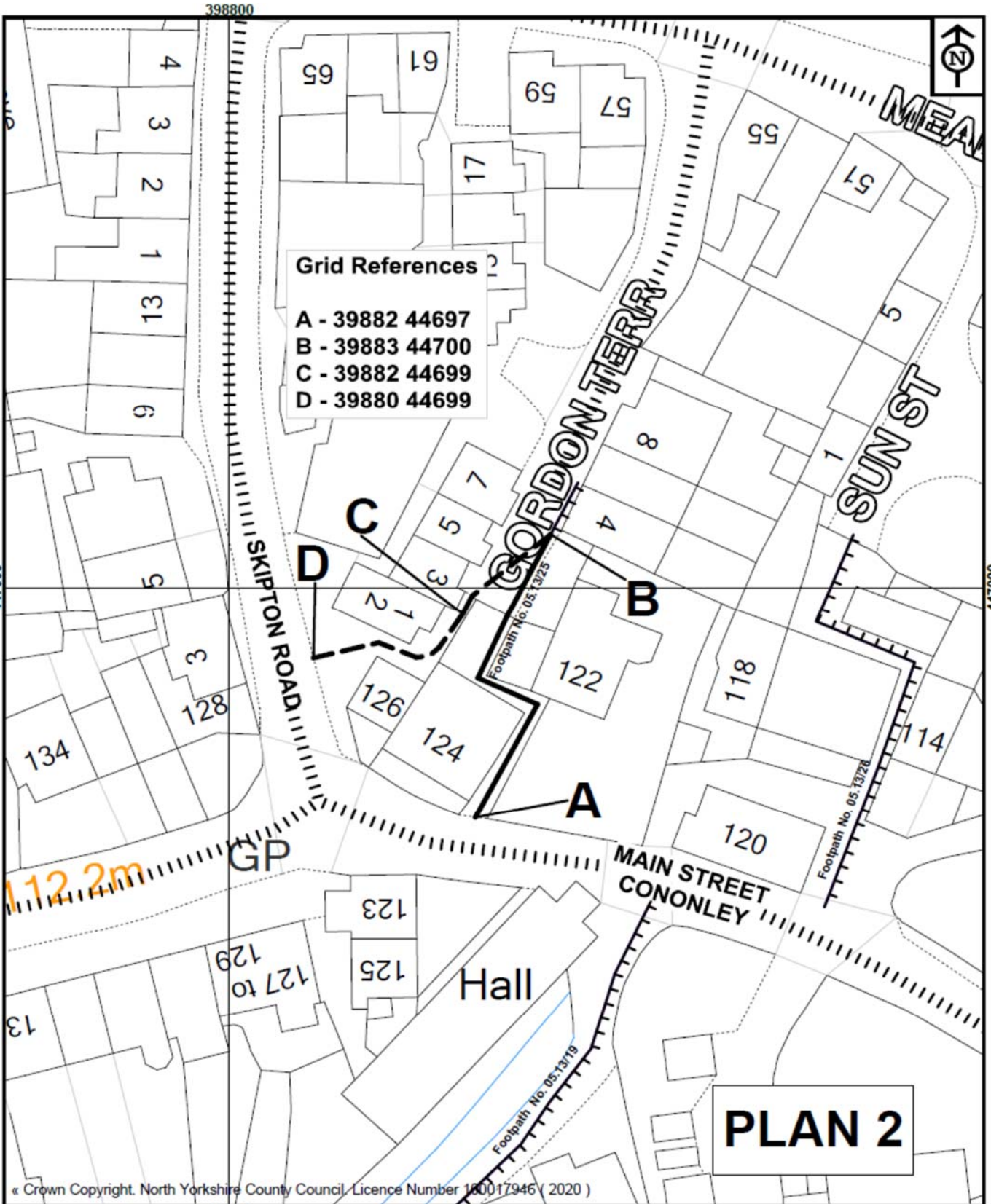
Scale 1:5000

Opposed Diversion Order  
124 Main Street, Cononley

Executive Members  
26<sup>th</sup> February 2021

File Ref No.





**Grid References**

- A - 39882 44697
- B - 39883 44700
- C - 39882 44699
- D - 39880 44699

**PLAN 2**

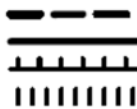
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**North Yorkshire  
County Council**

Public Rights of Way  
Waste and Countryside Services  
County Hall  
Northallerton  
DL7 8AH

Key:  
Footpath to be added  
Footpath to be deleted  
Other footpaths  
Maintainable Highways



Map drawn on 27 October 2020

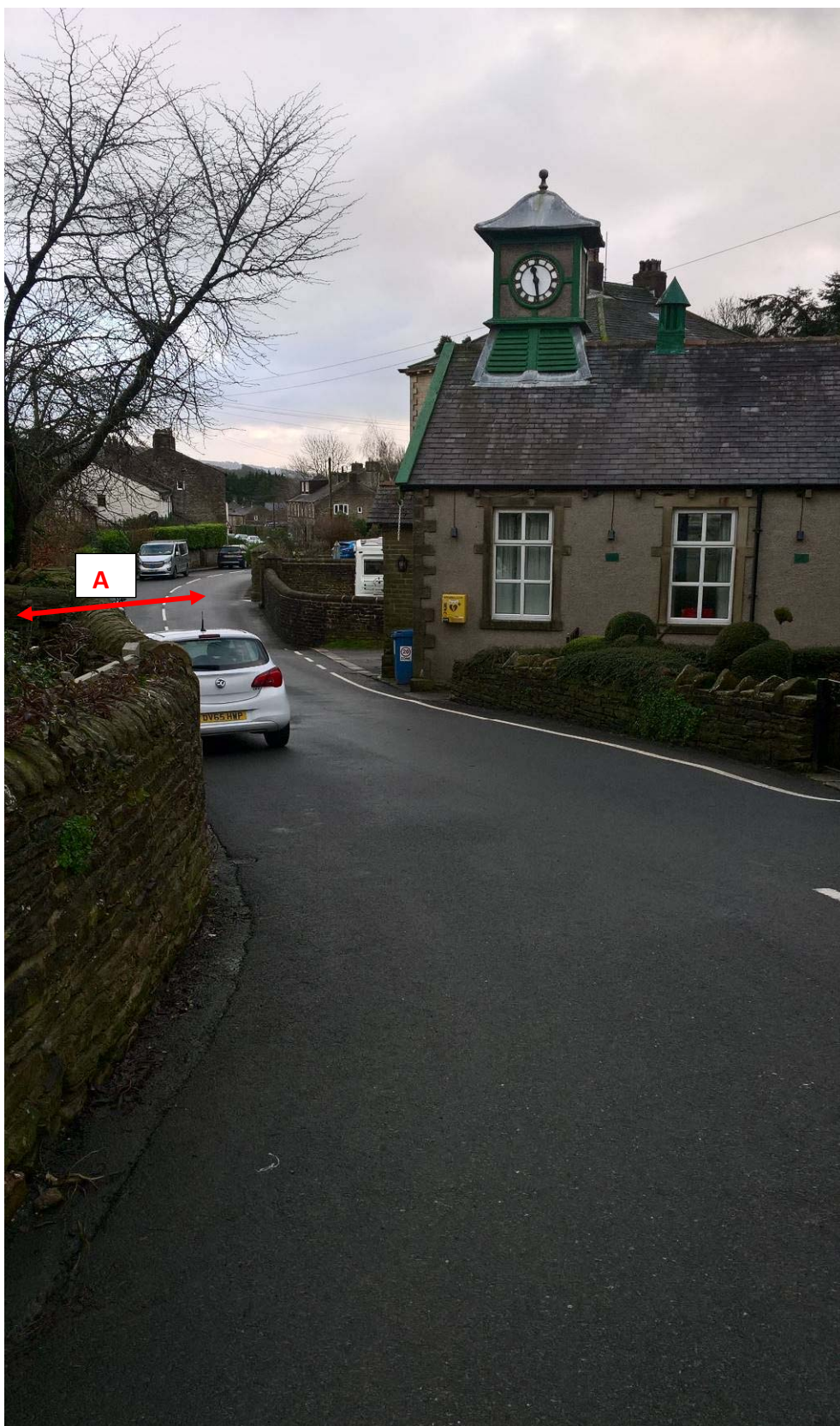
Drawn by ML

Scale 1:500

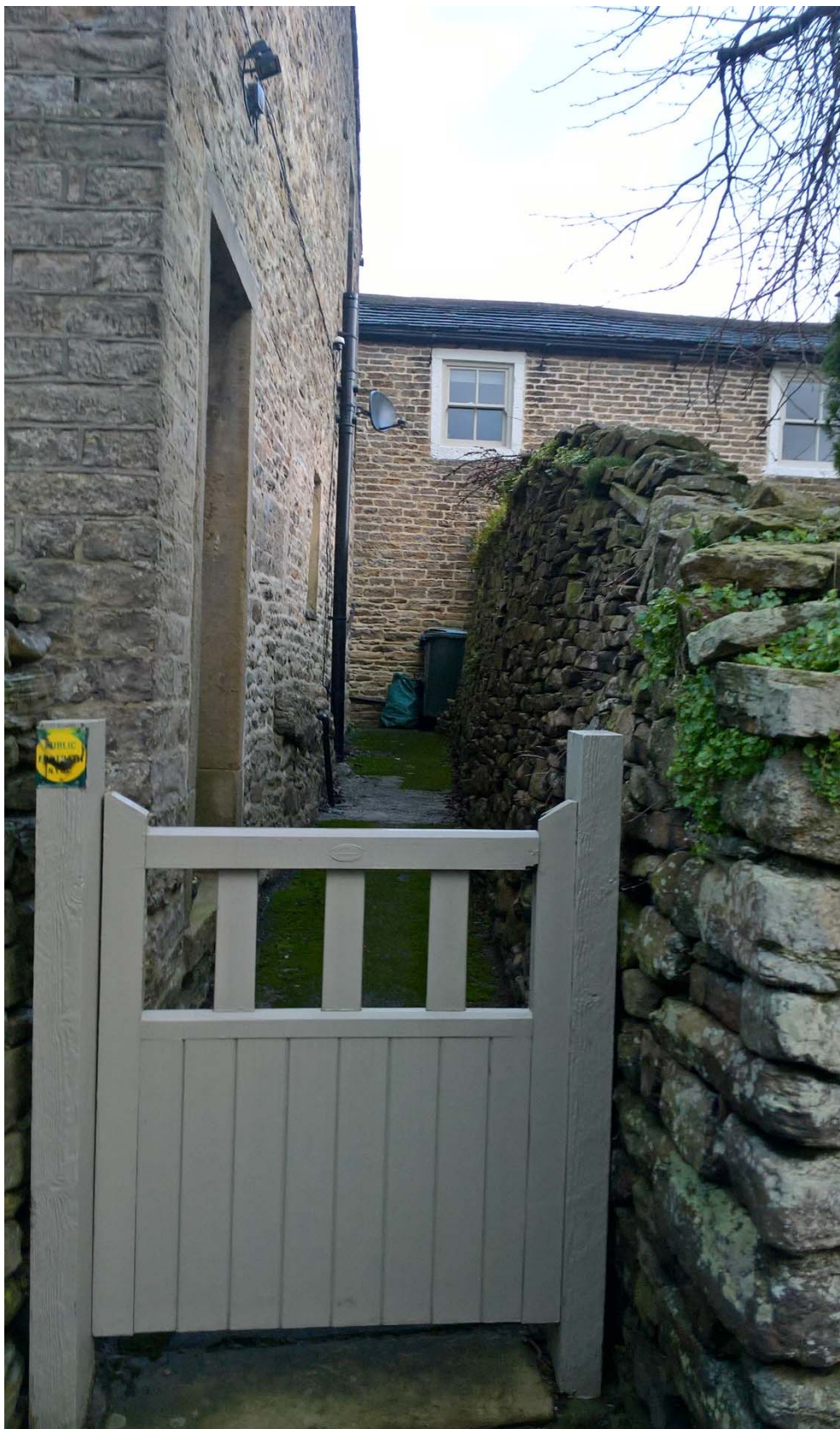
Opposed Diversion Order  
124 Main Street, Cononley

Executive Members  
26<sup>th</sup> February 2021

File Ref No. CRA/2019/04/DO



1. Point A on the existing footpath, the exit on to Main Street.



**2. Hand gate at Point A on existing footpath.**



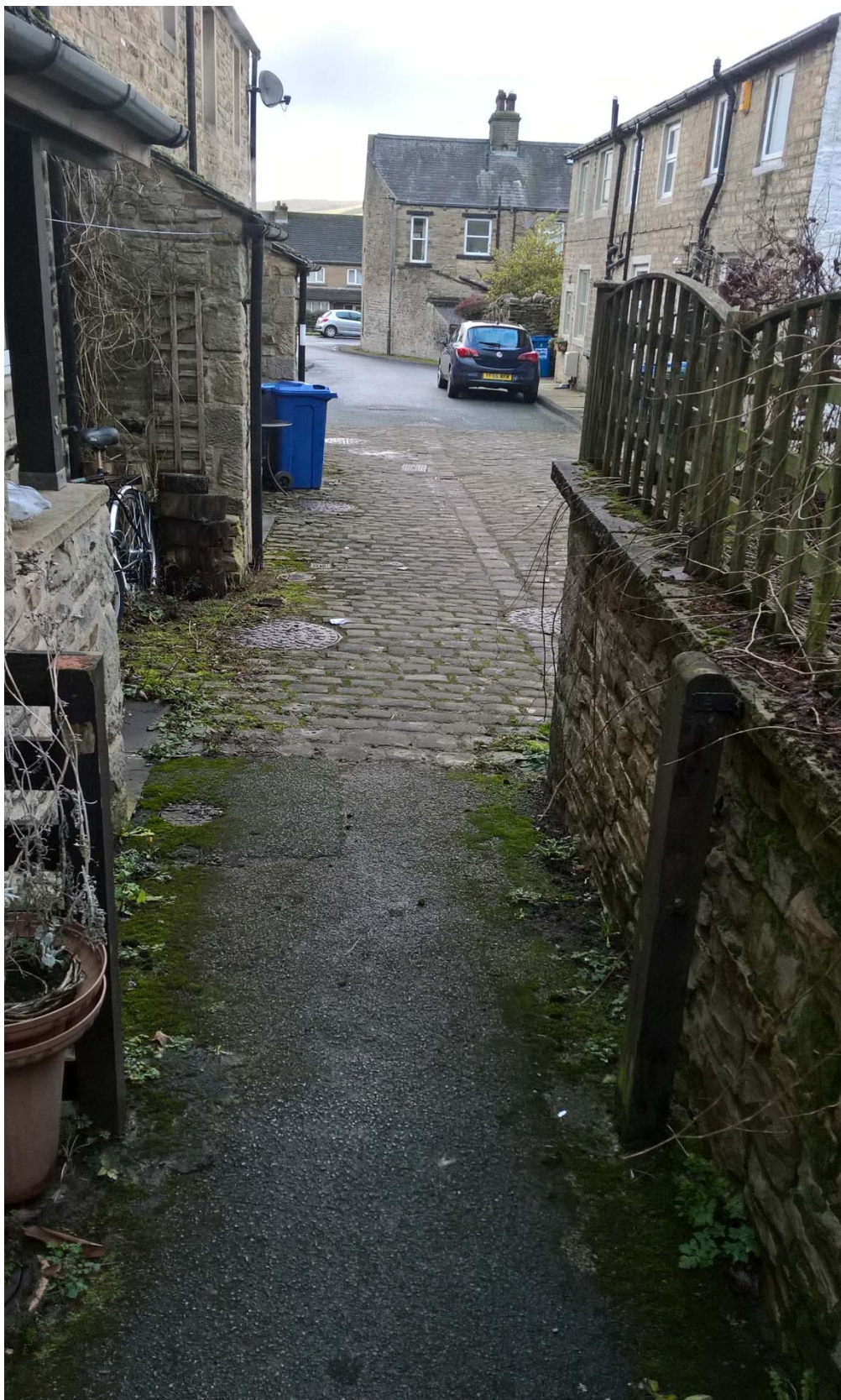
3. Exit of existing footpath on to Gordon Terrace from the back garden of No 124 Main St.



4. Looking from Gordon Terrace at the existing footpath through wooden gates on the left, and at the proposed footpath through the gap on the right, Point C.



5. Point C on the proposed footpath.



6. Looking back at Gordon Terrace from Point C on the proposed footpath.

7.



7. Looking east from Point D on the proposed footpath.





8. The end of the short section of roadside footway south of Point D.

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