

19 August 1999

Mr B Borman



Margaret Barry, *Corporate Unit Manager*

Richmondshire District Council
Swale House, Frenchgate, Richmond, North Yorkshire DL10 4JE

Tel: 01748 829100 Fax: 01748 825071 DX: 65047 Richmond NY

Please ask for:

Mrs Ruth Gladstone

Our Ref RAG/CFW/1808borman.d11

Your Ref

Dear Mr Borman

Your Letter of 29 July 1999

Further to your letter of 29 July 1999 addressed to Mr Earle, I would respond as follows:-

Mr Earle considered the letter forwarded by Mr Hodges to Mr Kane of 72 Brentwood and in his view there was nothing wrong with the letter. Mr Earle has nothing to add to his earlier comments.

I enclose, as requested, copies of the outline and full planning permissions.

There have been discussions with the County Council but no formal correspondence.

I enclose, as requested, a copy of the plans referred to by Mr Hodges in his letter to Mr Kane.

The District Council has not consulted the residents of Brentwood on the subject and therefore there is no correspondence in that respect.

Yours sincerely

Head of Committee Services

Encs.

reply by Fax 20-8-99

May I have an original letter with a signature please by a Planning Officer.



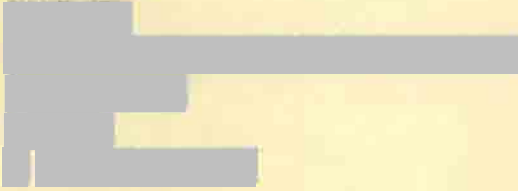
INVESTOR IN PEOPLE

BB16



EVERY CHILD DESERVES A PLACE TO PLAY

Mr G Kane



Our ref: ST/RD

6 April 2000

Dear Mr Kane

In response to your letter dated 4 March 2000, the National Playing Fields Association does not have any expertise in highway safety in relation to this matter. Although the situation is unsatisfactory in terms of the proximity of the children and the school, our expertise is limited to on-site safety provision. It would be more appropriate if you contacted the Institute of Highway Engineers for information on highway safety.

Yours sincerely



Sarah Thornton
Planning Officer
E-mail: planning@npfa.co.uk
Direct Dial No: 024 7642 0701

NATIONAL PLAYING FIELDS ASSOCIATION

Patron HM THE QUEEN ~ President HRH THE DUKE OF EDINBURGH KG KT
Chairman CHRISTOPHER LAING ~ Vice-Chairman ALISON MOORE-GWYN ~ Director ELSA DAVIES
NPFA Fields Office, Midlands Sports Centre for the Disabled Cromwell Lane, Tile Hill, Coventry CV4 8AS
Tel: 01203 694517 Fax: 01203 694614 E-mail: fields@npfa.co.uk Reg. Charity No. 206070

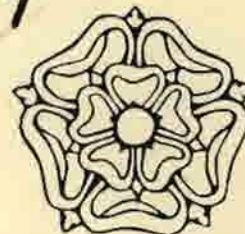
York & North Yorkshire
PLAYING FIELDS ASSOCIATION

William House, Shipton Road, Skelton, York YO30 1XF
Charity Registration No: 506709

Tel: 01904 645271
Fax: 01904 610985

e-mail: [REDACTED]

BB17



CSB/PW

22 March 2000

Mr G Kane
[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]

Dear Mr Kane

Further to your recent letter regarding the play area serving the Brentwood area, the York & North Yorkshire Playing Fields Association would not recommend the siting of a play area next to a busy road. However, given the position that seems to have been imposed upon you, I suggest you address the following points with the highways authority.

1. A road sign, either side of the site, warning motorists of the play area.
2. Suitable fencing around the site to stop children running into the road.
3. Ensure that the entrance is not onto the main road. If this is impossible ensure that a safe access is fitted, for example, a kissing gate and a pedestrian barrier erected near the crossing point.

It may be possible to pursue a compensation claim against the highway authority, ideally towards obtaining a new piece of land away from the main road and traffic fumes, or at the least compensation for the costs of taking action on the above points.

I hope this provides some help. Please do contact me again if I can be of further help.

Yours sincerely

[REDACTED]
CAROLINE STOCKWELL-BROWN
Secretary

Serving the Communities of York and North Yorkshire

BB18

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Brentwood Area Residents' Association

Please reply to: Mr G Kane, [REDACTED]

Mr P Steele, Principal Policy Officer
Richmondshire District Council
Swale House, Frenchgate
Richmond, N Yorks DL10 4TF

23 March 2000

Dear Mr Steele

Richmondshire Local Plan: Alterations 1999-2006: Objection 0001

As you are aware, Mr Borman has in the past spoken on behalf of residents in relation to retaining Brentwood as a cul-de-sac. We wish you to know that we fully support him in his endeavours and, for the sake of efficiency, we have asked him to represent our views also in this matter rather than putting some 80 individual objections before you. Mr Borman has kept us fully informed of communications with you.

Regarding your letter of 22 March 2000 under Item 3, we share the view that it may well be opportune at this stage to re-appraise the situation with regards to the bollards as we have experienced this newly-created situation since June last year. It strengthens our belief that in the interests of safety, amenity, security and the retention of our property values, the bollards have yet again become an urgent issue. The present traffic situation is simply intolerable and we have recently experienced eight accidents. Whilst they were not serious they nonetheless caused property damage where vehicles crossed pavements. This suggests that due to excessive speed, the drivers lost control. One of these vehicles ran into the front garden of the St John of God home for the disabled at 63-65 Brentwood. It would be reasonable for you to consider the demography of Brentwood. Whilst the Highway Authority has not taken any action they claim that they were guided in the main aspects of this matter by Richmondshire District Council which, in turn, was to some extent guided by Leyburn Town Council. We now know that many of the arguments which were placed before councillors were not up-to-date. It seems that there are many reasons why Brentwood should remain a cul-de-sac and there is not a single good reason why 80% of Leyburn properties should be connected to Brentwood, a rat run. As you know, we believe that we have sufficient evidence to show that H M Inspector at the last Public Enquiry agreed with the stance of the residents of Brentwood and that there is, in our view, no existing planning permission which would prevent the implementation of H M Inspector's report, ie, installing the bollards. This would not require a new planning permission but simply co-operation between RDC and NYCC to install these on traffic safety grounds.

[REDACTED]
G Kane
Chairman

cc: Leyburn Ward Councillors

BB19¹³

Richmondshire
District Council
Planning and Development
Springwell House
Richmond.

[REDACTED]
25 February 2000

Dear Sir.

Brentwood / Maythorne

With regard to the above situation, May I enquire if a Road Safety Study has been carried out before the roads, previously cul de sacs; were opened as a through traffic route

A copy of the study would be appreciated

Yours Sincerely

[REDACTED]
G. XANE

NO REPLY RECEIVED



North 17 213

NORTH YORKSHIRE POLICE

BB20
THE POLICE STATION
NORTH PARK ROAD
HARROGATE
NORTH YORKSHIRE
HG1 5PJ
Telephone (01423) 505541 - Ext.
Fax (01423) 539313
DX 714162 Harrogate 6

Mr G Cressey
North Yorkshire County Council
Environmental Enhancement
County Hall, Northallerton
North Yorkshire
DL7 8AH



Dear Sir,

BRENTWOOD, LEYBURN

Thank you for the correspondence indicating your proposal to make Brentwood and Wensleydale Avenue and Maythorne into two cul-de-sacs.

I understand that pedestrian links will be maintained and keys will be issued to the emergency services to remove the bollards should the need arise.

I have no objection to your proposals !

Yours sincerely

[Redacted Signature]

S.A. Ball
TC279
Traffic Management Officer
Western Area

BB20A

AREA MANAGERS OFFICE
THE FIRE STATION
GALLOWGATE
RICHMOND
DL10 4NE
TEL. 01748 - 823343
FAX. 01748 - 823524



Serving the Community


From:	ASSISTANT DIVISIONAL OFFICER CATTON	Ext. No.	
To:	MR G CRESSEY	No. of Pages (including header sheet)	

Message

Sir.

I do not consider the rollers
to be a problem to the passage
of a fire engine.

The routes to the properties is
about equal distance in both
directions and in the case of
a false address being given we
carry equipment to quickly open
the locks.

Jones.


Area Manager
Richmond

ATTN: MR. S. KNIGHT, MONITORING OFFICER, NYCC
FROM: B. BORMAN

FOR INFORMATION

BB-21

FOX HAYES

solicitors

our ref REC/CG
your ref MB/AM/2402/LTR FOX HAYES
date 8 March, 2000

copy

Richmondshire District Council
Swale House
Frenchgate
RICHMOND
DL10 4JE

Direct fax: 0113 217 2275
e-mail: carolgill@foxhayes.co.uk

Dear Sirs,

B Borman

We are in receipt of your letter of the 25th February 2000.

Whilst it is correct that the inspector focused on the content of the local plan, that plan included proposals to make Brentwood into a major access road. If you refer to the plan under reference DB2 the spine road referred to includes the link. Our client and others made a formal objection to this and the inspector in his report refers specifically to this issue.

We are not suggesting that there was not a planning permission in 1974. The planning permission was to carry out certain developments. This included perhaps a direction in relation to the joining of the two roads.

It is this planning direction that should have been reviewed, especially bearing in mind that is now nearly 30 years since the original planning permission was given and the joining of these two roads in all the circumstances apart from the obvious dangers that are being caused is no longer good planning procedure and it is this aspect of the matter which your council has completely failed to consider, as well as failing to have regular or any reviews of the planning situation in the area.

Yours faithfully,

FOX HAYES

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by the Law Society
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investment business

A MEMBER OF
LAWGROUP UK

BB22

This document is for the addressee only and is therefore confidential.
If received in error, please advise the above and destroy immediately.

FAX

To: Mrs M Barry, Corporate Unit Manager, RDC
From: Bernard Borman
Date: 24 January 2000

Dear Mrs Barry

Thank you for your letter dated 21 January. I am grateful that for once I have received a straightforward reply to my questions, albeit that I don't necessarily agree with the answers.

- 1 I am delighted that your previous policy has been abolished and that you have adopted a system which I have previously suggested.
- 2 It was not up to my solicitor to request that councillors should be given the full information available upon which to conduct an informed debate. It is for you to inform councillors of all the facts and you failed to do so. In my view the debate was therefore based on a lack of comprehensive information.
- 3 Your documents to the Planning Cttee did not make clear to councillors that this was a matter with which they should not concern themselves, but that it was a matter for the County Council. The issue was most certainly part of the Inspector's decision-making process and you must always remember when you make such statements that I was there and you were not.

You refer to PPG12 and it is my view that the District Council should concern itself with relevant matters which are its concern. These roads, namely Dale Grove, Wensleydale Avenue and Brentwood, have been part of a cul-de-sac arrangement since the war. It is not for the residents to make a case that they should remain shut but it is for your committee to make a case that they should be opened up, if they believe that they should be opened. If you introduce the school element, which is actually ill-thought-out, then the danger is that councillors may make emotional judgements without knowing the full facts. Clearly, that seems to be what has happened.

- 4 You are totally misguided in your interpretation of what took place at the Public Enquiry and I suggest that you read my submission which is in your public archives. I, and all the other residents, objected to a link with Wensleydale Avenue before the Enquiry, which you ignored, and at the Enquiry, which you also ignored. I have previously criticised the compilation and lack of clarity of your District Plan and it is not up to me to re-write it for you. All I can say is that if you reference my grievance under DB2 Maythorne Farm Phase I then I must accept that that is the item under which my objection

comes, and indeed I do so. It does not mean, because you have decided to put it under a particular reference, that I have addressed the wrong issue or that I am not talking about a Brentwood/Wensleydale Avenue link. May I draw your attention to the fact that documents were produced at the Public Enquiry which linked Dale Grove, Wensleydale Avenue and Brentwood, and made Brentwood into a "major access road" - your words, not mine. You also refer to this whole construction as a "spine road" which is presumably another name for a major access road. At no stage have you given up this particular idea and therefore potentially the possibility of this development still forms part of your policy. The only benefactors of this policy would be the developers, and not the residents of either of these roads, and it would certainly be detrimental to the safety of the school if implemented. You have not been honest with the residents of any of these roads and you have allowed them to be misled into believing that the only issue is the link between Brentwood and Wensleydale Avenue. If we now look at your development brief DB2, you say that this should be read alongside the Local Plan's housing and recreation policies as well as the inset for Leyburn and that it anticipates proposals for a residential development. You may not have made it very clear what you are talking about on your maps but nonetheless it is quite clear that this included the what was at the time outstanding development of Brentwood to the south. You also refer in this context to sewage disposal involving Brentwood. Under Item 3 of this document you refer to exactly the same items as I have referred to and you refer to linking all this to the "spine road", ie Brentwood. It is therefore perfectly correct that I raised the issue of Brentwood traffic and Brentwood remaining a cul-de-sac in connection with DB2 and it is perfectly correct that the Inspector addressed this issue as I presented it, albeit that he had to make reference to DB2. His comments are quite clear and mean that Brentwood should remain a cul-de-sac and, in order to overcome the emergency access problems, lockable bollards should be erected. Basically no-one in Brentwood cares about Maythorne I or Maythorne II providing that they don't finish up in Brentwood. We then are basically left with one remaining issue, namely what is the point of linking Brentwood to Wensleydale Avenue? As I said, these roads have been cul-de-sacs since ever and no good case has been made to open them. We certainly should not rely on the arbitrary will of a contractor who lives in Northallerton and decide how we in Leyburn should live. I must also tell you that the correspondence which arose in relation to the Public Enquiry and the subsequent insertion into your District Plan makes it quite clear that the opposition was to the Brentwood/Wensleydale Avenue link, or to any other link with either Maythorne I or II. Your constant comment that my comments related to DB2 are simply a matter of referencing, not a matter of substance and you must not confuse the two.

Where we are completely at odds is where your council has truly failed in their obligation to perform their duties towards me, and no doubt others, and I am talking about a specific duty. You should have seen to it that your council tenants have proper parking spaces in line with planning guidelines which had been in force for at least twenty five years, (in front of the school) ie, two spaces per household. You should also have considered the parking and traffic facilities when the building of the school was an issue. Clearly you did not. As

BB22

far as Brentwood is concerned, you failed to consult the residents on any of the issues we are now discussing and you are harking back to a plan which was hatched in 1974. Having established that there was no planning permission for a link between Wensleydale Avenue and Brentwood, but a condition, puts the obligation upon you to bring all plans which are outstanding in line with up-to-date government guidelines on planning and the by now well-known manual which was produced by the Highways Department (County Council). I have made extensive enquiries to find out what other councils do and they found it unbelievable that your council is trying to enforce something which was considered in 1974. You should, at least after the Public Enquiry, have re-thought your policy, yet you failed to do so. It was your obligation to consider the safety, amenity, property blight and opinions of the residents of Brentwood. It is a fact that cul-de-sacs are the preferred system in residential areas and to create, out of a cul-de-sac which in no way conforms to government guidelines or Highway specifications, a major access road in 1999 is totally negligent and indefensible. You, as a lawyer and Monitoring Officer, have failed in your duty to give councillors that clear and unambiguous advice. You will, therefore, be held responsible unless you comply with the law and acquiesce to restoring our cul-de-sac for the above-mentioned reasons. It is a fallacy for you to regard the Highway Authority's survey as anything but information-seeking. It was not a referendum on H M Inspector's findings, nor do all those who have been consulted carry the same weight of argument because they are not all affected to the same extent. If the people of Wensleydale Avenue insist on a through-road, propose to them that they should be linked to Maythorne I and II, and Dale Grove, but leave Brentwood out of it. Furthermore, after the Public Enquiry took place, the people now at the hammerhead of Wensleydale Avenue should have done their searches properly. They were well aware of the situation and have decided to moan in retrospect. At the time of the Public Enquiry, these houses were not even built. No doubt, when they get fed up with the increase in traffic and the yobs doing wheelies in front of their houses, they will change their minds again.

- 5 I have already said that I, and I am sure others, have no particular concern about this planning application providing you do not come into Brentwood with it.
- 6 The routing of traffic in a planning application is a vital issue and if a councillor asks what this routing is meant to be, and an officer gives a clear answer, that should be in the minutes. Your minutes are of course as ambiguous as your District Plan, most of your correspondence, and your so-called conformity with the law. You should take advice on minute-keeping from other councils and not produce minutes which can be shifted about in any which way to make sure that it suits the clique which governs us.

Yours sincerely

Bernard Borman

BB23 C

our ref REC/CG
your ref PLE/HJG/1/78/51/PA/F
date 5 August, 1999

The Chief Planning Officer
Richmondshire District Council
Springwell House
Richmond
DL10 4JG

Dear Sir,

Through Traffic Brentwood

As you know we act for Mr & Mrs B Borman, who have for some time been making representations in relation to the above issue. As a result of the public enquiry in 1997, H M Inspector issued his report and in particular stated as follows: -

- 13.4 I invite the council to bear in mind my view that to do so would harm the amenities of the residents of Brentwood in attracting considerable extra traffic possibly including buses. The results noise and activity would not be alleviated by speed bumps, which themselves can be a source of considerable nuisance in a residential area.
- 13.5 It appears not to be the case that the adjoining developer has planning permission to link into Brentwood, but rather that the relevant planning consent obliges him to provide this link by condition. If an alternative solution can be found, the condition could be waived. If the highway authority, are insistent upon emergency access from both ends of an estate road system including Brentwood, then there are ways to achieve this without opening up the road to traffic, without restrictions (bollards).
- 13.6 I am also concerned that Brentwood's junction with Market Square and Railway Street is a source of some congestion and traffic conflict and visibility conditions are less than ideal. On that account it would be preferable if at all possible to avoid further loading of the junction.

After further discussion your council agreed the following wording to be included in the District plan: -

"The development of allocation H12 does not carry with it a commitment on the part of the district council to plan for the future construction of a road link through to Brentwood to the south. When the intervening area of

land, which is reserved for later development is brought forward, it will be necessary to determine the issue on its merits having regard to all material considerations prevailing at the time including the inspector's view expressed in paragraphs 13.4, 13.5 and 13.6 of his report".

In accordance with the principles thus agreed, we understand that as recently as 20th March 1998 councillor Mike Childs wrote to one of the residents of Brentwood "there is total support at County Hall to keep Brentwood a cul-de-sac".

Our clients are therefore very concerned that despite the terms of the District Plan and the assurances that have been given to the residents, that the developer has recently opened up access between the council estates/Wensleydale Avenue and Brentwood.

In view of this flagrant breach, we should be obliged if you would let us know as a matter of urgency in order to avoid unnecessary legal action: -

1. Has the developer Dick Garner and Sons Limited been granted planning permission to connect the estate roads with Brentwood?
2. If not, what enforcement proceedings are being taken by the council to ensure that the link road is immediately stopped?
3. If planning permission has been given, when was it given? Please let us have a copy of any planning permission concerned and please explain also how planning permission has been granted despite the results of the public enquiry and the resultant amendment to the district plan?

Yours faithfully,

FOX HAYES



North

Yorkshire County Council

BB24

County Councillor M J Heseltine
Mayfield
Scorton
Richmond
North Yorkshire
DL10 6DL

Dear Mr. Borman,

16 July 1999

BRENTWOOD, LEYBURN

Thank you for your letter of 10 June 1999 concerning the opening up of the link between Brentwood and Wensleydale Avenue as a through route. I apologise for the delay in replying.

You will be aware that the Area 1 Highway Sub-Committee has previously considered reports following representations from residents of Brentwood about their road becoming a through road. Members agreed that discussions should be held with the Developer and Richmondshire District Council on possible alternative arrangements and a further report submitted to a future meeting.

I do know discussions have taken place with Richmondshire District Council and the Developer, Dick Garner & Sons Ltd, on the future of any link between Brentwood and Wensleydale Avenue. Following these consultations letters have been sent to the owners of properties that would be directly affected suggesting amendments to the approved layout which would allow the introduction of two linked culs de sac joined by removable bollards. To date replies have not been received from all consultees.

Once I became aware the Developer had recently removed obstructions from a length of Brentwood still within his control and following receipt of a further petition, I agreed that the matter should be considered as an "Urgent Item" by the No 1 Area Highway Sub-Committee at its meeting on 5 July 1999.

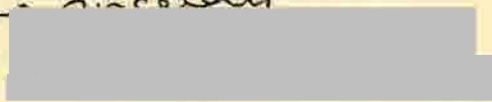
I attach a copy of the report and can confirm the recommendations were agreed.

I can assure you the discussions with the Developer and the District Council will be undertaken as quickly as possible so that Members of the Sub-Committee can consider the way forward at their next meeting on 29 October 1999.

Mr B Borman



John Heseltine



(Area 1 Highways
Chairman)

NORTH YORKSHIRE COUNTY COUNCIL

ENVIRONMENTAL SERVICES COMMITTEE

NO 1 AREA HIGHWAY SUB-COMMITTEE

5 JULY 1999

BRENTWOOD ESTATE, LEYBURN

1.0 INTRODUCTION

1.1 Members will recall that at a previous meeting of this Sub-Committee a report was presented which informed Members of the receipt of a petition and further representations from residents of Brentwood, Leyburn who were concerned about their existing cul-de-sac becoming a through road. Members resolved:-

- i) Discussions be held with the Developers and Richmondshire District Council on possible alternative arrangements and a further report submitted to a future meeting. 2
- ii) The residents be advised of this decision.

1.2 A copy of a plan No DC 0497/B1 showing the layout of the estate is attached.

1.3 Discussions have taken place with Richmondshire District Council and the developer, Dick Garner & Sons Ltd, on the future of any link between Brentwood and Wensleydale Avenue. Following these consultations letters have been sent to the owners of properties that would be directly affected suggesting amendments to the approved layout which would allow the introduction of two linked cul-de-sacs joined by removable bollards. To-date replies have not been received from all consultees.

1.4 The developer has recently removed obstructions from a length of Brentwood still within his control and thus opened up the route to through traffic. As a result of this a further petition dated 22 June 1999 has recently been received from residents of Brentwood objecting to the through vehicular link to Wensleydale Avenue now being available. A copy of the petition is attached.

2.0 DECISION REQUIRED

2.1 Members will need to decide what action should be taken as a result of the latest petition.

3.0 OFFICER COMMENT

3.1 It is not within the County Council's remit to immediately undertake to close the link between Brentwood and Wensleydale Avenue. The length of road in question is not at present part of the adopted highway network and therefore is still within the control of the developer and not the County Council. Consequently it is quite within the developer's rights to open up the road. Officers have spoken to the developer who has indicated that in the long term he is quite prepared to abide by the decision of this committee.

How NICE!

3.2 In the short term the opening of the link gives an opportunity to monitor its use. To do this traffic counters will shortly be installed on Brentwood and Wensleydale Avenue.

3.3 In view of the reference in the latest petition to the Richmondshire District Wide Local Plan and the outcome of the local inquiry I am currently seeking the comment of the District Council on these issues. It will also be necessary to seek the views of the District Council and the Developer on the responses received from residents who are currently being consulted on the future of any link between Brentwood and Wensleydale Avenue. Until the views of the District Council and the Developer are available I feel it would be premature for Members to take a decision on the establishment of two linked cul-de-sacs.

4.0 RECOMMENDATION

4.1 It is recommended:-

- i) Receipt of the petition be noted.
- ii) A further report be presented to the next meeting of your Sub-Committee following discussion with the Developer and Richmondshire District Council.
- iii) The petitioners be informed accordingly of the actions which are to be taken and that the County Council is not in a position at the present time to close the road to through traffic.

M O MOORE
Director of Environmental Services

✓ GC/KAA
1 July 1999

Background Documents

Petition dated 22 June 1999 from Mr J Hayton on file reference



BB25

GOVERNMENT OFFICE
FOR YORKSHIRE AND THE HUMBER

Mr B Boorman



Carol Stenner
Planning & Transport

PO Box 213
City House
New Station Street
Leeds
LS1 4US
Enquiries: 0113 280 0600

Date: 14 February 2000

Direct Line: 0113 283 6353
Fax: 0113 283 6657
Email: cstenner.goyh@gov-regions.gov.uk

Dear Mr Boorman

**RICHMONDSHIRE DISTRICT COUNCIL, NORTH YORKSHIRE
LOCAL PLAN REVIEW ALTERATIONS**

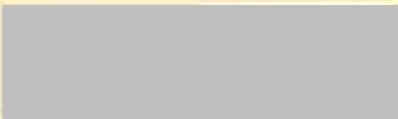
1. Thank you for your letter of 6 January to Hilary Armstrong about the Richmondshire Local Plan Review Deposit Alterations. It has been passed to this office and I have been asked to reply.
2. You state that you wish to formally object to these alterations and procedures and I should point out that an objection is not duly made unless it is submitted to the local planning authority concerned. In this case, therefore, I trust you have already made your views known to Richmondshire District Council.
3. Government advice requires local plans to be reviewed regularly so as to be as up to date as possible. It is expected that plans be reviewed in full at least every five years with more frequent partial reviews. Alterations are appropriate where a partial rolling forward is needed, in this case to take account of alterations to the Structure Plan and changes in Government policy. The roll forward should not be left until after 2001 because the alterations should be in place before the expiry date of the current plan.
4. The alterations have been advertised in accordance with the Development Plan Regulations. They form a partial update and roll forward of the plan, in accordance with Government policy, and the Council have indicated which policies have been altered. I suggest you ask them for clarification of any changes about which you are unclear. Also, under the Development Plan Regulations, representations are limited to the proposed alterations only.



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5. The Government is committed to the local authority plan led system and, in exceptional circumstances, the Secretary of State does have a quasi-judicial role to play if necessary. In view of this, it would be inappropriate to comment on any individual policies or views at this time. I would, as I have said before, encourage you to continue to make your views known to Richmondshire District Council.

Yours sincerely

A rectangular grey box redacting the signature of Carol Stenner.

CAROL STENNER

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Introduction

Purposes and scope of this edition

Design Bulletin 32¹ was published in 1977 and has been widely used ever since as a reference on the layout of roads and footpaths in new residential development. The main purposes of this second edition are to update and amend the information and advice in the original bulletin in the light of experience of its use and changes in housing over the last 14 years, take into account new initiatives on road safety² and make the bulletin more relevant than before to the planning of improvement schemes in existing residential areas and older public sector housing estates. Advice in this edition supersedes that contained in the first edition.

Section 1 describes the main considerations that need to be taken into account when producing a design brief for the layout of roads and footpaths. It contains new guidance on developing an appropriate overall design concept - taking into account the policies and proposals in development plans, the characteristics^x of the site and its setting; arrangements for landscape maintenance; the various functions performed by roads and footpaths; the access requirements of pedestrians, cyclists and drivers; considerations of road safety, traffic nuisance and security from crime and vandalism, and the characteristics of the road system around the development site.^x

Section 2 discusses the overall layout of roads and footpaths. It includes new guidance on means^a to minimise danger and nuisance from non-access traffic, reduce vehicle flows, restrain vehicle speeds, provide safe, convenient and secure routes for pedestrians and cyclists and make effective provision for parking.^x

Section 3 considers the detailed design of each element in the layout - the carriageways, junctions, turning spaces, footways, verges, footpaths and parking areas - and requirements for intervisibility. It includes new guidance on facilities for pedestrians and cyclists, planting in verges and dimensions for parking areas.

As in the first edition, no attempt is made to prescribe standards for the adoption of highways or for the control under planning powers of the layout of new residential roads and footpaths. This can only be done sensibly locally. However, Section 4 offers some fresh general advice on this topic and on the preparation of local standards for parking provision. Also, Sections 2 and 3 offer new guidance on the standards that will normally be appropriate for the layout of roads and footpaths in new developments.

As before, the guidance refers to relevant empirical evidence and to evidence drawn from the experiences of those engaged in practice. Also, again, the bulletin deals mainly with principles rather than design solutions. Some of these principles, particularly those for restraining vehicle speeds^y, take into account experience from abroad. Some have only been applied in this country for a short time and empirical evidence and experience of their use is limited. The encouragement of innovation has been balanced with caution where risks to safety may be involved.

Section 5 describes the special considerations that need to be taken into account when using the information and advice presented in Sections 1-3 to develop design briefs and plan improvements to the layouts of existing residential roads and footpaths.

Since the first edition was published, the National Joint Utilities Group (covering the gas, water, electricity and telecommunications industries) has produced comprehensive guidelines on procedures and technical requirements for the installation and location of buried services.³ Consequently, less detailed information on this subject is given in this edition.

Requirements for distributor roads, matters of construction specification and guidance on parking controls such as waiting restrictions remain outside the scope of this bulletin.

Definitions for the purposes of this bulletin

The following definitions have been assumed for the purposes of this bulletin.

The urban road network

'Primary distributors' form the primary network for the town as a whole and all longer-distance traffic movements to, from and within the town are canalised on to such roads.

'District distributors' distribute traffic between the residential, industrial and principal business districts of the town and form the link between the primary network and the roads within residential areas.

'Local distributors' distribute traffic within districts. In residential areas, they form the link between district distributors and residential roads.

× 'Residential access roads' link dwellings and their associated parking areas and common open spaces to distributors. Such roads are referred to in this bulletin as residential roads.⁴ ×

Residential roads and driveways

× 'Access roads' are residential roads with footways that may serve up to around 300 dwellings and provide direct access to dwellings (see Paragraph 2.13).^{*} Where minor or major access roads are referred to it is assumed that they may serve up to around 100 and 100-300 dwellings respectively. ×

'Shared surface roads' are residential roads without footways that may serve up to around 50 houses (see Paragraph 2.70).

'Shared driveways' are unadopted paved areas that may serve the driveways of up to 5 houses (see Paragraph 2.81).

'Driveways' are unadopted paved areas that provide access to garages and other parking spaces within the curtilage of an individual house.

Other definitions

'Carriageways' are those parts of access roads which are intended primarily for use by vehicles.

'Shared surfaces' are those parts of shared surface roads which are intended for use by both pedestrians and vehicles.

'Footways' are those parts of access roads which are intended for use by pedestrians and which generally are parallel with the carriageways and separated by a kerb or verge and a kerb.

'Footpaths' are those pedestrian routes⁵ which are located away from carriageways and not associated with routes for motor vehicles.

'Cycle tracks' are routes which are intended for use by pedal cyclists, with or without rights of way for pedestrians.

'Segregated cycle tracks' are cycle tracks adjacent to footways or footpaths, and separated from them by a feature such as a kerb, verge or white line.

* A factor of one vehicle journey per dwelling in the peak hour has been assumed for these definitions and elsewhere in this bulletin where suggested standards are related to the numbers of dwellings served by a road. When reference is made to the number of dwellings served by a road it should be borne in mind that the road may carry vehicular traffic not only from the dwellings that are located along its length but also from the dwellings served by any roads which branch off it. The largest vehicle flow in a cul-de-sac road will occur close to its entrance. For a loop or through road, it may normally be reasonable to assume that vehicle flows will be divided equally between entrances at each end.

BB27

Decision No. 1/ 78/ 303B/PA/O

TOWN AND COUNTRY PLANNING ACT, 1990

RICHMONDSHIRE DISTRICT COUNCIL

Notice of Decision of Planning Authority on Application for
Permission to carry out Development

To: Messrs Ford

The above named Council being the Planning Authority for the purposes of your application received on 22/09/98 in respect of proposed Development for the purposes of:

Renewal of outline permission for erection of residential development, Brentwood, Leyburn, as amended by letter received in the Richmondshire District Council Planning and Development Unit on the 11 August 1999

have considered your said application and have granted permission for the proposed Development subject to the general condition (to ensure compliance with Sections 91 to 94 of the Town and Country Planning Act, 1990) that

1. Application for approval of the reserved matters shall be made to the local planning authority not later than 15/11/2002

The development hereby permitted shall be begun on or before whichever is the later of the following dates:-

- (i) 15/11/2004
- (ii) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

and to the further conditions:-

2. The outline planning permission hereby granted relates to the details of the particulars and plans accompanying the application as further amended by letter received in the Richmondshire District Council Planning and Development Unit on 11 August 1999 confirming revisions to application site. For the avoidance of any doubt the plan attached to and forming part of this decision notice shows the amended site edged red.
3. No development to which this outline permission relates shall be commenced prior to the approval by the Local Planning Authority of the under-mentioned matters hereby reserved for approval.
 - a) the siting, design and external appearance of the proposed dwellings;
 - b) the means of surface water drainage and sewage disposal, to include any works that may be necessary within the land in the ownership of the applicant;

Continued/

Note:-

No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the Council in whose area the site of the proposed development is situated; or of obtaining approval under any other Bye-Laws, local orders, order, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.

RIGHTS OF APPEAL

Appeal to the Secretary of State

- * If you are aggrieved by the decision of the local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.
- * If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate at Tollgate House, Houlton Street, Bristol, BS2 9DJ.
- * The Secretary of State can allow a longer period of giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- * The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.
- * In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

Purchase Notes

- * If either the local planning authority or the Secretary of State for the Environment refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- * In these circumstances, the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

- * In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- * These circumstances are set out in Part IV and V and related provisions of the Town and Country Planning Act 1990.

Continuation of DN no: 1/78/303B/PA/O

- 3. Continued
 - c) the means of access to the site, related highway works and the laying out of all estate roads and footpaths;
 - d) the provision of landscaping, open space, recreation space and car parking;
 - e) all means of enclosure including boundary walls and fences.
- 4. The details submitted in pursuance of Condition 3 above shall be in accordance with the Development Brief DE2 "Maythorne Farm Phase 1, Leyburn" contained in the Richmondshire Local Plan, a copy of which is attached to and forms part of this decision notice.
- 5. Any application for approval of reserved matters shall be accompanied by plans and particulars of the following matters, unless approval thereof has previously been obtained:
 - a) the principal components of the layout of the development including road pattern, landscaping, open space and recreation space, and their phasing in relation to the development.
 - b) details of boundary planting required by condition 10(a).
 - c) the principal components of the proposals for the disposal of sewage and for surface water drainage.
 - d) the treatment of the public footpath that crosses the site, including any proposals for diversion.
- 6. All details and particulars submitted in respect of access to the site, related highway works and layout and construction of the estate roads serving the development in compliance with condition 3c) shall incorporate and provide for the construction of adoptable highways capable of continuing the central spine road into OS8164 to the south of the site, between points A and B on the attached plan and including a link from the spine road to the existing estate road on the adjoining development to the west at point C on the attached plan.
- 7. The details submitted in compliance with Conditions 3b) and 5c) shall incorporate and provide for separate systems for the disposal of sewage and surface water. The details shall also comply with the following requirements:-
 - a) any temporary arrangements to provide foul drainage of early parts of the development shall incorporate capacity for flows from subsequent development within the application site.
 - b) surface water drainage to outfall to the existing drainage channel on the southern boundary of the site;
 - c) proposals for the cleaning out and regrading of the existing drainage channel referred to above, and for its subsequent long-term maintenance.
- 8.. The drainage works approved under the terms of this permission shall be undertaken concurrently with the development such that no building shall be brought into use until it is provided with surface and foul drainage.

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Continuation of DN no: 1/78/303B/PA/O

9. Notwithstanding the provision of Article 3 and Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent Order revoking and re-enacting that Order, the Local Planning Authority hereby reserves the right to specify in any decision on reserved matters classes of development which shall not be undertaken without the prior permission of the Authority.
10. The details submitted in compliance with Condition Nos: 3 and 5a) shall provide for and incorporate:-
 - a) landscaping, open space and equipped recreation space to a total of 10% of the site area together with the planting of a belt of trees on the north and east boundaries of the site in accordance with the principles of the Development Brief and as illustrated on the plan attached to and forming part of this decision notice;
 - b) phasing arrangements whereby tree belts to the north and east of the development are planted concurrently with the development, and the remaining landscaping, open space and recreation space is related to individual components of the approved development.
 - c) identification and accurate plotting of all existing trees on the site, together with proposals for their protection during construction and their long-term maintenance
 - d) full details of the arrangements for the long-term maintenance of the tree belts, site landscaping, open space and recreation space.
 - e) precise details of the following:-
 - i) species, height, spacing, staking and safeguarding of trees and shrubs;
 - ii) grass seeding;
 - iii) provision of play equipment.
11. The tree planting, landscaping and laying out of open space and recreation space shall be carried out and thereafter maintained in accordance with the relevant particulars approved in pursuance of condition 10d). Unless alternative maintenance arrangements are approved in pursuance of Condition 10d) any tree or shrub planted in compliance with any requirement of this permission that dies or is removed for any reason within 5 years of planting shall be replaced during the first available planting season with equivalent stock.

THE FOLLOWING CONDITION AS RECOMMENDED BY YORKSHIRE WATER SERVICES LTD:

12. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the Local Planning Authority before development commences.

Continuation of DN no: 1/78/303B/PA/O

THE FOLLOWING CONDITIONS AS RECOMMENDED BY THE HIGHWAY AUTHORITY:

13. Prior to the commencement of the development hereby permitted, the following drawings and details shall be submitted to, and shall have been approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:
- (i) Detailed plans to a scale of not less than 1:500 showing the proposed highway layout, including dimensions of carriageway, footway, verge widths and visibility splays, the proposed buildings and site layout, the proposed floor levels, driveways and the drainage and sewerage system.
 - (ii) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line and channel lines of each proposed road showing the existing ground level and proposed road level, and full details of surface water drainage proposals.
 - (iii) A typical highway cross-section to scale of not less than 1:50 showing a specification for the types of construction proposed for carriageways and footways/footpaths and when requested cross sections along the proposed roads showing the existing and proposed ground levels.
 - (iv) Details of the method and means of surface water disposal.
 - (v) Details of all proposed street lighting.
 - (vi) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.

No road works shall commence on site prior to the written approval of these details by the Local Planning Authority.

The development shall thereafter not be carried out otherwise than in full compliance with the approved drawings and details.

- NB: In imposing the above condition it is recommended that before a detailed planning submission is made a draft layout be produced and be the subject of a discussion between the applicant, the Local Planning Authority and the Local Highway Authority in order to avoid abortive work. The agreed drawings must finally be approved by the Local Planning Authority for the purpose of this condition.
14. No dwelling to which this planning permission relates shall be occupied unless or until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.

The carriageway and footway/footpath wearing courses and street lighting shall be completed within three months of the date of commencement of construction of the penultimate dwelling of the development or within two years of the laying of the basecourse whichever is sooner, unless otherwise agreed in writing with the Local Planning Authority.

Continuation of DN no: 1/78/303B/PA/O

15. No dwelling shall be occupied until parking spaces of a size not less than 4.8m x 2.4m, including one garage or a car parking space capable of accommodating a garage, have been provided within the curtilage of that dwelling, in accordance with standards set out in the North Yorkshire County Council Parking Design Guide. Any garages shall then be positioned a minimum of 6 metres back from the highway boundary. Notwithstanding the provisions of Article 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent Order revoking and re-enacting that Order, no works shall be undertaken on designated parking areas. Once created these parking and garaging areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
16. The layout of roads within the site shall include a "spine road" capable of continuing into OS 8164 to the south of the site.
17. Provision shall be made to prevent surface water from the plots discharging onto the proposed highways.
18. Details of the precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before the development commences on the site and be kept available in full working order until such time as the Local Planning Authority agrees in writing to their withdrawal.

REASONS FOR CONDITIONS:

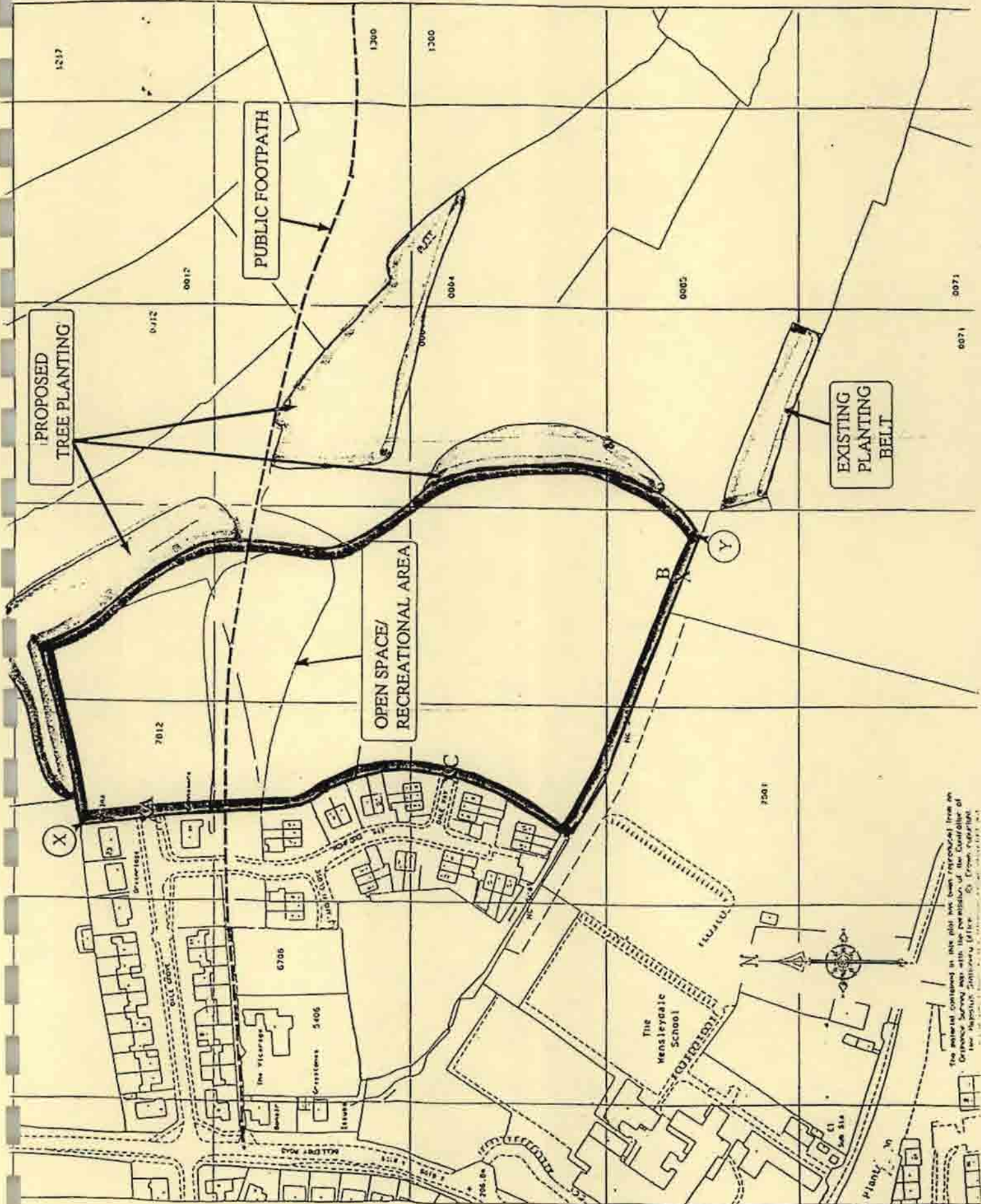
2. To confirm the extent of this outline planning permission which had been amended from the original submission.
3. To reserve the rights of the Local Planning Authority with regard to these matters.
4. To ensure that the development is carried out in accordance with the Development Brief prepared for the site forming part of the Richmondshire Local Plan.
5. The Local Planning Authority wish to ensure that the details of the development are considered comprehensively and with due regard to the inter-relationship between the different land uses proposed.
6. and 16. In order to ensure that the development hereby permitted does not preclude or prejudice the provision of satisfactory vehicular access to allocated land and future allocated land adjacent to the site as indicated on the Leyburn Inset of the Richmondshire Local Plan.
7. 8. and 12. To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.
9. The Local Planning Authority wish to reserve the rights to restrict permitted development rights within the development where it is expedient to do so having regard to the details of the development approved in pursuance of this permission.

Continuation of DN no: 1/78/303B/PA/O

- 10. and 11. To ensure the satisfactory landscaping and screening of the development, together with suitable provision of open space and recreation provision within the development.
- 13.-15. and 17. In the interests of the convenience of occupiers of the dwellings and highway safety.
- 18. To ensure that no mud or other debris is deposited on the carriage-way in the interests of highway safety.

Date: 16/11/99

.....
Planning and Development
Unit Manager



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Castlebank Planting

DEVELOPMENT BRIEF DB2

MAYTHORNE FARM PHASE I, LEYBURN

This development brief should be read alongside the Local Plan's Housing and Recreation policies, as well as the Inset for Leyburn. It anticipates proposals for residential development.

1. The Leyburn Inset indicates that land to the south of this allocation has residential potential, but will be developed after 2001. Layout and infrastructure details will need to be designed and implemented with prospects for the post-2001 period in mind.
2. Surface water is likely to drain to the existing ditch on the south boundary of the site, without the need for on-site retention, but the upgrading of the channel and long term maintenance arrangements will need to be fully catered for. The alternative of a piped watercourse would be unwelcome because of its implications for the environment. The foul drainage system will require a pumping station and rising main if it is to link to the existing sewer on Richmond Road. This would also involve land beyond the boundaries of the site. As an alternative, the potential for a gravity connection to sewers in the Brentwood Estate could be explored, in which case the pumping station would be located on the southern boundary of the site.
3. Access will be from Dale Grove, from which a central spine road should extend through the site to its southern boundary, linking into the longer term development site to the south. A subsidiary road will need to run from the southern arm of Dale Grove through the south-west of the site to link to the spine road via a deliberately tortuous route. It may be necessary for temporary emergency links to be provided during the course of the development.
4. Basic layout and design requirements are set out in Schedule 3. The characteristics of the site will allow higher density development (at least 25 units per hectare) including two storey "starter" housing in the western part of the site. Development will be expected to grade to lower densities to the north-east and east, and housing on the north and east sides of the spine road will be single storey. In the more prominent areas of the site, buildings will need to be "dug in" to avoid the impression of being perched on the landscape, and to reduce dead walling to a minimum. Overall, the layout should produce an impression of being aligned with the contours, should avoid prominent gables, and should ensure that the groups of housing create pleasant spaces with a sense of enclosure instead of bland street scenes.

It is important that a high standard of design, based on architectural patterns traditional to the mid-Wensleydale area, is achieved on this site, using reclaimed facing stone for walls (possibly with some roughcast render, or brickwork of a subdued colour in the higher density housing), and slate-coloured roofs.

5. The site possesses some individual trees of quality which should be retained in the layout. Though the boundary running round the east side of the site should be defined by a stone wall, the structural tree belt (see Policy 10 and Guidance Note 4) beyond will be particularly important if the development is to be properly assimilated into the landscape. When details are drawn up, the exact form of the tree belt may be modified to accommodate a stock route past the site, leaving an outlying planted area designed to look like a natural feature in the landscape.
6. The majority of the open space required within the site should be provided in a linear form, along the line of the public footpath, and play facilities will feature in a widened out section to the south east of Dale Grove. Small-scale toddlers' play areas should be provided separately as required by Policy 68.
7. Developers should note that drainage works must be undertaken concurrently with the construction of houses. Tree Planting along the eastern boundary must also be timed to coincide with, or preferably precede, the progress of development in that part of the site.

NOTE The development of Allocation H12 does not carry with it a commitment on the part of the District Council to plan for the future construction of a road link through to Brentwood to the south. When the intervening area of land, which is reserved for later development, is brought forward it will be necessary to determine the issue on its merits having regard to all material considerations prevailing at the time, including the Inspector's view expressed in paragraphs 13.4, 13.5 and 13.6 of his Report.

Please read the accompanying notes before completing any part of this form.

4 completed copies of this form and plans must be submitted to the District Council.

APPLICATION FOR PERMISSION TO DEVELOP LAND etc.

TOWN AND COUNTRY PLANNING ACT 1971

DEVELOPMENT UNIT

17 SEP 1978

For office use only:

Ref. _____

Date rec'd _____

Building Regulations No. _____

Grid ref. _____

PART 1 - to be completed by or on behalf of all applicants as far as applicable to the particular development.

1. Applicant (in block capitals)

JOHN DAVID FORD JOAN FORD

Name _____

Address _____

Tel. No. _____

Agent (if any) to whom correspondence should be sent (in block capitals)

SCOTT'S WRIGHT

Name _____

Address _____

Tel. No. _____

2. State applicant's interest in the land, e.g. owner, tenant, prospective purchaser, etc.

OWNER

3. Full address or location of the land to which this application relates and the site area (if known). Indicate the boundary of the site in red on the plans submitted.

Address LAND AT MAYTHORNE FARM, LEYBURN, NORTH YORKSHIRE

(Brentwood Phase II) X NEW SITE 2

Site area X N/A

4. State whether applicant owns or controls any adjoining land and if so, give its location and indicate its extent in blue on the plans submitted

YES

5. Particulars of application (see Note 3)

Renewal of	Outline planning permission	Yes/No	(delete as appropriate)
	Full planning permission	Yes/No	(delete as appropriate)
	Approval of reserved matters following the grant of outline permission	Yes/No	(delete as appropriate)

6. Description of proposed development, including the purpose(s) for which the land and/or buildings are to be used

As contained in Decision No. 1/78/303/PA/0

Does the proposal involve

New building	Yes/No	(delete as appropriate)
Alterations	Yes/No	(delete as appropriate)
Extensions	Yes/No	(delete as appropriate)
Change of use	Yes/No	(delete as appropriate)

7. If residential development, state number and type of dwelling units proposed, if known, e.g. houses, bungalows, flats

As previously shown

7. Particulars of present and previous use of buildings or land. State
 (i) Present use of buildings/land Agriculture & Housing
 (ii) If presently unused what was last use -
 (iii) The date the use was discontinued -

8. Does the proposal involve BB27

	<u>Vehicular</u>	<u>Pedestrian</u>	
Construction of a new access to a highway	Yes/No	Yes/No	(delete as appropriate)
Alteration of an existing access to a highway	Yes/No	Yes/No	(delete as appropriate)

(If the answer to either of these questions is "Yes" indicate the position of the new access or alteration to an existing access on the submitted plans)

9. State the type, colour and texture of materials to be used externally in the construction of the walls and roof. Also indicate them on the plans submitted.
 Walls to be agreed at detailed planning stage
 Roof to be agreed at detailed planning stage

10. Does the application involve
 Felling Trees Yes/No (delete as appropriate)
 Planting Trees Yes/No (delete as appropriate) as previously discussed
(If "Yes" indicate positions on plan)

11. How will surface water be disposed of? To Harmby Beck
 How will foul sewage be dealt with? To mains sewer
 How will water be supplied? From mains pipe in Dale Grove

12. Is the application for industrial, office, warehousing, storage or shopping purposes? (see note 5)
Yes/No (delete as appropriate)
(If "yes" complete part 2 of this form)

NOTE: THIS APPLICATION CANNOT BE DEALT WITH UNLESS CORRECTLY COMPLETED AND ACCOMPANIED BY APPROPRIATE CERTIFICATES, PLANS, SECTIONS AND ELEVATIONS SET OUT IN THE 'NOTES FOR APPLICANTS'.

Date 16.9.88 Signed [Signature]
 On behalf of J D, J RH + J FORD
(Insert applicant's name if signed by an agent)

CERTIFICATE A*

TOWN AND COUNTRY PLANNING ACT 1971
Certificates under Section 27

I hereby certify that:-

1. No person other than the applicant was an owner (note (a)) of any part of the land to which the application relates at the beginning of the appellant appeal period of 20 days before the date of the accompanying application appeal.

*2. None of the land to which the application relates constitutes or forms part of an agricultural holding; appeal

OR:-
 *2. *I have myself application
 *The applicant has given the requisite notice to every person other than myself who, 20 days before the date of the application, was a appeal
 *The appellant has himself application appeal
 tenant or any agricultural holding, any part of which was comprised in the land to which the application relates, viz:- appeal

<u>Name of Tenant</u> (see note (b))	<u>Address</u>	<u>Date of Service</u> of Notice
.....
.....

Signed Date
 On behalf of

NOTE: *DELETE WHERE INAPPROPRIATE TO THE STATEMENT
 (a) "owner" means a person having a freehold or a leasehold interest, the unexpired term of which was not less than seven years.
 (b) If you are the sole agricultural tenant enter "None".

BB27

(A)

FEE PAYMENT FORM

THE TOWN AND COUNTRY PLANNING (FEES FOR APPLICATIONS AND DEEMED APPLICATIONS) (AMENDMENT) REGULATIONS 1997

RICHMOND DISTRICT COUNCIL PLANNING AND DEVELOPMENT UNIT

(This form is to accompany applications on which a fee is payable)

To the RICHMONDSHIRE DISTRICT COUNCIL

Rec'd 17 SEP 1998

I/We hereby give notice that:

- 1. We are seeking permission under the Town and Country Planning Act 1990 and associated legislation for the development described in the accompanying application.
- 2. The application is ~~GRANTED~~ a re-submission of an application previously ~~GRANTED~~ (Application No. 11783/303/PA/O)
- 3. ~~The application is/is not a submission of an application made within the last 28 days (Application No.)~~
- 4. The development is not required to provide facilities or access for a registered disabled person residing in the dwelling.
- 5. The development has *a site area of ha.
 *gross floor space of sq. metres
 *new dwellings number
 (*complete whichever is appropriate)

I/we have calculated the required fee as follows:

TYPE OF DEVELOPMENT	FEE
Outline Application	
Extension or Alteration to a dwelling	
Residential Development (detailed)	
Erection of Agricultural Building	
Erection of Other Buildings (detailed)	
Change of Use	
Other Application RENEWAL OF TIME LIMITED PERMISSION	495
Composite Application	
Advertisements	
Renewal of Temporary Permission/Set Aside Condition	
Prior Notification	

We enclose herewith the sum of £. 95- as payment of the fee for the determination of the accompanying application.

Signed

On behalf of J.A. J. RH + J FORD

Address

Date 16.9.98

BB27

CERTIFICATES

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) Certificates under Article 7

Rec'd 17 SEP 1998

Under Article 7 of the Order, an appropriate ownership certificate must accompany this application. This is necessary to confirm that anyone who has a material interest in the property has been notified of the application. It is an offence knowingly provide false information.

Please complete and sign the Declaration and then either Certificate A, B, C or D.

DECLARATION - TO BE COMPLETED IN ALL CASES

(* Delete as appropriate)

- * EITHER None of the land which the application relates forms part of an agricultural tenancy;
* OR The requisite notice has been given to every person, who 21 days before the date of the application was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates, viz:

Name of Tenant(s) Address Date of service of notice

Signed Date 16 Sept 98

On behalf of J.D., J. R.H. & J FORD
(Insert applicants name if signed by agent)

CERTIFICATE A (If you are a freehold owner of all the land to which the application relates).

I hereby certify that:-

- 1. No person other than the applicant was an owner [note (i) below] of any part of the land to which the application relates at the beginning of the period of 21 days before the date of the accompanying application.

Signed Date

On behalf of

CERTIFICATE B (If you do not own all of the land to which the application relates).

I hereby certify that:-

- 1. The requisite notice has been given to all persons who, 21 days before the date of this application were owners [note (i) below] of any part of the land to which the application relates, viz:

Name of Owner Address Date of service of notice

SANCTUARY HOUSING ASSOCIATION 16 September 1998

Signed Date 16 September 1998

On behalf of J.D., J., R.H. & J FORD

* DELETE WHERE INAPPROPRIATE

Certificate C. If you cannot complete Certificate B because you cannot trace all the owners of the land to which the application relates.

Certificate D. If you cannot complete Certificate B because you cannot trace any of the owners of the land to which the application relates.

N.B. Certificates A and B above.

Certificates C and D obtainable from the National Park Authority on request.

NOTE: (i) "owner" means a person having a freehold or a leasehold interest the unexpired term of which is not less than seven years.

IF THE APPLICATION IS FOR INDUSTRIAL, OFFICE, WAREHOUSING STORAGE OR SHOPPING PURPOSES COMPLETE PART 2 OVERLEAF ON PAGE 4.

BBZ

RIO
6626
3-41ha
8-50
DEVELOPMENT UNIT,
Rec'd 17 SEP 1963

Broads
8121
5-04ha
12-46

0025
1-422ha
3-51

0012
1-257ha
3-11

7812
1-151ha
2-84

9726
1-72ha
2-4

7472
987ha
1-22

7081
2-166ha
1-11

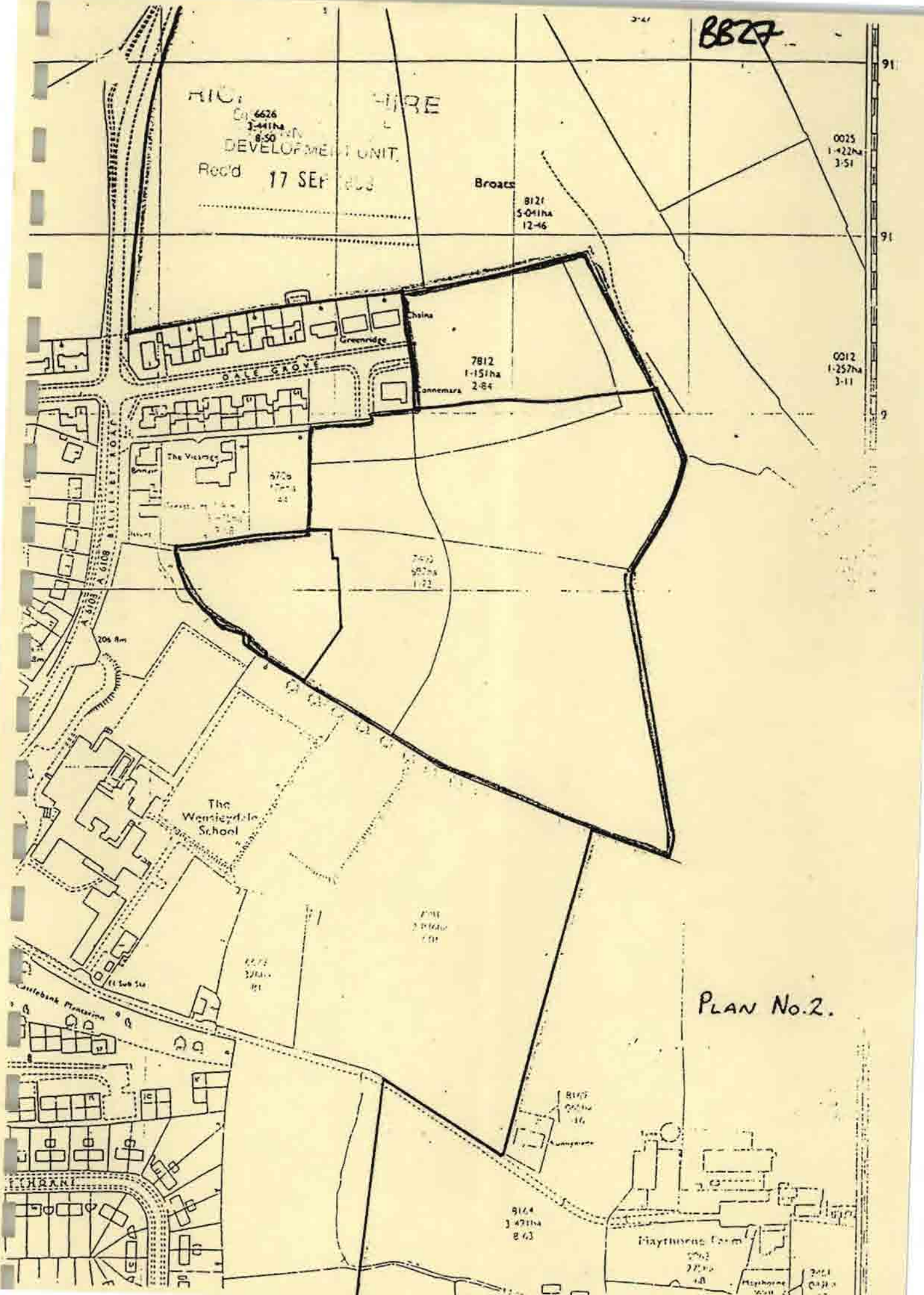
8272
3-28ha
8-1

8147
2-21ha
1-6

9164
3-471ha
8-63

Playthorn Farm
2-62
2-27ha
4-8

2021
0-21ha
1-7



PLAN No.2.

1)



2)



- 1) S-BEND BRENTWOOD
- 2) JUNCTION WITH A684

3)



4)



- 3) CLOSE TO JUNCTION WITH A684
4) RUNNING INTO JUNCTION WITH A684

5)



6)

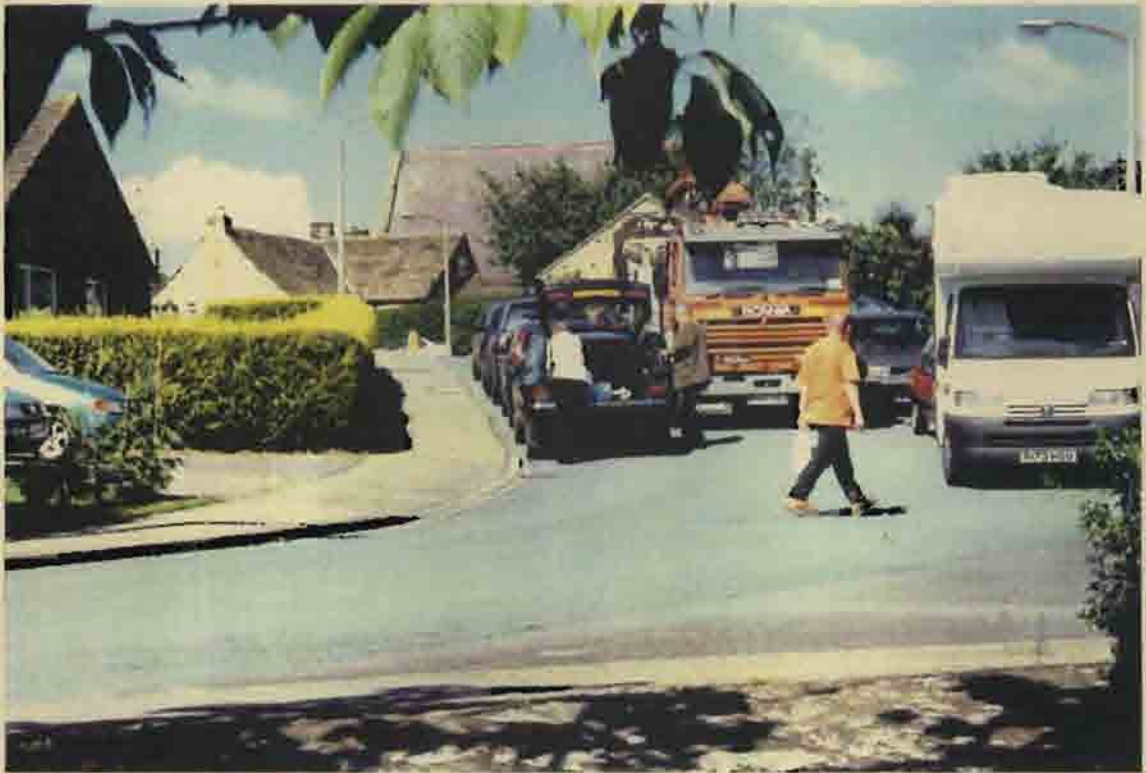


5) BRENTWOOD "RACE TRACK WITH 90° BEND"
6) OBSCURED "S" BEND

7)



BRENTWOOD, PAST THE CONSERVATION
AREAS OF THE BEGINNING OF BRENT-
WOOD AND QUARRY HILLS, BRENTWOOD
(SEE POLICY 59 AND S.72(1) PLANNING ACT 1990)



COMPETING TRAFFIC BETWEEN
THE CONSERVATION AREAS OF
LEYBURN CENTRE AND QUARRY HILLS.
i.e. RESIDENTS, SHOPPERS, PEDESTRIANS
AS WELL AS HOLIDAY MAKER AND HGV'S

Ref:


/0001

**RICHMONDSHIRE LOCAL PLAN ENQUIRY
(Alterations 1999-2006)
Swale House, Frenchgate, Richmond, N Yorkshire DL10 4JE**

**SUBMISSION TO PUBLIC ENQUIRY
TO KEEP BRENTWOOD A CUL-DE-SAC**

APPLICATION TO INVITE MR G CRESSEY
OF NORTH YORKSHIRE COUNTY COUNCIL
TO GIVE EVIDENCE AT THE ABOVE ENQUIRY

**Objectors:
MR & MRS BERNARD BORMAN**



**This objection is supported by the Brentwood Area Residents' Association
(See Exhibit BB18)**

I hereby apply to H M Inspector that Mr Cressey of North Yorkshire County Council's Highways Department be invited to the forthcoming Enquiry as he would be a vital witness to these proceedings. He is the senior Highways engineer and has dealt with these issues for the last seven years.

Leyburn, 30th of June 2000

.....
[Redacted Signature]

Bernard Borman

.....
[Redacted Signature]

Sarah Borman

[REDACTED]

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If received in error, please advise the above and destroy immediately.

FAX

To: Mr Graham Cressey, Highways, NYCC
From: Bernard Borman
Date: 19 May 2000

Dear Mr Cressey

Richmondshire District Plan 1999-2006 (Brentwood)

Subject to H M Inspector's approval the Brentwood Area Residents' Association and I intend to make representation on the above at the forthcoming Public Enquiry in about Autumn this year. Since you have been the engineer in charge your evidence would be of vital importance to discover what precisely is going on. I hope you will agree that there should be no need to apply for a Summons to attend and I would therefore be grateful for your confirmation by return that you will be willing to give evidence. Your assistance would be greatly appreciated.

Yours sincerely

[REDACTED]

Bernard Borman
and on behalf of the Brentwood Area Residents' Association

[REDACTED]

Ref:

/0001

RICHMONDSHIRE LOCAL PLAN ENQUIRY
(Alterations 1999-2006)



SUBMISSION TO PUBLIC ENQUIRY
TO KEEP BRENTWOOD A CUL-DE-SAC

REBUTTAL OF A POSSIBLE APPLICATION
BY RICHMONDSHIRE DISTRICT COUNCIL
TO PREVENT THIS SUBMISSION BEING HEARD

Objectors:
MR & MRS BERNARD BORMAN



This objection is supported by the Brentwood Area Residents' Association
(See Exhibit BB18)

I hereby apply to H M Inspector to refuse any application by Richmondshire District Council to prevent this submission from being heard. Their motives in making such an application would be highly questionable and would only serve to prevent matters which have been grossly mishandled from being raised. Such an application would therefore be totally in their self-interest and not in the interests of the public. In our correspondence, Richmondshire District Council have suggested that they would not wish to see this submission put forward and I enclose some of that correspondence. There is an alteration on the ground which affects a substantial number of properties in Leyburn quite detrimentally. What has been done since Mr Turner's Enquiry has been contrary to his findings, the District Plan, the government's Design Bulletin 32, Richmondshire's Development Brief 32, NYCC's Highway Design Manual, natural justice and the Wednesbury Principle. Furthermore the residents have been affected in terms of devaluation, safety, security and environmental issues.

Leyburn, 30th of June 2000

.....
Bernard Borman

.....
Sarah Borman

A.T. Mrs. C. Gill

25th April 2000



Mr B Borman,



Margaret Barry, *Corporate Unit Manager*

Richmondshire District Council
Swale House, Frenchgate, Richmond, North Yorkshire DL10 4JE
Tel: 01748 829100 Fax: 01748 825071 DX: 65047 Richmond NY

My ref: R/RF/0001
Your ref:

Please ask for Paul Steele

Dear Mr Borman,

RICHMONDSHIRE LOCAL PLAN: ALTERATIONS 1999-2006: OBJECTION 0001

As promised, I attached your letter of 20th March to the agenda for the meeting of the Local Plan Working Group on 20th April, together with a copy of my letter to you of 22nd March.

I took some care to highlight your concerns, but reminded the Members of the Working Group of the very clear advice we had received on this subject from Counsel. On this basis my unavoidable conclusion was that the objection did not relate to any of the Alterations in the Deposit Plan, and on that basis it could not be duly made. Members weighed the balance of the argument and reached the same conclusion.

I am afraid, therefore, that the Working Group's original decision, which has now been before Council, must stand, and it looks as though your objection will not go forward to the Local Plan Inquiry. As on the previous occasion, the Group's decision is a recommendation to the Planning and Resources Committees, and the Council.

Sincerely,



eele

Principal Policy Officer



our ref (REC)/IB/CG

your ref R/RF/0001

date 2 May, 2000

copy letter

Mr Paul Steele
The Principal Policy Officer
Richmondshire District Council
Swale House
Frenchgate
RICHMOND
DL10 4JF

Direct fax: [REDACTED]
e-mail: carolgill@foxhayes.co.uk

Dear Mr Steele,

Richmondshire Local Plan: Alterations 1999-2006: Objection 0001

We have taken our client's instructions on your letter of 26th April.

Regardless of what advice you received from counsel on what is or is not duly made, it is outside the jurisdiction of Richmondshire District Council to make the decisions that our client's objection is not duly made. The only time Richmondshire District Council has any jurisdiction over items duly made or not is when it concerns linkage. Our client's objection does not concern linkage but unacceptable practices, which have distorted the planning process and have changed from the agreed policy concept laid down by government. In fact, someone has re-written the quasi-judicial planning process of Mr Turner's Enquiry and, as a result, Richmondshire District Council has created an alteration, that is between the advertised plan and the facts on the ground. It does not say anywhere that one can only object to a certain type of alteration and therefore our client's objection is within the scope of the fact-finding Public Enquiry. Had you written up the District Plan contrary to HM Inspector Turner's advice, as it is now, then our client would certainly have objected but by not putting the true facts before the Enquiry, Richmondshire District Council have acted in a manner which is directly opposed to the public interest, specifically that of our client. At the original Public Enquiry Mr Tabiner took every step possible to prevent our client from speaking and continued to argue every point in relation to what our client presented after the Enquiry. Our client understands, after having spoken to Mr Cressey of the Highway Authority some time ago, that Mr Tabiner had contacted him on the subject.

Our client will not withdraw his objection, which is duly made. As stated by our client before, the correct procedure is that you have to object formally to H M Inspector and you have to give the reasons why you feel our client should not be heard. Our client will oppose this application.

Bank House
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Leeds LS8 5LD
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Philip L Drazen B.A.
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Ian Brill LL.B.
Associate
Carol Grundell B.A.

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in the conduct of
investment business

A MEMBER OF
LAWGROUP UK

In the meantime our client asks that you keep him informed of all documents and timetables which he is entitled to as an objector. If you fail to do so, our client will assume that the Council has acted with malice and there will be further litigation.

Please confirm that you will keep our client informed of the timetable, because our client cannot call upon the Richmondshire District Council Community Office in Leyburn for reasons, which he had previously explained. Our client is entitled to that information under the Local Government (Access to Information) Act 1985 and failure to comply is a criminal offence.

Yours faithfully,

FOX HAYES

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Fax 0113 248 0466
DX 716760 Leeds 37
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3-PAGE FAX

To: Mr P Steele, Principal Policy Officer, Richmondshire District Council
From: Bernard Borman
Date: 10 May 2000

Dear Mr Steele

Richmondshire Local Plan: Alterations 1999-2006: Objection 0001

Thank you for your letter of 8 May 2000. Let me make it clear that I do not doubt your personal commitment to fairness but, as you know, my relationship with Richmondshire District Council [RDC] is not necessarily based on that principle. I would not like you to take anything which is said during the course of these proceedings personally. Any further obstruction by RDC will not be acceptable.

However, I do not wish to appear unreasonable and I am therefore happy to give you some information which you might find useful in general terms.

- 1 The Enquiry is held by the Secretary of State and not RDC. They merely provide an administrative service.
- 2 May I draw your attention to the opening meeting at the previous Enquiry at which you asked Mr Turner about admissibility. His reply was very generous and I have no reason to think that the new Inspector would be any less generous. When there is a prima facie case it has always been common practice in these proceedings to allow people to state their views in the interests of natural justice. Common practice and customs are recognised in law.
- 3 The rules governing these proceedings are laid down by the Secretary of State and you made available a copy of these rules to me which clearly state that RDC only has discretion in matters of linkage. I attach some general rules on Public Enquiries. The procedure of such an Enquiry is the same as any other Public Enquiry, or even that of a hearing before a court. All correspondence is directed to H M Inspector and not to the council. Were it the prerogative of the council to decide on a whim what goes in and what does not, this would be against natural justice and cause a chaotic situation, preempting the whole purpose of the Public Enquiry.
- 4 There are basically two issues where you seem to disagree with the system. 1) is that you have the right to exclude objections other than linkage, and 2) is that you believe that no alteration has taken place. The first is an issue of fact as I have already said above and the second is that, whilst you claim in your

altered District Plan that the issue I am concerned with has not been altered, you have in fact challenged the whole procedure of Mr Turner's Enquiry wrongly, illegally and belatedly, and forced an alteration through which is contrary to the Secretary of State's advice on residential roads. It is also contrary to the Highway Design Guide produced by North Yorkshire County Council and to which your council is a signatory. A planning process is being pushed through which completely ignores the interests of the residents of Brentwood and has only one purpose, to facilitate easy development of Maythorne I, II, and whatever is left. In fact since Mr Turner's Enquiry of 1997 and the adoption of the Plan in 1998, there have been so many contradictory statements and so much misleading information has been passed to other councils that it is now impossible to detect any policy at all. An alteration and ~~a legal~~ ^{an illegal} challenge to the previous Public Enquiry must be enquired into if it does not agree with the advertised policies of the District Plan.

I trust that you appreciate that it is not for me to tell you all this but it is for RDC to prove to me that their action is legally justifiable and that they are behaving reasonably. Reasonable behaviour is also recognised in law. Finally, let me say that the legal maxim that an Englishman's home is his castle still stands. If RDC wants to do anything which interferes with that castle in terms of property value, security, amenity, safety and environmental issues, RDC must prove an overriding reason which is in the public good and not in the developer's good. You may in this context consider that nothing would stop you from producing a link between Wensleydale Avenue and Dale Grove if that is what the people of the former desire, nor is there any reason why Ford's Lane could not be upgraded to a residential road. Whatever happens, Brentwood will be reinstated as a cul-de-sac because what has happened is wrong.

Yours sincerely /1

Bernard Borrihan

cc: Fox Hayes, Solicitors REC(IB)/CG

EXH. BB 28

Ref:

/0001

**RICHMONDSHIRE LOCAL PLAN ENQUIRY
(Alterations 1999-2006)
Swale House, Frenchgate, Richmond, N Yorkshire DL10 4JE**

**SUBMISSION TO PUBLIC ENQUIRY
TO KEEP BRENTWOOD A CUL-DE-SAC**

THREE AFFIDAVITS BY MESSRS G R DYSON, J HAYTON & G KANE
AS WITNESSES TO THE ABOVE ENQUIRY

**Objectors:
MR & MRS BERNARD BORMAN**



**This objection is supported by the Brentwood Area Residents' Association
(See Exhibit BB18)**

AFFIDAVIT

I, George Ronald Dyson, of [REDACTED],

make oath and say as follows:

- 1 Until mid-1999 Brentwood was a residential cul-de-sac and was, without warning, made into a major access road by the developer.
 - 1.1 Since then the volume of traffic has increased on a daily basis and has produced a situation which is detrimental to me as a resident at the above address. There is a clear safety issue, particularly since most residents on Brentwood are elderly and disabled.
 - 1.2 The increase in traffic has not been restricted to private cars but commercial vehicles and heavy good vehicles are now using this road as a bypass or rat run which has resulted in early morning traffic.
 - 1.3 I understand that Brentwood was not designed for this type of traffic and H M Inspector at the previous Enquiry shares this view. In spite of the findings of the previous Public Enquiry, the local authorities have taken no notice of their own policies or government guidelines.
 - 1.4 I experience particular difficulties when reversing into traffic which invariably exceeds the speed limit to an unacceptable degree. This applies to many residents in Brentwood.
- 2 I believe that our representation to both authorities has been unreasonably ignored.

3 To this, my Affidavit, which I believe to be true and correct, I have set my hand on this day.

SWORN by the said)

George Ronald Dyson)

this 25th day of May 2000)

before me:

AFFIDAVIT

I, John Hayton, of [REDACTED] make oath
and say as follows:

1 I made a statement concerning the possible change of Brentwood from a residential cul-de-sac to a major access road at the previous Public Enquiry and I enclose this statement as **Exhibit JH1**.

1.1 In this statement I expressed my concern about the safety elements were a change of Brentwood's status to come about. I am qualified to express a professional view on road safety.

2 Since my original statement Brentwood has been made into a major access road, contrary to the previous Public Enquiry and without effective consultation of the residents of Brentwood.

2.1 I believe, based on my experience, that the current arrangement is a serious risk to life and limb and is contrary to current government policy. Furthermore I have noted a substantial increase in private and commercial traffic as this route is now clearly being used as a rat run and as a shortcut to a nearby school.

2.2 The junction between Brentwood and Railway Street (A684) is not, in the Inspector's opinion, suitable for additional traffic and I share his view.

2.3 Bearing in mind the unusual construction of Brentwood, with a long clear stretch and bends on both ends, is a serious design fault in itself which only lends itself to

residential traffic and therefore not to an upgrading of the road. The speeds which I have observed are more often than not well in excess of what is safe. I make this observation not only as a police officer for some thirty years, but also as a qualified driving instructor for the past nine years.

3 To this, my Affidavit, which I believe to be true and correct, I have set my hand on this day.

SWORN by the said

John Hayton at Leyce)
North York Street)
this 25th day of May 2000)

before me:

ExH. JH.I

STATEMENT

I am a retired Police Constable, having served 30 years, mainly in North Yorkshire. I am currently self-employed, having worked as a Driving Instructor for the past 5 years.

I am very concerned with the proposed "open road" through Brentwood to Maythorne Estate. The junction of the A684 with Brentwood is one with a very poor view towards the Market Place, further complicated by the "one-way" junction at the Sandpiper and another junction with The Nurseries. These junctions are very busy, particularly on Market Days when Brentwood is used as a car park on both sides of the road. In summer, traffic is extremely heavy, causing very hazardous driving conditions and a real danger to pedestrians, both young and elderly, who reside in the area. Should the road be opened I can see that it will undoubtedly be used as a through route for traffic wishing to avoid the Market area.

When serving as a Police Constable, a part of my duties was road safety. I took this very seriously and have been responsible for several major road improvements in the Leyburn area. I cannot express my objection strongly enough to the proposal that Brentwood be linked and become a "through road". Road safety and common sense must prevail and the road must stay a "cul-de-sac".


John Hayton


21 November 1996

AFFIDAVIT

I, Godfrey Kane [REDACTED], make oath and say as follows:

- 1 I purchased the above property in August 1998 on the understanding that Brentwood would remain a cul-de-sac.
 - 1.1 I relied on the District Plan, H M Inspector's Enquiry into the matter and the North Yorkshire County Council's Highways Residential Design Guide. Representation was also clearly made by the developer, Dick Garner & Sons.
- 2 On or about 1 June 1999 I noticed that the developer had linked Brentwood with Wensleydale Avenue, effectively turning Brentwood from a cul-de-sac into a major access road.
 - 2.1 This unexpected and unilateral action has devalued my property and compromised my safety, amenity and security. It also has an impact on the environment.
 - 2.2 In my view, this road was not designed as a major access road and nothing should be done to change its status. I believe the retention of Brentwood as a cul-de-sac conforms to government Design Bulletin 32.
- 3 I have made representation on my own behalf and as Chairman of the Brentwood Area Residents' Association to both local authorities but to no avail. The sound arguments put forward to retain Brentwood as a cul-de-sac have simply been ignored and I have received no explanation as to why normal guidelines have been

breached. It is not acceptable that I, and others, should be subjected to a thirty year old development and road design scheme when traffic conditions have since substantially changed, as has the attitude to speed in residential areas. The current situation is extremely dangerous and totally unsatisfactory, particularly in view of the constant speeding in an area which houses mainly elderly and disabled people.

4 To this, my Affidavit, which I believe to be true and correct, I have set my hand on this day.

SWORN by the said)
Godfrey Kane at [redacted])
this 15 day of May 2000)

before me: [redacted]
[redacted]
[redacted]

ADDENDUM

Richmondshire District Council as Planning Authority:- Wrongdoings Committed

- 1 A planning concept envisaged in 1970 must be brought up-to-date at the earliest opportunity.
- 2 The 1976 planning permissions appear to be for part of the development only and cannot possibly be held as still in existence. I believe that they lapsed anyway.
- 3 In 1977 the government issued Design Bulletin 32. This was directed against rat runs which is what the above proposal is all about. This has been ignored.
- 4 There is a duty of care to upgrade developments in line with new rules and regulations.
- 5 There is a duty on the part of the Highways Authority to take account of their Highway Design Guide to which Richmondshire District Council is a signatory.
- 6 Failure to take account of rules and regulations as outlined above is an arbitrary decision and therefore unlawful.
- 7 To take into account the convenience of developers in preference to safety, amenity, security and property values is contrary to the Wednesbury Principle.
- 8 There is a duty to meaningfully consult and if residents' views are brushed aside, this must be justified (natural justice)
- 9 Correspondence shows that no consultation has taken place and that residents have been ignored.
- 10 Even to date there is a planning application which would give the council the right to bring this development up-to-date in road traffic terms (enclosed).
- 11 It is wrong to have a major access road deliberately routed past a school or a playground. Prior to this, no complaints had been made to the Highway Authority about any difficulties and any difficulties which do arise in front of this school are no worse than any other school and are due totally to bad parking.
- 12 There has been a failure to declare interests. The agent for the owners of the land is also a consultant for the council. He is in the Leyburn Lodge and so is Mr Brian Hodges who is dealing with this development.
- 13 The council has deliberately misled councillors in their decision-making by making false statements about planning permissions and saying that nothing could be done. They have furthermore taken part in secret discussions with the developer from which interested parties such as residents were excluded, and for which no minutes exist.
- 14 The council has taken unreasonable note of a biased and nonsensical representation by Leyburn Town Council.
- 15 The council has knowingly and deliberately given false information to the Highway Authority.
- 16 The council has unreasonably taken note of a so-called referendum which was illegal, gerrymandered, and to distort the rights of the residents of Brentwood.
- 17 The council conspired with the developer to open up the road which has not as yet been adopted as a public highway, contrary to residents' objections.

- 18 The council acknowledges the disadvantages, and in particular those of safety of the residents of Brentwood, but fails in their duty to remedy the matter.
- 19 The council has deliberately distorted H M Inspector's findings by implying that the issues raised by residents refer to Maythorne I and II. Residents objected to the spine road, as mentioned in DB2, and the Inspector addressed himself to that objection. Just because something comes under a heading for convenience does not imply that it must be restricted by that heading. The council stated that the objections were "extremely clear", now they are not.
- 20 Residents of Brentwood are entitled to be protected because what has been done here is not for the public good but for the benefit of the developer. Many residents are extremely vulnerable.
- 21 It is obvious that the construction of the road encourages speed which is more likely to be abused by through traffic than by people who live on it. It is the council's duty to keep the road safe and to follow government guidelines which prefers cul-de-sac arrangements in residential areas. This could be re-instated without causing problems to anyone but is prevented by the sheer bloodymindedness of Richmondshire District Council.
- 22 Documents have been withheld from me, my solicitor, other residents and the Royal Assoc for the Disabled (RADAR). In fact, no documents from 1976 onwards have been made available. It would have been important to show whether the council has fulfilled their duty by administering the site over a period and whether certain planning permissions have lapsed.
- 23 The road layout as shown in the original documents cannot necessarily be construed as an acceptance by anyone. The issue is not how the roads have been laid out, but that they should not be used for through traffic. The expectations of residents that, by some means or the other, particularly bollards, the cul-de-sac arrangement would be maintained would therefore not be unreasonable. The objection is therefore not to the road layout but to the fact that the bollards which had been envisaged by the Inspector, both councils, the developer and the residents were, through gerrymandering, manipulation and illegal action, not put in. The Highway Authority suggested where they should go and there is no technical, legal or commonsense reason why they have not been put in.
- 24 At the time of the Public Enquiry and for some time after, the area in question was derelict and no building had taken place beyond the culvert on Brentwood. Since the council stated that they were "extremely clear" on what Brentwood residents had said at the Public Enquiry, they should have taken note and immediate action to protect the safety, etc, of the residents of Brentwood. They did nothing and the first thing they eventually did was to dispute H M Inspector's findings. The letter from the Town Planners, Cunnane, shows that we were still talking about Brentwood as a cul-de-sac and nothing else.

**North Yorkshire County Council as Highway Authority:-
Wrongdoings Committed**

- 1 The initiative for new developments, and particularly developments which have dragged on for 30 years, must come from the Planning Authority. It is their duty to bring the County Council up-to-date but clearly the County Council has failed to react in line with their own policies, namely the Highway Design Guide.
- 2 The County Council has changed their mind on this issue three times without ever having given a reasonable explanation. They followed Richmondshire in the first place by being totally lax, supported Brentwood residents at the Public Enquiry and then frustrated the process further by being anti- Brentwood residents because Richmondshire gave them false information which they did not check. They based their decision-making on that false information (Mr Cressey, Highway Engineer: "I have been told that there is planning permission but I haven't seen it".). Mr Knight, Monitoring Officer: "I have seen what I believe to be the planning permission but I have no copy".
- 3 A complaint to Mr Knight, Monitoring Officer, was not properly dealt with

- 4 The representation by Mr Cressey to the Area 1 Sub-Committee was one-sided and flawed, and challenged the findings of H M Inspector at the Public Enquiry.
- 5 The referendum on this issue was total gerrymandering with the specific purpose of denying the rights of the residents of Brentwood but the results were used in decision-making.
- 6 Residents were denied the opportunity to address the Standards Committee of NYCC and were also refused the rules governing that Committee.
- 7 All officers at a meeting with me at County Hall assured me that they understood the issues very clearly and that they would use their best endeavours to help the residents of Brentwood. They have done exactly the opposite.
- 8 The decision-making by the Area 1 Sub-Committee was based on false information and the minutes are appallingly inadequate.
- 9 At some stage prior to that meeting, councillors of RDC were made aware that it was our intention to take legal action. In spite of this, there were three or four councillors from RDC who voted at this meeting without declaring an interest. Amongst them were Cllr Michael Heseltine, who was at the time Vice Chairman of Richmondshire District Council, who chaired this meeting, and Cllr John Blackie who was at the time Deputy Leader of RDC. Cllr Heseltine is now Chairman and Cllr Blackie is now Leader. Cllr Heseltine refused to meet Brentwood residents and Cllr Blackie failed to reply to letters from Brentwood residents. This shows their prejudicial view. As a result, the outcome of that meeting is null and void.
- 10 The County has a duty to follow the District Plan and H M Inspector's findings.
- 11 The County has a duty to follow its own policies, agreed with District Councils and incorporated in the Highway Design Manual.
- 12 The Area 1 Sub-Committee has no authority to change the Highway Design Manual, which is County and District Council policy, and they have acted ultra vires.
- 13 Irrespective of any other issues, the County must concern itself with the safety and well-being of the people of Brentwood and not simply follow some spurious District Council argument and then blame them when it goes wrong. They have, in fact, played pingpong.
- 14 The County acknowledges that the traffic arrangements put into operation unilaterally by the builder are not technically up-to-date but they have done nothing to prevent it, or reverse it. They should have made an order under the Road Traffic Act to place the bollards in line with their own proposals.

The views expressed above are a personal opinion based on my experience in dealing with both councils. They have not been held to account for their actions, or lack thereof, at any enquiry or court of law.

Application ref: 1/78/50X/FULL

Date: 14 June 2000

The Owner/Occupier,
[REDACTED]



Patrick Earle, *Planning & Development Unit Manager*

Richmondshire District Council

Springwell House, Richmond, North Yorkshire DL10 4JG

Tel: 01748 829100 Fax: 01748 822535 DX: 65047 Richmond NY

Please ask for:

Brian Hodges
Ext. 280

Dear Sir/Madam

**Full Planning Permission for Erection of 14 No. Bungalows, Plots 60 To 73
Brentwood Leyburn North Yorkshire**

I have received a planning application for the above development. A copy of the application including plans and particulars may be inspected at the Planning and Development Unit during normal office hours.

Before a decision is made on the application, the Council will consider any comments you may wish to make. I must emphasise that if you wish your views on the application to be considered they must be made in writing to the Planning and Development Control Team Leader by 5 July 2000. Once the Council's decision is made only the applicant has a right of appeal against it.

If you would wish to discuss any matter before responding then please contact Brian Hodges who is the Case Officer dealing with this application.

I must also inform you that under the terms of the Local Government (Access to Information) Act 1985, your reply to this letter may be reported in full to the Planning Committee, whose meetings are open to the public: your letter would also be available for inspection and copying by any person, including, of course, the applicant.

Yours faithfully,
[REDACTED]

PP
C Sturdy
ASSISTANT ADMINISTRATIVE OFFICER

