

EXH I


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
(Proof of evidence and related documents)

Objectors:
MR & MRS BERNARD BORMAN



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

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FOREWORD AND COMMENTS ON EXHIBITS

One of the best known maxims in English law is that "an Englishman's home is his castle". It is important that this is not lightly dismissed because it suits certain individuals to do so for financial gain and benefit to them. It has long been accepted that this established principle can only be interfered with if it is for the public good. If the public good cannot conclusively be shown then nothing should proceed to damage the safety, security, amenities, environment and value of an individual's home. To put some individual's profits and convenience, in this case a developer, before that of the individual affected is contrary to natural justice. Not only that, it is also contrary to the entire quasi-judicial planning system and Parliament's intentions. See **Exhibits BB25 and BB26, (Government's Design Bulletin 32)**.

What I find most incredible is that no map covering all the issues for the entire area exists or has been made public. The definitions vary and it depends on what map one looks at. The interpretations by Richmondshire District and North Yorkshire County Council of government policies and government guidelines on planning, as well as the procedure for Public Enquiries, are turned upside down to suit any given argument. The goal posts are simply on wheels. Not even the definition of the word "loop" can be agreed upon. A loop returns to where it started, or as near as possible. It certainly does not mean that it links the A6108 with the A684. It also means that the government does not want to see rat runs and badly designed roads which are made even worse by adding additional traffic to them without making any alternative arrangements. They talk about traffic calming measures on the one hand and say they will not pay for any on the other. There is no logical reason why Dale Grove, Wensleydale Avenue and Brentwood should not remain cul-de-sacs and the provision of emergency access would adequately deal with any other considerations.

I have now fought for seven years to protect my home, which was in a cul-de-sac when I bought it, against becoming part of a planning concept which was first established some thirty years ago. This eventually culminated in the Public Enquiry of 1997 and the interpretation of H M Inspector Mr M Turner's findings, was, in my view, satisfactory. See **Exhibits BB3 and BB4**.

In about June 1999 Brentwood was unilaterally, and without reference to anybody, made into a major access road by being joined to the Maythorne council estate. (I refer in particular to Exhibit C in my submission of 25 February 1997). On objecting I was told by the District Council that a) Mr Turner had not referred to Brentwood remaining a cul-de-sac in his report, see **Exhibit BB5**, and b) there was a current planning permission to link Wensleydale Avenue with Brentwood, see **Exhibits BB6 and BB7**. I draw particular attention to the last paragraph of Exhibit BB6 which more or less suggests that they will listen to the residents of Brentwood but take no notice of them. To date neither of these statements have been verified. In addition, the Highway Authority, in conjunction with Richmondshire District Council, then decided to hold a referendum on H M Inspector Turner's report. This referendum was intended to quash the views of the people who were affected in real terms, namely the residents of Brentwood. It was not a genuine fact-finding exercise. Since the road was opened unilaterally, nothing in the entire chain of events has been lawful, reasonable, fair or technically justifiable and both Richmondshire District Council and the North Yorkshire County Council Highway Authority are now playing ping-pong with this issue. They have accepted that the grievances which I and other Brentwood residents have expressed are valid but for reasons best known to them, have decided to completely ignore them. The about turn by the County Council has not

been explained. I draw your attention to a letter from County Councillor Mike Childs dated 6 June 1997 to the previous Inspector, Mr Turner, **Exhibit BB9**, and a letter from the same Councillor to a resident dated 30 March 1998, **Exhibit BB10**.

On 5 January 2000 a planning officer stated to the Planning Committee of Richmondshire District Council "... Such an arrangement would probably increase traffic in Brentwood with implications for the safety and amenities of residents and the increasing use of the awkward junction with the A684". He refers to a "very finely balanced decision". Why create such a situation in the first place, contrary to Mr Turner's advice in his report? A letter to residents from North Yorkshire County Council Highway Authority dated 13 October 1999 states "The representations have been given careful consideration by the County Council's local Area Highway Sub-Committee, who have requested that possible alternative arrangements should be considered. Members of the Sub-Committee were also concerned that current highway design standards do not recommend this type of through road for environmental amenity and safety reasons." See **Exhibits BB11, BB11a, BB11b, BB11c and BB12**.

The whole process has been fraught with double speak on the part of Richmondshire District Council and North Yorkshire County Council and proper procedures have not been followed. There has been a massive failure to declare interests, at both County and District Council levels. See **Exhibits BB14, BB14a and BB14b**. The most surprising revelation is a letter from Richmondshire District Council dated 19 August 1999 which states that the District Council has not consulted the residents of Brentwood on the subject. See **Exhibit BB15**.

Richmondshire's Development Brief 32 is quite clear and supports the argument of the residents of Brentwood but we are not given the benefit of that Development Brief. What has happened on the ground is not the same as what is said in the District Plan, nor has the District Plan been applied as a result of the Public Enquiry. In fact on 15 April 1996 Mr Paul Steele for Richmondshire District Council said in his letter to me "In your case, your letter is extremely clear and you may care to note that I have logged it as an objection 0001 to Development Brief 2 which deals with the Maythorne housing development". See **Exhibit BB8**. Again, what was "extremely clear" in 1996 became extremely unclear in 1999. The point is that there was an overall intention to link Richmond Road with Northallerton Road, referred to as a "spine road", and Brentwood would have become part of that spine road. My objection and those of others were "extremely clear", namely to keep Brentwood as a cul-de-sac and Mr Turner addressed that objection. There is no point in having District Plans when we are at the whim of the Planning and Highway Authorities who change our entire environment to our substantial detriment on a day to day basis. Again, the latest planning permission for what is sometimes called Maythorne I, Maythorne II, Brentwood, or nothing at all, shows under Item 6 and Item 16 the requirement to install a "spine road" which is clearly intended to bring about a thirty year old plan. See **Exhibit BB27**. The burden of proof to show benefits in terms of safety, good planning, sensible purpose and enhancement lies with the public authorities and to date the only beneficiary of what has been done since the Public Enquiry is the developer. The Wednesbury Principle has been totally ignored by both local authorities. My letter to Mr Knight dated 16 February 2000, Monitoring Officer of North Yorkshire County Council, **Exhibit BB13**, has not resulted in any revision of thought, although, quite clearly, **Exhibits BB16, BB17, BB20 and BB21a** favour our argument. A request to let residents have a copy of a Road Safety Study, **Exhibit BB19**, has not been answered. A letter from the Chairman of Area I Sub-Committee dated 16

July 1999, **Exhibit BB24**, seems quite conciliatory but what he considered urgent at the time suddenly disappeared in the sand. There seems to be no record of the discussions of the two councils and the developer, and residents were specifically excluded.

Because I have tried to defend my home, I have been pilloried by Richmondshire District Council and substantial defamatory comments have been made in both the council chamber and the Press. In my efforts to research details for this current Enquiry I was arrested at the Chief Executive's behest but not charged. To date public documents have been denied to me and my solicitor and efforts have been made to prevent me from submitting my comments to this Public Enquiry. Furthermore, communications between the officers responsible for the Enquiry and myself have been interfered with. It is a slur on my character and a deliberate provocation with the purpose of forcing me to withdraw. To suggest that I get satisfaction from fighting this grave injustice is appalling. In the last two years I have had four emergency hospital admissions and over the last four years I have received intensive cancer treatment. I would rather have spent my energy on more beneficial pursuits. It is nothing short of disgraceful that local authorities, and in particular Richmondshire, should put so much pressure on the sick, elderly and defenceless. It should be remembered that this is a Public Enquiry undertaken by the Secretary of State and Richmondshire District Council merely assists by providing administrative facilities. It is not their Enquiry. It is furthermore disgraceful that minutes show that objectors should be dissuaded from appearing at this Enquiry in person.

My letter to Richmondshire District Council's Monitoring Officer dated 24 January 2000, **Exhibit BB22**, and two letters from my solicitors to Richmondshire, **Exhibits BB23 and BB21**, show the difficulties in obtaining any sensible response from the planning authority. Indeed, there is a serious question mark over how the development referred to as **Exhibit BB27** is going to impact the existing properties in parts of Brentwood in terms of surface and land drainage. No reference appears to have been made to this and no study seems to be available. Drainage has been a major issue on the Brentwood estate in the past because of the unfavourable soil conditions. Again, without consultation and no doubt to the benefit of the developer who wanted to supply electricity on the cheap, a massive H-pole has been erected in the vicinity of our property. Why should the developer be accommodated to the disadvantage of the residents?

Exhibits BB1 and BB2 show the area layout. There is also a set of photographs enclosed which underlines the aforementioned arguments.

I understand that the Royal Association for the Disabled have contacted both councils because they too are concerned about the safety of the many disabled residents who live in Brentwood. I cannot produce any documentation because I am not privileged to these communications.

An enormous amount of correspondence has been produced on this subject and it would serve no purpose to make the entire correspondence available. However, I have endeavoured to produce the key correspondence to substantiate the argument.

MAIN ARGUMENT

On 19 August 1999 I produced a "Summary of the Legal and Historical Position of Brentwood as a cul-de-sac". It is this document which now follows and is part of the core

of my submission. Please bear in mind that this was written to NYCC and I have left it in its original state:-

Planning

The Maythorne Estate was built after the war and has never had access to Brentwood until barriers were unilaterally removed by the present developer, Dick Garner & Sons, a few weeks ago. All the people of Maythorne etc were fully aware of the circumstances in which they had found themselves in terms of traffic regulations. They have never objected to that situation in the past. Whilst the link would give them more choice in terms of in which direction to go, the absence of such a link is not a serious and substantial disadvantage to their safety, amenity or reduction in value of their properties. To the contrary, it would be safer for the residents of Wensleydale Avenue not to have a through road and a through road would most certainly de-value their properties. Furthermore, it can be reasonably argued that a through road past an infants' school is undesirable. The school traffic is no worse than at any other school but to combine that with through traffic would also have an unwelcome effect. At least everyone knew the situation and progressed slowly. The largest problem has always been inconsiderate parking and, whilst the council has provided more parking bays, more could be done on that score.

The first records of development of what is commonly known as the Brentwood Estate go back to an outline planning permission dated 4 June 1974, reference 1/78/2/PA. This was superseded by a further outline planning permission on 2 September 1975 under reference 1/78/50/PA. This planning permission stipulated that all reserved matters should be presented no later than 1 September 1978. It is interesting to note that the area covered is virtually one-third of Leyburn and one may well question the prudence of giving such blanket permission to a small developer because, as it stands, this site is not likely to be completed within 30 years of the original planning permission.

In order to secure the conditions of the original outline planning permission, a detailed planning permission covering all reserved matters would have had to be submitted by 1 September 1978 for the entire area covered by the original outline planning permission. That appears not to have been done. In fact, the detailed planning permission dated 28 January 1976, reference 1/78/50A/PA, only covers part of the original outline planning permission. At this stage there is no evidence, judging by the documents supplied by Richmondshire District Council, that the conditions of the original outline planning permission dated 2 September 1975 remained valid. It is furthermore quite clear that none of the reserved matters of that planning permission were ever fully complied with and that substantial changes were made in the intervening periods through new planning applications. Whenever new planning applications or amendments of planning applications are made, the latest and most up-to-date criteria in planning, road design and construction should be observed. That has clearly not been done and the District Council, as planning authority, has failed in their professional and fiduciary duty, not only the public at large, but, as it now turns out, individual ratepayers. It is common practice for planning authorities to aim to bring up-to-date issues on outstanding developments. This is particularly so when it can be done without causing detriment to the developer or surrounding residents. They should also take into account the codes and practices of the highway department, in this case your published manual. This had been available to them for some time. The part of the site in question was in fact not developed until after the Public Enquiry and Richmondshire District Council as planning authority failed to adequately deal with this issue in their District Plan. They also failed to take account of H M Inspector's findings, and indeed now, their own District Plan.

If we go back to the outline planning permission of 2 September 1975, we find that, under 5a, there is a reserved matter. This places upon the builder an obligation to produce a plan "which will permit eventual road links". H M Inspector quite rightly observed under 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". Clearly, in light of the aforesaid, Richmondshire District Council as planning authority should simply have waived this condition, particularly in view of the Inspector's findings, and due to the fact that it would make no practical difference to the developer. It is not right to say that the developer needed to apply for such a waiver. The planning authority should, as a matter of common sense, have taken the initiative to do so, and aided the highway authority in discharging their obligations in relation to the Inspector's findings and the District Plan.

I will not quote you the rest of the Inspector's findings and the wording of the District Plan because I am sure you are familiar with these.

Perhaps you will also agree that plans drawn up in 1974 cannot be relied upon in 1999 when traffic conditions, policies and attitudes have changed. I refer you to Enfield London Borough Council v Secretary of State for the Environment (1974 233 Estates Gazette 53).

It is interesting to note that none of these documents, which Richmondshire District Council as planning authority was obliged to make available to me at the Public Enquiry under disclosure, were made available. Had they been, I could have effectively have laid this matter to rest then.

We now find that Richmondshire District Council claim that the Public Enquiry did not deal with the link between Brentwood and Wensleydale Avenue but with the link between Brentwood and another potential development. This cannot be a serious point. As I have already said, the District Plan was incomprehensive, in parts woolly, and even inaccurate. Both the objectors and the Inspector can only do their very best with what they have in front of them and it was a failure on the part of Richmondshire District Council as planning authority not to expand on this issue more fully. However, the issues which I raised were very clear to me and to the residents of Brentwood, on whose behalf I presented the case. They wanted nothing to be done which changed the nature, traffic conditions, or the amenities, of their cul-de-sac. Whatever sub-heading this came under in the District Plan, it is that which I addressed, perfectly properly, and it is that to which the Inspector also addressed himself. Anyone who reads my submissions and the Inspector's response can be in no doubt about this. Furthermore, as a result of subsequent correspondence with the planning authority, it was quite clear that that was the issue which was eventually incorporated in the District Plan. Therefore, one does not only rely on the wording of the District Plan itself but on the correspondence which led to that wording. I refer in particular to letters between Fox Hayes, Solicitors, and Mr Paul Steele, the Principal Planning Officer.

Leyburn Town Council

In about 1994, when residents became concerned and aware of what was going on, I raised this matter with the then Chairman, Mr Clifford Scott, who was also a District Councillor for Leyburn. I asked him to arrange a public meeting so that the views of the people affected could be ascertained. He refused, presumably with the agreement of the

Town Council, and stated that he was in conversation with Cllr Michael Heseltine and the Principal Planning Officer, Mr Brian Hodges. At the time, Leyburn Town Council also took a vote on whether Brentwood should remain a cul-de-sac. Councillors voted that Brentwood should remain a cul-de-sac. The validity of that vote was subsequently challenged by Cllr Scott. That was the end of Leyburn Town Council's interest in the matter and they made no representation at any stage, either before consultation on the Draft Plan, during that consultation, at the Public Enquiry or at any other time. Their current interest has more to do with personalities than with real issues.

Public Consultation

Over the last six years, the people of Brentwood have consistently made representation to the planning authority, and on two occasions to the highway authority, asking for the road to remain a cul-de-sac. Most residents are retired and elderly and do not necessarily have the ability to pursue such a prolonged argument, which has now lasted for six years. The first petition which was presented to you was taken round by a lady of over eighty, and another lady of over seventy. The Public Enquiry was attended by my wife and myself and about £2,000 was spent in legal costs, expenses and time. We were commended by H M Inspector for our presentation. The argument continued further over the wording of the District Plan and now a second petition has been placed before your authority. You must bear in mind that in view of the type of residents in Brentwood, the workload falls on a few shoulders and we are all fatigued. It is an abuse of the people who are doing no more than trying to defend their home and we cannot improve on the wording which H M Inspector used in his report. Neither the Town Council, nor anybody else, opposed the residents of Brentwood at the Public Enquiry apart from Richmondshire District Council as planning authority. They lost their argument and we won ours. If anyone would have wanted to challenge H M Inspector, they should have done so on a point of law in the High Court. They did not. If anyone wanted to challenge the District Plan, they should have done so during the stipulated period in the High Court. They did not. All avenues of public consultation had been adequately exhausted. What we now find is that some people are griping on the sidelines, not willing to put their hand in their pocket or to put the work in which the residents of Brentwood have done because they want something which is of marginal benefit to them but substantially detrimental to the people of Brentwood. To give in to this would be against all natural justice. To hold a further public referendum would neither satisfy the conditions of a Road Traffic Order, nor change the effectiveness of H M Inspector's findings or the District Plan. It would only cause controversy between those who have a legitimate and substantial interest in protecting their homes, and the value thereof, and those who have a notional interest in wishing to add a further option to their travel. All that is of course done without any commitment on their part and on the cheap. Let the County Council and the residents of Brentwood pay for it. It would be totally against the Wednesbury Principle to give way to these notions. The search on our property did not show that we were to be linked to a council estate.

Highways

The District Plan and H M Inspector's findings place an obligation upon the highway authority also. The highway authority must take into account their own policies and government guidelines, both of which are incorporated in their manual on residential roads. There was also unanimous cross-party support for the plight of the residents of Brentwood. I refer in particular to the efforts of Lady Harris, and County Councillor Mike Childs in his letter of 28 March 1998 to Mrs Farnell of Brentwood "There is total support at County Hall to keep Brentwood a cul-de-sac". I think the situation could have

been handled better. It is always best to place before people what one intends to do, in the light of the Inspector's findings and other matters, rather than leave it to people's imagination as to what might happen and ask them to comment on that. Having mishandled that somewhat, it would not make sense to make matters worse by holding a referendum involving half the people of Leyburn. What would that achieve? It would not overturn the Inspector's findings and the District Plan, since those would be matters for the High Court, nor would it be of any value in relation to a Road Traffic Order because the procedures for that are clearly laid down.

It seems therefore obvious from all that has been said above that one can safely ignore the planning angle because there is no substance which hinders the imposition of a Road Traffic Order. Everything is in favour of making a Road Traffic Order and separating these two roads as best the County Council, as highway authority, can manage. Where there can be no agreement, and I doubt whether there ever will be, then the decision will have to be made on its merits and on the basis of the Wednesbury Principle. The highway authority is therefore obliged by law to consider H M Inspector's report, the District Plan, the two petitions from the residents of Brentwood, their own policy as referred to above, safety, amenity, property values, government guidelines, and indeed reasonableness and natural justice.

I have already suggested to you where the bollards might go. In my submission, this would satisfy the majority of people and cause no hardship to anybody. It would also be a reasonable solution from a technical point of view. The two properties immediately at the end of the hammerhead of Wensleydale Avenue were built after the Public Enquiry and their solicitors would have been responsible for making a proper search. I am sure that these people must in any event find it preferable to be at the end of a cul-de-sac than on the corner of a major access road. These proposals would therefore not be detrimental to them but of benefit. The view of the developer is of no importance as a Road Traffic Order affecting land already part of the public highway has no effect at all on his plans or development. To the contrary, if he develops in what is effectively a cul-de-sac, his properties would realise higher prices. Whilst you have given an assurance to Leyburn Town Council that you would consult, you would honour that letter through consulting within the confines of a Road Traffic Order. Therefore, you would have done everything which could reasonably be expected of you.

I hope that North Yorkshire County Council as highway authority will seek to be reasonable and will act lawfully, and not blight the properties of the people of Brentwood, and maybe even those of the people of Wensleydale Avenue. The time has come, with or without the co-operation of the District Council, to take a lead in this matter and to allow all of us to get on with our lives.

SUMMARY AND PLEA

Both local authorities have failed to take on board the findings of the previous Enquiry under H M Inspector Turner. The alterations which have been made on the ground are contrary to his recommendations, the government's Design Bulletin 32, Richmondshire's Development Brief 32, North Yorkshire County Council's Highways Design Manual, Richmondshire's District Plan, natural justice, the Wednesbury Principle, the interests of the residents of Brentwood in terms of environment, security, safety, amenity and property values, and common sense. At no time have either of the two authorities shown

the need to link Brentwood, Wensleydale Avenue and Dale Grove, nor has North Yorkshire County Council ever explained their constantly changing position.

I therefore ask this Enquiry to find that both local authorities have conducted themselves improperly and that alterations have been made on the ground which do not reflect their declared policies or government guidelines.


APPLICATION FOR COSTS

If H M Inspector agrees with my submission, I would respectfully ask that costs be awarded against Richmondshire District Council for their unreasonable behaviour in this matter.

DECLARATION

We hereby declare that the above submissions are, to the best of our knowledge and belief, true and correct.

Leyburn, the 30th of June 2000


Bernard Borman


Sarah Borman

LIST OF EXHIBITS

- BB1 Layout of Leyburn
- BB2 Site layout
- BB3 Submission to the previous Enquiry
- BB4 H M Inspector's Report on the previous Enquiry
- BB5 Letter from Cunnane Town Planning dated 26 February 1998 showing clearly that at that time everyone was talking about Brentwood as a cul-de-sac. This was later challenged by RDC.
- BB6 Letter from RDC to various residents dated 1 December 1994 which shows in the last paragraph that RDC has no intention of listening to objectors.
- BB7 Letter from solicitors dated 5 May 1998 to RDC pointing out some difficulties.
- BB8 Letter from RDC dated 15 April 1996 which shows that they were "extremely clear" that the issue was Brentwood as a cul-de-sac and showing that they gave it the reference number which appeared in the District Plan.
- BB9 Letter from County Councillor Mike Childs to H M Inspector dated 6 June 1997 supporting the residents of Brentwood. He presumably acted also on behalf of North Yorkshire County Council.
- BB10 Letter from the same County Councillor to a resident dated 20 March 1998 which again shows that they County Council supports the residents.
- BB11 Submission by Brentwood residents dated 14 January 2000 in relation to BB11a, BB11b, BB11c and BB11d. These Exhibits should be seen together.
- BB12 Letter to residents from the Highway Dept of North Yorkshire County Council dated 13 October 1999. It states quite clearly that even they believe that the Brentwood road does not come up to their own and government highway design standards and they acknowledge the safety and amenity problems.
- BB13 Appeal to NYCC dated 16 February 2000 via their Monitoring Officer. No satisfactory answer was received. Indeed, representation to their Standards Committee was refused without reason and a letter requesting this was not answered.
- BB14 A letter dated 23 February 2000 to the Highway Authority's engineer asking for clarification in relation to a previous letter. This must be seen with BB14a and BB14b.
- BB15 Letter from RDC dated 19 August 1999 admitting that the consultation process has not taken place.
- BB16 Letter from the National Playing Fields Association dated 6 April 2000 showing that the new road arrangement is unsatisfactory.
- BB17 Letter from the York and North Yorkshire Playing Fields Association dated 22 March 2000 which would not recommend the present road arrangement.
- BB18 Letter from Brentwood Area Residents' Association dated 23 March 2000 to RDC supporting this submission.
- BB19 Letter to RDC dated 25 February 2000 asking for details of a Road Safety Study which should have been carried out. No reply was given.
- BB20 Letter to the Highway Authority from North Yorkshire Police dated 5 January 2000. BB20a is a letter from the Fire Authority dated 17 December 1999 to the Highway Authority.
- BB21 Letter from solicitors to NYCC and RDC dated 20 March 2000.
- BB22 Letter to RDC dated 24 January 2000 stating yet again how RDC has failed to deal with this issue properly
- BB23 Letter from solicitors to RDC dated 5 August 1999 reminding RDC of their failure to deal with this issue properly

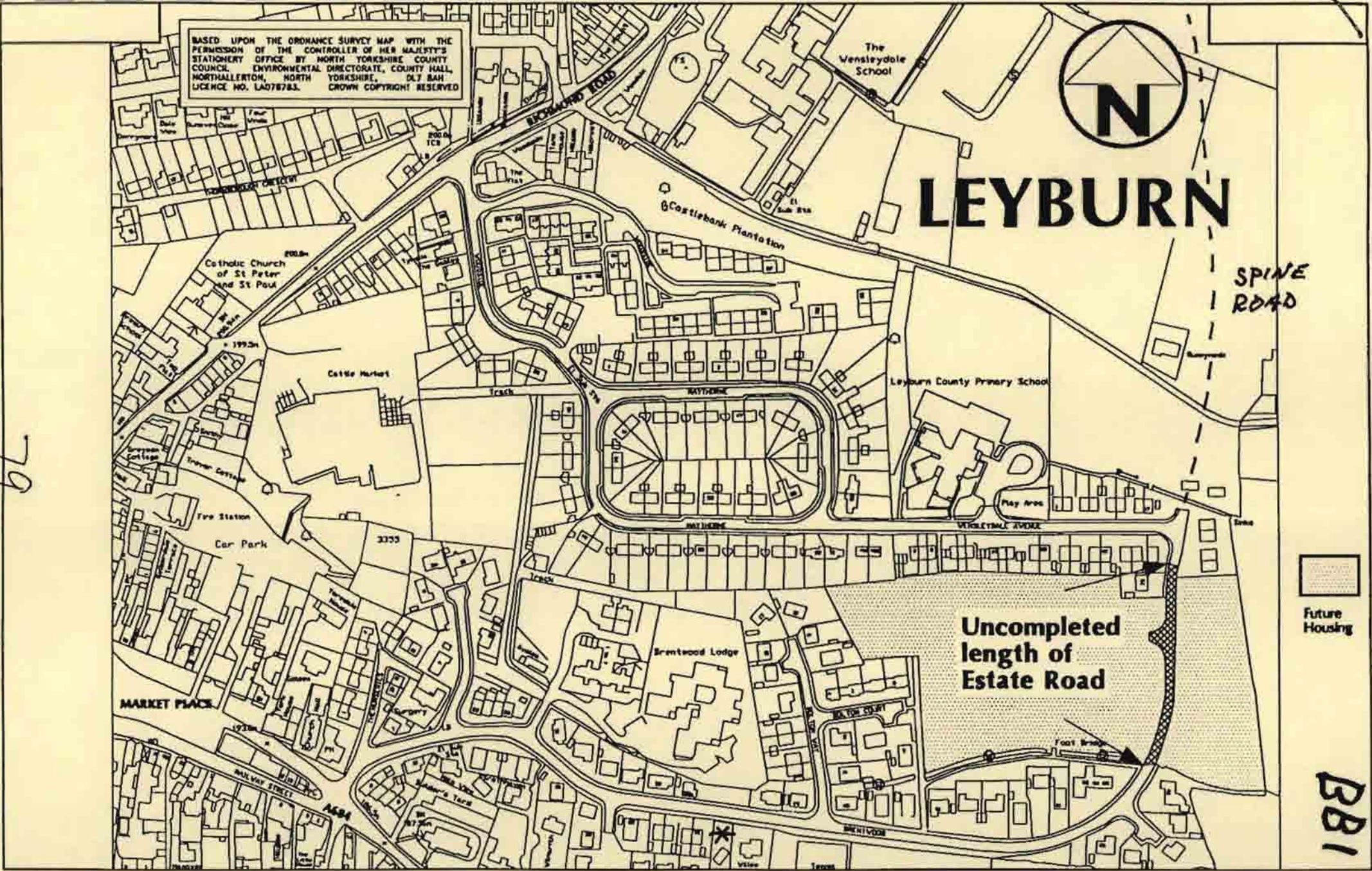
- BB24 Letter from Chairman of Highways Area 1 Sub-Committee dated 16 July 1999 which speaks of an urgent item. This urgency has suddenly evaporated.
- BB25 Letter from the Government Office for Yorkshire and the Humber dated 14 February 2000 advising that the matter should be taken to an Enquiry
- BB26 Relevant details of the government's Design Bulletin 32
- BB27 Planning permission in relation to what is sometimes referred to as Maythorne I, Maythorne II, Brentwood, Maythorne Farm or whatever name they choose at any given time.
- BB28 Affidavits by Messrs G R Dyson, J Hayton and G Kane

BASED UPON THE ORDNANCE SURVEY MAP WITH THE PERMISSION OF THE CONTROLLER OF HER MAJESTY'S STATIONERY OFFICE BY NORTH YORKSHIRE COUNTY COUNCIL ENVIRONMENTAL DIRECTORATE, COUNTY HALL, NORTHALLERTON, NORTH YORKSHIRE, DL7 5AH LICENCE NO. LA078783. CROWN COPYRIGHT RESERVED



LEYBURN

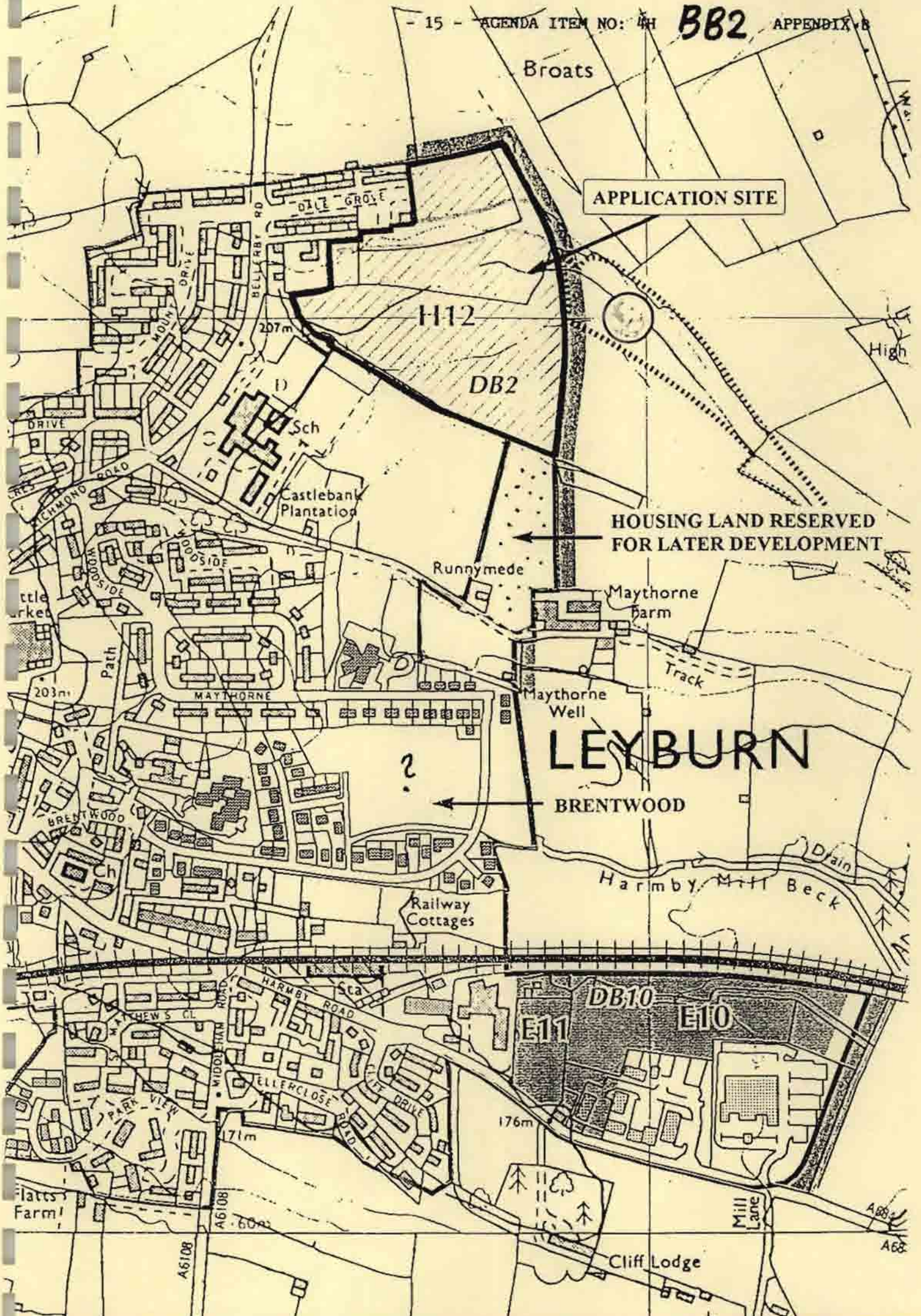
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SPINE ROAD

Future Housing

BBI



883


Ref: 36-117-117a-0001

RICHMONDSHIRE LOCAL PLAN ENQUIRY
Swale House, Frenchgate, Richmond, N Yorkshire DL10 4JE

Opening date Tuesday 25 February 1997

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

Objector:
BERNARD BORMAN



Index, with notations for easy reference

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- 2 Exhibits
 - A Design Guide showing County policy
 - B Statement from Mr John Hayton, a former Police Constable
 - C Statement from Mr Anthony D Rix, FSVA IRRV AIBA detailing reduction in property values
 - D Letter to RDC, 15/10/96, no reply received
 - E Acknowledgement from RDC, 17/6/96, of petition, also casting doubt on existence of Plan
 - F Acknowledgement by RDC, 14/9/96, of concern over link
 - G Letter to RDC, 18/9/96, drawing attention to undeclared interests
 - H Internal memo, 25/7/96, concerning Working Group (what is the legal basis for all this?).
 - I Letter to Cllr Scott, 21/5/94, drawing attention to difficulties
 - J Letter to Leyburn Parish Council, 20/12/94, (Cllr Scott in Chair), drawing attention to the fact that council policy had not been followed
 - K Letter from County Councillor and Parish Councillor Mike Childs
 - L Letter from Parish Councillor John Winstanley
 - M Set of photographs

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

Area

Whilst this submission is essentially concerned with Brentwood, the impact of what appears to be proposed, although one can by no means be certain that this is the actual proposal, will affect Brentwood, its side streets, Wensleydale Avenue, Dale Grove and other roads yet to be built. This covers more than half of Leyburn and has a substantial impact on the whole structure, affecting over 250 properties.

History

There seems to be no evidence that any infrastructure for the development and expansion of Leyburn has ever been laid down in any District Plan. There are rumours afoot about extensions and linking of roads which were known to a select few some 30 years ago. Since then, two substantial changes have taken place a) Traffic has increased beyond expectations, and b) The policy on road layout and associated planning matters is against through-roads in residential areas. Guidelines were issued in this respect in 1994 by North Yorkshire County Council and I will refer to these guidelines in my submission. In 1993 this subject was raised at the Leyburn Parish Council when Cllr Clifford Scott, also District Councillor, was in the chair. He expressed a number of personal views on this matter and stifled debate. The request for a public meeting to discuss the impact on Leyburn of the "apparent" proposals was quashed. Bearing in mind that Cllr Scott at the time also spoke as a District Councillor, he undertook to discuss this matter with all parties concerned. One should be able to assume that that also included people who may not have shared his view. In fact, he took no action at all other than to peddle the view of the Senior Planning Officer for the area which was that the plans already in existence would be pursued. On the basis of this thoroughly unsatisfactory response and clear the attempt to prevent the public from expressing its view, I wrote to 50 householders on Brentwood inviting them to write to the Planning Department. Many did so and opposed Brentwood becoming a through-road. The Planning Department's non-factual response was that the plans, which had been in existence for a considerable time, could not be changed. This correspondence was not passed to the team compiling the Draft Plan. I know this because I specifically asked Mr Paul Steele whether he had seen this correspondence. He confirmed that he had not.

Draft public consultation

I attended the exhibition at Leyburn Community Centre and whilst there were some sketchy comments about the plans for Brentwood, Wensleydale Avenue and Dale Grove, no sketches or maps were available showing, in a precise and unambiguous way, what was planned. Consequently it was impossible for anyone to get any indication at all of what was proposed and how many properties would be affected. Clearly, whatever was proposed did not go further than the desk of someone in the Planning Department. As a result, a layman not familiar with planning procedures would not be able to recognise how changes would affect his property, amenities and safety. Again, I drew Mr Paul Steele's attention to this fact. The Draft Plan itself shows absolutely nothing of any relevance and to-day's Brentwood is shown as a field. The maps used are approximately 30 years out of date. Not surprisingly, people in Dale Grove and Wensleydale Avenue may not be aware at all of any of these discussions or problems. I submit that Richmondshire District Council has acted secretly and has failed to discharge its legal duty of public consultation. Therefore, proposed plans for making Brentwood into a through-road, and indeed many other issues, are probably illegal because nothing of this and any further development is legally included in the Draft Plan. The public

has a statutory right to consultation because it affects the value, amenities and safety of its properties. It is not a matter to be brushed aside by some minor Council official. In view of this, some residents organised a petition to test the strength of feeling amongst residents of Brentwood and its side roads. Over 80 people, that is nearly all, expressed their opposition to making Brentwood a through-road. I would like the Honourable Court of Enquiry to take particular note of this fact because, at the end of the day, the Council's policy should reflect the views of the electors and residents, unless of course such views were totally absurd. In this case the views of the objectors are not absurd but conform to the guidelines issued by North Yorkshire County Council on road construction in residential areas. It is a particular feature of these guidelines that residential roads should take into account amenities and safety, as well as pleasant design. The guidelines furthermore refer to the need for residential parking and children playing, as well as deterring criminal elements. It is quite clear from the sketchy information one can glean from Richmondshire District Council that it has fallen foul of just about every recommendation. In the draft document, Richmondshire District Council glibly refers to a "spine road". This term is not recognised in the County Council's document on road construction and traffic management. Richmondshire District Council has shown a totally unprofessional approach and allowed development to continue on a "suck it and see" basis at the expense of residents. Because of this unsatisfactory situation, I and some other residents decided to put their case before the Honourable Court of Enquiry.

Technical objections

The junction of Brentwood with Railway Street is most complex and dangerous. It is almost blind as far as traffic coming from the right is concerned and, immediately adjacent, there are further junctions with the Market Place feeder road and Nursery Avenue, as well as a substantial bend and a further side road. None of these junctions conform to the technical specification of a through-road within the definition of the North Yorkshire County Council document. Traffic is furthermore complicated because these roads are also used for parking for the town centre, the cinema, the churches, the surgery and of course residents. At times, and particularly in summer, Brentwood can be parked up as far as the tennis courts. Therefore, by "definition of factual use", Brentwood is not capable of being a through-road. Further along, we have Brentwood Lodge, which is a residential and nursing home, and the St John's Home for the Disabled. These residents have specific needs and a through-road would endanger these people. Most people in Brentwood are retired, ie, there is an elderly population which needs to feel safe on its own road. A through-road would threaten their safety. Brentwood is constructed with bends and curves but also with long, straight stretches. This would be used by through-traffic as a race track and is likely to encourage inexperienced drivers to approach the danger spots mentioned above at a totally unreasonable speed. The road is not constructed according to the guidelines of North Yorkshire County Council and in line with modern planning. To make it a through-road would produce unacceptable danger to any resident in Brentwood.

It is right in this context to give consideration to other issues. Much has been said about the difficulties surrounding school buses for the Infants' School in Wensleydale Avenue. It is not in the interests of the safety of school children to turn the road in front of their school, which is presently a cul-de-sac, into a through-road so that children would have to dodge parked vehicles and through-traffic. The solution to that problem must be better parking facilities in the school grounds and proper parking bays for residents of Wensleydale Avenue. North Yorkshire County Council Education Committee sited this school in a difficult spot without making any provisions at all for access. That is simply achieving something on the cheap at

the expense of school children's safety. The suggestion that linking this road with Brentwood or any other road would make this safer is a fallacy and must be resisted. In any event, why should the 80 residents who signed the petition in Brentwood be disadvantaged because the County Council wants to do something on the cheap? The current junction of Wensleydale Avenue and Richmond Road does not conform to North Yorkshire County Council's standards for a through-road. It is a blind junction for traffic coming from the right. If one moves further along and looks at the junction Dale Grove/Richmond Road, one finds in fact a crossroads. This again does not comply with North Yorkshire County Council's guidelines for through-road junctions and any additional through-traffic at this crossroad is likely to create an accident blackspot. This junction meets with a fast "A" road. Dale Grove itself is a quiet residential road and is not constructed to become a through-road. There is furthermore serious doubt whether the construction of any of the roads mentioned conform to modern standards relating to through-roads. Although Richmondshire may say that people would be discouraged from using these residential roads, presently cul-de-sacs, as rat-runs or through-roads, the facts of life are invariably different. People are likely to be encouraged to use this combination of newly-linked roads as a bypass to get from Richmond Road onto the Harmby Road. It is also an obvious candidate for routing buses.

Amenities


I think it is accepted that residents are entitled to see their amenities protected. What is proposed, as far as one can tell from the sketchy information, is likely to create substantial noise disturbance, make properties more accessible to criminals, encourage heavy goods vehicles to bypass the town centre and increase speeding because of the peculiar construction of Brentwood, to the point of unacceptability. Many people to whom I have spoken tell me that they were told that Brentwood would remain a cul-de-sac. This road has currently a semi-rural character and to maintain this character is absolutely essential, bearing in mind the two substantial nursing homes and the mainly retired population. It is a natural break between the industrial part of Leyburn and the residential part of Leyburn. A through-road would devalue properties.

Conclusion

One could understand the need for a compromise or change were it for the public good. This is not the case here and this situation has been brought about by a lack of planning and the incompetence of Richmondshire District Council over a number of years. Great blame must also be attached to the two District Councillors, namely Cllr Clifford Scott and Cllr Keith Jones, who have done nothing to represent the views or needs of residents of Brentwood and other areas on this vital question of infrastructure. There is still an opportunity to improve the situation and this is either seriously attempted now, or any further developments must be halted until the infrastructure has been sorted out in the light of the latest designs. We must have full public consultation, which so far has been denied to the entire population affected by these measures. Brentwood should not be allowed to become a through-road unless one wants to virtually steamroller the sound views expressed by almost all its residents.

I therefore invite the Honourable Court of Enquiry to find that Brentwood is in fact a cul-de-sac and shall remain so.

28th November 1996



BB3

A

North Yorkshire County Council "Residential Highway Design Guide 1994"

Extracts from the above guide relating to this issue

The Design Guide does not recognise the term "link road" or "spine road" as these appear in the council's documentation. It does, however, refer to **Local Distributor Roads** which are not "A Roads" or "Trunk Roads" but **without direct access to properties**, and **Residential Access Roads** which link dwellings to the Local Distributor Road.

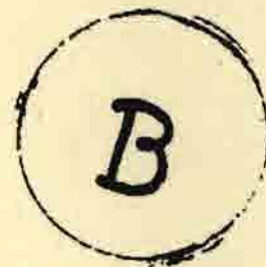
Brentwood, Wensleydale Avenue and Dale Grove are Residential Access Roads. The proposal is to make them into Local Distributor Roads with a direct link to "A Roads". This brings the proposal into direct conflict with the above-mentioned Guide which, under Section 2, states:

"... part of visual environment often used as play space. Residents require convenient access to their properties for themselves, visitors and service vehicles. A safe and attractive environment and security for their property and vehicles. The Local Highway Authority will be concerned that the above requirements are met. Road layouts should be designed to keep both speeds and traffic flow low. Major traffic should be accessed from distributor roads rather than from access roads. The use of residential roads by non-access traffic should be discouraged. Security is a major issue."

Under Section 3, the Guide refers to:

"width of 7.3 metres, verges no more than 6% gradient, proper visibility splays at junctions, undesirability of a Local Distributor Road going through entire residential areas, conservation areas (Sandpiper and old hospital), junctions on the same side being at least 60 metres apart, parking area and drainage design. It also requires discussion with the Police" (this has never taken place).

BB3




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.

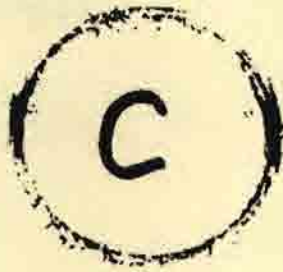
I am very concerned with the proposed "open road" through Brentwood to Maythorne Estate. The junction of the A684 with Brentwood is one with a very poor view towards the Market Place, further complicated by the "one-way" junction at the Sandpiper and another junction with The Nurseries. These junctions 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
31, Brentwood, Leyburn

21 November 1996

Anthony D Rix, FSVA IRRV AIBA
Property Consultant, Surveyor & Valuer



BB3
179A Upper Fant Road
Maidstone
Kent
ME16 8BX

Tel/Fax: 01622 727650
Mobile: 0976 276695

B D Borman-Schreiber Esq

7 November 1996

Dear Bernard

RE GREENWAYS, BRENTWOOD, LEYBURN


I refer to our recent telephone conversation wherein you requested my opinion as to the effect upon the value of your above property by the conversion of the current cul-de-sac into a through route serving a council estate.

As you are aware, I have been dealing with Town and Country Planning matters for some 30 years and also deal with compensation claims arising from road schemes, etc. In my opinion, the conversion of your present cul-de-sac into a through route would itself have a depreciating effect upon the value of your property. In addition, I am advised that the opening up of the cul-de-sac is to serve a council estate of some 250 houses or more. Such estates are not popular with private owners and can bring a number of inherent problems and difficulties with them. Inevitably, therefore, such a development is likely also to depreciate the value of your property.

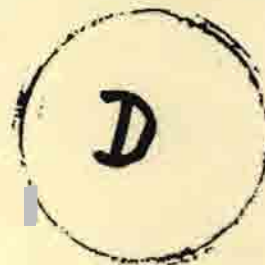
In my opinion, it is most wise for you object to any such proposals as above and I wish you every success with your objections. As to the actual depreciation in value, this would be a matter for a local valuer and I am sure that any such valuer would agree with my views as above.

With all best wishes.

Yours sincerely


Anthony D Rix, FSVA IRRV AIBA

BB3



[REDACTED]

Richmondshire District Council
Richmond

BY FAX 15 October 1996

Dear Sir/Madam

Could you kindly send me a copy of your planning guidelines concerning roads or through-roads in new residential developments, ie, what type of road do you prefer, and any other advice you may have in relation to this matter.

[REDACTED]

Bernard Borman

[REDACTED]

NO REPLY RICH.

Richmondshire District Council

BB3

E



Please ask for:

Mr P Steele

David Lawrenson
Corporate Unit Manager
Swale House
Frenchgate
RICHMOND
North Yorkshire DL10 4JE

Tel: 01748 850222
Fax: 01748 825071
DX: 65047 RICHMOND N Y

Harry Tabiner
Chief Executive

Gordon Beacall
Executive Director (Resources)

Our Ref: PS/PMF/9933
R/RLP/LO

Your Ref:

17 June 1996

Mary Farnell & Margaret Eve

Dear Mrs Farnell & Mrs Eve

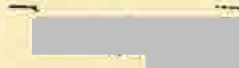
Petition in Support of Brentwood, Leyburn remaining a "No Through Road"

Thank you for your letter of 10 June attached to a petition urging the District Council to ensure that Brentwood remains a no through road. This undoubtedly is tied to the current stage in the Richmondshire Local Plan, which contains proposals for development land (most of which has now got planning permission) to the south of Dale Grove. Though the plan does not actually say so, a link through to Brentwood is obviously an issue we have to try to resolve.

I am afraid that I cannot at this late date admit your petition as a formal objection to the Local Plan, but you may be reassured to know that the "link road issue" was raised by four objectors to the Plan, and in dealing with their objections I will use your petition as background evidence. I think that that probably is as fair as I can go within the terms of reference given to me by the Council.

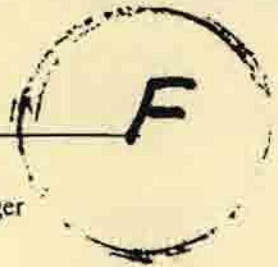
I will try to keep you abreast of progress on the Local Plan, and any further revisions we may need to make, but perhaps it would be as well to get in touch with me in the Autumn as we move closer towards the date when those revisions will be published.

Yours sincerely


Principal Planning Officer

Richmondshire District Council

BB3



Please ask for:

Paul Steele or
Jane Ringer

David Lawrenson
Corporate Unit Manager
Swale House
Frenchgate
RICHMOND
North Yorkshire DL10 4JE

Tel: 01748 850222
Fax: 01748 825071
DX: 65047 RICHMOND N Y

Harry Tabiner
Chief Executive

Gordon Beacall
Executive Director (Resources)

Ref: R/RLP/Issue117

14th September 1996

Dear Mr Borman,

RICHMONDSHIRE LOCAL PLAN: OBJECTION TO THE DEPOSIT DRAFT: THE BRENTWOOD/DALE GROVE 'LINK ROAD'

This is a short letter, simply to let you know that the Local Plan Working Group will be considering your objection to a 'link road' at their meeting on 3rd October [Objection 0001]. Our aim at this stage is to find ways of accommodating objectors wherever we can, without damaging the integrity of the Local Plan in the process.

This particular objection is very much concerned with highway safety, and I have sought the advice of the County Highway Authority on the issues involved. I have forwarded to them a copy of the four objections I received on highways aspects of the 'link road', and they will, in addition, be aware of a petition which has been assembled independently of the Local Plan process.

The Council expects to be able to publish changes to the Plan during the week beginning on the 18th November, but please get in touch if you would like to know before then how your objection is progressing.

[Redacted]
Paul Steele,
Principal Planning Officer

Mr B Borman
[Redacted]

BB3

G

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

18 September 1996

Your ref: R/RLP/OBJ 0002

Dear Mr Steele

Deposit Draft, Objection to Policy 42, Leyburn Business Park, B2

Thank you for your letter of 15 September. I am grateful that you and your colleagues have given this a great deal of consideration and I confirm that I will conditionally withdraw my objection if any reference to B2 is removed.

I have also received a letter concerning the link road Brentwood/Dale Grove wherein you refer to the Local Plan Working Group. I am aware that Cllr Clifford Scott is part of that Group. His mother-in-law, who lives in the Maythorne area, has publicly spoken in favour of opening up Brentwood as a through-road, connecting it also with Maythorne. Cllr Scott has taken the same line as his mother-in-law and made public statements in support of her. He has furthermore failed, as Chairman of the Parish Council, to carry out the Parish Council's instructions on this and, as a District Councillor, has failed to take account of the view of the majority who would be affected by a change in the present arrangements. I must therefore draw your attention to the fact that Cllr Scott has a vested interest in these discussions and is clearly not speaking on behalf of the residents who will be affected. He should therefore not participate in any discussions on this or be regarded as representative of the electorate.

Let me once again thank you and your staff for your courtesy and hard work in this matter.

Yours sincerely

Bernard Borman

cc: Cllrs John Winstanley and Mike Childs

LPWG - 25/07/96

BB3

H

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The Group's Own Terms of Reference

The Corporate Unit Manager submitted a written report about the establishment of "Ground Rules" under which incoming comments could be addressed by Members of the Local Plan Working Group.

RECOMMENDED: **THEY HAVE NO LEGAL POWER TO DO THIS!**

- (a) That decisions will be made on the basis of the best available information, and, if necessary, in the absence of a full complement of consultees responses.
- (b) That where a sufficient level of consensus exists for an objection to be resolved through a "reasonable compromise", that course of action should be adopted.
- (c) That where objectors expect a level of compromise which goes beyond the "reasonable", or sufficient level of consensus does not exist, the objection should be dealt with at the Inquiry, and no "changes" should be made.
- (d) That if the Group is in doubt as to the proper response to any objection, or there is a clear risk of counter objections arising from "changes", the prudent course of action would be to refer it to the Inquiry.

General Issues Relating to the Inquiry Process

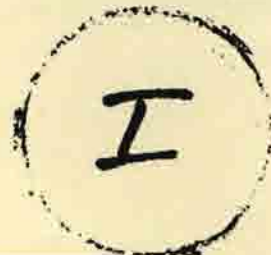
Further to Minute PRS16 (2nd May, 1996), the Corporate Unit Manager submitted a written report about the provision of resources for the Local Plan Inquiry.

RECOMMENDED:

That the principle of meeting unavoidable expenditure from the Inquiry Fund on matters detailed in the Corporate Unit Manager's report be accepted.

The meeting concluded at approximately 5.25 pm.

BB3



The Chairman, Cllr C Scott
Leyburn Parish Council
and all Council Members

21 May 1994

Dear Cllr Scott

Thank you for your letter.

A) BRENTWOOD

This matter was completely mishandled at the meeting on Monday, 16th May, and was your attempt to block a reasonably held view, supported by many residents, namely that Brentwood should remain a cul-de-sac. You are factually incorrect to refer to it as a proposal for "closure". It is closed and some of us want it to remain that way. Nothing stops the Parish Council from making such representation regardless of any existing planning or highway permission. This may well have been granted some 20 years ago but has so far not been implemented, and due to changes in traffic conditions, may also be ill-advised to be pursued.

The Council backed this view when Cllr Mason proposed to make representation, seconded by Cllr Winstanley. It was furthermore discussed at great length. You are now saying that this vote is invalid because it was not on the agenda and, in doing so, you are saying that any vote under "Any Other Business" or "Public Representation" is also invalid. Let us assume that you are right. It still leaves us with a clearly expressed view by the Council, which they legitimately discussed and concluded, and I suggest that this is therefore formalised at the next meeting and the agenda written up accordingly. It would be out of order if you were to make any attempt to chisel away at the clearly expressed view of the Council. Any further debate by the Council should be unnecessary unless specific amendments are tabled.

Your request that I should put my view to the Council in writing is absolute nonsense. What I said should have been minuted, as indeed the minutes should show what the Councillors said and how they voted. All you should concern yourself with is formalising the matter.

B) LETTERS FROM MR KING AND MR ORAM

I think it right that legal advice should have been obtained, which you did do. It is wrong that you did not give Councillors the chance to discuss this in "Closed Session". It is also wrong, in your agenda, to accuse the writers of having written libellous letters which in itself is libellous. Let us consider the facts:-

- 1 Messrs King and Oram have planning grievances which they are quite entitled to express.

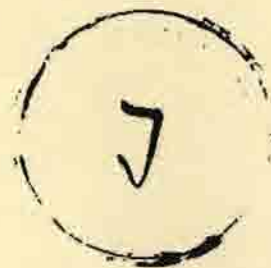
- 2 Messrs King and Oram came into possession of an anonymous letter which refers to their grievances.
- 3 Messrs King and Oram do not necessarily agree with the contents of that letter but because of links, they asked for an explanation.
- 4 Nobody condones such letters, which are in essence disgusting, but the grievances of Messrs King and Oram stand independently and deserve a reply.
- 5 The grievances of Mr King are not identical to the grievances of Mr Oram.
- 6 It is reasonable to ask Councillors why they have taken a certain view on planning matters.
- 7 It is not right to imply anything if anyone is a Freemason, which in many people's view is honourable.
- 8 Equally, there is nothing wrong in clearing things up once and for all - namely, why do Councillors of Leyburn not openly now declare their membership. After all, the Duke of Kent does!

I do, of course, not agree with either Mr King or Mr Oram. I am raising this point out of procedural concern as an elector of this Parish Council.

Let me in conclusion say that this Council represents the electors of Leyburn regardless of when they arrived here. I, too, have been subjected to "You did not have to move here" and "How long have you lived here?". I have news for those who feel that way. I will take an active interest in the town whilst I live here and my view is as important as that of any other member of the community. I therefore can understand when other residents in desperation "flip their lid". There must be thanks and appreciation for the hard work all Councillors put in, but I think it right that they are constantly reminded that it is not an exclusive club. Since I have come to realise that one speaks plainly in Yorkshire - at least that is what my Yorkshire born and bred wife tells me - let me do so. In my view the chairing of the last meeting was appalling. Had I been able to vote, I would without hesitation have cast my vote for Cllr Parry. Perhaps you might care to reflect on this comment.

Kind regards.

Bernard D Borman-Schreiber



All Councillors
Leyburn Parish Council

20 December 1994

BRENTWOOD

Several months ago, the Parish Council agreed unanimously that it should pursue and promote its own policies with regards to Brentwood traffic and planned developments in this part of Leyburn. It was furthermore agreed that consultations should take place between LPC, RDC and NYCC and a public meeting should be held.

NOTHING ALONG THESE LINES HAS HAPPENED.

A conversation between Cllrs Scott and Heseltine and Cllr Scott and the Senior Planning Officer, Mr. Hodges, does not add up to the same thing. Cllr Scott has made it quite clear that he wishes to see Brentwood opened up.

May I ask you, in view of the substantial concern of residents and others, to invite both Planning and Highways to a Leyburn Parish Council meeting so that all Councillors have the opportunity to acquaint themselves with the facts. You may consider allowing the general public to speak at that meeting or hold a separate meeting. It would however be advantageous, in my view, if the general public were allowed to submit written questions in advance or be confined to speaking for two minutes. This is likely to affect Leyburn in a substantial way and it would be wrong for the Council not to hear and consider the views of the town. It is furthermore wrong to simply take what Richmond planners dish out to Leyburn regardless of its consequences to the town.

Mr Hodges' letter to the Parish Council misses the point and does not meet the concerns of the residents. A suggestion that traffic-calming measures might be installed is not likely to take place for reasons previously argued. Traffic-calming measures are invariably used for established developments where alternative measures are not possible.

The original proposal is some twenty years old, made provisions for a link with Harmby Road (this has now been conveniently dropped), and is outdated.

BB3

N.B. In order to save the Parish Clerk's time, I have reproduced a separate copy of this letter for each Councillor. Furthermore, I do not expect a written reply from the Parish Council but I simply expect the Council to follow up what they unanimously agreed as soon as practical.



North

Yorkshire County Council

BB3

K

County Councillor Michael J Childs

30 November 1996

Dear Bernard

**Brentwood, Leyburn
Future Status of Brentwood**

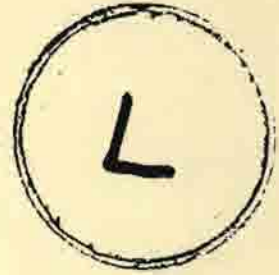
From the numerous discussions I have had about the above subject I am concerned that there is not enough information currently available for me to be able to help with the problem.

I am aware that dozens of residents have signed a petition to keep Brentwood a cul-de-sac and I am also aware that local people seem to have no idea about the detail of what is proposed. Personally I have grave reservations about the junction with the A684 near the Sandpiper and Elite Cinema and I do not see current traffic activity at this point being helped by the school buses electing to use that route.

I understand from yourself that Highways criteria have changed since the plans were first drawn up and I believe the whole subject should be debated in more detail before a decision is made. Whether bringing the issue up at the forthcoming inquiry is the appropriate place I am not sure but I am sure that it needs a thorough airing with the pros and cons put clearly to local people.

Yours sincerely

BB3



Mr L B Borman



Mr J Winstanley



2nd December 1996

Dear Sir

REF: BRENTWOOD - A CUL-DE-SAC

I am writing to you as a Parish Councillor, and I wish to support your submission to keep Brentwood a cul-de-sac.

The reasons for such actions are clearly spelled out in your document for the inquiry.

A number of people have expressed grave concern about the prospects of this route becoming the Eastern By Pass.

There is no point in going over the ground which you have covered and I wish you success.

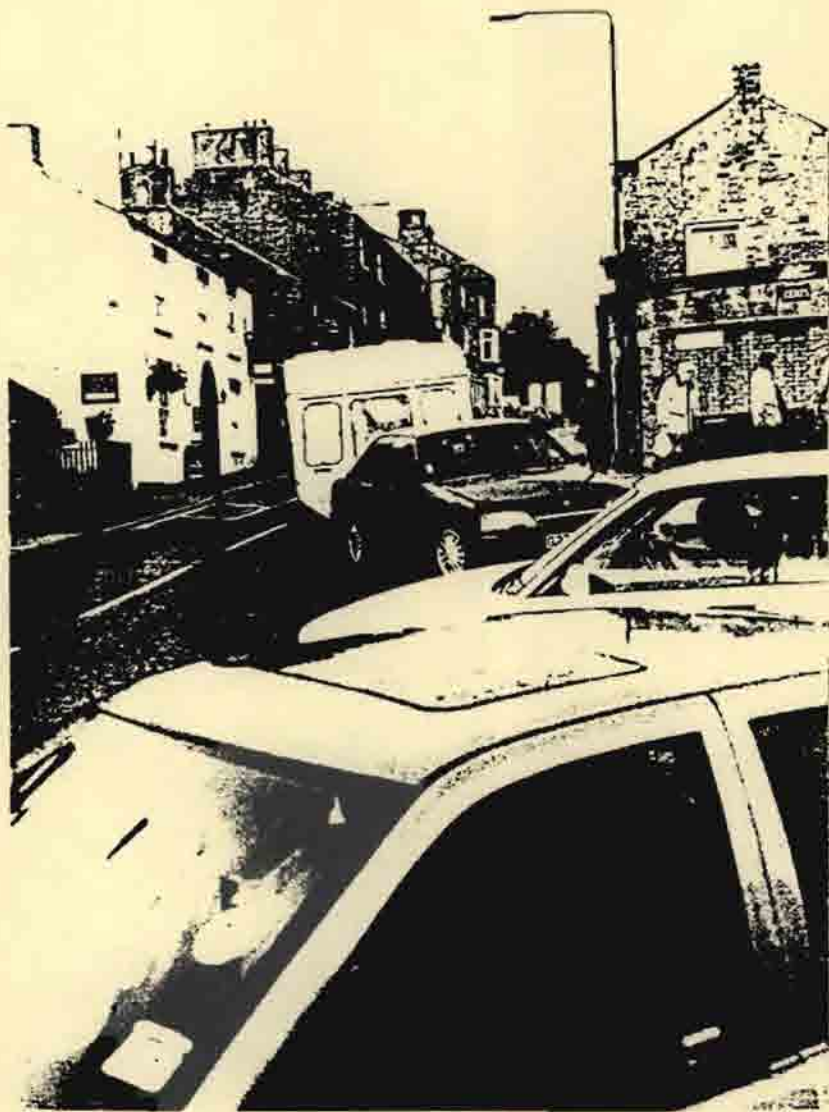
Yours faithfully



Councillor J Winstanley

A handwritten signature in black ink, appearing to be 'J Winstanley', written over the typed name and extending across the bottom of the page.

BB3



JUNCTION BRENTWOOD WITH RAILWAY ST.
THIS IS "BLIND" TO THE RIGHT.

BB3



JUNCTION NURSERY AVE. WITH ISREIDT WOOD



JUNCTION MARKET SQ. WITH BREWERY WOOD AND KILLSAF...

B83



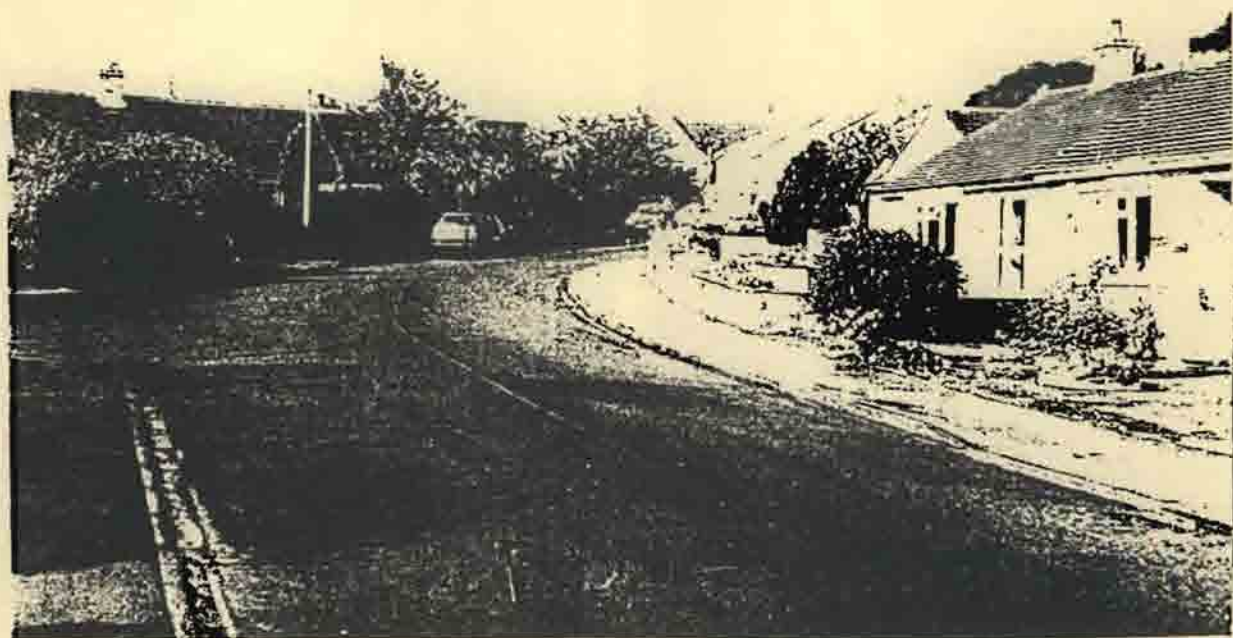
BEHIND BY CEMENT WALK
 AND IN A SECTION OF THE
 OLD HOSPITAL AND A
 HALLWAY TO ME

APPROXIMATE FROM
 BARNETT ROAD TO
 UNIVERSITY ROAD, THE
 S&H AND HALLWAY -
 THE HALLWAY IS
 NONE OF THESE IS
 ARE IN A PAPER

BB3



BRENTWOOD AS "A RACING TRACK" WITH 90% SEWAGE AT THE E-10
WHERE THERE IS A YOUTH NURSING HOME AND A JUVENILE HOME
141



BRENTWOOD "STRAIGHT" APPROXIMATE "S" CURVE AND CURVED
WITH THE OLD HOSPITAL ROAD (141) IN HOME AND FURTHER
"CURVED" WITH THE "PARADE" (ALL ON THE RIGHT)

BB3



LOOKING WEST FROM 9100 1/2 ST. WITH A ROAD TO
THE LEFT. THE RIGHT SIDE LOOKING EAST IS "E-112" WITH FOUR
BUS BAYS.



LOOKING EAST FROM 9100 1/2 ST. WITH A ROAD TO
THE LEFT. THE RIGHT SIDE LOOKING WEST IS "E-112" WITH FOUR
BUS BAYS.

13 GUIDANCE NOTES & DEVELOPMENT BRIEFS

Objections

0001	Borman B	0704*	NYCC Highways
0005*	Connolly R	0712*	NYCC Highways
0013*	NYCC Arch	0713*	NYCC Highways
0021	Wake R	0714*	NYCC Highways
0042	Eve M	0716*	NYCC Highways
0364	CPRE(S)	0717*	NYCC Highways
0518	Farnell M	0718*	NYCC Highways
0519*	EnvAgency(2)	0719*	NYCC Highways
0520*	EnvAgency(2)	0731*	MoD
0555	EH	C103	NYCC Highways
0556	EH		

13.1 These objections relate to a variety of matters raised in connection with the Guidance Notes or Development Briefs. As Proposed Changes 154 and 155 make clear, these components are not part of the Plan, hence I am not in a position to make formal recommendations upon them.

13.2 All are subject to Proposed Changes, except for the objections by Mr Borman and others, to which I refer further below. I comment that I have no adverse observations to make upon those Proposed Changes.

13.3 Mr Borman and the other objectors in question are concerned about the possible implications for Brentwood of the development at Maythorne Farm, Leyburn envisaged in what should accurately be named Development Brief DB2. They object to the prospect of Brentwood being turned into a through road to serve the new development.

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 resulting noise and activity would not be alleviated by speed humps, 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 the 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 restriction.

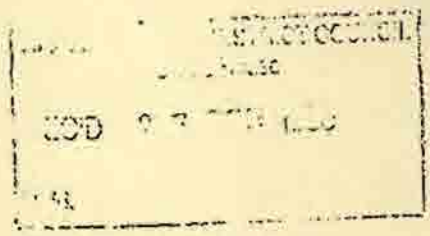
13.6 I am also concerned that Brentwood's junction with Market Square and Railway Street is a source of some congestion and traffic conflict, and visibility conditions are less than ideal. On that account, it would also be preferable, if at all possible, to avoid further loading of the junction.

cunnane

town planning

69 Strathmore Road, Teddington TW11 8UJ
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BBS



~~CONFIDENTIAL~~
ATT. MR. CUNNANE
FROM: BERNARD BORMAN-SCHREIBER

Our ref: JCC/AL73/EMG/2448/Richmo-1

Your ref: R/RLP/MOD(OBJ)

Paul Steele Esq
Principal Planning Officer
Richmondshire District Council
Swale House
Frenchgate
Richmond, North Yorkshire, DL10 4JE

26 February 1998

Dear Paul

**RICHMONDSHIRE LOCAL PLAN: OBJECTION TO PROPOSED
MODIFICATION 110: BRENTWOOD, LEYBURN**

Thank you for letter of 10th February concerning the above objection to Modification 110.

Having considered the matter and discussed it with you over the telephone, my advice concerning the four questions on the second page of your letter is as follows.

Question 1

I agree that you must accept the proposed modification objection as "duly made". However, I would also point out that this is not an objection to a recommendation by the Inspector, but to a view he has expressed in his report.¹⁾ In that context, less weight²⁾ should be given to the issue in considering whether a further public inquiry would be necessary to resolve the objection.

1) ~~IT IS AN OBJECTION TO THE COUNCIL'S WORDING~~
2) ~~NONSENSE~~

Question 2

I would advise that it would be a serious flaw in both policy and law if the Council were to fetter its discretion by committing itself one way or another to highway arrangements in the Brentwood/Maythorne area at this stage.³⁾ Secondly, on this point, Mr Borman's rewritten alternative does precisely this as it makes a commitment⁴⁾ to keeping Brentwood as a cul-de-sac which would fetter the Council's discretion and therefore in my view could not be adopted by the Council as a revised wording.

3) ~~NOT TRUE~~
4) ~~IN LINE WITH INSPECTOR'S RECOMMENDATION AND THERE IS NO LEGAL OR HIGHWAY REASONS WHY MR B'S RECOM. COULD NOT BE ADOPTED. (CONTRARY) THERE ARE SOUND LEGAL REASONS WHY IT SHOULD REMAIN A CUL-DE-SAC (SEE LETTER FROM FOXHAYES, SOLICITORS)~~

ATTN: MR P E COLLINS
FROM BERNARD BORMAN - S

Question 3

I think your proposed modification as drafted might be considered as a rejection of the Inspector's "recommendation", but you will note that later on in this letter I offer you a revised wording which would clearly take into account his expression of his point of view and would keep the Council's options open to determine the issue in the future on its planning merits.

Exactly!

WEASEL WORDS AND BLIGHT TO OUR HOMES!

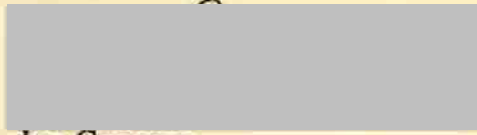
Question 4

My revised wording for the modification is as follows:

"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."

I hope that the above advice and revised wording is acceptable to you, but if you have any further queries please do not hesitate to contact me.

Yours sincerely



Joe Cunnane

CUNNANE TOWN PLANNING

5) HAS ALREADY BEEN DETERMINED ON ITS MERITS. WHY SHOULD WE SUFFER IN ORDER THAT A POTENTIAL BINDER CAN SAVE MONEY ON BUILDING A NEW ROAD?

6) + 7) THIS IS A CONTRADICTION IN TERMS BECAUSE THE FACTS ARE KNOWN NOW AND 5 YEARS HENCE WILL NOT HAVE CHANGED I.E. SOME 80 PROPERTIES ARE BLIGHTED.

THIS IS THE DISTR. PLAN WORDING - SO I AM TOLD

BB6

Richmondshire District Council



W. GREEN, Dip. T.P. (Dunelm), FRTP, MBIM
Chartered Town Planner
Chief Planning Officer

This matter is being dealt with by

Mr Hodges

Planning Department,
Friars Wynd,
Richmond,
North Yorkshire. DL10 4RT
Tel: (0748) 850222 (12 lines)
Fax: (0748) 850897
DX 65047 Richmond N.Y.

My ref:

RP/78
1/78/
BH/AB

Your ref:

1st December, 1994

Dear Sir,

THIS LETTER SENT TO:

Mrs A. Hodgson,
Mrs Hayton,
Mr T. Paxton,
D. Bardsley,
Mr J A Halliday,
Miss L M Benton,
Mrs M. Eve,
Mr R. Wilkinson,
Mrs R M Wake,
Mr T M Benton,

DEVELOPMENT PROPOSALS FOR BRENTWOOD/MAYTHORNE AND LAND TO THE EAST AND SOUTH OF DALE GROVE, LEYBURN - SPECIFIC REFERENCE TO LINK ROAD

I write in response to your letter relating to the above developments in order to set out the general planning position and the situation regarding future proposals for this area of the Town.

BRENTWOOD LINK

Dealing firstly with Brentwood I would advise you that the detailed planning permission relating to the whole of the site incorporates an estate road link into the Maythorne estate. This estate road link has already been constructed apart from the final surface dressing. The road is not as yet adopted by the Highway Authority but is in accordance with the approved scheme for this substantial housing development. The access into Brentwood from the A684 may not be ideal and there have been recent discussions with the Highway Authority with a view to investigating possible improvements. Further considerations may also be appropriate in respect of introducing traffic calming measures on the main Brentwood Estate road. The reliance upon the existing access off the A684 and the Brentwood estate road to serve the whole of the development, is clearly not a satisfactory arrangement in providing access and egress for the scale of development approved. The approved link into the Maythorne Estate was therefore considered essential.

MAYTHORNE ESTATE

With regard to the land to the east and south of Dale Grove there is outline planning permission for residential development and a large nursing home. Detailed planning applications in respect of the nursing home and the development of 30 no. houses by Sanctuary Housing Association have been considered by the Development Services Committee of the Council and approved subject to securing agreements particularly

BB6

- 2 -

1st December, 1994


relating to the provision of affordable housing and detailed requirements on the layout and boundary definition to the development area. The area of land covered by these permissions is allocated for housing development on the Inset Map for Leyburn and Harmby forming part of the Richmondshire Local Plan Interim Statement. The development of this area under the provisions of the Interim Statement is to be accessed via Dale Grove from the A6108 Richmond Road. There are however longer term proposals for additional housing development on land to the south linking with the approved Brentwood development but this is not expected to take place until after the year 2001. This area of land was similarly allocated for housing purposes on the Leyburn District Plan adopted in 1981. This plan referred to a linking of this area through to the Brentwood development.

WHERE ?

The provisions of the Inset Map for Leyburn and Harmby will be incorporated in the Richmondshire Local Plan Consultation Draft which is to go out for public participation early in the New Year. The Local Planning Authority is however required in the meantime to consider and determine any planning applications submitted and in this regard the Richmondshire Local Plan Interim Statement at the moment sets out the Council's policy thinking for this area of the town. The decisions reached on recent planning applications for housing and nursing home development on the Maythorne Farm allocation have therefore been in line with the Council's development proposals for the area. These developments also conforms to the policies of the previous Leyburn District Plan.

The public participation exercise on the Richmondshire Local Plan Consultation Draft will be notified to householders and will include an exhibition and meeting at Leyburn and this will give opportunity for residents to put forward any objections or representations regarding the future development of the town which will then be considered by the Development Services Committee of the Council. Whilst the longer term proposal for linking the Dale Grove development to Brentwood is outside the plan period this public participation exercise will give opportunity for this particular issue to be raised. I would however state that in formulating the future development proposals for this eastern part of the town the eventual estate road link between Dale Grove and Brentwood is considered to be the most satisfactory highway layout arrangement for the comprehensive development of the area.

Yours faithfully,


CHIEF PLANNING OFFICER

BB7



our ref REC/CG
your ref R/RLP/MOD(OBJ)/1
date 5 May, 1998

Mr P Steele
Richmondshire District Council
Swale House
Frenchgate
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DL10 4JE

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Ian Brill LL.B.
Stephen M Coupland B.A.
Ian D Coupland LL.B.

Associate:
Philip L Dracen B.A.

Dear Mr Steele,

Richmondshire Local Plan – Objections to proposed modifications

I note with some embarrassment that your letter of 2 March, which reached my office whilst I was away from the office, has not been replied to. I have in fact taken my clients' instructions on the letter. My clients do not wish to re-open matters, which have already been decided in the public enquiry, but have asked me to deal shortly with your letter

1. Paragraph 13.4 could not be clearer and whilst there is some talk of emergency access in 13.5, this does not take away from the general position that Brentwood should not be used in any way as a link road to any possible development in the future of the open land.
2. My clients are merely wanting the council to acknowledge the expressed views of the inspector. The council's proposed wording leaves the position in an ambiguous state. My clients proposed wording makes the position clear and we would urge the council to follow it, so that the position is made absolutely clear, both for the sake of the present and future inhabitants of Brentwood and also for the sake of owners or developers of the open land. The council has an absolute duty to prevent potential planning blight, which any ambiguity in relation to the position of Brentwood is liable to cause.
3. As you point out, the local plan only extends to 2001. There are no proposals at the present time to develop the open land and the council should make the position quite clear so that for the rest of the period of the local plan the position is known to everyone concerned.
4. Whilst I understand there is a road link to base course level, this road link has no planning approval, no notice given to anyone in relation thereto and it is completely contrary to modern highway construction principals. I am sure that the council would not wish

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to rely on an illegal activity. For all practical and legal purposes, Brentwood is a cul de sac. However if you wish to be pedantic in relation to the word "remain", could I suggest the word "be" be substituted.

Yours sincerely,

R E COLLINS

Richmondshire District Council

BB8



Please ask for:
Mr P Steele

David Lawrenson
Corporate Unit Manager
Swale House
Frenchgate
RICHMOND
North Yorkshire DL10 4JE

Tel: 01748 850222
Fax: 01748 825071
DX: 65047 RICHMOND N Y

Harry Tabiner
Chief Executive

Gordon Beacall
Executive Director (Resources)

Our Ref: PS/CF/9998
R/RLP/DEP
Your Ref:

15 April 1996

Mr B D Borman

Dear Mr Borman

Richmondshire Local Plan: Objections to the Deposit Draft

Thank you for your letter of 5 April setting out your views on the Deposit Draft of the Local Plan.

I am treating this as an objection which has been "duly made" although objectors are recommended to use the forms that we have drawn up for this purpose, and which are designed to ensure that we have a clear understanding of the changes to the Local Plan each objector would like to see. In your case, your letter is extremely clear, and you may care to note that I have logged it as objection 0001 to Development Brief 2, which deals with the Maythorne Housing Development and objection 0002 which I have treated as an objection to Policy 42. I would, however, be grateful if you could send back to me the two objection forms attached with questions 4 - 6 completed.


The objections period will come to a close at 4.00 pm on 13 May, and one of my priorities after that date will be to draw up a timetable for the necessary follow up action, which will almost certainly include contacting you to discuss whether your objections can be overcome. Exactly how much time we shall need for this process will depend mainly on the total number of objections we receive, but I hope to be able to write to you with additional information by early June.

BB8

- 2 -

For the time being, however, if either Jane Ringer or myself can help you further, please feel free to get in touch.

Yours sincerely


Principal Planning Officer

Enc: Objection Forms

Bernard
copy for your file
JTB

on
NYCC
Lead 4
Paw

BB9

my copy

Mr JM Turner LLB
Inspector
c/o Jackie Walker RDC
Swale House
Frenchgate
Richmond

6 June 1997

Dear Sir

**Richmondshire District Plan Inquiry
Brentwood, Leyburn**

I attach a copy of NYCC's No 1 Area Highway Sub Committee report for 18 April 1997.

The recommendations of this report were ^{endorsed} ~~enclosed~~ by members and the report represents a complete change of mind over the previous report (also copied here) dated 25 October 1996.

The issues were raised by Mr B Borman and a petition by 80 residents asking for Brentwood to remain a cul-de-sac.

As the local member I supported those concerns.

May I draw your attention to 4.6 on page 041 which agrees that residents have put forward several valid reasons to justify further consideration and to 4.4 which is the preferred option of local people.

Yours faithfully

MJ Childs

Planning?

BB 10

[REDACTED]
20-3-98

Dear Mrs Farnell

Thank you very much for your letter dated 18-3-98 regarding BRENTWOOD. I do not share your concerns because I have led the County Council's approach on this..There is total support at County Hall to keep Brentwood a cul- de-sac .Currently the County Council's officers are in debate with those at Richmondshire District Council in order to convince them that a cul de sac is a must Those discussions will have to include the developers because it cannot happen unless the developers re-apply for planning permission in order to change it to a cul de sac and specify exactly where the bollards will be placed . Some time ago I alerted the developers to this process and they are sympathetic .

I believe that the RDC are just hedging their bets in the Plan document and no doubt will take some convincing At County Hall we will press as hard as we can. I will keep you informed - but it will not happen quickly! Nevertheless I remain quietly confident.

Yours Sincerely,

Mike Childs
[REDACTED]

BB 11

SUBMISSION BY BRENTWOOD RESIDENTS TO NORTH YORKSHIRE
COUNTY COUNCIL IN RESPONSE TO DOCUMENTATION DISCUSSED AT
THE PLANNING COMMITTEE MEETING OF RICHMONDSHIRE DISTRICT
COUNCIL ON 5 JANUARY 2000 AND INCORPORATING DOCUMENTATION
SUPPLIED BY HIGHWAYS UNDER REFERENCE GC:KAA DATED 8
DECEMBER 1999

FOR CONSIDERATION BY THE NYCC SUB-COMMITTEE
ON 4 FEBRUARY 2000

14 JANUARY 2000

Having read the documents placed before the Planning Committee of Richmondshire District Council on 5 January 2000, also containing submissions by North Yorkshire County Council, Highways Department, the residents of Brentwood wish to submit their final comments on the understanding that these documents now show all the facts as known by both Authorities to date.

- 1 In 2.2 of the document it is suggested that NYCC has come to the conclusion that a link between Brentwood and Wensleydale Avenue through to Maythorne has planning permission and is an approved scheme. This is not true. NYCC are merely reiterating what they have been told by RDC.
- 2 It appears under 2.4 that NYCC agree with RDC's suggestion that H M Planning Inspector makes reference not to the Brentwood Wensleydale Avenue link but to Maythorne Farm to the north. This is not true. NYCC are simply taking the information provided to them by RDC at face value. It has been previously pointed out that the submission by Mr Bernard Borman at the Public Enquiry actually refers to the Brentwood/Wensleydale Avenue link and for Brentwood to remain a cul-de-sac. It would be ludicrous to now suggest that Mr Borman addressed the wrong issue, that the Inspector heard the wrong issue and, in error, spoke about something entirely different in his response. It is true that the issue was discussed under the item relating to development at Maythorne Farm to the north because RDC failed to produce a clear and comprehensive draft District Plan which followed the Leyburn & District Plan of December 1977. There too, no link was mentioned between Brentwood and Wensleydale Avenue. The Inspector's comments were therefore most certainly directed at retaining Brentwood as a cul-de-sac and it certainly was an issue of the Local Plan to change Brentwood from a cul-de-sac into a major access road. It was pointed out at the Enquiry, amongst many other things, that this road was planned around 1974 and that RDC had a duty to bring the planning in relation to this road up-to-date as time went by. They failed in their duty. It must also be borne in mind that no houses had been built at the time of the Public Enquiry, and indeed until recently, on the as yet unadopted stretch of road shown on NYCC's plan as DCO497/B1. It would have given RDC ample opportunity to revise their 1974 plan without any loss or damage to the developer, or anyone else, even at that stage. It is incomprehensible that a road designed in 1974 should be adopted as a major access road when it does not conform to any specifications applicable to a major access road in 1999, nor is it policy to put major access roads through residential areas. The logical conclusion therefore must be to find the safest and most reasonable solution, namely, to place bollards at the position suggested by NYCC, and indeed by H M Inspector. Under 13.3 the Inspector, whilst referring to the development brief, clearly says "They object to the prospect of Brentwood being turned into a **through road**". Clearly he understood that the issue was the through road, for whatever reason. In addition, the residents of Brentwood are entitled not to have their lives made unsafe and not to experience a substantial loss of amenity and devaluation of their properties because a local authority has failed to fulfil their duty of care. RDC now wishes to offload those shortcomings onto the residents of Brentwood by turning a cul-de-sac into a major access road in 1999 which clearly does not follow the standards existing

- in 1999. If anyone is in any doubt as to the dialogue between the residents of Brentwood, RDC and H M Inspector, they can see the public documents which are still available. There is no ambiguity here.
- 3 In 2.5, RDC deliberately misconstrues what took place. As a result of correspondence between solicitors Messrs Fox Hayes of Leeds, representing an objector, RDC referred this issue back to their planning consultant. They replied to RDC and a copy of this letter was made available to Fox Hayes. It is quite clear from this that the issue was to preserve Brentwood as a cul-de-sac. The residents of Brentwood therefore interpret this paragraph 2.5 as meaning the link between Brentwood and Wensleydale Avenue and it would be very difficult under the circumstances for anyone to take a different view. The residents of Brentwood are not interested in the development of Maythorne II or anything else, but they are interested in their present cul-de-sac being turned into a major access road and linking anything to it.
 - 4 RDC make great play under 3.3 of the fact that there is a clear majority view in favour of turning Brentwood, and of course consequently Wensleydale Avenue, into a major access road. No residents from Wensleydale Avenue made any representation at any time, either at the Public Enquiry or to RDC. In fact, Maythorne/Wensleydale Avenue has been a cul-de-sac since 1945. During a meeting with NYCC, it was explained that the people in Brentwood were not agreeable to a simple number-crunching exercise but that, under the Wednesbury Principle, it should be considered that those who voted for the opening were voting for an additional direction in which to travel whilst the people in Brentwood were voting to maintain their safety, amenity and the value of their properties. Whilst such voting is of some interest, it would certainly be ridiculous to proceed on the basis of the majority view because the people in Wensleydale Avenue etc were not made fully aware of the consequences of what they were voting on and the further threat of the Maythorne II development as the people in Brentwood were. One may even challenge the fact that some people further up Maythorne and Woodside should not have been considered at all in this voting because their interest is absolutely minimal.
 - 5 In 3.4 RDC speaks of the view of Leyburn Primary School. RDC neither took any interest in this issue when the school was planned, nor did they make provisions for their tenants to be given parking bays so as not to interfere with the school traffic. The traffic situation in front of the school is essentially a matter for NYCC and RDC would do well to stay out of this argument. The fact remains that it is a fallacy to assume that it will improve traffic because the same number of vehicles will use the road, and in addition, through traffic will be added creating a threat to school children, pedestrians and children living in Wensleydale Avenue and Woodside. In addition, there will be a substantial increase in turning manoeuvres because it is very like that people who come from the Richmond side will turn in front of the school and go back out on the Richmond Road, and the same applies to those coming from the Brentwood side. A much safer arrangement would be to retain Wensleydale Avenue as a quiet cul-de-sac where the school encourages people to turn

round first at the hammerhead at the end of Wensleydale Avenue and then park at the lower end of that road and walk their children to the school entrance. Any turning around and parking and manoeuvring in front of the school is simply lack of consideration and laziness and the school has done nothing to guide parents. There could also be yellow lines which apply during the relevant school times. It is absolute nonsense to mix through traffic with school traffic and claim that that enhances safety and if the argument is that it improves speed then we should bear in mind that it is speed which kills children, not only when the school opens and closes each day, but during the rest of the day also.

The comments about emergency vehicles are simply an emotional red herring. The bollards will take complete care of this issue but if, by any chance, even this should prove inadequate, there is a ginnel between Bolton Court and the entrance to the Primary School which is wide enough for fire engines and ambulances, and most certainly for cars.

- 6 RDC is totally incorrect in some of the assertions they make under 4.1 because as yet there is no evidence of a valid planning permission to create a full traffic link from Maythorne to Brentwood. RDC have no road experts to come to any conclusion on that subject and when they talk of the advantages of such a link, notably in reducing congestion in Maythorne, they have fundamentally failed to understand the overall issues. Government guidelines and NYCC policy as expressed in their manual do not favour such arrangements. RDC's obligation is to the safety, amenity and the devaluation issue in relation to the residents of Brentwood, H M Inspector's view that Brentwood should remain a cul-de-sac and the guidelines referred to above. Had they done their job properly ten years ago, or by the latest immediately after the Public Enquiry, this situation would not have arisen. They have a duty to act in accordance with this and the Wednesbury Principle. There is no question that the junction with the A684 is dangerous, particularly since this junction affects two further roads, ie the road to the market and The Nurseries. Altogether the Brentwood road between the junction with the A684 and the end has nine offshoots and does not conform in width or in general layout to the standards of a major access road. A cul-de-sac will barely do but we can hardly ask for the road to be restructured. What we do ask is that it should not be made worse than it is. There is no question that the straight lines in Brentwood and in Wensleydale Avenue are nowadays frowned upon for safety reasons. To put through traffic into roads like these is sheer irresponsibility as people even now travel on these roads at 50-60 miles per hour. Previous attempts to link these roads six years ago were abandoned because of the dangers created and the police at the time opposed the opening up. Indeed, a recent report by the Richmond Traffic Manager, Sgt John Outhwaite, which was sent to Highways about a month ago, seems to suggest that they too have their doubts about the wisdom of such a link. We understand that only a few weeks ago this responsibility was passed to Harrogate. We would caution against trying to find a further opinion from a police officer who is not familiar with the area.

- 7 In 4.2 RDC admits that in their view this is a finely balanced decision. The people of Brentwood would of course say that if one takes the right things into account and does not overplay those things which are irrelevant then one should easily come down in favour of Brentwood remaining a cul-de-sac. After all, the independent H M Inspector agrees and it is incomprehensible that we are now quite illegally re-running a Public Enquiry by the majority voting of residents on the Maythorne Council Estate. This cul-de-sac arrangement has existed since 1945. It should not be for the Brentwood residents to defend themselves but it should be up to those who want to change the existing situation to make a good case for doing so. They have failed totally.

We now move on to the report from NYCC.

- 8 In this report under 1.1. it appears that it is suggested to Members that we are asking for something which hitherto has not existed. That is not true. Both Brentwood and Wensleydale Avenue/Maythorne were always a cul-de-sac until a few months ago when the builder unilaterally, and in our view illegally, decided what the road policy should be.
- 9 We appreciate that consultation between NYCC and RDC as mentioned in 2.1 must take place but we can rightly assume and rely upon the fact that RDC does not bend those facts to suit their own argument. We would like to draw your attention to a letter which Fox Hayes of Leeds wrote to Mr M Moore, OBE, showing that RDC's statements on some vital aspects are not accurate.
- 10 In our view, NYCC was initially correct in what they did under 2.3, namely to consult those directly affected. One has to stop somewhere and that somewhere should be to involve only those people who have an issue to discuss. That hardly applies to Maythorne and Woodside. In fact, the retention of the cul-de-sac system favoured by NYCC and the government would possibly mean a planning gain.
- 11 The report quite correctly under 2.4 points out that the builder has decided to become a road traffic engineer and people are now working on the fact that possession is nine-tenths of the law.
- 12 It is correct that Leyburn Town Council should have been consulted but in the past they refused to hold a public meeting, which was suggested, and had indeed on one occasion voted to maintain the cul-de-sac system. At no time has Leyburn Town Council acquainted themselves with the views of the people of Brentwood. Their suggestion to involve other people in a referendum is totally ill-founded and without any legal basis. They made no representation at the Public Enquiry when they had the opportunity to make their views known.
- 13 We now come to 3.4. It is a fallacy that there is congestion at Wensleydale Avenue. There are, at the opening and closing times of the school, situations which create slow moving traffic. That is less likely to kill or injure than fast

moving traffic or a mix of school and through traffic. It is incomprehensible that residents who live in a quiet cul-de-sac such as Wensleydale Avenue are begging for fast moving through traffic with a potential and substantial further increase to go past their houses. Whilst one must respect anyone's view, one would certainly then wish to see that these views are substantiated by a sound argument and not simply meaningless sound bites. Furthermore, the governors are concerned about emergency services. Not once in the history of Maythorne estate and Wensleydale Avenue has access of emergency services been a problem. This simply cannot be a valid issue, particularly in view of the short distances involved and the ample provisions which will be made by bollards and the link which exists with Bolton Court. Emergency services would not be helped by a through road and governors are ill-informed. The same goes for their opinion on traffic congestion and their opinion is contrary to what the school has expressed in the past. To the contrary, it is now national policy to keep cars away from school entrances.

- 14 In 5.1 NYCC relies on RDC's statement that a valid planning permission currently exists. This is not true. In conjunction with NYCC, through the planning process, a cul-de-sac arrangement which has existed so far could officially be retained and indeed, if RDC followed the Inspector's findings, NYCC's guidelines and the governments guidelines for planning, then that should have been done years ago. RDC have over and over again failed in their duty and any problems anywhere are due to their inability to plan forward or produce professional solutions to difficult problems.
- 15 5.3 speaks of traffic calming measures but one has to accept that these do not get away from the inadequacy of Brentwood or Wensleydale Avenue as major access roads. Such measures are invariably environmentally unfriendly and create more noise than passing traffic. We draw your attention to H M Inspector's comments. Why fudge a fudge?
- 16 In 5.4 reference is made to a majority view of residents. At a previous meeting it was clearly understood that the issue would not be decided on a majority vote but that the strength and validity of an argument would be part of NYCC's consideration.
- 17 In NYCC's background information to the meeting on 29 October 1999, it refers under 1.3 to links with Brentwood. NYCC has simply taken RDC's view on this and we have already dealt with this issue previously. The District Plan which followed the Inspector's Enquiry does not relate to the 5.8 hectares of land at Maythorne Farm but to the submission by the residents of Brentwood.
- 18 Under 2.2 again it has been assumed that RDC is correct. They are not.
- 19 Under 2.3 NYCC assumes that Brentwood, Wensleydale Avenue, Maythorne, etc are one estate. That is not true either. They are distinct, separate developments and therefore the suggestion that it contains 280 properties is misleading. There are also loops and side roads involved and the lockable

bollards will take care of any access problems in case of emergency and will therefore comply with NYCC's standards.

20 May we refer to the policy of RDC under 4.1, 4.3 and 4.6, all of which back the main argument of the residents of Brentwood. We are therefore astonished that RDC is riding two horses, arguing on the one hand for safer roads but on the other landing vulnerable people in 1999 with a totally unsafe and unsatisfactory situation in every respect. We urge all involved in the decision making to come down on what is right, safe, reasonable and just, and not to make the people of Brentwood pay for the mistakes of others.

It is a fact that vital information was withheld from RDC councillors at their planning meeting on 5 January 2000 and that the presentation was one-sided. Some information which is in planning terms of course of vital importance was simply untrue. It is obvious that there is sympathy on the part of RDC councillors for the residents of Brentwood but any further delay of six months to re-instate Brentwood and Wensleydale Avenue as cul-de-sacs will not help anybody. Therefore, if they consider that this is a "fine balance" the decision should be made on the basis of what has been submitted above.

[Redacted signature block]

Mary Farnell (Councillor Brentwood)

[Redacted address line]

[Redacted address line] G. KANE

[Redacted address line]

REPORT OF THE PLANNING AND DEVELOPMENT UNIT MANAGER

TO REPORT A REQUEST RECEIVED FROM THE NORTH YORKSHIRE COUNTY COUNCIL AS HIGHWAY AUTHORITY FOR VIEWS ON THE MAKING OF A TRAFFIC REGULATION ORDER PROVIDING FOR BRENTWOOD AND WENSLEYDALE AVENUE/MAYTHORNE, LEYBURN TO BECOME TWO SEPARATE CULS-DE-SAC

1.0 Purpose of report

- 1.1 To set out the details of the proposed traffic regulation order and the background to the consideration of this proposal.
- 1.2 To provide members with details of the consultations undertaken by the North Yorkshire County Council in respect of this matter and the observations received in response to these consultations.
- 1.3 To advise Members of the relevant considerations and to obtain the instructions of the Committee on the views to be conveyed to the County Council.

2.0 Details and background to the proposed traffic regulation order

- 2.1 To advise the Committee of the detail and background to these considerations I attach at Appendix 1 to this report a copy of the consultation letter received from the North Yorkshire County Council and the detailed report presented to the No 1 Area Highway Sub-Committee of the County Council at their meeting held on the 29 October 99
- 2.2 The report presented by the North Yorkshire County Council refers to the planning position with regard to the estate road . The approved scheme for the development of Brentwood, which included housing on Wensleydale Avenue, provided for a link through to Maythorne .
- 2.3 In respect of the planning policy position I attach at appendix 2 a copy of the Inset Map for Leyburn forming part of the Local Plan to remind Members of the wider planning policy position in respect to this area of the Town.
- 2.4 The Highway Authority's report (page 18 paragraph 2.2) makes reference to the Inspector's comments at the Public Inquiry into the Local Plan but as explained the Inspector's comments were directed at the possible link between Brentwood and the new development at Maythorne Farm to the north. The Inspector did refer to the impact on residential amenity and highway safety on Brentwood and at the junction with the A684, but these comments were not directed at the link to the existing Maythorne estate as this was not an issue in the Local Plan. I attach at Appendix 3 a copy of the Inspector's report on the Public Inquiry.

SEE BB6

?

- 2.5 In acknowledgement of the Inspector's comments the Development Brief relating to the housing allocation at Maythorne Farm contains the following specific Note:

"The development 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."

3.0 Issues

- 3.1 The considerations necessary on this matter are outlined in the report prepared by the County Council and I will speak to this Item further at the meeting. In this connection I will seek to obtain an up to date position from the County Council on the responses received from the other consultations undertaken including in particular the views of the Leyburn Town Council.
- 3.2 It will be noted from the consultation exercise undertaken that there were similar numbers of questionnaires returned from Brentwood (Total 90) and from Wensleydale Avenue/Maythorne (Total 100).
- 3.3 The views received included 10 no. residents who had no preference, but the other responses presented a clear majority view that there should be a road link between Brentwood and Wensleydale Avenue/Maythorne.
- 3.4 The view received from Leyburn Primary School, located in Wensleydale Avenue, is in favour of the through route being maintained. This view is based on improved access for emergency vehicles and reduction of traffic congestion during arrival and departure to/from school. *NOT TRUE!*
- 3.5 The detailed comments received from residents are set out in the summary sheet of the questionnaire responses included in the copy report at Appendix 1. I would further specifically refer Members to the copy of the petition received from residents on Brentwood objecting to the road linking to Wensleydale Avenue.

4.0 Conclusions and Recommendation

- 4.1 As Local Planning Authority, this Council must have regard to the existence of a valid planning permission to create a full traffic link from Maythorne to Brentwood, and must recognise the advantages of doing so - notably in reducing congestion in Maythorne. On the other hand, such an arrangement would probably increase traffic in Brentwood with implications for the safety and amenities of residents and the increasing use of the awkward junction with the A684. *NOT TRUE*

AGENDA ITEM NO: 4D

- 4.2 In the circumstances of a very finely balanced decision, Members may feel that there would be merit in allowing a short term period of through traffic use to be carefully monitored before a final decision is taken. /
- 4.3 I will report any further consultation information and take Members' instructions.

Contact Officer: Brian Hodges Ext 280

List of Background Papers: Application forms, plans, covering letter, certificates
Further correspondence with the applicant/agent
Details of consultation and neighbour notification
Consultation replies
Other representations received
Planning History

File Reference: 1/78/50/PA/F

Appendices: Appendix 1 - Copy of the consultation letter
Appendix 2 - Copy of the Inset Map for Leyburn
Appendix 3 - Copy of the Inspector's Report

PLANNING COMMITTEE - 5 JANUARY 2000



North

Yorkshire County Council

Environmental Services

ENVIRONMENTAL ENHANCEMENT

Traffic Management, Road Safety, Passenger Transport, Rights of Way, Heritage, Minerals and Waste Planning

Your Reference:

My Reference: GC/KAA

When telephoning please ask for: Mr G Cressey
Ext: 2130

DEVELOPMENT UNIT
PLANNING & ID
10 DEC 1999

County Hall, Northallerton
North Yorkshire DL7 8AH
Tel: 01609 780780
Fax: 01609 779838
Email: graham.cressey@northyorks.gov.uk

05 - [redacted]

08 December 1999

Dear Mr Hodges

BRENTWOOD, LEYBURN

I refer to my letter of 25 October 1999 in respect of the above. As you are aware I presented a report on this matter to a meeting of the No 1 Area Highway Sub-Committee on 29 October 1999. For ease of reference I attach a further copy of the report (Enclosure 1). I can confirm the recommendations were agreed. At the meeting I provided for Members an update of paragraph 3.2 and an amended Appendix C copies of which are enclosed (Enclosure 2).

You will appreciate that Members have agreed that without prejudice to their final decision further consultation be carried out with representative organisations on a traffic regulation order to prohibit the driving of motor vehicles over a short length of Brentwood as indicated on Drawing No DC/1099/N1 attached (Enclosure 3). The comments from this consultation together with the views already received from residents of Brentwood, Maythorne and Wensleydale Avenue will be considered at the next meeting of the Sub-Committee on 4 February 2000.

Therefore I would welcome your views on a traffic regulation order which would mean that Brentwood and Wensleydale Avenue/Maythorne would become two separate cul-de-sacs while still maintaining full pedestrian links between the two roads.

It would be helpful if I could receive your comments by 17 January 2000.

Yours sincerely

[redacted signature]

G CRESSEY
Traffic Management and Development Control Manager

Brian Hodges
Principal Development Control Officer
Richmondshire District Council
Springwell House
RICHMOND
North Yorkshire DL10 4JG

BB11B

NORTH YORKSHIRE COUNTY COUNCIL
ENVIRONMENTAL SERVICES COMMITTEE
NO. 1 AREA HIGHWAY SUB-COMMITTEE

Minutes of the meeting held at County Hall, Northallerton on Friday 4 February 2000.

PRESENT:-

County Councillor Michael Heseltine in the Chair.

County Councillors William F Barton OBE, John Blackie, P G Brown, Mike Childs, John Dennis MBE, Lady Harris DL, Carl Les, D S Murkett, Mrs C M Seymour and J. K. Weighell.

District Councillors W J Corps MBE, C B Dawson, Mrs J Imeson, R E Philips and D H Smith.

COPIES OF ALL DOCUMENTS CONSIDERED ARE IN THE MINUTE BOOK

134. MINUTES

RESOLVED -

That, subject to the word "fatal" in Minute No.133 been amended to read "serious" the minutes of the meeting held on 29 October 1999 having printed and circulated be taken as read and be confirmed and signed by the Chairman as a correct record.

PART A - FOR CONFIRMATION

NO ITEMS

PART B - FOR INFORMATION

135. POLICY FOR 20 MPH SPEED LIMITS

CONSIDERED-

The report of the Director of Environmental Services advising members of the decision taken by the Environmental Services Committee at its meeting on the 19 January 2000 on the policy to be adopted for the introduction of 20 MPH. speed limits in the County.

RESOLVED -

That the report be noted

136. ROAD SAFETY REPORT

CONSIDERED -

The report of the Director of Environmental Services in respect of road safety activities within the area.

The representative of the Police undertook to inform Members at the next meeting of the Sub-Committee as to the results of the drinking and driving campaign held over the Christmas and New Year period. In response to a question the Director of Environmental Services informed the Sub-Committee that a traffic count had been carried out and the provision of a pedestrian crossing point at Morton on Swale had been added to the list of schemes awaiting inclusion in the Minor Works Programme.

- (c) That further surveys of traffic delays and queue lengths be undertaken if the number of closures increases significantly with the results being reported to the Sub-Committee.
- (d) That Railtrack be informed of the concerns of the County Council and be asked for an urgent report on both the short and long term options for reducing the delays at the level crossings in Northallerton.
- (e) That the Secretary of State for the Environment, Transport and the Regions be informed of the County Council's concerns.

139. **BRENTWOOD ESTATE, LEYBURN**

CONSIDERED -

The report of the Director of Environmental Services informing members of the further comments received following consultations on the request that Brentwood, Leyburn should become a cul-de-sac and not linked to Wensleydale Avenue and Maythorne.

RESOLVED-

- (a) That the results of the three consultation exercises, which have been carried out, be noted.
- (b) That the route between the Brentwood, Wensleydale Avenue and Maythorne be retained as a through link but the speed and volume of traffic be monitored for a six month period.
- (c) That the results of this monitoring exercise be reported to a future meeting of the Sub-Committee.

140. **BROMPTON TO ROMANBY CYCLE ROUTE**

CONSIDERED -

The report of the Director of Environmental Services on proposals for:-

- (a) the conversion of a length of footway to a shared use cycle track;
- (b) proposals by Hambleton District Council for the provision of a cycle track between Hambleton Leisure Centre and Goosecroft Lane; and
- (c) a scheme to provide a cycle track on Goosecroft Lane.

The Director of Environmental Services reported that he had received further comments from the Cycling Tourist Club welcoming the proposals.

RESOLVED -

- (a) That the section of footway, as shown on Plan Number 1 attached to the Director of Environmental Services' report, be converted to a joint use segregated cycle track.
- (b) That Hambleton District Council's proposals to provide a cycle route through their grounds between Brompton Road and Goosecroft Lane be supported.
- (c) That the Environmental Services Committee be recommended to allocate £6,000 from the block provision for cycling facilities to construct a cycle track along Goosecroft Lane from the Hambleton District Council's Playing Fields to Swain Court.

NORTH YORKSHIRE COUNTY COUNCIL

ENVIRONMENTAL SERVICES COMMITTEE

NO 1 AREA HIGHWAY SUB-COMMITTEE

4 FEBRUARY 2000

BRENTWOOD ESTATE, LEYBURN

1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to enable Members to consider the comments received following further consultations on the request that Brentwood, Leyburn should become a cul-de-sac and not linked to Wensleydale Avenue and Maythorne and decide on the way forward.

2.0 INTRODUCTION

- 2.1 Members will recall that at your last meeting a report was considered on what action should be taken concerning a request that Brentwood, Leyburn should be a cul-de-sac and not linked to Maythorne and Wensleydale Avenue. A copy of the report, updated to reflect the number of questionnaires which have been returned, is attached as Appendix 1. Members resolved:-

- a) That the results of the two consultation exercises carried out be noted.
- b) That without prejudice to the final decision to be taken by Members further consultation be carried out with the organisations referred to in paragraph 5.5 of the Director's report on a Traffic Regulation Order to prohibit the driving of motor vehicles over a short length of Brentwood.
- c) That the comments received from the consultation exercise together with the views of the residents of Brentwood, Maythorne and Wensleydale Avenue be considered at the next meeting of the Sub-Committee.

- 2.2 Richmondshire District Council, Leyburn Town Council, the emergency services, AA, RAC, Freight Transport Association, Road Haulage Association, bus operators and the Cyclists Touring Club have been invited to comment on a proposed Traffic Regulation Order which would prohibit the driving of motor vehicles over a short length of Brentwood. This would mean that Brentwood and Wensleydale Avenue/Maythorne would become two separate culs-de-sac while maintaining full pedestrian links between the two roads. This would be achieved by installing removable bollards which would be locked in place with keys issued to each of the emergency services.

3.0 RESULTS OF CONSULTATION

3.1 North Yorkshire Police and North Yorkshire Fire and Rescue Service have indicated they would have no objection to making Brentwood and Wensleydale Avenue/Maythorne into two cul-de-sacs, by installing removable bollards.

3.2 The Wensleydale Railway Company Ltd have no objections to the prevention of the use of Brentwood, Wensleydale Avenue and Maythorne as a through route for car traffic. In addition they have stated:

"Part of their medium-term plans relate to the provision of a town bus service for Leyburn linking into their rail services. In this case, it would be of great operational advantage and would allow them to provide a much better service to the residents of the area if they, or indeed any other operator could have the option of running through the Brentwood estate without the need for reversing movements or without having to run twice over the route.

Should their proposed service come to fruition, they would be happy to work in partnership with the County Council to devise a way in which the use of the road could be restricted to public transport vehicles, perhaps via the use of vehicle-activated removable barriers."

The issues associated with the medium term plans of the Railway Company would be discussed with them if their proposals came to fruition.

2

3.3 Richmondshire District Council considered this matter at a meeting of their Planning Committee on 5 January 2000 and resolved that the through route between Brentwood and Wensleydale Avenue/Maythorne should remain but that the County Council should monitor the situation over a period of six months with a view to reconsideration if problems are highlighted.

NOT TRUE SEE BB11A

3.4 This matter has been considered by Leyburn Town Council who have commented as follows:-

- 1. Councillors are not in favour of the placing of lockable bollards on the road since they believe that problems could arise from this for emergency vehicles, especially those from elsewhere, such as Richmond.
- 2. The congestion at the Primary School has been eased considerably by the opening of the road and Councillors wish the County Council to note this.
- 3. The survey results should not be ignored when making a final decision about the road.
- 4. If Brentwood remains open in the future then traffic calming measures should be taken along Brentwood to prevent speeding.

NOT TRUE

NOT TRUE

3.5 I have also received a submission from residents of Brentwood in response to documents discussed at the Planning Committee of Richmondshire District Council on 5 January 2000 which included the report considered at the last meeting of your Sub-Committee on 29 October 1999. I attach a copy of the submission as Appendix 2. Sections 1-7 refer to the report considered by the District Council's Planning Committee on 5 January 2000 whilst Sections 8-20 refer to the report considered at your last meeting. Members will note that in respect of the last report to your Sub-

Committee the main issue raised in the recent submission is the status of the link between Wensleydale Avenue and Brentwood and the Inspectors report into the Local Plan. I must remind Members that a valid planning permission currently exists which allows development joining the roads at Wensleydale Avenue and Brentwood. With regard to the Inspector's report following the public inquiry into the Local Plan I have sought the views of Richmondshire District Council. The Head of Committee Services has confirmed the Inspector's comments were directed at the possible link between Brentwood and the new development on Maythorne Farm (extending from Dale Grove). He invited the District Council to bear in mind that to provide such a road link would harm the amenities of the residents of Brentwood, that speed humps would not improve matters and that additional traffic using the Brentwood/Market Square junction should be avoided. The Inspector did not directly address the link between Brentwood and Maythorne estate since this was not an issue in the Local Plan.

NOT TRUE

NOT TRUE

NOT TRUE

4.0 SUMMARY OF CONSULTATIONS

4.1 Members will appreciate that three consultation exercises have been carried out. Initially the owners of the eight properties adjacent to the proposed road closure required to create the culs-de-sac were consulted. Six replies were received, of these five wanted a through route to be retained and one wanted access from Brentwood as a cul-de-sac.

4.2 In the more extensive survey almost 280 questionnaires were distributed. 210 were returned and the responses are summarised below:-

I/We want Brentwood, Maythorne and Wensleydale Avenue to be open as a through route to traffic	124
I/We do not want a through route to traffic but want to see removable locked bollards erected to create two separate cul-de-sacs	76
I/We have no preference for the future road layout at Brentwood, Maythorne and Wensleydale Avenue	10

Of the 124 residents who wanted the link to be retained as a through route 95 lived in Maythorne and Wensleydale Avenue and 21 in Brentwood. 76 residents wanted to see two separate cul-de-sacs retained of whom 69 lived in Brentwood and 5 in Wensleydale Avenue/Maythorne.

4.3 Richmondshire District Council, Leyburn Town Council, Leyburn Primary School would prefer to see a through route retained, although the District Council feel the situation should be monitored and reconsidered if problems are highlighted.

4.4 Police, Fire and Rescue and the public transport operator who has responded would have no objection to making Brentwood and Wensleydale Avenue/Maythorne into two cul-de-sacs. In the latest consultation residents of Brentwood have reiterated their view that they do not want a through route but want to see removable locked bollards to create two separate culs-de-sac.

5.0 THE WAY FORWARD

- 5.1 Members will appreciate that the consultation exercises carried out demonstrated that the District Council, Town Council, Primary School and the majority of residents wish to see Brentwood, Maythorne and Wensleydale Avenue open as a through route. The through link has been available since the summer of last year when the Developer removed obstructions from the length of Brentwood still within his control.
- 5.2 Whilst accepting the results of consultation exercises I am sure Members will appreciate the concerns which have been expressed by the residents of Brentwood in respect of the speed and volume of traffic and the possibility of a through route becoming a "bypass" to Leyburn Market Place. In view of this and the request from the District Council, Members may feel that the route should remain open and the speed and volume of traffic monitored for six months and a report be submitted to a subsequent meeting of your Sub-Committee.
- 5.3 The alternative courses of action would be either to accept the majority view expressed by residents and retain the through link with no further monitoring or to proceed with the Traffic Regulation Order to prohibit the driving of motor vehicles over a short length of Brentwood while still maintaining a full pedestrian link with Wensleydale Avenue/Maythorne and provision for emergency services. 222
- 5.4 Although I feel the matter is finely balanced I feel the option outlined in paragraph 5.2 would be the appropriate way forward.

6.0 RECOMMENDATION

- 6.1 It is recommended that:-
- a) The results of the three consultation exercises carried out be noted.
 - b) The route between Brentwood, Wensleydale Avenue/Maythorne be retained as a through link but the speed and volume of traffic be monitored for a six month period.
 - c) The results of this monitoring exercise be reported to a future meeting of your Sub-Committee.

M O MOORE
Director of Environmental Services

Background Papers - Nil

Author of Report: G Cressey
Presenter of Report: G Cressey

Planning Committee - 5 January 2000**RESOLVED:**

- (a) That North Yorkshire County Council be advised that this Council strongly object to the extinguishment of the footpath along the frontage of Easby Abbey.
- (b) That the Committee wish to object to the extinguishment of the remainder of the footpath and urge North Yorkshire County Council to seek a footpath creation order to provide renewed access along the riverbank.

P233*

To Report a Request Received From the North Yorkshire County Council as Highway Authority for Views on the Making of a Traffic Regulation Order Providing for Brentwood and Wensleydale Avenue/Maythorne, Leyburn to Become Two Separate Culs-de-Sac

The Planning and Development Unit Manager submitted a written report setting out details of a proposed Traffic Regulation Order proposed by North Yorkshire County Council. He reported orally that the Town Council were not in favour of lockable bollards as this may cause problems in the event of entry being required by emergency vehicles. The Town Council had also commented that the congestion at the primary school would be eased considerably by the opening of the road, that the survey results should not be ignored, and that if Brentwood remained open there should be traffic calming measures to prevent speeding.

RESOLVED:

That the North Yorkshire Council Council be informed that the Council considers that Brentwood should be left as a through route for a six month trial period, but that the County Council monitor the situation with a view to reconsideration if problems are highlighted.

P234*

Exclusion of the Public

That, under Section 100A of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 7 and 12 of Part I of Schedule 12A to the Local Government Act 1972.

P235*

To Provide an update on the Situation Relating to the Condition and Future Use of the Former Camas Building Products Factory, Bridge Road, Brompton-on-Swale - 1/12/284/PA/F

Further to Minute P184 (2 November 1999), the Planning and Development Unit Manager submitted a written report about the current situation concerning complaints relating to the condition of the empty Camas Factory and its surroundings.



ENVIRONMENTAL ENHANCEMENT

Traffic Management, Road Safety, Passenger Transport, Rights of Way, Heritage, Minerals and Waste Planning

Your Reference:

My Reference: 43/1/45/1 GC/PJ/EI

When telephoning please ask for: Mr G Cressey
Ext: 2130

County Hall, Northallerton

North Yorkshire DL7 8AH

Tel: 01609 780780

Fax: 01609 779838

Email: graham.cressey@northyorks.gov.uk

13 October 1999

Dear Sir/Madam

The County Council has received representations that Brentwood should become a cul de sac and not be linked to Wensleydale Avenue and Maythorne. Currently a valid planning permission exists which, if no other action is taken, will mean that Brentwood is linked to Wensleydale Avenue and Maythorne.

The representations have been given careful consideration by the County Council's local Area Highway Sub-Committee, who have requested that possible alternative arrangements should be considered. Members of the Sub-Committee were also concerned that current highway design standards do not recommend this type of through road for environmental amenity and safety reasons.

Views have already been sought from some residents of Brentwood, whose access would be directly affected by any proposals to create two separate cul de sacs. However, before a decision is taken by the County Council on the approach to be adopted, it is felt that the views of all residents of Brentwood and Wensleydale Avenue/Maythorne and other affected properties should be sought.

The enclosed plan shows a proposal which would mean that Brentwood and Wensleydale Avenue/Maythorne would become two separate culs de sac, while still maintaining full pedestrian links between the two roads. This would be achieved by installing removable bollards, which would be locked in place with a set of keys issued to each of the emergency services. All the land between the footways would still be maintained as highway by the County Council. Your views are sought on these proposals as an alternative to the road remaining as a through route.

Continued/....

To: Residents of Brentwood,
Wensleydale Avenue/Maythorne
and other affected properties

Once your views are known, a report will be submitted to the meeting of the Area Highways Sub-Committee on 29 October. I would be pleased if you could complete the enclosed questionnaire and return it to County Hall in the prepaid envelope enclosed by 22 October. If you have any queries please do not hesitate to contact me. In addition your local County Councillor, Mike Childs, is available for advice and can be contacted on 01969 623766.

Yours sincerely



G CRESSEY

Traffic Management & Development Control Manager

BB13

Mr S Knight, Monitoring Officer
North Yorkshire County Council
County Hall
Northallerton
N Yorks DL7 8AD

16 February 2000

Dear Mr Knight

Highways Sub-Cttee Mtg, Friday 4 February 2000 - BRENTWOOD, LEYBURN

The above sub-committee decided that Brentwood, which has always been a cul-de-sac, should be converted into a major access road and linked to Maythorne council estate. The implications are that any future development on Maythorne I and II may also be linked to this road system. I believe that this decision is technically and legally flawed and unless the whole question is re-examined in a more factual manner, there may well be a legal confrontation which neither I nor other residents seek. There is already a planning dispute on this issue between myself and Richmondshire District Council which may or may not be resolved out of court.

- 1 It appears that Richmondshire District Council [RDC] as planning authority, and as a consultee on highway matters, has relied substantially on the opinion of Leyburn Town Council. On the face of it, that is reasonable but I will refer to this again. RDC has also argued that the Public Enquiry had nothing to do with Brentwood remaining a cul-de-sac. The documentary evidence shows that they are mistaken. They furthermore claim that there is existing planning permission dating from the mid '70s but this was not produced at the Public Enquiry, nor to date, and they must therefore be mistaken on this issue also. They have confirmed that no consultation on any link has ever taken place and therefore this would be a serious impediment in the argument as to whether they have followed the Wednesbury Principle. They have never considered, in any of the arguments, the fears and views of the residents of Brentwood to an extent which would, under the circumstances, be customary. However, at the planning meeting of RDC on 5 January 2000, it was acknowledged that this was a "fine balance" and, on the basis of that, they asked your council to "monitor the situation with a view to reconsideration". This is clearly a totally different view to that expressed by your sub-committee which gives the clear impression that it wishes the road to be open, period. Under the circumstances, the view of RDC is perfectly reasonable although I would personally feel that enough measurements have already been taken and that what we have experienced in Brentwood has been detrimental and dangerous to the residents and those who use the road. It is a race track with people speeding at 50-60 mph. It is therefore clear that RDC has been far more balanced in their approach than either your council or Leyburn Town Council.

I enclose the minutes of the RDC planning committee meeting on 5 January 2000.

2. As a result of Richmondshire clearly having taken a great deal of notice of Leyburn Town Council, which in turn has affected the decision-making of your council, as well as the direct approach by Leyburn Town Council to your council, the argument has been greatly distorted. I do not believe that a balanced view will ever come from Leyburn Town Council on this subject and I believe that the majority of councillors have failed to inform themselves of the issues. I have offered to speak to councillors and answer their questions. This has been refused. In fact, at the Town Council meeting on Monday 14 February, I raised a point of order, of which I enclose a copy. A fellow resident was refused the opportunity to state the case for Brentwood residents and I was threatened with removal by the police at the behest of the Mayor when I protested at this disgraceful and unconstitutional display. Any comments from Leyburn Town Council on this subject should be totally dismissed on the grounds of unlawful conduct and the failure to act on the Wednesbury Principle. I have considered legal action against Leyburn Town Council but I believe that these people are too small-fry in the great scheme of things and I hope that your Authority, as well as RDC, will realise that their input is unlawful and full of personal prejudices. They had the opportunity to make their views known at the Public Enquiry and they did not bother. The Public Enquiry is the right forum in which to make one's views known and it is not up to Leyburn TC to overturn H M Inspector's findings of facts as and when their personal prejudices lead them to do so. Everything which is said from now on must be seen in this light.
3. I am not pleased that, considering the initial correspondence with your council which started some three years ago, the views expressed by officers and councillors at the meeting of 4 February were hostile to Brentwood residents. This is a total U-turn when one considers that until then, sympathy was expressed on the grounds of safety and amenity. It is the Highways Department which, in their survey, speaks of that issue and one can therefore reasonably accept that that was their view when engaging in that survey. It coincides, of course, with the findings of H M Inspector. We are not asking for favouritism in Brentwood but that you should act reasonably, technically correctly and lawfully. As it stands, your council has not done so. To the contrary, it has challenged the view of the Inspector with regards to the junction of Railway Street, and regarding the safety issues as far as the bollards are concerned. Your Department has furthermore introduced school traffic into the argument which is at best spurious but there is evidence that this has been manipulated by Leyburn Town Council. The opinion of the school on bollards is irrelevant and the argument that a major access road in preference to a cul-de-sac will be safer is not sustainable. It is interesting how these comments compare with Leyburn Town Council's. Your council has completely ignored the Wednesbury Principle because none of the well-presented considerations have been taken into account. We objected, as a matter of principle, to your so-called survey as being irrelevant because we felt that this would be a referendum on H M Inspector's findings, which is

totally unconstitutional. We were then told that this was merely part of a fact-finding exercise and that it was accepted that the people of Brentwood were of course more affected by an opening up of their cul-de-sac than others, who were also asked in this survey. It was therefore never intended that this survey would be part of the decision-making or that it would be used against us on a number basis. It is obvious that any survey which covers the whole of Maythorne and adjoining areas will produce more votes than any survey held in Brentwood. It would not be natural justice for people in Maythorne to decide on the future of Brentwood, who have far more at stake than just an additional direction in which to travel. Again this was an ill-conceived idea from the start, promoted by Leyburn Town Council, and the people of Maythorne were deliberately set against the people of Brentwood by a number of town councillors. You will no doubt appreciate that this is a total abuse of their oath of office. Technically this road does not conform to the specifications of a major access road, or even as a cul-de-sac, because the straight stretch is dangerous. It is totally irresponsible, and an act of supreme negligence, for your council to make this situation worse. They have done so knowingly because our fears have now been confirmed by the facts and have been related to your council. May I draw your attention to a recent programme on BBC1, Panorama, on Monday 14 February, which shows the devastating results of speeding vehicles in residential areas. The negligent action by your council and the failure of your officers to advise councillors correctly is now putting our life, limb and property at risk on a daily basis. The dubious advantage gained by this is to give the people of Maythorne an additional direction in which to travel. They have been a cul-de-sac since 1945 and the school has operated in this cul-de-sac for the last fifteen years. (I enclose a letter to the Headteacher). This is hardly a balanced view. You are acting totally against the policy in your Highways Manual and against government guidelines on planning for roads in residential areas. Your officers failed to point out to councillors your legal obligations, the aspect of safety and amenity for the residents of Brentwood, and the implications of H M Inspector's findings. My solicitor has also pointed out in a letter to your council that some assertions made by RDC in relation to planning could not be substantiated. Therefore, you were aware of the issues and yet you presented a false picture to councillors. Clearly, the advice which councillors received was lacking and resulted in a decision being made which, in law, is not sustainable. It also does not meet the criteria of reasonableness and the Wednesbury Principle. It is therefore essential that this entire issue is investigated in depth independent of the Highways Department and that councillors, when re-considering this, are given the full facts and, if need be, that residents should be invited to speak. There is also the question of blight. It is a commercial fact that the linking of a road which consists of fairly expensive private houses, and has so far been a cul-de-sac, to a massive council estate, is detrimental to the value of the properties in Brentwood. Your council may face a massive devaluation claim. My advice is that you would have little defence because of your totally unreasonable and unlawful action in this matter.

4 One must bear in mind that there has been considerable controversy between residents and RDC which we all still hope can be resolved and their more reasonable attitude would point in that direction. However, you are aware of this and the possibility that it may yet end up in court and it is therefore inconceivable that the meeting of the Highways 1 sub-committee on 4 February 2000 was chaired by Cllr Michael Heseltine who is the Vice Chairman of RDC and that one or two other councillors who also have contacts with RDC did not declare an interest either, as Cllr Heseltine should have done. I do not wish to in any way besmirch Cllr Heseltine's character and I am sure that it was a genuine mistake but nonetheless it renders the conclusions reached at that meeting null and void and gives us the opportunity to look at it again properly and see to it that councillors this time get proper legal advice on all the issues which have been raised. No-one seeks confrontation or wishes to see legal action but we must rely on the integrity of your Authority and those who run it. To consider all issues fairly, lawfully and without bias, is part of that integrity. Your Authority has an excellent name and what happened here, namely that the view of the residents of Brentwood has been totally ignored, and their safety, amenity, property values and security has been put at risk, is inexplicable. We are therefore not asking you to confront us in this request but to work with us to our common benefit. Please bear in mind that some of the issues I have raised are also applicable to the people of Wensleydale Avenue, some of whom are not happy with a through road either. May I remind you that your Chief Executive's office commented that "we are not very far apart". I am truly staggered and confounded that we now find ourselves at the edge of an abyss which surely could not have been anyone's intention.

Yours sincerely


Bernard Borman

Encs: RDC minutes 5/1/2000

Letter from Fox Hayes, 7/2/2000

Letter to Headteacher, Leyburn County Infants School, 14/2/2000

Point of Order, Leyburn Town Council, 14/2/2000

Att. Mrs. Julie Bowler 3 pages Thank you.

BB14

Mr G Cressey
Highways Department
North Yorkshire County Council
County Hall
Northallerton
N Yorks DL7 8AH

23 February 2000

Dear Mr Cressey

Thank you for your letter of 21 February 2000 with a substantial amount of enclosures. I must say that I was thoroughly confused and I would ask you to please assist me by answering some questions which arise out of this documentation in order to give me a clear picture.

- 1 Last year I had a meeting with you, Mr Fell and Cllr Mike Childs at County Hall when we discussed the issues and the fears of the Brentwood residents thoroughly. You will recall that we were all satisfied with the outcome of the meeting and I said to you that I would just have to trust you and other officers at County Hall. Cllr Childs quipped "Don't ever trust an officer". However, the report given to councillors on 4 February does not reflect any goodwill towards Brentwood residents and, indeed, the six residents of Wensleydale Avenue. It seems to completely ignore a number of crucial points which have arisen as a result of previous discussions and correspondence. Whilst I am grateful that you have attached residents' views, councillors are looking for guidance from an officer's report. What has changed?
- 2 I see no reference in your report to the police report. May I please have a copy?
- 3 I again refer to the above meeting at County Hall and to our telephone conversation of 9 February. We discussed Leyburn Town Council's request for a wider circulation of a fact-finding questionnaire and, as I understand it, it was agreed that the residents of Brentwood had substantial issues at stake which could not be said for the other side which had been a cul-de-sac since its inception. It is now obvious from the correspondence that this fact-finding questionnaire has been used as a referendum and that is contrary to what we discussed. I am also surprised that the school received a questionnaire, which was intended for households, when the two nursing homes on Brentwood and the doctor's surgery did not. I also understand that there had been no governors' meeting to formerly deal with this subject. I do not believe that anyone above Wensleydale Avenue should have been consulted at all since their interests are minimal. You should also not take into account any returns from people who speak of third party interests. The traffic arrangements outside the school are not their responsibility but that of the school and your department. Please clarify.
- 4 I see no reports from the emergency services. Are they too opposing lockable bollards? May I please have a copy of these reports?
- 5 Bearing in mind that one of the complaints concerned the school buses up and down the road, we now find that consideration is being given to add more buses as suggested by the Wensleydale Railway Company. Am I right in assuming that this somewhat devalues the entire argument about traffic congestion at the school?

BB14

- 6 Given that we have a number of elderly and disabled people in Brentwood, have you consulted RADAR at 12 City Forum, 250 City Road, London EC1V 8AF on their view?
- 7 You were given the submission to the Public Enquiry by the residents of Brentwood via Lady Harris and you also have of course H M Planning Inspector's response. Cllr Childs made representation on behalf of County Hall to H M Inspector in support of the residents of Brentwood. How can you not be familiar with this issue and why do you rely on misinformation from Richmondshire District Council which your report then quotes as fact?
- 8 Why did the school not respond to the Public Enquiry, or your department on behalf of the school?
- 9 You quote accident statistics in relation to the Brentwood junction which of course is far from the true accident picture. Only a few months ago I had an accident on that junction and there have been some five accidents over recent months in Brentwood which have caused property damage. I also had a near-miss when a car mounted the pavement in front of me as a result of speeding. Please let me know the statistics for the Maythorne side since 1945 and any statistics which show that emergency services have been unable to fulfil their functions in that area?
- 10 Can you advise me of the dates of letters in which the school has formally approached you to link these roads at any time over the last fifteen years?
- 11 Given that you have had notification from my solicitor that there is a dispute over an existing planning permission, did you ask Richmondshire for a copy of these planning permissions before you stated in your report and your circular that planning permission exists?
- 12 You refer in your report to councillors to H M Inspector's findings on this issue yet you say in another part of your documentation that the Inspector did not deal with Brentwood. Please clarify which is the correct version, in your view.
- 13 Your report challenges the Inspector's view on a number of counts. The correct way of challenging my view would have been at the Enquiry and Inspector's view on points of law, within a given period. Any other challenge is unconstitutional. Please confirm that I understand this issue correctly and please explain why you have challenged H M Inspector.
- 14 GGPs and your own design manual for residential roads are policy. I see no reference to any of these technical details in your report to councillors. When we met you confirmed that today you would not construct a road like Brentwood. Why is it that today you take a road like Brentwood into public service? Is there not a discrepancy? Please note that speeding and noise has now become an unacceptable factor in Brentwood and it cannot be left to continue under any circumstances.

Yours sincerely

Bernard Borman

cc: Fox Hayes, Solicitors
Brentwood Area Residents' Association



North

Yorkshire County Council

Environmental Services

BB14A

ATT MR R.E COLLINS

7

17/3/00

ENVIRONMENTAL ENHANCEMENT

Traffic Management, Road Safety, Passenger Transport, Rights of Way, Heritage, Minerals and Waste Planning

Your Reference:

My Reference: GC/KAA

When telephoning please ask for: Mr G Cressey
Ext: 2130

County Hall, Northallerton
North Yorkshire DL7 8AH

Tel: 01609 780780

Fax: 01609 779838

Email: graham.cressey@northyorks.gov.uk

16 March 2000

Dear Mr Borman

BRENTWOOD, LEYBURN

Thank you for your letter of 23 February 2000 in which you seek clarification on a number of issues arising from the report considered by the No 1 Area Highway Sub-Committee at its meeting on 4 February 2000. I apologise for the delay in replying. My comments on the issues you raise are set out below.

1. I certainly recall the meeting with Councillor Mike Childs, Geoff Fell and myself. I do not believe the approach to this matter discussed at our meeting last year has changed. The purpose of the report to the Sub-Committee was to enable Members to consider the comments received following further consultations on the request that Brentwood should become a cul-de-sac and not linked to Wensleydale Avenue and Maythorne and decide on the way forward. The report and the associated Appendices, in particular Appendix 2, bring to Members attention the concerns of residents of Brentwood. 2
iteration
23/02/00
2. Paragraph 3.1 states that North Yorkshire Police have indicated they would have no objection to making Brentwood and Wensleydale Avenue/Maythorne into two cul-de-sacs by installing lockable bollards. I attach a copy of the letter I have received from the Police expressing their view.
3. The public consultation was undertaken to obtain the views of residents of Brentwood and Wensleydale Avenue/Maythorne on the road layout following representation from Richmondshire District Council and Leyburn Town Council. It was felt this was the most appropriate area to include in this wider public consultation exercise. 2

Cont'd/.....

Mr B Borman



4. Paragraph 3.1 states that North Yorkshire Police and North Yorkshire Fire and Reserve Service have indicated they would have no objection to making Brentwood and Wensleydale Avenue/Maythorne two cul-de-sacs by installing removable bollards. I attach a copy of the replies received from the Police and Fire Services. A response was not received from the Ambulance Service.
5. You will recall the Area Highway Sub-Committee at its meeting in October 1999 agreed that without prejudice to the final decision taken by Members further consultation be carried out with the emergency services, Freight Transport Association, Road Haulage Association, and public transport operators on a traffic regulation order which would prohibit the driving of motor vehicles over a short length of Brentwood. The procedure to introduce such an order requires the County Council to consult with these organisations. The only public transport operator to respond was Wensleydale Railway Company and their comments are contained in Paragraph 3.2 of the report. I do not feel their medium term plans affect the comments which have been put forward about congestion at the school. 2
6. The views of RADAR have not been sought however your comments and those made by other residents have made it clear that a number of elderly and disabled people live in Brentwood.
7. Richmondshire District Council, as local planning authority, has confirmed to the County Council there is a planning permission which provides for the construction of an estate road linking Brentwood to Maythorne. The developer is entitled to implement that planning permission if he wishes. The Inspector's comments were directed at the possible link between Brentwood and any possible new development on Maythorne Farm (extending from Dale Grove). The Inspector did not directly address the link between Brentwood and Maythorne Estate since this was not an issue in the Local Plan. Not checked false info. made up.
8. You will have to address this question to the Chairman of the Governors of Leyburn County Primary School. 2
9. In the report to the Area 1 Sub-Committee on 29 October 1999 I indicated there had only been one reported slight injury accident at the junction of Brentwood with the A684 in the last three years. I can confirm there have been no other reported injury accidents at that junction since then. I accept there may have been some non-injury accidents but I have no information on these.

The County Council currently holds a ten year record of injury accidents. I can confirm that during the last ten years there have been no reported injury accidents on Maythorne or Wensleydale Avenue.

I do not have any statistics on any difficulties encountered by emergency services.

10. The Head Teacher wrote to the County Council on 15 October 1999 in response to the public consultation questionnaire. The views expressed in that correspondence are contained in paragraph 3.4 of the report considered by the No 1 Area Highway Sub-Committee on 29 October 1999. I am unaware of any other correspondence from the school on this matter.
11. The Richmondshire District Council, as the local planning authority, has confirmed to the County Council there is a planning permission which provides for the construction of an estate road linking Brentwood to Maythorne. This is reaffirmed in the report considered by the District Council's Planning Committee on 5 January 2000. As you are aware the planning issues are a matter for Richmondshire District Council as the local planning authority. *not when NYCC rely on this!*
12. The Inspector's report on the Local Plan is an issue which has been raised by residents of Brentwood on several occasions including the submission which formed Appendix 2 of the report considered by the Area 1 Highway Sub-Committee on 4 February 2000. I have not advised Members that the Inspector did not deal with Brentwood. I have stated in paragraph 3.5 of the report to the last meeting of the Sub-Committee: *See No 7.*

"with regard to the Inspector's report following the public inquiry into the Local Plan I have sought the views of Richmondshire District Council. The Head of Committee Services has confirmed the Inspector's comments were directed at the possible link between Brentwood and the new development on Maythorne Farm (extending from Dale Grove). He invited the District Council to bear in mind that to provide such a road link would harm the amenities of the residents of Brentwood, that speed humps would not improve matters and that additional traffic using the Brentwood/Market Square junction should be avoided. The Inspector did not directly address the link between Brentwood and Maythorne estate since this was not an issue in the Local Plan." *2*

13. I do not accept that the County Council has challenged the Inspector's view since it has been confirmed that the link between Brentwood and Maythorne estate was not an issue in the Local Plan. *evidence*
14. Appendix D to the report considered by the No 1 Area Highway Sub-Committee at its meeting on 29 October 1999 refers to County Council's Residential Highway Design Guide. I have noted your comments about the speed and noise of traffic. I can confirm the monitoring of speed and volume of traffic on Brentwood will commence in the next couple of weeks. *yes, but not regarded as the 4/2/00*

I trust you will find my comments helpful.

Yours sincerely

G CRESSEY

Traffic Management and Development Control Manager

BB14B

Private notes on a letter received from Mr G Cressey, North Yorkshire County Council, dated 16 March 2000 in response to my letter of 23 February 2000. I will deal with the items as listed on my and his letter, enumerated from 1 to 14.

1 It is interesting that he has confirmed more or less what I understood the meeting to be, particularly the issue about the purpose of what he calls his survey. The report for the meeting of 4 February 2000 does not steer members in the legally correct direction but prefers to ignore the main and crucial issues. It assumes that the information on the Inspector's findings and the planning issue is as confirmed by Richmondshire District Council without making the slightest attempt to check it out. The issue was also NOT that Brentwood should BECOME a cul-de-sac but that it always had been a cul-de-sac and should remain so. The Appendix 2 is meaningless if one does not attach the relevant documents from RDC and the agenda from the meeting of 29 October 1999. In any event, officers should have commented on it because councillors will otherwise regard it as detritus. It should not be assumed that members will remember what was said at the previous meeting on 29 October 1999 but it should be re-capped in the report before them.

2 A previous report from the police seems to have gone missing which I understood was more in favour of the residents of Brentwood and it was issued by Sgt Outhwaite. However, the replacement still favours our argument because the police saw that as a proposal and therefore responded as they have. This neutralises the view of Leyburn Town Council.

3 One cannot hold a referendum on H M Inspector's report, particularly when the contents of that letter were fundamentally inaccurate and failed to explain the wider issues. Furthermore, if you have 80 houses in Brentwood and 220 in the other part, it is quite clear that the residents in Brentwood are not likely to win any such consultation. To Brentwood it is a matter of safety, amenity, security and property value; to the rest it is just an additional route in which to travel.

4 This shows that there are no problems with lockable bollards and that the opinions of the Headteacher of the school, and Leyburn Town Council, have been neutralised.

5 It is abhorrent nonsense that one argues on the one hand that the buses which serve the school cause congestion and on the other, suggest that further buses would do no harm.

6 Disabled people have not been considered.

7 The County Council has simply taken the view of Richmondshire District Council without checking although they were made aware in a solicitor's letter that RDC was wrong in their assertion about a valid planning permission. They furthermore state as a matter of fact that the Inspector addressed something entirely different. That is wrong.

8 This shows that the attitude of the school, which has been deliberately politicised and misrepresented, is that they don't care one way or the other.

9 In addition to the accident mentioned, to date there have been seven further accidents caused by people losing control of cars. Therefore, in view of this comment, it is clear that the problem has not been in Maythorne or Wensleydale Avenue as some claim, but in Brentwood. Again, it shows that all the hype about emergency service access is not based on facts.

10 The Headteacher did not write to the County Council but filled in the questionnaire which she should not have had in the first place. However, it shows that this is an entirely new issue although the school has been on this site for the last fifteen years. It is interesting to note that a form was not sent to the two nursing homes or the doctor's surgery.

11 This confirmation as previously mentioned to the County Council is incorrect. Planning is not just a matter for the District Council but also for the Highways Authority, particularly when they share a common policy as mentioned in the Highway Design Guide for Residential Roads.

12 It states clearly that members were not advised that the Inspector did not deal with Brentwood but this is not in line with Item 7 and no reference was made to the fact that residents are in dispute with RDC over this issue. Furthermore the Head of Cttee Services is not a planning officer.

13 As soon as you do not agree with the Inspector's findings, such as, for example, the junction, you are taking a different route to the results of the Public Enquiry, and indeed to the District Plan. There is no evidence to the comments contained herein.

14 Again, one cannot refer to findings of a previous meeting and one must present an issue to members as a whole. The failure to conform with the Highways own design guide and its arising policy is a serious matter and they have acted against their own policy upon which residents, in their searches, were entitled to rely.

General

This whole response is based on a lack of facts, miserable excuses and a total failure to consider the well-being of the residents of Brentwood and possibly those of Wensleydale Avenue by producing something which benefits no-one except the developer of the outline planning permission of Maythorne I and II. I cannot believe that the people involved in this decision-making are not aware that this is bound to raise serious accusations in terms of their ability to perform their duties fairly and in the interests of the community as a whole.