

# North Yorkshire County Council

## Transport, Economy and Environment Overview and Scrutiny Committee

Minutes of the Meeting held at County Hall, Northallerton on 24 October 2019 at 10.00 am.

**Present:**

County Councillor Stanley Lumley in the Chair.

County Councillors Karl Arthur, David Goode, Caroline Goodrick (sub. for David Jeffels), Paul Haslam, Don Mackay, Andy Paraskos, Caroline Patmore, Clive Pearson, Roberta Swiers and Richard Welch.

Also in attendance: County Councillors Derek Bastiman and Executive County Councillor Don MacKenzie

NYCC Officers attending: Andrew Bainbridge, Team Leader – Transport Planning (BES), David Bowe, Corporate Director – Business and Environmental Services (BES), Ian Fielding, Assistant Director - Waste & Countryside Services (BES), John Laking, Senior Strategy & Performance Officer (BES), Graham North, Strategy & Performance Officer (BES), Matt O'Neill, Assistant Director – Growth, Planning and Trading Standards (BES), Catherine Price – Contract & Commissioning Manager IPTU (BES), Liz Small, Growth and Heritage Services Manager (BES), Nigel Smith, Head of Highways Operations (BES) and Jonathan Spencer, Principal Scrutiny Officer (CSD).

Present by invitation: Chris Dunn, Service Delivery Manager – Highways England.

One representative of the press and three members of the public were present.

Apologies for absence had been received from County Councillors Robert Heseltine, David Jeffels and John McCartney.

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**Copies of all documents considered are in the Minute Book**

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**85. Minutes**

**Resolved -**

That the Minutes of the meeting held on 15 July 2019 be confirmed and signed by the Chairman as a correct record.

**86. Declarations of Interest**

County Councillor Karl Arthur declared a personal interest as an employee at Network Rail and specifically in relation to being employed at Barlby Level Crossing. He explained that he had been granted a dispensation by North Yorkshire County Council's Monitoring Officer under delegated powers to speak at the meeting. The dispensation had been granted to allow County Councillor Karl Arthur to speak, vote and be included

within the quorum at meetings of the Transport, Economy and Environment Overview and Scrutiny Committee when the Committee was considering business relating to Passenger Rail Updates, until the date of the local government elections in 2021. The dispensation was in the interests of persons living in the authority's area and it is appropriate to grant the dispensation.

#### **Resolved -**

That the reasons be noted for the dispensation for County Councillor Karl Arthur to speak, vote and be included within the quorum at meetings of the Transport, Economy and Environment Overview and Scrutiny Committee when the Committee was considering business relating to Passenger Rail Updates, until the date of the local government elections in 2021.

#### **87. Public Questions or Statements**

There were two statements received from members of the public and they were taken in the order received.

The Chairman invited Mr Barry Connor to make a statement.

Mr Connor said that he wished to refer the Transport, Economy and Environment Overview and Scrutiny Committee to the legal duties specified in Transport and Local Government Acts, which he said were not being complied with by North Yorkshire County. He said that legal opinion was part of his submission and in the course of his statement referred to the legal opinion and various documents that he had provided to the Committee in advance of the meeting. He stated the following:

- 1) Legal duties specified in Transport and Local Government Acts are not being complied with:

It is ultimately for the County Council to decide what levels of service are 'appropriate' having regard to the resources it has available, but this does not absolve them of a legal duty to undertake research in order to identify transport needs. Financial cost assessments have to come after the Transport Needs assessments have been completed and alternative transport services identified. [Mr Connor referred to the legal submission which he had provided to the Committee in advance of the meeting and which supported this interpretation of the legal duties of the Council]. However, North Yorkshire County Council's Transport Department consistently fails to acknowledge or undertake research before considering whether solutions are affordable. [He referred to paragraphs 11 and 11.1 of the 2013 Report to the Transport, Economy and Environment Overview and Scrutiny committee entitled Proposed Reductions in Bus Subsidy, which he had provided to the Committee in advance of the meeting.] Furthermore, in 2013, North Yorkshire County Council decided to cut bus service financial support by £1.1million. Consultation only took place after that decision had been reached. Legal Opinion suggests that this is unfair and unreasonable.

- 2) Misuse/Misapplication of Funding:

In 2011 and 2012 grants totalling £832,000 were received from the Department for Transport.

When notifying Counties of this grant the Parliamentary Under Secretary of State

advised: “I would expect that authorities do not use this extra DfT revenue funding to displace planned expenditure on community transport and supported bus services...” as it was intended to encourage additional innovative transport provision. [Mr Connor referred at this point to a DfT letter which he had provided to the Committee in advance of the meeting]. However, when the [County Council’s] Transport Department reported the grants to the County Executive in July 2011, it stated that: “In practice, the funding has been paid to the Council without any specific requirements as to its use”. Additionally, in 2014, Richard Owens (then Assistant Director, Transport Department) stated that: “the DfT funding is still intact”. It appears that the money was used to substitute for planned expenditure.

In 2015 the County successfully bid for £120,000 of funds from DfT as part of its ‘Total Transport’ initiative. [Mr Connor referred to the submission which he had provided to the Committee in advance of the meeting]. The stated aim was to work with local CCGs [Clinical Commissioning Groups] to develop integrated transport solutions to enhance public transport.

In 2017, a DfT Report identified that the funds had been used to save the CCGs £200,000 but there was no detail about what benefits had accrued to the residents of North Yorkshire. [Mr Connor referred to page 13, paragraph 2.6 of the report, which he had provided to the Committee in advance of the meeting].

In 2019 I was informed in a Freedom of Information response that: “The Council holds no information other than that in the DfT Report” and that “No further work has been undertaken in relation to integrating non-emergency patient transport services with other forms of public passenger transport in North Yorkshire”. Following a complaint, an Internal Review revealed that less than half of the DfT monies were spent on the project and the balance had been diverted into other areas of expenditure.

### 3) Role of Transport Department:

The Transport Department has stated that when conventional services no longer meet the County’s support criteria, it will only respond if local Parish Councils identify need and local communities support small scale community transport schemes. This is despite the lack of resources and expertise available to Parish Councils and appears to excuse the Department from undertaking research or even offering their expertise in identifying alternatives to conventional bus services. The Department also states that it gives a lower priority for work journeys and they must operate commercially.

As a consequence of this, North Yorkshire now lags well behind other large rural English Counties in providing alternatives for those with transport needs. [Mr Connor referred to a paper contrasting the range of services provided elsewhere, which he had circulated to the Committee in advance of the meeting.]

Even when local alternatives are developed, their existence receives inadequate publicity to encourage use, for example Masham lift share scheme does not even appear under ‘Public transport’ on the NYCC [North Yorkshire County Council] website.

There is an impression that research and innovative solutions are only pursued if they are actively promoted by influential County Councillors. Additionally, a time when environmental imperatives are being belatedly recognised and senior politicians in the area are calling for a more holistic approach to the provision of sustainable services, there is no effort to produce Environmental Impact

assessments of service reductions.

4) Closing Statement/Summary:

As can be seen from the above, there is ample evidence to suggest that the County is failing by allowing its Transport Department to: avoid meeting its legal obligations, not apply available funds in ways which could alleviate unmet travel needs and by adopting a reactive rather than a proactive response to helping local communities.

At a time when Central Government is promoting public transport for environmental reasons (and the leader of Harrogate Borough Council has announced that tackling climate change will be the authority's biggest priority over the coming year) this performance does not match the expectations of those living in the County.

We would therefore request the Scrutiny Committee to call on the County:

1. To require the Transport Department to recognise and act upon its legal duties;
2. To ensure that the recently announced extra bus funding for County Councils is used as intended and not to be used as before to simply substitute for other budgeted expenditure;
3. To require the Transport Department to work proactively with our local communities to identify how mobility can be provided and to quantify Environmental Impact; and
4. To require the Transport Department to revise its policy of assigning a lower priority to work journeys.

The Chairman invited Ian Fielding to respond.

Ian Fielding said that he would be able to provide a written statement in response to the points raised by Mr Connor but in summary he was firmly of the view that North Yorkshire County Council did comply with its legal duties and had not mis-appropriated funding. He said that he wished to assure the Committee that the County Council delivered a transport policy that was compliant with its legal duties. Mr Connor had previously received responses from the County Council in response to a petition submitted in May 2019 and to the points that Mr Connor had made in his statement to the Thirsk and Malton Area Constituency Meeting on 3 July 2019. Ian Fielding had also met with Mr Connor last week to discuss Mr Connor's concerns and to discuss future thinking regarding rural transport provision.

Members made the following key comments:

- County Councillor David Goode said that the information that Mr Connor had provided was comprehensive and he had raised some important points regarding the history of funding in particular areas. He noted there was a need for the Committee to seek further follow-up information from the Integrated Passenger Transport Unit and suggested that the way forward was for the Committee to be updated on what the County Council's strategy transport policy was and what actions it took to implement creative transport solutions.
- The Chairman requested that in advance of the report being submitted to the Committee, the questions raised by Mr Connor were responded to by officers in the Integrated Passenger Transport Unit.
- County Councillor Caroline Patmore said that it would be beneficial for the

report to detail where the various funding streams that Mr Connor had cited had been used and what had been the outcomes.

- County Councillor Caroline Goodrick noted that Wheels to Work in Ryedale district had been very successful and ways to roll this out further to the Helperby area could be explored.
- Executive County Councillor Don MacKenzie said that as the Member responsible for transport policy at the County Council, he wished to address the Committee in relation to some of the points raised by Mr Connor about the Council's approach to public transport in relation to matters of policy and procedure. The suggestion that the County Council was failing in its duty to provide residents with effective transport facilities was not correct and the comparisons that Mr Connor had made to other county councils had been 'cherry-picked'. He had first corresponded with Mr Connor in respect of the withdrawal of commercial bus service 29, which had served the Helperby area. The service had failed because passenger numbers were minimal. North Yorkshire County Council had in the past subsidised bus journeys in the county by several millions of pounds each year but now provided £1.5 million in bus subsidy each year. The bus subsidy reduction had been necessary due to the County Council's budgets being under pressure and because substantial elements of that subsidy represented poor value for taxpayers' money with some passenger journey costs of many tens of pounds each. Alongside the bus subsidy, the County Council subsidised the National Concessionary Travel Scheme (NCTS) by £8 million a year, providing 119,000 bus passes to residents of pensionable age and 8,000 to disabled people or their carers. North Yorkshire County Council went beyond what it was legally required to provide and he believed was one of the best in funding passenger transport services to its residents. Mr Connor's point that the County Council was not pro-active enough was not correct. In May 2018 as part of the review of public transport in the Hambleton, Harrogate and Richmondshire areas, which was several months before the withdrawal of the commercial bus service, all parish councils in the areas including, Brafferton and Helperby were contacted explaining that the Council was reviewing public transport services and seeking feedback to be considered as part of the review. Brafferton and Helperby Parish Council had not responded. He had notified Mr Connor at the time about the locality budget that local Members could provide to provide alternative transport solutions including Community Transport and similar volunteer-run schemes. Mr Connor's response had been that the County Council should be responsible for funding the bus service. He had disagreed with Mr Connor about this and had highlighted to Mr Connor that the County Council relied on volunteers for many services as part of the difficult financial constraints it was under. He went on to note that the County Council in partnership with the Local Enterprise Partnership had also provided financial help to improve rail services in addition to bus services.

The Chairman invited Mr Connor to respond to the points raised.

Mr Connor said that he had been disappointed that in putting forward legal opinion and considerable written evidence in advance of the meeting, he had not received a written response in return. He was pleased that the suggestion had now been made for officers to provide a written statement and to come back to a future meeting to discuss further. He said that the withdrawal of bus service 29 had been a catalyst for his action and Executive County Councillor Don MacKenzie had omitted to mention that the service failed because the timetable did not meet the needs of the six villages. Consulting with parish councils was not sufficient by and of itself. Parish councils were

not funded to consult with their local community and often did not have the expertise to do so unlike the County Council's transport department. Where services were under threat the County Council needed to be more pro-active so that communities could be consulted and have the opportunity to discuss directly with the transport department possible alternatives. He acknowledged that not all bus services could be saved. He said that it was not correct that North Yorkshire County Council was one of the best transport authorities in funding passenger transport services to its residents, including in relation to a number of other county councils. The examples he had provided were from the five largest English rural counties, which included North Yorkshire, and so were valid comparisons. He concluded by stating that he hoped that the Committee would require the County Council's transport department to act on its legal duties. Extra funding for bus travel provided by central government should be used as intended and not as a substitute for other budget expenditure. Central government's approach was to promote public transport for environmental reasons. He asked the Committee to also consider how mobility in the county could be improved through use of rural transport and for the transport department to assign a higher priority to work-related journeys. This was on the basis that such journeys would assist in community development and provide resources for off-peak social, health and shopping journeys.

David Bowe said that it was an unusual situation for Mr Connor to have written to the Transport, Economy and Environment Overview and Scrutiny Committee with a complaint. The Transport, Economy and Environment Overview and Scrutiny Committee needed to be aware that the complaint had not come through the normal approach of officers being contacted in the first instance to respond directly to the complainant.

**Resolved:**

- a) That the Assistant Director - Waste & Countryside Services provides a written statement to Mr Connor responding to the points that Mr Connor had raised.
- b) That Members on the Transport, Economy and Environment Overview and Scrutiny Committee be provided with a copy of the written statement.
- c) That a comprehensive update report from the Integrated Passenger Transport Unit be provided on rural transport in the county including funding, policy and strategy.

The Chairman invited Mr Christopher Dunn to make a statement.

Mr Dunn said the following:

I have lived in Harrogate now for 18 months and have the following points to raise and questions answered.

Based on the premise that the 1980 Highways Act, which does not tolerate obstructions of any highway; the Equalities Act; and the fact my disabled wife cannot safely negotiate most Harrogate streets, I ask that you to enforce/take action noting the following:

- 1) Many old back (unnamed) streets of Harrogate have 600mm wide token pavements parked on, rubbish bins remain permanently obstructing (providing 'cover' for fly tipping) [and] parked vehicles that kiss the kerb, have mirrors and body shell obstructing whatever pavement there is. Harrogate Borough Council have shown no interest in 'clearing' their bins, will North Yorkshire County Council enforce clearance and name all streets please?
- 2) Many streets or roads of North Yorkshire have persistent cars vans parked on pavements leaving far less than the presumed pre requisite 1200mm for the

- disabled to pass. Will North Yorkshire County Council clear the highway as the Police have no budget or interest?
- 3) The A59 at Harrogate for 200 metres west after the Kings Road junction has a County Council inspired yellow line TRO [Traffic Regulatory Order], parked vehicles permanently infringe the TRO and several 'Highway codes' and Harrogate Borough Council (the enforcer) refuse to act as 'they have nowhere else to park'. Will North Yorkshire County Council revoke this TRO as non-enforcement sets a terrible precedent?
  - 4) With reference to Hall Lane Bilton and Crab lane Bilton in Harrogate, evidence indicating the 'enclosure'/obstruction of highway land by selfish residents has been provided to North Yorkshire County Council (Area 6, and highway searches department), that is verges: privately Kerbed; trees planted; tarmacked and fly-tipped; compromised safety to school entrance and zig zags, double yellows, cycle lane, and bus route. Area 6 suggest 'it is only an aesthetic problem'. Will North Yorkshire County Council clear these obstructions and reclaim all 'grabbed' land throughout North Yorkshire?
  - 5) Old Street name signs throughout North Yorkshire have collapsing rotting oak posts and faded blached script. Will North Yorkshire County Council repaint and re-fix these and name roads unnamed?
  - 6) Painted road 'cycle boxes' are totally faded causing alarm to cyclists and apathy to motorists. Will North Yorkshire County Council ensure cycle safety and repaint?
  - 7) UCI Harrogate cycling attracted six massive media/camper vans camped for 12 days on highway (thence fly tipped land) at Harlow Moor Road Harrogate, North Yorkshire County Council were informed. Will North Yorkshire County Council track down these fly-tipping illegal campers and admonish Yorkshire 2019?
  - 8) Does North Yorkshire County Council have Highway 'de-obstructing' powers as well as the Police?

The Chairman invited Nigel Smith to respond.

Nigel Smith said that he was aware of the issues as Mr Dunn had been in contact with the local Area Highways Office previously. The points raised were valid and whilst they were primarily of a local rather than strategic nature, he took the points seriously including the perceived level of discrimination that Mr Dunn and his wife were expressing. Mr Dunn's correspondence was currently being looked into by the Area Highways Office and he would receive a comprehensive response to each of the points that Mr Dunn raised. The Committee would also be provided with a copy of the response. A number of the points raised by Mr Dunn related to enforcement issues under the responsibility of either the Police or Harrogate Borough Council rather than the County Council. Nigel Smith said that where this was the case he would ensure that this would be followed up with the Police or Harrogate Borough Council as part of the response to Mr Dunn. Mr Dunn would have the opportunity to have a follow-up meeting at the local Area Highways Office.

Members made the following key comments:

- Executive County Councillor Don MacKenzie said that in his experience where Harrogate Borough Council had responsibility for replacing street it did so quickly. However, in Harrogate town there were numerous back streets with no street names. This was because the street name related to the street at the front of properties. He noted that Scotland had become the first country in the UK to ban parking on pavements with the new law set to come into effect there in 2021.
- County Councillor Don MacKay noted that in Tadcaster some of the streets regularly experienced 'bottle necks' due to cars parking on the pavement and the

Police then not enforcing this. The response he had had from the Police was that the Police could not enforce unless there was a witness to the blockage being caused. Parking on pavements seemed to be becoming normal as a result.

- County Councillor Andy Paraskos said that parking on the pavement was an issue in every village within his division. When a report was made to the Police the response back was as long as there was room for disabled person enforcement could not take place. It was however an offence to drive on the pavement but this seemed to carry no weight in practice. David Bowe replied that he had engaged with the Police about this and had been informed that in order to enforce, an actual offence for prosecution had to be visibly seen by an officer. An offence was only committed if a pushchair or wheelchair appeared and the Police witnessed the offence. Enforcement could not occur where there was only the potential for causing an obstruction. A change of legislation would be needed first in order to allow parking on the pavement to become an offence in its own right.
- County Councillor Paul Haslam mentioned that there was signage on Bilton Lane in Harrogate stating that it was illegal to park on the pavement. The number of enforcement tickets had increased for a while but then the Police had seemed to stop enforcing. David Bowe said that he would look into the matter but suspected the problem was the sign was not legal.
- County Councillor Andy Paraskos noted that legislation was in place to make it illegal to park on a dropped kerb. Nigel Smith clarified that depending upon where the car was parked it depended upon whether it came under the definition of obstruction and how that obstruction was perceived.
- County Councillor Richard Welch noted that North Yorkshire Police was accepting dash cam evidence to make prosecutions for motoring offences. He raised the suggestion about using dash cams to record evidence of obstructions. David Bowe replied that it would be worth investigating but would be for the Crown Prosecution Service and the Police to determine whether a prosecution would be brought. If there was clear evidence with a date and the person obstructed was prepared to give a witness statement, then this would result in a greater chance of a prosecution being brought.

The Chairman invited Mr Dunn to respond.

Mr Dunn said that a minimum width of 1200 centimetres was required to allow a wheelchair to pass. He called for the County Council to make every effort to claim control between the boundary of each side of a road that it was responsible for maintaining.

**Resolved:**

- a) That the Head of Highways Operations provides a written response to Mr Dunn in relation to the points he had raised.
- b) That the written response be circulated to Members on the Transport, Economy and Environment Overview and Scrutiny Committee.

## 88. Corporate Director's update

Considered -

The verbal update of the Corporate Director - Business and Environmental Services.

David Bowe provided the following update.

- World Championships Cycling in Harrogate: From North Yorkshire County Council's Highways perspective, the event had been well-managed. The event had been a challenge for local businesses but the benefits of the event and other similar events were longer term than the events themselves as they promoted the county nationally and abroad through the widespread press and television coverage. Adverse feedback had been handled well and most people had received a positive outcome arising from their concerns. It was unfortunate that the race had not included the Muker area after the hardship that communities had faced there due to the flooding earlier this year. Highways officers had worked hard to facilitate the race to go into that area but it had not been possible in the end because of the poor weather.
- Flooding: The flash flooding in the Yorkshire Dales in July 2019, had caused two bridges to be destroyed totalling in the region of £3 million to replace. Funding had been received from government and tender for the works would be going out shortly. The hope was that construction would start in the spring. Highways had liaised closely with the communities impacted by the flooding from Grinton beck about the immediate reactive work. The flooding had resulted from the amount of debris that had been brought down resulting in blocking the beck. Responsibility for the maintenance of the beck lay with the riparian owner. Households were not covered by their home insurance for this type of instance. The local community felt let down and so a number of organisations including Richmondshire District Council, North Yorkshire County Council, the Environment Agency and Yorkshire Water agreed to work together to facilitate a position without setting a precedent. Each organisation had agreed to contribute towards the loss of property if other sources of funding could not be provided from elsewhere; in the event the claim submitted to government was successful. A Section 19 Flooding Investigation report was currently being written.
- Selby Bypass: The Department for Transport (DfT) had now agreed to fund £4.95 million of the repair costs for Selby Bypass out of a total cost of £7 million. If the government had not committed to do this North Yorkshire County Council would have been faced with a bill of £5 million.
- A59 Kex Gill: The business case for re-routing the A59 from Kex Gill would be submitted to government in November 2019. The DfT was proposing to fund the route through use of funding set aside to maintain network resilience. The proposed route scored well on cost benefit assessment and it was hoped that the scheme would be fast-tracked, leading to a construction start date in 2020. This would depend however on government funding and the granting of planning permission without receiving a challenge. The County Council would risk losing government funding if objections to the planning application were received.
- Future delivery of the highways service: David Bowe reminded the Committee

that from 2021, delivery of the highways service would be through North Yorkshire Highways, a company wholly owned by North Yorkshire County Council operating under Teckal criteria. All local Ringway staff would have the right to TUPE into the new company and were being encouraged to do so. The hope was that the service transfer from Ringway to North Yorkshire Highways would occur no earlier than 1 April 2021 because of the winter season and the associated pressures placed on the service during that time. Under the current contractual arrangements with Ringway, North Yorkshire County Council had the facility to extend by negotiation the contract with Ringway.

- North Yorkshire County Council's Housebuilding company Brierley Homes: All the properties on the first estate to be built by Brierley Homes had sold; this was six months ahead of projections.

Members made the following key comments:

- County Councillor David Goode asked for a progress update on the Business and Environmental Services Directorate's budget savings to date and budget planning for the next financial year. David Bowe said that the directorate was on target to meet its budget savings with the exception of one area – one-stop shop for delivering highway services – though this included 278 elements of work and did not represent a significant budget saving. The intention of the one stop shop was for North Yorkshire County Council to design junction works and deliver the schemes if necessary. From the winter of 2020/21 onwards there would be a reduction in salt heaps but there would be a consultation exercise carried out well ahead of any actual changes being brought in.
- County Councillor Caroline Goodrick noted that the BBC Countryfile Live event at Castle Howard in August 2019 had attracted 50,000 visitors over four days. There had been significant levels of traffic congestion on the A64. County Councillor Caroline Goodrick had asked staff at Castle Howard to liaise with Highways Officers to debrief them about this year's event and plan ahead for the same event to be held at Castle Howard next year. Such an event was highly beneficial for the economy but this year's event had not been well-organised in terms of traffic management. David Bowe said that were examples of good practice by event organisers elsewhere in the county such as for the Great Yorkshire Show in Harrogate. Highways England also worked closely with the County Council on that event. The point at which an event organiser engaged with the relevant transport authority was often a major factor and this could be compounded by the event organiser not understanding the event. He went on to state that he would be happy for the Highways team to engage with Castle Howard in traffic planning.
- County Councillor Karl Arthur queried why the County Council had not been awarded the full £7 million costs for Selby Bypass. David Bowe replied that it had always been understood that the County Council would need to fund the 'betterment' costs and in this regard did not represent additional debt to the council.
- Referring to the World Championships Cycling event in Harrogate, County Councillor Stanley Lumley said that an issue that had arisen was that during the Sportif event there had been conflict between the marshalls and residents. At Greenhow Hill residents had not been able to access their properties due to the marshalls turning them away. David Bowe said that generally for such events the planning was detailed. If the original plan was to allow access it was

a matter of how marshalls had been managed and what their authority was. This could be fed in in relation to the de-brief that was being carried out.

**Resolved -**

That the update be noted.

**89. Highways England**

Considered -

The verbal report of the Service Delivery Manager, Highways England.

Chris Dunn referred to the improvements carried out on the A64, A66 and A1(M) in 2019/20 and scheduled improvements being carried out in 2020/21.

- A64: £22 million was being spent along the A64 as part of ongoing maintenance work in Yorkshire and the Humber. The funding was not an alternative to the dualling proposals. Work had been completed on improvements at Staxton crossroads and resurfacing work was currently being carried out between Staxton and Eastfield and cycle and pedestrian improvements between Staxton and Metes Lane. Safety improvements at five junctions in Knapton has also just started with the work expected to be completed by the end of March 2020. Over the past year there had been some weekend closures on the A64. In 2018 Highways England had used postcards to give out to businesses and residents to highlight the closures but Highways England was now looking at better forms of communication. Three customer engagement events had been done including at Rillington. Over the next few months Highways England would be starting resurfacing at Rillington Fields and Bilbrough to Hopgrove. Also in 2020 work would be starting on safety improvements as part of the gateways at various villages between Crambeck and Staxton, drainage work at Sherburn, cycle improvements around Jinnah restaurant and safety improvements at Crambeck.
- A66: In 2019/20, works to the west of Scotch Corner had included resurfacing of the carriageway between Cross Lanes junction and Rokeby junction and the replacement of 12 signs between Scotch Corner and West Layton. Planned work to be completed between November and December included resurfacing work between West Layton junction and New Lane Junction and improved junction visibility at New Lane Junction. Planned work to be undertaken between January and March 2020 included amongst others, improving the sightlines at the A66 New Lane junction and improvement works to the central reserve gaps between the Bowes interchange and the Cumbria. A permanent 50mph speed restriction would be installed on the single lane section of the A66 between the two sections of dual carriageway from Warreners Lane/Mainsgill and Browson Bank. Support would be required from North Yorkshire County Council for a similar permanent speed restriction to be applied for and enacted on their network on side roads that join the A66 between those two points.
- A1(M): The resurfacing work between Ripon and Leeming was due to be completed by late December 2019. Planned work to be undertaken between January and March 2020 included LED lighting improvement works to Leeming Bar and Baldersby interchanges. Investment was being put in in relation to grassland corridors to encourage biodiversity. On the final phase of the contraflow for the resurfacing work between Ripon and Leeming a temporary

60mph speed restriction trial had been put in place instead of the normal 50mph temporary speed restriction for work requiring convoys. The purpose of this was to see if the change reduced congestion and the results to date had been positive.

Members made the following key comments;

- County Councillor Caroline Goodrick said that she was very concerned that the A64 road improvements had been downgraded from medium to low by Highways England. The A64 was a key strategic route connecting the east to the west of the county and without improvements economic growth would not happen. The planned upgrade to the A1237 would create further pressure on an already over-pressurised system at Hopgrove Roundabout. She said that she did not get a sense that Highways England was being joined up or holistic. The current situation of the A64 was that local traffic and commercial vehicles used 'rat runs' through villages to save time putting massive strain on the road infrastructure there. All the local MPs were on board with dualling the A64 but there was not enough of an overview of Highways England by the public; it appeared to be a siloed organisation only accountable to the Transport Minister and so there was no scrutiny. Her greatest concern was that if the A64 dualling road improvements were not included in the Road Investment Strategy 2 (RIS2 2020-2025) the dualling of the A64 would not happen for many years if at all. The funding would instead be re-absorbed by other road projects elsewhere in the country. Chris Dunn replied that there was a meeting last week with local MPs and Highways England's senior leadership team to discuss the situation on the A64. Highways England was currently commissioning a further study to include the York ring road, which was due by the end of December 2019. He acknowledged that Highways England needed to share further information with local Members about what the various factors and calculations that had led to the downgrading of the A64 road improvements.
- County Councillor Stanley Lumley requested that for future annual updates Highways England provided a written report prior to the Committee meeting.
- County Councillor Caroline Goodrick said that she had attended the LEP A64 Growth Partnership and to her astonishment representatives had been informed that the impact of tourist traffic had been stripped out, leading to the change from the A64 road improvements being downgraded from medium to low. Chris Dunn replied that it was his understanding that this was because commuting traffic scored a higher value than recreational use but acknowledged that this could be controversial.
- County Councillor Derek Bastiman said that to ignore the impact of tourist-related traffic was fundamentally wrong as well as illogical. Tourists to Scarborough borough added £650 million per year to the economy and to a lesser extent for East Riding and for Ryedale district. When he was on the York, North Yorkshire and East Riding Local Enterprise Partnership money was put into the A64 for 'quick win' road improvements but the dualling of further stretches of the A64 seemed to have gone by the by because of Highways England. He accepted it was highly unlikely that the A64 would ever be dualled for its entire length especially from Malton eastwards. However, Highways England should accept quick wins where land was available to dual the A64.
- County Councillor Richard Welch why, just after a few years after the A1M upgrade was completed road re-surfacing works had needed to be undertaken on some of the sections that were amongst the last to be completed in the

county. Chris Dunn said that there was a trade-off between noise suppressing road materials and durability. Highways England was starting to re-introduce more durable road materials on some of their other A-roads including hot rolled ashfelt and was continuously reviewing the lifespan of materials.

**Resolved –**

- a) That the report be noted.
- b) That Highways England produce a written report to the Transport, Economy and Environment Overview and Scrutiny Committee in advance of attending a subsequent Committee meeting.

**90. Growth and Heritage Services**

**Considered –**

The report of the NYCC Corporate Director – Business and Environmental Services to provide an overview of North Yorkshire County Council's Growth and Heritage service.

Matt O'Neill introduced the report. He explained about the two aspects of the service. The growth side was related to North Yorkshire County Council's policy to support the local economy; the devolution agenda; and input into the district councils' Local Plans. The heritage part of the service involved the County Council's response to maintaining the historic and natural environment. The County Council had a cohesive set of shared economic objectives set out in its growth plan. The growth plan which was now three years old would be updated next year.

Liz Small provided further detail about the heritage service including the County Council's responsibility for archaeology in the county which maintains the Historic Environment Register – an archive of archaeology reports for North Yorkshire. The Heritage Services work on maintaining the historic and natural environment included providing specialist technical advice to developers at the pre-application planning stage and advising on planning applications and projects for landscape, ecology and archaeology. The service also worked closely with the three Areas of Outstanding Natural Beauty (AONB) in the county as well as the two National Parks Authorities in the county. The service hosted the Howardian Hills AONB team. There were also a number of other protected sites and conservation projects in the county which the service engaged with. The service had a role in responding to and advising on environmental legislation and to this end was currently examining the Draft Environment Bill which was out to consultation. As part of its role to ensure that North Yorkshire's environment was protected the service regularly liaised with DEFRA. Other stakeholders included the Local Nature Partnerships. The growth side of the service now incorporated business engagement as well as spatial planning and economic development. The service worked closely with the district Local Planning Authorities including duty to corporate coordination. The service was responsible for the consultation process and checking on the impacts of major developments for North Yorkshire including HS2 and the DRAX and Eggborough power station applications. The service received an income under planning performance from developers and from provision of specialist advice to other local authorities. Through the Directors of Development the service had pulled together money to commission strategic pieces of work to inform what was needed to support strategic development in six zones including the M62 corridor and coast and seven District key town masterplans.

Members made the following key comments:

- County Councillor David Goode referred to paragraph 5.3 and paragraph 7.2 of the report relating to the work that the team was doing in relation to Brexit. Liz Small replied that the government had issued a consultation on environmental and agricultural policy post-Brexit which the team had co-ordinated for North Yorkshire County Council and subsequently taken to BES Executive Members for approval. The government was considering introducing an environment land management system to replace the current system of the Common Agricultural Policy. The service was in regular contact with DEFRA and other councils and Natural England to try get as much intelligence as it could and then feedback on the implications. North Yorkshire County Council's Environment Partnership officer and Economy Development Officer had produced a number of briefing notes. With regards to discussions regarding devolution and the LEP, the team was involved in the work of both the West Yorkshire LEP and York, North Yorkshire and East Riding LEP. The service had been involved through both LEPs in commissioning a piece of work on Natural Capital covering West Yorkshire, North Yorkshire and York regarding the resources needed to deliver agriculture and food production.

**Resolved -**

That the Committee notes the report.

**91. Passenger Rail Update**

Considered –

The report of the NYCC Corporate Director – Business and Environmental Services to update the Committee on rail developments and forthcoming changes for North Yorkshire.

Andrew Bainbridge introduced the report. Referring to paragraph 2.3 of the report he explained that whilst North Yorkshire County Council had not got a legislative remit in respect of rail services it used its influence to influence rail network operators.

With reference to section 3 of the report Andrew Bainbridge mentioned about the series of reviews that had been announced by government due to the various services failures in the rail industry nationally. He went on to refer to the rail changes and improvements in North Yorkshire as detailed in the report. He made particular reference to the increase in trains on the Esk Valley line from four to six in each direction from December 2019. Currently the infrastructure of the line was being assessed to see if in the longer term seven to eight trains a day could run on the line.

Andrew Bainbridge referred to paragraph 4.10 relating to level crossings in North Yorkshire crossing over major roads and the possibility that the County Council and Network Rail could fund some lower cost schemes to help tackle congestion at those level crossings. Network Rail were currently refining the options regarding affordable solutions and expected to report back to North Yorkshire County Council by December 2019.

Referring to the rail service changes detailed in section 5 of the report, Andrew Bainbridge mentioned about the planned timetable changes on the Harrogate line, Skipton line, Scarborough to York line, Esk Valley line and on the East Coast Mainline.

Members made the following key statements:

- County Councillor David Goode made reference to paragraph 4.5.1 of the report and asked how confident could the County Council be in relation to train capacity being able to be increased between Knaresborough and York. This was in light of the capacity constraints on the East Coast Mainline identified in the report. He asked if there was the potential for a compromise solution that would enable the Local Enterprise Partnership to look at favourably for funding. Andrew Bainbridge said at this stage it was difficult to know and first a complex timetabling piece of work needed to be done. Network Rail could not provide early indications at this stage because all timetabling changes tied together at the end. If Network Rail eventually confirmed that it would not be able to increase the hourly train capacity on the Harrogate to York line for another three to four years this was likely to be too long for the LEP to retain funding for the project. If however Network Rail stated that train capacity could be increased within the next 12 months there was a better argument there for the LEP to invest in the project. He noted that the LEP funding had to be spent by 31 March 2021.
- County Councillor David Goode noted that there were rumours about Northern Rail losing its franchise. Andrew Bainbridge said that it was more likely there would be a change in management and Transport for the North and the government would manage the contract more closely.
- County Councillor Clive Pearson said that he was pleased that capacity on the railway line from York to Malton had increased but asked if this would be extended to Scarborough as currently the additional trains terminated at Malton. Andrew Bainbridge said that the intention was for the trains to terminate in Scarborough but was aware Transpennine Express had terminated services early. It was one of the issues that would be raised with Transpennine Express at a meeting tomorrow. The issue did not just relate to the York to Scarborough line but also on the East Coast mainline trains to Middlesbrough had terminated early. Performance improvements were required.
- County Councillor Don MacKenzie mentioned that the County Council had looked into the use of parking surpluses to fund a reduction in level crossings. There was the likely space on the East Coast mainline and whilst at this stage there were no forecasts that could be made he was hopeful that the YNYER LEP would be under pressure to reconsider investment. Matters relating to the Northern Rail Franchise remained a key focus of Transport for the North and there were strong calls from the Board to end the franchise as soon as possible particularly from the Labour Mayors in West Yorkshire. However, he agreed with Andrew Bainbridge that the likelihood was that the changes that would be brought about at least in the short term would be changes to Northern Rail's management rather than termination of the contract.

**Resolved -**

That the Committee notes the report.

## 92. Work Programme

Considered -

The report of the Principal Scrutiny Officer asking the Committee to confirm, amend or add to the areas of the work listed in the Work Programme schedule (Appendix 1 to the report) and to approve the draft scope of the Single-use Plastics Review (Appendix 2 to the report).

Jonathan Spencer introduced the report. He referred to the County Council's Motion of 24 July 2019 calling for utility companies to be required to make a mandatory level contribution towards flood and coastal protection schemes. He suggested that the Committee recommended to the County Council that the Chairman of the Transport Economy and Environment Overview and Scrutiny Committee writes to the Secretary of State for Environment, Food and Rural Affairs to call for the financial contribution from utility companies to be mandatory. He also advised that County Councillor Derek Bastiman had asked for the Committee to recommend to the County Council that he be authorised in his capacity as Vice Chairman of the Local Government Association Special Interest Group Coastal Issues to contact (in consultation with the Leader of North Yorkshire County Council), other relevant agencies to call for utility companies to make a proportionate and appropriate mandatory level of financial contribution where flood defence schemes would protect their infrastructure.

County Councillor Derek Bastiman mentioned about his role as Vice Chairman on the Local Government Association's Coastal Special Interest Group. He explained that if an area became a Special Protection Area (SPA) irrespective of utility companies providing funding, it would be the developer who would be liable to pay extra for developing in a recognised SPA designated area. He cited the example of the Solent area with the charge to a developer being as follows: for a one bedroomed property the charge was £346, for a two bedroomed property the charge was £500, for a three bedroomed property the charge was £653, for a four bedroomed property the charge was £768 and for a five bedroomed property the charge was £902. Examples of charges in other SPA areas were given as ranging between £2,050 to £5,050 per dwelling in the New Forest and £2,000 to £15,000 per dwelling in Thames Basin Heaths. The funding was extra to any agreed Section 106 or Community Impact Levy (CIL) monies.

Jonathan Spencer referred to the draft scope of the Single-Use Plastics Review (Appendix 2 to the report) and sought nominations to the task group, with meetings to commence from February 2020.

Executive County Councillor Carl Les mentioned about the work of the Rural Commission and the various themes that it would be investigating. He advised that once the Rural Commission had produced findings and recommendations the County Council could be appraised of those and have an opportunity to comment. He noted that the Rural Commission was scheduled to produce its findings and recommendations next year.

**Resolved -**

- a) That the work programme be noted.
- b) That the Committee recommends to the County Council that:
  - (i) The Chairman of the Transport Economy and Environment Overview and Scrutiny Committee writes to the Secretary of State for Environment, Food

and Rural Affairs to call for the financial contribution from utility companies to be mandatory.

- (ii) That County Councillor Derek Bastiman be authorised in his capacity as Vice Chairman of the Local Government Association's Coastal Special Interest Group to contact (in consultation with the Leader of North Yorkshire County Council), other relevant agencies to call for utility companies to make a proportionate and appropriate mandatory level of financial contribution where flood- defence schemes will protect their infrastructure.
- c) That the Committee approves the draft scope of the Single-Use Plastics Review as submitted in Appendix 2 of the report.
- d) That County Councillors David Goode, Paul Haslam, Clive Pearson and Roberta Swiers be appointed to the task group.
- e) That a report on the findings and recommendations of North Yorkshire's Rural Commission be included in the future work programme.
- f) That a comprehensive update report from the Integrated Passenger Transport Unit on rural transport be included in the future work programme.

The meeting concluded at 12.40pm

JS