

North Yorkshire Council

Richmond (Yorks) Area Constituency Committee

Minutes of the remote meeting held on Monday, 18th December, 2023 commencing at 11.00 am.

Councillor Yvonne Peacock in the Chair plus Councillors Caroline Dickinson, Kevin Foster, Bryn Griffiths, David Hugill, Tom Jones, Carl Les, Heather Moorhouse, Stuart Parsons, Karin Sedgwick, Angus Thompson, Steve Watson, David Webster, John Weighell OBE, Annabel Wilkinson and Malcolm Warne.

In attendance: Councillor Derek Bastiman, Councillor George Jabbour and Malcolm Warne.

Officers: Daniel Harry – Head of Democratic Services, Alex Richards – Head of Service Regeneration N and E, Jayne Charlton – Area Manager (Area 2 – Thirsk), Michael Reynolds – Senior Policy Officer (Infrastructure), Bart Milburn – Planning Manger (Richmond), Peter Cole – Vibrant Market Town Project Officer.

Other Attendees: 3 members of the public.

Apologies: Councillors Alyson Baker and Peter Wilkinson.

Copies of all documents considered are in the Minute Book

58 Apologies for Absence

Apologies noted (see above).

59 Minutes of the Meeting held on 18 September 2023

The Minutes of the meeting held on Monday, 18 September 2023 having been printed and circulated, be taken as read and confirmed and signed by the Chair as an accurate record.

60 Declarations of Interest

Councillor David Hugill declared a personal interest in relation to item 4 and the statement made by Tim Alderson as the local councillor for the Osmotherley area.

Councillor Annabel Wilkinson declared a personal interest in relation to item 8 as a relative of the officer giving the presentation.

Councillor Carl Les declared a personal interest in relation to item 10 as his son works for WSP.

61 Public Participation

Tim Alderson of Ingleby Arncliffe provided the following public question/statement:-

The issue raised here concerns pockets of land within Osmotherley that are currently not defined under law. There are cases of the land being misused leading to the loss of the village's heritage and character. The purpose in raising the issue is to request that these

areas are recognised, recorded and managed.

Records show that the entire area between the buildings in Osmotherley initially formed a way for people and stock to move through the village from one place to another. It was not an open area where stock would graze or be kept and therefore it was not a form of common.

Cobbled paths formed highway boundaries where the highway abutted the buildings - presumably to keep the worst of the wet and filth from being walked into the houses. There were no roads as we know them today largely because there were few wheeled vehicles and the majority of people and animals would be on foot.

Maintenance of these ways was the responsibility of the parishioners who were required to carry out two days' maintenance work each year. These days were in mid-June and it is likely that the Church managed them as there was no Lord of the Manor.

When the Highways Act was introduced in 1835 the existing ways were identified as 'highways' and subsequently those that existed before 1835 were classified as 'ancient highways' in order to distinguish them from those created after 1835. The role of a parish surveyor was created and the surveyor had a maintenance budget.

The map shows Osmotherley village as it was in 1848, just 13 years after the Highways Act was created and as can be seen, there was no separate roads or paths nor any village greens at that time. The entire street was a route across which, and along which, the public had the right to pass to get from one place to another, rather than a common area on which to spend time.

Over time motorised vehicles were introduced and this led to the roads as we know them today. In Osmotherley some footpaths were added alongside the road but the original cobbled paths remain as the only access to many houses.

In the late 1950s the Church Commissioners (Bishop of Durham) sold some pockets of land to the Parish Council - precisely what was sold is unclear as is whether or not the Church Commissioners actually held the title to the land. Nevertheless a transfer of what may be termed 'manorial waste' was made and that remains in place today.

In or about 1965 at least some of the transferred areas were registered by the Parish Council with the Commons Commissioner as 'village greens' and it seems that was the time when questions over the title were raised. There is no suggestion that this point requires raising or revisiting.

In essence, by 1965, the area in the village centre was divided into the ancient highway interspersed with village greens. The village greens are managed by the Parish Council and there is no question about those areas save for the true extent.

Under the current Highways Act the responsible authority, North Yorkshire County (NYC), manages the remainder of the highway. NYC is required to keep records of the areas that they maintain - these being 'the highway maintained at public expense'.

There are gaps between the maintained area of highway and the village greens and it is these marginal areas that are causing concern.

These areas have been discussed at considerable length over many years. The basic problem is, or at least appears to be, that neither County nor the Parish Council want responsibility, given the associated costs and risks. This has led to attempts to exploit, or arguably actual exploitation of, the uncertainty.

The consequence of this is that there is a perceived inconsistency over what is, or is not

being, allowed; damage is being caused to the few areas of remaining cobbles; and there is a wholesale change in the character of the village.

This is not a legal analysis but it is based on original maps, personal testimonies (going back over 90 years), and photographic evidence. The summary is that the entire village centre was originally a way over which people passed from one place to another. As such, it is suggested, the area is an ancient highway.

It is recognised that not all of the original highway can or should be maintained at public expense in this day and age particularly as people recognise the budgetary challenges. Those areas of highway that are not included in the maintained areas are known as 'highway (or roadside) waste'.

It is suggested that if the areas once formed part of the original ancient highway, which the evidence strongly suggests they did, then reference is made to Hallsbury's Laws which state 'once a highway, always a highway'.

Areas of 'highway waste' are included in the current Highways Act which says this:

"It is the duty of the highway authority to assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority, including any roadside waste which forms part of it."

This means in some cases to keep the highway free from encroachment and obstructions.

When challenged County's response was to say 'they have no position' on these areas. However, in one instance County appear to have brokered a deal which led to significant changes to the village centre.

The Parish Council refuse to debate the matter any further.

It is suggested here that if proper title exists and responsibility was transferred to the Parish Council then these areas should be recognised, and the control of them confirmed to the Parish Council. If they are highway or roadside waste then County have a duty to protect them for the enjoyment of everyone.

The situation as it stands is that the Parish Council *cannot* exercise any control and County *will not* exercise any control. This is leading directly to irreversible damage, loss of our heritage, and a wholesale change of the village character.

By way of example one of these areas is directly outside the village hall, the building in which the Parish Council hold their meetings and yet neither County nor the Parish Council accept responsibility for it.

In at least two other areas residents claim to have acquired part of the margins and declare them to be private property although these claims are currently unsubstantiated.

The goal here is to set a clear, transparent standard that can be readily understood and equally applied. It is not about turning back the clock but it is about protecting the village character and heritage for today and the future.

The preference expressed by villagers who attended an open meeting (as well as having other opportunities to forward their views) has been unanimously to bring these areas into local control.

I ask, on behalf of the village, for an end to the uncertainty and the clear establishment of these vital areas of land.

Frances Maxwell, Solicitor (Business & Environmental Services) provided the following response after the meeting:

The Council has a duty to keep an up to date list of highways which are maintained at public expense in accordance with the Highways Act 1980. The information has already been provided to the public speaker on request in respect of the extent which is recorded by the Council being highway maintained at public expense according to the historical handover maps which are held.

Whilst there may be additional areas which may carry public rights, if they are not considered to be maintained at public expense in accordance with the information prepared historically under the statutory duties of the Parish Surveyor, and then the District Council, the Council will generally not hold details.

If there are considered to be areas of extent which may carry public rights then applications may be made under the relevant statutory provisions to record such public rights. If the highway extent is in dispute the Council understands that any interested party may apply to the Council for a declaration.

Kate Gibbon of Stokesley provided the following public question/statement:-

I am attending the meeting along with my friend Bridget Holstrom at the suggestion of our local councillor David Hugill.

We are both members of Climate Action Stokesley and Villages and would like to ask this question:

We are very interested and supportive of the council's Climate Change Strategy. The members of our organisation have a wealth of knowledge, experience and motivation in the area of climate change and how to address this and guided by our motto, "think global, act local" we regularly engage with our local community through our monthly Repair Cafes, wildlife walks, regenerative farm tours, market stalls, school competitions, workshops and more.

We would like to work more closely with the Constituency Committee in the area of climate change, what ways could we do this?

Our group has created a community quilt as part of United for Warm Homes petitioning government for support for those in need with high energy bills, co-ordinated insulation of heat leaking homes and an increase in investment in clean green energy which we would like the committee to pass on to our MP Rishi Sunak.

Councillor Paul Haslam, as the Council's Climate Change Champion provided the response welcoming the opportunity to work with any local groups on climate change issues.

62 Updates from the Previous Meeting

The Democratic Services Officer provided an update on the EV Charging Points at Stokesley, Great Ayton and Easingwold. For safety reasons the decision has been taken to turn off all of the charging points installed by the previous company as safety checks on how they are operating cannot be undertaken due to the specialist nature of the equipment. The spaces will be made available to any vehicle users, subject to each car parks operating procedures. The roll out charging points in these locations will now former part of the wider council programme.

Councillor Angus Thompson advised that a meeting was being arranged with National Highways in relation to the issues at Scotch Corner for early in the new year.

63 Vibrancy of Market Towns

Considered – A report from the Corporate Director of Community Development which briefed the Committee on the work undertaken previously in relation to the vibrancy of market towns in the former Hambleton area, how the district work is continuing and provided an update on the visitor economy and transport provision in the area.

During debate Members:

- Discussed the positive impact that designated coach parking had had on some areas and the need to encourage availability in all areas.
- Sought clarification on the footfall figures and what could be done to encourage visitors to North Yorkshire.
- Thanked the officer for a very informative report and suggested that there are a number of areas of best practice that would be of great benefit to many areas in North Yorkshire.

Resolved –

That the report be noted.

64 Economic, Regeneration, Tourism and Transport Project Development Fund

Considered – Alex Richards, The Head of Service Regeneration N and E gave a verbal update on the Economic, Regeneration, Tourism and Transport Project Development Fund.

The Committee were advised that officers were working through the suggested projects to assess their viability. Briefs for the eligible projects will then be prepared and presented to the Corporate Director Community Development. A report would then be presented to the Committee detailing the projects recommended for support.

Resolved –

That the current position be noted.

65 Order of Business

The Chair advised that item 9 – Climate Change Champion Role would be considered next.

66 Climate Change Champion Role

Considered – A presentation from Councillor Paul Haslam, the Council's Climate Change Champion which gave an overview of his aspirations for the role including championing all Councillors to make a difference to climate change by:

- maintaining a determined focus on regional policy development and implementation of measures to mitigate and adapt to climate change;
- influencing and enabling others to be part of the solution through supporting local initiatives/groups, encouraging residents to respond to consultations and talking to parish councils;
- ensuring all reports and policies take into consideration the climate and environmental impact of any decision to ensure climate mitigation and adaptation is embedded throughout the authority;
- utilising the opportunities available for both mitigation and adaptation of climate change

through the development of the new local plan.

Resolved –

That the presentation be noted.

67 A66 Northern Trans-Pennine Project

Considered – A presentation from Michael Reynolds, Senior Policy Officer (Infrastructure) on the A66 Northern Trans-Pennine Project.

The scheme proposed is to:

- Widen the A66 between Stephen Bank to Carkin Moor to dual carriageway.
- Raise the new A66 as it passes through the cutting next to Carkin Moor scheduled monument.
- Use the old A66 to the south of the new A66 route for local road access and walkers, cyclists and horse riders. This will provide access to Dick Scott Lane, Old Duns Bank and Mainsgill Farm.
- Provide a new underpass to the north of Dick Scott Lane to allow for access to land north of the new A66.
- Provide an overbridge to link Collier Lane to the old A66.
- Create a new compact, grade-separated junction to the west of Moor Lane to provide safe and easy access to the old A66, the villages of East Layton, West Layton, Ravensworth and Mainsgill Farm Shop.
- Moor Lane will be realigned to connect to Moor Lane junction, allowing access to the new A66 and the old A66.
- The existing junction from the A66 on to Warrener Lane will be closed and removed. Traffic will join the new A66 via a link road to Moor Lane junction.
- New westbound slip road to provide access to the new westbound A66 dual carriageway for local farms and properties to the south of the A66 in this location.
- The access track to Browson Bank Farm, which was impacted by the new road, had been redesigned to fit in with this change.

As the scheme is designated as a nationally significant infrastructure project a Development Consent Order has been submitted for approval to the Secretary of State for Transport with a decision deadline of 7 March 2024. Work is expected to commence in the Spring 2024.

Resolved –

That the update be noted.

68 Appointments to Committees

Considered – A report of the Assistant Chief Executive (Legal and Democratic Services) which sought appointments to the Development Plan Committee.

Resolved –

That Councillors David Hugill, Tom Jones and Yvonne Peacock be appointed to the Development Plan Committee.

69 Appointments to Outside Bodies

Considered – A report of the Assistant Chief Executive (Legal and Democratic Services) which invited the committee to appoint the Council's representative to the Richmond School

Trust.

Resolved –

That the appointment of the Council's representative to the Richmond School Trust be deferred to the next meeting for the category of the Outside Body to be reviewed.

70 Work Programme

Considered – A report presenting the committee's 2023-24 work programme.

The Chair, Councillor Yvonne Peacock introduced the work programme and asked that Members review the work programme and invited suggestions for additions, taking into account the outcome of discussions on previous agenda items and any other developments taking place across the area.

Members suggested the following items for the work programme:

- BT Digital Rollout
- Subsidised Educational Transport
- Integrated Passenger Transport – Stokesley
- Arriva Bus Service

Resolved –

That the work programme be noted and the agreed additions included.

71 Any Other Items

There were no other items of business.

72 Date of Next Meeting - Monday, 18 March 2023

Monday, 18 March 2024

The meeting concluded at 12.55 pm.