

North Yorkshire Council

Executive

Minutes of the meeting held on Tuesday, 4th July 2023 commencing at 11.00 am.

Councillor Carl Les in the Chair. plus Councillors Gareth Dadd, Derek Bastiman, Simon Myers, Janet Sanderson, David Chance, Keane Duncan, Greg White and Annabel Wilkinson.

In attendance: Councillors Caroline Dickinson, Paul Haslam, Arnold Warneken, Chris Aldred, Nick Brown, Kevin Foster, Bryn Griffiths, George Jabbour, John Mann and Monika Slater.

Officers present: Karl Battersby, Stuart Carlton, Gary Fielding, Richard Flinton, Barry Khan, Richard Webb, Melanie Carr, Daniel Harry, Nic Harne, Rachael Balmer, Andrew Dixon, Mark Kibblewhite, Allan McVeigh, Keisha Moore and Jill Thompson.

Other Attendees: Hazel Peacock, Jenny Marks, Ian Conlan & Paul Andrews .

Apologies: Councillor Michael Harrison.

Copies of all documents considered are in the Minute Book

264 Apologies for Absence

Apologies for absence were received from Councillor Michael Harrison.

265 Minutes of the Meeting held on 20 June 2023

Resolved –

That the public Minutes of the meeting held on 20 June 2023, having been printed and circulated, be taken as read and confirmed by the Chairman as a correct record.

266 Declarations of Interest

There were no declarations of interest.

267 Exclusion of the Public

Resolved –

That on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting during consideration of Appendix B of agenda item 13 – Schools Condition Capital Programme 2023/24.

268 Public Participation

There were a number of public questions and statements which the Chair agreed to consider as part of the relevant agenda item.

269 Amendments to the Council's Constitution

Considered – A report of the Assistant Chief Executive proposing a number of amendments to the Council Constitution.

Councillor David Chance introduced the report and provided an overview of the proposed changes to the Constitution.

Councillor Simon Myers welcomed the proposed flexibility around dates and times of meetings and the tidying up of the rules around public participation.

Resolved – That the following be recommended to full Council for approval:

- i. The suggested miscellaneous amendments as set out in the amendments chart in Appendix 1 of the report;
- ii. The suggested amendments to the membership of the Health and Wellbeing Board and its Terms of Reference as set out in Appendix 2 of the report;
- iii. The suggested amendments to Council Procedure Rule 5.2 as set out in paragraph 5.3 of the report;
- iv. The suggested amendments to Council Procedure Rule 9 as set out in paragraph 6.1 of the report;
- v. The suggested amendments to Council Procedure Rule 15.1 as set out in paragraph 7.2 of the report; and
- vi. The suggested amendments to Council Procedure Rule 17 as set out in paragraph 8.1 of the report.

270 Rural England Prosperity Fund – Grant Acceptance

Considered – A report of the Corporate Director Community Development seeking approval to accept the grant of the Rural England Prosperity Fund with a total value of £5.4m over two years up to March 2025, and to delegate authority to sign the Rural England Prosperity Fund final funding agreement to the Corporate Director of Resources, subject to acceptable MoU and terms and conditions being reviewed.

Councillor Derek Bastiman introduced the report and confirmed that Parish Councils could apply for funding as long as their proposal supported the rural hinterland.

Having considered the report, the Executive welcomed the news, and it was

Resolved – That:

- i. The grant of the Rural England Prosperity Fund with a total value of £5.4m over two years up to March 2025 be accepted, subject to approval of the final funding agreement terms and conditions by Finance and Legal Services.
- ii. Authority to sign the Rural England Prosperity Fund funding agreement in the form of a Memorandum of Understanding be delegated to the Corporate Director of Resources.

271 Local Plan Making for North Yorkshire – recommended change to the Council's decision in respect of continuing Development Plan Documents

Considered – A report of the Corporate Director Community Development proposing a change to the resolution of the Council to continue with preparations in respect of the Ryedale Local Plan Review.

Councillor Derek Bastiman introduced the report and drew attention to the host of different

district and Borough Council Plans all at different stages, inherited by the new Unitary Authority. He noted the new North Yorkshire Plan would cover the whole of the area currently covered by those existing Plans and provide a holistic development strategy and consistent policy framework across the county. He also stated the Council's commitment to having the new Plan adopted by 2028.

Specifically in regard to the Ryedale Plan, he drew attention to the legal advice sought by Ryedale District Council which advised the review of their Plan would take longer than anticipated, and that further work would need to be undertaken in terms of the scope of that review. The review of that Plan would therefore not be completed within a significantly shorter period than the time taken to produce the new North Yorkshire Plan, and it would have a limited shelf life given it would soon be replaced by the new North Yorkshire Plan.

He also suggested it would be difficult to justify the production of two Plans at the same time as it would be confusing for the local communities, businesses and other stakeholders, and would consume significant resources. Finally, he offered to visit Malton Town Council with senior officers to discuss their concerns and to help ensure they were picked up early in the Plan making process.

It was noted that two public submissions had been received, as follows:

1. Mr Ian Conlan, Mayor of Malton Town Council stated:

"We have significant issues with the existing Ryedale Plan that we would like this committee to address, namely:

- i. Housing distribution. Malton is required to take too much housing. 50% of housing in Ryedale is allocated to Malton and Norton, with just 25% of the population.*
- ii. Local Occupancy Condition is imposed, not in Malton, but in all non-service villages, to the extent that key community infrastructure in those villages is threatened, such as schools, with no affordable housing provision.*
- iii. Village boundaries have not changed since 1995.*
- iv. Transport capacity within Malton and Norton has been reached, exceeding the limit assessed in the 2010 Transport Assessment.*
- v. Air quality in Malton's designated Air Quality Management Area is already at dangerous levels for human health and risks getting worse.*

All these issues are inter-related.

- Congestion has worsened around Butcher Corner and the Level Crossing, heavy traffic has increased massively on Highfield Rd making the walk to school increasingly unsafe,*
- The haulage industry wants to remove the weight restriction at the level crossing, some ignore it and this authority is reluctant to enforce it*
- the AQMA will experience an increase in air pollution contrary to WHO recommendations.*
- Meanwhile, numerous villages around Ryedale which have been effectively frozen in time are losing out on the benefits of new development whilst being overwhelmed with second homeowners and holiday lets for those who do not use local services, resulting in the loss of schools, shops, and pubs.*

This is unacceptable, needs urgent attention and should not be allowed to wait until a plan for the whole county is adopted, that is unlikely to be met even within 10 years. Malton Town Council have been so concerned about this issue that they leafleted the whole of Malton's residents seeking comments on Ryedale's consultation on housing distribution policies. An overwhelming majority of respondents objected to the current situation. If left unamended, whatever officers say, the consequences are that these issues will get worse, so please do not halt the review, as the new plan could take decades to adopt. York for example still has no adopted local plan and North Yorkshire is far bigger and more diverse than York.

2. Paul Andrews, Malton Town Councillor and Chair of Habton PC stated:

“The way the officers have presented their report suggests that David Manley’s advice unequivocally leads to the conclusion that there is a significant risk that, if the Review of the Plan proceeds to inspection within its present scope, it will be dismissed as unsound. However, this is NOT quite what Mr. Manley says. The question is: how significant is this risk?”

I refer to para. 6 of Mr. Manley’s advice. This makes clear that there could be a clear local justification for a plan period of less than 15 years depending on material planning considerations, and if so, the reviewed plan would be sound.

It is also clear from case law that government circulars such as the NPPF are not law and can be departed from where material planning considerations warrant it.

Malton Town Council has obtained the advice of London counsel, Mr, Paul Stinchcombe KC of 39 Essex chambers. He advises (inter alia) that the following material planning considerations apply and satisfy Mr Manley’s requirement for a clear local justification:

- i. The fact that Local Plans are to be reviewed every 5 years in order for them to be kept up-to-date which is an imperative of national planning policy. There was a “light touch” review in 2016, so that 5 year period has already expired;*
- ii. Moreover the plan itself dates back to 2012, since when there have been three further iterations of the NPPF (in 2018, 2019 and 2021). The extant Ryedale Plan is, therefore, already out of date;*
- iii. One particular consequence of the Plan being out-of date is the likelihood, that the Ryedale Plan area is unlikely to sustain a 5 year housing supply until adoption of the new Plan for North Yorkshire, which means that:*
 - The policies which are “most important for determining” any application will be out of date, including village development limits, the local needs occupancy condition, housing targets, the whole of Ryedale’s housing land distribution policies – particularly in the context of the impact of further development on the Malton AQMA and;*
 - The “tilted balance” in favour of development provided for by para 11(d) of the NPPF will be engaged;*
 - Hostile applications by speculative developers will be likely; and*
 - There will no longer be a Plan-led system in Ryedale to deal with the same, when the system is meant to be genuinely Plan-led – see para 15 of the NPPF;*
- i) That lacunae cannot be met by the proposed Unitary Authority’s Local Plan till 2028 at the earliest;*
- iv. In the exceptional circumstances to which the Local Government reorganisation in North Yorkshire leaves Ryedale, the only way in which to secure a 5-year housing land supply and safeguard a genuinely Plan-led system is to pursue a limited LPR, and identify the additional housing allocations required in advance of, and up to the date of adoption of, the subsequent Unitary Authority Local Plan; and*
- v. It is precisely to facilitate such outcomes that paras 17-19 of the NPPF allow flexibility in the way policies for the development and use of land are produced*

Counsel advises that, in the circumstances, if the Review of the Ryedale Plan is halted, Malton Town Council will have grounds for a limited judicial review. Halting the plan would also be a very good reason to invite the Secretary of State to exercise his powers of intervention under sections 21 and 27 of the 2004 Act as amended by the Housing Planning Act 2016 and the Neighbourhood Planning Act 2017. This could mean this council could lose control over the plan making process. This is something I would prefer to avoid, as all of us want to have a good working relationship with this council. In the circumstances, members are requested to defer consideration of this matter for further discussion between members and officers.”

Councillor Derek Bastiman thanked the public participants for their contributions including the summary of the legal advice that the Town Council had sought.

In response to Mr Conlon's submission, he confirmed that the strategy and policies of the Ryedale Plan were found to be an appropriate, effective and sound planning framework for the Ryedale area when the Plan progressed through its examination. The plan was prepared to cover the period to 2027.

He noted that the development that had taken place in Malton and Norton, together with remaining planned allocations, were within the highway and air quality technical evidence that was used to test the level and distribution of growth at Malton and Norton as the plan was prepared. Also that the evidence demonstrated that Air Quality within the AQMA had improved over the life of the plan.

He also noted:

- The Ryedale Plan supported housing development in larger villages and was linked to locations where services were provided (schools, shops and public transport), and affordable housing provision at all villages in the former Ryedale area.
- All of the issues raised by the Town Council would be reviewed as a new local plan was prepared for North Yorkshire.
- If going forward the new Council was of the view that a different strategy was appropriate it would need to consider strategically and in the context of the roles of all market towns and villages across North Yorkshire, as opposed to those in the former Ryedale area in isolation.
- The Council was confident that it would produce the new local plan for North Yorkshire within five years from coming into being - there were examples of many authorities, including newly formed unitary authorities that had made timely progress with plan production.

In response to Mr Andrew's submission, Councillor Derek Bastiman stressed that in confirming the reorganisation of local government across North Yorkshire and the creation of the new Unitary Authority, Government had made it clear that it expected the Council to prepare a new local plan within five years of the new authority coming into being. He also noted the Council was legally required to prepare a county-wide local plan within that period.

He acknowledged the Town Council's concerns around specific policies of the Ryedale Plan; housing land supply and the consequences of being unable to demonstrate a deliverable five year land supply. He also confirmed:

- In preparing the new plan, the Council would have to determine its approach to how it should focus and distribute development in the future, including the quantum of development to the towns and villages and what the policy implications would be across North Yorkshire.
- Current land supply across the legacy District areas ranged between 5 and 16 years. Depending on completion rates and the level of new planning permissions, there were other areas of North Yorkshire which might not be able to demonstrate a five year land supply up to the point at which the new North Yorkshire Plan was in place.
- At the same time as moving forward with the new plan, the Authority would have to make decisions on planning applications and use the development management process to maintain housing land supply in the interim period, as has been done across North Yorkshire in the past.
- Progress on the production of the North Yorkshire Plan would help to inform the development management process.
- A solid body of evidence would be prepared, and the emerging development strategy would be used to inform the release of land in advance of the adoption of the new plan where needed.

- The plan making process was not a risk free process, as confirmed by the different legal opinions. Irrespective of whether a review of the Ryedale Plan could take place as a stand- alone full review or as a partial review/ roll forward - it was for the Council to decide how best to proceed in the circumstances.
- Under both scenarios, resources would be diverted from the production of the North Yorkshire Plan
- The Council had a responsibility to prepare a new plan for the benefit of all communities across North Yorkshire and that it was confident in the legal advice which it had received. In the circumstances it was considered that the new Council must focus its plan making resources on preparing the new North Yorkshire Plan, in the time in which it was expected to do so.
- Plan-making powers have been conferred on North Yorkshire Council through Local Government re-organisation.

He again suggested that a process in which two plans covering the same area were prepared at the same time would be very confusing for members of the public who the Authority had a duty to ensure were fully engaged in the plan making process. It would also duplicate effort and had the potential to frustrate progress on the development of a strategic development strategy for North Yorkshire. He confirmed that any review of the Ryedale Plan would be superseded by the new North Yorkshire Plan in five years and would have a short lifespan.

He therefore stated:

- The Council would be surprised if Government decided to use powers to intervene in the plan-making process at such an early stage in the life of the new authority. Notwithstanding this, the Council would ask its Officers to contact the responsible officials at the Department for Levelling Up, Housing and Communities to check that the planned approach to delivering a new Local Plan for North Yorkshire, aligned with their requirements for plan-making by the new Authority.
- The Council had taken further legal advice in response to Malton Town Council's summary of the legal advice that it has received. It advised that the triggers for intervention by the Secretary of State if work on the Ryedale Plan was halted were 'very far from self- evident'.

Finally, Councillor Derek Bastiman reiterated his offer to meet with Malton Town Council ahead of the full Council meeting on 19 July 2023, to discuss the key points arising from the latest legal advice, and the Town Council's concerns.

Both public participants welcomed the opportunity to meet with the Executive Member before the full Council meeting.

Councillor Gareth Dadd queried the balance of risk should the Council choose to proceed as recommended and it was confirmed that the Council had received robust legal advice on the matter, and that the Authority's stance on controlling development led by a strong Plan was in line with that of Malton Town Council. It was also confirmed that to do as requested by Malton Town Council would require a departure from the guidance and exceptional circumstances, which did not exist.

In regard to the risk from hostile planning applications, it was confirmed the existing Plan would continue to add weight even after its expiry, as would the emerging Plan. Councillor Simon Myers asked that Malton Town Council engage in the consultation on the Authority's new draft Housing Strategy.

Councillor Derek Bastiman thanked officers for their work on the report and for their ongoing work on Plan development.

The Executive all voted in favour of the recommendations, and it was

Resolved – That it be recommended to Full Council that work on the Ryedale Local Plan review be halted and that work undertaken to date be considered, as appropriate, in the preparation of the new Local Plan for North Yorkshire.

272 Local Electric Vehicle Infrastructure (LEVI) Fund Allocation Acceptance

Considered – A report of the Corporate Director for Environment presenting the background and detail of the submission of an expression of interest and proforma to the Local Electric Vehicle Infrastructure Capital and Capability funds respectively and seeking delegation of authority to approve both a Stage 2 application for the LEVI Capital Fund and acceptance of the grant award of £4.88m, subject to acceptable terms and conditions being received.

Councillor Keane Duncan introduced the report and outlined the proposal detailed within the report.

Councillor Greg White welcomed this next step on the road towards making a quality infrastructure of vehicle charging points across the county. He noted the confidence to buy an electric vehicle came from having confidence in being able to charge it when out and about.

Councillor Gareth Dadd queried recommendation (iii) and its proposal to delegate authority to two Executive Members rather than to the relevant Corporate Director as with other similar proposals. He therefore suggested it needed revising to say 'Delegates authority to the Corporate Director for Environment in consultation with the Deputy Leader of the Council, the Executive Member for Highways & Transportation, and the Corporate Director Resources'

Subject to that revision to the recommendations, it was

Resolved – That:

- i. The contents of the report and the application made to the LEVI Capital and Capability funds respectively be noted
- ii. Authority be delegated to the Executive Member for Highways and Transportation in consultation with the Corporate Director – Environment and the Corporate Director Resources to approve the Stage 2 application for the LEVI Capital Fund
- iii. Authority be delegated to the Corporate Director for Environment in consultation with the Deputy Leader of the Council, the Executive Member for Highways & Transportation, and the Corporate Director Resources', to accept the grant award of £4.88m subject to acceptable terms and conditions being received and reviewed.

273 Review of 20mph Speed Limit Policy

Considered – A report of the Corporate Director for Environment seeking Executive approval for the development of a North Yorkshire speed management strategy and countywide programme of speed limit reviews, in order to generate a pipeline of schemes, to be delivered over a number of years.

Councillor Keane Duncan introduced the report confirming the Council's proposed new approach to managing speed limits across the county, which included a new speed management strategy and a county-wide review of speed limits. He noted it would produce a rolling pipeline of speed improvement schemes for delivery, with local communities and local Councillors involved from the outset. He acknowledged it was an ambitious pro-active approach build on evidence and community empowerment. He suggested the proposal took account of the diverse nature of North Yorkshire's

communities, and drew attention to the consultation undertaken with councillors, with most supporting lower speed limits around schools and other high footfall areas. Whilst he recognised the value that speed limits and 20mph zones had in terms of road safety, he noted the concern expressed about a default 20mph limit in every town and village and highlighted that those who were in favour of it were not in agreement on where it should be applied.

It was noted that five public submissions had been received, as follows:

1. Hazel Peacock

"My name is Hazel Peacock. I am from the Oatlands road safety and active travel campaign, and I am here today to ask a question about our petition "for North Yorkshire Council to deliver a maximum speed of 20mph across south and west Harrogate – covering Oatlands and parts of Pannal, the Stray, Hookstone and St George's areas in Harrogate", which had 924 signatures at the time of submission (and now has 982) and was endorsed by the Area Constituency Committee of Harrogate and Knaresborough on 8th June.

Over 4,000 children walk, cycle and travel by car and bus to schools in the area every school day and the implementation of a maximum speed (in the area proposed), is urgently needed for the safety, health and well-being of children and the wider community, for better road safety and to facilitate active travel.

In October 2022, the Harrogate and Knaresborough Area Constituency Committee resolved for the Executive to be advised of the wish for a 20mph speed limit to be piloted throughout towns and villages in the constituency area, where a need had been identified. Since then two serious collisions involving three children have occurred in our community (three weeks apart), one on the pavement outside Ashville College on Yew Tree Lane in February with devastating effects and another outside Oatlands Junior School, also on the pavement, in January. These awful events coupled with the overwhelming evidence of the benefits of 20mph limits demonstrate why change is urgently needed.

We know from evidence shared by Brake the road safety charity that "The higher the speed a vehicle travels the greater likelihood of a serious injury or death if there is a crash", which is further evidenced by TfL data showing that people hit by a vehicle at 20mph are around five times less likely to be killed, than at 30mph.

The changes to maximum speed limits of 20mph in other rural and urban areas of the UK show positive effects and the Parliamentary Advisory Council for Transport Safety stated in May that "20mph is now generally accepted as the safe speed for streets used by people walking, cycling or wheeling".

Implementing a maximum speed of 20mph in South and West Harrogate in the area proposed in the petition, will help save lives, reduce collisions and bring about lasting improvements to road safety, the environment, active travel and public health.

The proposal has strong support from the local community, school leaders (of 13 schools), local councillors and endorsement by the Harrogate & Knaresborough Area Constituency Committee, showing there is an urgent need and desire for this change. With this in mind: "What timescales will North Yorkshire Council commit to, for the implementation of a maximum speed of 20mph across south and west Harrogate - covering Oatlands and parts of Pannal, the Stray, Hookstone and St George's areas in Harrogate, to improve the safety, health and well-being of the children and wider community?"

2. Malcolm Margolis (Unable to attend, so his statement was read out by Ian Conlan)

"Please advise if you have considered the timeliness and cost effectiveness of delivery of the council's proposed 20mph policy compared to that of Calderdale's proven default 20mph scheme which has resulted in 30%+ casualty reduction at a cost of under £4 a head, and many other successfully delivered schemes?"

Which 20mph road safety experts did you show the draft report to, to ascertain whether its conclusions are in line with the best evidence available? What is the budget for reducing collisions on our roads, and how will you ensure that vulnerable road users are given better protection? How many people will get to live, work, play, shop and be educated on roads that have 20mph?

How many children will be able to walk all the way from home to school in a 20mph area in the next 12 months? And how many years before all children in villages and towns can walk and cycle all the way to school in a 20mph area, or walk to the bus stop in a 20mph limited area if their school is in the next town or village?

Cllr Duncan stated in February 2023 at the Full Council meeting, that he would be led by the evidence. However, this report seems to make sense only if the conclusion was written first, and then the evidence bent to fit it, with the benefits of default 20mph outlined in the appendix side lined or ignored. Why has no mention been made of the work that the UN and World Health Organisation done on this?

Why is there no mention of the Stockholm Declaration, the work of hundreds of top road safety experts from around the world, and endorsed by over 100 countries including the UK, calling for 30kph/20mph as the default speed limit where people and motors mix, with exceptions only where safe?"

3. Barbara Hickman (Unable to attend, so her statement was read out by an NYC officer)

"I am a pensioner, resident of Nawton/Beadlam, 2 small villages bisected by the A 170 with schools on either side of this busy main road.

I conducted a small survey in the villages; everyone was in favour of the 20mph limit. Children need to cross the road daily and it is a long way from the ends of the villages to the pedestrian crossing. Older residents must be very nimble when crossing the A170.

I have looked at the evidence around the UK; Wales and Scotland are well on the way to transition, as are many urban areas in England. So how can NYCC claim there is insufficient evidence? The evidence from other countries is very substantial too, I refer to the Stockholm Declaration.

There will be costs, but the benefits greatly out way them - lives saved, fewer injuries especially to children, less pollution and noise. Slower traffic in built up areas will encourage walkers and cyclists, make life easier for those with reduced mobility, and enhance the living conditions of those who live on busy main roads.

I ask that the Council consider the lives of residents of North Yorkshire where many roads are narrow with poor visibility. Cars are considerably bigger and faster than when the 30mph limit was introduced."

4. Jenny Marks

"Thank you for giving us the opportunity to ask a question. I am Jenny Marks, from the Pannal Ash Safe Streets Campaign. We are parents, working together with schools, school trusts, local residents and other stakeholders in the area around five major schools in Harrogate.

In February 2023 a very serious accident occurred outside Ashville College, leaving two Year 10 boys with life-changing injuries. The boys are still undergoing treatment and are in and out of hospital. Three months before this accident, in November 2022, we had applied to NYCC for the creation of a 20mph zone, with appropriate additional infrastructure, including safe crossings, around Ashville College, Rossett High Harrogate Grammar School, Rossett Acre Primary, and Western Primary.

The 20mph Speed Limit and Zone Policy (Jan 2022), allows for the creation of 20mph zones particularly around schools, where they benefit both safety and a sense of place, to

extend an existing 20mph limit, and where there is public support for the proposal. We can demonstrate a need on the basis of all these points. The review under discussion today does not alter the core of the policy, and we have been assured by council staff that this review will not delay processing of our application. The recent accidents have highlighted and intensified our position of significant collective concern for the safety of the 5000 school children, and for all those, who use the network of roads around the schools on a daily basis, including residents, and users of Rossett and Ashville Sports Centres, Busy Bees Nursery, and Rossett Nature Reserve.

We are speaking from a strong position of local knowledge and support, having spent the last two years consulting schools, local residents and other stakeholders in order to better understand their needs. Throughout this process we have been struck by:

- The overwhelming sense of concern for the safety of children and others using these roads, a concern which was justified in by the recent accidents.*
- People's alarm at the degradation of the area's atmosphere and sense of place due to its increasing use as a cut-through by speeding traffic;*
- Worries that the situation will only get worse as many more houses are built on the West side of Harrogate.*

We have heard time and again the wishes of parents and others to have a network of streets that makes all forms of active travel SAFE.

Last year, the Harrogate and Knaresborough Area Constituency Committee voted in favour of piloting 20mph zones in selected residential areas, where a need was demonstrated. We have demonstrated that need. On your agenda today is the fact that the ACC have also asked for 20mph to be implemented in South and West Harrogate. Our proposal meets the criteria of the 20mph speed limit and zone policy and fits well with the priorities highlighted in the review outlined today, being in an area with high footfall, several major schools with 5000 school children, and many vulnerable groups. Headteachers, councillors and residents want the council to act urgently to implement positive change. We have been working with council staff to look at the detail of our application and how it might be implemented. Despite the application having been made seven months ago, we still have no timeline for implementation, and we still have no firm commitment from the council to deliver.

Please can the executive assure us that this application will be treated with the weight and urgency it deserves, and will be implemented soon as one of the first 20 mph pilot areas?"

5. Josephine Downs (Unable to attend, so her statement was read out by an NYC officer)

"Why would you not support a default 20mph speed limit that improved safety particularly for vulnerable people, was 50% quieter, and also cost-effective and popular?"

In response to the submissions from Hazel Peacock & Jenny Marks relating to the Oatlands and Pannal Ash areas of Harrogate Councillor Keane Duncan provided some factual background as follows:

- Excessive speed was not recorded as a factor in any of three recorded collisions that had taken place in that area in 2023, including the two referred to, and it was unclear whether a lower speed limit would have avoided those collisions. He did not say this to diminish in any way the severity of those incidents, nor to deny the case for improvements in those areas but rather simply to ensure the full facts were understood and to ensure that reducing speed limits was seen as just one tool at the Authority's disposal.*
- 20mph limits, that is signed-only 20mph as opposed to a 20mph zone with calming, did not necessarily mean motorists would travel at or below 20mph. As seen in Pannal Ash Road, where the average speed with a signed-only 20mph stood at 27/28mph. This was an example of an ineffective signed-only limit, introduced following public pressure, that was not compliant with Department for Transport (DfT) guidelines and that risked undermining, rather than aiding, road safety.*

- A 20mph “pilot” was not being pursued by the council – it did not need to pilot when limits and zones already existed on a permanent basis in Harrogate and across North Yorkshire. The Authority wanted to continue to deliver schemes that were effective on a permanent, rather than trial basis. The Authority was already working to do this in Oatlands and Pannal Ash, and the approach under consideration provided the opportunity to do that across North Yorkshire, subject to local consultation and support.
- The proposed signed-only 20mph across the whole of Pannal Ash and Oatlands would, on the basis of speed information, not be compliant with DfT guidelines and would likely have limited impact on average speeds. A 20mph zone, with appropriate calming, would likely be much more effective in terms of reducing speeds and improving road safety.

Overall, Councillor Keane Duncan confirmed his belief that effective action was in all cases better than ‘urgent action’. On that basis, the Authority was working with councillors, residents and schools to deliver a package of measures aimed at genuinely improving road safety. This was not narrowly limited to 20mph limits only, but 20mph zones, traffic calming, new crossing points and public transport infrastructure improvements too.

He noted the Authority had already committed to deliver or was actively exploring:

- a Schools Streets trial at Oatlands Junior School;
- a tiger/parallel crossing on Oatlands Drive;
- further traffic calming on Oatlands Drive;
- traffic calming on Pannal Ash Road to promote compliance with the 20mph limit;
- expanding and linking existing 20mph limits where appropriate in the immediate term;
- new 20mph zones across Pannal Ash and Oatlands as part of the Otley Road Sustainable Transport Package and Oatlands feasibility study.

He noted that work on those measures was already in progress, and nothing within the proposed new approach to setting speed limits would delay work that was already ongoing, nor prevent the introduction of appropriate and effective 20mph limits and zones in Pannal Ash and Oatlands. It would aid and expedite delivery of these limits and zones, there and elsewhere in the county.

He confirmed the Authority took road safety seriously, in those areas of Harrogate and across North Yorkshire, and he was confident that the council would continue to work in unity with councillors, residents and school representatives to deliver action that was genuinely effective.

Finally, he highlighted the next two key steps on the horizon and confirmed the proposals for the Otley Road Sustainable Transport Package, including timescales for delivery, would be presented to the next Harrogate & Knaresborough Area Constituency Committee in September. He also confirmed further public consultation would take place on proposals arising from the Oatlands feasibility study later this year.

In response to the specific questions within Malcom Margolis’ submission, Councillor Keane Duncan confirmed Calderdale’s example was considered within the review; the report was compiled by the Council’s team of experienced traffic and road safety engineering professionals; the highway capital programme would be used to deliver more road safety improvement schemes, and the programme would be publicised annually to ensure progress could be scrutinised. Finally, he confirmed the review team were aware of the Stockholm Declaration and of the work by the UN and World Health Organisation.

Responding to other submissions more widely, Councillor Keane Duncan drew distinction between the approach 20’s Plenty and its supporters were seeking, and the new approach North Yorkshire Council was considering. He noted:

- 20’s Plenty wanted 20mph as the new default speed limit in every town and every

village in North Yorkshire. Whereas North Yorkshire Council supported the roll-out of new 20mph limits and zones over time, but not everywhere and not on every urban road.

- 20's Plenty's focus was on reducing 30mph limits to 20mph – a focus exclusively, by definition, on urban roads. Whereas North Yorkshire Council felt it was imperative to improve safety on all roads, urban roads yes, but also rural roads where too many lives had been lost.
- 20's Plenty believed signs alone would reduce speeds cheaply and quickly. Whereas North Yorkshire Council was concerned by evidence from elsewhere that showed it resulted in only a marginal reduction in speed and in poor overall compliance.
- 20's Plenty appeared to show disregard for Department for Transport best practice. Whereas North Yorkshire Council would ensure full compliance with their guidelines and address inconsistencies across the entire road network over time.
- 20's Plenty talked about democratic support from town and parish councils yet wished to impose a 20mph limit even on communities opposed to such a limit. North Yorkshire Council believed strongly in democracy, not dictation.

He also suggested the council's new approach was based on empowering councillors and communities, not imposing upon them. Fundamentally recognising both the importance of 20mph and the diversity of the vast county. It looked at all roads, not just urban roads. It looked at all speed limits, not just 20mph limits. It positioned speed limits as an integral part of the Authority's road safety strategy but promoted consideration of alternative measures too.

The approach sought tailored solutions to road safety rather than adopting the one-size-fits-all approach favoured by some. It was based on support from partners, including North Yorkshire Police, the findings of the cross-party Transport, Economy and Environment Scrutiny Committee and the feedback from elected councillors representing all political groups. It set the county on a new path, where more 20mph limits and zones would be delivered – but in all cases in an effective way and with local support.

Hazel Peacock sought clarity on what could be done to deliver 20mph in Harrogate give the support for it from communities. Councillor Duncan reassured her that where there was support and a strong case for it, the Authority would deliver it as well as other road safety improvements. He also made a commitment to work with her group in order to do that.

Jenny Marks acknowledged the feedback received at the meeting and the Authority's previous engagement with her group. She also welcomed the proposal of permanent changes rather than a piloted approach.

Allan McVeigh – Head of Network Strategy provided an outline of the proposed way forward and the immediate next steps i.e. to draft the strategy and develop the prioritisation methodology and continue to explore potential additional funding opportunities.

In response to a question from Councillor Gareth Dadd it was confirmed there was no proposed change to the criteria for 20mph zones.

Councillor John Mann welcomed recommendation (ii) i.e. to undertake a series of planned reviews. He was also pleased to note the focus on considering priority locations such as outside schools. He therefore asked that his recent application for 20mph limits on Yew Tree Lane, Green Lane and Hookstone Road be given a high priority. In regard to a recent petition for 20mph across south and west Harrogate, he asked that when the proposals in the petition were considered, that they give approval to a comprehensive package of road calming measures within the constraints of the available funding and strategic speed management plan.

Councillor Duncan confirmed that Councillor Mann's application was currently being considered alongside those of Hazel Peacock and Jenny Marks, as one coherent piece of work.

Councillor Arnold Warneken acknowledged the Council was engaging on the issues but suggested that whilst the Authority was listening to the views of communities, it was not hearing them, as evidenced by the wealth of evidence and support behind the Oatlands and Pannal application but the lack of resulting action. He asked for an acceleration of the process.

Karl Battersby, Corporate Director for Environment acknowledged the positive engagement at a recent community meeting and confirmed the intention of officers was to draw it to a conclusion quickly and come to a view about the proposals based on a range of long-term measures.

Councillor Monika Slater made the following statement on behalf of the Liberal Democrat members of the Harrogate & Knaresborough Area Constituency Committee:

'We regret the lost opportunity to be truly ambitious in realising the benefits for residents and our environment, especially as there is mounting evidence of the benefits of widespread adoption of 20mph limits which have been selectively excluded or misrepresented in the report although are present in the appendices. For example the reference in section 6.4 to the reversion to 30mpg in Coldicut, Wales, which is a town of 10,000 out of a population in Wales of 3.1 million suggesting that apart from the introduction of 30mph buffer zones when approaching new 20mph limit areas indicates that 99.7% of new 20mph ones are still in place across Wales. The fact that the report states that North Yorkshire cannot be compared with Edinburgh because there isn't an existing culture of 20mph speed limits is thanks to the council's previous 20mph strategy and it seems unfair to discount the evidence from Edinburgh on that basis. Other evidence of cost effectiveness, impact on serious incidents and resident satisfaction all point toward the acceptance of default 20mph zones but are not faithfully reflected in the report suggesting strongly that the 'no change' in policy was predetermined. It begs the question as to how much evidence is needed to shift a policy rooted in a national report published in 2018 and clearly therefore not able to take account of new evidence.

Whilst some consultation of members was undertaken, we challenge the Exec to undertake a consultation with the wider public, on the basis of which H&K ACC made the original request for a review and for pilots in the H&K area. As early as 2010 the British Social Attitudes Survey undertook work for the Department of Transport in which speeding traffic was identified as the No. 1 concern out of 16 social problems. When implemented there is consistent evidence that residents feel the benefits, and our residents are crying out for this change. Is Cllr Duncan afraid of running a pilot scheme in H&K as evidence suggests it would be successful and popular with the public?

The report recognises the importance of place in determining where and how any new 20mph are implemented as part of the proposed programme. We would urge any reviews that focus on schools and areas of employment also include the 'travel-to' neighbourhoods to ensure maximum wider health and related benefits as opposed to piecemeal and very focussed locations.

We are concerned that the process of prioritising set out in sections 10 – 12 is driven by rather than informed by data. Relegating local residents' representations to 'ad hoc' requests flies in the face of good engagement, which is acknowledged as being foundational to compliance and therefore the benefits that a more proactive 20mph policy could achieve.

We therefore regret that a more balanced and up to date review and acceptance of the evidence does not seem to have been taken in preparing this paper, and that the views of residents are not reflected. If, however, this paper is approved by the Exec today we urge them to go at pace and scale based on 'travel-to' neighbourhoods and prioritise areas

where there is a strong desire from residents to see 20mph implemented. The additional delay of 6 months when there are well informed and widely representative groups ready to progress with 20mph zones seems to cut across the Council's expressed desire to be the most local of large authorities.'

Councillor Paul Haslam welcomed the report and proposed changes as it was an urgent issue that needed addressing. He stressed he would like to see some imperfect action rather than perfect inaction and suggested some of the work proposed for areas of Harrogate could be delivered in stages, to deliver stepped progress. Finally he questioned what success would look like i.e. what the impact of the proposed 20mph zones outside schools would be in terms of transition to alternative travel options, and the impact on CO² emissions and air quality.

Councillor Sion Myers agreed the proposed approach must respond to the concerns of residents and welcomed the focus on communities and evidence, but recognised the difficulty associated with the one size fits all approach. He suggested that what all communities would like to see is a greater degree of enforcement of existing speed limits. He also wanted to see speed being designed out of roads and welcomed physical infrastructure improvements to make it impossible to speed.

Councillor David Chance welcomed the report and the proposal for a speed management review. He confirmed his view that a default 20mph approach was wrong but supported it where it was needed and supported by the community. Councillor Gareth Dadd suggested the Authority needed to be careful not to raise expectations that support from a community or local Councillor would automatically result in a successful application.

In response to a question from Councillor Bryn Griffiths, it was confirmed the proposed new strategy included an analysis of any strategic potential risks associated with applications.

Having considered the report and contributions at the meeting, the Executive all voted in favour of the recommendations, and it was

Resolved – That:

- i. The core criteria for introducing 20mph speed limits and zones, as set out in the existing 20mph Speed Limit Policy remain unchanged;
- ii. Area-wide or default 20mph speed limits not be supported;
- iii. A series of planned reviews be undertaken, underpinned by a speed management strategy for the local road network, delivered over a defined period to generate a pipeline of schemes; and
- iv. Approval of the following be delegated to the Corporate Director for Environment in consultation with the Executive Member for Highways and Transportation:
 - a. Content and detail of the proposed speed management strategy; and
 - b. Prioritisation methodology for ranking proposed speed limit schemes.

274 Area Constituency Committee Feedback Report

Considered – A report of the Assistant Chief Executive (Legal & Democratic Services) providing an overview of the key issues considered at recent meetings of the Area Constituency Committees (ACC).

Councillor David Chance introduced the report and drew attention to the Chair and Vice-Chair appointments detailed in the report. He confirmed that for the Scarborough & Whitby Area Constituency Committee, Councillor Liz Colling had been appointed Chair and Councillor Janet Jefferson Vice-Chair.

He also drew specific attention to the recommendations arising from recent meetings of the Harrogate & Knaresborough Area Constituency Committee, as detailed in paragraphs 4.4 and 4.7 of the report, and the Thirsk & Malton Area Constituency Committee as detailed in paragraph 7.6 of the report.

It was noted that a public submission had been received from Barry Adams in response to the Harrogate and Knaresborough ACC's response to the petition under paragraph 4.7 of the report as follows:

"I refer to the submission of a Petition in opposition to the Harrogate Station Gateway Project which was presented by Rachael Inchboard to the Harrogate and Knaresborough ACC Meeting on 08 June. As a result of the discussions by Councillors at that meeting there are two specific but important issues, namely the large number of signatories and their location, which were inappropriately questioned by certain Members. There are perfectly valid reasons that address both these issues which need to be brought to the attention of this Executive Meeting."

In regard to the Petition itself he stated:

"One of the Conservative Members attending this meeting queried the petition's veracity, saying its signatories included people from as far away as South Africa. According to people who are more computer literate than I am, it is reportedly an anomaly where the IP address of people's computers shows up on the petition rather than their postal address. So I have been told, it occurs when a Virtual Private Network (VPN) is used to provide additional security and privacy rather than that afforded by the normal internet connection. For example, two people I know who most certainly live in Harrogate had their addresses displayed on the petition as Sunderland. It therefore seems to confirm that the Councillor who announced in a sarcastic manner at the NYC Executive Meeting on 30 May that he had rigorously checked the petition and that it proved nothing as at least 20% of the signatories lived outside the Harrogate area, was quite wrong. Surely there must be some way in which these misleading discrepancies, fabrications and exaggerations can be taken into account as they were extremely misleading. I find it hard to comprehend that the "technology wizards" at NYC have not come across this anomaly before."

In regard to interpretation of the Petition he stated:

"In addition to the above issue, another Conservative Member attending the ACC Meeting pointed out that even 500 local signatures, the threshold needed to have the petition debated by the Committee, were not representative of all views from local residents. Just over two years ago quite extensive coverage was given in the local media of the survey results following public consultation on the Gateway Project including the pedestrianisation of James Street. A report commissioned by NYCC claimed the Gateway Project still had more supporters than detractors. I understand the overall population of Harrogate at the time was in the region of 75,000 residents, from which there were some 1,101 respondents to the online survey. This equates approximately to 1.5% of Harrogate town's total population - some 45% of the 1,101 participants voted in favour of this proposal or in real terms somewhere in the region of 0.75% of Harrogate's population. So, if you adopt this Councillor's "theory of interpretation", it is less representative of all the views from local residents even though at the time Cllr Phil Ireland from the then HBC claimed that "we have EVERYBODY'S feedback and ideas to feed into the next phase of detailed design work". And yet, the Conservative Councillor mentioned above dared to trash the recent petition which reached over 2000 signatures at the time and has continued to increase to nearly 2500 signatures. We do not expect this standard of behaviour from Councillors who were elected to represent us the residents of Harrogate and a public apology on both issues would be appropriate and this fact recorded in the minutes of the Executive Meeting."

The simple fact that the signatories to the petition may not be representative of all views from local residents' rests firmly in the lap of NYC. It is quite disturbing to find out even now how many local residents and businesses still have not heard of or do not know what

the Station Gateway Project involves. Whilst I appreciate it will always be a problem to ensure everyone is aware, I believe NYC and the Highways Team in particular has a history of poor consultation, ignoring the democratic process; not listening and dismissive of public comment, and hiding behind a meaningless excess of words in press releases. If only they had involved us much earlier in the democratic process, more of us would have shared in ownership of a Gateway Project.”

In response Councillor David Chance confirmed it had not been his intention to offend when he responded to the petition at the last meeting, he had merely pointed out that 20% of the petitioners were indicated as being from outside of the North Yorkshire area.

Councillor Chris Aldred read out a statement on behalf of the Liberal Democrat members of the Area Constituency Committee as follows:

‘I am addressing Executive Members today, on behalf of all the Liberal Democrat members, who form the democratically elected majority on the Harrogate & Knaresborough Area Constituency Committee. It is with disappointment that I am speaking here today. Disappointment at the failure of this Executive to engage with business and residents in a meaningful way. Disappointment at the failure of this Executive to respect the recommendations of Harrogate's democratically elected Councillors on Harrogate and Knaresborough Area Committee, and disappointment that those most closely affected, are left feeling ignored, with their genuine concerns side lined.

On the 5th May, as detailed in the report before you, agreement was given by the ACC to pursue further investment in the proposed Gateway scheme. This was not universal support, and it was given subject to conditions, which were that the genuine concerns of individuals and groups continue to be listened to, debated and responded to, and that the ACC has a meaningful role in the implementation of the scheme, including conversations with concerned individuals and groups. As far as I can see, no action has yet been taken to meet either of these conditions. At the following ACC meeting on 8th June, Councillors expressed frustration that there had been no engagement with individuals and groups who had expressed concerns a month earlier.

I proposed a motion seconded by Cllr Slater, in which we called for two simple things. A programme of engagement meetings to be drawn up and the details published before the 30th June, and a Working Group of ACC members to be set up. You can see this request quite clearly in the report before you at paragraph 4.7. Two simple asks that would have gone some way to mitigating fears that this scheme is being forced on Harrogate residents. The impression you are giving, is it is this or nothing. This motion was supported not only by all my Liberal Democrat colleagues, but by the Conservative member in who's Division this scheme will have the most impact – Valley Gardens & Central Harrogate.

Well, 30th June has come & gone, so now our question must be, are you unable to comply with the requests of the ACC, or are you just unwilling to do so? Sadly, I think it is the latter. Given your abject failure to deliver – or even engage – on these requests from a democratically elected local committee of this Council, I am here today to inform you that the Liberal Democrat members of the Harrogate & Knaresborough Area Committee, who represent the majority of local people, are unanimously withdrawing our support for this scheme. We have no confidence that this Executive - in particular the Executive Member for Highways & Transportation - have the competence to deliver this scheme in a manner that will be of benefit to Harrogate.

We do not need a scheme forced upon local people and businesses without engagement. Meaningful engagement is not a tick box exercise, it is about ongoing conversations. Actually Listening. Liberal Democrat members will continue to monitor every aspect of this scheme, on behalf of our residents and hold the Executive to account for every pound of public money spent on it. But we simply cannot support a scheme that is being driven by an administration determined to ignore residents, businesses and Councillors alike. An administration who constantly fall short of what is expected.

This administration seems more focused on clinging to power and has prioritised its own political backroom conversations aimed at maintaining a majority in the chamber, above getting a grip on this controversial issue. We have given you enough opportunities to demonstrate you are sincere and competent – sadly, you have clearly demonstrated that you are neither.

We now call upon this Executive – in particular the Executive Member for Highways & Transportation – to demonstrate positive and transparent action. Admittedly this maybe more in hope than in expectation. We want to see a fully costed plan. One which makes it clear which areas will be scaled back to stay within budget constraint, or where the money will be coming from to meet any overspend. And we still want a series of engagement meetings and a working group to be created as per the recommendations of the Harrogate and Knaresborough Area Committee on June 8th. This is not too much to ask. It is the bare minimum.'

Councillor Duncan Keane thanked Councillor Aldred for his views and confirmed his focus and that of the Executive was on delivering the landmark investment in to Harrogate. He noted the previous support given in principle by the Liberal Democrat members of the ACC for the investment and expressed disappointment that they were now rowing back on that commitment. He confirmed work was ongoing to draw up an engagement plan as previously agreed, which would include ongoing communications throughout the construction phase with residents, businesses and other stakeholders.

Councillor Gareth Dadd also expressed disappointment at Councillor Aldred's statement and suggested it was done as a way of appeasing a benefactor of the Liberal Democrat group who was not in favour of the scheme, which Councillor Aldred refuted.

Councillor Simon Myers also expressed disappointment at the unnecessary political grandstanding and confirmed his support for the scheme had been given directly in response to the original ACC feedback.

Councillor David Chance confirmed it was not for the Executive to set up a working group of the ACC. ACCs were responsible for setting up their own politically balanced working groups.

Finally, Councillor Duncan reiterated his commitment to sharing an engagement plan in due course.

In response to the recommendations proposed by the Thirsk and Malton Area Constituency Committee regarding Filey toilet provision, Councillor Greg White confirmed checks would be carried out to ensure they had been built to specification. He also confirmed there would be a review of all public conveniences across the county, starting in July 2023 and likely to take a year to complete.

Having considered the information provided at the meeting and within the report, the Executive

Resolved - That the report be noted and:

- i. The recommendations proposed by Harrogate and Knaresborough Area Constituency Committee regarding a maximum speed of 20mph across parts of south and west Harrogate, as detailed in paragraph 4.4 of the report, be taken into consideration as part of the ongoing review by the Council of its current 20 mile per hour speed limit and zone policy.
- ii. The recommendations proposed by Harrogate and Knaresborough Area Constituency Committee regarding the proposed Harrogate Station Gateway scheme, as detailed in paragraph 4.7 of the report, and the scheduling of engagement meetings be noted.

- iii. The recommendations proposed by the Thirsk and Malton Area Constituency Committee as detailed in paragraph 7.6 of the report regarding the Filey toilet provision and the proposed county wide review of public conveniences be noted.

275 Forward Plan

Considered –

The Forward Plan for the period 26 June 2023 to 30 June 2024 was presented.

Resolved - That the Forward Plan be noted.

276 Schools Condition Capital Programme 2023/24.

Considered – A report of the Corporate Director for Children & young People's Service seeking approval for the Schools Condition Capital Programme for 2023/24.

Councillor Annabel Wilkinson introduced the report detailing the background to the DfE's allocation of Schools Condition funding totalling £6,044,988 to North Yorkshire County Council for 2023/24 based on new allocation methodology introduced by the DfE in 2021/22. She also drew attention to the maintenance backlog in schools across the County and noted that due to funding levels, it would only be possible to address the highest priority schemes.

Having considered the report and the information provided at the meeting, the Executive

Resolved – To approve:

- i. The proposed Schools Capital Programme for 2023/24 as summarised in Appendix A
- ii. The Planned Capital Maintenance Programme for 2023/24 as set out in confidential Appendix B
- iii. The continuation of the approach for dealing with any schools that convert to Academy status following the approval of the Programme as laid out in paragraph 3.3

277 Date of Next Meeting - 18 July 2023

The public meeting concluded at 1.05 pm.