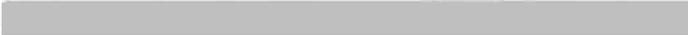


Ref: 2012/2013

RICHMONDSHIRE LOCAL PLAN PROPOSED SUBMISSION AUGUST 2012
Public Enquiry expected November 2013
Swale House, Frenchgate, Richmond, N Yorkshire DL10 4JE

SUBMISSION TO PUBLIC ENQUIRY *on*
TO KEEP BRENTWOOD A CUL-DE-SAC *AREA*
(Proof of evidence and related documents)

Objectors:
MR & MRS BERNARD BORMAN



CONTENTS

Exhibit 1

This consists of the original documentation and evidence supplied at a previous Enquiry which was virtually entirely ignored by the District Council as well as the Highway Authority, NYCC. The main aspects of those arguments were: unfavourable traffic and safety conditions in Brentwood, which have become worse, and the issue of unneighbourly industries in Leyburn Business Park and the former Station Yard. Again, this has been largely ignored. The argument was that only development B1 Light Industry and B8 Warehousing should take place. Although H M Insp Turner in 1997 agreed on both points with the residents, ie, no further traffic loading on Brentwood and no unneighbourly industries in the part of Leyburn mentioned, Richmondshire District Council adopted the Inspector's findings in full but followed a totally different procedure which resulted in a steel fabrication factory called Thistlethwaite which transformed the area into an unsightly and environmentally unfriendly rubbish tip. Arguments and photographic evidence was presented to the then Chairman of the Planning Committee, Cllr Pat Middlemiss. She did not bother to acknowledge receipt and finally no enforcement action was taken on the basis of comments by Leyburn Councillor Duff that he stood in Brentwood, could hear nothing but the birds singing. That clearly demonstrates the lack of understanding of that particular Committee in relation to the Local Plan. There must be no repetition of such an abuse. I have therefore enclosed details of a previous submission as it contains valuable observations in relation to the new Plan and I would ask that this document is returned to me after the Enquiry.

Exhibit 2

Previous identification of planning arguments, Items 1-8, dated 11 September 2012, to which oral evidence shall be given.

Exhibit 3

Representations Form dated 11 September 2012.

Exhibit 4

Skeleton Argument in relation to the proposed new Local Plan dated 10 September 2012.

Exhibit 5

I also enclose further correspondence with the Highway Authority, of several pages, and supporting photographs. I intend to call two oral witnesses. Again it has to be noted that the Highway Authority and the Planning Authority have not dealt effectively, if at all, with these matters which have raised concerns of local residents. In fact, the Highway Authority has, in my opinion, been obstructive, bloody-minded and too full of their own opinions.

**Richmondshire Local Plan Core Strategy Proposed Submission
Public Representation by Bernard Borman-Schreiber Esq, Graf von Ullersdorf**

Having looked at the submissions to the public of the Local Plan I would wish to observe the following and make it subject to a further Enquiry. My comments relate both to "legal compliance" and "soundness".

1 Brentwood

In the past there has been controversy about Brentwood being linked to Maythorne Estate which has caused a number of problems, ie speeding and parking, and although at a Public Enquiry conducted by H M Inspector Turner, and the Council agreeing in full to his report, his recommendations were not implemented. It raises the question "why hold Enquiries and produce a Local Plan when no-one takes any notice of it?" I therefore ask for the issue of Brentwood to be re-investigated.

2 Leyburn Industrial area

The same argument applies to the industrial area to the southeast of Leyburn which borders residential areas, especially Leyburn Station Yard. It has been everybody's understanding that this area is for light engineering and storage only, yet we have heavy engineering there and even in the Conservation Area of the Station Building itself, we have strange goings-on in planning terms. The tree planting scheme which should have been completed some twelve years ago has not even been started.

3 Safeguarding Market Town image for the benefit of tourism

Given that the Planning Authority accepts that Leyburn plays an important part in the tourist industry and is adjacent to the National Park, there is an abundance of plastic banners and advertising clutter even in designated Conservation Areas. The Local Plan as presented for Leyburn is minimalistic and requires detailed clarification with regards to Brentwood, protection of Conservation Areas and the development of land for industrial and commercial use to the southeast of Leyburn. There are also parking issues which affect the well-being of the town and Leyburn Town Council has made it known that they are not engaging with the population about it; in fact they are going to do nothing at all. That is unacceptable because this unelected Town Council represents nobody except themselves.

4 Unneighbourly industry

The issue of HGVs coming through the town centre also needs to be looked at for there is no reason why this practice should continue. Traffic from the quarries can use the Tank Road and there is, in any event, no effective control over the pollution which the quarry in Leyburn causes and a wheelwash should be installed.

5 Leyburn Medical Practice

I would also wish to enquire about the impact of the, what I would call, illegal planning activities in relation to Leyburn Medical Practice. I would like to see it established that this must remain a

Medical Centre and must not be changed to retail or office use. In fact, whilst there is no planning permission for office use, we find that the Primary Care Trust operates an office from there. We also have retailing in terms of a chemist there. Whilst these facilities are welcomed, they have nonetheless been poorly thought out for the sake of the profit of a strange company, namely Trinity Medical Properties Ltd, without taking adequate account of the neighbourhood in terms of speeding, parking and general nuisance. It has recently been said by those "In the know" that Leyburn Medical Practice, because it is on a severely restricted site, would be better situated somewhere else, ie towards Bellerby.

6 Leyburn expansion

It would also be helpful, in the interests of the environment and the neighbourhood, if no more increase in cheap housing takes place around the railway station. Again, a hotel was changed into affordable housing, contrary to the Local Plan and low-quality housing was built at the petrol station. In any event the proposed addition of 365 houses in Leyburn is in the wrong place and would seriously change the nature of Leyburn as a typical Yorkshire market town, and the tourist industry. It would bring more traffic to the school in Wensleydale Avenue and to the Medical Centre and cause problems with an already problematic sewage system. In short, Leyburn requires an additional main sewer. We have been subject to blockage and flooding and there have been problems with the Brentwood pumping station.

7 Environmental issues

The Wensleydale Railway, whilst it might be an interesting arrangement for tourists, also creates a substantial nuisance. They should be asked to work in accordance with the railway regulations as far as whistle boards are concerned so that they do not blow the whistle when they feel like it, to the distress of some, and that they do not discharge their burnable rubbish through the steam train which causes a lot of black smoke and soot. Their diesel trains are equally not properly maintained. In addition there is provision given for the railway to be allowed to burn thousands of tons within the confines of Leyburn Town centre. Clearly this is a major industrial undertaking and there must be rules. There is also a substantial nuisance from the constant burning of industrial waste and bonfires (dioxins), slurry spreading to the south of Leyburn and the practice of sheep dipping with noxious fumes on the southern borders of the town.

8 Conclusion

Whilst I have raised these issues within the framework of public consultation, as per enclosed copy of my letter, I would like the Enquiry to take further account of my comments in that letter, as well as in this document. I would be willing to appear before H M Inspector for examination. I am equally concerned that delegated powers given to officers are being abused. These should not be used, in my view, for substantive matters but for minor planning issues only and I hope that the Council's policy can be examined and that the Council is given proper advice on this, and also that the legal standing of the Local Plan is properly explained as there is a general belief that the consultation's outcome and the Local Plan can be changed at will. Some wording is designed to produce flexible interpretation and better legal definitions are required as it will otherwise make the whole exercise of a Local Plan meaningless and subject to abuse.

Leyburn, 11 September 2012

Bernard Borman-Schrelber Esq, Graf von Ullersdorf

Richmondshire District Council
Local Plan Core Strategy
Proposed Submission
August 2012

Representations Form

Please read the guidance notes before completing this form

This form comprises two parts:
Part A - Personal details
Part B - Your representation(s)

Both Part A and Part B of this form need to be completed in order for your representation(s) to be valid. Please complete a separate sheet (Part B) for each representation you wish to make. Further copies of this form can be downloaded from www.richmondshire.gov.uk/localplan.aspx
You do not need to fill out Part A for each representation, provided that all representations made are securely attached.

Your completed form must be returned to the following address to reach us no later than 4pm on Friday 14 September 2012:

Planning Policy
Richmondshire District Council
Swale House
Frenchgate
Richmond
DL10 4JE

Alternatively, you can email localplan@richmondshire.gov.uk and submit this form as an attachment.

Please note, all representations will be made available for public inspection on our website www.richmondshire.gov.uk/localplan.aspx with personal details (i.e. email address, telephone number and signature) removed.

PART A - Personal details

YOUR DETAILS

AGENT'S DETAILS

Title THE HON.

First name BERNARD DEFEU

Last name BORNAN-SCHRIEBER
GRAF V. ULLEREDDRI

Job title (if applicable) RET. PO. DIRECTOR

Work/Organisation (if applicable) -

Address [REDACTED]

Postcode [REDACTED]

Telephone no. EX DIA.

NO AGENT

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Name/Organisation:

NONE

Q1 To which part of the Core Strategy Proposed Submission Document does this representation relate? (Spatial Principle, Sub Area Strategy or Core Policy)

Policy number (e.g. SP2, CRSS or CP8)

VARIOUS ALL CONCERNING LEYBURN

Page/paragraph number(s)

PARAGR 15 DURING ITP OR TINI 1584 AS

Please Note: Your representation should cover succinctly all the information, evidence and supporting information necessary to fully support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

Q2 Do you consider the Core Strategy Proposed Submission Document is ...?

Yes No Don't know

(a) Legally compliant

Yes No Don't know

(b) Sound

Yes No Don't know

NOT ENOUGH DETAILS FOR
LEYBURN

If you answered 'No' to (a) or (b) above, please continue to Q3, otherwise continue to Q5

Q3 Do you consider the Core Strategy unsound because it is NOT...? (please refer to guidance notes)

- Justified
- Effective
- Consistent with national policy
- Positively prepared

Please give details of why you consider the Core Strategy Proposed Submission Document is not legally compliant or is unsound. Please be as precise as possible:

SEE ENCLOSED LETTERS 11/9/2012
9/11/2011

NO NEED SHOWN FOR FURTHER DEVELOPMENT
NORTH OF LEYBURN SUBSTANTIAL CHANGE
OF TYPICAL YORKS. MARKET TOWN NO EMPLOYMENT
AVAILABLE IN LEYBURN INFRASTRUCTURE WILL
NOT COPE. AS THESE ARE UNRESOLVED PROBLEMS
ALREADY

IMPORTANT: DETAILS NOT CONSIDERED
INDUSTRY, MISUSE OF RESIDENTIAL AREAS
ENTITLEMENT TO BE SAFE FROM SUBST. CHANGE
& FIXED POLICY PLAN. ROAD SYSTEM NOT FIT
FOR PURPOSE & COUNTY PLAN. NOT APPLIED BASED
ON GUT RECOMMENDATIONS

Q5 If you wish to support the legal compliance or soundness of the Core Strategy Proposed Submission Document, please use the space below to set out your comments:

[Large empty box for handwritten comments]

continue on a separate sheet if necessary

If your representation is seeking a change to the Core Strategy Proposed Submission Document, do you consider it necessary to participate at the oral part of the examination?

- No, I do not wish to participate at the oral examination
- Yes, I wish to participate at the oral examination

If you have selected 'No', your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

THIS IS BITTER EXPERIENCE BY ORAL EXAMINATION BASED ON FACTUAL EXPERIENCE

If you wish to be notified of future stages of plan preparation, please tick the appropriate box(es) below:

- Submission for Examination
- Inspector's Report Publication
- Adoption

Please notify me by:

- Post
- Email



Please Note: The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Signature:

[Redacted signature]

Date:

14th Sept 2012

set out what change(s) you consider necessary to make the Core Strategy Proposed Submission
legally compliant or sound, having regard to the test you have identified at Q3 where this relates to
the test. You need to say why this change will make the Core Strategy legally compliant or sound. It will be
valuable if you are able to put forward your suggested revised wording of any policy or text. Please be as precise
as possible:

MORE DETAILS & CONSIDERATION OF IMPORTANT
ISSUES INDUSTRY AREA & BOWENWOOD
MAINTAINING GOOD RESIDENTIAL QUALITIES

SEE ENCL. SUBMISSIONS OF FACILITIES
SERIOUS ISSUES NOT DEALT WITH

EXHIBIT ① 11/9/2012

-11- ② 9/11/2011

USA FOR DETAILS ON 4/9/2012 ALSO
RE: NO RESPONSE.



EXH 4

General

Whilst I think that the documents you have produced are obviously very professional, I would like you to consider

1) that this Local Plan [LP] has legal consequences and must be a guide in the future planning process. I personally took part in the Public Enquiry under Inspector Turner in about 1997 at which the Inspector had clearly agreed with my argument and his findings were accepted by the Council and incorporated into the LP. When I discovered that the aspects of that LP were ignored I made representation again to the following Public Enquiry, about 2000, in Thornborough Hall, Leyburn. I wanted to express the evidence that the LP was not being followed. In conjunction with Harry Tabiner and the Planning Inspector, I was not allowed to make such representation, the reason for which is still unknown to me. I believe that the costly production of a LP should not just be an exercise to demonstrate that there had been a consultation but that the outcome should truly result in a planning system and policy which gives particular attention to the views of the consultees, ie, existing residents. I would like to draw specific attention to the words of Inspector Turner when he said that existing residents should not be in constant fear of arbitrary changes to their environment. He also paid attention to the danger of allowing exceptions as this could cause "leapfrogging". The main concern at the time was the development in Leyburn Station Yard where B2 was allowed because "one could still hear the birds sing in Brentwood". This was followed by two B2 enterprises and the construction of low cost housing (flats). One has to bear in mind that the area was designated around a Listed Building and next to a Conservation Area in a completely residential area. Further, the planning stipulation of landscaping, made some 20 years ago, has still not been either started or completed. All this happened under the planning chairmanship of Cllr Scott and Cllr Pat Middlemass who both had no understanding of the planning process and lacked the common courtesy to deal with representations by local residents. The new Local Development Framework must therefore be meaningful, especially since it is a legal document. I would draw attention to the excellent paper which Mr Brian Hodges wrote some years ago on the importance of the Local Plan in planning terms. The whole planning process is a quasi-judicial process and needs to take into account highway policies of NYCC such as no major access roads through residential areas. It has to be considered that therefore the final document must be unambiguous, in plain English and not woolly. Whilst obviously the present document has been professionally put together, it also needs to be legally watertight as it will otherwise give rise to arguments about interpretation and misunderstandings. I would like to quote the following sentence as an example: Page 5 of the document, under 3c: "Do you agree with the rejection of no need for Core Strategy guidance to facilitate development? If not, why not?". If I am correct in what I think this may mean, I would respond that a Local Development Plan, ie, Core Strategy, is important to the existing inhabitants in order to protect their way of life and their substantial financial investment. This view was also expressed, as already quoted, by Inspector Turner. When one looks at Leyburn, one has to realise that the main economic element is tourism. Substantial monies are spent in food establishments, bed and breakfasts, Tennants Auction House and shops in general who would not thrive without tourism. The national advertising which Tennants are getting puts Leyburn firmly on the map. If one considers the tourism importance of Richmond and Hawes, Leyburn is clearly an important link in that concept. Its main attraction lies in the fact that it is a traditional Yorkshire Market Town which has most facilities and is not boring. There are road issues in Leyburn and a safety audit would be desirable, as well as adequate signposting on the motorway. The general appearance of the town round the Market Square is very important and should be substantially enhanced to reflect the importance of Leyburn in the promotion of tourism in the Yorkshire Dales. The constant stream of traffic, which appears to exceed 500 vehicles a day, from the quarries right through Leyburn town centre is undesirable. There should be no right turn arrangement from the quarry and a wheelwash is also long overdue. Railway Street has become a race track and the use of Brentwood as an inner ring road, ie, major access road, is undesirable and contrary to modern highway thinking. Again, Insp Turner said that there should be no more traffic loading onto Brentwood, yet we have seen the contrary taking place due to an expansion of the primary school, additional housing and the Medical Centre, as well as another Dental Surgery. Again, this needs to be brought up to date. We now have proposals which are mentioned for the site next to the Surgery to be used for residential development and the intentions are to put that traffic also into Brentwood whilst it could equally be directed across the railway crossing onto Harmby Road. There are further suggestions that additional housing around Maythorne Farm will also find its connection into Brentwood over the small beck at the bottom of Wensleydale Avenue. That too had been previously considered at a Public Enquiry but was rejected. If they want to develop that part of Leyburn, they have to build new roads which follow the principle of no major access roads through residential areas. There are speeding, parking and noise issues on Brentwood. Many of these problems arise when some joyriders find bumping over the humps, which are incidentally completely ineffective, fun. Mothers taking children to and from the primary school and preventing buses from turning in the space provided in front of the school because their "darlings" can't walk 50 feet to the main entrance,

and to shift the problems of Maythorne council estate and the school on to the residents of Brentwood is clearly not fair or desirable. I have previously submitted to the Public Enquiry the views of a well-known and well-established Barrister on planning law, and a well-respected firm of solicitors view also on planning law, confirming that my view on this subject conforms to the current national policy and the County policy of no major access roads through residential areas. We now find that coaches, buses and lorries also travel through Brentwood because there are no restrictions and because of the inadequate signposting people use Brentwood as a car park rather than using RDC's car park. This causes annoyance to the residents and loses income for the Council.

I will now comment on specific items within your document.

Brentwood

The whole issue of traffic requires some serious re-thinking, particularly since the existing speed limits are frequently severely broken in an area where there are young children, two nursing homes, one surgery and elderly residents.

1.1 It would not be in anybody's interests to put affordable housing into existing developments as this has already caused problems in Brentwood. There is a large site at the back of Leyburn Mart which is not used by the Mart which could be better used and would not have substantial impact on existing neighbourhoods.

1.2 There is a maxim in English law which says that if you make an agreement you cannot in that agreement agree to agree at a later stage. This paragraph seems to confront that very issue. What is the need for any development, who identifies what needs there are, and on what basis? The so-called ability to meet immediate needs should not be frustrated and is totally ambiguous and unlawful. It gives certain interested parties the opportunity to claim needs which are by definition subjective and if they can lobby sufficient Councillors to be on their side, the plans get approval contrary to the interests of the local people. That makes the effective control of local development framework meaningless. We already have an example of the steelwork activities in Leyburn Station Yard which is clearly B2, a classic case in point where Local Plans were overridden by Councillors who took into account issues which they should not have taken into account and ignored issues which they should have taken into account.

1.3 We need no encouragement in Leyburn for development as the success of this Market Town depends on it remaining so. There is plenty of space allocated for industrial and commercial development in Catterick and Colburn and there is not exactly a housing shortage in Leyburn either.

1.4 Again, who decides what is most appropriate? The Local Development Plan needs to be more specific.

1.5 This again is woolly and allows a weakening of the whole concept of a Local Development Framework.

1.6 This is important to Leyburn because the environmental impact has already been ignored for too long and no existing development is required other than by those who want to sell their land. This would support the idea that any new development should not cause disadvantage to existing residents and if need be infrastructure may require renewal and new roads need to be built to serve these areas.

2.1 This is a paragraph to agree to agree (see 1.2). The reference to an enhancement of the infrastructure has been ignored in the past, in particular foul drainage. We, at "Greenways", Brentwood, and "Willowside", and St Matthew's Terrace, have had substantial drainage problems over the years. On one occasion we at "Greenways" were flooded because some developments channelled their surface water into the foul drains which causes problems at the narrowing of the drain where the 9 inch drain is channelled down the railway embankment through an iron pipe with 90 degree bends, of half the capacity. There is clearly a need to have a new major drain going through parts of Leyburn before any more housing is constructed. We have had flooding problems of the foul sewer off the Bellerby Road, also at Dale Grove and at the bottom of Brentwood where there is a pump directing sewage into an already problematic sewer.

a. v. You are not likely to get much response on this one because the people of Leyburn are very apathetic and not known for their literary prowess.

EXH 4

b. i. This is an open cheque and needs to be more closely defined. It is important that Hipswell, Scotton, Colburn and Catterick are not linked to Leyburn. I cannot foresee that Leyburn ever will have the need to share provisions, services and facilities with those areas. Leyburn has a unique and separate identity. Special consideration should be given to the idea that developments in other areas does not have an adverse impact on Leyburn, such as supermarkets and similar market facilities as exist in Leyburn.

5.1 The "Leyburn area" needs to be more clearly defined as at the moment it is not clear to the uninitiated.

Since we are paying specific attention to town centres, I believe that the bus stops in Market Square, Leyburn, should be moved to a more convenient location. If need be, pedestrianise the area from High Street to Brentwood entirely and perhaps have bus stops there or in Commercial Square. There are inadequate facilities in Commercial Square for disabled people to do their shopping. The entrance to the Council car park next to the Golden Lion is dangerous because people come from a road traffic area right across a pedestrian footpath, and meet more pedestrians coming back from the car park. Road humps would be appropriate. Better signposting of the dangers would also be helpful. I also believe that the parking in Market Square should be limited to one hour, and since Richmondshire are employing a ticket warden in thier car park, perhaps an arrangement could be made with Leyburn Town Council to include the Market Square. The lights in the Market Square may be effective but they are visually quite awful. It would be desirable if they had Victorian lantern types (as in Crakehall) right the way from the High Street to Brentwood. The ginnels in Leyburn town centre are of unacceptable standards and require professional resurfacing, and indeed better lighting. Whilst the trees planted in the Market Square have improved the environment of that area, there is still a need to improve the visual impact and the existing pump could be made into a more interesting feature in the Square. Tables and chairs outside some premises have become popular. That should be encouraged with appropriate and fitting furniture. There is no understanding and no facts are known about what is owned by the Town Council, the District or the Highways Authority and that requires urgent clarification. Since the Town's Squares are an important part of the district's commercial life, the funding of repairs to those road surfaces should be reconsidered because whilst the owners may be the Town Council, the areas are in fact used as a highway. The appearance of gaudy shop signs and gaudy plastic advertising banners should not be allowed as it is contrary to the interests of good town planning. A re-alignment of Moor Road and the junction with the High Street could create a safer environment as the current alignment prevents a clear view to the right and to the left. It could be considered that the mouth of Moor Road should be next to the Kings Head public house. If need be, this could be improved by traffic lights, taking into account Moor Road, Bellerby Road, the car park exit and the High Street.

Leyburn Paper

The increase of housing by 380 dwellings is far too high and would substantially change the nature of this traditional Market Town (Leyburn). The density is also too high. Leyburn is not short of employment opportunities and to seek an increase of the employment areas by ten hectares is far too ambitious and unnecessary. The land adjacent to Leyburn Station has not been classified as industrial in the past and this should not be done now. See the report by Insp Turner. Access to the Primary School and Wensleydale School could be better achieved by upgrading Ford's Lane as both properties are adjacent to it. Some more pleasant footpaths to the east of Leyburn would be desirable. Whilst there is a footpath across Maythorne Farm, this area is invariably sprayed with slurry and that farm is an environmental nuisance because of this activity. There is no possibility of enlarging Leyburn based on the current infrastructure. When one compares the road safety arrangements in Richmond, one can safely say that the arrangements in Leyburn are minimal and inadequate. Since we have lost the services of many police officers and staff, it is essential to engineer problems out of the Highway arrangement. There desperately need to be some restrictions on Railway St and Hamby Road because hardly anyone observes the speed limit. Could we please have a weight restriction also on Brentwood? It is also important that any additional use adjacent to the Leyburn Business Park, and local people have specifically insisted on the use of the words business park rather than industrial park, good architecture should be used as this is effectively the entrance to the Dales. Tennants is one of the most important enterprises in the Town, if not the District. Tree planting and tree conservation are important to the visual impact on the town. The woods behind Thornborough Hall are an important inner town park area and maybe the Listed Folly there could be suitably repaired and could be used as an open air theatre, or some other tourist attraction such as a medieval market or other theme.

Conclusion

I have done by best to consider the wellbeing of Leyburn Town as a community and to safeguard the environment for local residents. I hope that my contribution will not follow the usual route into the filing system, confirming that "htank you for your communicatin which we will take into account".

Consultations have to be meaningful and most positively be reflected in the final Plan. I am giving a copy of this document to my County Councillor, District Councillors and Leyburn Town Council in the hope that they too will engage with you. I would urge you to consider using clearer English so that it is unambiguous in this quasi-judicial process and readily understood by all concerned. You have a particularly good Councillor in Cllr Harris, who is English perfect. Perhaps he might be invited to look at the phraseology. Also, some legal advice could be obtained so that a conflict of law is avoided. Such safety precautions would prevent unnecessary arguments, work and correspondence, and complaints to the Ombudsman. I speak from experience.

Yours sincerely

B D Borman-Schrelber, Graf von Ullersdorf, F. Inst. D.

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All e-mail traffic may be subject to recording and / or monitoring in accordance with relevant legislation.

Hambleton District Council, Civic Centre, Stone Cross, Northallerton, DL6 2UU.





EXH (5)

BDBSVU

From: [REDACTED]
To: <Mike.Roberts@northyorks.gov.uk>; <Mike.Woodford@northyorks.gov.uk>; <Peter.Featherstone@richmondshire.gov.uk>
Sent: 20 July 2012 12:06
Attach: F26, Fri 20 Jul 2012, Brentwood 001.jpg; F26, Fri 20 Jul 2012, Brentwood 002.jpg; F26, Fri 20 Jul 2012, Brentwood 003.jpg; F26, Fri 20 Jul 2012, Brentwood 004.jpg; F26, Fri 20 Jul 2012, Brentwood 005.jpg; F26, Fri 20 Jul 2012, Brentwood 006.jpg; F26, Fri 20 Jul 2012, Brentwood 007.jpg; F26, Fri 20 Jul 2012, Brentwood 008.jpg; F26, Fri 20 Jul 2012, Brentwood 009.jpg; F26, Fri 20 Jul 2012, Brentwood 010.jpg; F26, Fri 20 Jul 2012, Brentwood 011.jpg; F26, Fri 20 Jul 2012, Brentwood 012.jpg
Subject: Photographs of Brentwood, Market Day, Fri 20 July 2012 - Part 2
Dear Sirs

I refer to my email with photographs of Wed 18 Jul. Here is further evidence of the problems experienced - everything is markedly worse on a Friday.

Please take note of the car parked opposite my driveway, and cars parked on the kerb. This is now commonplace. I note that one of the humps, of which I sent you a photo only two days ago, has this morning been patched up. It is not a proper repair and does not get away from the fact that the road humps are disintegrating. As I have already said, the tubes are inadequate and I would appeal to all parties to carry out a speed matrix check, but not during school holidays. I note that the tubes were removed from Brentwood Thurs 12 Jul.

Yours faithfully
Bernard Borman

The message is ready to be sent with the following file or link attachments:

F26, Fri 20 Jul 2012, Brentwood 001
F26, Fri 20 Jul 2012, Brentwood 002
F26, Fri 20 Jul 2012, Brentwood 003
F26, Fri 20 Jul 2012, Brentwood 004
F26, Fri 20 Jul 2012, Brentwood 005
F26, Fri 20 Jul 2012, Brentwood 006
F26, Fri 20 Jul 2012, Brentwood 007
F26, Fri 20 Jul 2012, Brentwood 008
F26, Fri 20 Jul 2012, Brentwood 009
F26, Fri 20 Jul 2012, Brentwood 010
F26, Fri 20 Jul 2012, Brentwood 011
F26, Fri 20 Jul 2012, Brentwood 012

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.







EXH (5)



EXH (5)



EXH (5)



EXH(5)



EXH (S)



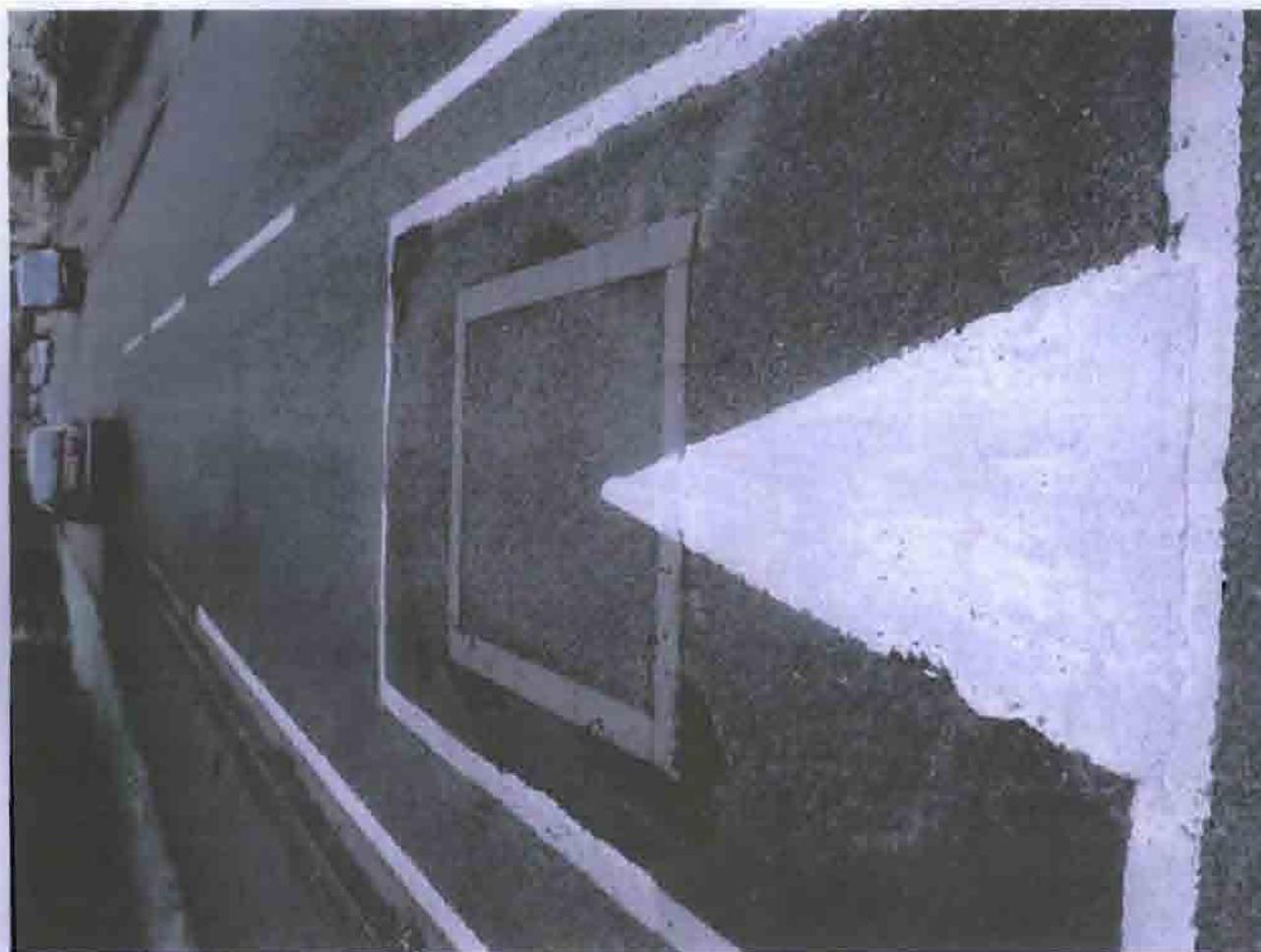
EXH (5)



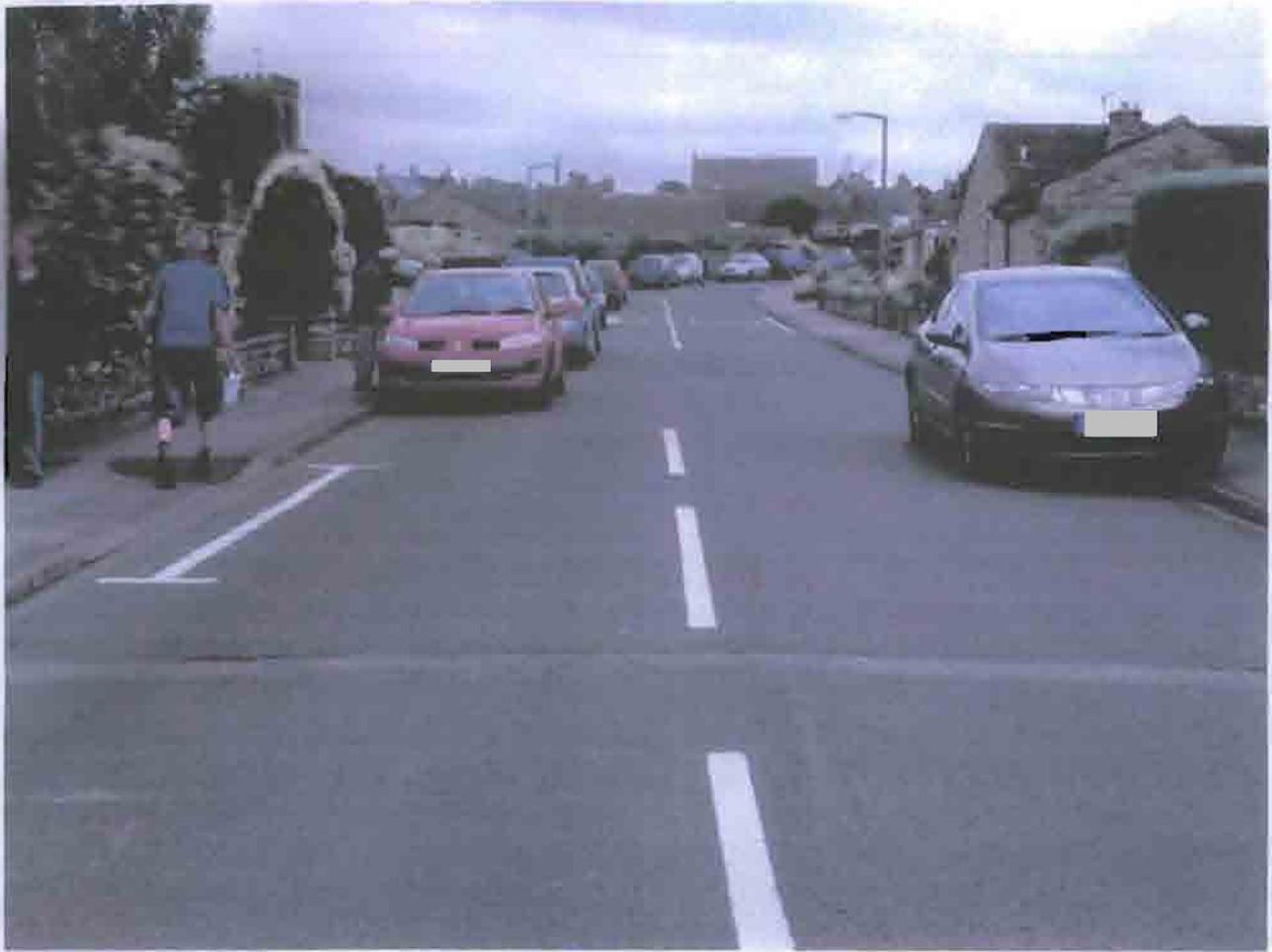
EXH (5)



EXH 5



EXH (S)



BDBSVU

From: [REDACTED]
To: <Mike.Roberts@northyorks.gov.uk>; <Mike.Woodford@northyorks.gov.uk>
Sent: 18 July 2012 14:42
Attach: F26, 18 Jul 2012, Photos of Brentwood, inc speed humps 001.jpg; F26, 18 Jul 2012, Photos of Brentwood, inc speed humps 002.jpg; F26, 18 Jul 2012, Photos of Brentwood, inc speed humps 003.jpg; F26, 18 Jul 2012, Photos of Brentwood, inc speed humps 004.jpg; F26, 18 Jul 2012, Photos of Brentwood, inc speed humps 005.jpg; F26, 18 Jul 2012, Photos of Brentwood, inc speed humps 006.jpg; F26, 18 Jul 2012, Photos of Brentwood, inc speed humps 007.jpg; F26, 18 Jul 2012, Photos of Brentwood, inc speed humps 008.jpg; F26, 18 Jul 2012, Photos of Brentwood, inc speed humps 009.jpg; F26, 18 Jul 2012, Photos of Brentwood, inc speed humps 010.jpg
Subject: Photos of Brentwood, inc speed humps
Dear Sirs

Herewith some photos which show that all is not well on Brantwood. I would draw your attention to today's BBC announcement on road safety as expressed by the House of Commons Transport Select Committee. Let's make this former residential cul-de-sac as safe as we can. I would also refer you to a Barrister's Opinion, a Planning Expert, which I made available to Mr Linfoot some time ago.

Yours faithfully
Bernard Borman-Schreiber Esq, Graf von Ullersdorf

The message is ready to be sent with the following file or link attachments:

F26, 18 Jul 2012, Photos of Brentwood, inc speed humps 001
F26, 18 Jul 2012, Photos of Brentwood, inc speed humps 002
F26, 18 Jul 2012, Photos of Brentwood, inc speed humps 003
F26, 18 Jul 2012, Photos of Brentwood, inc speed humps 004
F26, 18 Jul 2012, Photos of Brentwood, inc speed humps 005
F26, 18 Jul 2012, Photos of Brentwood, inc speed humps 006
F26, 18 Jul 2012, Photos of Brentwood, inc speed humps 007
F26, 18 Jul 2012, Photos of Brentwood, inc speed humps 008
F26, 18 Jul 2012, Photos of Brentwood, inc speed humps 009
F26, 18 Jul 2012, Photos of Brentwood, inc speed humps 010

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.



















Brentwood Car Parking and Traffic Flow

Notes of a Site Meeting Held at Leyburn Medical Practice

On 17 April at 1:00pm

Present: Mr B Borman, resident (BB); Mrs S Borman, resident (SB); Mr G Kane, resident (GK); Mr F Knowles, resident (FK); Ms B Walker, town councillor and mayor, Leyburn Town Council (TW); Mrs M Parry, town councillor, Leyburn Town Council (MP); Nigel Watson, Chair, Leyburn Medical Practice Patient Participation Group (NW); Mr P Featherstone, Planning Development Manager, Richmondshire District Council (PF); Mr J Hunter, North Yorkshire Police Traffic Management (JH); Mr N Smith, Highways Management, North Yorkshire County Council (NS); Mr S Brown, Managing Partner, Leyburn Medical Practice (SVB).

- 1) It was agreed by consensus that NW would chair the meeting.
- 2) NW welcome everyone to the meeting and outlined its purpose as being to discuss problems and investigate solutions relating to car parking, traffic flow and traffic safety in Brentwood particularly around the Medical Practice site and entrance. He invited comments in the order of Brentwood residents; the Medical Practice; the Town Council; local authority officers.

i. Brentwood Residents

BB outlined the history of the development of the Medical Practice site and its impact on traffic flows which he noted was exacerbated by increased traffic flows to the primary school at Wensleydale Avenue. BB set out safety concerns around failures to observe the 20 mph speed limit and obstructive car parking. He explained that there had been numerous representations to the relevant authorities on the matter including a request for a matrix sign. He noted that the speed humps seemed to be ineffective against large vehicles including commercial vehicles and four wheel drive vehicles. BB observed that cars were frequently parked on the pavement forcing pedestrians into the road. He pointed out that these pedestrians included primary school children and the disabled residents of the care facility at 63- 65 Brentwood as well as elderly and wheelchair bound patients of the Medical Practice. BB requested that parking restrictions and speed restriction enforcement measurements be taken to alleviate the problems and dangers. He suggested that part of the solution might be a compulsory purchase of land adjacent to the Medical Practice for additional parking. BB then distributed photographs illustrating the problems that he had referred to.

SB supported BB's comments and emphasised the difficulties caused in accessing and exiting their own property.

GK expressed concern at traffic flows in and out of the Medical Practice especially when drivers try to exit the site onto the road. He supported the suggestion of the compulsory purchase of land for additional parking even if that was only to provide a lay by.

FK expressed support for BB's comments and suggestions and noted that being the immediate neighbour of the Medical Practice he was most affected by traffic flows and parking problems related to the site. He produced recent photographs evidencing the parking problem including where that was obstructive. He noted that recently his driveway had been blocked for over an hour and that eventually he had contact the police who had issued an enforcement notice to the car concerned. FK suggested that double yellow lines extending from the Medical Practice entrance to the other side of Greenways might be a

solution. He also emphasised the difficulties caused to pedestrians of cars parking on the pavement.

ii. Medical Practice

SVB explained that the concern of the Medical Practice was predominantly one of safety when the view from the site entrance is obscured by vehicles parked close to it. This was a danger to patients leaving the site and was a particular problem for doctors trying to respond to urgent home visit calls and especially to the resident paramedic practitioner when responding to 999 calls.

iii. Town Council

TW accepted the concerns raised and agreed that double yellow lines may be part of the solution. She noted that whatever restrictions were set, they would need to be effectively enforced. TW confirmed that a report of the site meeting would be made to the Town Council.

MP supported TW's comments and noted that the problem was one of trying to deal with what was essentially drivers' bad manners.

In response to TW's comments, GK noted that disabled drivers were exempted from double yellow line restrictions and that this may compromise their effectiveness.

iv. Local Authority Officers

NS explained that the speed humps had been inspected and found to be in good condition and fit for purpose within the relevant regulations. He suggested that he should meet with SVB to discuss whether the Medical Practice car park could be better managed to reduce overflows into Brentwood including whether alternatives could be found for staff use of the car park. NS also undertook to investigate the appropriate use of double yellow line parking restrictions and to consult with Brentwood residents, the Medical Practice, the Town Council, local County Councillors, and North Yorkshire Police. He noted that the County Council is in the process of introducing civil parking enforcement arrangements which would take the burden away from police officers and has been shown to be a generally more effective form of enforcement.

JH explained that speed data for Brentwood had been collected and that this showed that the 20 mph limit was being observed (most of the 85th centile average was under 23 mph). He suggested that there may be an issue of perception with regards to speeding and that this would be exaggerated by the presence of parked vehicles. JH noted that any parking restrictions would impact on residents especially where they had inadequate off road parking facilities. However he sympathised with problems of obstruction and observed that the police have the power of removal where obstruction takes place.

PF explained that at the time that the Medical Practice site had been developed, the then Highways Management had advised that the car parking specified on the plans was adequate. He accepted that the impact may now suggest otherwise and supported the suggestion that NS and SVB work together to review the management of the Practice car park including its use by practice staff.

- 3) NW summarised the problems as consisting of safety, obstruction and traffic flows. He noted that agreement seemed to have been reached on activities to explore appropriate solutions and that there would be a need to consult with relevant parties and authorities.

4) General Discussion

BB disputed the accuracy of the speed data and was supported in this by SB and GK. He also disputed whether the speed humps were in a condition fit for purpose.

FK noted a particular problem when cars parked between the Medical Practice site entrance and his own property. He suggested that parking provision could be made further down Brentwood and observed that the Medical Practice car park is generally full resulting in an overflow into Brentwood. FK suggested that additional speed restriction signage along Brentwood would remind drivers of the 20 mph limit.

NS reiterated his undertaking to investigate the parking problems and to consider effective solutions. He stated that it would be inappropriate for him to commit to any specific solutions until he had carried out his investigations.

BB and SB commented that the speed data did not reflect their own observations especially for traffic moving away from the speed humps. They asked if a return could be made to investigating the use of a speed matrix.

JH explained that speed matrices had to be hired by parish and town councils for fixed periods and that one of the criterion for their use was formal speed data showing that there was a genuine problem of excess speeds.

BB stated that a previous Highways officer had undertaken to install a speed matrix sign.

JH noted that there was mixed evidence as to the longer term effectiveness of speed matrices.

NW suggested that detailed arguments should be addressed outside of the meeting in discussions between residents and the relevant authorities. He asked for clarity on the matter of compulsory land purchase.

PF responded that in effect the land would be required for private car parking use by the Medical Practice and that any compulsory purchase would see the costs being passed to the Practice. This was therefore unlikely to be a viable option.

- 5) NW closed the meeting at 2:00pm and asked the local authority officers to put their agreed actions in writing and forward them to the relevant parties. BB thanked all those present for their participation especially that of the Town Council and the local authority officers.

**PROPOSED INTRODUCTION OF WAITING RESTRICTIONS
BRENTWOOD - LEYBURN**

Please use this form to let us know how you feel about the proposal

Please tick the appropriate box:

I support the introduction of the proposed waiting restrictions as detailed on drawing A1.767(a)

I do not support the introduction of the proposed waiting restrictions as detailed on drawing A1.767(a)

Please use this space for any comments you may wish to make:

SEE ENCLOSED. THERE ARE MANY ISSUES IN THIS AREA AND IT NEEDS A PLANNING INSPECTOR'S ENQUIRY AS WAS SUGGESTED SOME WHILE AGO BY Cllr D. HARRISON TOPICAL & THE FINDING OF HIS INSPECTOR TURNED IN 1997. RESIDENTS VIEW EXPRESSED HAVE BEEN KNOWN AGAIN & A RESPONSIVE CCA 2

Organisation: CAITIAN FOR INCORP STANDARD HOUSING GVT. & RESIDENTS

Signed: [Redacted] Dated: 28 JUNE 2013

Please print your name: BERNARD BORTHAN - SCHREIBER Ct. V. WILKES DORF
SARAH BOITMAN - SCHREIBER V. WILKES DORF

Thank you for taking the time to complete this form. Please return it in the pre-paid envelope provided.

EXH(S)

Bernard Borman

From: [REDACTED]
To: [REDACTED] >
Sent: 15 August 2013 15:50
Subject: Fw: Brentwood Parking and Speeding Issues - Ref 374/H6/SP/NL
 Dear Roger

No matter what we say to Mr Smith, we are getting no co-operation. As you have a good understanding of the issues on Brentwood, which have only got worse as time has gone by, could you please intervene? It is no good Mr Smith continually repeating previous comments as we are making no progress. Unfortunately there is hardly any common ground between us, the residents, and Highways and Mr Smith's points 2, 4 and 7 in the email below in particular are strongly disputed.

Thank you.

Kind regards
 Bernard and Sarah Borman

— Original Message —

From: Area1 Richmond
To: 'Bernard Borman'
Sent: Thursday, August 15, 2013 1:38 PM
Subject: RE: Brentwood Parking and Speeding Issues - Ref 374/H6/SP/NL

Ref: 612 / H6 / SP

Dear Mr Borman

Brentwood Parking and Speeding Issues

Thank you for your email dated 30 July 2013. There were a number of points that you raised and I will respond to each of these in turn.

- 1 The points that were discussed at the site meeting are being pursued.
- 2 The suggested parking restrictions are currently being consulted on.
- 3 I can only reiterate what I outlined in my email to you dated 11 July 2013.
- 4 The speed humps have been inspected and I am satisfied that they are fit for purpose.
- 5 It would not be appropriate for me to comment.
- 6 Scarborough Borough Council are responsible for the enforcement of Civil Parking
- 7 The speed checks that have been carried out are correct and been done so in the appropriate manner.

Yours sincerely
 Nigel Smith
 Area Manager

From: Bernard Borman [REDACTED]
Sent: 30 July 2013 13:43
To: Area1 Richmond
Subject: Re: Brentwood Parking and Speeding Issues - Ref 374/H6/SP/NL

Dear Mr Smith

Unfortunately what you have said does not respond adequately to the matters previously discussed. Could we

25/09/2013

have a more comprehensive answer, and we want all problems on Brentwood dealt iwth. Your current parking proposal will only cause more chaos in front of our property. I would be happy to discuss this further with someone who genuinely wants to sort this out, by which I mean anyone but Mr Linfoot.

Bernard Borman-Schreiber Esq, Graf von Ullersdorf

----- Original Message -----

From: Area1 Richmond

To: 'Bernard Borman'

Cc: [REDACTED]

Sent: Tuesday, July 30, 2013 1:14 PM

Subject: RE: Brentwood Parking and Speeding Issues - Ref 374/H6/SP/NL

Ref: 481 / H6 / SP / NS

Dear Mr Borman

Brentwood Parking and Speeding Issue

Thank you for your email dated 11 July 2013 with regard to the above matter, the comments of which are noted. I can only reiterate what I said in my previous email and the reasoning behind why we are looking to introduce parking restrictions on Brentwood rather than other forms of traffic calming / management.

Yours sincerely
Nigel Smith
Area Manager

From: Bernard Borman [REDACTED]

[REDACTED] July 2013 14:14

To: Area1 Richmond

Cc: [REDACTED] contact@leyburntowncouncil.co.uk

Subject: Re: Brentwood Parking and Speeding Issues - Ref 374/H6/SP/NL

Dear Mr Smith

Thank you for your detailed reply on the above. This is a contest between people who are actually affected by the problem and the Highways at County who are hell-bent on proving that the residents are ignorant. I can assure you that I am not. I insist that Highways do their very best to minimise danger and problems. I will therefore comment further on your points as you have laid them out.

- 1 Whilst you noted my comments, what are you going to do about them? What you are effectively saying is that either I discuss this with Mr Linfoot or it will not be discussed at all.
- 2 It is obvious that you are consulting on the proposed parking restrictions. It would be helpful if you acknowledge that these are not the only problems and that there are wider issues to be dealt with. Your Dept should not need to be prompted by residents. You should be pro-active. The current consultation is inadequate and a waste of time and if you go ahead with the proposals, for whatever reason, we will be completely blocked in on both sides of our entrance and opposite. I am registered disabled and may need to go to hospital in an emergency. Unless you safeguard our lives and well-being, you will be confronted by me with direct civil disobedience. Again, you know better than anyone else.
- 3 I am well aware that there are national guidelines for traffic-calming measures. I am equally aware that the Highways Authority can undertake minor changes to that by installing additional warning signs. It is not that the rules prevent you from doing that, it is the bloodymindedness of your Dept which prevents us from having this. As I have outlined before, the current traffic data is not reliable. You weren't there when it happened, I was, and I provided you with photographs. It is a fact that the construction of Brentwood, which was a cock-up in the first place, and the constant failure by Highways to follow Public Enquiries and Local Plans, ie, Medical Centre and school, have made matters worse. It is a long road and people genuinely forget what the speed limit is. Repeater signs by means of stencil as discussed is a simple, effective and permitted method and you are wrong.
- 4 You are wrong here as well. There is no evidence that the speed humps have been inspected and found to be satisfactory. I asked whether someone would meet me on site and demonstrate that and your Dept refused. I have shown you photographs which clearly show that the speed humps were in a bad state of

repair. Again, not to plan proper speed humps which are effective, as you have done in Richmond, is your deliberate and inappropriate choice, so you are wrong again.

5 Since you liaise direct with NYP on traffic matters, I am furious at the attitude of Sgt Hunter who forgets for whom he is working. Since we are interested in finding proper facts on the subject, may I suggest that you liaise with the Sergeant to increase enforcement. That means that people should not be able to see the police camera from 50 yards away. The very parking of highly visible cars slows down traffic and does not give any safe indication of what actually happens. It is a childish waste of time and money. NYP is also obliged to enforce the Highway Code and parking on pavements. They have no power to grant special dispensation.

6 I have absolutely no intention of corresponding with Scarborough B C. You are the Highway Authority, not Scarborough and you are responsible for our road safety, again, not Scarborough. They are your Agent, not mine, so I seriously request that you grip this one as I have, as a result of this parking, already been involved in an accident there so I am talking from experience. I doubt whether Scarborough even knows where Leyburn is.

7 I am not interested whether *you* are satisfied on this issue, the people who need to be satisfied are local residents and you had plenty of evidence at the site meeting that all residents who spoke on this expressed the same concerns. I am allergic to public servants telling us that we don't know what we are talking about and find every possible excuse to make us look silly and waste our time and money having to deal with these issues when we pay high local taxes to sustain a specialist dept in NYCC. You should ask yourself, if these are the residents' concerns, what we can we practically to make the road safer? You have a legal obligation to be aware of foreseeable negligence and not to do your best in terms of road safety is negligent.

You may think that my response is somewhat harsh but I am a seasoned businessman and do not suffer from learning difficulties. The issue of Brentwood has been going on for the last 20 years and no meaningful and effective discussion has taken place. It will not be resolved if the highly-trained experts concentrate on proving the residents wrong. Road safety is a community issue. Most people in Brentwood need to reverse into the road. We have tried to reverse into our property but that proved unsuccessful because of the parking issues and the fact that when one tries to enter one's own driveway, people become impatient and try to squeeze through during that manoeuvre. Because there are a number of side roads off Brentwood there is even more reason for prominent signposting. This snail business at the beginning of Brentwood is hardly prominent. You have also not responded to the statement that we are on a bus route, contrary to H M Inspector's findings. Your own Highway Manual makes it very clear that it is public policy, and NYCC's, not to have major access roads through residential areas. Why should we live with the failure of the Highway Authority to construct a safe and sensible road system? Why are you not returning Brentwood to a cul-de-sac? The current consultation is inadequate and what are your proposals to give this thing a wider scope? I did not ask for clarification of NYCC's position, but I asked NYCC to help residents to overcome a serious problem. I am therefore not happy or in agreement with what you say in your email 11 July. The views I have expressed in our correspondence coincide totally with the findings of Public Enquiry by H M Inspector Turner in 1997 which were completely accepted by RDC.

Yours sincerely

Bernard Borman-Schreiber Esq, Graf von Ullersdorf

— Original Message —

From: Area1 Richmond

To: 'Bernard Borman'

Cc: Neil Linfoot ; Nigel Smith

Sent: Thursday, July 11, 2013 12:19 PM

Subject: RE: Brentwood Parking and Speeding Issues

Ref: 374 / H6 / SP / NL

Dear Mr Borman

Brentwood Parking and Speeding Issues

Thank you for your email dated 25 June 2013 with regard to the above matter. I have checked through our records and regrettably we have no receipt of the email that you sent on 6 June 2013, which is why you have not received either an acknowledgement or a response to that original email.

There were a number of issues that you raised in your email dated 6 June which you re-sent of 25 June and I will respond to each of these in turn.

EXH(5)

1. Your comments are noted
2. The suggest parking restrictions are currently being consulted on
3. The use of 20mph repeater signs or stencils on the carriageway would not be appropriate as outlined at the site meeting that was held on 17 April 2013. The current traffic data shows that the speed of traffic is commensurate with the existing speed limits. The use of Vehicle Activated Signs is governed by an agreed and approved policy. This is to ensure that any requests are dealt with in an appropriate and objective manner to ensure consistency across the county and that the effectiveness of these signs is optimised. All requests now have to be dealt with using the agreed criteria and protocol.
4. The condition of the speed humps have been inspected and I am satisfied that they are in a good condition and are fit for purpose within the relevant regulations. At this time there are no plans to make any modifications or replace the existing speed humps.
5. The issue of enforcement is one that would not be appropriate for me to comment on as this is something that needs to be addressed with North Yorkshire Police.
6. With regard to your concerns about vehicles parking on the double yellow lines at the junction of Brentwood and Railway Street, these need to be directed to Scarborough Borough Council who is responsible for carrying out civil parking enforcement on behalf of North Yorkshire County Council. Their contact email if you do have any specific enforcement issues or problems to report is: parking@scarborough.gov.uk
7. I am satisfied that the speed checks that have been carried out have provided accurate data. The equipment that has been used is fit for purpose and the locations where they have been deployed are in accordance with guidelines for speed data collection.

As you are aware we are currently carrying out a consultation exercise regarding our proposals for parking restrictions on Brentwood. Once this has been completed I will then be in a position to update you on this matter.

I hope this information helps clarify our position however if you would like to discuss any of these issues in further detail, please do not hesitate to contact me.

Yours sincerely
Nigel Smith
Area Manager

From: Bernard Borman [redacted]
Sent: 25 June 2013 10:14
To: Bernard Borman; Area1 Richmond
Cc: Peter.Featherstone@Richmondshire.gov.uk; stephenbrown@nhs.net;
 [redacted]; Jon.Hunter@northyorkshire.pnn.police.uk; Cllr. Roger Harrison-Topham; contact@leyburntowncouncil.co.uk
Subject: Re: Brentwood Parking and Speeding Issues

Dear Mr Smith

I note that you have not replied to my below email. I look forward to receiving this as soon as possible and I assume you have not acknowledged it because you are in the process of replying.

Kind regards
Bernard Borman-Schreiber Esq, Graf von Ullersdorf

----- Original Message -----

From: [Bernard Borman](#)
To: [Area1 Richmond](#)
Cc: Peter.Featherstone@Richmondshire.gov.uk; stephenbrown@nhs.net;
 [redacted]; Jon.Hunter@northyorkshire.pnn.police.uk; Cllr. Roger Harrison-Topham; contact@leyburntowncouncil.co.uk

EXH 5

Sent: Thursday, June 06, 2013 2:33 PM
Subject: Re: Brentwood Parking and Speeding Issues

Dear Mr Smith

I am not satisfied with your Paragraph 4 as I believe that North Yorkshire Police [NYP] are not taking the matter seriously, nor are they taking on board the comments which surround speed humps, previous meterings, and the factual experience of residents. This is a new slant; NYP's comments when Sgt Mick Rookes was here were more helpful towards the residents' argument. I expect the police to work with us, not against us, and I personally have no intention of discussion anything with Mr Linfoot. I have already made my views clear: his attitude in my opinion is unhelpful and provocative and he avoids taking any action at all costs. We had a good relationship with his predecessor Mr Wilson, and Mr Mike Woodford and you personally have been far more approachable and willing to assist. In my view the involvement of Mr Linfoot is likely to bring about a negative outcome. Whilst a 20 mph stencil on the road surface may not be in common use, nonetheless both the Town Council and the residents were happy to try this out. Why fight us on this? We have to bear in mind that when the planning issues were discussed re the Medical Centre, as well as various Public Enquiries having taken place, both Public Authorities were at fault for not following their own rules and regulations. I note that to date it has not been refuted that Brentwood is a bus route, which it should not be. If there are problems at Maythorne, it is because of bad planning and that will not be resolved by spreading the problem into Brentwood. I have made various suggestions as to how the traffic problem at the school could be overcome and I have given precise and comprehensive details of all these arguments to Mr Linfoot as they were discussed and accepted during a Public Enquiry. "There is nothing we can do about the problem" is not an answer and it is a legal concept that a Public Authority must apply forethought to avoid possible accidents. They have a statutory obligation to exercise their expertise, which clearly you have, but I cannot say the same for Mr Linfoot. So, in short, I would expect the following:

- 1 Allow us to discuss this matter with someone else in your Highway Dept, if need be (other than Mr Linfoot)
- 2 Introduce the suggested parking restrictions
- 3 Introduce 20 mph repeater stencils on the road surface, as recommended by residents and the Town Council. Also, introduce a matrix system as was promised to us 12 months ago, without having to go through the usual channels and bureaucratic procedures. Both Mr Woodford and Sgt Hunter were at the time in agreement with this suggestion. What happened to it?
- 4 The speed humps are in general terms not in a good state and many 4x4 vehicles and commercial vehicles are able to ignore them and simply drive over them without having to reduce their speed. I would suggest that the humps are replaced by at least one "across the road" hump near the *old* surgery, and the other speed humps ought to be replaced by the rubber speed humps like those in Richmond. The photos supplied at the meeting of 17 April show clearly that the speed humps were not up to normal standards.
- 5 We would like NYP to pay more attention to speeding in Brentwood, and in Leyburn as a whole, than they are at the moment. Also, parking on the pavement is not acceptable, nor legal.
- 6 Another holiday cottage has opened at the junction with Railway Street and Brentwood and the yellow lines are frequently abused, to such an extent that Brentwood outgoing traffic is immediately confronted by illegally parked vehicles and forced onto the opposite carriageway into the path of oncoming vehicles.

I hope that you see the above as honest and constructive criticism as I am tired of having to undertake an awful lot of work simply to point out the problems which we have in Leyburn which are caused by Public Authorities. Why are the findings of H M Inspector Turner at the Public Enquiry in 1997 not being followed? After all, RDC accepted his findings in full. Local Plans are not an optional extra but are established by the will of Parliament and should therefore be followed by all Public Authorities. Bearing in mind that most Public Authority staff are highly professionally trained, they should ask themselves "how can we overcome the problem which is perceived by the residents" and not take the easy way out. Hopefully you will give my comments your consideration. As far as the speed statistics quoted by NYP are concerned, they have already been challenged on several occasions for the following reasons:

- A The tubes were porous and worn out

EXH(5)

- B The tubes were near the speed humps where traffic would naturally slow down
- C People think that the tubes are part of some form of radar
- D A number of these speed tests were done during the school holidays

It is not the mean speed we are interested in, it is the very frequent rogue hooligans who think that the law does not apply to them and who create the dangerous situation.

I would also draw your attention to the opinion of Mr Featherstone, whom I would call the expert on Brentwood, who expressed the view that this is likely to be an ongoing problem. In fact, to tackle this now with goodwill might overcome Mr Featherstone's concerns and we might also save ourselves a lot of time and work. Because of the length of the roads under this ineffectual traffic scheme, some people genuinely are not aware of the speed restrictions and the condition and layout of the road is deceptive. If they take no notice of speed restrictions in Brentwood, they are not likely to take note of the speed restrictions in Maythorne, ie, near the school and the playground.

I thank you, Mr Smith, for your professional and personal involvement.

Yours sincerely

Bernard Borman-Schreiber Esq, Graf (Count) von Ullersdorf, F Inst D

cc Mr F Knowles, "Willowside", South View Lane, and Mr G Kane, 72, Brentwood

— Original Message —

From: Area1.Richmond

To: [REDACTED]

Cc: Featherstone, Peter (Peter.Featherstone@Richmondshire.gov.uk) ; Brown Stephen (NORTH YORKSHIRE AND YORK PCT) (stephenbrown@nhs.net) ; [REDACTED] ; Jon.Hunter@northyorkshire.pnn.police.uk ; Cllr.Roger Harrison-Topham ; [REDACTED] ; contact@leyburntowncouncil.co.uk

Sent: Thursday, June 06, 2013 10:43 AM

Subject: Brentwood Parking and Speeding Issues

Ref: H6 / NL / NS

Dear Mr Borman,

Brentwood, Leyburn

Further to the meeting of 17 April 2013 I agreed to investigate the matter of the introduction of waiting restrictions at the entrance to the Medical Centre car park.

I am currently in a position following the introduction of Civil Parking Enforcement on 29th May to progress the matter of waiting restrictions at the entrance to the Medical Centre. The proposed road markings will commence at the back of the highway in the entrance to the Medical Centre and will extend to a point 10m from the entrance on the eastern side, and on the western side will extend to a point adjacent the speed cushion.

The restrictions are subject to a consultation exercise and it will be the results of this consultation that will determine whether or not the restrictions are introduced. I have requested that this consultation exercise is commenced before the end of next week. I will also ensure that you are included within the list of consultees, along with our statutory consultees including the Police, Town Council, Local Elected Member for the County Council and affected frontages.

At the meeting the introduction of 20mph repeater signs was also discussed, this is not normal practice and linking with the comments by North Yorkshire Police regarding the speeds I feel that this would not be suitable at this time. We will continue to monitor the location, and if recorded speeds

25/09/2013

EXH 6

are increased we could look at reinforcing the speed limit via other methods.

I trust that the above is satisfactory, however should you wish to discuss the matter further please contact Neil Linfoot, Improvement Manager on 08458 727374, or via email at area1.richmond@northyorks.gov.uk who is dealing with the matter

Yours sincerely
Nigel Smith
Area Manager

Access your county council services online 24 hours a day, 7 days a week at www.northyorks.gov.uk.

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North Yorkshire County Council.

Bernard Borman

From: "Bernard Borman" [redacted]
To: "Area1 Richmond" <Area1.Richmond@northyorks.gov.uk>
Cc: "Leyburn Town Council" <leyburntc@responseinternet.co.uk>
Sent: 28 June 2013 13:28
Subject: Attn: Mr Ian Beighton, Traffic Management and Devt Control Engineer - Your Letter with attachments 25/6/2013 on Brentwood, Leyburn, ref A1.767/IB/SKE

Dear Mr Beighton

First of all, thank you for the conciliatory and helpful tone of your above letter. It is my belief that you are trying to resolve some problems rather than to prove the residents wrong, and this is the right way of doing it. Whilst your letter deals with part of the problem, the site meeting raised a number of other problems which I highlighted again to Mr Smith in my email of 6/6/2013, to which to date I have had no reply. Rather than tackling the problems experienced by residents in a piecemeal fashion, we ought to look at ALL the problems experienced in Brentwood due to a policy which was weak in foresight and was *imposed* upon residents. Allow me to reiterate, therefore, the historical facts and my factual experience both as a resident, former Director of a transport company and past Chairman of the Planning Committee of Maidstone Chamber of Commerce.

I have made available to Mr Linfoot detailed legal Opinion by specialist Barristers and lawyers, as well as the comments of H M Inspector Turner in 1997. The Inspector came to the conclusion that there should be no further (traffic) loading of Brentwood and, consequently, Wensleydale Avenue. His report was fully accepted by Richmondshire District Council; he also suggested that Brentwood should not be a "major access road" but that there should be a division between Brentwood and Wensleydale Avenue, ie, they should be two separate cul-de-sacs but with removable bollards for emergency purposes. Our County Councillor, Roger Harrison-Topham, met residents at the time and opined that a Public Enquiry should be held into the traffic situation of this part of Leyburn. That was supported by residents. However, despite residents' concerns, the Councillors' opinion and the Local Plan proposed by H M Inspector Turner, NYCC Highways ignored all of this and acted contrary to their own Highways Manual. A meeting was held between residents and Leyburn Police at which the Police expressed sympathy with residents' comments, but this was never acted upon. The meeting was attended by Sgt Rookes of Leyburn and Sgt Lumbard (?), the then Traffic Sergeant for the area. In spite of the facts recorded at the time, Highways permitted the construction of a substantial-sized Medical Centre, which has now proved to be too small, and the same goes for the accompanying parking facilities (inadequate). Highways in fact insisted that the parking provisions would be adequate but they were totally wrong. It also disclosed a substantial increase in traffic through a residential area. The linking of Brentwood and Maythorne was also contrary to the residents' wishes and the Local Plan. Highways claimed that, under Mr Cressey, they had consulted the residents. In fact they consulted nearly half of the Leyburn population, many of whom were obviously not directly affected by the situation. The majority of Brentwood residents had in fact opposed the traffic management scheme in favour of traffic and speed reduction, ie, Brentwood should be returned to a cul-de-sac. Highways was however of a different opinion, mainly because they had created a traffic hiatus as a result of the Infants' School and, whilst the residents had proposed an ameliorating scheme, their views were not considered or commented upon. It is not acceptable that, when a traffic problem has been created because of lack of forward planning, one should simply transfer that traffic problem to another part of the town, to the detriment of some residents. The answer was to deal effectively with the traffic problem the school had created. However, NYCC's policy was to increase the number of pupils at that school and to bring the buses and the attendant traffic through Brentwood, again, contrary to the Local Plan. They came up with a traffic scheme which no doubt met all the legal and technical requirements but was not "fit for purpose" for the local population either in Maythorne or Brentwood, bearing in mind also the existence of a childrens' playground, the use by elderly and disabled people of the surgery, an elderly and disabled population in Brentwood, particularly the St John of God Home and Brentwood Lodge. This was a classic example of lack of local knowledge, failure to listen to residents and complete lack of forward planning.

Mr Linfoot then confirmed that there was no problem with the speed humps. Photographs showed that that assertion was not true. He also stated that a speed cushion right across the road near the old Surgery could not be installed because it was a bus route. That was news to residents who were never consulted about Brentwood becoming a bus route; it is also contrary to the Local Plan and Inspector Turner's findings. So, wrong again. Since the existing traffic scheme covers a large area I have personally spoken to some road users. Most were not aware that there is a 20 mph limit in Brentwood. They believe it is 30. For that reason residents and Madam Mayor suggested putting speed limit reminders on the tarmac. That has also not been considered. Instead we hear what Traffic Sgt Hunter has to say about some recorded speed statistics on Brentwood. What he did not know was that the rubber tubes on one occasion had perished, on another occasion were installed during the summer holidays and, on the third occasion, installed just before the speed

humps. That does not give an accurate reading, nor does the "mean speed". Whilst the mean speed may be acceptable, the fact is that the danger does not arise from the mean speed but from the larger vehicles speeding and careless 4 x 4s simply going over the humps easily, as if they are not there.

Why can we not have rubber speed humps installed in Brentwood, like Richmond? We are again the poor relation of Richmond as they have better speed humps, which go right across the road, and repeater signs. What has been ignored is that residents have better things to do than constantly argue with the Highway Authority. They have a right to be protected from danger and having traffic problems imposed upon them. There is also a legal requirement on the Highway Authority to take reasonable measures to prevent accidents. The legal definition is "foreseeable negligence".

I have also raised the problem of parked vehicles on Railway Street as one exits Brentwood. People coming out of Brentwood are forced onto the wrong side of the road because of these parked vehicles. This point has also so far been ignored. The speeding on Railway St is also horrendous and our Police is inadequate as far as speed control is concerned, and parking on the pavement which is a serious problem for wheelchair users and mothers with pushchairs.

Some road markings in Brentwood need to be renewed.

As far as we, who live at "Greenways", Brentwood, are concerned, we frequently cannot see when coming out of our drive to either side because of vehicles parked right against our entrance and at regular intervals vehicles are parked directly opposite our entrance. So, having a large car, we often find it difficult to get in or out and the proposed parking restrictions do not help us at all. Clearly it is not likely that the situation will improve but it is likely to get worse, so why do we not look more deeply into the traffic situation of this part of Leyburn and perhaps we could use the forthcoming Local Plan Enquiry to do this. I have asked to be able to make a presentation on the subject during that Enquiry, but it is not unreasonable for residents to expect that the highly-skilled experts in Highways put their thinking caps on and make life easier for us residents. I do not get any pleasure or satisfaction from useless arguments. I expect my Council to be on the side of common sense, what is reasonable under the circumstances, and what protects us.

I would invite NYCC Highways to consider my submission and re-think the situation in a wider context. NYCC owns the land next to Wensleydale School and the Infants School, at the back, and could provide adequate space to enable buses to turn in the turning provided at the school, and couple this with a one-way system in Maythorne. It requires some work and some original thought and this should not be beyond the ability of a skilled highway engineer. As far as the Traffic Sergeant, Mr Hunter is concerned, he should remember that he is not working for NYCC but the local residents. If anyone at Highways wants to discuss the matter with me in detail I would be pleased to welcome them into my home for such a discussion but I do not want any more confrontational arguments or the Council taking a position of opposing residents for the sake of it or simply just to show them up as stupid and ignorant. I therefore respectfully ask you again to take my comments seriously and address them; for that reason I must *reject* your proposal referred to as it does not show an adequate solution to a number of problems which residents know better than someone who does not live here. I appeal for help and support from Leyburn Town Council and Richmondshire District Council, to whom I am sending a copy of this email.

Yours sincerely
Bernard Borman-Schreiber Esq, Graf von Ullersdorf, F Inst D

cc Mr F Knowles, "Willowside", and Mr G Kane, 72 Brentwood



EXH5

Bernard Borman

From: "Area1 Richmond" <Area1.Richmond@northyorks.gov.uk>
To: [REDACTED]
Cc: <Peter.Featherstone@Richmondshire.gov.uk>; <stephenbrown@nhs.net>; [REDACTED]; <Jon.Hunter@northyorkshire.pnn.police.uk>; "Cllr.Roger Harrison-Topham" <Cllr.Roger.Harrison-Topham@northyorks.gov.uk>; <contact@leyburntowncouncil.co.uk>
Sent: 06 June 2013 10:43
Subject: Brentwood Parking and Speeding Issues
Ref: H6 / NL / NS

Dear Mr Borman,

Brentwood, Leyburn

Further to the meeting of 17 April 2013 I agreed to investigate the matter of the introduction of waiting restrictions at the entrance to the Medical Centre car park.

I am currently in a position following the introduction of Civil Parking Enforcement on 29th May to progress the matter of waiting restrictions at the entrance to the Medical Centre. The proposed road markings will commence at the back of the highway in the entrance to the Medical Centre and will extend to a point 10m from the entrance on the eastern side, and on the western side will extend to a point adjacent the speed cushion.

The restrictions are subject to a consultation exercise and it will be the results of this consultation that will determine whether or not the restrictions are introduced. I have requested that this consultation exercise is commenced before the end of next week. I will also ensure that you are included within the list of consultees, along with our statutory consultees including the Police, Town Council, Local Elected Member for the County Council and affected frontages.

At the meeting the introduction of 20mph repeater signs was also discussed, this is not normal practice and linking with the comments by North Yorkshire Police regarding the speeds I feel that this would not be suitable at this time. We will continue to monitor the location, and if recorded speeds are increased we could look at reinforcing the speed limit via other methods.

I trust that the above is satisfactory, however should you wish to discuss the matter further please contact Neil Linfoot, Improvement Manager on 08458 727374, or via email at area1.richmond@northyorks.gov.uk who is dealing with the matter

Yours sincerely
Nigel Smith
Area Manager

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Hi, I thinked My Smith i diarised forward

EXH (5)

Bernard Borman

From: "Area1 Richmond" <Area1.Richmond@northyorks.gov.uk>
To: [REDACTED]
Sent: 21 May 2013 15:23
Subject: RE: Brentwood - Meeting at Leyburn Medical Practice Wed 17 Apr 2013
Ref: 194 / H9 / SP

Dear Mrs Borman

Brentwood - Meeting at Leyburn Medical Practice Wed 17 Apr 2013

Thank you for your email following our site meeting. We are currently investigating a number of proposals in order to determine the most effective solution to the issues that were raised at the site meeting. It is anticipated that we will be in a position to be able to provide you with a full and detailed update within the next 6 weeks.

Yours sincerely
Nigel Smith
Area Manager

From: Bernard Borman [REDACTED]
Sent: 20 May 2013 15:51
To: Nigel Smith
Subject: Brentwood - Meeting at Leyburn Medical Practice Wed 17 Apr 2013

Dear Mr Smith

I refer to the above meeting and wonder whether you and your colleagues have made any progress in your investigations and have anything to report as I believe it was said that the participants would be kept informed. A brief update would be appreciated.

Yours sincerely
Sarah Borman



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(6)

F2c

Replied by email 30/7
saying this is OK EXH (5)

BDBSVU

From: "Mike Woodford" <Mike.Woodford@northyorks.gov.uk>
To: "Bernard Borman"
Sent: 30 July 2012 09:21
Subject: RE: Brentwood

Dear Mr Borman,

Thank you for your e-mail.

I have read you recent e-mail to Neil Linfoot and he will now submit the application for the speed matrix including the involvement of Leyburn Town Council. This will remove any requirement for you to become involved with the application and once the process has been completed I will advise you of the outcome.

Unfortunately I am unable to inspect the Brentwood speed cushions until late this week therefore the Highways Inspector will produce a report outlining his proposed remedial works which I will review when I am able to visit the site. I have also made arrangements for the traffic problems to be monitored which hopefully will identify actions that can be taken.

Please contact me if you require any additional information.

Yours sincerely,

Mike Woodford
Area Manager
Area 1 Richmond
Brompton-on-Swale
Richmond
08458 727374

From: Bernard Borman
Sent: 26 July 2012 15:31
To: Mike Woodford
Cc: Mike Roberts; Featherstone, Peter; Jon.Hunter@northyorkshire.pnn.police.uk
Subject: Brentwood

Dear Mr Woodford

I am most grateful for your 'phone call of today to discuss the Brentwood matter. Whilst it is easy on my part to inform you of our perceived problems, it would be difficult for me to supply any suggestions as to how these might be overcome because I do not have the professional knowledge. I have total confidence, however, that you will use your skills to see how the situation can be improved and that would be very helpful prior to a site meeting with the parties concerned. In short, you have the reputation of being a very good and helpful Officer and I wish to place my total trust in your goodwill and ability. Thank you again for your involvement. I am sending a copy of this email to other parties for information.

Kind regards