



Decision Session –

Executive Member for Transport

18th October, 2022

Stopping up order for Scoreby Lane, Kexby

ANNEX C Letter form the representatives of the Church

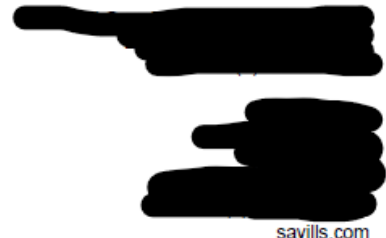
Commissioners for England, 4 September 2020

4 September 2020
200904 - Scoreby Lane - Prelim observations



BY EMAIL

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Dear Sirs

RE: Proposal to Stop Up Highway Verge Areas, Scoreby Lane

We act on behalf of the Church Commissioners for England, who own land occupied by various tenants which are accessed from Scoreby Lane.

We note your recent invitation to provide preliminary observations regarding the proposal to stop up highway verge areas along Scoreby Lane up to 2m and outline our thoughts along with a copy of our previous objection dated 11 March 2019.

Utility of highway

Scoreby Lane is a single track road used for access to a number of agricultural properties and the nature of the highway is being utilised by a wide variety of road users from pedestrians and cyclists to heavy goods vehicles and large farm machinery. A single track carriageway already presents difficulty for the variety of road users when meeting other oncoming vehicles. When passing other vehicles, sufficient width of verge is required to safely allow passage.

The consultation document states that "a width choice of 2m of verge strikes a balance between obtaining a verge that offers sufficient utility for all users and a width that is economical to maintain."

The current surfaced route is insufficient for two large vehicles to pass safely utilising 2 metres of verge on either side of the road. The Farms along Scoreby Lane regularly require access with Heavy Goods Vehicles, Tractors, Combine Harvesters, Sprayers and Potato Harvesters all of which are large machines. The proposal to stop up the verges to 2 metres would unacceptably constrain the access and the farms ability to function as economic units.

Scoreby Lane lacks sufficient passing places along the route, and those in existence do not allow two heavy goods vehicles to pass safely. The road bend around Hendwick Hall has timber posts erected at about 7m in distance between each and at less than half a metre from the carriageway which inhibit the ability to pass oncoming traffic at all.

Trees

Trees which were planted along the lane severely constrain the ability to access the farms with heavy goods vehicles due to the damage caused to the vehicles. An inspection of the trees identified that they are planted at 2.3m or thereabouts from the surface of the road. Hauliers refuse to access my clients farm from the northern end of Scoreby Lane due to the damage which has been caused to their vehicles by the tree canopy. The trees have an overhang of as low as 1.8 metres in height in some areas which causes damage to vehicles and valuable farm machinery, and also to pedestrians avoiding vehicles. We consider this to be dangerous for road users.

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The consultation states that "A 2.0m wide verge leaves enough space between the edge of the highway and the established trees to avoid overhang or a need to pollard the trees to restrict their spread"

It is concerning that the Council consider the canopy of the trees to have greater priority than the safety of road users. The trees have required maintenance for a number of years, and we have concerns over the long term management and maintenance of the trees which are overhanging the road. There is no proposal included within the consultation document which considers the long term maintenance of the trees to provide sufficient utility for road users without restriction, and without damage caused to vehicles.

The road surface is damaged along the length and in some areas it is unclear where the road surface ends and verge starts. Clarity must be sought on this point prior to accepting any proposals made by the Council. The trees which are planted adjacent to the road will only continue to create further degradation of the road and a clear solution would be to remove the trees which are within 3 metres of the road surface.

Extent of highway

There is a historic Council consultation from 2014 which suggests the highway records were tampered with. We have concerns based on the evidence from the tampering consultation that the plan provided for the current consultation should include the verge on the entrance of Hendwick Hall which would provide safer passage of vehicles in this area.

Proposal

Based on the aforementioned, we would object to the stopping up order in its current form on the basis that it is not possible to conclude that the highway outside of the 2m verge is "unnecessary" (as section 116 Highways Act requires). The Commissioners would be prepared to accede to changes to the extent of highway based on the following:

1. Any stopping up order retains 3 metres of verges as public highway either side of the existing surface along the full route of the designated public highway;
2. Additional passing places are installed allowing larger vehicles to pass along the route;
3. Clarity is sought on the highway tampering along the entrance of Hendwick Hall which is clearly fenced outside of the original boundary, and either a passing place or widened verge is provided;
4. The trees on the land subject to the stopping up order, and those inside of the stopping up order are pruned and managed to ensure clear unobstructed access covering 3 metres either side of the metalled surface and 10 metres vertical. A tree management plan is to be drawn up and adhered to by the owners and Highways to provide sufficient utility for road users;
5. The existing fence (within 1 metre of the road) which hinders access is moved back to ensure there is 3 metres clearance from the metalled surface;
6. The timber posts on the corner of Hendwick Hall Farm are removed entirely to provide a safe area of passage for vehicles.

Yours sincerely

A blacked-out signature, likely of the Surveyor, covering the name and any handwritten notes.

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Surveyor