

**LOCAL GOVERNMENT
BOUNDARY COMMISSION
FOR ENGLAND**

**REVIEW OF
NON-METROPOLITAN
COUNTIES**

**COUNTY OF NORTH YORKSHIRE:
FURTHER REVIEW OF THE BOUNDARY WITH
CLEVELAND IN THE VICINITY OF COWBAR**

REPORT NO.607

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CHAIRMAN MR G J ELLERTON

MEMBERS MR K F J ENNALS
 MR G R PRENTICE
 MRS H R V SARKANY
 MR C W SMITH
 PROFESSOR K YOUNG

**THE RIGHT HON MICHAEL HESELTINE MP
SECRETARY OF STATE FOR THE ENVIRONMENT**

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COUNTY OF NORTH YORKSHIRE: FURTHER REVIEW OF THE BOUNDARY WITH
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INTRODUCTION

1. In June 1986, as part of our mandatory cycle of reviews of non-metropolitan county boundaries under Section 48(1) of the Local Government Act 1972, we commenced a review of the County of North Yorkshire and its boundaries with Cleveland, Durham and Lancashire. Our Report (No. 569) was submitted to your predecessor on 20 December 1988.

2. In a letter dated 17 May 1990, the then Secretary of State for the Environment notified us of his decision not to implement at that stage our recommendation that the village of Cowbar be transferred from Cleveland to North Yorkshire. He agreed with our other proposals, for minor changes to the boundary between North Yorkshire and Durham, and made an Order under Section 51(2) of the Local Government Act 1972 which gave effect to these other proposals from 1 April 1991.

3. We had based our recommendation in respect of Cowbar on our earlier perception that the village was isolated from the remainder of Cleveland and that it was closely identified with Staithes in North Yorkshire, which provides facilities for shopping and other immediate needs. At that time we also understood, on the basis of the representations made to us, that the majority of Cowbar's residents favoured the transfer.

4. The Secretary of State accepted that our recommendation was influenced by our perception of the views of the area's inhabitants. However, he considered that subsequent evidence submitted to him by Mr Richard Holt MP, in the form of a petition signed by 19 permanent residents of Cowbar who wished to remain in Cleveland, suggested that there was some doubt in this respect. Accordingly, he directed us to carry out a further review of the area, to be completed by 31 March 1992.

OUR INITIAL CONSIDERATION OF THE FURTHER SUBMISSIONS TO US

5. We decided to write directly to all the local authorities concerned and to all local residents of Cowbar (including the owners of second homes) notifying them of the further review and inviting their comments. This we did on 28 September 1990.

6. Copies of our letter were also sent to Mr Richard Holt MP (Langbaugh), Sir Michael Shaw MP (Scarborough), the headquarters of the main political parties, the national and county associations of local councils, the local government press, TV and radio stations serving the area.

7. Comments were invited by 31 October 1990. This date was subsequently extended to 21 November 1990 at the request of North Yorkshire County Council and Loftus Town Council.

8. In response, we received representations from the County Councils of Cleveland and North Yorkshire; the Borough Councils of Scarborough and Langbaugh-on-Tees; Loftus Town Council; Mr Richard Holt MP; and eleven householders who either lived in Cowbar or who owned second homes there.

9. Cleveland County Council wanted the boundary to remain unchanged and considered that the access road to Cowbar should be in the same county as the village. This road, leading from the A174, provides the only vehicular access to the village and runs along the top of an eroding cliff. The Council described how it had incurred considerable expense in moving the line of this road away from the cliff and in funding on-going maintenance costs.

10. The County Council had written to each of the 19 residents of Cowbar who had signed the petition forwarded by Mr Richard Holt MP to the Secretary of State for the Environment in 1989, inviting their views. Eleven residents had replied. Of these, nine favoured the retention of Cowbar in Cleveland and two preferred that the village should be transferred to North Yorkshire.

11. The County Council pointed out that Cowbar is much closer to the county and district offices of Cleveland and Langbaugh-on-Tees than it is to their counterparts in North Yorkshire, and that although Cowbar is close to the town of Staithes in North Yorkshire, the pattern of local services demonstrates

geographically closer links with Cleveland service providers than with those of North Yorkshire.

12. North Yorkshire County Council stated that it did not seek an extension of its boundary, although it would welcome the people of Cowbar into North Yorkshire if that were the Secretary of State's decision. The County Council objected, however, to the transfer from Cleveland to North Yorkshire of any part of the access road to Cowbar.

13. Langbaugh-on-Tees Borough Council opposed the idea of transferring Cowbar to North Yorkshire. However, it considered that should such a transfer take place the access road to the village should also be transferred.

14. Loftus Town Council considered that the majority of Cowbar's residents wished to remain in Cleveland and therefore proposed that the boundary should remain unchanged.

15. Scarborough Borough Council re-affirmed its original view, submitted to us in 1986, that Cowbar should be transferred to North Yorkshire because it considered that the village had closer ties with Staithes in North Yorkshire than it had with Loftus, the nearest town in Cleveland. The Council had concluded, following a visit by one of its members to the village to seek residents' views, that the majority of local residents favoured a transfer.

16. Mr Richard Holt MP considered that Cowbar should remain in the constituency of Langbaugh and, therefore, in Cleveland.

17. Three permanent residents of Cowbar expressed a desire to remain in Cleveland, as they considered that the county and local authorities provided satisfactory services and were easily accessible.

18. Eight other residents, five of whom were owners of second homes in Cowbar, wished to see the village transferred to North Yorkshire because they relied on the facilities available in Staithes. Some also noted the lower level of community charge currently levied in North Yorkshire.

OUR INTERIM DECISION

19. On the basis of these further representations, we concluded that, although the residents of Cowbar might use the local shops and services in Staithes, they were more likely to make use of the major shopping facilities and services in Cleveland than those in North Yorkshire. In particular, we considered that the views of the permanent residents of Cowbar, some of whom are elderly and who were concerned about the upkeep of the access road, should guide us in our decision, although we noted that some second or holiday home owners had also expressed a similar concern.

20. We took the view that the question of responsibility for maintaining Cowbar's access road was a central issue, given our statutory duty to consider whether boundary changes are desirable in the interests of effective and convenient local government. We noted that while Cleveland County Council had demonstrated a clear commitment to maintaining this road, North Yorkshire County Council had made it clear it did not wish to take over this responsibility.

21. We concluded on this basis that the access road should be in the same county as the village. We therefore decided not to reaffirm our earlier recommendation (in our Report No. 569) and to issue an interim decision to propose no change to the existing county boundary in the vicinity of Cowbar and thus to leave the village in Cleveland.

22. On 12 March 1991, we announced our interim decision in a letter addressed to Cleveland and North Yorkshire County Councils. Copies of this letter were sent to the other local authorities concerned; to Mr Richard Holt MP and Sir Michael Shaw MP; and to all residents of Cowbar, including those who owned second homes in the village. Comments were invited by 26 April 1991.

THE RESPONSE TO OUR INTERIM DECISION.

23. We received four representations in response to our interim decision letter, from Cleveland and North Yorkshire County Councils, Scarborough Borough Council and from one owner of a second home in Cowbar.

24. Cleveland County Council expressed its support for our interim decision, making no other comment.

25. North Yorkshire County Council noted that our interim decision accorded with its previous view that it did not wish to accept responsibility for maintaining the access road to Cowbar.

26. Scarborough Borough Council expressed its opposition to our interim decision for the reasons it had given in its original submission to us in 1986, discussed in paragraph 15 above.

27. One owner of a second home in Cowbar reaffirmed his earlier view that Cowbar should transfer to North Yorkshire, but recognised that the future maintenance of the village's access road was an important feature of the further review.

OUR FINAL PROPOSAL

28. On the basis of these and earlier representations, we have concluded that the interests of effective and convenient local government would best be served by leaving the existing boundary unchanged. We have therefore decided to confirm as final our interim decision to propose no change to the boundary between North Yorkshire and Cleveland in the vicinity of Cowbar.

PUBLICATION

29. Separate letters are being sent to Cleveland and North Yorkshire County Councils, enclosing copies of this report and asking them to place copies of it on deposit at their main offices and to put copies of a notice to this effect on public notice-boards. Separate arrangements are being made to publicise the final proposal in the local press. The text of the notice will explain that the Commission has now fulfilled its statutory role in the matter. Copies of the report are also being sent to all those who received our interim decision letter, and to those who made written representations.

Signed

G J ELLERTON (Chairman)

K F J ENNALS

G R PRENTICE

HELEN SARKANY

C W SMITH

PROFESSOR K YOUNG

R D COMPTON

Secretary

21 August 1991