



Name of meeting: Cabinet Committee - Local Issues
Date: 9 April 2019

Title of report: Objection to (Traffic Regulation) (No 4) Order 2018,
Proposed 7.5T Weight Restriction A637 Barnsley Road,
Flockton and various streets in Kirklees & Wakefield

Purpose of report:

To consider objections to Kirklees (Traffic Regulation) (No 4) Order 2018 -
Introduction of 7.5T Weight Restriction A637 Barnsley Road, Flockton and various
streets in Kirklees & Wakefield.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports)?	No
The Decision - Is it eligible for "call in" by Scrutiny?	Yes
Date signed off by Strategic Director	Karl Battersby - 27.03.2019
Is it also signed off Service Director - Finance?	Eamonn Croston - 25.03.2019
Is it also signed off by the Service Director- Legal Governance and Commissioning?	Julie Muscroft - 27.03.2019
Cabinet member portfolio—	Communities and Environment Cllr Naheed Mather

Electoral wards affected: Kirkburton (and Wards in Wakefield)
Ward councillors consulted: Yes
Public or private: Public

Have you considered GDPR? There are no GDPR implications relating to this report.

1. Summary

- 1.1 West Riding County Council introduced a 7.5 Ton (imperial) maximum gross weight limit for eastbound vehicles on various roads in the Flockton/Emley/Middlestown area in 1971. This effectively formed a 'gyratory' system, with eastbound vehicles travelling towards the M1 via the A642/Horbury Bridge/Netherton route, and westbound vehicles from the M1 via the A637 through Flockton.
- 1.2 To bring it into line with legislation, the 1971 Order was later metricated by Kirklees Council (ie from 'Tons' to 'Tonnes'), but all other wording of the Order remained unchanged.
- 1.3 The Police recently stated that the Order is, in their view, unenforceable, as they felt the text regarding access exemption, and the permitted direction of HGVs was ambiguous. On this basis, they were unable to enforce against the increasing numbers of HGV's travelling through Flockton Village, in direct contravention of the posted road signs.
- 1.4 In direct consultation with West Yorkshire Police wording for a new order has been drafted, that will ensure they are able to fully enforce the weight limit restriction east bound through the village.

The proposed exemptions written were as follows:

- (a) building, industrial or demolition operations;
- (b) the removal of any obstruction to traffic;
- (c) the maintenance, improvement or reconstruction of that length of road;
- (d) the laying, erection, alteration or repair in or on land adjacent to that length of road of any sewer or any main, pipe or apparatus for the supply of gas, water or electricity or any telecommunications apparatus as defined in Section 4(3) of the Telecommunications Act 1984.
- (e) for fire and rescue service, police or ambulance purposes;
- (f) in the service of a local authority or water authority in pursuance of statutory powers or duties;
- (g) for the purposes of agriculture on any land adjacent to that length of road or for or in connection with the conveyance or haulage of timber felled upon such land;
- (h) for or in connection with the conveyance of goods to or from any premises on or adjacent to that length of road, or any other road accessible from and only from that length of road;

- (i) to proceed to or from any premises which are situated adjacent to that length of road and at which time the vehicle is to be, or has been, garaged, serviced or repaired.
- (j) to access to and egress from any premises which are situated adjacent to that length of road to proceed and to return from the said premises along the same route.

The order was been redrafted on this basis and advertised

2. Information required to take a decision

- 2.1 The original proposed Order was advertised from 14 September to 12 October 2018, and 9 objections were received.
- 2.2 All objectors were contacted by email or letter to explain the principles behind the proposal, and give them the option of withdrawing their objection.
- 2.3 A public meeting was also held at a resident's house with Police, Councillors and concerned residents, to discuss the issue in detail, and the Police stated they would be happy to take enforcement action. However, it was agreed that it would first be re-advertised as there was no exemption, in the previously advertised order, for local service buses. This was done between 18 January and 18 February 2019, and objectors were informed that their previous objections still stood unless they contacted the Council to confirm withdrawal. Only one chose to do so, but no new objections were received.
- 2.4 Objections to be considered are from 8 Flockton residents and there were 3 main reasons behind the objections:
 - 2.4.1 Residents felt that the proposed 'exemption for access' clauses would worsen the existing situation

In response

- The current order allows for exemptions, but the situation will improve insofar as the Police could, and will, take enforcement action with the new order. At their request, a new duplicate 7.5T roundel was recently erected on the A637 at the western limit of the restriction.
- 2.4.2 The objectors held similar views that there should be no exemption for access to premises within the restricted area, as this would reduce cases of drivers flouting the restriction by stating that they were allegedly accessing premises. However, there was consensus that service and emergency vehicles should still be exempt.

In response

- Imposing a total eastbound ban would create future issues for residents/businesses within the village. It is common for delivery

companies visiting several sites to use vehicles exceeding 7.5T (these can be much smaller than the 'classic' articulated vehicles which cause much concern).

- General highway experience shows that situations will arise where it is imperative that a vehicle approaches a site from a particular direction, and a total ban would then necessitate the resident / property holder to apply for a Temporary Traffic Regulation Order at cost to themselves.
- Drivers' general understanding of weight limits is that delivery access is permitted. Removing this clause would confuse drivers who were unaware of the situation. Additional signs could be considered to clarify this, but these would not comply with the Traffic Signs Regulations and General Directions 2016, which may then raise further enforcement issues. It would also require a complicated sign layout.
- Removing the exemption would require delivery vehicles to undertake a 9 mile diversion to reach premises within the village, which will also entail additional traffic through Netherton.

2.4.3 Several objectors were concerned that adding 'except for access' to existing signs lessened the impact of the signs.

In response:

- There is no proposal to do this.

3. Implications for the Council:

3.1 Early Intervention and Prevention (EIP)

Clarification of the order, as requested by the Police, will allow enforcement action to be taken to reduce the number of HGV's that are travelling through Flockton Village. As the roads and footways are narrow in places, this scheme will go some way to reducing/preventing road traffic collisions, vehicles over riding the footways etc.

3.2 Economic Resilience (ER)

None.

3.3 Improving Outcomes for Children

Many footways in Flockton are narrow. Enforcement will deter HGV drivers from using the route illegally, which will benefit all pedestrians in the village, in particular those children walking/scooting to the school which is in the centre of the village, access directly from the A637.

3.4 Reducing demand of Services

If objections are over-ruled it will allow the Order to be sealed and enforced, thereby reducing officers time dealing with concerns/reports from residents regarding the problematical issues of HGVs passing through the village.

3.5 Legal/Financial or Human Resources

Traffic Regulation Orders costs, and costs of installing the new and additional signs will come from existing highway revenue budgets

4. Consultees and their opinions

- 4.1 Ward members were consulted on the proposals prior to the formal advertising of the Order, and all attended the residents' meeting of 14 November 2018. They were supportive of the scheme.
- 4.2 Consultation was undertaken with our Statutory Consultees, prior to the formal advertising of this order, and no objections were received.
- 4.3 The Police have supported the proposed Order, and have stated they will enforce it as resources permit.

5. Officer recommendations and reasons

Officer recommendation: the objections to the proposed weight limit be overruled and the scheme implemented as advertised.

Reason: The Police are fully supportive of the proposals and are prepared to enforce the proposed Order. Removing the proposed exemptions would be impractical for the reasons stated above.

7. Cabinet portfolio holder recommendation

Cllr Mather supports the Officer recommendation as written.

8. Contact officer and relevant papers

Joe Walker
Principal Engineer, Streetscene
Tel: 01484 222100
joe.walker@kirklees.gov.uk

Appendix 1 - plans of proposed weight restriction
Appendix 2 - Emails/letters from 9 objectors

9. Strategic Director responsible

Karl Battersby
Strategic Director - Economy and Infrastructure
Tel: 01484 221000
karl.battersby@kirklees.gov.uk