

North Yorkshire County Council
Business and Environmental Services

Executive Members

26 July 2019

Experimental 7.5T Weight Restriction – Norton Level Crossing

Report of the Assistant Director – Highways and Transportation

1.0 Purpose Of Report

- 1.1 The purpose of the report is to advise the Corporate Director, Business and Environmental Services (BES) and the BES Executive Members with;
- information on the impact of the Experimental 7.5T Weight Restriction at Norton Level Crossing which has been in force since February 2018 and is due to expire in August 2019.
 - the outcome following public and stakeholder consultation in regard to whether or not the Order should be made permanent when it expires.
 - and for a decision to be made whether or not the weight restriction order should be made permanent in view of the information provided
- 1.2 The Corporate Director, BES and the BES Executive Members decision is sought regarding the recommended option.

2.0 Background

- 2.1 On 9 February 2018 an Order was made for the prohibition of heavy commercial vehicles with an operating weight exceeding 7.5 tonnes at Norton Level Crossing for an experimental period of eighteen months.
- 2.2 The experimental weight limit Order cannot be extended in time or amended in any way. It must be made permanent or revoked.
- 2.3 While the statutory six month period for objecting to the indefinite continuation of the Order expired, NYCC agreed to take any further representations up to 1 May 2019.
- 2.4 An on-line consultation via the NYCC website has also taken place between the 3 and 24 May 2019 which sought public views and reasons as to whether or not the weight limit should be made permanent.
- 2.5 The views were also sought from key stakeholders such as, Ryedale DC, Town Councils, Local Members, Parish Councils, Haulage Operators, Emergency Services and Network Rail.
- 2.6 The location of Norton Level Crossing is shown on Plan 1

3.0 Consultation Responses

- 3.1 A total of 18 responses in the form of objections to the Order were received to the weight restriction.

- 3.2 The main issue raised is the impact of the HGV Traffic which has been displaced onto Highfield Road/Pasture Lane with 12 of 18 responses raising concerns which can be summarised as follows –
- Detrimental impact on the two primary schools (pollution, noise pollution, road safety, intimidation)
 - Narrowness of road at the Old Malton end causing blockages and undesirable reversing movements back onto Old Malton Road.
 - Traffic jams as HGV's have difficulty manoeuvring around parked cars particularly at the start and end of the school day.
 - Damage to the road.
 - Detrimental impact on residential properties (pollution and noise pollution when HGV's rattle over the speed humps)
 - Damage to residential properties caused by the vibrations of HGV's as they rattle over the speed humps.
 - Difficulty for resident's crossing over the road due to increased numbers of HGV's.
 - Speed of HGV's.
- 3.3 Three Hauliers who have responded have identified the difficulty HGV's have turning right from Old Maltongate into the B1257 at Butcher Corner due to the tight radius often resulting in mounting the footway. Their other comments have been –
- HGV's are being forced to use unsuitable roads e.g. Highfield Road and the roads through Settrington and Scagglethorpe.
 - The restriction defeats the object in terms of air quality as HGV's still need to travel through the centre of Malton.
 - Increased travel time and transport costs.
 - HGV's are now one of the lowest polluting vehicles on the road.
- 3.4 Other comments received identify the following issues –
- Detrimental impact on Harton Village and the Howsham and Brasenthwaite bridges.
 - Quarry traffic having a detrimental impact on Welham Hill/Moor Hill through Burythorpe then Westow and Howsham.
 - Detrimental impact on roads through Settrington and Scagglethorpe.
 - Increase in traffic on Scarborough Road.
- 3.5 129 Responses were received to the on-line consultation (1% of the population of Malton/Norton). Of these 33 were in favour of the restriction being made permanent and 96 against. Of the 96 against the restriction 24 (25%) were from the area around Highfield Road/Pasture Lane.
- 3.6 The responses from stakeholders and the on-line consultation are summarised in Appendix A.
- 4.0 Enforcement**
- 4.1 The weight restriction has been monitored by the NYCC Trading Standards Team. The monitoring regime has been over and above any monitoring undertaken elsewhere in the County. The Trading Standards Team have had to divert staff from other duties to provide an enhanced programme of monitoring at the crossing.
- 4.2 To date there have been 36 prosecutions for contravening the restriction.

5.0 Air Quality

- 5.1 Information provided by Ryedale District Council identifies that concentrations of nitrogen dioxide (NO₂) levels at all monitoring sites within the Air Quality Management Area (AQMA) at Butcher Corner have shown a general downward trend since 2012/13.
- 5.2 Monitoring of NO₂ levels during 2018 has demonstrated that:
- The health-based annual mean NO₂ objective of 40 micrograms per cubic metre (µg/m³) was not exceeded at any monitoring location.
 - The highest annual mean concentration of NO₂ was 33 µg/m³ on Wheelgate and Yorkersgate.
 - 7 locations monitored lower concentrations in 2018 than in 2017. The greatest improvement was seen on Wheelgate, where there was a 15% reduction in annual mean NO₂ concentration between 2017 and 2018. Minor increases in NO₂ were observed at Old Maltongate and Yorkersgate, where levels increased by 3% and 9% respectively. On average, concentrations of NO₂ decreased by 4% across the AQMA.
 - The number of exceedances of the annual mean NO₂ objective in the AQMA has gradually fallen between 2012 and 2018 (7 exceedances in 2012, 3 in 2013, 2 in 2014, 1 in 2015 and no exceedances in 2016, 2017 or 2018).
 - Although there have been no exceedances since 2015, Ryedale District Council have stated that they intend to keep the AQMA under review. This is due to the anticipated increases in queuing related congestion at the level crossing as a consequence of the proposed doubling of the rail service.

6.0 Traffic Flows

- 6.1 Traffic surveys have been undertaken on a 3 monthly basis since the Order was implemented.
- 6.2 Impact on Butcher Corner
- 6.2.1 Flows along Yorkersgate have remained more or less constant during the Order period. The likely reason could be due to the fact that the weight restriction has not caused HGV traffic to significantly re-route, it has just required HGV's to travel straight ahead onto Old Maltongate instead of turning right onto Castlegate.
- 6.2.2 Old Maltongate has shown an increase in HGV traffic both directions, (11% towards town, 28% out of town). The likely reason could be that HGV traffic at Butcher Corner can no longer turn into Castlegate from Yorkersgate or Wheelgate. Also, Old Malton Road/Old Maltongate is the alternative route into Malton from the A64 instead of travelling over the level crossing and via Castlegate.
- 6.2.3 Flows on Wheelgate have shown a reduction in both directions, (49% into town, 58% out of town). This is likely due to HGV vehicles which would usually travel south towards Butcher Corner and onto Castlegate, re-routing along Pasture Lane/Highfield Road to access Old Malton Road and the A64. Similarly HGV vehicles which would usually enter Wheelgate from Castlegate are likely diverting along Highfield Road/Pasture Lane from Old Malton Road to avoid making a tight right turn at Butcher Corner.
- 6.2.4 Flows on Castlegate have fluctuated over the period of the restriction. HGV traffic appears to have decreased southbound towards the level crossing (50%). However, travelling north towards Butcher Corner surveys have only recently shown an identifiable decrease in HGV vehicles (15%). Trading Standards have also reported that over recent weeks recently there has been an identifiable decrease in infringements at the level crossing.

6.2.5 The increase in HGV traffic on the Old Maltongate arm of the AQMA is offset by the reductions on Wheelgate. Whilst there has been a reduction in HGV traffic heading south on Castlegate from the AQMA, HGV traffic heading north has only recently shown a reduction. With HGV traffic on Yorkersgate being largely consistent, it appears that the overall impact of the experimental Order is only now showing a reduction in HGV traffic on the roads adjacent to the AQMA.

6.3 Impact on other routes in Malton/Norton.

6.3.1 Highfield Road/Pasture Lane

Counts undertaken in September 2018 and December 2018 showed a significant increase in HGV traffic along this route (24% increase). However it must be borne in mind that Taylor Wimpey and Linden Homes are undertaking significant residential development off Pasture Lane, there has also been an extension to the Primary School. Many of the HGV trips along this route are likely contributable to construction traffic, particularly in relation to the significant off-site highway improvement works which were undertaken. The latest counts indicated an increase of just 2% over the baseline data. This may be a result of the off-site highway works being complete.

6.3.2 Welham Road

Counts have revealed a reduction (33%) of HGV traffic heading north towards the level crossing and an increase (12%) of HGV traffic heading south away from the level crossing.

6.3.3 Church Street

Counts have revealed a reduction in HGV traffic along this section of road (16% fewer travelling towards Castlegate and 8% fewer heading away from the junction).

7.0 **Other considerations**

7.1 Rail service frequencies are due to increase to two trains per hour in each direction from December 2019, therefore doubling the number of trains stopping in Malton each hour. This will result in the level crossing barriers being down for a greater overall duration across the hour which has the potential to create significant queuing, impacting on journey times, creating congestion and resulting delay.

7.2 The recent Malton & Norton Infrastructure and Connectivity Study identifies a set of priority interventions that could potentially be taken forward to reduce levels of congestion within the two towns. This included an "Internal Junction and Traffic Signal Strategy", to look at the impact of measures to change how the road network currently operates. There is also the need to fully understand the impact of the increase in rail usage, and related traffic growth, on the network performance of the two towns. A micro simulation Traffic Model was identified as being necessary to accurately reflect the impact of such changes will have on the highway network.

7.3 At the time of writing the Traffic Model is approaching completion.

8.0 **Conclusion**

8.1 The experimental weight limit should not be considered in isolation but must be included as part of a bigger picture in terms of the planned increase in rail services and any potential alterations to the operation of the existing highway network.

8.2 The traffic model will be used to test alterations to the highway network and how these may affect HGV routing.

- 8.3 Whilst no exceedances of the annual mean NO₂ objective have occurred within the Malton AQMA for the last 3 years Ryedale District Council have stated that they intend to keep the AQMA under review. This is due to the anticipated increases in queuing related congestion at the level crossing as a consequence of the proposed doubling of the rail service.
- 8.4 Whilst it is acknowledged that the experimental weight restriction has created some issues elsewhere on the network its contribution towards improvements to air quality, particularly on Wheelgate and Castlegate cannot be ignored. To revoke the weight restriction before the implications of the increased rail service have been fully appraised could be considered premature.
- 8.5 However, the issues which have been raised surrounding the HGV restriction, such as HGV vehicles being displaced onto unsuitable routes are also important points to consider.
- 8.6 Taking the above considerations into account, an extension to the existing experimental weight limit may have been considered the most practical solution in order that the impact of the increase in rail service can be fully appraised. However, as stated in 2.2 above, it is not possible to extend the experimental weight restriction order past the date it is due to expire on 9th August 2019. It must either be revoked or made permanent.
- 8.7 It is therefore the view of officers that the Order should be made permanent but on the understanding that it will remain under review. A further decision as to whether or not the restriction should remain in force can then be taken when the implications of the increased rail service are fully appreciated.

8.8

9.0 Equalities

- 9.1 Consideration has been given to the potential for any equality impacts arising from the recommendation. It is the view of officers that the recommendation does not have an adverse impact on any of the protected characteristics identified in the Equalities Act 2010 and an Equalities Impact Assessment Screening form is attached in Appendix B.

10.0 Finance

- 10.1 The cost of making and advertising the Traffic Regulation Order is estimated at approximately £300 and this can be funded using existing allocated funding for Brambling Fields Complimentary Measures.

11.0 Legal

- 11.1 The Council has powers under Section 9(1) of the Road Traffic Regulation Act 1984 to impose an Experimental Traffic Order to restrict the weight of vehicles passing a particular point in a street. An Experimental Traffic Order is like a permanent traffic order in that it is a legal document which imposes traffic and parking restrictions.
- 11.2 An Experimental Traffic Order cannot continue in force for longer than 18 months and any person may object within 6 months of the day on which the Order came into force.
- 11.3 The Council must follow the provisions set out under Regulation 22 of The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 and if

the Order is to be made permanent, Regulation 23 of the same. Regulation 23 specifies a shortened procedure for making an Order giving permanent effect to an Experimental Order, providing certain conditions are met. All conditions have been met in this case, therefore the Council can proceed to make the proposed order without further consultation or giving Notice of Proposals, or inviting and considering further objections.

- 11.4 In the event that the BES Executive Members and the BES Corporate Director resolves to follow the recommendations contained in this report, then in accordance with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996, the County Council will be required to make the relevant Traffic Regulation Order and publish a notice of making the Order in the local press.
- 11.5 In recommending the implementation of the proposed TRO, officers consider that it will preserve or improve the amenities of the area through which the road runs and enable the County Council to comply with its duty under Section 122 of the Road Traffic Regulation Act 1984 to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway. A copy of the Statement of Reasons for the TRO is contained in Appendix C.

12.0 Recommendation(S)

12.1 It is recommended that the Corporate Director, BES, in consultation with the BES Executive Members approves that;

(i)The 7.5T weight restriction at Norton Level Crossing is made permanent by making a Traffic Regulation Order under the Road Traffic Regulation Act 1984.

(ii)The weight limit is reviewed again following the increase to the rail service in Malton and a review of the consequent impact on traffic flows and Air Quality.

BARRIE MASON
Assistant Director Highways & Transportation

Author of Report: Tim Coyne

Background Documents: Responses to the Experimental Order are held in the scheme file held by the Kirby Misperton Area 4 Highways Office.

02 July 2019

Norton Level Crossing - 7.5T Weight Restriction



PLAN 1

Scale 1 : 2179



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Stakeholder Response

Consultee	Make Restriction Permanent	Additional Comments
Ryedald District Council	Yes	Discontinuation of the restriction could be premature due to the forthcoming increase in rail services. Any reconsideration of the restriction should not be carried out until air quality monitoring is undertaken post the introduction of the increased rail services.
Norton Town Council	Yes	Address problem affected areas, specifically Highfield Road.
Malton Town Council	Yes	Address negative impact on Highfield Road, Town Street, Old Maltongate, Pasture Lane and Yorkersgate.
Settrington Parish Council	No recommendation	Plans for development between Beverley Road and Norton Ind. Estate to include a "through road" Improve Brambling Fields roundabout to make more amenable to HGV's. Upgrade gritting route through the village to a P1 status. Assess strength of Settrington road bridge and consider weight limit.
Network Rail	Yes	
County Councillor Lindsay Burr	Yes	Improve signage and address issues on Highfield Road
County Councillor Keane Duncan	No	
NFU	No recommendation	Agricultural Vehicles not affected

On-Line Consultation

Against Making the Restriction Permanent	For Making the Restriction Permanent
96 (74%)	33 (26%)
Total Number of Respondents	- 129 (1% population of Malton/Norton)

Reasons Against Making the Restriction Permanent	
Impact on Highfield Road	51
Moved the problem elsewhere/unsuitable roads	26
Longer Routes for HGVs	13
No Improvement	15
HGVs now use Cleaner Fuel	8

Initial equality impact assessment screening form	
This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.	
Directorate	Business and Environmental Services
Service area	Highways & Transportation
Proposal being screened	To make an Experimental Weight Restriction Order a permanent Order.
Officer(s) carrying out screening	Tim Coyne
What are you proposing to do?	An 18 month Experimental 7.5T Weight Restriction Order came into force in February 2018 at Norton Level Crossing. As the Order expires in August 2019 a decision has to be made as to whether the Order will be revoked or made permanent. The recommendation is that the Order is made permanent But that it continues to be reviewed.
Why are you proposing this? What are the desired outcomes?	The restriction was sought to reduce the number of large vehicles in the Castlegate area in order to improve the air quality. Castlegate and the Butcher Corner area are covered by an Air Quality Management Plan. There has been a year on year improvement in Air Quality at Butcher Corner and the restriction may have contributed to this. However, there are other issues around the routes HGV's are using to avoid the restriction. The matter is complicated by a Network Rail proposal to double the frequency of train services at Malton Station after Christmas 2019. This will result in the barrier at the level crossing coming down twice every hour. The increased occurrence of vehicles queuing may have a detrimental effect on the Air Quality Management Area at Butcher Corner. Although the proposal is to make the Weight Restriction permanent it will be reviewed once the implications of the increased rail service are known.
Does the proposal involve a significant commitment or removal of resources? Please give details.	No
Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristics	
As part of this assessment, please consider the following questions:	
<ul style="list-style-type: none"> • To what extent is this service used by particular groups of people with protected characteristics? • Does the proposal relate to functions that previous consultation has identified as important? • Do different groups have different needs or experiences in the area the proposal relates to? 	

<p>If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your Equality rep for advice if you are in any doubt.</p>				
Protected characteristic	Potential for adverse impact			Don't know/No info available
	Yes	No		
Age		No		
Disability		No		
Sex		No		
Race		No		
Sexual orientation		No		
Gender reassignment		No		
Religion or belief		No		
Pregnancy or maternity		No		
Marriage or civil partnership		No		
NYCC additional characteristics				
People in rural areas		No		
People on a low income		No		
Carer (unpaid family or friend)		No		
Does the proposal relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.	No			
Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	No			
Decision (Please tick one option)	EIA not relevant or proportionate:	<input checked="" type="checkbox"/>	Continue to full EIA:	
Reason for decision	The proposal is simply to make permanent a weight restriction which has been in force for 18 months. No other changes are proposed.			
Signed (Assistant Director or equivalent)	<i>Barrie Mason</i>			
Date	11/07/19			

**PROPOSED INTRODUCTION OF 7.5T WEIGHT LIMIT AT NORTON LEVEL CROSSING
FOLLOWING OF EXPIRY OF TIME LIMIT OF EXPERIMENTAL ORDER.**

STATEMENT OF THE COUNCIL'S REASONS FOR PROPOSING TO MAKE THE ORDER

LEGAL POWERS AND DUTIES

Under Section 1(1) of the Road Traffic Regulation Act 1984 the County Council, as traffic authority for North Yorkshire, has powers to make a Traffic Regulation Order (TRO) where it appears expedient to make it on one or more of the following grounds:-

- (a) for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or
- (b) for preventing damage to the road or to any building on or near the road, or
- (c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or
- (d) for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or
- (e) (without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, or
- (f) for preserving or improving the amenities of the area through which the road runs; or
- (g) for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of Section 87 of the Environment Act 1995 (air quality).

Section 122(1) of the Road Traffic Regulation Act 1984 also provides that it shall be the duty of every local authority upon whom functions are conferred by or under the 1984 Act so to exercise those functions as to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.

REASONS FOR MAKING THE ORDER

The County Council considers that it is expedient to make this TRO on grounds (f) above, having taken into account its duty under Section 122(1) of the 1984 Act, for the following reasons:-

Location(s) of Proposed Order

Norton [Plan 1]

The introduction of a permanent order to restrict vehicles over 7.5T travelling over Norton Level Crossing is sought to reduce the number of large vehicles in the Castlegate area in order to improve the air quality. Castlegate and the Butcher Corner area are within an Air Quality Management Area. [Local Authorities have an obligation under the Environment Act 1985 to try to improve air quality in an Air Quality Management Area.](#)

Traffic Officer: Tim Coyne (Area 4 Highways, Kirby Misperton)

CONSIDERATION OF OBJECTIONS

Under the County Council's Constitution, the consideration of objections to a proposed TRO is delegated to the Corporate Director - Business and Environmental Services (BES) in consultation with the BES Executive Members. For each TRO where there are objections, it will be necessary to bring a report to the Corporate Director - BES and the BES Executive Members seeking a decision on the consideration of the objections. The report will include the views of the relevant local member who will also be invited to the meeting that considers the report. The Corporate Director - BES may wish to refer the matter to the Council's Executive for a final decision.

A report to the relevant Constituency Committee will only be necessary when there are objections to a wide area impact TRO.

A wide area impact TRO is defined as a proposal satisfying all of the three criteria set out below:

- The proposal affects more than one street or road and,
- The proposal affects more than one community and,
- The proposal is located within the ward of more than one County Councillor

The report will seek the views of the Constituency Committee and these views will then be included in a report to the Corporate Director - BES and the BES Executive Members seeking a decision on the consideration of the objections. The Corporate Director - BES may wish to refer the matter to the Executive for a final decision.

The existing arrangements for members of the public wishing to attend or speak at committee meetings will apply and it may be appropriate for the Corporate Director - BES to have his decision making meetings open to the public, so that the public and in particular those with objections, have the opportunity to put their views across directly.

N.B. The Corporate Director - BES has delegated powers to make decisions on TROs where there are no objections.