

North Yorkshire Council

Environment Executive Members

23 October 2024

Update on Proposed Experimental Traffic Regulation Order (ETRO) for timed weight restrictions on Hambleton Grove, Knaresborough

Report of the Assistant Director – Highways and Infrastructure

1.0 PURPOSE OF REPORT

- 1.1 To update the Corporate Director - Environment, in consultation with the Executive Member for Highways and Transportation on feedback from an informal consultation for proposed introduction of an ETRO prohibiting goods vehicles in excess of 7.5t between the hours of 07:00-09:30am and 15:00-16:30pm Monday-Friday on Hambleton Grove, Knaresborough.

2.0 BACKGROUND

- 2.1 Hambleton Grove, Knaresborough is a local access road for residential properties, Hambleton Grove Industrial Estate and a nursing home. The road width is an average of 7.4m wide with on street parking on both sides of the road sporadically throughout its whole length. It is also in close proximity to Knaresborough St John C of E Primary School and as such receives peak traffic and pedestrian volumes in the morning and early afternoon in the surrounding area.
- 2.2 There have been multiple complaints over safety concerns on this road and in particular its ability to accommodate large vehicles such as articulated Heavy Goods Vehicles (HGVs). A multi-agency meeting was facilitated by the local MPs office previously to try and find solutions to residents' concerns through both formerly Harrogate Borough Council's planning department and health and safety department and North Yorkshire Council as Local Highway Authority to improve their safety and residential amenity.
- 2.3 Collectively, through the available powers afforded to Local Government, some improvements were made within the industrial estate, one such measure was ensuring there is a suitable on-site layout for turning and manoeuvrability of large vehicles which enables vehicles to access and egress the site in a forward gear. It is understood this has improved some of the issues with large vehicles reversing in the highway at this access where it is not considered safe to do so.
- 2.4 However, concerns over highway safety remain that cannot be resolved through other powers which is why officers are proposing to formally consult on an experimental traffic regulation order, which will seek to improve the current traffic arrangements on Hambleton Grove.

3.0 CURRENT SITUATION

- 3.1 Due to the limited road widths, access is restricted on Hambleton Grove where only one vehicle can pass at any time if the parking bays are occupied. Parking is at a premium in this area given its central location in Knaresborough and the majority of residential streets are in disc zones with marked on-street parking bays. Additionally, multiple residents do not have the option for off-street parking and as such rely on the provision of on-street parking.

- 3.2 This limited access and parking can be compounded at peak traffic times and school drop off and pick up times for Knaresborough St John C of E Primary School where there is an increase in not only vehicle movements but also pedestrian movements in the area.
- 3.3 Officers have carried out vehicle tracking for both articulated and rigid heavy goods vehicles which showed that there was a risk of conflict due to the spacing of the parking bays where if vehicles are parked on both sides of the road, the road width is restricted to allow only one vehicle to pass at any one time. Vehicles can then come into conflict with each other on the road which would require a vehicle to reverse (potentially out of a junction) which creates a situation that is prejudicial to highway safety.
- 3.4 Traffic data was collected in April 2024 which indicates that the AM traffic peak is 08:00 and PM peak is 15:00. At these peak times, there is an increased likelihood of vehicle conflict which can result in unsafe highway manoeuvres, such as vehicles reversing in the highway or out of junctions. The traffic data collected can be found on Appendix A.
- 3.5 Other evidence on the issues at this location is anecdotal as we do not have recorded collision data as this is only collected when collisions result in personal injury. However, residential comments/ complaints have indicated that there have been collisions on this street which has caused damage to property (such as parked vehicles in marked bays on street) which is having a negative impact on residential amenity.
- 3.6 The current proposal is to carry out the statutory consultation on the potential for an ETRO prohibiting goods vehicles in excess of 7.5t between the hours of 07:00-09:30am and 15:00-16:30pm Monday-Friday on Hambleton Grove, Knaresborough. The purpose of this is to seek to address the risk of the largest vehicles coming into conflict at peak traffic times on Hambleton Grove. Progressing to a formal consultation on the proposed ETRO will allow us to seek the views from all interested parties on the proposal and understand how it will affect them. From this, officers will be able to bring a further report to the Corporate Director – Environment, in consultation with the Executive Member for Highways and Transportation outlining the responses from the consultation.

4.0 CONSULTATION UNDERTAKEN AND RESPONSES

- 4.1 On 28 March 2024 a total of 75 letters were issued to businesses and properties on Hambleton Grove as well as other consultees, such as emergency services, the Care Home and Knaresborough St John C of E Primary School on this proposal and indicating a formal consultation prior to implementing an ETRO will be carried out.
- 4.2 The Local Member is aware of the concerns raised and proposals raised within this report and has attended meetings organised by residents.
- 4.3 In total three objections to this proposal have been received which have been outlined and responded to in Appendix B but also summarised below:
- proposal could result in HGVs waiting on adjacent streets until the restrictions are out of operation
 - increased concentration of HGVs using Hambleton Grove outside of the restrictions
 - the negative impact on business and reasonable access to properties
 - authority entered into a period of non-statutory consultation
 - legal basis for making the ETRO/TRO
 - the benefit of the Order.
- 4.4 Officers have considered these objections and officers' responses are set out in the table in Appendix B and summarised below:
- there is a legal process to follow in the making of an ETRO or TRO which we will follow;

- the impact of the proposal from potential increased HGV movements out of operational times of the restriction or vehicles idling on adjacent streets
- the reason why the proposal is being put forward as an experimental order is so it can be monitored before final decisions made;
- the impact of vehicles idling on adjacent streets until the restriction ends is why the proposal is being put forward as an experimental order so it can be monitored before final decisions made;
- there are alternatives to having HGVs waiting for restrictions to lift on surrounding streets, such as timing deliveries outside of the operating hours of the restriction or requiring smaller vehicles being used during these times.

4.5 These objections have been considered as part of this report but a formal consultation on the proposed ETRO will take place should the recommendations from this report be approved and a further report presented to the Corporate Director - Environment in consultation with the Executive Member for Highways.

5.0 ALTERNATIVE OPTIONS CONSIDERED

One Way Arrangement

5.1 Consideration was made to install a one-way system through Hambleton Grove which could have removed the potential for vehicle conflict on Hambleton Grove itself and the junctions with Stockwell Road and Stockwell Lane as there is insufficient road width for two vehicles to pass alongside the on-street parking.

5.2 Whilst this option could have removed some of the risk of larger vehicles manoeuvring around Hambleton Grove, it could not be done in isolation and would require the installation of parking and waiting restrictions at both junctions to ensure they are clear or parked cars to improve manoeuvrability (primarily for articulated vehicles).

5.3 This option was discounted due to the reduction in on-street parking the measure would introduce.

Removal of residential parking bays and installation of single yellow line waiting restriction

5.4 Officers considered how to improve all vehicle manoeuvres at the highway pinch points (junctions with Stockwell Road and Stockwell Lane and the junction with the industrial estate). This option would have allowed all vehicles to establish their position on the highway side of the give way line at both junctions and removes the potential for vehicles to reverse out of junctions if two vehicles came into conflict at the junction. It also still permitted parking for residents at evenings and weekends rather than full time waiting restrictions in some locations.

5.5 Conversely, there would need to be a permanent loss of on street parking with the parking bay removal/shortening at the junctions which was not favoured by local residents where parking is already an issue, particularly at peak times.

Full time 7.5t environmental weight restriction

5.6 This option was considered as it offers a more residential space along the street and resolves the risk of any HGV clashes with vehicles. However, this was not taken forward as access would need to be maintained for the businesses as Hambleton Grove is their sole means of access and there would need to be an exemption in place for access which would make the restriction irrelevant.

Permanent timed 7.5t environmental weight restriction

5.7 Officers are not proposing to commence with a permanent traffic regulation order for a timed restriction which matches the current proposal for the experimental order. This is due to the fact that we need to understand and evidence what impact the restriction will have to residents and businesses. This is why officers are proposing to consult on the experimental order so we can assess the responses from the consultation.

6.0 NEXT STEPS

- 6.1 Should this report be approved, officers would engage in a statutory consultation in line with legal requirements during which time feedback/objections can be considered as to whether or not to make the ETRO. Following informal consultation, this has allowed officers to consider the proposed ETRO going forward. Officers recommend that the proposed ETRO should be prohibiting goods vehicles in excess of 7.5t between the hours of 07:00-09:30am and 15:00-16:30pm Monday-Friday on Hambleton Grove, Knaresborough.
- 6.2 Officers recommend that the formal consultation should now take place from 28 October 2024 and will involve statutory consultees, as well as all effected residents and businesses whose sole access is via Hambleton Grove.

7.0 FINANCIAL IMPLICATIONS

- 7.1 There are no additional financial implications associated with the proposal to commence with the statutory consultation. Officer time will be required to conduct the consultation which will be met from existing internal resources. Any financial implications arising as a result of the statutory consultation will be detailed in the report following the consultation.

8.0 LEGAL IMPLICATIONS

- 8.1 The Road Traffic Regulation Act 1984 enables a Traffic Regulation Order to make any provision prohibiting, restricting or regulating the use of a road, or of any part of the width of a road, by vehicular traffic, or by vehicular traffic of any class specified in the Order where it appears expedient to make it “for preventing the likelihood of any such danger (to persons or other traffic using the road to which the order relates or any other road) arising” and “for preserving or improving the amenities of the area through which the road runs”.
- 8.2 Should this proposal progress to an ETRO there is a statutory process to follow under the RTRA.
- 8.3 Section 122 of the RTRA 1984 confers a duty upon local authorities to exercise the functions contained therein 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, having regard to (inter alia) the effect on the amenities of any locality affected.
- 8.4 If following an ETRO a Local Authority wishes to make a TRO then there would be a further statutory process to follow under RTRA, which includes the requirement to hold a Public Inquiry in certain circumstances. There is also the general duty to consider a public inquiry.
- 8.5 Regulation 9 of the Local Authorities’ Traffic Orders (Procedure) (England and Wales) Regulations 1996 (‘the 1996 Regulations’) outlines the circumstances in which the Council would be required to hold a Public Inquiry.

The 1996 Regulations require an order making authority (‘OMA’) to hold a public inquiry before making an order to which regulation 9(3) applies and also states that an OMA has a discretion to cause an inquiry to be held before making any other order.

- 8.6 Reg 9(3) states
Subject to paragraphs (4) and (5), this paragraph applies to an order if-
- (a) its effect is to prohibit the loading or unloading of vehicles or vehicles of any class in a road on any day of the week-
 - (i) at all times;
 - (ii) before 07.00 hours;
 - (iii) between 10.00 and 16.00 hours; or
 - (iv) after 19.00 hours,

and an objection has been made to the order (other than one which the order making authority is satisfied is frivolous or irrelevant) and not withdrawn;

- 8.7 There are exceptions set out in Reg 9 (4) and (5):-
- (4) For the purposes of paragraph (3)(a), an order shall not be taken to have the effect of prohibiting loading at any time to the extent that it-
- (a) authorises the use of part of a road as a parking place, or designates a parking place on a road, for the use of a disabled person's vehicle as defined by section 142(1) of the 1984 Act;
- b) relates to a length of the side of a road extending 15 metres in either direction from the point where one road joins the side of another road, unless the effect of the order taken with prohibitions already imposed is to prohibit loading and unloading by vehicles of any class at the time in question for a total distance of more than 30 metres out of 50 metres on one side of any length of road.
- (5) Paragraph (3) does not apply to an order-
- (a) if it is an experimental order;
- (b) made under section 84 of the 1984 Act (speed limits on roads other than restricted roads); or
- (c) to the extent that it relates to a GLA road or GLA side road.

9.0 EQUALITIES IMPLICATIONS

- 9.1 Consideration has been given to the potential for any adverse equalities impact arising from the recommendations of this report. It is the view of officers that the recommendations included in this report do not have any adverse impacts on any of the protected characteristics identified in the Equalities Act 2010 or NYC's additional agreed characteristics. The completed Equalities Impact Assessment screening form can be found in Appendix C.

10.0 CLIMATE CHANGE IMPLICATIONS

- 10.1 Consideration has been given to the potential for any adverse impacts on climate change arising from the recommendations of this report. A climate change assessment has been completed and included as Appendix D to this report.

11.0 REASONS FOR RECOMMENDATIONS

- 11.1 To comply with statutory duties when proposing an ETRO and to obtain feedback from statutory consultees as well as effected residents and businesses for further consideration.

12.0 RECOMMENDATION(S)

- 12.1 i) For the Corporate Director – Environment, in consultation with the Executive Member for Highways to consider the content of this report and approve commencement of a formal consultation on the proposed ETRO prohibiting goods vehicles in excess of 7.5t between the hours of 07:00-09:30am and 15:00-16:30pm Monday-Friday on Hambleton Grove, Knaresborough.

APPENDICES:

- Appendix A – Hambleton Grove Traffic Data
Appendix B – Consideration of Objections
Appendix C – Equality Impact Assessment Screening Form
Appendix D – Climate Change Impact Assessment

BACKGROUND DOCUMENTS:

N/A

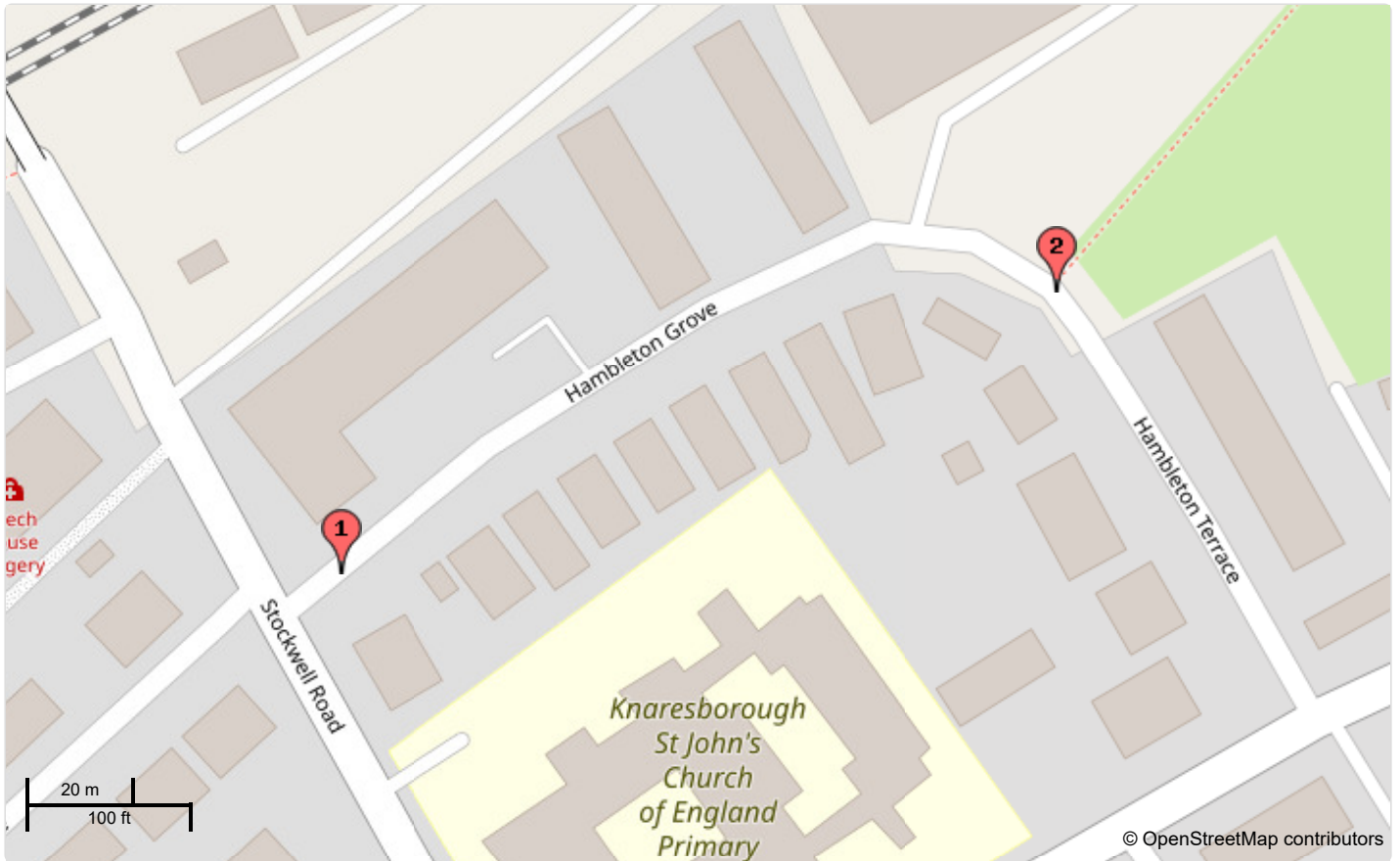
Karl Battersby
Corporate Director – Environment
County Hall
Northallerton
11 October 2024

Report Author – Heather Yendall – Improvement Manager
Presenter of Report – Heather Yendall – Improvement Manager

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

Hambleton Grove, Knaresborough ^{APPENDIX A}

Vehicle Volume by Class

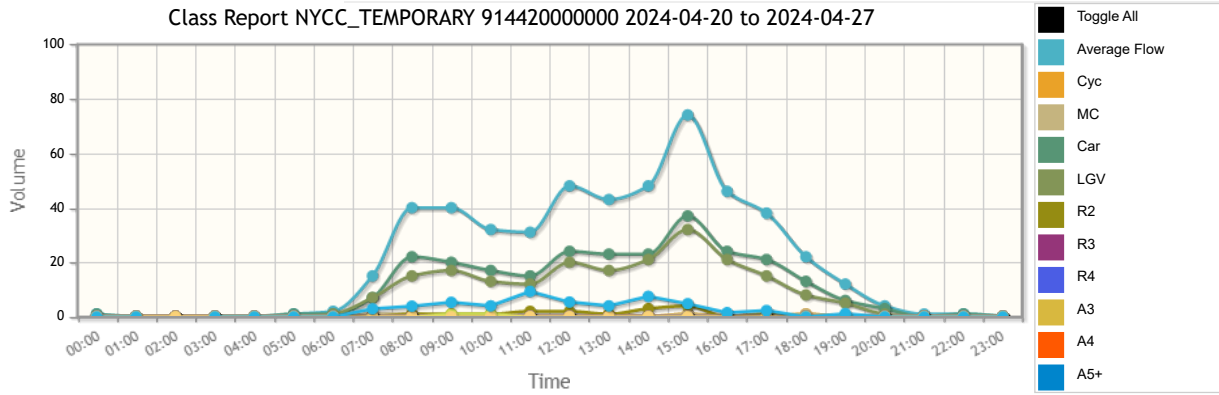


📍	Id	Name	Description
1	NYCC_TEMPORARY : 914420000000	914420000000	Hambleton Grove, Knaresborough (site 2 near end of road)
2	NYCC_TEMPORARY : 914410000000	914410000000	Hambleton Grove, Knaresborough (site 1 near bend)

September 22, 2024 23:44:24

Class Report NYCC_TEMPORARY 914420000000 2024-04-20 to 2024-04-27

Class Report NYCC_TEMPORARY 914420000000 2024-04-20 to 2024-04-27



Site Name 914420000000 Site ID 914420000000 Grid 435215457314 Description Hambleton Grove, Knaresborough (site 2 near end of road)

Setup: Setup40535 All Lanes Show: Average Time Period: 1 hour Include: All days Precision: Normal Exclude data: None

	Average Flow	Cyc	MC	Car	LGV	R2	R3	R4	A3	A4	A5+	Bus	UC	Invalid Reading	%HGV
00:00	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0.0
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
03:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0
05:00	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0.0
06:00	2	0	0	1	1	0	0	0	0	0	0	0	0	0	0.0
07:00	15	0	1	7	7	0	0	0	0	0	0	0	0	0	2.9
08:00	40	0	1	22	15	1	0	0	0	0	0	0	0	0	3.9
09:00	40	0	0	20	17	1	0	0	0	0	0	0	1	0	5.3
10:00	32	0	0	17	13	1	0	0	0	0	0	0	1	0	4.0
11:00	31	0	0	15	12	2	0	0	0	0	0	0	0	0	9.3
12:00	48	0	0	24	20	2	0	0	0	0	0	0	0	0	5.4
13:00	43	1	0	23	17	1	0	0	0	0	0	0	0	0	4.0
14:00	48	0	0	23	21	3	0	0	0	0	0	0	0	0	7.5
15:00	74	1	1	37	32	4	0	0	0	0	0	0	0	0	4.8
16:00	46	0	0	24	21	0	0	0	0	0	0	0	0	0	1.5
17:00	38	0	0	21	15	1	0	0	0	0	0	0	0	0	2.3
18:00	22	1	1	13	8	0	0	0	0	0	0	0	0	0	0.0
19:00	12	0	0	6	5	0	0	0	0	0	0	0	0	0	1.2
20:00	4	0	0	3	1	0	0	0	0	0	0	0	0	0	0.0
21:00	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0
22:00	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0.0
23:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0
07-19	476	4	4	246	198	18	1	0	1	0	1	1	3	0	4.5
06-22	495	4	4	257	205	18	1	0	1	0	1	1	3	0	4.3
06-24	497	4	4	258	205	18	1	0	1	0	1	1	3	0	4.3
00-24	499	4	4	260	206	18	1	0	1	0	1	1	3	0	4.3
am Peak	08:00	11:00	08:00	08:00	09:00	11:00	11:00	-	09:00	-	09:00	10:00	09:00	-	09:00
Peak Volume	40	0	1	22	17	2	0	-	0	-	0	0	1	-	0.2
pm Peak	15:00	13:00	18:00	15:00	15:00	15:00	13:00	-	14:00	-	12:00	12:00	12:00	-	12:00
Peak Volume	74	1	1	37	32	4	0	-	0	-	0	0	0	-	0.1

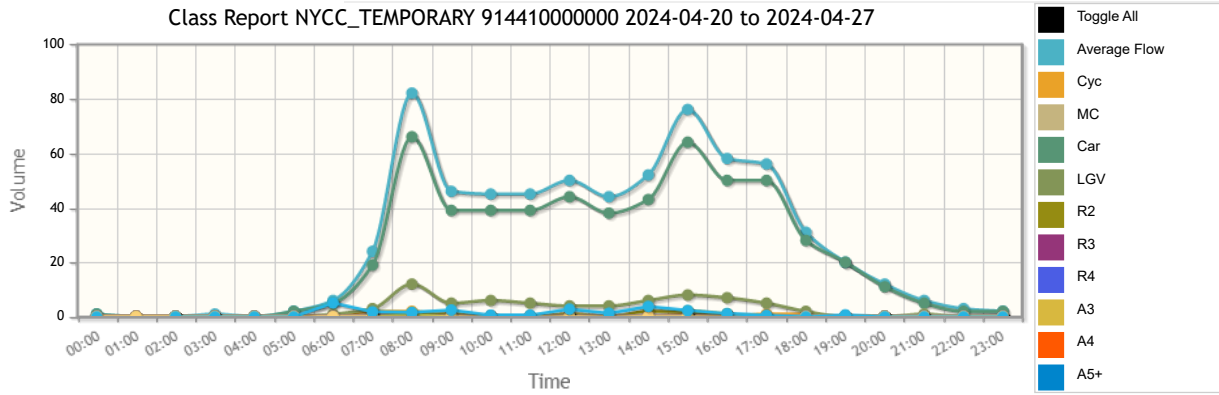
Event key: ■ QC Failure ■ QC Outlier ■ QC Atypical ■ Events ■ Special ■ Holiday ■ Offline
■ Weekends and defined holidays ■ Holiday-affected days

Notes on data:
Averages are calculated as the simple average of values across the period.

Holidays & Events:
None

Class Report NYCC_TEMPORARY 914410000000 2024-04-20 to 2024-04-27

Class Report NYCC_TEMPORARY 914410000000 2024-04-20 to 2024-04-27



Site Name 914410000000 **Site ID** 914410000000 **Grid** 435345457367 **Description** Hambleton Grove, Knaresborough (site 1 near bend)

Setup: Setup40536 All Lanes Show: Average Time Period: 1 hour Include: All days Precision: Normal Exclude data: None

	Average Flow	Cyc	MC	Car	LGV	R2	R3	R4	A3	A4	A5+	Bus	UC	Invalid Reading	%HGV
00:00	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0.0
01:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
02:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0
03:00	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0
04:00	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0
05:00	2	0	0	2	0	0	0	0	0	0	0	0	0	0	0.0
06:00	6	0	0	5	1	0	0	0	0	0	0	0	0	0	5.1
07:00	24	2	0	19	3	0	0	0	0	0	0	0	0	0	1.8
08:00	82	2	0	66	12	1	0	0	0	0	0	0	1	0	1.6
09:00	46	0	0	39	5	1	0	0	0	0	0	0	0	0	2.5
10:00	45	0	0	39	6	0	0	0	0	0	0	0	0	0	0.6
11:00	45	0	0	39	5	0	0	0	0	0	0	0	0	0	0.6
12:00	50	0	0	44	4	1	0	0	0	0	0	0	0	0	2.8
13:00	44	0	0	38	4	0	0	0	0	0	0	0	0	0	1.3
14:00	52	0	0	43	6	2	0	0	0	0	0	0	0	0	3.8
15:00	76	1	0	64	8	2	0	0	0	0	0	0	0	0	2.3
16:00	58	0	0	50	7	1	0	0	0	0	0	0	0	0	1.2
17:00	56	1	0	50	5	0	0	0	0	0	0	0	0	0	0.5
18:00	31	1	0	28	2	0	0	0	0	0	0	0	0	0	0.0
19:00	20	0	0	20	0	0	0	0	0	0	0	0	0	0	0.7
20:00	12	0	0	11	0	0	0	0	0	0	0	0	0	0	0.0
21:00	6	0	0	5	1	0	0	0	0	0	0	0	0	0	0.0
22:00	3	0	0	2	0	0	0	0	0	0	0	0	0	0	0.0
23:00	2	0	0	2	0	0	0	0	0	0	0	0	0	0	0.0
07-19	609	10	2	519	67	8	1	0	1	0	0	0	1	0	1.7
06-22	653	11	2	560	68	9	1	0	1	0	0	0	1	0	1.6
06-24	658	11	2	564	69	9	1	0	1	0	0	0	1	0	1.6
00-24	663	11	2	568	70	9	1	0	1	0	0	0	1	0	1.6
am Peak	08:00	07:00	07:00	08:00	08:00	09:00	08:00	-	09:00	-	-	-	08:00	-	-
Peak Volume	82	2	0	66	12	1	0	-	0	-	-	-	1	-	-
pm Peak	15:00	15:00	12:00	15:00	15:00	14:00	12:00	-	14:00	-	-	-	13:00	-	-
Peak Volume	76	1	0	64	8	2	0	-	0	-	-	-	0	-	-

Event key: ■ QC Failure ■ QC Outlier ■ QC Atypical ■ Events ■ Special ■ Holiday ■ Offline
■ Weekends and defined holidays ■ Holiday-affected days

Notes on data:
 Averages are calculated as the simple average of values across the period.

Holidays & Events:
 None

Consideration of comments / objections to proposal

Businesses on Hambleton Grove (5 total)

Section Summary	Comments	NYC Response
<p>Period of non-statutory consultation</p>	<p>We note that Council have decided to carry out a period of non-statutory consultation before they consider making the TRO. This is welcomed but it also carries legal ramifications.</p> <p>Where a consultation is carried out (either statutory or non-statutory) then the ‘Sedley’ requirements will apply as endorsed by the Supreme Court in R (Moseley) v Haringey LBC [2014] 1 WLR 3947 (at [25]): First, that consultation must be at a time when proposals are still at a formative stage. Second, that the proposer must give sufficient reasons for any proposal to permit of intelligent consideration and response. Third, that adequate time must be given for consideration and response and, finally, fourth, that the product of consultation must be conscientiously taken into account in finalising any statutory proposals.”</p> <p>The failure to accord with the legitimate expectation created by a promise of nonstatutory consultation – and in particular a failure to accord with the ‘Sedley’ requirements will render a decision unlawful. These principles were applied in their failure to accord with the legitimate expectation created by a promise of nonstatutory consultation – and in particular a failure to accord with the ‘Sedley’ requirements will render a decision unlawful. These principles were applied in the context of an ETRO in R. (on the application of Keyhole Bridge User Safety Group) v Bournemouth, Christchurch and Poole Council [2021] EWHC 3082 (Admin).</p> <p>The Objector therefore expects that this objection will be conscientiously taken into account, and the fundamental flaws raised will prevent this formative proposal going any further.</p>	<p>Letters were issued to all property owners/businesses whose access is along Hambleton Grove in March 2024 and Officers have considered the contents of those objections prior to making this report. Alternative options have been considered prior to this proposal which have been outlined in section 5.</p>

<p>Legal framework for a TRO</p>	<p>An Experimental Traffic Regulation Order is made under s.9 of the Road Traffic Regulation and can be made under the same grounds as an ordinary TRO. Therefore, the same legal principles apply as for an ordinary TRO but there are then additional issues only relevant for ETROs.</p> <p>The overarching question for the Council is therefore whether it would be expedient to make the TRO having regard to the statutory purposes for which the TRO is made, as well as the wider duty of the Council under s.122 of the 1984 Act.</p> <p>As to the qualifying purpose which the TRO is sought, it is unclear from the consultation letter which sets out broadly that: The introduction of this ETRO would offer several advantages for residents, traffic flow will improve during peak times, noise disturbance would decrease, infrastructure will be preserved, and pedestrian safety enhanced at peak times. Overall, implementing a timed weight restriction will help balance needs of residents with the necessity of occasional HGV access, promoting a safer, quieter and more liveable community,</p> <p>It seems therefore that there could potentially be three qualifying purposes (under s.1 of the 1984 Act) which the Council would have to establish: (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 Peter Stevens Estates Limited Causewayhead Cumbria CA7 4PE Company No. 04665155 (b) for preventing damage to the road or to any building on or near the road, ... (f) for preserving or improving the amenities of the area through which the road runs</p> <p>It is trite law – but see for example Trail Riders Fellowship v Hampshire County Council [2018] EWHC 3390 (Admin) [2019] EWCA Civ 1275 – that before making a TRO the traffic authority</p>	<p>There is a legal process to follow when making a TRO and ETRO and should this report be approved, the council will ensure the statutory process will be followed.</p>
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must have regard to their general obligations under s.122 of the 1984 Act: (1) It shall be the duty of every strategic highways company and local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in subsection (2) below) 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. (2) The matters referred to in subsection (1) above as being specified in this subsection are— (a) the desirability of securing and maintaining reasonable access to premises; (b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run; (bb) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy); (c) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and (d) any other matters appearing to the strategic highways company or the local authority to be relevant. Emphasis Added

Therefore, the overarching question for the Council is whether the TRO is made for a qualifying purpose, whether it meets their s.122 duty, and whether the advantages of making it outweigh the disadvantages. I will refer to this as the 'expediency' question – i.e is it expedient for the Council to make the TRO?

However, there is then a further legal requirement because the Council are seeking to make an Experimental Traffic Regulation Order. The purpose must be genuinely experimental. If it is not, then the ETRO is unlawful and will be quashed.

A particularly pertinent example – given the nature of the TRO here - of this is UK Waste Management Ltd v West Lancashire DC [1996] 3 WLUK 280.

This involved an ETRO which imposed a 7.5 tonnes limit on an access road to a landfill site in response to local resident concern about the HGV traffic – and was quashed as unlawful.

There are three points made by Mr Justice Carnwath that are of particular relevance to this letter.

The first is that the ETRO restricting HGV access in response to residential complaints was found not to be a genuine experiment and the ETRO was quashed. As Carnwath J observed: I agree that for there to be a valid experimental order there must be an experiment and the authority must be able to explain what it is. In this case, the clear purpose of the order was to prevent any traffic gaining access to the Holiday Moss site. The Council did not require any further information about the working of that order. If the order has effect the result will simply be that heavy traffic cannot use Crawford to gain access to that site. That is known..... It seems to me therefore, having regard to section 9 , that the order cannot be justified and must be quashed.

The second is that the local authority were found to have failed in their s.122 duty by failing to properly consider the desirability of maintaining reasonable access to premises: What is clear is that the authority must at least consider the desirability of securing and maintaining reasonable access and in doing so they must ask themselves what reasonable access would entail. Only when they have done that can they proceed to the balancing exercise which section 122 involves, however precisely it is interpreted.... Reasonable access under section 122 has to be considered in

	<p>the circumstances as they are and under which the site owners have to operate. Like it or not, they included the restrictions of the planning permission, the waste disposal licence and the section 52 agreement. Furthermore, the assumption that the problem might be solved by simply extending the life of the site paid no regard to the complexities of the waste disposal operation or the needs of waste disposal capacity in the area. The report asserts that the officers consider the routes to the Holiday Moss tip through Rainford to offer "reasonable access to it" but such an assertion is simply not enough when the District Council knows quite well that the Rainford access, given the existing legal constraints, is not adequate for the heavy goods requirements of the site.</p> <p>The third is that it was observed by Mr Justice Carnwath that as part of this process the Council should be investigating and considering lesser alternatives: It was suggested by Mr. Steel for UK Waste Management that the authority should have investigated lesser alternatives, such as limiting the ban to certain periods of the day, or an agreed limitation on numbers rather than a total ban. Again, I see some force in the point. It is akin to what is sometimes called an argument of proportionality, the idea that statutory powers must be used with a sense of limiting the impact on individual rights to that which is essential for the purposes of the order.</p>	
The Benefit of the Order	<p>The starting point is therefore to identify the benefits that are purported to arise out of the TRO and its meeting of a qualifying purpose. Here there are purported to be three.</p> <p>It is important to bear in mind – as will be addressed later – that the Council have to justify that the TRO will meet these purposes and present evidence to support such assertions.</p>	<p>There are alternatives to having HGVs waiting for the restrictions to lift on surrounding streets, such as timing deliveries outside of the operating hours of the restriction or requiring smaller vehicles be used during these times. Officers understand this will have an impact on how the businesses operate which is why we are recommending to consider making an</p>

	<p>As a starting point it is important to bear in mind that this ETRO has arisen out, not due to Council concerns, but because residents are unhappy that they live near an established industrial estate which has the long standing benefit of planning permission and has been using Hambleton Grove for access for decades. Residents have been unable to achieve their longstanding aim of forcing out businesses by other means and are now trying to prevent the lawful HGV access of the Estate by businesses to render them unviable.</p> <p>The first purported purpose is that danger to persons or road traffic would be reduced (s.1(1)(a)). However, beyond the bare simplistic assertion that 'less HGVs = less danger' it is unclear what evidence there is for this. The Estate has in place a 'Site Rules & Delivery Information' management plan which sets out how HGVs will safely access the Site, and have an active Risk Assessment document which identifies potential risks and sets out a Risk Reduction Action Plan. This has been successful in ensuring the safety of Hambleton Grove from any damage by HGVs.</p> <p>The Council also must take into account the safety impacts if the ETRO is confirmed. For businesses to operate in a viable manner they need to have regular HGV deliveries between 7.30am and 4.30pm. The additional restrictions will require vehicles to therefore wait in the vicinity of Hambleton Grove (e.g. Stockwell Road) until the time restrictions lift. The Objector is not aware of where HGVs could do this safely. The result – in proximity to a School – would be HGVs having to wait by the side of Stockwell Road (or down a side street) until they can travel down Hambleton Grove. The safety issues of this would be significant – and far more than the current safety issues of vehicles using Hambleton Grove between 7.30am and 4.30pm.</p>	<p>ETRO which enables the impact of such a restriction to be monitored.</p> <p>There is a potential for unintended consequences as a result of this restriction, which is why this is proposed as an experimental order so these consequences can be observed and either adjustments made or the order may not be taken forward to a permanent restriction if it is deemed to have unsuitable adverse impacts.</p>
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The restricted times for HGV access will simply create a period where the roads will be busier with HGVS, creating bottle necks, potential queuing and the danger of the site becoming congested to the point where the turning area within the site cannot be used forcing HGVs to reverse out of the site.

The first purported purpose of the TRO would not be achieved.

The second is to prevent damage to the road or buildings near the road (s.1 (1)(b)). There is no evidence – and it cannot be understood – how restricting HGVs to certain times of the day will prevent damage to the road or buildings near the road. No damage is currently being caused and it is unclear how preventing HGVs using Hambleton Grove for three hours a day will prevent damage to the road and or buildings.

If HGVs are forced to wait in the vicinity of Hambleton Grove this create traffic flow issues with vehicles often been forced to mount kerbs to allow other vehicles to pass which would damage infrastructure.

The second purported purpose of the TRO would not be achieved.

The third purpose is for improving the amenity of the area. However, it is again unclear how this will be achieved by the TRO. The effect of the TRO – given the number of HGVs requiring access to the Estate will not change – will be to condense HGV traffic into shorter operation hours. Due to the site restrictions (with HGVs only arriving between 7.30am and 4.30pm) this would mean that all HGVs must now arrive between 9am and 3pm – a six-hour period in the quieter middle of the day (rather than peak times when traffic noise is anticipated and accepted). The intensification of HGV noise into the quiet part of the day will

	<p>contradict with the third purpose for which the TRO is sought – rather than achieving it.</p> <p>The third purported purpose of the TRO would not be achieved.</p> <p>The onus is on the Council – as promoter of the Order – to show that they have a robust evidence base for supporting their purported benefit. The impact of failing to do so is twofold.</p> <p>Firstly, without a robust evidence base they cannot show that it would be expedient.</p> <p>Secondly, the making of a ETRO is a challengeable decision under paragraphs 35 and 36 of Schedule 9 to the 1984 Act. This includes challenging the decision to make the TRO as irrational.</p> <p>An element of irrationality will be where there is no evidence to support a finding on which the decision depends (Ashbridge Investments Ltd. v. Minister of Housing and Local Government [1965] 1 W.L.R. 1320 as per Lord Denning M.R. at [1326]). In Coleen Properties Ltd v Minister of Housing and Local Government [1971] 1 W.L.R. 433 Lord Denning held quashing a decision at [437]:</p> <p>“At any rate, I am quite clear that the mere ipse dixit of the local council is not sufficient. There must be some evidence to support their assertion. And here there was none.”</p> <p>Currently there is no evidence at all to support the Council’s assertions (which are based on unjustified residents’ concerns which are in reality stemming from their in-principle objection to the industrial estate).</p> <p>Therefore, there seems to be no evidence to support the purported benefits of the TRO.</p>	
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<p>Disadvantages of the TRO</p>	<p>Currently there is no evidenced benefit that can carry weight in the expediency question. However, even if there were the Council still needs to have regard to the substantial disbenefits that the TRO would have.</p> <p>The impact of the TRO will undoubtedly be to restrict HGV access to the Estate (which houses 8 business units) without reducing the number of HGVs that require access to the Estate. The effect of this will be more HGVs travelling in a narrower window, HGVs waiting in the restriction period in the streets nearby and will have a detrimental impact on the ability of businesses to operate on the Estate.</p> <p>The first two effects have been addressed above in a response to the purported benefits to highlight that they are in fact disbenefits to which weight needs to be given.</p> <p>The third effect is relevant because this triggers one of the s.122 considerations: the desirability of securing and maintaining reasonable access to premises;</p> <p>It is undeniable that the TRO will be contrary to this consideration. Hambleton Grove is the only way to access the Estate and the TRO will prevent access during key times of the working day (bearing in mind access is already limited to between 7.30am to 4.30pm). As recognised by Mr Justice Carnwath in UK Waste Management Ltd whether the Council or residents “like it or not” the Estate has permission to operate, has operated for a long time, and is entitled to reasonable access to properly operate. The ETRO cannot lawfully strangle the Estate to the benefit of residents.</p> <p>However, that is exactly the approach set out in the Consultation Letter. It expressly notes how the ETRO “will offer several</p>	<p>There is a potential for unintended consequences as a result of this restriction, which is why this is proposed as an experimental order so these consequences can be observed and either adjustments made or the order may not be taken forward to a permanent restriction if it is deemed to have unsuitable adverse impacts.</p> <p>The proposal will seek to reduce the number of HGVs access Hambleton Grove at peak traffic times to reduce the likelihood of vehicles coming into conflict on the narrow roads.</p> <p>A service delivery plan is not something that can be enforceable within existing highway legislation which is why this option is not preferred as a long term solution, and alternative options to the current proposal have been considered which are outlined in section 5.</p>
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advantages for residents” without recognising the significant detrimental effects for the businesses of the Estate. To be clear these determinantal effects are – in what is already a tough business environment – making the businesses on the Estate unviable and will eventually force them to move away taking the employment they provide with them. This is not a hypothetical. The dispute and threats of residents has already forced one occupier – Myers Building Supplies – to leave the Estate. This will increase if the ETRO is brought in – even on an 18-month basis.

The Council have solely failed to have regard to their s.122 duty especially in relation to the need to secure and maintain reasonable access to the Estate – and in a similar vein to UK Waste Management Ltd this is unlawful.

There is a further element of unlawfulness which can be established by reference UK Waste Management Ltd: the failure to consider alternatives.

The Council have previously been against the idea of a TRO for exactly the reasons set out above. Instead throughout 2022 and 2023 it was envisaged that the matter would be dealt with either i) a service delivery plan (which could be formalised into writing) or ii) an ETRO to create a one-way arrangement or remove parking spaces to improve manoeuvrability. Both options would be a lesser alternative that would achieve the same purported purposes of the TRO (in fact in a better manner than the current TRO). It is entirely unclear to the Objector why they have been abandoned. It is telling that Residents on one hand demand change to benefit them, while on the other strongly resisting methods that would deliver said benefit. Instead, they – and the Council – had opted for a measure that will cause significant harm to the Operator and the Estate. This is disproportionate and unlawful (per UK Waste Management Ltd).

Finally, the Objector does raise that this TRO is not for a genuine experiment – as was established for a similar TRO in UK Waste Management Ltd. It is entirely unclear what further information the Council require. Instead, the Council know that the result of the TRO will be HGVs will not be able to access the Estate except between 9am and 3pm forcing them to wait outside those hours on surrounding streets – causing gridlock and detrimentally affecting the viability of the Estate contrary to the Council’s s.122 duty.

This also triggers a further consideration that the Council will be aware of. The decision to make a TRO is one which triggers the Public Sector Equality Duty under s.149 of the Equality Act 2010 and requires ‘due regard’ to be had to the equality objectives (R (Sheakh) v London Borough of Lambeth Council [2022] EWCA Civ 457). We would therefore expect that the requisite Equality Impact Assessment (supported by the necessary evidence which the Council is under a duty to obtain as part of their duty of inquiry) be carried out and disclosed to the public.

Overall, the TRO would cause a significant disadvantage to the Estate in a manner which goes to the heart of the s.122 considerations. These are disadvantages that are not outweighed by the purported un evidenced benefits for which the TRO is promoted. On that basis the expediency test cannot be met, and the TRO cannot be made.

Furthermore, given the TRO is not for a genuine experiment, no evidence to support the purported benefits which is irrational, no evidence the Council have had considered lesser alternatives or their s.122 duty, or s.149 duty, it would be unlawful and – if made – liable to be challenged and quashed under paragraphs 35 and 36 of Schedule 9 to the 1984 Act.

Next Steps	<p>Given the TRO would be unlawful the Objector expects that the Council would not proceed with it. If they were to, it is likely a challenge would be brought.</p> <p>Furthermore, if the Council were to proceed then they have to set out how they have expressly considered and addressed this Objection and taken it into account when formulating the final TRO (per 'Sedley' requirements).</p> <p>The Council must also consider whether to hold a public inquiry under Regulation 9 of the 1996 Regulations as they have a discretionary power to do so.</p> <p>Given the strength of opposition to the TRO, the significant disadvantages associated with it, the lack of evidence supporting the benefits and the triggering of the PSED, the Council must hold a public inquiry to allow for an Inspector to properly consider the expediency questions and make the appropriate recommendation to the Council.</p> <p>The Council will be aware that the decision not to hold a public inquiry is one that can be subject to statutory challenge under paragraphs 35 and 36 of Schedule 9 to the 1984 Act.</p>	<p>Consideration has been made to the objection but this report is seeking approval to progress to formal statutory consultation on the making of an ETRO. If this matter is progressed, then any objections raised through the statutory consultation period will be considered and answered in line with RTRA.</p>

Business on Hambleton Grove

Comment/Objection	NYC Response
We fully support your objections to the proposed restrictions on HGV movement along Hambleton grove. This will undoubtedly have a negative impact on our business.	Noted – NYCs comments to the objections are outlined previously

Business on Hambleton Grove

Comment/Objection	NYC Response
We wholeheartedly support your objection to the planned restrictions on HGV movement. This could be detrimental to our business.	Noted – NYCs comments to the objections are outlined previously

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	Environment		
Service area	Highways and Infrastructure		
Proposal being screened	Update on Proposed Experimental Traffic Regulation Order (ETRO) for timed weight restrictions on Hambleton Grove, Knaresborough		
Officer(s) carrying out screening	Heather Yendall		
What are you proposing to do?	Commence an experimental traffic regulation order to prohibit		
Why are you proposing this? What are the desired outcomes?	Improve residential amenity		
Does the proposal involve a significant commitment or removal of resources? Please give details.	No Whilst access for vehicles in excess of 7.5t will be restricted during the proposed operating hours, alternative methods for access will still be fully accessible.		
Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYC'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? 			
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 directorate representative for advice if you are in any doubt.			
Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age		X	
Disability		X	
Sex		X	
Race		X	
Sexual orientation		X	
Gender reassignment		X	
Religion or belief		X	
Pregnancy or maternity		X	
Marriage or civil partnership		X	
People in rural areas		X	
People on a low income		X	
Carer (unpaid family or friend)		X	
Are from the Armed Forces Community		X	

Does the proposal relate to an area where there are known inequalities/probable impacts (for example, disabled people's access to public transport)? Please give details.	No			
Will the proposal have a significant effect on how other organisations operate? (for example, 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:	✓	Continue to full EIA:	
Reason for decision	To comply with statutory duties when proposing an ETRO and to obtain feedback from statutory consultees as well as effected residents and businesses for further consideration.			
Signed (Assistant Director or equivalent)	Barrie Mason			
Date	17/10/24			

Climate change impact assessment

The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance please email climatechange@northyorks.gov.uk

Version 2: amended 11 August 2021

Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:

Planning Permission
Environmental Impact Assessment
Strategic Environmental Assessment

However, you will still need to summarise your findings in the summary section of the form below.

Please contact climatechange@northyorks.gov.uk for advice.

Title of proposal	Proposed Experimental Traffic Regulation Order (ETRO) for timed weight restrictions on Hambleton Grove, Knaresborough
Brief description of proposal	This report outlines the feedback from a period of non-statutory consultation prior to statutory consultation on a proposed Experimental Traffic Regulation Order (ETRO) for timed weight restrictions on Hambleton Grove, Knaresborough
Directorate	Environment
Service area	Highways and Infrastructure
Lead officer	Heather Yendall
Names and roles of other people involved in carrying out the impact assessment	N/A
Date impact assessment started	18/09/24

Options appraisal

Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.

One Way Arrangement

5.1 Consideration was made to install a one-way arrangement through Hambleton Grove which could have removed the potential for vehicle conflict on Hambleton Grove itself and the junctions with Stockwell Road and Stockwell Lane as there is insufficient road width for two vehicles to pass alongside the on-street parking.

5.2 Whilst this option could have removed some of the risk of larger vehicles manoeuvring around Hambleton Grove, it could not be done in isolation and would require the installation of waiting restrictions at both junctions to ensure they are clear or parked cars to improve manoeuvrability (primarily for articulated vehicles)

5.3 this option was discounted due to the reduction in on-street parking the measure would introduce.

Removal of residential parking bays and installation of single yellow line waiting restriction

5.4 Officers considered how to improve all vehicle manoeuvres at the highway pinch points (junctions with Stockwell Road and Stockwell Lane and the junction with the industrial estate). This option would have allowed all vehicles to establish their position on the highway side of the give way line at both junctions and removes the potential for vehicles to reverse out of junctions if two vehicles came into conflict at the junction. It also still permitted parking for residents at evenings and weekends rather than full time waiting restrictions in some locations.

5.5 Conversely, there would need to be a permanent loss of on street parking with the parking bay removal/shortening at the junctions which was not favoured by local residents where parking is already an issue, particularly at peak times.

Full-time 7.5t environmental weight restriction

5.6 This option was considered as it would offers a more residential space along the street and resolves the risk of any HGV clashes with vehicles. However, this was not taken forward as access would need to be maintained for the businesses as Hambleton Grove is their sole means of access and there would need to be an exemption in place for access which would make the restriction irrelevant.

Permanent timed 7.5t environmental weight restriction

5.7 Officers are not proposing to commence with a permanent traffic regulation order for a timed restriction which matches the current proposal for the experimental order. This is due to the fact that we need to understand and evidence what impact the restriction will have to residents and businesses. This is why

officers are proposing to progress this as an experimental order so we can assess the impact during the restriction being in place and a decision can be made on evidence collected throughout the duration of the experiment.

What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Please explain briefly why this will be the result, detailing estimated savings or costs where this is possible.

At this stage there are no additional financial implications associated with the proposal to commence with the statutory consultation. Officer time will be required to conduct the consultation which will be met from existing internal resources. Any financial implications arising as a result of the statutory consultation will be detailed in the report following the consultation.

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where relevant)</p>	<p>No impact (Place a X in the box below where relevant)</p>	<p>Negative impact (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>	
<p>Minimise greenhouse gas emissions e.g. reducing emissions from travel, increasing energy efficiencies etc.</p>	<p>Emissions from travel</p>			<p>x</p>	<p>The proposal could increase traffic volumes if a single HGV trip is replaced by multiple smaller vehicle movements</p>	<p>The proposal is experimental so officers will monitor the impact of the proposal in the area</p>	

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where relevant)</p>	<p>No impact (Place a X in the box below where relevant)</p>	<p>Negative impact (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
					<p>and whether or not it has created a significant negative impact verses any improvement to highway safety and residential amenity</p>	
	Emissions from construction		X			
	Emissions from running of buildings		X			
	Emissions from data storage		X			
	Other		X			

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where relevant)</p>	<p>No impact (Place a X in the box below where relevant)</p>	<p>Negative impact (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> Changes over and above business as usual Evidence or measurement of effect Figures for CO₂e Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Minimise waste: Reduce, reuse, recycle and compost e.g. reducing use of single use plastic</p>		x				
<p>Reduce water consumption</p>		x				
<p>Minimise pollution (including air, land, water, light and noise)</p>	x			<p>There could be improvements to noise pollution at peak times as a result of the restriction during the period of the experiment as there will no longer be HGVs accessing Hambleton Grove between the hours of 07:00-09:30am and 15:00-16:30pm Monday-Friday.</p>		
<p>Ensure resilience to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers</p>		x				

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where relevant)</p>	<p>No impact (Place a X in the box below where relevant)</p>	<p>Negative impact (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Enhance conservation and wildlife</p>		x				
<p>Safeguard the distinctive characteristics, features and special qualities of North Yorkshire's landscape</p>		X				
<p>Other (please state below)</p>		x				

Are there any recognised good practice environmental standards in relation to this proposal? If so, please detail how this proposal meets those standards.

None officers are aware of.

Summary Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

The proposal does have the potential for some negative impacts relating to climate change, predominantly related to the potential increase in number of vehicle trips generated if a single HGV trip is replaced by multiple smaller vehicle trips. This impact will be monitored throughout the duration of the experiment and considered as a factor in making a final recommendation on whether to make the order permanent.

Conversely, there is a potential improvement in noise pollution during the restriction hours as there will not be HGV movements taking place between the hours of 07:00-09:30am and 15:00-16:30pm Monday-Friday.

Sign off section

This climate change impact assessment was completed by:

Name	Heather Yendall
Job title	Improvement Manager
Service area	Highways and Infrastructure
Directorate	Environment
Signature	<i>H Yendall</i>
Completion date	18/09/24

Authorised by relevant Assistant Director (signature): Barrie Mason

Date: 17/10/24