



---

<b>REPORT TO:</b>	<b>COUNCIL</b>
<b>DATE:</b>	<b>27 JUNE 2019</b>
<b>REPORT OF THE:</b>	<b>HEAD OF PLANNING AND REGULATORY SERVICES</b>
<b>TITLE OF REPORT:</b>	<b>NYCC CONSULTATION: HGV WEIGHT RESTRICTION ON NORTON LEVEL CROSSING</b>
<b>WARDS AFFECTED:</b>	<b>MALTON; NORTON EAST; NORTON WEST; DERWENT WARD</b>

---

## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

1.1 North Yorkshire County Council is consulting on the future of the HGV weight restriction at Norton Level Crossing. The consultation is seeking views on whether the restriction should be continued or if it should be lifted. The report has been prepared for Members to agree the District Council's response to the consultation.

### **2.0 RECOMMENDATION**

2.1 It is recommended that:

- (i) The proposed response at Appendix 1 of this report is agreed as the District Council's response to the consultation.

### **3.0 REASON FOR RECOMMENDATION**

3.1 To ensure that the District Council's views are taken into account when the Highway Authority makes a decision on the future of the HGV restriction.

### **4.0 SIGNIFICANT RISKS**

4.1 The report covers a response to a consultation. There are no significant risks associated with the recommendation.

### **5.0 POLICY CONTEXT AND CONSULTATION**

5.1 The current consultation period runs between the 3- 24 May 2019. NYCC has been informed that the District Council will forward comments after the consultation period. It is understood that the consultation has been brought to the attention of key

stakeholders, including local hauliers and the Town Councils and the consultation material was made available on the County Council's web-site.

- 5.2 Views are sought on whether the order, which is currently experimental, should be made permanent or whether the restriction should be lifted. It should be noted that whilst views have been sought on the future of the restriction, very little information has been provided to allow respondents to provide an informed choice. This is a concern and it is important that the level and nature of consultation comments are considered against this context and that this point is made to the County Council as it considers the future of the restriction.

## **6.0 REPORT**

### **Background**

- 6.1 On 18 February 2018, North Yorkshire County Council made a traffic regulation order for the prohibition of heavy commercial vehicles with an operating weight exceeding 7.5 tonnes over Norton Level Crossing. The Order was for an experimental period of eighteen months.
- 6.2 The decision to make the Order was a response to air quality issues in the Malton Air Quality Management Area (AQMA). It is understood that following the introduction of the restriction, the County Council has received a number of comments from interested parties raising concerns about the restriction. These largely relate to the re-routing of some HGV traffic to, for example, Highfield Road at Malton and through Settrington and Scagglethorpe and to concerns raised by Hauliers over the costs associated with less direct routes for example.
- 6.3 The introduction of the restriction has co-incided with monitoring which demonstrates that air quality in the AQMA is improving. For a range of reasons, it is the view of Officers that any decision to lift the restriction would be premature at the current time.
- 6.4 These reasons are set out in a proposed response to the consultation which is set out at Appendix 1.

## **7.0 IMPLICATIONS**

- 7.1 The following implications have been identified:
- a) Financial  
The report is a response to a consultation. There are no direct financial implications.
  - b) Legal  
The report is a response to a consultation. There are no direct legal implications
  - c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental and Climate Change, Crime & Disorder)  
The report is a response to a consultation. There are no other direct implications

## **8.0 NEXT STEPS**

- 8.1 The District Council's response will be forwarded to North Yorkshire County Council.

**Gary Housden**

## **Head of Planning and Regulatory Services**

**Author:** Jill Thompson, Planning and Development Manager  
Telephone No: 01653 600666 ext: 43327  
E-Mail Address: [jill.thompson@ryedale.gov.uk](mailto:jill.thompson@ryedale.gov.uk)

**Background Papers:**  
NYCC Consultation

**Background Papers are available for inspection at:**  
<https://www.northyorks.gov.uk/hgv-weight-restriction-norton-level-crossing>

## Appendix 1 Response of Ryedale District Council

1. Thank you for inviting the District Council to respond to your consultation regarding the future of the HGV weight restriction at the Norton Level Crossing. The District and County Council have a strong history of joint working to address transport and air quality issues at Malton and Norton and in this respect, the District Council welcomes the opportunity to make comments on this matter.
2. In 2009, the District Council declared an Air Quality Management Area in Malton as a result of monitored levels of Nitrogen Dioxide (NO<sub>2</sub>) above health based objective levels. Vehicle emissions are recognised as the main contributor to air pollution within the AQMA. A source apportionment study undertaken for the District Council as part of a review and assessment of air quality revealed that HGV emissions have a disproportionate impact in terms their emissions within the Malton AQMA. It found that HGV's accounted for 40% of Nitrogen Oxide emissions, whilst at the same time, comprising less than 5% of the vehicular traffic. In addition to direct emissions, the presence of HGV's within the narrow, historic streets of the central road network can slow the flow of traffic, exacerbate queuing and vehicle idling, resulting in increased emissions.
3. Following the declaration of the AQMA, the District Council is under a statutory obligation to devise and implement measures to improve air quality. To that end, the restriction of HGV's at the level crossing / Castlegate has been identified as one of a number of actions identified to improve air quality and set out in the Air Quality Action Plan since 2012. The restriction was introduced in 2018 following consultation with interested parties and the consideration of the Malton Area constituency committee via a series of reports in 2015 and 2016.
4. The District Council monitors air quality in the Malton AQMA on an annual basis and reports this in an Annual Status Report. This monitoring demonstrates a general trend of improving air quality within the AQMA since 2011. Although the 2019 Annual Status Report is yet to be published, all of the necessary data has been collated. It demonstrates that in 2018:
  - health- based objective Nitrogen Dioxide level of 40 micrograms per cubic metre was not exceeded at any monitoring location within the AQMA
  - the highest annual mean concentration of Nitrogen Dioxide in the AQMA was 33 micrograms per cubic metre at sites in Wheelgate and Yorkersgate
  - on average, concentrations of Nitrogen Dioxide have decreased by 4% across the AQMA
5. The latest monitoring data demonstrates that there have been no recorded exceedances of nitrogen dioxide levels above health based objective levels of 40 micrograms per cubic metre within the AQMA in the last 3 years.
6. The HGV restriction directly affects the movement of HGV's in Castlegate and at Butcher Corner. Between 2011- 2014, some of the highest Nitrogen Dioxide concentrations (and exceedances of health based objective levels) were recorded at these locations. Over the last three years, the annual mean nitrogen dioxide concentrations for all three monitoring sites in Castlegate and at Butcher Corner are below objective levels of 40 micrograms per cubic metre nitrogen dioxide and levels have fallen for each consecutive year 2016-2018.

7. A summary of the annual mean Nitrogen Dioxide concentrations for these locations, taken from each of the annual Air Quality Status reports is outlined below.

	2011	2012	2013	2014	2015	2016	2017	2018
Butcher Corner	<b>42</b>	<b>41</b>	39	37	36	35	33	32
Castlegate (1)	35	35	32	31	27	29	25	24
Castlegate (2)	<b>49</b>	<b>48</b>	<b>41</b>	<b>40</b>	37	38	35	32
Castlegate (3)	<b>41</b>	<b>47</b>	<b>41</b>	39	38	37	36	32

8. A number of factors are likely to contribute to this improving picture. Improvements have been recorded since the Brambling Fields junction has become fully operational, providing ability of traffic to avoid the central road network in order to access Norton. The change in the junction priority at Church Street- Welham Road has also improved the flow of traffic and the speed at which it can exit the AQMA. In addition, improvements in vehicle technology have resulted in cleaner vehicles travelling through the AQMA.
9. To this end, the District Council appreciates that the recorded improvements in air quality at the current time cannot be attributed to one particular factor and that the contribution made by the HGV restriction cannot be individually identified. Indeed, there is no specific evidence or data at present which provides a direct correlation between the introduction of the restriction and improving air quality, or the extent to which the restriction is contributing to improving air quality.
10. Evidence commissioned by RDC to support the Local Plan (the Systra Report) predicts that over time to 2027, the contribution of the HGV restriction to improved air quality is negligible in comparison to the improvements in air quality which will result from improvements in vehicle technology.
11. Both of our organisations are working together to develop a Local Cycling and Walking Infrastructure Plan (LCWIP) for Malton and Norton, linked to your Local Transport Plan objectives. The LCWIP will identify improvements to pedestrian and cycling routes and facilities in order to support an increase in walking and cycling. The plan is a response to the traffic congestion experienced at the twin towns and related air quality. Any interventions which encourage walking and cycling activity also provide opportunities to improve public health. Castlegate- County Bridge is the primary route connecting Malton and Norton. The presence of HGV's along this narrow and confined route creates a particularly hostile environment for both pedestrians and cyclists. The restriction of HGV movements in Castlegate does contribute to making the route more attractive to those wish to walk or cycle between the towns. Whilst this in in part tempered by the fact that exemptions are used to allow the movement of some HGV's, the restriction will help to deliver the LCWIP and may contribute to the modal shift which is recognised as being necessary by the LTP and the Air Quality Action Plan.
12. The District Council is aware of the concerns that have been raised in response to the restriction. Notably, that the restriction has led to the re-routing of HGV traffic through small villages such as Scagglethorpe as well as along Highfield Road, past the local primary schools. (It should be noted that two major housing sites are currently under construction near Highfield Road and as such higher levels of HGV traffic are experienced as a result of this current construction.) Whilst the movement of HGV's

past primary schools and in small villages is not ideal, the District Council is not aware that these roads are unsuitable for HGV traffic or that this has resulted in any deterioration in road safety in these areas. Additionally, there are no air quality issues in these wider areas.

13. The District Council appreciates that in the face of these concerns and uncertainty over the extent to which improving air quality can be attributed to the restriction itself, any continuation of the restriction will need to be carefully considered.
14. Air quality within the Malton AQMA is improving. Both of our organisations are acutely aware of the impact of poor air quality on health and of our responsibilities in terms of public health. Action to address air quality and the responsibilities on all bodies to tackle air pollution are only set to increase following the publication of the Government's 2019 Clean Air Strategy. It is vitally important that we continue to implement a range of measures to secure continuous improvements in air quality and that we are not complacent, even in the face of improving trends in Malton.
15. The forthcoming increases in rail services will result in increased periods when the level crossing is down. This will have implications for traffic congestion, the movement and distribution of traffic and vehicle emissions. In advance of the changes to the rail service, it is the District Council's view that any decision to discontinue the restriction could be premature.
16. In this respect, the District Council is of the view that the restriction should remain in place for the foreseeable future and that this is only reconsidered after air quality monitoring is undertaken post the introduction of the increased rail services.