

ASKHAM BRYAN PARISH COUNCIL

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49 Askham Fields Lane
Askham Bryan
YORK
YO23 3PS

5 April 2007

Askham Bryan Parish Council submits the following petition for consideration by the City of York Council at the meeting on 12 April 2007.

The Parish Council has fought a long hard struggle to try and get back the restricted weight limit through the village and they unanimously agree to request this weight restriction with the construction of the new roundabout on the A1237.

The Parish Council also agree that restricted access signs ("Village only" or "Local Traffic" or similar) should be placed at all entrances to the village, ie

from the A1237 into the village;
at the roundabout top on Askham Fields Lane;
and on the road from Askham Richard at the junction of Askham Fields Lane.

Although there seems to be arguments that the Police cannot man these signs, at least if they were visible this would help reduce the high volume of traffic expected from the roundabout.

Signed *Shirley Smith*
Clerk

For and on behalf of the following Councillors:

Mr N Drever-Smith

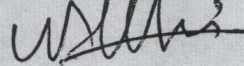
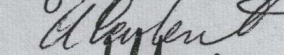
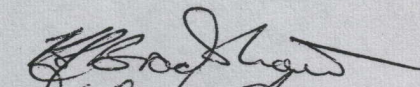
Mr K Bradshaw

Mr A Carbert

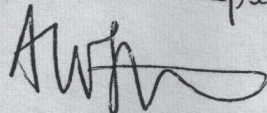
Mr A Ellis

Mrs D Hopwood

Mr A Steele



D.A. Hopwood D.A.H





HOUSE OF COMMONS
LONDON SW1A 0AA

**FROM THE OFFICE OF
JOHN GROGAN MP**

Mr David Atkinson
Chief Executive – City of York Council
The Guildhall
York
YO1 9QN

11 April 2007

Dear Mr Atkinson,

I have received strong representations from the residents of Askham Bryan regarding the impact of traffic through the village and the campaign to restore a restricted weight limit. I understand that a petition is to be presented to the full council meeting on Thursday 12th April 2007 which will subsequently be considered by a further council committee.

I am highly supportive of the arguments put forward by Askham Bryan Parish Council in the enclosed correspondence. Such weight limits have worked well elsewhere in my constituency even where police have had limited resources to monitor them.

Yours sincerely

John Grogan MP
Member of Parliament for Selby Constituency

04 APR 2007

Annex A
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ASKHAM BRYAN PARISH COUNCIL

Tel. 01904 703446

E-Mail. SUPERSHIRLEY@ssmith49.fsnet.co.uk

49 Askham Fields Lane
Askham Bryan
YORK
YO23 3PS

30 March 2007

Mr Grogan, MP
Selby
North Yorkshire

Dear Sir

We are writing to ask for your help with an important issue for which all the Councillors feel very strongly about.

The issue has come to light again with regard to the new roundabout to be completed on the A1237. The Parish Council has fought a long hard struggle to try and get back the restricted weight limit through the village and we now feel that this is perhaps our last chance to achieve this. At every meeting we have had we stated our case for restricted access through the village and now feel that these will be more than welcome. These should be placed at all entrances to the village, i.e. from the A1237, at the roundabout top on Askham Fields Lane, and on the road from Askham Richard. Although there seems to be arguments that the Police cannot man these signs, at least if they were visible this would help the expected high volume of traffic that will result from the roundabout. The cost of such signs would be nothing when added to the already high cost of the roundabout.

We hope to send a representative to the City of York Council meeting on 12 April but hope that you will fight for these signs on our behalf.

Yours sincerely

Shirley Smith

Clerk

Cc Cllr Mr Q Macdonald, Mrs Janet Hopton, Mr Glen Bradley, Mr David Webster and the Highways Department, The City of York Council.

Ext 1414 - Peter Evely

Our Reference PGE/92/19

July 10, 2006

Dear Mrs Smith,

Weight Limit – Askham Bryan

Thank you for your letter of the 26 June in connection with the above.

I note the views of the Parish Council in regard to a weight limit and indeed understand from several years back when I had the pleasure of addressing your Members in regard to another matter, why this is such an important issue.

Before dealing with the specifics I think that it would be helpful for your Members to understand what legal powers exist to control the size or weight of any vehicle and how these powers have to be exercised.

Fundamentally everything starts with Parliament. Through what are termed Construction and Use Regulations, the law sets out (amongst various other matters) what size of vehicle can or cannot use the highways of this country. As a generality therefore any vehicle that complies with these Regulations can use any highway in any part of the United Kingdom. Parliament, however recognises that not every highway is suitable for use by such vehicles and has established a power under the Highways Act to restrict the size/weight of vehicles using any locally specified road. That said Parliament also recognises that transport is one of the biggest components in the cost of many goods and services that we rely upon and thus in granting those powers it also limited their exercise by Highway Authorities reserving to the Secretary of State alone the ability to make full use of them.

Mrs S Smith
Clerk to the Askham Bryan Parish Council
49 Askham Fields Lane
Askham Bryan
YORK
YO23 3PS

We therefore start from a position where vehicles up to a maximum size are normally in use on our highway network. I say normally because the economics of scale mean that the larger the vehicle the lower the unit cost of the goods transported. This means that operators always want to obtain the largest vehicle that they can and in turn manufacturers only supply that vehicle size, there being little or no market for anything smaller. These vehicles are thus the ones that local communities are forced to rely upon for the delivery of essential services such as heating oil, coal, building materials and goods to local shops.

Therein lies the key problem faced by many local communities. They need the goods that the lorries carry but not the vehicle that carries them. Yet there is little that can practically be done to require the use of a smaller vehicle because they do not exist, (or their use would be uneconomic for the supplier concerned). In considering any restriction in the size or weight of a vehicle that should be allowed to use a particular road there thus has to be a recognition that some movement of vehicles that would otherwise be prohibited has to be allowed just so as to provide for this local need. In general use this need is referred to as 'Access'.

The limit placed upon Highway Authorities when exercising powers to control the size of a vehicle is such that it restricts to instances where there is always an exemption for this 'Access' traffic. Only the Secretary of State is able to totally ban vehicles of any particular size/weight.

On paper this all sounds very sensible – and probably did so to the legislators. However, the practical effect is that any attempt to manage large vehicles means that there has to be a mechanism to identify vehicles by journey purpose as well as their physical size/weight. That, as your Members will no doubt appreciate, is a serious problem since short of stopping every vehicle and asking the driver it has to rely upon observation of what the vehicle does. Whilst in theory in a very short street that may be a practical proposition the reality is that right across the country these Access only restrictions are virtually impossible to enforce. Within the city we have 76 such restrictions – all introduced well before this council came into being. Only one can be said to have any degree of success and be regularly obeyed.

Because of this major drawback our predecessor Authority, York City Council adopted in 1991 a policy to abandon the use of this type of restriction. Upon Local Government Reorganisation in 1996 this policy was adopted by ourselves. The majority of Highway Authorities throughout the country operate similar policies.

Turning now to the specifics

What your council wish to do is to effectively isolate the village from use by lorries that have no business in the village. From what I have said above they will no doubt recognise that the only practical way to do this is to have an order that bans absolutely a particular size/weight of vehicle. That in turn means that I will need to get the Secretary of State to approve the making of such an Order. The only reason that he/she would do so is if I can show that the road to be affected is physically incapable of accommodating the vehicles concerned because of its dimensions or if there is a structure over which it runs that is currently incapable of taking the weight. Your

members will recognise that neither condition actually applies and hence I will not be able to make that case.

As I see it there are thus three potential options open to your Members:

- A – accept that the way that the law is, nothing really can be done
- B – attempt to make a case to the Secretary of State for authority to make and absolute ban
- C – accept that the main objective cannot be achieved but accept that a compromise on that objective may produce some positive improvement

In terms of option A I will leave this to the discussion of your Members as no further advice from me is necessary

In respect of option B.

- [a] I will have to gain the formal approval of the Executive Member for Planning and Transport to advertise a Traffic Regulation Order
- [b] Once obtained and the inevitable objections have been received, these, together with sufficient supporting evidence of the physical inability of the roads concerned to take the weight of the vehicles concerned will have to be submitted to the Secretary of State
- [c] If the Secretary of State feels that the supporting evidence is sufficiently compelling he or she will then hold a local Public Inquiry before making a decision on the application

The cost of this route – excluding the end signing of any size/weight limit would have to be met by the council and could be between £15,000 and £40,000 depending upon the level of objection and duration of the Inquiry. To get to the point of final decision from the Secretary of State would take between 9 – 15 months from any approval from the Executive Member.

In over 30 years dealing with this type of issue I have only been successful with seven absolute bans. All but one of these were obtained due to the serious structural state of a bridge on the route covered. The single instance was where the road was physically too narrow to accommodate the vehicles and was hemmed in with high walls. I have indicated above that I could not make out a sufficiently compelling case with regard to your village and thus could not recommend that the Executive Member approved the advertising of any Order.

Option C provides a possible workable answer but it will be necessary to accept a compromise to achieve this.

A potential compromise may be that the village accepts that all local deliveries will have to enter the village from one specific point and leave it from another. In effect lorries (only) would be subject to a One Way system. As such an arrangement would allow unrestricted movement in the direction selected there would be no need for the Secretary of State to become involved and the council's policy would not be compromised. Enforcement would also be simplified because the police would be dealing with an absolute offence – ie the restricted vehicles travelling in the 'wrong' direction.

Clearly this concept would need the direction of absolute prohibition to be carefully selected and at this stage I would need to be guided by your Members as to which that ought to be should they wish to proceed with this concept. It will also be necessary to carefully consider the impact of such a 'One Way' restriction upon local farmers as some of their working vehicles could be affected – and of course they like everyone else in the village would have to obey the Order.

The process would still require the formal approval of the Executive Member but as 'Access' will still be possible (via the lorries travelling in the approved direction) the City Council is able to determine any objections received. The cost of adopting this course of action, including the necessary signs would be around £5,000.

Whilst money should not be a consideration in such matters it is important to identify at this stage that this level of funding is beyond the ability of my modest Traffic Regulation Order budget to support. Should your Members wish to follow this option it will therefore also be necessary to identify where this funding can be found from. This could be from the Ward Committee (subject to the required approvals) or indeed from the Parish Council itself via an additional precept. Naturally should your Members wish to follow Option C I would be happy to provide a more accurate estimate of the overall cost.

Yours sincerely

Peter Evely
Head of Network Management

7 Day Automatic Count 16th to 22nd March 2007

Direction: Heading towards Askham Bryan

Date	Motorcycles, cars and vans	Buses and lorries under 7.5 tonnes	HGV's over 7.5 tonnes	Total
Fri. 16/3	465	8	1	474
Sat. 17/3	367	2	3	372
Sun. 18/3	318	1	0	319
Mon. 19/3	433	13	2	448
Tue. 20/3	407	8	5	420
Wed. 21/3	452	15	1	468
Thu. 22/3	453	10	6	469

Direction: Leaving Askham Bryan

Date	Motorcycles, cars and vans	Buses and lorries under 7.5 tonnes	HGV's over 7.5 tonnes	Total
Fri. 16/3	400	5	3	408
Sat. 17/3	326	1	1	328
Sun. 18/3	301	0	1	302
Mon. 19/3	403	4	2	409
Tue. 20/3	379	4	2	385
Wed. 21/3	392	5	5	402
Thu. 22/3	395	8	5	408