

**Letters to Highways March and April 2022**  
**HGV Traffic**  
**And**  
**Highways Response**

**From:** [jmoores@topcliffe.org.uk](mailto:jmoores@topcliffe.org.uk) <[jmoores@topcliffe.org.uk](mailto:jmoores@topcliffe.org.uk)>  
**Sent:** 27 March 2022 11:40  
**To:** Karl Battersby <[Karl.Battersby@northyorks.gov.uk](mailto:Karl.Battersby@northyorks.gov.uk)>; Jo Boutflower <[Jo.Boutflower@northyorks.gov.uk](mailto:Jo.Boutflower@northyorks.gov.uk)>; Jayne Charlton <[Jayne.Charlton@northyorks.gov.uk](mailto:Jayne.Charlton@northyorks.gov.uk)>  
**Cc:** 'Peter Palmer' <[pepalmer@btopenworld.com](mailto:pepalmer@btopenworld.com)>; 'Tony Bruce' <[bruceae.duart@btinternet.com](mailto:bruceae.duart@btinternet.com)>; 'Roy Beckwith' <[beckwithroy@yahoo.co.uk](mailto:beckwithroy@yahoo.co.uk)>; 'Ben Collard' <[bcollard80@gmail.com](mailto:bcollard80@gmail.com)>; 'Malcolm Morley' <[malc.morley49@gmail.com](mailto:malc.morley49@gmail.com)>; 'Christian Brundell' <[christian.brundell13@gmail.com](mailto:christian.brundell13@gmail.com)>  
**Subject:** Topcliffe and Asenby TRO Discussions

Dear Karl, Jo and Jayne

#### **Topcliffe and Asenby HGV Issues**

At our meetings of Topcliffe Parish Council and Asenby Parish Council last week it was agreed I should write to the three of you again .

It is now exactly one year since our first meeting with you all to discuss our serious issue with HGV's in our villages.

You will all recall Topcliffe is a conservation area which had a TRO set up to protect it in 1999

At the meeting one year ago we presented evidence that large numbers of lorries were ignoring the TRO. In addition the TRO was considered no longer fit for purpose because three local companies within the TRO have grown far beyond expectation and although there are alternative routes exercise their "legal right" to travel through the TRO .

We also expressed grave concerns that the industrial developments in Dalton would give rise to very significant additional HGV movements in the area thus being very likely to increase the problem in our villages.

We asked for 3 things to be considered

**1. Enforcement action on lorries breaking the law**

We were encouraged to provide witnessed evidence of HGV's operating illegally  
We installed temporary cameras to provide evidence

**2. That the northern TRO boundary be moved**

We offered a proposal on where the zone could be repositioned closer to Topcliffe which did not force traffic through any other village and meant that local companies could still reach their sites without coming through Topcliffe

**3. That signage be upgraded on all roads approaching the TRO**

- a. The upgrade is necessary so that it was clear exactly where the TRO is and left drivers in no doubt of the offence they were committing.

We then provided witness statements of over 982 lorries travelling through Topcliffe in a 6 week period, all photographed . Of the 982 approximately 600 were offending and the rest were related to the local companies

We were encouraged by your response acknowledging the seriousness of this issue and the need to take some action to address the ineffectiveness of the TRO in the light of changing circumstances.

One year later it is disappointing to note that In Topcliffe and Asenby nothing has changed at all

### **Current HGV Traffic**

We ran the cameras for 2 days last week. The sample suggested that HGV traffic had increased slightly when compared to the 6 week study last year.

### **Dalton Developments**

Dalton 49 development has been approved by Hambleton. This development cites 5000 new jobs and more than doubles the current industrial estate. HGV traffic as a result can be expected to double

IPN ( also on Dalton Industrial Estate) gained approval for a major expansion of its operation. Their transport consultant estimated that there could be an extra 5000 HGV movements per month as a result. They did state that there was no reason for the lorries would come through Topcliffe. However HGV's come through now and if 20% of their stated increase do break the law then the issue seen in Topcliffe and Asenby will double.

A significant number of residents wrote to Hambleton Planning at the time expressing concern about the potential to make the current traffic problem even worse.

### **Remedial Work to Building and Roads**

During the last year the Topcliffe Council and 2 residents in Front Street have spent over £10,000 to repair buildings in the conservation area, damaged by traffic ( vibration and salt erosion)

North Yorkshire Bridges were forced to complete major works to Mill Bank on the north exit to Topcliffe . It was endager of collapse. We are not aware of the precise cost but it was a 6 week project and their engineers hinted at circa £100,000. This work was a direct result of HGV traffic.

### **Enforcement**

We believe only 1 of the 600 HGV's we witnessed offending has been prosecuted.

Trading standards have been helpful having done several enforcement days. However they tell us only 1 or 2 HGV's have been prosecuted so far and that they lack resources to carry out proper enforcement.

They also say that the current signage is not sufficient to ensure a successful prosecution.

We understood that one of the enforcement days was triggered because of the wood chip lorries travelling through the village claiming they had council permission. The enforcement team "caught" them but less than 2 weeks later they appear in our camera footage again on at least 3 occasions. This reinforces the view that drivers do not believe they will be caught and so accept the very low risk.

Our observation would be that enforcement action is completely ineffective and costly in manpower terms . Cameras would provide a much more cost effective deterrent, drivers would quickly know there is absolute certainty they will be recorded. There is precedent for this in other local authorities where it has worked well. Oxfordshire County Council is a good example.

### **Signage**

Not one sign has been changed or upgraded in anyway.

Temporary signs have been placed by the Crab and Lobster Asenby but this has actually created a bigger traffic problem in Asenby village centre rather than helping to solve the overall problem. HGV traffic is now going through the centre of the village.

### **TRO**

A proposed amendment to the TRO has been submitted for consultation which we are told met with opposition. We are not aware of any objections and it is very hard to understand how the proposal we suggested could adversely effect anybody except HGV traffic. We await a decision.

The villages of Topcliffe and Asenby feel the lack of any real action or indeed decisions in the last year is unacceptable. We all feel we have been fed platitudes and warm feelings in the hope that we will go away.

It is also a serious concern that on the 5<sup>th</sup> of May this year North Yorkshire County Council becomes the new Unitary Authority for us all. This current situation does not fill us with any confidence that this will generate the improvements to service we were told we would see as a result, quite the reverse seems to be the reality at present.

We ask again that our three requests made a year ago be actioned without further delay.

I look forward to hearing from you

Jamie Moores

Topcliffe Parish Council

**From:** Area2 Thirsk <[Area2.Thirsk@northyorks.gov.uk](mailto:Area2.Thirsk@northyorks.gov.uk)>  
**Sent:** 07 April 2022 10:30  
**To:** [jmoores@topcliffe.org.uk](mailto:jmoores@topcliffe.org.uk); [topcliffeparishcouncil@gmail.com](mailto:topcliffeparishcouncil@gmail.com)  
**Cc:** 'Peter Palmer' <[pepalmer@btopenworld.com](mailto:pepalmer@btopenworld.com)>; 'Tony Bruce' <[bruceae.duart@btinternet.com](mailto:bruceae.duart@btinternet.com)>; 'Roy Beckwith' <[beckwithroy@yahoo.co.uk](mailto:beckwithroy@yahoo.co.uk)>; Jo Boutflower <[Jo.Boutflower@northyorks.gov.uk](mailto:Jo.Boutflower@northyorks.gov.uk)>; 'Ben Collard' <[bcollard80@gmail.com](mailto:bcollard80@gmail.com)>; 'Malcolm Morley' <[malc.morley49@gmail.com](mailto:malc.morley49@gmail.com)>; Karl Battersby <[Karl.Battersby@northyorks.gov.uk](mailto:Karl.Battersby@northyorks.gov.uk)>; 'Christian Brundell' <[christian.brundell13@gmail.com](mailto:christian.brundell13@gmail.com)>; Cllr.Robert Baker <[Cllr.Robert.Baker@northyorks.gov.uk](mailto:Cllr.Robert.Baker@northyorks.gov.uk)>; Area2 Thirsk <[Area2.Thirsk@northyorks.gov.uk](mailto:Area2.Thirsk@northyorks.gov.uk)>  
**Subject:** RE: Topcliffe and Asenby TRO Discussions

Dear Jamie

**Topcliffe and Asenby TRO Discussions**

I refer to your email of 27 March 2022 regarding the above matter. Whilst I understand your frustrations that this matter has not yet been concluded, officers continue to work on the complex matter. As I have previously advised, consultations on changes to or introducing Traffic Regulation Orders (TRO)are complex and can take a long time to conclude.

**Enforcement**

I have discussed the issues you raise with colleagues in Trading Standards. As you are aware the current 7.5 t prohibition order for the Topcliffe / Asenby area introduces a zonal restriction bounded by the A61 A167 A168(T) A1(M). A zonal restriction brings inherent problems with enforcement and this is one of the largest restrictions in the County. The Order allows for certain exceptions, notably that it is not unlawful for a HCV to proceed on any road or length of road within the prohibited zone if the vehicle is being used "for or in connection with the conveyance of goods to or from any premises within the Prohibited Zone and the vehicle is proceeding between those premises and an excepted road or, in a case where the vehicle is being used for or in connection with the conveyance of goods to or from two or more premises within the Prohibited Zone, it is proceeding between any two of those premises,"

In practical terms for the purposes of this Order this means that a vehicle accessing premises within the zone may take any route to / from those premises - there is no requirement to enter or exit via a specified route.

Whilst it is understood that you have camera evidence of HGV's within the restricted zone, in order to provide evidence to support a prosecution for breach of the Order it is necessary to show that the driver of a vehicle would be unable to avail themselves of the exception above i.e. they were not delivering or picking up from a premises within the zone. This can only achieved by either following a vehicle with two officers, or by monitoring entry / exit points with a known travel time between them and matching vehicles that can be shown not to have stopped during the journey e.g. if Crab & Lobster – Busby Stoop takes 8 minutes then any vehicle taking between 7 – 9 minutes can be assumed to have breached the restriction.

During a recent enforcement exercises officers were positioned at the Dalton Lane end of the village and the Crab & Lobster. Although 8 HCVs were noted at the Crab & Lobster, only 1 match was found and the vehicle was in the zone for 37 minutes (suggesting a delivery / pick-up). The exercise was repeated with an additional officer at Busby Stoop but again no offenders were noted at the Crab & Lobster. The only conclusion draw from this evidence is that the vehicles are operating within the law and the provisions of the Order. This exercise will be repeated in the near future.

The enforcement activity is time-consuming and resource-intensive, and there are many locations across the county which require enforcement activity. The ANPR system suggested in your email, which is in use in Oxfordshire, relates to a single point bridge crossing. In order for a system to work in the Topcliffe area it would require a camera at every entry / exit point to the zone which was able to access the real-time interface to the extracted DVLA database and flag a HCV entering the zone. The system would then have to match the vehicle to the second exit point and cross-reference against stored journey times to identify an offence. I am not aware of any existing system that could achieve this aim, and would suggest that if it can be done using a bespoke design, the cost would be quite considerable. There would also be significant additional costs in legal processing and review/approvals prior to any court proceedings. The introduction of such a scheme would require capital funding, such funding for improvement schemes is limited to safety critical locations based on existing personal injury accident data and therefore if a bid were to be made it is unlikely to be successful.

Colleagues in Trading Standards have also looked at the lorry watch statistics. The lorry watch scheme is used to determine priorities and does not lead to enforcement/prosecution, rather the information can be used to prioritise areas for enforcement.

The vehicles reported were owned by 170 companies and 41 responded to correspondence. Four Companies have been advised of the breaches (accounting for 14 reports) and drivers have been issued advice/warnings.

In addition one specific problem has been addressed with a company operating in the area and it has been made quite clear to them that their vehicles must meet an exception in the order if they enter the restricted zone or they will face prosecution.

## TRO

As you are aware the current TRO has been in place since 1999 which allows for existing businesses with the zone to access the Trunk Road network via the A167 through Topcliffe and Asenby. A number of these businesses have been established for many years and prior to the existing TRO being introduced. The County Council as Highway Authority must carefully balance our duty to maintain the highway with an obligation to support the local business economy and increasingly be aware of the impact of climate change. Therefore we must be mindful of the impact any highway changes may have on all businesses and the local economy, especially in light of the current economic situation. The environmental impact is a concern as increased mileage will affect many businesses commitment to climate change . I hope you will appreciate that it is therefore important that detailed discussions take place with local businesses to further understand how changes may impact on their business operations before any possible changes can be progressed. These discussions are currently ongoing, however we do anticipate a formal responses to the consultation to be received from the businesses in the very near future. Once their position is known we can then take a view on a way forward.

## Signage

It would be inappropriate to make any changes or improvement to the existing signage in advance of the outcome of the ongoing consultations as this may result in expensive abortive works. Once the outcome of the consultation is known signage will be addressed in accordance with those outcomes.

With regard to the works which were carried out last year on Mill Bank I can confirm that the wall was of very narrow construction for the height retained, and there was a blocked/ collapsed drain behind the wall which led to standing water. Saturated ground behind the retaining wall was the main cause of damage, there is no doubt that HGV's vehicles will not have made the situation better but the primary issue was the blocked drain and wall thickness at that time. I also note your comment with regard to repairs to properties in the village, it would be of interest as part of the ongoing work to see any evidence available which demonstrates that HGV usage has resulted in property damage.

You will note that I have also sent this response to the Topcliffe Parish Council Clerk and copied it to the local County Council Member as I understand this to be a Parish Council matter.

Kind regards

Jayne Charlton

Area Manager

Area 1 - Richmondshire & Area - 2 Hambleton Districts  
North Yorkshire County Council

25<sup>th</sup> April 2022

Dear Jayne

We discussed your reply to us at our council meeting which was attended by over 30 members of the public and some of the local businesses from within the current TRO.

It would be fair to say some of the local companies were concerned about the effect of changing the TRO on their business but it is also fair to say there was 100% agreement that strict enforcement of even the current TRO and upgrading the signage would substantially reduce the issues in our villages.

I was asked to respond to you on behalf of the Parish Council and the residents of both villages because irrespective of the solution everybody here is concerned that there is a serious and growing problem with HGV traffic inside the current TRO. The problems are environmental , public safety, particularly on Church Street and near the school, structural damage to listed buildings and of course the overall impact on the quality of life in Topcliffe and Asenby.

There is growing concern over the impact of the Dalton Industrial Estate development which has the potential to dramatically increase our problems.

We all know you do understand these issues/ concerns and indeed are trying to resolve them which is very positive.

You raised a number of points in your reply and for clarity it is probably best I follow your headings.

### **TRO**

From our point of view ( with local knowledge) we struggle to see the complexity . For example excluding all HGV's from Topcliffe is only an issue for business currently inside the TRO for traffic coming south of the A19/A168 . For all routes from the A1 North or South to businesses in the TRO it is actually shorter to exclude Topcliffe

It would be very helpful if we could be involved or consulted about this too because we have knowledge of the businesses, routes , distances, delivery points and distances.

Secondly an idea of timescales would be very useful.

### **Enforcement**

We do understand the issue of cost and time to enforce the current zone. This is an area where we believe we can provide good support.

Firstly some time ago we suggested some of our residents be trained to collect legally enforceable evidence and I understood this was agreed with Trading Standards. This has not happened but would provide you with a “free” resource.

Secondly you may not be aware that as a parish council we pushed for conditions to be placed on the Dalton 49 development plan and more recently the IPN development plan.

Both plans were approved by Hambleton with attached section 106 conditions which are legally binding on the developers. A key part of this was for them to provide immediately £45,000 from Dalton 49 and £5000 from IPN to be lodged with Hambleton specifically for HGV traffic signage , traffic monitoring and enforcement including if required camera systems which are available.

I have copied Mark Robson in this email because he can provide you with more details including how to access these funds.

Cost is therefore not necessarily an immediate issue.

### **Signage**

It seems accepted by all parties that the current TRO signage is inadequate and also inconsistent.

I can understand your reluctance to act until the outcome of the TRO consultation but in reality the boundaries of any TRO around Topcliffe and Asenby will not change at the Crab and Lobster or at the Dalton end of Topcliffe.

Given that finance is clearly available then surely improved signage here could be considered so that drivers are aware of the current restrictions and for example the correct way to approach Dalton Industrial Estate.

I would mention that Sharrow has vastly better HGV signage at all its entrances.

### **Damage to Buildings**

You asked for evidence proving that HGV's are damaging buildings.

I attach a report on the Toll Booth done for the Parish Council . The report is interesting from a number of perspectives.

There is a map showing the Conservation Area and all the listed building in it. The current TRO was set up to protect this area and yet this is exactly the routes the HGV's take

The report was not done by a structural engineer but does clearly cite significant salt erosion damage to a listed building. Obviously overall traffic volumes cause this but HGV's do have a significant effect.

Northern Walls, Dave Edwards and his team repaired the Toll Booth for us , the wall further down the street and 2 buildings on Front Street. He is away on holiday at present but on his return will confirm the vibration damage he repaired for us. I can provide his invoices should you require them.

The Toll Booth was also hit by a large vehicle just before I joined the council. If required I can provide the invoice for the repair work.

We also have photographic evidence of damage to walls in Church Street. A visual inspection of the kerbstones and pavement at the ends of Church Street and Front Street will show the damage there.

### **Proposed Actions**

We discussed a number of actions we would like you to consider.

1. Involve Topcliffe Parish Council in the TRO discussions or at least give us the opportunity to provide our local knowledge.
2. Indicate some timescales for the process.
3. It would be very helpful if you would consider coming to one of our Parish Council Meetings when the residents and local businesses can air their views and hear your responses. HGV traffic in the villages is the biggest concern of everybody living here and I am sure it would help allay their fears.
4. Consider utilising the available section 106 money for signage now and enforcement

I can assure you we do understand that you are working on solutions to all the issues we discussed. You are also correct we all have a growing frustration because all the evidence points to the problem getting worse not better at present.

I look forward to hearing from you in due course.

Jamie Moores

Topcliffe Parish Council