

MINUTES OF TRO GOVERNING BODY MEETING

22 June 2022

Attendees:

Assistant Director of Strategic Infrastructure	ADoSI
Highways and Planning Solicitor	H&PS
Corporate Lead (Design & Asset Management)	CL(DAM)
Corporate Lead (Transportation)	CL(T)
Corporate Lead (Green Space & Street Scene)	CL(GS&SS)
Team Leader (Traffic Engineering)	TL(TE)
Traffic Engineer	TE
Graduate Engineer	GE

1. Apologies

Flood Programme Manager	FPM
Performance Manager	PM

2. Matters arising

None, the minutes of the last meeting (28 April 2022) will be circulated and will be agreed by email.

3. Orders for Consideration

a) **A672 Oldham Road, Rishworth SLO**

H&PS and TE gave a summary of the current situation

Following the Governing Body (GB) meeting of 16th March 2022 this scheme was re-advertised (between 5th and 26th May 2022) to resolve any interpretation around the uncertainty of the existing speed limit on the affected length of the A672.

A further comprehensive objection was received to this consultation and it was reviewed in whole by the Governing Body.

The objection centred on the point that the presence of street lighting defines the affected stretch as having a 30mph speed limit and that the Council was wrong to denote this section “ambiguous” in the revised plan when re-advertising the proposal.

The TE and the H&PS acknowledged that the Objector had correctly interpreted the sections of the Road Traffic Regulation Act 1984 governing restricted roads by street lighting and recognised the objector was 100% certain that the current limit is 30mph. Nonetheless TE and H&PS maintained that it is at least questionable if it is, given the environment through which the road runs where there are no buildings.

As was explained when the proposal was last before the Governing Body, the expressions “road” and “street” have different meanings in highways law. It could be argued that street lighting for a restricted road requires the road to be a street, rather than any publicly accessible road. The statutory definition of street is in the New Roads and Street Works Act 1991 and is very wide contemplating pretty much any type of way. Its meaning has been subject to much litigation over the years with conflicting interpretations depending on the context. It would appear from case law:

MINUTES OF TRO GOVERNING BODY MEETING - 22 June 2022

- that the ordinary and popular sense of the term street (i.e. a road with a reasonable number of buildings on both sides or at least on one side) is to be applied whenever this is naturally applicable;
- that the statutory definition is there to enable other things to be brought in where they could not otherwise be included by taking the word in its ordinary sense;
- that whenever the word is in issue it is necessary to examine the context to see whether, taking the sense of the subject-matter, the natural meaning is intended, or whether the extended meaning must be drawn on.

H&PS pointed out that he had been unable to find an authority on the question if street lighting for a restricted road means such road is to be a street and, if so, how the statutory definition should be interpreted in that context. However, he noted that regulation 99 of the Road Vehicles (Construction & Use) Regulations 1986 prohibits vehicles sounding alarms, horns, sirens (etc.) between 12.30 and 07.00 the following morning on restricted roads (having the same meaning in the Road Traffic Regulation Act), That regulation is designed to control noise disturbance and if the road did not pass through an area with inhabitants, then it would be unnecessary. Therefore, it is arguable that the statutory intention was for restricted roads to mean streets lined with a reasonable number of buildings. Although he qualified that the point was untested as far as he was aware.

TE reiterated the following points previously raised: -

- 1) There are no Speed Limit Orders in place for this stretch of road,
- 2) That there is no evidence to support there was an intention to restrict the speed limit at this location,

A 30mph limit is considered not appropriate in this location, TE recognises that there is a potential uncertainty in the speed limit at this location due to the anomaly of street lights but no speed limit signing, so this proposal is seeking to put in place a speed limit that reflects current traffic data, concentrating on what speed limit should be there regardless of what might or might not be there now.

Further speed surveys have recently been undertaken on the affected stretch and Section 7 of the Department for Transport's circular 01/2013 (setting local speed limits) advises that an appropriate speed limit is 50mph as the average speed is below 50mph.

However, the TE believes the proposed speed limit is, irrespective of the current interpretation of speed limit, the appropriate speed limit for this location. The objection does not cause him to change his views on that in light of the surveys and assessments undertaken.

Outcome

It was unanimously agreed that the objection be overruled and the SLO should be implemented as advertised.

The TRO Governing Body:

- (i) Approves the making and implementation of the Order as proposed and holds that the objection be overruled.
- (ii) That the objector be informed

b) Park Road, Elland (Phase 2) TRO

GE gave a summary of the current situation.

Phase 1 of this work stimulated requests from affected residents for the scope of the work to be extended to protect the access to Valley Mill car park. Due to the urgent nature of the

MINUTES OF TRO GOVERNING BODY MEETING - 22 June 2022

initial stage, these requests were agreed at GB to be considered and carried through as a second phase so as not to delay phase 1.

The informal consultation has been completed for this second phase (including the affected residents that responded to phase 1) and no objections were received.

The Governing Body agreed that the proposals are acceptable and can be progressed to formal consultation.

Outcome

It was unanimously agreed that the proposals can proceed to formal consultation. The TRO Governing Body:

- (i) Approves the progression of this scheme including instruction to the Case Manager and the Head of Democratic and Partnership Services to draft the necessary documentation to progress the formal consultation.

c) Haworth Old Road, Hebden Bridge TRO

TE briefly described the outcome of the recently completed informal consultation regarding a proposed clearway at this site. Following some objections from affected residents and farmers the design of the scheme has been revisited.

The amended proposal is to introduce a “resident only parking scheme” covering the whole length of the adopted road. Permits would be available to all affected residents and agricultural vehicles would be exempted. This would allow parking to be controlled over the whole length with limited impact on residents and businesses. This proposal appears to be the only solution that can protect both residents and businesses.

The Governing Body agreed that the proposals are acceptable and can be progressed to informal consultation.

Outcome

It was unanimously agreed that the proposals can proceed to informal consultation. The TRO Governing Body:

- (i) Approves the progression of this proposal to progress informal consultation.

d) A644 Brighouse Road, Hipperholme TRO

GE gave a summary of the proposal.

As part of the ongoing Taylor Wimpey development, the planning consent requires changes to the existing Speed Limit Order and additions to the Traffic Regulation Order.

The proposed work has been informally consulted upon. One response was received from WYCA and their comments have been incorporated.

CL(GS&SS) noted that other developments are planned in the area, so asked if future proposals could be incorporated in the current proposal. The suggestion was discussed, but it was concluded that the timescale for the current development was on a different timeline to the other proposals (which do not yet have planning consent) and therefore it prevented attempts to combine changes.

The Governing Body agreed that the proposals are acceptable and can be progressed to formal consultation.

Outcome

It was unanimously agreed that the proposals can proceed to formal consultation. The TRO Governing Body:

MINUTES OF TRO GOVERNING BODY MEETING - 22 June 2022

- (i) Approves the progression of this scheme including instruction to the Case Manager and the Head of Democratic and Partnership Services to draft the necessary documentation to progress the formal consultation.

4. Any other business

a) **Shibden Hall Road**

TL(TE) confirmed that the Experimental Traffic Regulation Order (ETRO) will come into effect on 23 June 2022.

b) **Wainstalls School**

TL(TE) noted that informal consultation was commencing on a potential ETRO to increase safety and improve traffic flow around the school.

5. Date of Next Meeting

The next meeting is due to be held on 7 July 2022