

**THE BOROUGH COUNCIL OF CALDERDALE  
(WAITING AND LOADING AND PARKING PLACES) (HALIFAX (CONSOLIDATION) ORDER 2015  
(VARIATION NO\*) ORDER 20\*\***

**Road Traffic Regulation Act 1984  
The Highways (Inquiries Procedure) Rules 1994**

**Public Inquiry  
A6036 Bradford Road and Towngate, Northowram**

**STATEMENT OF CASE**

**1. Introduction**

- 1.1. I, Kevin Moran, am a traffic engineer employed by Waterman Aspens. From November 2018 I have been seconded to the Borough Council of Calderdale ("the Council"), Strategic Infrastructure department. My role involves progressing traffic regulation orders ("TRO(s)"), speed limit orders, formal and informal pedestrian crossing points, and general highway signing and lining, within the road network in Calderdale. I have held similar positions in Wakefield, Leeds, York, Cambridgeshire, and Barnsley since 1990.
- 1.2. This statement of case has been prepared on behalf of the Council to support the Borough Council of Calderdale (Waiting and Loading and Parking Places) (Halifax (Consolidation) Order 2015 (Variation No \*) Order 20\*\* ("the Order")) which is to be considered at public inquiry.
- 1.3. The Order seeks to amend the Borough Council of Calderdale (Waiting and Loading and Parking Places) (Halifax (Consolidation) Order 2015 to introduce the following restrictions on roads in Northowram, Halifax:
  - 1.3.1. "no waiting at any time & no loading at any time" on a length of A6036 Bradford Road;
  - 1.3.2. "no waiting at any time" on lengths of A6036 Bradford Road and Oaklands Avenue; and
  - 1.3.3. "no waiting at any time & no loading Mon to Fri 8.15am – 9.15am and 2.30pm – 4.00pm" on a length of Towngate.

**2. Description of the Proposals**

**A6036 Bradford Road**

- 2.1. Pursuant to a condition of a planning permission granted in December 2019 for a retail development in Northowram (**Appendix 1**), the Council proposes to make the Order to install 'no waiting at any time and no loading at any time' restrictions on A6036 Bradford Road. They will cover the vehicular accesses to the store car park and an adjacent business park and will extend a further 10 metres either side, in line with the guidance in Rule 243 of the Highway Code (**Appendix 2**).
- 2.2. These restrictions are intended to protect the sight lines from both accesses and provide clear sight lines of pedestrians using the footway that crosses both these vehicular accesses. A plan

showing their extent is in **Appendix 3**; and images of the existing road network that will be subject to them are in **Appendix 4**.

### **Towngate**

- 2.3. In May 2022 the Council received a request from residents of Danum Terrace, Towngate for waiting restrictions to be installed because parked vehicles reduced the sightlines when exiting their driveways. Moreover, the footway along the road is narrow and vehicles park both on and adjacent to it. This prevents pedestrians in general, but particularly those with pushchairs and those in wheelchairs, from passing.
- 2.4. The Order therefore provides ‘no waiting at any time and no loading Monday – Friday, 8.15 – 9.15 am and 2.30 – 4 pm’ on a length of Towngate. This is an extension of the existing waiting and loading restrictions currently on place on the road. A plan illustrating the proposals, and images showing the relevant sections of the road as they are now, are in **Appendices 5 and 6** respectively.
- 2.5. The Council contends that the restrictions will improve the free flow of traffic on Towngate, improve sight lines for residents exiting their driveways and prevent parking on and adjacent to the narrow footway enabling pedestrians to pass.

### **3. Background to the Order**

- 3.1. Informal consultation on the proposed A6036 Bradford Road restrictions was carried out in June 2022. This was in accordance with the Council’s procedure for TROs set out in the document in **Appendix 7**.
- 3.2. It should be noted that the consultation also included the installation of a zebra crossing,<sup>1</sup> which informed some of the objections to the scheme discussed later in this statement. The crossing is also a requirement of the planning permission for the store and is to replace an existing pedestrian refuge on A6036 Bradford Road. It has now been installed under Section 23 of the Road Traffic Regulation Act 1984 (“the 1984 Act”) and does not form part of the Order.
- 3.3. The proposals were also circulated on social media by a local ward member. As a result of this, requests were received to provide waiting restrictions in the vicinity of Queens Mead and Oaklands Avenue and the proposals were amended to included them.<sup>2</sup> No objections were submitted in respect of these new elements, and they are not in issue for consideration at the public inquiry. The Council will pursue them separately by making the Order in part.
- 3.4. The Council felt that the request from the residents of Towngate mentioned in paragraph 2.3 had merit, and given its proximity to A6306 Bradford Road, decided to include it as part of the package of proposals.
- 3.5. Further consultation, including the proposed additional restrictions, took place in August 2022.
- 3.6. The Council delegates its decision-making functions in relation to TROs to a “Governing Body”, consisting of officers with relevant knowledge and experience. They meet to vote at each

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<sup>1</sup> The zebra crossing is shown on the plan referred to paragraph 2.2 above.

<sup>2</sup> Likewise, the Queens Mead and Oaklands Avenue restrictions

stage of a TRO, from informal consultation on a proposal to the making of an order. Each step and decision throughout the process is recorded in a standard procedure document (**Appendix 7**).

- 3.7. Following the various rounds of informal consultation, the Governing Body voted at a meeting in August 2022 to proceed with formally consulting on the proposed Order in accordance with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (**Appendix 8**). The proposals were formally advertised on 15<sup>th</sup> December 2022 and copies of the draft Order, notice of proposals and statement of reasons are set out in **Appendix 9**.

#### **4. Section 1 of the 1984 Act**

##### **A6036 Bradford Road**

- 4.1. The waiting and loading restrictions will prevent parking at the store and business park accesses providing vehicles with sightlines when joining A6036 Bradford Road. The restrictions will also keep the pedestrian crossing areas clear of parked vehicles providing motorists entering the accesses with an unobstructed view of pedestrians using the footway.
- 4.2. This aspect of the Order therefore meets the purposes of sections 1(1)(a) (avoiding danger to person or other traffic) and 1(1)(c) (facilitating the passage of traffic) of the 1984 Act.

##### **Towngate**

- 4.3. The waiting and loading restrictions shall prohibit parking from taking place on and adjacent to a narrow footway. They will improve forward visibility of vehicles travelling in the opposite direction and allow them to progress on the correct side of the carriageway. The restrictions will also provide sightlines for vehicles leaving the driveways of Danum Terrace.
- 4.4. By stopping vehicles from parking along the narrow footway, the Order will reduce the potential for wing mirrors overhanging the pavement, or car doors swinging over it, which can create a perception that space on the footway is impeded and deter pedestrians from using it. Especially, those users in wheelchairs, mobility scooter or with pushchairs. Moreover, it will prevent the possibility of the footway being partially, if not fully, impassable should vehicles park on the footway.
- 4.5. This part of the Order thus satisfies the purposes of sections 1(1)(a) and 1(1)(c) of the 1984 Act.

#### **5. Compliance with Section 122 Duty**

- 5.1. As the local authority upon whom functions are conferred by or under the 1984 Act, the Council must secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and provide suitable and adequate parking facilities on and off the street. The Order shall achieve the convenient and safe movement of traffic along the relevant roads by the imposition of the waiting and loading restrictions where they are needed.
- 5.2. Whilst it is accepted that existing lengths of available parking, loading and unloading will be removed from A6306 Bradford Road, the Council considers that parking in these sections is

neither suitable nor appropriate. However, alternative parking is available in the vicinity. The same point is made in respect of Towngate.

- 5.3. In reference to section 122(2), the Order retains access to all premises, access for heavy commercial vehicles is maintained, and access for public vehicles is retained.

## 6. **Objections**

- 6.1. In the initial consultation in June 2022 objections were received from: -

6.1.1. Ellie Burnham, a resident of 13 Bradford Road (13 Square). She stated that there will be nowhere to park that is near to her home and she has two young children. She also explained that she is unable to pick up and set down her children and unload shopping outside her home due to the controlled area of the zebra crossing (**Appendix 10**).

6.1.2. Sara Mitchell of Northowram Garage expressed concern that the waiting & loading restrictions (and the road markings that identify the controlled area of the zebra crossing) would prevent parking on A6036 Bradford Road and may have an impact on the Garage business (**Appendix 11**).

6.1.3. Alan Mitchell of 34 Square also expressed concern that the waiting and loading restrictions (and the road markings of the zebra crossing) would displace parked vehicles, potentially causing problems accessing and egressing his driveway (**Appendix 12**).

- 6.2. Following formal advertisement and statutory consultation of the proposed Order in December 2022 objections were received from: -

6.2.1. Dave Walker, a resident of 13 Square, expressed his concerns that he will have to park further away from his home, which is compounded when he has his two children and possibly shopping (**Appendix 13**).

6.2.2. Sara Mitchell reiterated her concerns submitted in June 2022 referred to in paragraph 6.1.2 above (**Appendix 14**).

6.2.3. Mr and Mrs Clarke, South Terrace, objected to the proposals on Towngate on the grounds it will make it difficult getting shopping and deliveries to their house. In light of their age, they also voiced concerns that the restrictions may make it difficult for care givers to attend in the future. Similarly, they felt it might make things more difficult when they are looking after their grandchildren, one of whom is autistic (**Appendix 15**).

6.2.4. Mr and Mrs Bakes also objected to the proposals on Towngate. They questioned why the waiting and loading restrictions are proposed for on one side of Towngate only. They were also concerned that deliveries may arrive during the restricted loading period. Home carers, window cleaners (etc.) may not be able to carry out visits during those times. They also believed that the waiting and loading restrictions will remove parked vehicles that currently act as speed reducing features. Lastly, they queried the need for the number of electrical vehicle charging points installed in a nearby car park (**Appendix 16**).

- 6.2.5. Andrew Hill objected to the restrictions on A6036 Bradford Road and Towngate on the grounds that the local authority does not have the resources to enforce the waiting and loading restrictions continually (**Appendix 17**).

## **7. Responses to the Objections**

### **A6036 Bradford Road, Northowram**

- 7.1. Previously, there was a 'no waiting at any time' restriction in place to the front of 13 Bradford Road (13 Square), Ellie Burnham and Dave Walker's property which enabled them to set down and pick up their children and unload shopping. The installation of the zebra crossing and the limit of the controlled area now prevents them from do this. It is possible to pick up and set down their children and unload her shopping on the current 'no waiting at any time' restriction on Lydgate, approximately 27 metres to the south and west of the front of their property, albeit there will be an element of leaving a vehicle unattended for a period of time if carrying this out alone. Unrestricted parking is available on A6036 Bradford Road, approximately 67 metres to the north of 13 Bradford Road (13 Square) and 45 metres north of where Ellie Burnham and Dave Walker previously parked.
- 7.2. The Land Registry official copy of the title for 13 Bradford Road (13 Square) (**Appendix 18**) indicates that it has the benefit of a right of way through the covered access off Lydgate to the yard at the rear of that property. Ellie Burnham and Dave Walker might be able to exercise that right to set down/pick up their children and unload shopping in the yard. It is unclear whether they have access to the rear of their property from the yard, but, if not, they could reach it via the footway on Lydgate and A6036 Bradford Road.
- 7.3. In terms of Northowram Garage, the restrictions are on the opposite side of the road so their impacts will be minimal. Although it is not part of the Order, the Council acknowledges that the controlled area of the zebra crossing removes a length of on-street parking that extends across the vehicular access to the business. However, access to the garage forecourt, service bays and parking area is retained.

### **Towngate**

- 7.4. The Council takes on board the concerns by objectors that the restriction on Towngate reduces when loading, unloading and the setting down of passengers can take place. However, it will only be in operation for an hour in the morning and for 90 minutes in the afternoon, such times being predominately in line with the opening and closing times of the nearby Northowram Primary School. Alternative parking, loading and unloading is available on the opposite side of Towngate or approximately 25 metres to the south of the Mr and Mrs Clarke's property.

## **8. Public Sector Equality Duty**

- 8.1. When exercising any of its functions the Council must give due regard to the need to: (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 8.2. In considering whether or not to make the Order, the Council has given due regard to its possible impact on Mr and Mrs Clarke. Their age and their grandchild's autism are protected characteristics. It is recognised that they will be affected by the restrictions, however it is the Council's view that that will be mitigated by the availability alternative parking within reasonable reach and the fact that the restrictions are only in force for a limited period each day. On balance it is considered that the inconvenience to which they will be put does not outweigh the public benefits to be brought by the scheme, i.e.: improved forward visibility, improvement to the free flow of traffic, improved visibility from the driveways of Danum Terrace, and the unimpeded passage for pedestrians possibly with pushchairs and those members of the public in wheelchairs or mobility scooters.

## **9. Article 8 – European Convention on Human Rights**

- 9.1. Article 8 of the European Convention on Human Rights provides that everyone has the right to respect for his private and family life and his home. Insofar as there will be any interference with any individual's Article 8 right, it is necessary in the public interest and particularly on grounds of public safety. The restrictions to be imposed are proportionate in the context of ensuring adequate highway safety for all highway users.

## **10. Conclusion**

- 10.1. The Council considers it expedient to make the Order having regard to the purposes set out in Section 1 of the 1984 Act and the statutory duty in Section 122 of the same.
- 10.2. The proposed waiting and loading restrictions on A6036 Bradford Road and Towngate will improve safety for all highway users at the accesses and junctions and lengths where they apply, and will facilitate the movement of traffic on the road network. Whilst residents at both locations will be required park further away than they do now, and they will no longer be able to load and unload directly to and from their properties, the alternatives are within a reasonable distance and in a location that does not compromise road safety. In short, the advantages of the scheme outweigh its disbenefits.

Kevin Moran  
Traffic Engineer  
13 February 2024

## **List of Appendices**

Appendix 1 – Planning permission 17/01243/FUL  
Appendix 2 – Extract from the Highway Code – Rule 243  
Appendix 3 – Plan of proposed waiting and loading restrictions on A6036 Bradford Road  
Appendix 4 – Images of sections of A6036 Bradford Road as now  
Appendix 5 – Plan of proposed waiting and loading restrictions on Towngate  
Appendix 6 – Images of sections of Towngate as now  
Appendix 7 – Traffic Regulation Order Procedure document  
Appendix 8 – Minutes of Governing Body meeting 18.08.22  
Appendix 9 – Draft Order, notice of proposal and statement of reasons  
Appendix 10 – Objection from Ellie Burnham  
Appendix 11 – Objection from Sara Mitchell  
Appendix 12 – Objection from Alan Mitchell

Appendix 13 – Objection from Dave Walker  
Appendix 14 – Objection from Sara Mitchell  
Appendix 15 – Objection from Mr and Mrs Clarke  
Appendix 16 – Objection from Mr and Mrs Bakes  
Appendix 17 – Objection from Andrew Hill  
Appendix 18 – Official Copy and Title Plan WYK293346

