

PROPOSED 'PROHIBITION OF MOTOR VEHICLES – EXCEPT FOR ACCESS' ORDER AND ACCESS CONTROL BARRIER INSTALLATION - STREET 5, THORPE ARCH TRADING ESTATE.

Date: 16 January 2023

Report of: Traffic Engineering

Report to: Chief Officer (Highways & Transportation)

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

Leeds City Council has been approached by the estate management company who acts on behalf of the Thorpe Arch Trading Estate, with the support of West Yorkshire Police, seeking assistance in addressing several ongoing concerns relating to criminal activity within the estate during the hours of darkness.

The first concern related to professional criminal gangs targeting the estate via the only uncontrolled access road into the estate, which is called Street 5. Street 5 forms part of the adopted highway and the estate management company has no jurisdiction over this road/route. The second concern related to illegal/ unauthorised car meets within the estate during the same periods. This can result in the estate being used as a race track, with high vehicle speeds causing concerns for public safety.

A request has therefore been made via the estate management company (with support of the Police and elected members) to help combat the ongoing and increasing level of criminality in the estate. The request is for Leeds City Council to support/authorise the installation of an access control barrier on Street 5 (southeast of its roundabout with Avenue A) which will operate between the hours of 19:00 and 06:00. The barrier will not deny entry but will force all vehicles to stop at the illuminated automated barrier for 5 seconds whilst the vehicle and occupants are recorded. The barrier will then lift for access to be permitted. To facilitate this request, a 'Prohibition of Motor Vehicles – Except for Access' order will have to be promoted. All the other routes into the estate are privately owned and are already controlled via automatic illuminated barriers.

Recommendations

The Chief Officer is recommended to:

- a) Approve the implementation of a 'privately owned and maintained' illuminated access control barrier on Street 5, which will be fully funded via the estate management company; and

- b) Request the City Solicitor to advertise a draft 'Prohibition of Motor Vehicles – Except for Access' Traffic Regulation Order and if no valid objections are received, to make, seal and implement the Order as advertised; and
- c) Approve expenditure of £10,000 to be met from the estate management company for the costs to promote and implement the TRO and associated signing.

What is this report about?

- 1 The Thorp Arch Estate was originally agricultural land upon which Royal Ordnance Factory Thorp Arch (Filling Factory no. 8) was constructed during the Second World War. Post war the former Royal Ordnance Factory was transformed into the Thorp Arch Trading Estate which now totals 155 hectares (385 acres) and has become a well-established business location in the region due to its equidistant location between Leeds, Harrogate and York. The Thorp Arch Estate is the largest destination for commercial property in Wetherby which benefits from quick and uncongested access to the A1(M) motorway at Wetherby.
- 2 The Estate is home to over 180 businesses, which employ over 2000 people in a secluded spacious parkland setting. There are a range of industrial premises comprising warehouses, factories and small business units throughout the estate, all with private car parking. Most businesses close before 7pm, although the estate does operate 24 hours a day, 7 days a week.
- 3 In recent years the trading estate has seen an increase in targeted criminal activity through robberies and commercial burglaries taking place. Increases in patrols by the site security teams and the Police have not had the desired effect in reducing/ discouraging this activity and it is considered that further measures are now required.
- 4 In addition to the above, the estate has become an attractive location for illegal car meets during the hours of darkness due to its location, the road layout and the secluded environments. This activity has resulted in a growing road safety concern due to observed incidents of excessive speeding and anti-social driving which accompanies these illegal car meets. Concerns have been expressed that it is only be a matter of time before someone is seriously injured or killed as a consequence of this anti-social driving behaviour. This poor driving behaviour has been observed on both the privately owned roads and those which form part of the adopted highway, within the estate. It is considered that controlling the only entry point (Street 5) during the hours of darkness (19:00 to 06:00) will help combat both the targeted criminal activity and the road safety concerns.
- 5 The estate management company has therefore requested the authority to erect, control and maintain an illuminated barrier to 'manage' access into the estate from 6pm until 6am, the rest of the time the barrier will be maintained in the open position. Street 5 however forms part of the adopted highway and the introduction of an access control barrier would need the consideration and approval of Leeds City Council.
- 6 The estate management company proposes during the hours of managed access that access will be permitted to all drivers who approach the proposed illuminated entry barrier on Street 5. On detection of the approaching vehicle, the barrier will take 5 seconds to raise, in which time, the vehicle, its registration plate and the occupants would be recorded by the estate managements CCTV operation. This is all permitted within data protection legislation.
- 7 It has been acknowledged that the recording of any driver and their vehicles will be conducted by the estate management company from their land and not from within the limits of the adopted highway. The estate management company already has a data protection capture and control mechanism in place and this location would be added to their existing protocol to ensure

all data protection requirements have been met and are adhered to. The estate management company have also committed to conducting a DPIA (Data Protection Impact Assessment), which will be shared with Leeds City Council.

- 8 This access control barrier would be supported by fencing and bollards in the adjacent footway and private land to prevent vehicles driving around it. These will be agreed as part of the installation approval.
- 9 After careful consideration by Leeds City Council, it is considered that to support an access control barrier on Street 5, a 'Prohibition of Motor Vehicles – Except for Access' order would be required, which would operate between the hours of 19:00 and 06:00 hours. It is felt that this approach would offer a visual and physical deterrent to any driver seeking access into the estate who may have criminal intentions, as their vehicle, its registration plate and occupants would be recorded, and which may be used as evidence should it be required at a later date.

It is envisaged that this combined approach by Leeds City Council and the estate management company will help deter/ combat the ongoing and increasing concerns.

What impact will this proposal have?

- 10 The proposal is expected to have two key impacts:
 - i. A reduction in the likelihood of criminal activity within Thorpe Arch Trading Estate
 - ii. An improvement in actual and perceived road safety through the discouragement of car meets and other anti-social use of the public highway
- 11 As noted below this proposal is expected to support sustainable use of Thorpe Arch Trading Estate by ensuring staff, visitors and companies feel safe within the area and the risks posed by the current behaviours are reduced.
- 12 Emergency access will be maintained to the estate via Street 5; as noted above the barrier will not prevent access but will only be in place to deter criminal or anti-social activity.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing Inclusive Growth Zero Carbon

- 13 Delivering this proposal will contribute to improved safety, and perceived safety, on the public highway and in the surrounding private area of Thorpe Arch Trading Estate. This assists the long term viability of this important employment centre which supports Leeds City Council's Inclusive Growth policy by ensuring employment opportunities in the local community.
- 14 A safer road environment in the estate will help support the Health and Wellbeing and Zero Carbon Best City ambitions by enabling active, safe travel within the area and reducing both actual and perceived risks to these forms of travel via a reduction in antisocial behaviour and criminal activity.
- 15 In addition, the proposal supports Leeds City Council's 'Vision Zero' ambition by reducing the potential for injury on the public highway as a result of criminal or anti-social use. Car meets often include inappropriate use of motor vehicles and particularly excessive speed and inattentive driving, both of which are common causation factors in recorded injury collisions. Reducing the potential for anti-social use will have a consequent reduction in the potential for injury collisions, supporting the Vision Zero ambition.

What consultation and engagement has taken place?

Wards affected: Wetherby

Have ward members been consulted?

Yes

No

- 16 Dialogue has taken place with ward members who are supportive of the measures proposed.
- 17 The police are also supportive of the proposals contained within this report.
- 18 Further consultation with the emergency services, WYCA and affected frontagers will take place following the approval of this report. The hours of operation may be varied should specific concerns be raised during this process.
- 19 A Traffic Regulation Order will be advertised through the usual process and any objections received to this will be reported to the Chief Officer.

What are the resource implications?

- 20 The full costs are to be met by the estate management company for all works, inclusive of the promotion of a Traffic Regulation Order.
- 21 The Leeds City Council element of the proposals contained within this report (TRO) is valued at £10,000 works and staff costs.
- 22 Traffic Engineering will design and deliver the TRO as part of their annual programme of works.

What are the key risks and how are they being managed?

- 23 The key risk relates to the criminal activity and road safety within the trading estate, and it is envisaged that the proposed measures help manage these incidents and provide evidence to discourage future incidents.
- 24 There are no specific risks associated with the design and delivery of the works and risks for these activities are limited to those normally encountered when working on the public highway.

What are the legal implications?

- 25 Data Protection Legislation; As the data been recorded here is from private land, then Leeds City Council would not be the data controller or processor for the images recorded. Therefore, although data protection applies, Leeds City Council wouldn't be responsible for auditing the system and ensuring compliance. However, the data controller (estate management company) would have to demonstrate to the council the process to be adopted to ensure compliance. It's up to the Information Asset Owners to demonstrate they comply with legislation.
- 26 A requirement under GDPR and DP2018 is to notify the public of the presence of CCTV and who the owners are through warning notifications/signage. The CCTV itself will be overt (visible to see) and all signing will be reviewed and approved by Leeds City Council before commencement of the barrier control on Street 5.
- 27 Structures on the highway other than those provided directly by the highway authority are subject to licence and should this report be approved the provision of this gate will be licenced by the Traffic Manager.

Options, timescales and measuring success

What other options were considered?

- 28 As this is the only uncontrolled access point in and out of the estate and its adopted highway status, the only option to 'manage' access without refusing entry is via the approach contained within this report.
- 29 The alternative option is to retain the existing highway arrangement but as noted above there are concerns over use of the highway for direct anti-social motor vehicle use and as a point of entry for criminal behaviour, and retaining the existing arrangement is not considered to offer any assistance in reducing these concerns.

How will success be measured?

- 30 A reduction in robberies and commercial burglaries within the estate and the reduction or termination of illegal car meets been held. Continued monitoring of recorded injury collisions will quantitatively determine the road safety outcomes of the project.
- 31 Perceived road safety will be determined through discussions with elected members, estate management company and feedback from road users.

What is the timetable and who will be responsible for implementation?

- 32 The works will be completed within the 2023 calendar year. Traffic Engineering will be responsible for implementation.

Appendices

- Appendix A: Drawing TM/00/2687/01/03 General Arrangement
- Appendix B: EDCI Screening

Background papers - none