



**6th February 2013  
Agenda Item:11**

## **REPORT OF SERVICE DIRECTOR, HIGHWAYS**

**THE NOTTINGHAMSHIRE COUNTY COUNCIL (ALVERTON, ASLOCKTON,  
BALDERTON, COTHAM, ELTON ON THE HILL, FLAWBOROUGH,  
KILVINGTON, ORSTON, SHELTON, STAUNTON IN THE VALE AND  
THOROTON, NOTTINGHAMSHIRE) (WEIGHT RESTRICTION)  
EXPERIMENTAL ORDER 2012 (3176)**

## **REVIEW OF EXPERIMENTAL ORDER**

### **Purpose of the Report**

1. To review and assess the effect and impact of the C3 Environmental Weight Restriction Experimental Order (3176) along the C3 through Orston, Alverton and Kilvington, which came into force 6<sup>th</sup> April 2012.

### **Background**

2. The C3 route connects the A52(T) in the vicinity of Elton and Bottesford with Newark. The general nature of the road is rural, and passes through a number of small villages including Orston, Alverton and Kilvington. The route is considered to be a short-cut for vehicles requiring access to the southern end of Newark and in particular to business and industrial premises, and is therefore used by goods vehicles accessing these premises. The rural nature of the route encourages high traffic speeds and the narrowness and alignment results in significant overrunning of verges and damage by larger vehicles. The use of the route creates both noise and visual intrusion for residents of the villages and results in damage to the road infrastructure by heavy vehicles.
3. A permanent Environmental Weight Limit Order was proposed previously to alleviate the problem by ensuring that heavy goods vehicles (HGVs) requiring access to premises outside the immediate area of the C3 use more appropriate routes and are not travelling through rural communities along the C3. A number of objections were received during the statutory advertising period for this permanent order relating to the likely effects of the Weight Limit on the

surrounding road network and in relation to procedural anomalies during the consultation and advertising of the proposal.

4. A report was submitted to the Transport and Highways Portfolio meeting on 7th February 2012 which reported the objections received to the proposal to make a permanent order. It was resolved to develop proposals for an Experimental Weight Restriction Order and the proposal for the permanent Order was therefore withdrawn. The Experimental Order allows for a period of monitoring to be undertaken to establish precisely if movements by heavy goods vehicles are transferred onto adjacent unsuitable routes as has been suggested. Such action addresses directly the concerns raised in objections to the proposals to introduce a permanent order.
5. A further report was submitted to the Transport and Highways Portfolio meeting on 14<sup>th</sup> March 2012 which reported on the responses received to the consultation in respect of the proposed Experimental Order. The consultation included a total of 60 letters which were distributed to affected Parishes, businesses and other interested bodies between 21 February 2012 and 12 March 2012 informing them of the decision and inviting them to make a written objection or comment before the end of the review period. During this period two responses stating objections were received.
6. The 14<sup>th</sup> March 2012 report stated that the introduction of an Experimental Order represented the most cost-effective solution to prevent HGVs travelling through the area whilst allowing a reasonable level of enforcement and monitoring without impacting on adjacent areas and routes. An experimental order is initially monitored for a period of 6 months to assess its impact during which time representations are invited from interested parties. The report recommended that the Experimental Order be made for a period of 18 months subject to review on expiry of the 6 month objection period and traffic flows, in particular HGV levels being monitored on affected roads and adjacent routes between the A1(T), the A52(T) and the A46(T). Following the 6 month representation period Transport and Highways Committee is able to make a decision to render the experimental situation permanent or withdraw altogether or vary the scheme. An experimental order is typically made for a period of 18 months but as referred to in paragraph 14 of the report dated 14<sup>th</sup> March 2012 this represents the maximum period that such an order can be made but it is not mandatory that this period is fully utilised.
7. The C3 Environmental Weight Restriction Experimental Order (3176) came into force on the 6<sup>th</sup> April 2012 and the six month review period expired on 5<sup>th</sup> October 2012. A total of 60 consultation letters were distributed on 27<sup>th</sup> March to affected Parishes, businesses and other interested bodies.

## **Consultation Response**

8. Responses were received from seven interested parties during the period. These are available as background papers to this report but can be summarised as :

- a) Two parish councils reported an observed reduction in heavy goods vehicle traffic and supported making the Experimental Order permanent
- b) Two interested parties queried the extents of the order and how it was being monitored
- c) One parish stated that due to the A46 works the unsuitable for heavy goods vehicle signs had not been replaced
- d) One interested party stated that maintaining access to the landfill on the C3 had increased the number of heavy goods vehicles on the roads.
- e) Objections were received on 5<sup>th</sup> October and 29<sup>th</sup> October on behalf of a local business. This continues from its previous objections written on 15<sup>th</sup> December 2011, 10<sup>th</sup> January 2012 and 12<sup>th</sup> March 2012 and commented on in the previous two reports. In addition representation was sent directly to the Chair of Transport and Highways Committee on 9<sup>th</sup> January 2013 which resulted in the report being deferred from the Committee of 23<sup>rd</sup> January 2013. Further information relating to the points of concern is contained within an exempt appendix to this report.

9. The objection ('e' above) was received on behalf of one business operating outside but close to the area of restriction. The business is located as shown on the accompanying drawing and accesses its premises also as shown on the drawing. The grounds for objection and the responses are as follows:

- a) *the Order unfairly singles out their business as it is not located on the C3*

**Response** – there are numerous other businesses located at the southern end of Newark that are similarly affected by the restriction

- b) *this Order does not meet the criteria for a TRO and should not impact on any planning permissions granted, a “page 10” of a previous document is referred to as part of the objection.*

**Response** – this Order does not impact on the planning permissions granted to Staple Landfill site which is situated on the C3. The document referred to is an internal report prepared in 2010 and not subject to any Council or Committee approval. The report outlines the history of the scheme and states that an assessment in 2009 placed the C3 3<sup>rd</sup> priority on the Environmental Weight Limit list.

- c) *that Planning Condition 7 of the 12 December 2006 planning permission allows the use of the C3 for its business operations which is*

*not on the C3 and this TRO is in conflict with this planning permission/agreement*

**Response** – Planning Condition 7 does not define a route, it states only that direct access to and from the site is to be via Staple Lane which is not within the restriction

- d) *additional travel around the restricted area for business vehicles resulting in an increase to cost to the business of 50p per tonne which equates to £100,000 at full working capacity and additional journey time for vehicles accessing East Leake in Leicestershire.*

**Response** – The proposed scheme will inevitably lead to altered traffic patterns by a number of vehicles, particularly those outside but close to the proposed restriction. This is described by the objector as an inconvenience though it should be considered in the light of the environmental damage and impact on the quality of life that the existing routes and villages along that route suffer. The objector states its identified alternative route between the Staple Lane site and East Leake is through Newark and south on the A46(T). This route has been examined and found to be slightly shorter than travelling via the C3 and the A52(T). Journey runs have been undertaken and the difference in journey time is considered to be negligible and largely dependent upon localised traffic. It also has a greater proportion of the route on a dual carriageway which improves the average speed of travel.

- e) *It is suggested that the existing C3 route is the most appropriate and the most direct, the alternative route is Bowbridge Lane and Boundary Road which go through more dense residential areas with three schools. It is also stated that it is not possible to access the A1 at Balderton due to the constraints of the junction being unsuitable for heavy goods vehicles*

**Response** – as previously stated, the majority of the alternative route is using a new dual carriageway. However, it has been agreed that a number of traffic management measures will be implemented on Boundary Road to mitigate against effects of any increased traffic along this road. These measures will include the reinstatement of coloured surfacing and the introduction of additional warning signs where required irrespective of any additional trips generated along the Boundary Road route. It is considered that these proposed improvements are of benefit to all users of the route and are justifiable irrespective of the Environmental Weight Restriction issue. These measures will be funded through the Local Transport Plan provision 2013/14 using a combined Integrated Transport Measures and Maintenance contribution. Additionally a condition survey will be carried out along the length of Boundary Road.

*f) It is claimed that the business was not notified of the review period deadline and did not receive any correspondence regarding a deadline*

**Response** – This business was included in the consultation on 27<sup>th</sup> March 2012. Subsequent correspondence from its legal representation has referred to the experimental order: the business was not disadvantaged even if it did not receive correspondence regarding a deadline as it has responded to the consultation. This report was deferred from the January 2013 Transport and Highways Committee to ensure that the Committee were aware of all issues raised by the objector surrounding the potential implementation of the weight restriction.

*g) as other businesses situated on the C3 still have access then the number of heavy goods vehicles on the C3 has not noticeably reduced and the purpose of the Experimental Order has not been met*

**Response** – an analysis of the traffic flows is discussed below, however very few illegal heavy goods vehicle movements have been reported. The principle aim of the order is to discourage non-essential trips through the area and thereby minimising HGV through the rural communities. The number of illegal trips taking place following the introduction of the order is a key indicator as to the success of the scheme. The actual number of HGV manoeuvres may fluctuate with seasonal variations or as working patterns of nearby companies alter.

*h) the C100 western feeder road onto the C3 at Askerton Hill does not have signage warning of the C3 weight restriction*

**Response** – the C100 is also included within the Experimental Order, therefore there should be no signs situated at its junction with the C3 at Askerton Hill. The correct signage has been provided at all entry points to the Experimental Order and these were found to be correct when checked on 14<sup>th</sup> November 2012.

## **Review and Assessment**

10. Before and after traffic data, including heavy goods vehicles has been collected at various points between the A46(T), A52(T) and A1(T). Surveys have been conducted in February 2012 (before), August 2012 and November 2012 (after). Automatic traffic counter loops were installed at a number of locations for a period of one to two weeks. It was the intention to carry out surveys during February 2013 however these were brought forward to November 2012 to offer an early opportunity to assess traffic in the area and collate any additional information required.
11. An analysis of the results show that between February and September the northern section of the C3 (ie north of the Staple Landfill site) had shown a reduction in heavy goods vehicle movements. However, the southern section of

the C3 had not shown a reduction. As referred to above the number of trips may fluctuate. The surveys indicate that general traffic travelling in the area bounded by the A1 and the A46 has decreased overall and this is considered attributable to the A46 improvements. This improvement scheme offers an improved and more reliable journey time along that route which is applicable to all classes of vehicle.

12. Origin and Destination traffic surveys were carried out during November 2012 to establish more precisely the specific movements across the area. These surveys, when coupled with evidence from the Lorrywatch scheme indicate that HGV movements have essentially been restricted to trips which are generated from business within the zone and very few illegal manoeuvres are taking place. Surveys indicate that of 63 HGV trips taking place along the C3 (North of Staunton in the Vale) the vast majority (83%) are attributable to businesses operating within the area of the weight restriction. It is considered that a significant proportion of the remaining 17% will also be legitimate movements serving the local area. Across the areas as a whole, as an average, 85% of HGV trips are confirmed as local traffic. By the nature of manual origin and destination surveys it is not possible to specifically identify the destination of all trips or the haulier responsible for the trip, this is especially the case with such a complex network. The figures collected when combined with other on site observations would support the premise that the order is preventing extraneous trips through the rural communities.
13. The surrounding villages outside the restriction recorded very low numbers of heavy goods vehicles in the before and after surveys, often averaging in the region of 10 movements in a 24 hour period. Bowbridge Lane in Newark showed a slight reduction in the number of heavy goods vehicles.
14. It is considered that making the Experimental Order permanent will ensure that heavy goods vehicle movements remain at the minimum level allowed on the C3 reducing the noise and visual intrusion experienced for residents in those villages situated along it. As stated in the reports presented to Transport and Highways Portfolio (7<sup>th</sup> February 2012 and 14<sup>th</sup> March 2012) following a 6 months review period County Council has the authority to make a decision to amend, vary or make the order permanent or continue to monitor the order for a period up to 18 months. As the Highway Authority Nottinghamshire County Council has the powers to make an experimental order under section 9 of the Road Traffic Regulation Act 1984 and can do so prior to the conclusion of the 18 month period for which the Order is made.
15. The Nottinghamshire Police support the proposals along with local County Councillors Sue Saddington, Martin Suthers, Stuart Wallace, Keith Girling and Keith Walker and the Parish Councils along the route. It should be noted that Cllr Wallace has raised concerns regarding traffic movements along Boundary Road as included in background papers and referred to in paragraph 9(e) Response above.

## **Other Options Considered**

16. Other options considered are:-
- a. To continue with the Experimental Order and continue monitoring traffic and heavy goods vehicle flows, with a review in a further 6 months
  - b. To continue with the Experimental Order with modification and continue monitoring traffic and heavy goods vehicle flows with a review in a further 6 months.
  - c. To withdraw the Experimental Order and remove all the associated signage

## **Reasons for Recommendations**

17. The recommendation to make the order permanent is made in view of the support outlined and evidence that the adverse impact of the transference of heavy good vehicle movements onto the neighbouring road network has not occurred.
18. Making the Order permanent will continue to protect rural communities along the C3 from intrusive and extraneous journeys by HGV's whilst allowing local business within the area to continue to operate.
19. It is considered that the introduction of the Weight Restriction along the C3 has had the effect of minimising the number of extraneous journeys by HGV's along the route. As with any such order transference of trips onto the highway network elsewhere will occur, in this instance the improved A46 essentially caters for this transfer. Whilst routes between the A46 and local destinations have not been upgraded it is considered on balance that the benefits to rural communities along the C3 corridor warrants the introduction of the order on a permanent basis.

## **Statutory and Policy Implications**

20. This report has been compiled having given due regard to the Public Sector Equality Duty and after consideration of implications in respect of finance, equal opportunities, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **Financial Implications**

21. The scheme is funded from the Local Transport Plan budget for 2012/13. The cost of implementing the scheme will be in the region of £12,000.

The measures on Boundary Road, Newark will be funded through the Local Transport Plan provision 2013/14 using a combined Integrated Transport Measures and Maintenance contribution. The measures will cost approximately £40,000.

## **Crime and Disorder Implications**

22. Nottinghamshire Police has raised no objection to the proposals.

## **RECOMMENDATION/S**

It is recommended that The Nottinghamshire County Council (Alverton, Aslockton, Balderton, Cotham, Elton on the Hill, Flawborough, Kilvington, Orston, Shelton, Staunton in the Vale and Thoroton, Nottinghamshire) (Weight Restriction) Experimental Order 2012 (3176) be made permanent.

**Andy Warrington**  
**Service Director (Highways).**

**For any enquiries about this report please contact:**  
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## **Constitutional Comments (SB)**

23. Committee have the power to decide the Recommendation

## **Financial Comments (IC 07/10/12)**

24. The financial implications are stated in paragraph 21 of the report.

## **Electoral Division and Members Affected**

Bingham, Cllr Martin Suthers  
Balderton, Cllr Keith Walker  
Farndon & Muskham, Cllr Sue Saddington  
Newark East, Cllr Stuart Wallace  
Newark West, Cllr Keith Girling

## **Background papers**

Report to Transport and Highways Portfolio 7<sup>TH</sup> February 2012

Report to Transport and Highways Portfolio. 14<sup>th</sup> March 2012

Consultation Letter dated 27<sup>th</sup> March 2012

Orston Parish Council response via letter dated 30 September 2012

Shelton Parish Council responses via e-mail dated 4 July 2012 and 11 October 2012

Member of Public response via e-mail dated 25 April 2012

Cllr Wallace letter dated 25<sup>th</sup> February 2012.

Cllr Wallace response via letter dated 18 April 2012

Member of Public response via e-mail dated 23 May 2012

Elston Parish Council via Karen Nurse dated 10 July 2012

British Gypsum via e-mail dated 2 October 2012

Trethowans LLP representing British Gypsum objection received via e-mail dated 5 October 2012 and 29 October 2012

Trethowans LLP representing British Gypsum received via e-mail dated 9<sup>th</sup> January 2013.

Plan showing the location of British Gypsum site situated outside of the restriction