



Nottinghamshire
County Council

Report to Transport and Highways Portfolio

7th February 2012

Agenda Item:3.7

REPORT OF SERVICE DIRECTOR, HIGHWAYS

C3 ORSTON / ALVERTON / KILVINGTON PROPOSED 7.5T ENVIRONMENTAL WEIGHT LIMIT - REPORT OF OBJECTIONS

Purpose of the Report

1. To consider the objections received in respect of the proposed Environmental Weight Limit Traffic Regulation Order (TRO 3138) along the C3 through Orston, Alverton and Kilvington and to consider the introduction of an experimental traffic regulation order to allow greater monitoring of the effects of the proposals.

Delegated Authority

2. Scheme of Delegation TH.2. All powers relating to the planning, management and maintenance of highways and rights of way, and the development of integrated transport and road safety, which are not delegated to the Planning and Licensing Committee including:- (in consultation with the Cabinet Member for Personnel and Performance) the disposal of land acquired for (but no longer needed for) highway purposes.

Information and Advice

3. The C3 route connects the A52 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 represents a significant short-cut for vehicles requiring access to the southern end of Newark and in particular to business and industrial premises, and is therefore used extensively 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.
4. The current 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.
5. The Environmental Weight Limit is therefore proposed to alleviate the problem by ensuring that goods vehicles requiring access to premises outside the immediate area of the C3 use more appropriate routes, these being the A1, the A52 and the recently improved A46.
6. Following an extended statutory consultation exercise including an open Parish meeting where proposals and options were discussed, the statutory public notice was displayed in

County Hall, Balderton Library and Bingham Library on 17th November 2011 and copies of the notice were erected at a number of locations in the area. The closing date for objections was 15th December 2011.

7. The scheme layout is shown on the attached drawing number D129898/NL22/3138/101.
8. During this period objections were received by email and letter, and the comments are outlined below.
9. 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.

Objections Received

Objection 1

- 10.2 *businesses operating outside but close to the proposed restriction have objected on the grounds of additional travel around the restricted area for business vehicles. They comment that the existing C3 route is the most appropriate and the most direct, with alternative routes going through denser residential areas and causing considerable additional travel. One objector cites an additional distance of 120,000 km per year, although there is no data to verify these figures.*

Response

11. The proposed scheme will inevitably lead to additional travel by some vehicles, particularly those outside but close to the proposed restriction. However, this inconvenience 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. Such additional mileage is not considered to be too onerous and no evidence has been supplied to support any such claims despite it being requested.

Objection 2

12. *Parish Councils to the West of the proposed area restriction have objected on the grounds that they were not consulted during the development of the proposals and are concerned that the weight limit, if introduced, would encourage traffic to divert through these Parishes, namely Aslockton, Car Colston, Screveton, Flintham, Elston, Scarrington, Hawkesworth, Sibthorpe, Whatton, Thoroton and Shelton. These routes are considered unsuitable for significant levels of HGV through movements.*

Response

13. It is considered that the proposed scheme has only limited impact on roads in the above Parishes, and as such it was not necessary to include all Parish Councils adjacent to the restricted area in the first round of consultation relying rather on the presence of notices around the area during the advertising period to notify those on the periphery of the affected area.
14. However, the Parishes do raise some valid points regarding the diversion of traffic through these villages, and although at the time the issue was not considered relevant, it is difficult to completely ignore without substantial evidence, such as before and after traffic flows, which are by their nature impossible to collect without the introduction of the scheme.

15. An experimental period would therefore be appropriate in order to properly monitor the impact of traffic on this and adjacent routes, and enable ongoing dialogue with all affected Parishes during the experimental period.
16. In addition, as most of the roads within the area are narrow and tortuous, some information signing, such as 'unsuitable for Heavy Goods Vehicles' could be provided on the main accesses into the area as an additional deterrent.

Objection 3

17. *A number of comments have been received regarding anomalies in the legal process, including a failure to properly give notice, failure to properly consult, inadequate statement of reasons, incorrect placement of public documents and failure to reference section 3(2) of the Road Traffic Regulation Act 1984.*

Response

18. It is acknowledged that a clerical error has meant that incorrect documents were delivered to Bingham Library and if the proposal proceeds as per the advertised order this will need to be addressed by re-advertising.
19. Other issues such as the extent and nature of consultation and publicity are covered by The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 and are left to the discretion of the Authority.
20. Reasons for making an Order are covered in The Road Traffic Regulation Act 1984, and the Statement of Reasons accompanying this proposal is consistent with those requirements.
21. Section 3 of the Road Traffic Regulation Act 1984 only permits an Order to be made preventing access by any vehicle for more than 8 hours a day, if the making Authority is satisfied that certain conditions are met and makes a statement in the proposed Order to that effect. The draft Order as advertised contains a reference to Section 3 of the act and a statement that the Authority is satisfied that *"...for preserving or improving the amenities of an area by prohibiting or restricting the use on a road or roads in that area of heavy commercial vehicles, it is requisite that section 3(1) applies to the Order"*
22. This same statement will be included for an experimental or permanent order which may be introduced.

Other Options Considered

23. Other options considered were:-

- A smaller restriction covering part of the route to the north of the 3 villages. This would be lower cost but would encourage vehicles to divert around the restriction along unsuitable roads through other villages.
- A wider restriction covering the whole area between the A52, the A46 and the A1. This would be considerably more expensive and would make the identification of offenders more difficult.

- These options have been made public and considered by several local organisations and are contained in the report produced in October 2010 which is listed as a background paper. Additionally a technical review was undertaken considering wider options, which is also listed as a background paper.

Reason for Recommendation

24. The proposed scheme represents 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. The introduction of the restriction as an experimental order acknowledges the objections received from affected parties expressing concern that additional non essential journeys by HGVs will be generated in villages adjacent to the restricted area as a direct result of the restriction. Thorough monitoring of traffic movements within the area will enable a clear picture of revised traffic patterns to be identified and considered by the Cabinet Member. An experimental order is usually monitored for a period of 6 months to assess its impact during which time representations will be invited from interested parties. As part of the statutory procedure to introduce the order it will be necessary to seek the views of a number of organisations including the emergency services. Following the 6 month period the Cabinet Member for Transport and Highways would make an evidence-based decision to make the experimental situation permanent or if appropriate extend the experimental period. To offer this flexibility it is good practice to process an order which offers an experimental period of up to 18 months, which is the maximum allowed under the Regulations. The Cabinet Member may also wish to consider complementary traffic orders adjacent to the restricted area to address any issues arising as a result of the C3 restriction.

Statutory and Policy Implications

25. This report has been compiled 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

26. The scheme is funded from the Local Transport Plan budget for 2011/12. The cost of implementing the scheme will be approximately £12,000.

RECOMMENDATIONS

27. It is recommended that the introduction of **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) Traffic Regulation Order 2012 (3138)** is suspended and:-

- a) An experimental Order is implemented as per the scheme previously advertised for an initial period of 6 months, during which time comments are invited in respect of the effect of the weight restriction. At the end of the experimental period consideration is given to outstanding objections as well as objections to the permanent Order proposals that have not been resolved during the monitoring period;
- b) Traffic flows, and in particular HGV levels, are monitored on all affected roads and adjacent routes between the A1, the A52 and the A46 the results of which will be included in subsequent reporting to the Cabinet Member to allow a full appraisal of the experiment to be undertaken;
- c) As part of the signing works for the experimental Order, 'unsuitable for HGVs' signs are erected at appropriate entry points into the adjacent area;
- d) If considered necessary by the Cabinet Member the experimental Traffic Regulation Order can be revoked at any time during the 18 month period.

Andrew Warrington

Service Director (Highways)

For any enquiries about this report please contact:

Neil Hodgson, Team Manager - Major Projects and Improvements

Constitutional Comments [S.H.B.- 30/01/12]

28. Portfolio Holder has power to approve the Recommendations.

Financial Comments [I.C.- 06/10/11]

29. The financial implications are as contained in paragraph 26 of this report.

Background Papers

Letters from:

Car Colston Parish Meeting, dated 12th December 2011

Thoroton Parish Meeting, dated 14th December 2011

Trethowans Solicitors on behalf of British Gypsum, dated 15th December 2011

Flintham Parish Council, dated 16th December 2011

Emails from:

Screveton Parish Council, dated 12th December 2011

Aslockton Parish Council, dated 13th December 2011

Whatton-in-the-Vale Parish Council, dated 13th December 2011

Farrell Transport, Staunton-in-the-Vale, dated 14th December 2011

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Electoral Division and Members Affected

Bingham, Cllr Martin Suthers

Balderton, Cllr Keith Walker

Farndon & Muskham, Cllr Sue Saddington

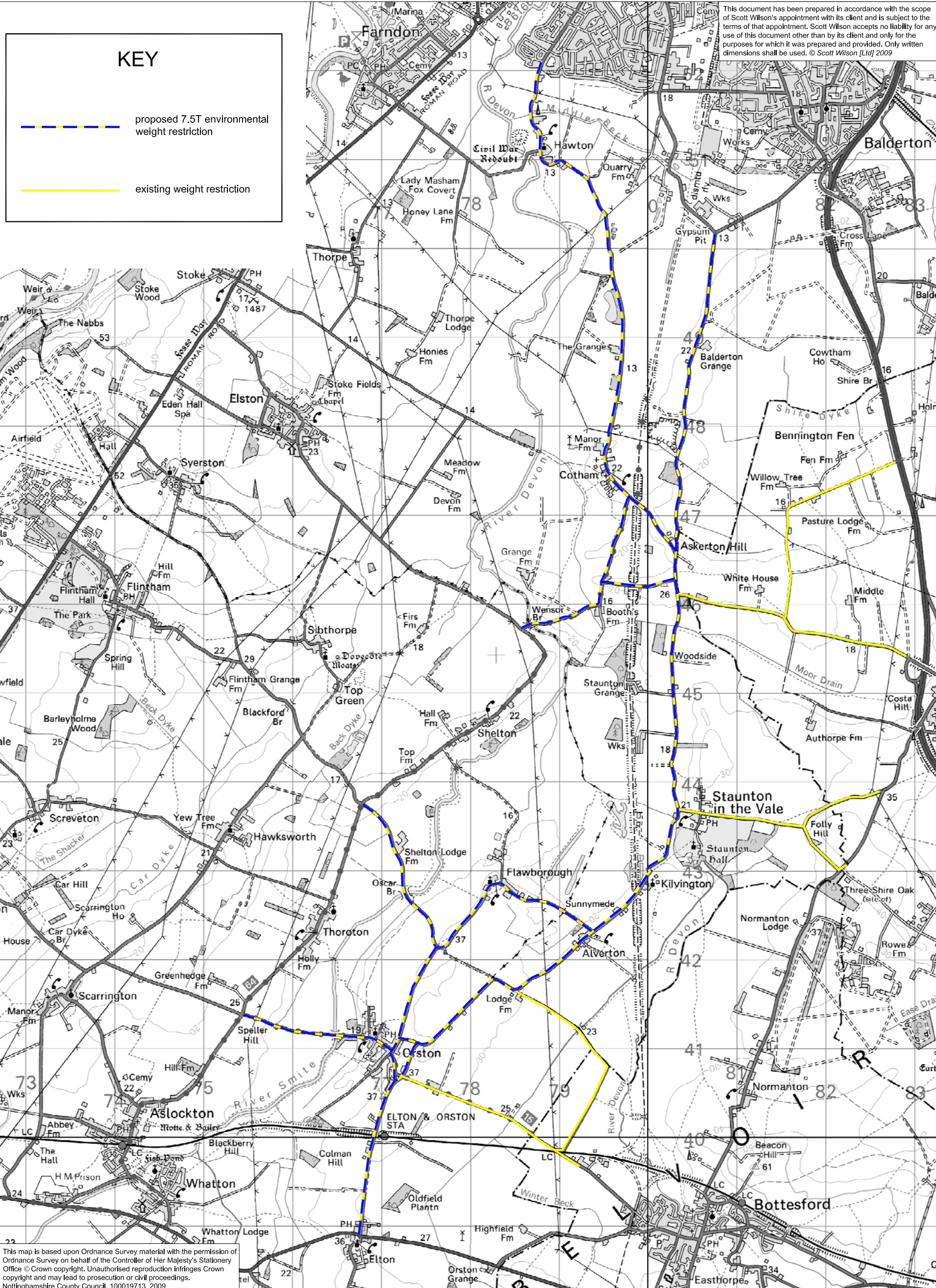
Newark East, Cllr Stuart Wallace

Newark West, Cllr Keith Girling

H/HM/TB/IB/HW0010 – C3 report NCC modified 2

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K:DESIGN
Plot Date :
AutoCAD File Name :

Status CONSULTATION	Approved GB	Date	D129898/NL22/3138/101			Nottinghamshire County Council Director Tim Malynn Trent Bridge House, Fox Road West Bridgford, Nottingham NG2 6BJ Tel: 0115 9823 823
Drawing Title 7.5T ENVIRONMENTAL WEIGHT LIMIT C3 ORSTON / ALVERTON / KILVINGTON BETWEEN A52 AND NEWARK			Scale at A4 :	Drawn AR	Approved GB	Revised
			Checked GB	Date OCT 10	Date	

