

DERBYSHIRE COUNTY COUNCIL

**MEETING OF CABINET MEMBER – HIGHWAYS, TRANSPORT AND
INFRASTRUCTURE**

5 May 2015

Report of the Strategic Director – Economy, Transport and Environment

**BROOKHILL LANE, PINXTON - PROPOSED 7.5 TONNES WEIGHT
RESTRICTION ORDER – OBJECTION FROM NOTTINGHAMSHIRE
COUNTY COUNCIL**

(1) **Purpose of Report** To seek the Cabinet Member's approval of a proposed 7.5 tonne Weight Restriction Order at Brookhill Lane, Pinxton.

(2) **Information and Analysis**

Background

Following requests concerning an increase in the amount of Heavy Goods Vehicles (HGVs) using Brookhill Lane, Pinxton, to see if the introduction of a 7.5 tonnes Weight Restriction Order would be appropriate.

Brookhill Lane is particularly narrow, with a twisty section to the south-west of Brookhill Farm, and a steep gradient.

Prior to the construction of the Co-operative Distribution Centre, a survey was undertaken back in August 2010, to assess the volume of HGVs using Brookhill Lane. Following the opening of the Centre and the settling down of the traffic to established patterns of behaviour and route choices, a further survey was undertaken on Brookhill Lane in May 2014. A summary of the data is detailed below:

August 2010 Survey (Survey over a 7 day period)

2,399 Total average daily flow

130 Total average daily flow Class TB2 and above (class TB2 includes medium goods vehicles, small buses and rigid 2 axle HGVs).

Percentage Class TB2 and above using Brookhill Lane = 5.4%

May 2014 Survey (Survey over a 7 day period)

3,320 Total average daily flow

216 Total average daily flow Class TB2 and above

Percentage Class TB2 and above using Brookhill Lane = 6.5%

A number of complaints have been received from residents of Pinxton regarding HGVs using Brookhill Lane and Councillor Coyle has also expressed his concerns and is keen to see a weight limit introduced as soon as possible.

The surveys clearly identified a rise in the volume of HGV's using Brookhill Lane and so it is the intention to pursue the introduction of an Environmental Weight Limit to help address this issue.

The length of Brookhill Lane concerned crosses the County Boundary into Nottinghamshire. Officers initially consulted upon the proposals, as shown on the attached plan, on 29 August 2014. Responses received from both Nottinghamshire Constabulary and Derbyshire Constabulary expressed concern regarding the amount of enforcement they could provide.

The proposals were then advertised on site and in the local press from 11 December 2014 to 9 January 2015 (See Appendix 1).

Objections

Both Derbyshire and Nottinghamshire Constabulary expressed concerns that the weight limit would not have a large degree of self-enforcement. The objection from a local Nottinghamshire County Council Member concerned possible displacement of HGV's along Kirkby Lane/Pinxton Lane and into Kirkby Cross. It was also claimed that Church Hill, Church Street and Sutton Road already suffer from a high volume of HGVs causing damage to carriageways and footways, noise and air pollution and congestion problems through to the A38. The Nottinghamshire County Council Member has requested details of possible safeguards that could be put in place to mitigate their concerns.

Local Member Comment

Councillor Coyle made the following comment *"I fully and strongly support the introduction of the weight limit as described in the report. This is a highly dangerous road and there have been many near misses thus far. I would hope that this can be implemented without delay."*

Officer Comments

It is not possible to terminate a weight limit at the County Boundary, as HGVs on the Nottinghamshire side would be left with no alternative but to turn round or, more likely, carry on through the weight limit. The weight limit, as shown on the plan, keeps signing to a minimum on both Derbyshire and Nottinghamshire's road networks but additional signing of the weight limit can be provided in advance of the Castlewood Business Park roundabout (on two arms not affected by the weight limit) to improve compliance.

Comments are noted regarding the displacement of HGVs along Kirby Lane/Pinxton Lane and into Kirby Cross, and that Church Hill, Church Street and Sutton Road already suffer from a high volume of HGVs causing damage

to carriageways and footways, noise and air pollution and congestion problems through to A38. However, the most likely routes that will be used by HGVs are the A38 and 'B' class roads, which are more suited to carrying HGVs than Brookhill Lane/Pinxton Lane.

The necessary signing in Nottinghamshire can be undertaken and paid for by the County Council as part of the scheme, should it be introduced.

Nottinghamshire County Council will also need to approve the weight limit contained in Nottinghamshire. It is therefore proposed that a copy of this report is made available to assist in that decision making. Should Nottinghamshire County Council reject the proposal, it would be recommended that the Derbyshire proposal be withdrawn as the potential solution is unworkable.

As the proposal affects a section of Pinxton Lane in the County of Nottinghamshire, a further report would be required, once a decision has been taken by Nottinghamshire County Council, on the proposal as advertised.

(3) **Financial Considerations** The approximate cost of introducing the Weight Restriction Order is £1,500 and will come from the Capital Budget for Traffic Regulation Orders 2014-15 Local Transport Plan.

(4) **Legal Considerations** Section 1 of the Road Traffic Regulation Act 1984 enables a traffic authority to make a Traffic Regulation Order (TRO) if it considers it to be expedient for a number of purposes.

However, there is also a general duty in Section 122 of the Act which requires the authorities in exercising their functions under the Act to a) secure the expeditious, convenient and safe movement of traffic (including pedestrians) and b) the provision of suitable and adequate parking facilities on and off the highway, and so far as practicable having regard to the matters listed below.

The matters also to be considered are:

- 1) the desirability of securing and maintaining reasonable access to premises;
- 2) the effect on the amenities of a locality and (including) the use of roads by heavy commercial vehicles;
- 3) the national air quality strategy prepared under Section 80 of the Environment Act 1995;
- 4) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of passengers/potential passengers; and
- 5) any other matters appearing to the Council to be relevant.

Having considered any objections made, the Council may determine to introduce the new restrictions. Regulation 19 of the Local Authorities' Traffic

Orders (Procedure) (England and Wales) Regulations 1996 enables the Council to make an Order in part giving effect to some of the proposals to, which the order relates while deferring a decision on the remainder.

The Order will need to be formally made, advertised and the requisite signs erected and road markings placed on site in accordance with the new Order. No Order can be made until after the last date for objections. No Order can be made more than two years after the date of the publication of the notice of proposals. No part of a TRO can come into force before that date when it is intended to publish a notice of making. Within 14 days of the making of the Order, the Council must give notice in writing to anyone who objected to the Order and whose objection has not been withdrawn. Where the objection has not been wholly acceded to, the notification must include the reasons for the decision.

Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

(5) **Key Decision** No.

(6) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(7) **Background Papers** Held on file in within the Economy, Transport and Environment Department. Officer contact details – Lee Wright, extension 38674.

(8) **OFFICER'S RECOMMENDATIONS** That:

8.1 Derbyshire County Council provides Nottinghamshire County Council with a copy of this report to be considered by its Highways and Transport Committee.

8.2 Derbyshire County Council produces a further report, once a decision has been taken by Nottinghamshire County Council, on the proposal as advertised.

Mike Ashworth
Strategic Director – Economy, Transport and Environment

**DERBYSHIRE COUNTY COUNCIL
ROAD TRAFFIC REGULATION ACT 1984
(BROOKHILL LANE AND PINXTON LANE, PINXTON)**

**(7.5 TONNE MAXIMUM GROSS VEHICLE WEIGHT
RESTRICTION (EXCEPT FOR ACCESS)) ORDER 2015**

Derbyshire County Council, with the consent of Nottinghamshire County Council, proposes making an Order under the Road Traffic Regulation Act 1984 prohibiting any Heavy Commercial Vehicle from proceeding in the lengths of road described below:

**PROPOSED 7.5 TONNE MAXIMUM GROSS VEHICLE WEIGHT RESTRICTION
(EXCEPT FOR ACCESS)**

Brookhill Lane and Pinxton Lane, Pinxton

From its junction with Town Street (in the County of Derbyshire) to a point (in the County of Nottinghamshire) 180 metres south of its junction with A38.

Exemptions will be made for the conveyance of merchandise to or from any premises situated on or adjacent to the roads, agriculture in connection with adjoining land; in connection with any building operation or demolition and the carrying out of work by statutory undertakers; emergency vehicles; the passage of winter maintenance vehicles and public service vehicles.

A copy of the Order and documents giving more detailed particulars of the Order are available for inspection at the offices of the Derbyshire County Council, Main Reception, County Hall, Matlock between 9am and 5pm, Monday to Friday until 6 weeks after the Order is made, and at Pinxton Library, Kirkstead Road, Pinxton NG16 6NA, Tuesday 2pm to 5pm, Thursday 9.15am to 1pm and 2pm to 5pm, and Friday 9.15am to 1pm until 09 January 2015.

All objections and other representations to the proposal must be made in writing and all objections must state the grounds on which they are made and be sent to the Strategic Director – Economy, Transport and Environment, Derbyshire County Council, County Hall, Matlock DE4 3AG (For Attention of Traffic and Safety Team) or email netmanadmin@derbyshire.gov.uk by 09 January 2015.

Dated: 11 December 2014.

Mike Ashworth, Strategic Director - Economy, Transport and Environment,
Derbyshire County Council, County Hall, Matlock DE4 3AG.

