

Agenda Item No. 4(b)

DERBYSHIRE COUNTY COUNCIL

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

10 May 2016

Report of the Strategic Director – Economy, Transport and Environment

**EAST BANK AND WEST BANK, WINSTER – OBJECTION TO PROPOSED
3.5 TONNE MAXIMUM GROSS VEHICLE WEIGHT RESTRICTION**

(1) **Purpose of Report** To advise the Cabinet Member of the outcome of the consultation process and subsequent receipt of an objection to the proposed 3.5 Tonne Maximum Gross Vehicle Weight Restriction for East Bank and West Bank, Winster, and to recommend that the Order be made as advertised.

(2) **Information and Analysis** The roads of East Bank and West Bank lie within the conservation area of the village of Winster. Both roads are residential and, given their historic nature, the carriageways are typically very narrow, with an absence of footways, and boundary walls generally fronting directly onto the road itself. Both roads are on a steep, north-south incline and contain a series of sharp bends.

Off-street parking provision is limited and there is a tendency for residents to park their vehicles on the adjacent carriageway, further reducing the available width for passing vehicles.

The physical restraints of the environment, combined with the presence of parked vehicles, make both roads very difficult to negotiate with larger vehicles. Indeed, this Highway Authority has, in the past, received many reports from residents of incidents whereby vehicles have either become stuck or caused damage to property and boundary walls, as well as to other vehicles.

In response, the Authority was successful in obtaining special dispensation from the Department for Transport, to impose a 3.5 Tonne Environmental Weight Restriction on both East Bank and West Bank and a Traffic Regulation Order (TRO) was subsequently made in 2008.

During a review of the 2008 TRO, Derbyshire County Council's Trading Standards officers identified an inaccuracy in the description of those vehicles to which the restriction applies. The consequence of this being that enforcement action by the Police and Trading Standards officers could only be taken against vehicles exceeding 7.5 tonnes and not 3.5 tonnes.

To enable better enforcement, a proposal was put forward to revoke the current 2008 TRO and replace it with a new TRO, to include a technical adjustment of the wording, which would allow enforcement action to be taken against contravening vehicles exceeding 3.5 tonnes. Aside from this change to the wording of the TRO, there were no proposals to alter the actual extents of the restriction.

The proposals, as shown in drawing number HMT/MS/16/15 (attached), have followed the statutory consultation procedure. One objection was received from Winster Parish Council, during the consultation period, and is summarised as follows:

"The Parish Council wishes for the existing restriction to be extended in a southerly direction, to include the car park on Winster Bank, to its junction with the B5056. This section is not covered by the current TRO and often leads to confusion for drivers who reach the 3.5 tonne limit at the car park and continue down East/West Bank, rather than turning around. DCC was reluctant to include this section in 2008 because of lorries using this section of road to service the recycling centre at the car park, which has since been withdrawn. The other benefit would be that some of the signage at Bank Top (B5056 junction) could be rationalised and de-cluttered to improve the visual impact to this sensitive part of the village."

Local Member Comment

Councillor Spencer has been made aware of the proposals and the nature of the objection and supports the Parish Council's request for the weight restriction to be extended to East Bank's junction with the B5056. Whilst this will bring the car park and farm access into the 3.5 tonne weight limit, Councillor Spencer does not believe this will cause any issues.

Councillor Spencer has also suggested that the existing signage at the East Bank junction with the B5056 should be rationalised so that the signage here mirrors the positive routing (white on black) sign recently introduced at the Main Street junction with West Bank.

Officer Comment

Extending the 3.5 tonne weight restriction to include the section of East Bank to its junction with the B5056, will allow service vehicles, associated with the accesses along this section, legitimate access along East Bank and West Bank (from Main Street), regardless of their weight. Whilst the current use of these accesses may not cause concern, there can be no certainty over their future use. The current start of the 3.5 tonne weight restriction (directly to the north of the car park access) safeguards against this future uncertainty by requiring vehicles associated with these accesses to approach via the more appropriate B5056 route.

The Derbyshire Dales No.1 Area Wide 7.5 Tonne Environmental Weight Restriction starts at the B5056 junction with East Bank and is signed accordingly. It is not legally possible to sign two conflicting weight restrictions at the same point, which is essentially what would happen should the existing 3.5 tonne weight restriction be extended to this junction.

There is, as requested by both the Parish Council and Local Member, an opportunity to rationalise the advanced warning signage at the B5056 junction with East Bank. This could include the introduction of a sign to positively route HGV traffic along the B5056 and lessen the risk of the 3.5 tonne weight restriction being inadvertently contravened.

(3) **Financial Considerations** This TRO work and minor signing changes form part of the 2016-17 Local Transport Plan Capital Scheme for Network Management works and is estimated to be £1,000.

(4) **Legal Considerations** Section 122 of the Road Traffic Regulation Act 1984, states that it shall be the duty of every Local Authority exercising the functions in that Act (so far as practicable having regard to the matters listed below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.

The matters referred to above are:

- 1) the desirability of securing and maintaining reasonable access to premises;
- 2) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads

- run; 2ii) the national air quality strategy prepared under Section 80 of the Environment Act 1995;
- 3) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and
 - 4) any other matters appearing to the Local Authority to be relevant.

Section 2 of the 1984 Act states what a TRO may provide for and this includes restricting the use of a road by vehicular traffic of any class specified in the Order. Notice of proposals must be given in accordance with Regulation 7 Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 and at least a minimum of 21 clear days for the receipt of written objections must be allowed. Objections can then be considered by the Local Authority.

Having determined all objections, the Council may determine to introduce the new restrictions. The Order will need to be formally made, advertised and the requisite signs erected. An Order shall not be made until after the last date for objections. 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 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.

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 the Economy, Transport and Communities Department. Officer contact details – Paul Jameson, extension 38610.

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

- 8.1 The Cabinet Member approves the revocation of the 2008 Traffic Regulation Order and the introduction of a 3.5 Tonne Maximum Gross Vehicle Weight Restriction for East Bank and West Bank, Winstar, as advertised, and as shown on the attached drawing number HMT/MS/16/15, with associated advertisement costs being met from the 2016-17 Traffic Management Revenue budget.

- 8.2 The signage at the East Bank junction with B5056 be rationalised, as described, with costs for this being met from the 2016-17 Local Transport Plan Capital Scheme for Network Management works at an estimated total cost of £1,000.
- 8.3 The Local Member and objector be informed accordingly.

Mike Ashworth
Strategic Director – Economy, Transport and Communities

