

AGENDA MANAGEMENT SHEET

Name of Committee North Warwickshire Area Committee

Date of Committee 21st March 2007

Report Title Gorse Green Lane, Fillongley - Heavy Goods Vehicles

Summary Requests have been received for an Amenity Weight Limit on Gorse Green Lane. This report discusses the background to the requests and the County Council’s policy on weight limits. It recommends that the request for a weight limit is not pursued.

For further information please contact Roger Bennett
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Would the recommended decision be contrary to the Budget and Policy Framework? Yes/No

Background Papers Various letters and photographs.

CONSULTATION ALREADY UNDERTAKEN:- *Details to be specified*

Other Committees

Local Member(s) Councillor C Hayfield
(With brief comments, if appropriate)

Other Elected Members

Cabinet Member Councillor M Heatley – for information.
(Reports to The Cabinet, to be cleared with appropriate Cabinet Member)

Chief Executive

Legal L Arben – comments incorporated.

Finance

Other Chief Officers

- District Councils
- Health Authority
- Police Comments incorporated.
- Other Bodies/Individuals

FINAL DECISION **YES/NO** *(If 'No' complete Suggested Next Steps)*

SUGGESTED NEXT STEPS :

Details to be specified

- Further consideration by this Committee
- To Council
- To Cabinet
- To an O & S Committee
- To an Area Committee
- Further Consultation

North Warwickshire Area Committee - 21st March 2007

Gorse Green Lane, Fillongley - Heavy Goods Vehicles

Report of the Strategic Director for Environment and Economy

Recommendation

That the request for an Amenity Weight Limit on Gorse Green Lane is not pursued.

1. Introduction

- 1.1 Gorse Green Lane is the D510 which runs from the D505/D507 Green End Lane to the D511 Kinwalsey Lane. There are some residential properties and a long established poultry farm along its route but otherwise it is almost entirely rural in nature. It is a narrow country lane with relatively light traffic flows and its character is typical of the D road network in the County. There is an S bend at its northern end with steep embankments. The width of the road is such that drivers of vehicles of all types need to operate a “give and take” arrangement to pass safely and this often involves the need to partly mount the grass verges. The road forms part of the signed route for the North Warwickshire Cycle Way. A location plan is attached as **Appendix A**.
- 1.2 An “Unsuitable for Heavy Goods Vehicles” sign has been provided at its junction with Green End Lane. This type of sign is normally erected to discourage the use of a road as a through route for heavy goods vehicles (HGVs). There is no evidence that a significant number of HGVs use the lane as a through route. It is used by agricultural vehicles which are not classified as HGVs.
- 1.3 There have been a number of representations from local residents over the years regarding the use of the lane by HGVs . The concerns which have been raised include:-
- (i) Issues around personal safety owing to the size and weight of the HGVS and the lack of suitable pedestrian facilities.
 - (ii) The general road safety situation given the lack of visibility around the bends and the use of the lane by cyclists.
 - (iii) The environmental impact in respect of noise and vibration.
 - (iv) Damage to the highway and verges with mud being deposited on the road in inclement weather.

- (v) Potential damage to the foundations of adjacent properties (which are very close to the carriageway) and the consequent devaluation of properties.
- 1.4 Residents have requested that an Amenity Weight Limit be introduced. Officers have considered these requests and have taken the decision not to pursue the matter. However, further requests have been received. This report discusses the background to these requests and the County Council's policy on the introduction of amenity weight limits. It recommends that the Committee endorse the officer's decision that the request for an Amenity Weight Limit on Gorse Green Lane is not pursued.

2. Background

- 2.1 The majority of HGVs that use Gorse Green Lane are travelling to and from the poultry farm. A number of years ago the owner of the farm obtained planning permission from North Warwickshire Borough Council to expand the business. The Borough Council imposed a condition that a new road, for all vehicular access, should be constructed from Green End Lane to the site. The expansion of the business has not taken place. However, an access road has been constructed in association with subsequent planning consent for a stable block development on the land. The stable block is now occupied by a tenant. The access road does connect Green End Lane to the poultry units via the stable block but for security reasons it is gated and locked at both ends. The road is only used as an access to the stable block.
- 2.2 Local residents have requested that a weight limit be imposed on Gorse Green Lane to avoid the need for HGVs to use the lane to access the poultry farm and to force the use of the new access road. However, the owner of the farm and his tenant have indicated that they are not prepared to allow this as it would mean vehicles having to pass close to the stables which are now in use for keeping horses. They have also indicated that they will raise a formal objection to any proposal to impose a weight limit on Gorse Green Lane.

3. Amenity Weight Restrictions – Policy

- 3.1 Amenity weight limits can be used on any road or roads to try and prevent danger or damage or to protect the amenities of an area. In both cases there is a need to introduce a Traffic Regulation Order (TRO). The process for introducing a TRO requires formal consultations to be carried out and the public advertisement in a local newspaper of any proposals. Any objections which are received are reported to Area Committee for consideration.
- 3.2 Amenity weight limits can only be imposed to control goods vehicles exceeding 7.5 tonnes maximum gross weight (mgw) or 18 tonnes mgw. An exemption for loading purposes or access to adjacent premises is normally required. It is possible for an Order to be made without such exemption. However, where such a prohibition would prevent access to premises on or adjacent to the road for more than eight hours a day and there are objections from an owner, occupier or lessee of the premises affected, the Order cannot be made without the consent of the Secretary of State. Before we can promote such an Order,

we need to be satisfied that there are firm grounds for this and strong evidence to back them up.

3.3 Amenity weight limits are usually considered to be a last resort measure. When complaints are received about HGVs we do try and identify the operators and encourage them to use other more suitable routes if these exist. However, the following policy criteria are normally used to determine when Amenity Weight Restriction Orders will be introduced:-

- (i) A significant problem caused by HGVs unnecessarily travelling through an area is demonstrated.
- (ii) An appreciable reduction in the number of HGVs is attainable.
- (iii) An alternative route is available which is suitable for HGV traffic as regards its alignment and strength.
- (iv) There is an overall environmental benefit in re-directing the HGVs, not simply a transfer of the problem from one area to another.
- (v) A scheme can be designed which gives a clearly signed route which can be easily understood by drivers and is likely to be largely self enforcing.
- (vi) The area is compact enough to allow enforcement by the police.

3.4 An option of a weight limit, with no exemption for access, between Green End Lane and the northern side of the entrance to the poultry farm has been considered. The alternative highway routes to the poultry farm would be via D roads which are of no higher standard than Gorsey Green Lane. In addition the lack of an exemption would prohibit any future deliveries/access by HGVs to the residential properties.

4. Damage to the Highway and Danger to Road Users

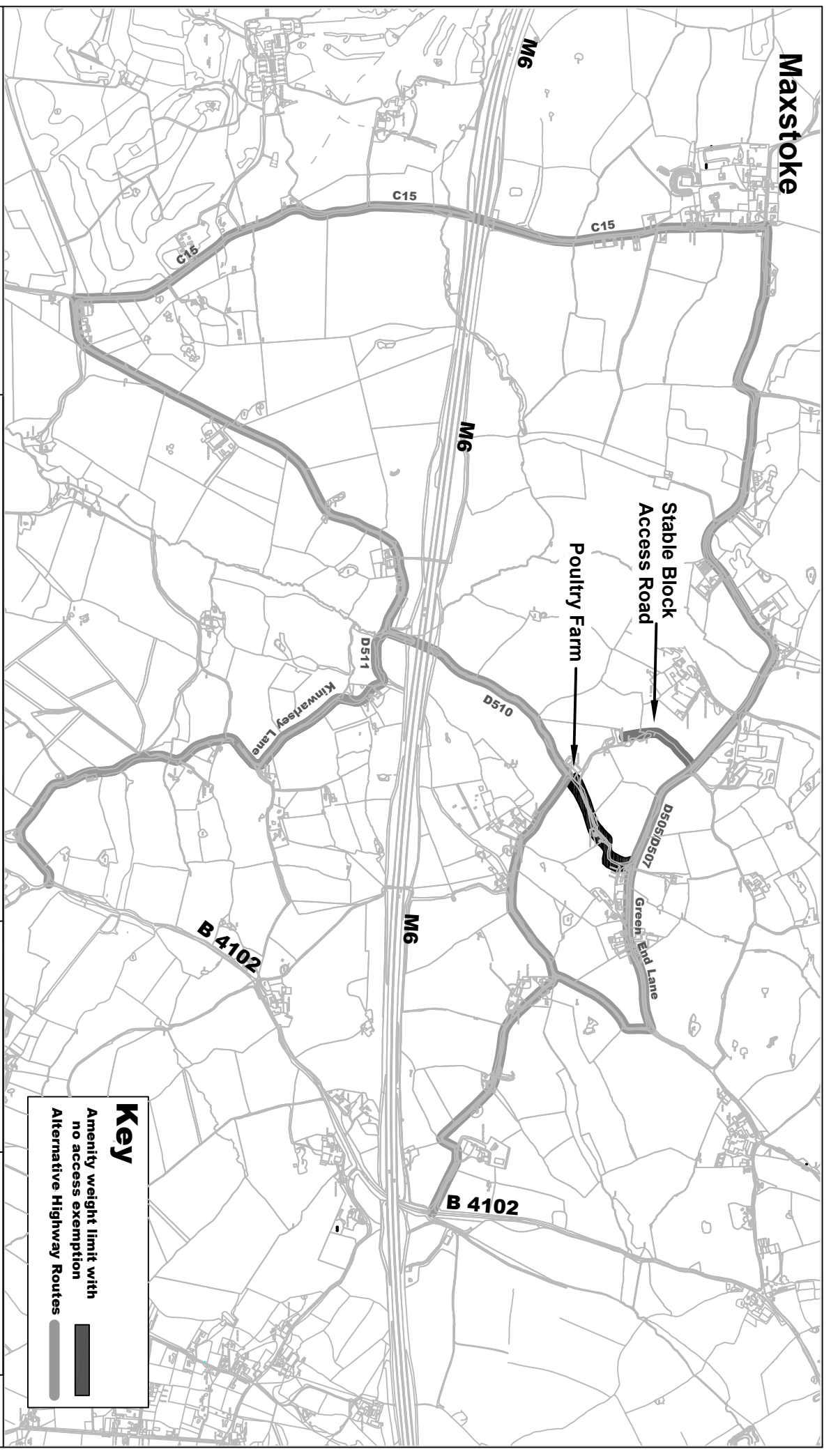
- 4.1 As mentioned above there has been concern raised that the continued use of Gorsey Green Lane by HGVs has resulted in damage to the highway.
- 4.2 The County Highways Area Manager's team at Coleshill carry out regular safety inspections on all D class roads. The last inspection of Gorsey Green Lane was in 2006 when no major defects were identified. There were some drainage works carried out on the southern length of the road in the late 1990's. The only otherworks that have been carried out were some minor pot hole repairs in January 2004.
- 4.3 There have been no injury accidents recorded in Gorsey Green Lane and the police have advised that there is no collision record or safety issues of any significance. The police have also indicated that a weight limit would impose an enforcement issue.

5. Conclusion

- 5.1 Having regard to all the circumstances the officer's view is that the County Council does not have sufficient grounds to promote any Amenity Weight Limit Order for Gorsey Green Lane for the following reasons:-
- (i) In terms of the County Council's policy on the introduction of weight limits there is no evidence that Gorsey Green Lane is being used as a through route by a significant number of HGVs and there is no better alternative route available via the public highway network.
 - (ii) The County Highways Area Manager has not raised any particular concerns as to damage or maintenance of this road and is of the opinion that the situation is no worse than in many other locations.
 - (iii) The police have indicated that there is no collision record or safety issues of any significance which would support an Order being made on the grounds of avoiding danger to persons or traffic using the road.
 - (iv) The owner of adjacent premises has indicated that he would object to the imposition of a weight limit without an exemption for access meaning that the County Council has no power to make such an Order without first obtaining the consent of the Secretary of State.
 - (v) Both the owner of the poultry farm and the tenant of the stable block are not prepared to allow access to the farm via the new road. Neither the County Council or the Borough Council has any powers to require this private road to be used.
- 5.2 There are many locations in rural areas, including farms, which generate large vehicles including HGVs. This can often present traffic management issues especially in very narrow country lanes. However, established businesses are entitled to access via the public highway network. When difficulties are brought to our attention we do work with the local community to try and find solutions but in this case this has not proved to be possible. It is recommended that the Committee endorses the officer's decision that the request for an Amenity Weight Limit on Gorsey Green Lane is not pursued.

JOHN DEEGAN
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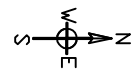
7th March 2007



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North Warwickshire Area Committee - 21 March 2007
Gorsey Green Lane, Fillongley
Heavy Goods Vehicles
Location Plan

Plan A



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 Ordnance Survey map
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