

**Decision proposed to be taken by the Portfolio Holder
Transport and Highways on or after
27 July 2012**

**Marston Lane Canal Bridge, Bedworth
Proposed Maximum Gross Weight Limit**

Recommendation

That the Warwickshire County Council (Various Bridges) (Weight Restriction) Order 2012, including a 13 tonnes maximum gross weight restriction on Marston Lane Canal Bridge, Bedworth, be made as advertised.

1.0 Key Issues

- 1.1 Changes to the Traffic Signs Regulations and recent structural surveys have resulted in the need to vary the weight limits on a number of bridges throughout the County. The legal process has required proposals for the new weight limits to be publicly advertised. These include a proposal for a 13T (tonnes) maximum gross weight restriction (mgw) on Marston Lane Canal Bridge in Bedworth to which objections have been received. No objections were received to any of the other proposals.
- 1.2. This report outlines the background to the Marston Lane Canal Bridge proposal and recommends that this, and all of the other proposals, be implemented as advertised.
- 1.3. The statutory criteria for decisions on making Traffic Regulation Orders is included as **Appendix A**.

2.0 Background

- 2.1 Apart from those on motorways and trunk roads most bridges in Warwickshire are the responsibility of the County Council. However, some – but not all – bridges over railways and canals are the responsibility of Network Rail and British Waterways respectively. In these cases although the Council, as Highway Authority, makes any legal weight limit Order, it does so on the advice of Network Rail or British Waterways.
- 2.2. Marston Lane Canal Bridge is owned and maintained by British Waterways and various structural weight limits have been imposed in the past. These have been based on detailed assessments by Structural Engineers of its carrying capacity and the weight limit legislation in force at the time.
- 2.3. The effect of a vehicle on a bridge is usually dependent on the actual weight imposed by the heaviest axle of the vehicle. For this reason in the past,

weight limits were expressed in terms of actual axle loads. However, this type of restriction proved to be extremely difficult to enforce and a new national system was introduced based on gross weight i.e. the maximum laden weight of a vehicle as laid down in the Motor Vehicles Construction and Use Regulations. The current levels of weight permitted are 26T, 18T, 7.5T and 3T and, in addition for masonry arch bridges only, 33T 13T and 10T are also permitted.

- 2.4. The most recent limit on Marston Lane Canal Bridge was a temporary 10T mgw restriction. However, British Waterways Structural Engineers have re-assessed the carrying capacity of the bridge at 13T. The temporary Traffic Regulation Order has expired.

3. Objections

- 3.1. A proposal for a 13T mgw restriction on the bridge was publicly advertised in May 2012. Two objections raising broadly similar points were received; one on behalf of the Old Collycroft Residents Association and the other from a Marston Lane resident.

3.2 Objection

Residents worry that the increase from 10T to 13T will mean that the bridge will be unable to handle the extra load in the long run.

Response

There are no significant implications with a 13T restriction because, apart from some public service vehicles, there are very few vehicles, if any, that are between 10T and 13T.

Future assessments of the bridge will determine if its condition has deteriorated and if there is any need for a lower weight limit to be imposed.

3.3. Objection

Residents are concerned that the weight limit will be raised even further to 18T.

Response

British Waterways are currently not prepared to carry out further work on the bridge and they do not in fact have a legal obligation to do so. If the Council wished to carry out strengthening works it would be necessary to take over ownership and accept future liability for the bridge. As the cost of strengthening or re-building the bridge would be very substantial there is no prospect of this being undertaken in the foreseeable future.

3.2. **Objection**

Residents have been complaining since 2007 about the lack of enforcement of the weight limit by heavy vehicles en route to and from the industrial estate at Marston Jabbert.

Response

As the temporary weight limit Order has expired there is currently no enforcement that can be carried out. When a permanent restriction has been made to come into force the police will be requested to undertake additional enforcement attention.

4. **Conclusion**

- 4.1. British Waterways has advised that the bridge should have a 13T mgw and it is recommended that the proposal for this be implemented as advertised.
- 4.2 Councillor Chattaway has discussed this report with the Collycroft Residents Association. He accepts the recommendation subject to an investigation of better advance signing of the restriction which will be carried out.

Background Papers

1. Letters of objection

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Portfolio Holder Transport and Highways

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Statutory Criteria for Decisions on Making Traffic Regulation Orders and Parking Orders

The Road Traffic Regulation Act 1984 enables the Council to implement Traffic Regulation Orders (TROs) for one or more of the following purposes:-

- (a) avoiding danger to persons or traffic;
- (b) preventing damage to the road or to buildings nearby;
- (c) facilitating the passage of traffic;
- (d) preventing use by unsuitable traffic;
- (e) preserving the character of a road especially suitable for walking and horse riding;
- (f) preserving or improving amenities of the area through which the road runs;
- (g) for any of the purposes specified in section 87(1)(a) to (c) of the Environment Act 1995 in relation to air quality.

TROs are designed to regulate, restrict or prohibit the use of a road or any part of the width of a road by vehicular traffic or pedestrians. Permanent TROs remain in force until superseded or revoked.

TROs must not have the effect of preventing pedestrian access at any time or preventing vehicular access for more than 8 hours in 24 to premises on or adjacent to the road. This restriction does not apply if the Council states in the order that it requires vehicular access to be limited for more than 8 hours in 24.

The Road Traffic Regulation Act 1984 also enables the Council to make orders authorising the use of part of a road as a parking place without charge for the purpose of preventing or relieving congestion, and enables the Council to make orders designating parking places on highways with a charge. In determining what parking places are to be designated, the Council shall consider both the interests of traffic and those of the owners/occupiers of adjoining property and in particular:-

- (i) the need for maintaining the free movement of traffic;
- (ii) the need for maintaining reasonable access to premises; and
- (iii) the extent to which off-street parking is available in the neighbourhood.

In deciding whether or not to make any order, the Council is required to have regard to the matters set out in Section 122 of the 1984 Act. Section 122(1) requires the Council to exercise the functions conferred on it by the 1984 Act as (so far as practicable having regard to the matters specified in section 122(2)) 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 to which the Council must have regard are:-

- (i) The desirability of securing and maintaining reasonable access to premises.
- (ii) The effect on the amenities of any locality affected and 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.
- (iii) The national air quality strategy prepared under Section 80 of the Environmental Protection Act 1995.
- (iv) 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.
- (v) Any other matters appearing to the Council to be relevant.

Therefore whilst the overall objective of the Council must be to secure the expeditious convenient and safe movement of vehicular traffic this will sometimes need to give way to the objectives in section 122(2) and a balance has to be achieved between the overall objective and the matters set out in section 122(2).