

## **CABINET MEMBER FOR TRANSPORT – 2 SEPTEMBER 2010**

### **RATIFICATION OF A DECISION BY THE TRANSPORT DECISIONS COMMITTEE**

#### **Report by Head of Legal & Democratic Services and Head of Highways & Transport**

#### **Introduction**

1. In November 2009 the former Transport Decisions Committee considered the implementation of a 7.5 tonne environmental weight restriction on Buckland Road and Bampton and responses received to a formal consultation on the proposal.
2. The recommendation before the Committee was not to approve the proposed Traffic Regulation Order to implement a 7.5 tonne environmental weight restriction with exemptions for access on Buckland Road and parts of Bampton.
3. However, at the meeting the Head of Transport tabled the following amendment to that recommendation:
  - (a) Delete “not” in the original recommendation printed in the report TDC6; and
  - (b) an additional recommendation delegating authority to the Head of Transport in consultation with the Cabinet Member for Transport Implementation to make any minor amendments to the zone to include the two farms on Mount Owen Road, access by milk tankers and agricultural vehicles.
4. During the course of debate there appeared to be sufficient evidence to support the inclusion of a new exemption allowing Milk Tankers and agricultural vehicles to pass through the restricted zone without making deliveries or collections.
5. However, that was not reflected in the wording of the final resolution which was signed off at the next meeting of the Transport Decisions Committee on 11 February 2010.
6. The Cabinet Member for Transport is satisfied, as is the Cabinet Member for Growth & Infrastructure (both of whom formed the membership of the Transport Decisions Committee at that time) that the intention of the Transport Decisions Committee had been to approve the exclusion of milk tankers and agricultural vehicles (as defined under Road vehicles (Construction and Use)(Regulations) 1986) from the proposed weight restriction order.

## **RECOMMENDATION**

7. **The Cabinet Member for Transport is RECOMMENDED to:**
- (a) ratify that the original intention of the Transport Decisions Committee had been to exclude milk tankers and all agricultural vehicles from the Buckland Road and Bampton 7.5 tonne environmental weight limit order and that the decision of the Transport Decisions Committee be amended accordingly;**
  - (b) approve an amendment to the Oxfordshire County Council (Oxfordshire 7.5 Tonne Maximum Gross Weight restriction) Order 2007 as follows:**
    - (i) to amend the articles to allow for a general exemption for agricultural vehicles;**
    - (i) to amend the articles to allow for a specific exemption for milk tankers using the Buckland to Bampton road only;**
    - (ii) to amend the articles to include the definition of 'agricultural vehicles'.**

PETER CLARK  
Head of Legal & Democratic Services

Background papers: Nil

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**OXFORDSHIRE COUNTY COUNCIL  
(OXFORDSHIRE 7.5 TONNE MAXIMUM GROSS WEIGHT RESTRICTION)  
ORDER 2007**

**Proposed amendment to the above Order:**

Article 2 in “the 2007 Order” shall be deleted and replaced to **include** the following:

“2. In this Order, except where the context otherwise requires, the following expressions have the following meanings:

“agricultural motor vehicle” means a motor vehicle (not being a dual purpose vehicle) which –

(a) is constructed or adapted for use off-road for the purpose of agriculture, horticulture or forestry; and

(b) is primarily used for one or more of those purposes;

(Section 3(2) Road Vehicles (Construction and Use) (Regulations) Regulations 1986)

and “agricultural trailer” (not being an agricultural motor vehicle) otherwise has the same meaning; and

“agricultural trailed appliance” has the same meaning as in the Construction and Use Regulations.

“articulated vehicle” means a vehicle with a trailer so attached to it as to be partially superimposed upon it;

“goods vehicle” means a motor vehicle trailer constructed or adapted for use for the carriage or haulage of goods or burden of any description;

“maximum gross weight” means:

(a) in the case of a motor vehicle not drawing a trailer or in the case of a trailer, its maximum laden weight;

(b) in the case of an articulated vehicle, its maximum laden weight (if it has one) and otherwise the aggregate maximum laden weight of all the individual vehicles forming part of that articulated vehicle; and

(c) in the case of a motor vehicle (other than an articulated vehicle) drawing one or more trailers, the aggregate maximum laden weight of the motor vehicle and the trailer or trailers drawn by it.

“maximum laden weight” means:

in relation to a vehicle (including a vehicle which is a trailer),

(a) in the case of a vehicle as respects which a gross weight not to be exceeded in Great Britain is specified in Construction and Use requirements (as defined by Section 41(8) of the Road Traffic Act 1988), the weight so specified;

(b) in the case of a vehicle as respects which no such weight is so specified, the weight which the vehicle is designed or adapted not to exceed when in normal use and travelling on a road laden;

“trailer” means a vehicle drawn by a motor vehicle.

Article 6 in “the 2007 Order” shall be deleted and replaced to **include** the following:

- “6 Nothing in Article 4 of this Order shall render it unlawful to cause or permit a vehicle to proceed in any such length of road:
- (1) if it is being used for police, fire or ambulance services purposes,
  - (2) in connection with any of the following:
    - (a) undertaking any building operation, demolition or excavation in or adjacent to the length of road;
    - (b) moving any obstruction to traffic from the length of road;
    - (c) undertaking works in the length road, in relation to any sewer or water main or in relation to the supply of gas, water, electricity or communication services;
    - (d) undertaking works to any traffic sign or road lighting in that road;
    - (e) carrying out any statutory functions of a local authority;
  - (3) if it is being used for Military training operations;
  - (4) if it is an Agricultural Motor Vehicle or Trailer;**
  - (5) in respect only of the Buckland to Bampton road (within those Parishes) if it is a milk tanker.”**