



## Northamptonshire County Council

Kate Mignino  
Case Manager  
National Infrastructure  
The Planning Inspectorate  
Temple Quay House  
2 The Square  
Bristol BS1 6PN

Please ask for: Chris Wragg  
Tel: 01604 364411  
Our ref:  
Your ref:  
Date: 19 March 2019

Dear Ms Mignino

### **Planning Act 2008 (as amended)**

### **Application by Roxhill (Junction 15) Limited for an Order Granting Development Consent for the Northampton Gateway Rail Freight Interchange Post Hearing Submission for Deadline Six**

Further to the discussion at ISH5 on 13<sup>th</sup> March 2018, I am pleased to confirm that the County Council is now in agreement with the applicant with the use of the terms Operational Weight and Maximum Gross Weight in the current draft DCO (Doc 3.1D).

A note outlining the definition of these terms in legislation and their use in the order is attached at Appendix 1.

As requested, please find attached copies of the planning permission and Section 106 agreement for Stanion Plantation, which as discussed at ISH5 give an example of a previously approved HGV monitoring scheme, although this was not implemented due to the construction of the A43 Corby Link Road. Relevant sections of the s106 agreement are First Schedule, clause 5 and plan C.

I hope that you find this information helpful.

Yours sincerely

Chris Wragg  
Transportation and Development Manager



## Appendix 1 – Heavy Goods Vehicle Weights

The County Council can confirm that is now in agreement with the use of the terms Operational Weight and Maximum Gross Weight in the current draft DCO (Doc 3.1D).

The following comments are merely intended to lend clarity to the matter.

### Definitions

Section 138 of the Road Traffic Regulation Act 1984 defines the operational weight of a goods vehicle as being the maximum laden weight.

#### **138 Meaning of “heavy commercial vehicle”.**

- (1) *Subject to subsections (4) to (7) below, in this Act “heavy commercial vehicle” means any goods vehicle which has an operating weight exceeding 7.5 tonnes.*
- (2) *The operating weight of a goods vehicle for the purposes of this section is—*
  - (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 attached to it.*
- (3) *In this section—*
  - *“articulated vehicle” means a motor vehicle with a trailer so attached to it as to be partially superimposed upon it;*
  - *“goods vehicle” means a motor vehicle constructed or adapted for use for the carriage of goods or burden of any description, or a trailer so constructed or adapted;*
  - *“trailer” means any vehicle other than a motor vehicle;*

*and references to the maximum laden weight of a vehicle are references to the total laden weight which must not be exceeded in the case of that vehicle if it is to be used in Great Britain without contravening any regulations for the time being in force*

under [\[F1](#)section 41 of the Road Traffic Act 1988] (construction and use regulations).

Page 17 of the Department for Transport document *Know Your Road Signs* [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/519129/know-your-traffic-signs.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/519129/know-your-traffic-signs.pdf) shows the signed restriction for a weight limit as being no vehicles exceeding the Maximum Gross Weight shown.

The Government website <https://www.gov.uk/vehicle-weights-explained> contains the following further definitions

### ***Unladen weight***

*The unladen weight of any vehicle is the weight of the vehicle when it's not carrying any passengers, goods or other items.*

*It includes the body and all parts normally used with the vehicle or trailer when it's used on a road.*

*It doesn't include the weight of:*

- *fuel*
- *batteries in an electric vehicle - unless it's a mobility scooter or powered wheelchair*

### ***Maximum authorised mass***

*Maximum authorised mass (MAM) means the weight of a vehicle or trailer including the maximum load that can be carried safely when it's being used on the road.*

*This is also known as gross vehicle weight (GVW) or permissible maximum weight.*

*It will be listed in the owner's manual and is normally shown on a plate or sticker fitted to the vehicle.*

*The plate or sticker may also show a gross train weight (GTW), also sometimes called gross combination weight (GCW). This is the total weight of the tractor unit plus trailer plus load.*

Therefore it is clear that the terms Operational Weight, Maximum Laden Weight and Maximum Gross Weight mean the same thing.

### Use of the terms in the draft DCO

**Article 2** states “HGV” means any vehicle with an operational weight capable of exceeding 7.5 tonnes. This is the same definition as a heavy commercial vehicle in section 138 of the Road Traffic Regulation Act 1984.

This definition “HGV” is used in the draft DCO as follows:

Schedule 1 in references to define the HGV park (Works 4)

Schedule 2 in references to the HGV monitoring scheme and HGV monitoring system (requirements 1 and 4), Euro VI compliance (requirement 4), height barrier (requirement 8), HGV chiller units (article 23)

**Article 19**, which deals with Motor vehicle restrictions, refers to “any vehicle the maximum gross weight of which exceeds 7.5 tonnes”. This definition is consistent with the signing of weight restrictions, and is the same definition which the County Council uses in its Traffic Regulation Orders.

As stated above the County Council is now happy with these definitions.

