

OUTCOME OF TRO PROCESS – OBJECTIONS RECEIVED

PREPARED BY: Traffic Management Team, Highways and Traffic Group

TITLE OF REPORT: Hercules Way & Alexander Road, Keynsham**PROPOSAL: Bus Gate****SCHEME REF No: 26-007****REPORT AUTHOR: Sadie Cox-Alcuaz****1. DELEGATION**

The delegation to be exercised in this report is contained within **Part 2 Section 2.35** of the Constitution under the **Delegations of Functions to Officers**, as follows:

Section A	The Chief Executive, Executive Director - Chief Operating Officer, Directors and Heads of Service have delegated power to take any decision falling within their area of responsibility...."
Section B	Without prejudice to the generality of this, Officers are authorised to: serve any notices and make, amend or revoke any orders falling within their area of responsibility.
Section D	An Officer to whom a power, duty or function is delegated may nominate or authorise another Officer to exercise that power, duty or function, provided that Officer reports to or is responsible to the delegator.

For the purposes of this report, the Director of Place Management and the Head of Highways Delivery hold the delegated power to make, amend or revoke any Orders.

2. LEGAL AUTHORITY

This proposal is made in accordance with the Road Traffic Regulation Act 1984, which under Section 1 provides, generally, for Orders to be made for the following reasons, and in the case of this report specifically for the reason(s) shown below:

(a)	for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or	
(b)	for preventing damage to the road or to any building on or near the road, or	
(c)	for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or	X

(d)	for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property,	
(e)	(without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, or	
(f)	for preserving or improving the amenities of the area through which the road runs, or	X
(g)	for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality)	

3. **PROPOSAL**

To implement a 'Bus Gate' at the junction of Hercules Way and Alexander Road, Keynsham as shown in Appendix 1.

4. **REASON**

Please refer to the Statement of Reasons.

The Council has had in mind and discharged the duty (as set out in section 122(1) of the Road Traffic Regulation Act 1984) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) so far as practicable. It has also had regard to the factors which point in favour of imposing a Bus Gate. It has balanced the various considerations and concluded that it is appropriate to promote a Bus Gate. The Council has also considered and discharged its network management duty under section 16 of the Traffic Management Act 2004. It has concluded that the proposed Bus Gate is consistent with that duty, having regard to its other policies and objectives.

5. **IMPACT ON EQUALITIES**

An Equality Impact Assessment has been undertaken in relation to the introduction of traffic management measures, which is available upon request. The Council has had due regard to the needs set out in section 149(1) of the Equality Act 2010. It considers that the proposed Order is consistent with the section 149 public sector equality duty, which it has discharged.

6. **IMPACT ON HUMAN RIGHTS**

The proposals are considered to have a minimal impact on human rights (such as the right to respect for private and family life and the right to peaceful enjoyment of property). However, the Council is entitled to affect these rights where it is in accordance with the law, necessary (in the interests of public safety or economic well-being, to prevent disorder and crime, to protect health, or to protect the rights and freedoms of others), in pursuit of a legitimate aim and proportionate to do so. The proposal(s) within this report are considered to be in accordance with the law, necessary, in pursuit of a legitimate aim and proportionate.

7. SOURCE OF FINANCE

The scheme is a Developer funded TRO.

8. CONSULTATION REQUIREMENT

The proposal requires consultation with the Chief Constable, Emergency Services, Road Haulage Association, Freight Transport Association (Logistics UK), Parking Services, Waste Services, Ward Members and the Cabinet Member for Sustainable Transport Delivery.

The responses to the informal consultation can be found in TRO report number 3.

9. OBJECTIONS / COMMENTS RECEIVED (following the public advertisement of the proposal(s))

One objection and one expression of support have been received.

Objection

- I submit this formal objection to the proposed Traffic Regulation Order introducing a bus gate at the junction of Alexander Road and Hercules Way.

This objection is made on the basis that the Council has failed to demonstrate that the proposed restriction is necessary, proportionate, or rational, and is in breach of its statutory duties under Section 122 of the Road Traffic Regulation Act 1984 ("RTRA 1984") and Section 16 of the Traffic Management Act 2004.

1. Material Deviations from Approved Infrastructure and Physical Viability

The Council's Statement of Reasons assumes a standard public transport operation that is physically impossible on the ground. The original transport strategy was predicated on standard-sized bus infrastructure, including a designated bus stop on Aesop Drive.

However, the highway as delivered by the developer (Persimmon) materially deviates from these parameters. The road widths are demonstrably insufficient to accommodate standard-sized transit buses. Standard fleet vehicles are physically incapable of navigating the estate safely or executing turns at the internal crossroads.

Consequently, the infrastructure can only service minor, low-capacity vehicles (specifically the small local shuttle/"lemon bus"). Imposing a sweeping, permanent statutory access restriction on residents to accommodate a minor shuttle service—because the developer failed to build the highway to standard specifications—is an irrational use of a Traffic Regulation Order.

2. Failure to Utilise Existing, Superior Infrastructure

The Council has failed to demonstrate a "necessity" for internal segregation given that high-quality, dedicated public transport infrastructure already exists.

A standard-sized bus lay-by stop is situated at the top of the estate on Charlton Road. This purpose-built infrastructure is completely ignored, unutilised, and bypassed by the current layout. The Council has provided no evidence, transport assessment, or routing analysis explaining why public transport operations cannot be optimally serviced via this existing Charlton Road infrastructure, which requires zero restriction on local residents.

3. Breach of Section 122 RTRA 1984: Lack of a Proportional Balancing Exercise
Section 122(1) requires the Council to secure the "expeditious, convenient and safe movement of traffic," explicitly including "the importance of facilitating the access to premises."

The Council has failed to evidence a proper balancing exercise. It has completely ignored the severe impact of reducing a contained residential development to a single point of failure for vehicular access, network resilience, and emergency services. A lawful balancing exercise requires weighing actual data against actual impact; the Council has weighed a hypothetical benefit against a guaranteed restriction on residents.

4. Disproportionality and Failure to Consider a Micro-Scale Exemption

A public order must be the least restrictive means necessary to achieve a legitimate aim. The development served by this junction is small-scale, consisting of under 200 dwellings. The volume of local vehicular traffic generated by a community of this size is statistically negligible and incapable of causing systemic delays to public transport.

Even if a restriction were deemed necessary to prevent through-traffic from the wider Keynsham network, the Council has failed to assess a less restrictive, targeted alternative—specifically an ANPR-enforced resident access exemption. Because the number of eligible vehicles is under 200, an exemption would preserve estate access resilience while fully achieving the stated objective of preventing non-resident through-traffic. The complete failure to consider this obvious, balanced alternative renders the current total prohibition entirely disproportionate.

Conclusion

The proposed TRO is legally flawed because it relies on historical planning assumptions that are divorced from current realities, fails to provide empirical data to justify the restriction, and rejects targeted, less restrictive control measures (such as a local resident ANPR exemption) for an estate of under 200 homes without rational justification.

I object to the making of this Order.

Officer Response –

1. Infrastructure and Bus Operation

The purpose of the proposed bus gate is to safeguard the operation of public transport through the development in accordance with the approved transport strategy for the site and to promote sustainable travel choices. The size of vehicles currently operating the service does not alter the objective of maintaining a direct and reliable route for public transport. The Order is not being introduced to address any perceived deficiencies in the highway layout but to facilitate the movement of buses and support accessibility by sustainable modes.

2. Alternative Public Transport Infrastructure

The public transport facilities exist on Charlton Road do not provide the same level of accessibility to residents within the development. The proposal seeks to maintain the permeability of the development for public transport and active travel, reducing walking distances for residents and supporting the delivery of sustainable transport objectives. The existence of bus infrastructure elsewhere does not negate the benefits of providing direct public transport access through the development.

3. Section 122 Road Traffic Regulation Act 1984

In exercising its powers under the Road Traffic Regulation Act 1984, the Council has had regard to its duties under Section 122, including the expeditious, convenient and safe movement of traffic and the provision of suitable and adequate access to premises. The proposed restriction does not prevent vehicular access to any property within the development, as all premises remain accessible via the surrounding highway network. The Council is satisfied that the benefits associated with supporting sustainable transport and reducing unnecessary vehicle movements through the bus gate location outweigh the impact of any additional journey distances for some residents.

4. Consideration of Alternative Measures

The Council has considered the proportionality of the proposal and is satisfied that the bus gate represents an appropriate means of achieving the intended transport objectives. The introduction of an exemption scheme for residents would significantly reduce the effectiveness of the restriction by increasing the volume of traffic passing through the proposed bus gate and would introduce additional operational and enforcement complexities. The purpose of the proposal is to provide a clear and enforceable measure that supports reliable public transport operation and discourages unnecessary vehicular movements through the development.

Conclusion

The Council is satisfied that the proposed Traffic Regulation Order is necessary and proportionate, supports sustainable travel objectives, and has been progressed in accordance with the relevant statutory requirements.

*In addition, the Planning consent **15/04290/FUL** and associated Section 106 Agreement dated 1st November 2017 also requires a bus link to be provided between this development and the Bloor Homes development to the south.*

Supportive Comment

- On purchasing our home on Hercules Way, we were advised the road connecting Hercules Way and Alexander Road was for bus access only. This influenced our buying decision, knowing the street would not be a thoroughfare for other vehicles we felt the street would be safe for children and residents. Unfortunately years went by with no bus gate during which time the adjoining road became a cut through for a variety of vehicles often driving at speed and without due care, making it unsafe.

The works to begin implementation of the bus gate were welcomed by myself and others on the street and already resulted in a significant decrease in traffic, and generally making the space safer for all.

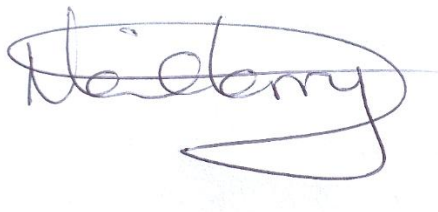
One person was seen to complain on a local community group, but noteworthy they're not a resident of the street.

The bus gate does not prevent appropriate access to various streets on the adjoining estates, so there is no negative impact to neighbouring streets as a result.

10. APPROVED FOR CIRCULATION TO WARD MEMBERS AND CABINET MEMBER FOR SUSTAINABLE TRANSPORT DELIVERY

Please note that this report has been circulated to provide you with an opportunity to consider any comments and/or objections which have been received in response to the public advertisement of the proposal(s), along with the officer response to each.

Any comments which you may have will be added to the report to be considered by the Director for Place Management, Chris Major, prior to his decision regarding the sealing, or otherwise, of this TRO.

A handwritten signature in blue ink, appearing to read 'Neil Terry', with a stylized flourish at the end.

Neil Terry
Traffic Management and Network Manager

Date: 03/07/2026