

Traffic Regulation Order (TRO) Statement of Reasons

Bath & North East Somerset Council

**(25-072) (ARCHWAY STREET AND EXCELSIOR STREET, WIDCOMBE) (BATH)
(PROHIBITION OF MOTOR VEHICLES) (SCHOOL STREET)
ORDER 202-**

STATEMENT OF REASONS

Proposal

Prohibition of Motor Vehicles (School Street) - The introduction of a timed prohibition of motor vehicles between the hours of 8.20-9.00am & 2.50-3.30pm Monday-Friday on the length of Archway Street from its junction Pulteney Road (South) to its junction with Broadway and on the length of Excelsior Street from its junction with Archway Street to its junction with Miles Street creating a school street scheme for Widcombe Infant and Junior Schools. The restriction is intended to reduce the volume of traffic using roads past school gates improve road safety for pupils; increase the number of pupils walking, wheeling and cycling to school improve air quality; and create a more pleasant environment for everyone.

The location and extent of the proposed restrictions are shown on the attached drawing – **Appendix 1**.

Reasons

School Streets aim to improve the environment directly outside schools at the start and end of the school day by restricting access for most of the motorised vehicle traffic. The schemes may cover a whole street, part of a street or several roads outside or leading to a school. The restrictions are only in place on weekdays during term time and will generally operate for between 30 – 60 minutes in the morning and afternoon. Further measures to support active travel, improve road safety and enhance the public realm may also be introduced to complement the motor vehicle restriction, or may form part of a School Street if the roads are not suitable for a motor vehicle restriction (usually due to being located on a main road or bus route).

School Streets will contribute to the meeting the aims of the Journey to Net Zero and to delivering the Corporate Strategy:

- Preparing for the future – the schemes would support residents to make travel choices that have a positive impact on the environment.
- Delivering for local residents – they would provide facilities that give priority and support to active travel.
- Focusing on prevention – the schemes would support people to choose active travel, promoting better health with the potential to contribute towards improved air quality.
- More travel choices – as part of the wider programme to deliver improved sustainable transport across B&NES, the schemes would contribute towards providing alternatives to private car use.

Schemes can be introduced under Experimental Traffic Regulation Orders (ETROs) or under permanent Traffic Regulation Orders (TROs). For this programme the decision has been made to install all under TROs to facilitate improved safety outside of these schools in the shortest possible time.

The first schemes in B&NES will be introduced using relevant 'no motor vehicle' signage with restriction times and temporary barriers that restrict access to the road during operational hours. The barriers would be put in place and marshalled every day by at least two members of school staff or volunteers to ensure those with valid exemptions are able to pass through the restricted area. The school Printed on recycled paper would be responsible for ensuring that the barriers are resourced by staff or volunteers who have received training by an approved provider or by the school.

Exemptions will apply to emergency service vehicles for all schools, and it is recommended that exemptions also be considered for:

- Residents living within the School Street
- Blue Badge Holders accessing the school
- Waste collection vehicles (if required)
- Current pupils of the school with an Education, Health and Care plan in place

The exemption policy will form part of the TRO and will be agreed with each school. This policy will also be widely shared with local residents and school community. Schools will be responsible for managing their own record of exempted people or vehicles and communicating this will staff/volunteers manning the barriers, in accordance with the General Data Protection Regulations (2018).

Where camera enforcement is to be used, a formal exemption application process will be set up by Bath and North East Somerset Council and members of the public will be required to apply for an exemption for individual vehicles. Owners of vehicles without valid exemptions that travel in the School Street during operational hours will be subject to enforcement action. Consideration will be given in future to other types of scheme in these or other locations including, if appropriate, camera enforcement to make the schemes feasible without the demand on large numbers of staff and volunteers. However, camera enforcement would only be used where no other options are be suitable or can be maintained through other options.

In June 2024 a recommendation from the Climate Emergency and Sustainability Policy Development and Scrutiny Panel was that all schools in B&NES should be given an opportunity to express interest in a School Street. Following this recommendation all schools in the district were invited to complete an online expression of interest survey. A shortlist was developed following a review of all 18 expressions of interest against the following criteria:

- Feasibility (road network)
- School's progress towards "Good" Modeshift STARS accreditation
- Availability of staff or volunteers to manage barriers.

Initial meetings with the proposed selected schools took place during Autumn Term 2024. The meetings have enabled the project team to see the conditions outside of the schools during school run time and speak with supportive school staff and parents to further explain the requirements of a scheme. Those schools not proposed to be selected for the initial phase of feasibility work were informed and given the opportunity for a meeting to discuss further.

The selected schools are St Philip's Church of England Primary School, Widcombe Infant and Junior Schools and St Stephen's Primary Church School .

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 balanced the various considerations and concluded that it is appropriate to promote these restrictions via this TRO. The Council has also considered and discharged its network management duty under section 16 of the Traffic Management Act 2004.

The Council has considered article 8 within Schedule 1 to the Human Rights Act (Right to respect for private and family life, home and correspondence) and Protocol 1 Article 1 (Peaceful enjoyment of possessions). Both of these rights are qualified rights, and the Council does not consider that the measures proposed under the TRO amount to a deprivation of possessions as the right to access property has not been extinguished. The proposals are considered to have a minimal impact on human rights. However, the Council is entitled to affect these rights where it is in accordance with the law, necessary (such as 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 proposals within this report are considered to be in accordance with the law, necessary, in pursuit of a legitimate aim and proportionate.

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.

Road Traffic Regulation Act 1984

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 Order specifically for the reason(s) shown and marked 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	X
(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,	X
(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	X

(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)	

In making this proposal the Council has discharged its duty under section 122 of the Road Traffic Regulation Act 1984.

The Council is under a duty pursuant to section 122(1) of the Road Traffic Regulation Act 1984 (as amended) to exercise its duties under the Act (so far as practicable having regard to the subsection (2) matters), to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians).

As for the subsection 122(2) matters:

- a) the desirability of securing and maintaining reasonable access to premises.

Comment: the prohibition of motor vehicles restriction does not prevent residents accessing their properties on the length of Archway Street from its junction Pulteney Road (South) to its junction with Broadway and on the length of Excelsior Street from its junction with Archway Street to its junction with Miles Street during the hours of operation as they will be exempt.

- b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) 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.

Comment: there are no amenities located on the length of Archway Street from its junction Pulteney Road (South) to its junction with Broadway and on the length of Excelsior Street from its junction with Archway Street to its junction with Miles Street that may require visitors during the hours of operation of the school street.

- bb) The strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy)

Comment: the proposed Traffic Order will complement the Council's aspirations for improving air quality as it may encourage greater use of public transport, walking, wheeling, and cycling for some journeys in the wider area. It is recognised that some through-traffic will be displaced to other routes but, overall, the proposals are not expected to have a detrimental impact on air quality.

- c) 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.

Comment: the through-traffic restriction does not prevent access to public transport vehicles on the length of Archway Street from its junction Pulteney Road (South) to its junction with Broadway and on the length of Excelsior Street from its junction with Archway Street to its junction with Miles Street. There are no scheduled public bus services using the roads where measures are being proposed by this Order.

- d) Any other matters appearing to the local authority to be relevant.

Comment: It is not anticipated that the proposals will have a detrimental impact on road safety in the adjacent road network.

Having balanced the various matters and considerations, the Council has concluded that it is appropriate to progress the proposed Order.

The Council has also discharged its duty under section 16 of the Traffic Management Act 2004. It has concluded that the proposed Order is consistent with that duty, given its other policies and objectives.

Neither section 16 nor section 122 of the 1984 Act precludes the making of the proposed Order.

Date: 02/12/2025