

OFFICER DECISION REPORT – EXPERIMENTAL TRAFFIC REGULATION (ETRO)

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APPROVAL TO PROGRESS ETRO

PREPARED BY: Traffic Management Team, Highways and Traffic Group

TITLE OF REPORT:	Kingsmead Square, Bath
PROPOSAL:	Prohibition of Motor Vehicles (11am to midnight)
SCHEME REF No:	20 – 010A

1. DELEGATION

The delegation to be exercised in this report is contained within **Part 3, Section 4** of the Constitution under the **Delegation of Functions to Officers**, as follows:

Section A	The Chief Executive, Strategic Directors, Divisional 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 his/her area of responsibility.
Section D9	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 purpose of this report, the Director of Place Management holds 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	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	
(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**

The Council will be introducing an Experimental Traffic Regulation Order (ETRO) in Kingsmead Square in Bath to prohibit all motor vehicles between the hours of 11am and midnight, seven days a week. There would be no exemption for access other than emergency vehicles, and the road would be closed by means of lockable gates.

To maintain easier access to, and egress from, a private car park on the west side of the Square, it will also be necessary to reverse the direction of the existing one-way.

Revised loading and parking restrictions are also required to support the experimental access restriction.

Plans 1 and 2 below show the proposals.

4. **BACKGROUND**

These proposals were originally developed early in 2020 but were put on hold as the impact of the Covid pandemic became clearer.

However, to assist pedestrians with social distancing during the Covid pandemic, a Temporary Traffic Regulation Order (TTRO) was introduced which restricts access to Kingsmead Square between the hours of 10am and 10pm. The existing one-way was also temporarily reversed as described above but this is operational 24/7. The TTRO expires in January 2022.

These temporary access restrictions have been generally well-received by the local businesses, retailers and traders.

The opportunity was also taken to introduce two Parklets (seating) and additional cycle parking in Kingsmead Square. These facilities have been introduced in full consultation with local businesses, retailers and traders, and have replaced two on-street parking spaces and a short length of loading provision. Again, these measures have been well-received.

As the experimental 'prohibition of motor vehicles' restriction would prevent vehicular access to premises in Kingsmead Square for more than 8 hours in 24, it has been necessary to obtain permission from the Secretary of State for Transport to progress with the proposed restriction. This permission has now been received.

The objective behind the proposal is to improve the environment of Kingsmead Square in order to make it a more pleasant environment for pedestrians and cyclists, and as a first step to enhancing the area, possibly through a public realm improvement scheme in the future. The road is lightly trafficked already, with around a third of all existing traffic being associated with deliveries and servicing of businesses. Most of the ground floor premises are shops, cafes and restaurants, and the upper floors are offices and residential flats. The Square normally has unimpeded vehicular access throughout the day. Aside from the delivery and servicing traffic mentioned above, it is generally only used by motorists picking-up and dropping-off passengers or seeking on-street parking opportunities in Avon Street.

The 'prohibition of motor vehicles' will be introduced in January 2022 with the support of an ETRO in the first instance. It will be made permanent if the project is successful and dependent upon the comments received during the public consultation period.

It is proposed that the success, or otherwise, of the ETRO would be evaluated using the following methods:

- Stakeholder surveys, questionnaires and feedback;
- Business engagement, to include the impact on trade and loading activities;
- Before and after assessments of on-street activity, including footfall and cycling movements;
- Reference to existing guidance relating to the evaluation of townscapes and pedestrianisation.

5. SOURCE OF FINANCE

This proposal is being funded by the 2021/22 Transport Improvement Programme budget.

6. CONSULTATION REQUIREMENT

The proposal requires informal consultation with the Chief Constable, Ward Members and the Cabinet Members for Transport.

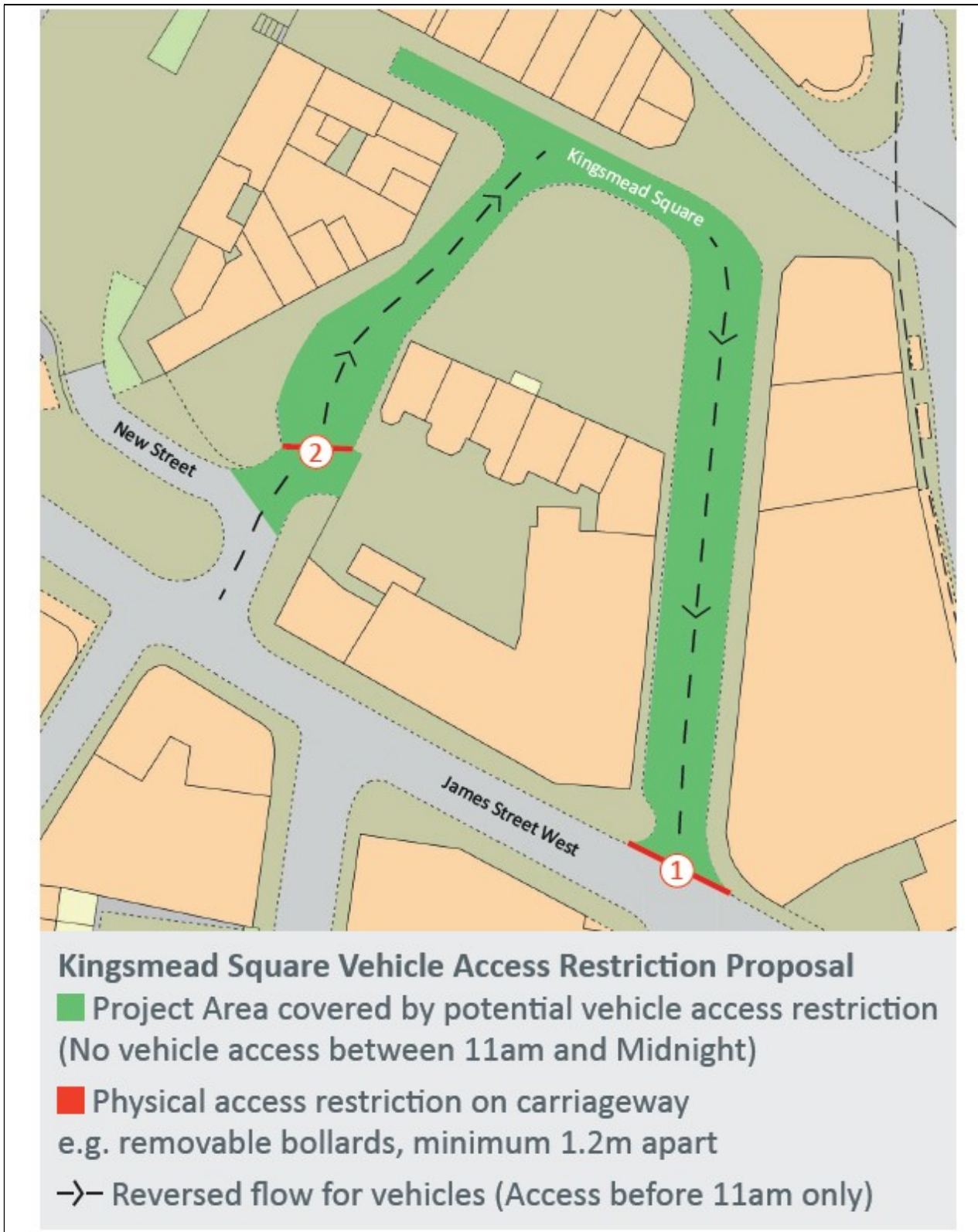
APPROVED FOR INFORMAL CONSULTATION WITH THE CHIEF CONSTABLE, WARD MEMBERS and CABINET MEMBER FOR TRANSPORT.



Paul Garrod
Traffic Management and Network Manager

Date: 26th November 2021

Plan 1 – ‘Prohibition of Motor Vehicles’ restriction and reversed one-way



Plan 2 – Parking Restrictions



7. COMMENTS RECEIVED TO DATE

Chief Constable

I understand from the TRO report that “The Council will be introducing an Experimental Traffic Regulation Order (ETRO) in Kingsmead Square in Bath to prohibit all motor vehicles between the hours of 11am and midnight, seven days a week. There would be no exemption for access other than emergency vehicles, and the road would be closed by means of lockable gates.

To maintain easier access to, and egress from, a private car park on the west side of the Square, it will also be necessary to reverse the direction of the existing one way.”

Please can you advise what method is being proposed to enable Emergency Service vehicle access through the lockable gates, and whether the wording will be the standard exemption for “Emergency Services vehicles in the execution of their duties”.

*“Revised loading and parking restrictions are also required to support the experimental access restriction.
Plans 1 and 2 below show the proposals.”*

Enforcement of Waiting Restrictions within the Bath and North East Somerset Council area rests with B&NES Parking Services.

It is understood from the TRO Informal Consultation document that *“these proposals were originally developed early in 2020 but were put on hold as the impact of the Covid pandemic became clearer.*

However, to assist pedestrians with social distancing during the Covid pandemic, a Temporary Traffic Regulation Order (TTRO) was introduced which restricts access to Kingsmead Square between the hours of 10am and 10pm. The existing one-way was also temporarily reversed as described above but this is operational 24/7. The TTRO expires in January 2022.

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As the experimental ‘prohibition of motor vehicles’ restriction would prevent vehicular access to premises in Kingsmead Square for more than 8 hours in 24, it has been necessary to obtain permission from the Secretary of State for Transport to progress with the proposed restriction. This permission has now been received. The objective behind the proposal is to improve the environment of Kingsmead Square in order to make it a more pleasant environment for pedestrians and cyclists, and as a first step to enhancing the area, possibly through a public realm improvement scheme in the future. The road is lightly trafficked already, with around a third of all existing traffic being associated with deliveries and servicing of businesses. Most of the ground floor premises are shops, cafes and restaurants, and the upper floors are offices and residential flats. The Square normally has unimpeded vehicular access throughout the day. Aside from the delivery and servicing traffic mentioned above, it is generally only used by motorists picking-up and dropping-off passengers or seeking on-street parking opportunities in Avon Street.

The ‘prohibition of motor vehicles’ will be introduced in January 2022 with the support of an ETRO in the first instance. It will be made permanent if the project is successful and dependent upon the comments received during the public consultation period.”

It is understood that evaluation of the ETRO will be via the methods below:

“Stakeholder surveys, questionnaires and feedback; Business engagement, to include the impact on trade and loading activities; Before and after assessments of on-street activity, including footfall and cycling movements; Reference to existing guidance relating to the evaluation of townscapes and pedestrianisation.”

Parking

My only comment on behalf of Parking Services is to request that the No waiting and no loading restriction at any time (pink on plan 2), is amended to align with the full extent of the project area (as identified in green on plan 1) on New Street.

This will bring this restriction up to the edge of the existing junction and ensure that no part of the approach to the barrier (marked as 2 on plan 1) is able to be used under the national exemption for loading and unloading on a no waiting restriction, ensuring that issues that have been experienced with misuse of this location by delivery drivers can be addressed by the council’s Civil Enforcement Officers.

Ward Members

Kingsmead:

Cllr Sue Craig – The current restrictions have transformed Kingsmead Square into a thriving pedestrian area which is pleasant to both walk through and sit in. I’m happy to support this extension of the hours of closure.

Cllr Andrew Furse – I am fully supportive of the experimental traffic order and would equally be supportive of a permanent introduction. The 11am to midnight permits the necessary access to businesses in the morning, and then allows for the space to become a pedestrian friendly public realm suiting the majority of businesses. In addition, it has become a central traffic free pedestrian friendly Georgian square that campaigners who saved the square in the 1960’s and 70’s would be proud of, and many of us have campaigned for many years.

Cabinet Members:

Cllr Manda Rigby – I too wholeheartedly support this TRO

Cllr Richard Samuel – No comment.

8. RECOMMENDATION

As no significant objections and/or comments have been received following the informal consultation described above, the Experimental Traffic Regulation Order process should commence.

Signature:

Date: 10th December 2021

Paul Garrod
Traffic Management & Network Manager

9. **DECISION**

As the officer holding the above delegation, I:

Approve the progression of this Experimental Traffic Regulation Order.	X
Agree that this Experimental Traffic Regulation Order should not be progressed at this time.	

In taking this decision, I confirm that due regard has been given to the Council's public sector equality duty, which requires it to consider and think about how its policies or decisions may affect people who are protected under the Equality Act.

Signed:

Date: 13/12/21

Chris Major
Director for Place Management