

OFFICER DECISION REPORT - TRAFFIC REGULATION ORDER (TRO)

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APPROVAL TO PROGRESS TRO

PREPARED BY: Traffic Management Team, Highways and Traffic Group

TITLE OF REPORT:	Milsom Street, Bath
PROPOSAL:	Experimental Prohibition of Motor Vehicles (Bus Gate) and associated parking and loading restrictions
SCHEME REF No:	20 – 010B
REPORT AUTHOR:	Neil Terry / Kris Gardom

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**

Bath and North East Somerset Council is proposing to restrict access to vehicular traffic in Milsom Street, Bath (between George Street and Quiet Street) between the hours of 10.00am and 18.00pm, 7 days per week. Local buses would be exempt from the restriction.

Parking and loading restrictions in Milsom Street would be amended to reflect the operating times of the bus gate. New loading bays are provided in George Street to mitigate for the loss of ability for loading and unloading in Milsom Street between 10am and 6pm.

The objective behind the proposal is to create a priority route for public transport vehicles and cycles along Milsom Street. Removing extraneous through traffic will also make the road a more pleasant environment for shoppers, pedestrians and cyclists.

It is proposed that the prohibition of motor vehicles would be introduced with the support of Experimental Traffic Regulation Order (ETRO) in the first instance, to be made permanent if the project is successful and after consideration of any objections or other representations.

The success, or otherwise, of the ETRO would be evaluated using the following methods:

- Assessment of bus journey reliability along the route.
- Before and after assessments of on-street activity, including footfall and cycling movements.
- Stakeholder surveys and stakeholder feedback ie residents, accessibility groups, faith organisations.
- Business engagement, to include the impact on trade and loading activities.
- Reference to existing guidance relating to the evaluation of townscapes and pedestrianisation.

The proposal to remove through traffic from Milsom Street between 10am and 6pm would restrict access to the existing Blue Badge parking bays in Milsom Street, so it is proposed that additional Blue Badge parking bays would be introduced in New Bond Street. It is currently anticipated that 5 additional bays could be introduced by rearranging the current parking and loading arrangements. It is also anticipated that

the 8 current temporary Blue Badge parking bays on Quiet Street / Queen Square and Barton Street could become permanent bays to help provide more central disabled parking provision for Blue Badge Holders.

4. BACKGROUND

Milsom Street is used by numerous local bus services, and there are two well-used bus stops approximately half-way along its length. However, parking and loading activity along the route can have a negative impact on bus journey times and reliability, particularly during the day.

When the Covid 19 pandemic first emerged, a temporary 10.00am to 6.00pm access restriction was introduced in Milsom Street to help prioritise public transport and to aid social distancing, and this restriction remains in place. Prior to the introduction of this temporary measure, Milsom Street had unimpeded vehicular access throughout the day. Although the existing bus gates further along the route already restricted through-traffic (from 10.00am to 6.00pm) the road was still busy with delivery and servicing traffic, and motorists picking-up and dropping-off passengers or seeking on-street parking opportunities.

Aside from improving bus journey times and reliability along the route, it is considered that the removal of extraneous through traffic from Milsom Street, between 10.00am and 6.00pm, would help to improve the environment for bus passengers waiting at the bus stops, pedestrians and cyclists, and also support efforts to create a more pleasant trading environment and public realm for residents and visitors.

The access restriction would also support the programme of events and activities planned for the area through the High Street Renewal Programme. The development of the Programme scope has been informed by consultation and engagement with the community, local traders and businesses, along with property agents and landlords.

This project is not part of the separate City Centre Security proposals but takes into account the changes that could be made if that project were to go ahead. A summary of those proposals can be found here: <https://beta.bathnes.gov.uk/bath-city-centre-security-traffic-regulation-orders-consultation/what-scheme-means-you>

5. SOURCE OF FINANCE

This proposal is being funded through capital expenditure, project code TCL0014.

6. CONSULTATION REQUIREMENT

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

PROPOSALS APPROVED FOR INFORMAL CONSULTATION WITH THE CHIEF CONSTABLE AND WARD MEMBERS.

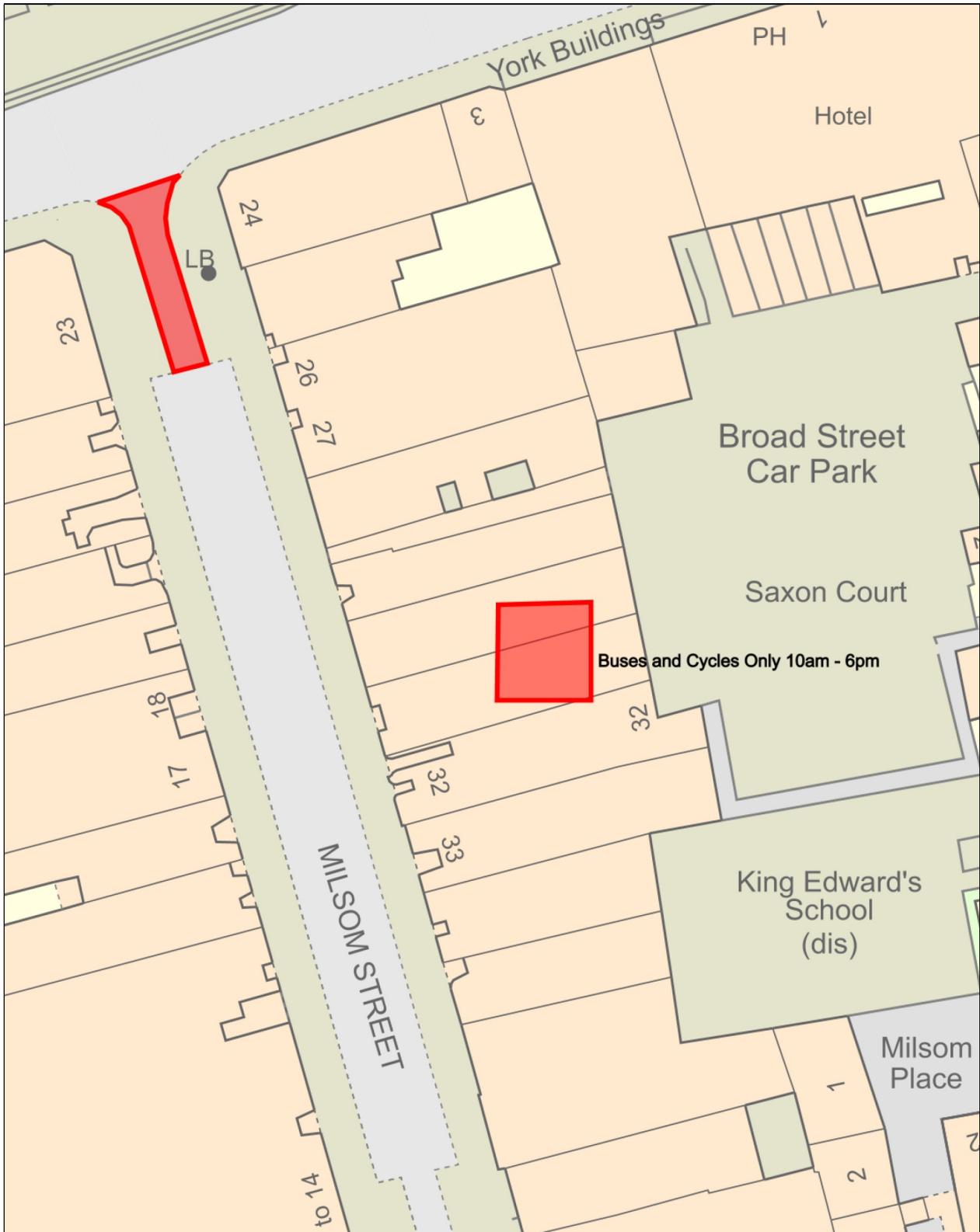
Signature:

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

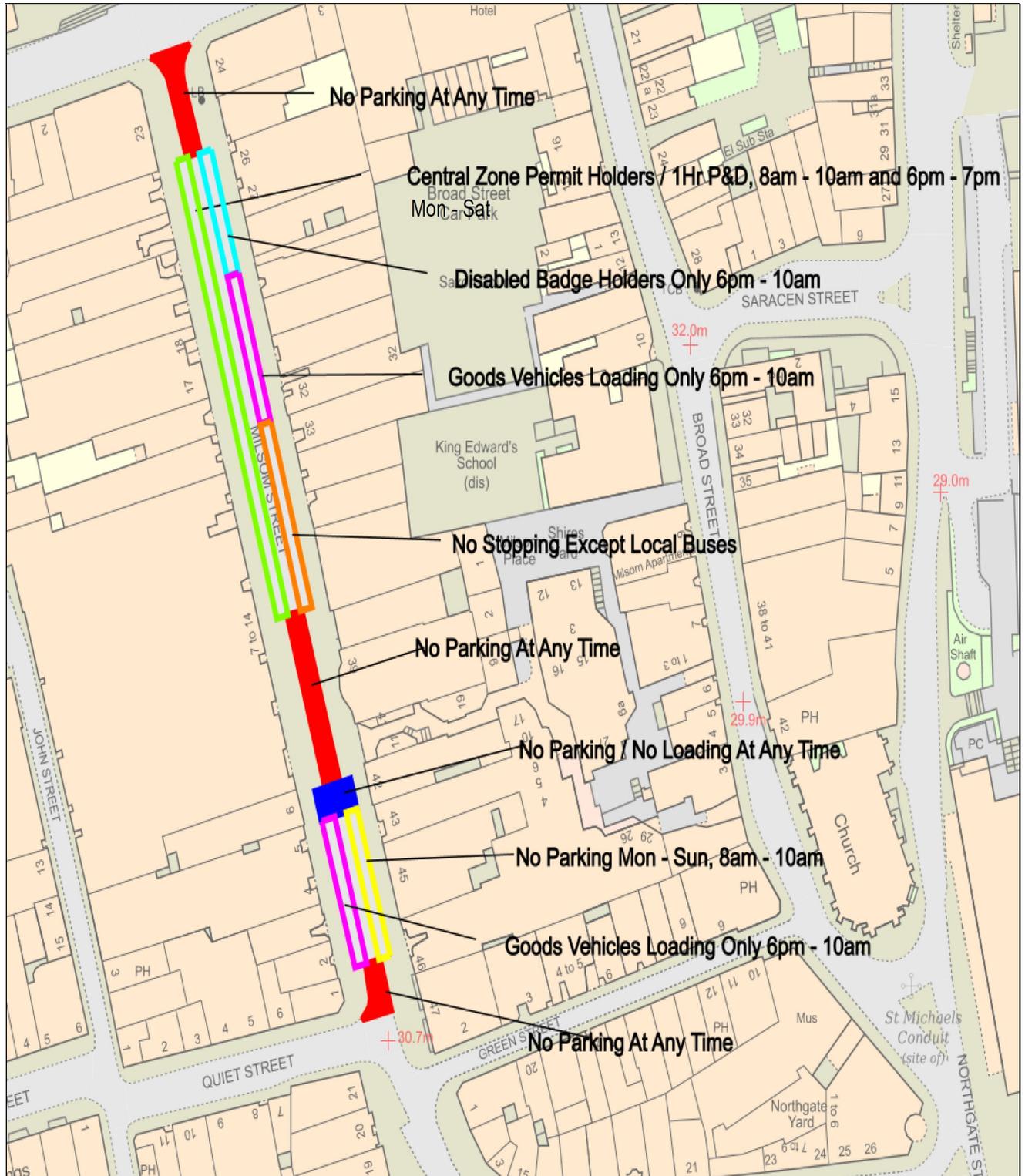
Date: 30th September 2021

Paul Garrod
Traffic Management and Network Manager

Plan 1 – Milsom Street, Bath – extent of proposed bus lane restriction



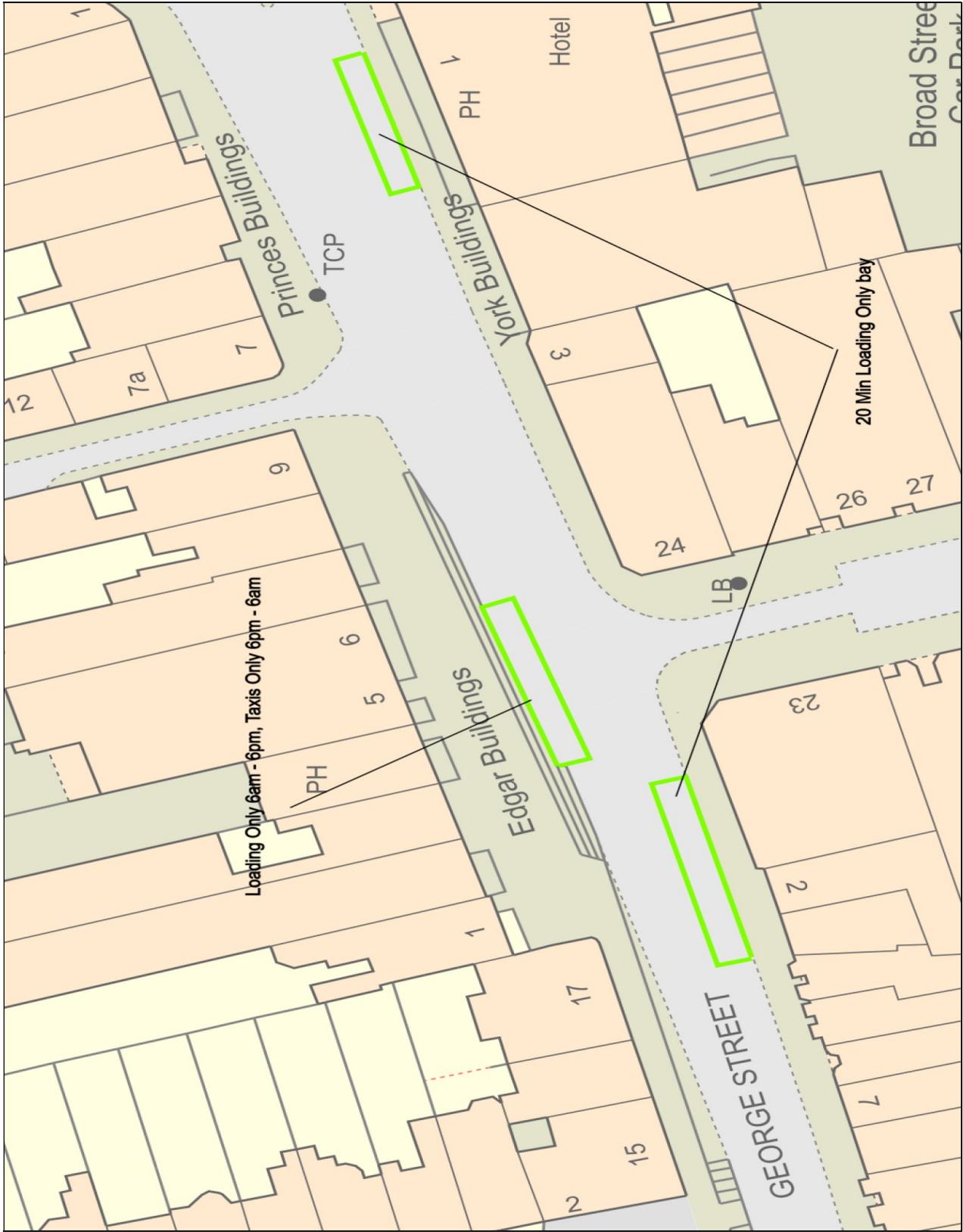
Plan 2 – Milsom Street, Bath – parking restrictions part 1 - various



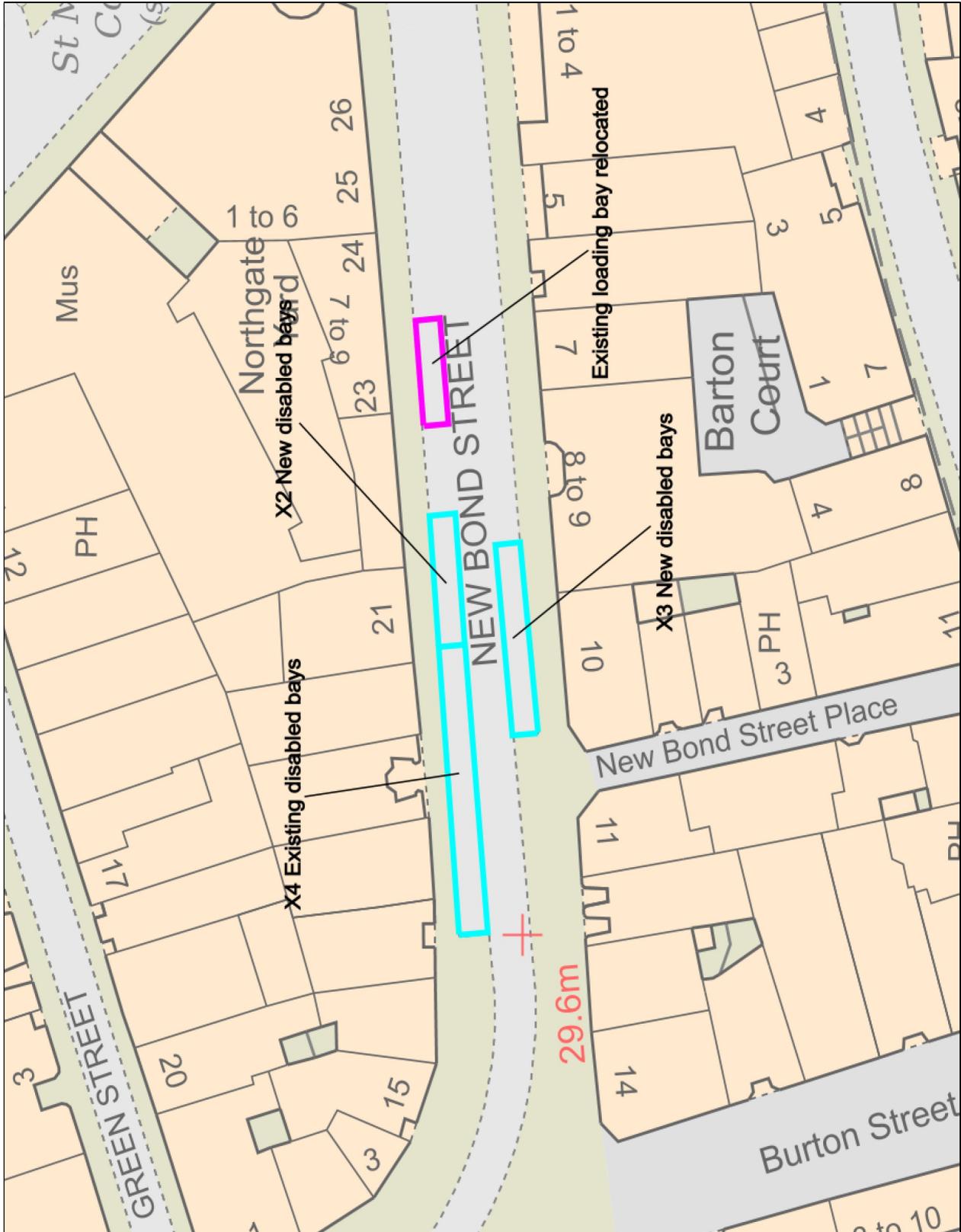
**Plan 3 – Milsom Street, Bath – parking restrictions part 2 – No Parking / No Loading
10am – 6pm**



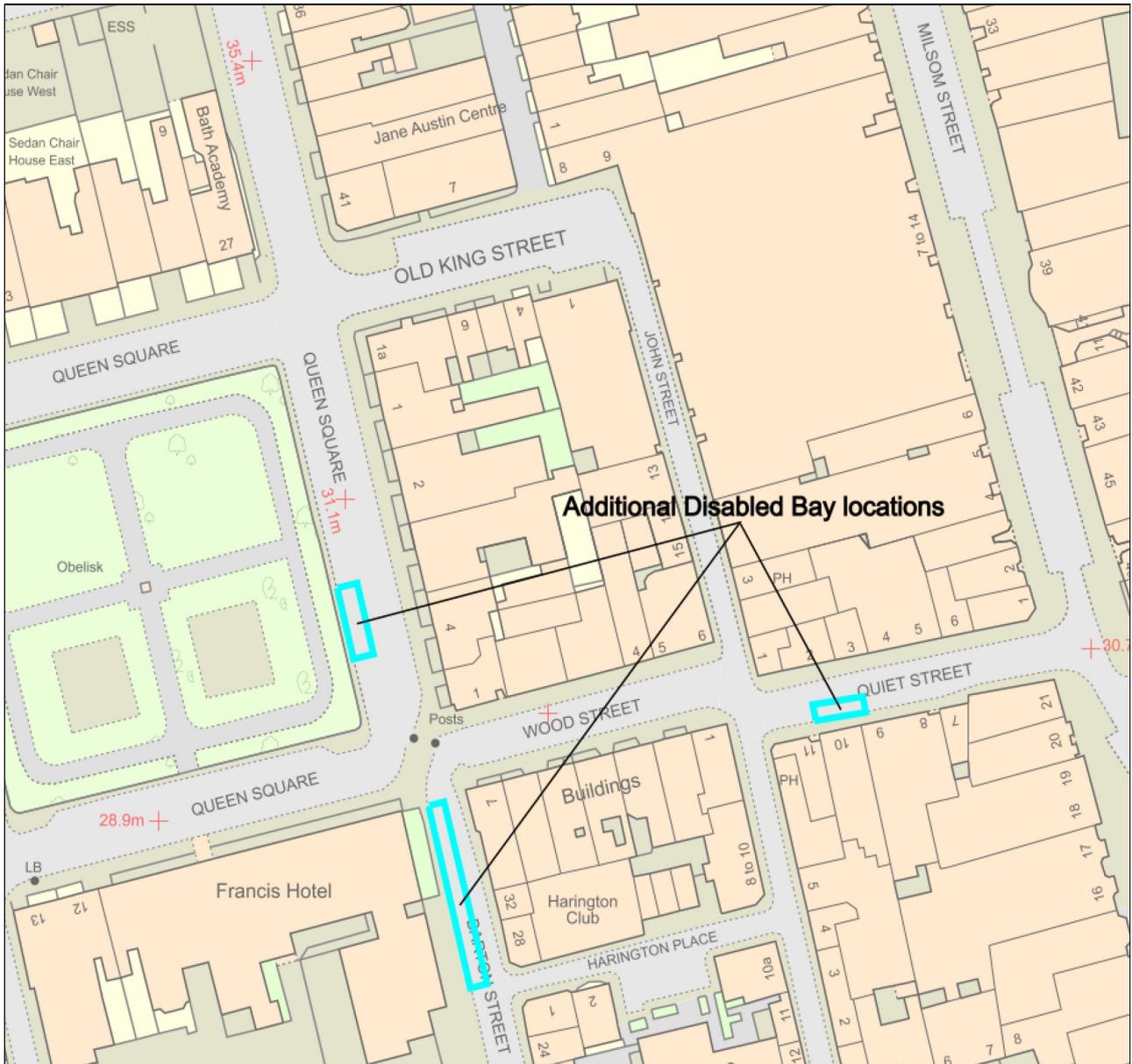
Plan 4 – George Street, Bath – Loading Bays



Plan 5 – New Bond Street, Bath – Disabled Parking Bays



Plan 6 – Additional Disabled Parking Bay locations – Quiet Street, Barton Street and Queen’s Square



7. COMMENTS RECEIVED TO DATE

Chief Constable

First email: Thank you for your email regarding the proposed Experimental Traffic Regulation Order for the Bus Lane proposals in Milsom Street, Bath, as shown on the attached Officers Decision Report.

I understand from the Officer Decision Report that “Bath and North East Somerset Council is proposing to restrict access to vehicular traffic in Milsom Street, Bath (between George Street and Quiet Street) between the hours of 10.00am and 18.00pm, 7 days per week. Local buses would be exempt from the restriction. Parking and loading restrictions in Milsom Street would be amended to reflect the operating times of the bus gate. New loading bays are provided in George Street to mitigate for the loss of ability for loading and unloading in Milsom Street between 10am and 6pm.

The objective behind the proposal is to create a priority route for public transport vehicles and cycles along Milsom Street. Removing extraneous through traffic will also make the road a more pleasant environment for shoppers, pedestrians and cyclists.

It is proposed that the prohibition of motor vehicles would be introduced with the support of Experimental Traffic Regulation Order (ETRO) in the first instance, to be made permanent if the project is successful and after consideration of any objections or other representations.

The success, or otherwise, of the ETRO would be evaluated using the following methods:

Assessment of bus journey reliability along the route.

Before and after assessments of on-street activity, including footfall and cycling movements.

Stakeholder surveys and stakeholder feedback ie residents, accessibility groups, faith organisations.

Business engagement, to include the impact on trade and loading activities.

Reference to existing guidance relating to the evaluation of townscapes and pedestrianisation.

The proposal to remove through traffic from Milsom Street between 10am and 6pm would restrict access to the existing Blue Badge parking bays in Milsom Street, so it is proposed that additional Blue Badge parking bays would be introduced in New Bond Street. It is currently anticipated that 5 additional bays could be introduced by rearranging the current parking and loading arrangements. It is also anticipated that the 8 current temporary Blue Badge parking bays on Quiet Street / Queen Square and Barton Street could become permanent bays to help provide more central disabled parking provision for Blue Badge Holders.”

I further understand from the Report that the background to the proposals is as follows;

“Milsom Street is used by numerous local bus services, and there are two well-used bus stops approximately half-way along its length. However, parking and loading activity along the route can have a negative impact on bus journey times and reliability, particularly during the day.

When the Covid 19 pandemic first emerged, a temporary 10.00am to 6.00pm access restriction was introduced in Milsom Street to aid social distancing, and this

restriction remains in place. Prior to the introduction of this temporary measure, Milsom Street had unimpeded vehicular access throughout the day. Although the existing bus gates further along the route already restricted through-traffic (from 10.00am to 6.00pm) the road was still busy with delivery and servicing traffic, and motorists picking-up and dropping-off passengers or seeking on-street parking opportunities.

Aside from improving bus journey times and reliability along the route, it is considered that the removal of extraneous through traffic from Milsom Street, between 10.00am and 6.00pm, would help to improve the environment for bus passengers waiting at the bus stops, pedestrians and cyclists, and also support efforts to create a more pleasant trading environment and public realm for residents and visitors.

The access restriction would also support the programme of events and activities planned for the area through the High Street Renewal Programme. The development of the Programme scope has been informed by consultation and engagement with the community, local traders and businesses, along with property agents and landlords.

This project is not part of the separate City Centre Security proposals but takes into account the changes that could be made if that project were to go ahead.”

The proposal raises several issues which I would be grateful if you could clarify, to enable a formal response to be made on behalf of the Chief Constable.

The proposal states “Bath and North East Somerset Council is proposing to restrict access to vehicular traffic in Milsom Street, Bath (between George Street and Quiet Street) between the hours of 10.00am and 18.00pm, 7 days per week. Local buses would be exempt from the restriction.

Parking and loading restrictions in Milsom Street would be amended to reflect the operating times of the bus gate. New loading bays are provided in George Street to mitigate for the loss of ability for loading and unloading in Milsom Street between 10am and 6pm.”

There is no mention of any exemption other than for “local buses”, please could you clarify whether exemptions to the proposals will be made for buses other than local ones, as I am aware that a significant number of tourist buses/coaches, the open top bus service, etc., currently use this route.

Additionally, I am aware that taxis regularly use this route both for residents of Central Bath to access their homes and for those wishing to visit local destinations for recreation, please could you clarify whether taxis will be exempt from the ETRO proposals? [Response: Taxis are not exempt because the intention is to restrict as much traffic as possible in Milsom St. Taxis do have an exemption to use the route via John St and Quiet St which still enables people to be dropped off at the bottom of Milsom St.](#)

Will there be an exemption for motorcycles and cycles, or for service vehicle

exemptions in line with usual TRO practices? Response: Yes the ETRO includes exemptions for pedal cycles, public service vehicles or security vehicles but not motorcycles.

Please could you also confirm that the proposals will include exemptions for Emergency Service Vehicles in the execution of their duties. Response: Yes the ETRO includes an exemption for emergency vehicles in the execution of their duties.

With regards to the timing of the proposals, I am aware that when provisions were introduced which closed Milsom Street during the initial considerations for the Covid Pandemic, there were instances of vehicles coming out of Quiet Street and reversing up Milsom Street to use the parking spaces. Response: The parking places on Milsom Street are not available during the operating times of the bus lane. Any offending vehicles would therefore be issued a PCN.

There is obviously a need for deliveries to take place to the premises on Milsom Street and whilst the proposed restriction is timed, there are premises where deliveries are required for business. An example of which was evidenced during the initial pandemic closure, where the florist on Milsom Street required to load up during the hours of business.

This obviously has a crime and disorder implication as well as that of traffic management, as it is not feasible for them to park on New Bond Street and walk to and from the shop without risk of theft or having to lock the vehicle each time of making multiple trips to and from the shop. Response: Opening times and functions of the businesses appear to have normalised since the start of the pandemic and this no longer appears to be an issue. The florist have raised no specific complaints to the ETRO in the past 6 months+ nor following recent business engagement via the BID. Businesses are welcome to respond to the Experiment with suggestions on loading and or/timings which can be considered.

Within the ETRO proposals, consideration should be given for known repeat delivery vehicles that need access during daytime hours to be able to access Milsom Street.

This would also deter the practice, which was seen during the previous closure, preventing people reversing up Milsom Street. I understand from my operational colleagues that previously there were numerous requests for Police to resolve the situation and that is unsustainable. Response: Is this a recent issue or from the start of the pandemic and has now settled? We're not aware of this continuing to be an issue. Additional loading bays have been provided in George Street. It is not possible to give vehicles making deliveries an exemption from the access restriction because we could not enforce this effectively using ANPR cameras.

Given the many residential flats that are in Milsom Street, what provision will be made to exempt grocery delivery vehicles, or other access requirements as necessary? Response: Residents are welcome to submit an application form for exemption for deliveries or contractors which cannot happen outside the hours of the closure. Grocery vehicles will have to use the loading bays in George Street and

would not be given an exemption.

It is noted that the proposal includes removal of parking / creation of loading bays within Milsom Street as shown on the drawings embedded in the attached report.

Plan 1 – Milsom Street, Bath – extent of proposed bus lane restriction

This appears to essentially be a plug restriction at the junction of Milsom Street with George Street. How and where will this restriction be signed? **Response:** This is already signed as a temporary restriction and the signs can be seen in situ.

Plan 2 – Milsom Street, Bath – parking restrictions part 1 – various

This appears to restrict “passing through traffic” from parking, making Milsom Street a permit only parking area with dedicated disabled parking, and goods vehicle loading bays. **Response:** No parking is permitted between 10am and 6pm.

Plan 3 – Milsom Street, Bath – parking restrictions part 2 – No Parking / No Loading 10am – 6pm

It appears that this element of the proposal is intended to clear Milsom Street of any form of parking between 10 – 6am. Please can you clarify what provision is made for disabled access / residents’ access etc.? **Response:** Additional Disabled bays are being provided in Quiet Street (-2_bays), Barton Street (4 bays), Queen Square (1 bay) and New Bond Street (5 bays). Access will be via John Street.

Plan 4 – George Street, Bath – Loading Bays

Do the proposals for loading bays impact on existing parking or will they be additional and make use of what is currently restricted parking areas?

The George Street area, particularly towards its junction with Gay Street, can currently be congested at peak times. **Response:** Yes these loading bays will remove existing Single Yellow Lines where parking was previously restricted between 8am – 6pm Mon – Sat. A Temporary TRO has been in place for nearly 18 months providing these loading bays on-site and no issues have been raised.

Plan 5 – New Bond Street, Bath – Disabled Parking Bays

Plan 6 – Additional Disabled Parking Bay locations – Quiet Street, Barton Street and Queen’s Square

What provision is to be made for residents parking / Residents Permit parking, which may be displaced by the proposals shown on plan 5 and 6? **Response:** No additional residents parking is being provided. However, residents will continue to be able to park in Milsom Street between 6pm and 10am daily.

It is appreciated that enforcement of waiting restrictions within the Bath and North East Somerset Council area rests with B&NES Parking Services.

We are unable to dedicate an enforcement presence to this proposal.

We look forward to receiving the clarification of the issues above, to enable us to respond further on behalf of the Chief Constable.

Second email: Thank you for clarifying some of the points raised.
The concerns that remain outstanding are as follows –

Regarding taxi access, whilst I can understand that there is a wish to minimise traffic flow, taxis perform a service to those who may be physically unable to access public transport, please could you advise whether a disability assessment has been carried out on the ETRO proposals? **Response:** A EQIA has been completed and a copy will be available on request as part of the consultation.

I'm unaware whether the proposals have been subject to the Safety Audit Process or whether this will take place after the proposed ETRO scheme is insitu. **Response:** A safety audit was not considered necessary for this scheme as traffic flow is being reduced.

Further to our conversation, as identified, enforcement of the proposed waiting restrictions would rest with Bath and North East Somerset Council. Given that there have been concerns regarding vehicles reversing up Milsom Street against the flow of traffic to access parking, please confirm that a robust CEO enforcement response will be in place to deter such parking. **Response:** Our Enforcement Officers currently issue penalty charge notices to vehicles in contravention of the existing temporary TRO parking restrictions and will continue to do so during the ETRO.

With regard to potential grocery deliveries, your response stated that *“Residents are welcome to submit an application form for exemption for deliveries or contractors which cannot happen outside the hours of the closure. Grocery vehicles will have to use the loading bays in George Street and would not be given an exemption.”*

However, as there will not be exemptions for such deliveries, with grocery delivery drivers being expected to park in George Street and wheel crates of groceries to their destinations, this raises other issues. Aside from the potential issues in terms of road safety e.g. double parking, lack of available parking space at delivery time etc., and potential crime and disorder this may present, please can you clarify how the wording of this is to be reflected in the ETRO? It appears that offering a “delivery window” for grocery delivery to residents has the potential to carry a financial penalty as I am aware that delivery slots vary in price dependant on timing. Has this been considered? **Response:** It is considered that the 3 loading bays at the top of Milsom Street on George Street and the Loading bay at the bottom on New Bond Street will provide sufficient unloading capacity for grocery deliveries with a distance of no more than 80 metres which would need to be covered by trolleys. This is only a short extra distance from the previous loading bay which used to be located at the top of Milsom Street and provides extra loading provision.

My understanding from our conversation is that as you have confirmed, enforcement of the proposed bus gate will be by way of camera enforcement in a similar manner to other bus gate locations in Bath.

I understand that the consultation process for an Experimental Traffic Regulation

Order is unusual in that comments are invited throughout the initial period of installation prior to the Experimental TRO being made permanent and we will monitor the location to forward any comments that may arise, in due course.

Parking

I broadly support the implementation of the restrictions but there should be a recognition that additional restrictions require additional revenue support for new staff to reflect the fact that every new restriction requires a very small percentage of a staff member to enforce on a regular or semi-regular basis.

Whilst this impact may itself be small for a single scheme, the cumulative impact may have an impact for the enforcement across other locations. Bus priority schemes may also require additional revenue support to ensure sufficient resource is available to meet statutory obligations for PCN processing and the ongoing maintenance of on street hardware.

Ward Members

Kingsmead:

Cllr Sue Craig – No comment.

Cllr Andrew Furse – I note this experiment in Milsom Street and believe it is a beneficial step forward - however;

1. I note that buses are able to use the route - we need to make sure that taxis are also able to use it. Many residents in the locality do not own cars, however for those who have mobility issues they rely on the taxi service for 'door to door' transport.
2. The loading bays in George Street are noted - does this displace any resident parking?
3. To compensate loss of Blue Badge holder parking there is additional parking in New Bond St. Again - does this displace any resident parking?
4. The new BB bays on Queen Square, Quiet St, and Barton Street - are these currently P&D/Resident Parking? I think they are and as such there is no mention of new bays being created to mitigate this loss of parking.

Therefore, I need to be given responses to the above and assured that there is no net loss to resident parking bays - since many RPZ bays have been lost in this part of Kingsmead Ward over the past 4 years. Central zone residents already have significant issue in finding parking - for those who own a car do so as a necessity.

Response:

Regarding point 1 – Taxis are not exempt because the intention is to restrict as much traffic as possible in Milsom St. Taxis do have an exemption to use the route via John St and Quiet St which still enables people to be dropped off at the bottom of Milsom St.

Point 2 - The Loading bays on George Street replace existing Single Yellow Lines (No Parking between Mon – Sat, 8am – 6pm)

Point 3 – The additional Disabled Parking in New Bond Street replaces existing Double Yellow Lines and does not remove any Permit Holder parking.

Point 4 – Yes these Disabled Bays do replace existing Permit Holder / P&D parking however these restrictions have been in place for nearly 18 months under TTROs. The ETRO is looking to make these temporary parking arrangements permanent.

Cabinet Members:

Cllr Manda Rigby – No comment.

8. RECOMMENDATION

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

Signature: 

Date: 3rd November 2021

Paul Garrod
Traffic Management & Network Manager

9. DECISION

As the officer holding the above delegation, I:

Approve the progression of this Traffic Regulation Order.	X
Agree that this 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.

A handwritten signature in black ink, appearing to read 'Chris Major', is centered within a light gray rectangular box.

Signed:

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Date: 08/11/21

Chris Major
Director for Place Management