

OFFICER DECISION REPORT – TRAFFIC REGULATION ORDER

3

OUTCOME OF ETRO PROCESS

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)	
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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.

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. INFORMAL CONSULTATION REQUIREMENT

Informal consultation was carried out with the Chief Constable, Ward Members and the Cabinet Members for Transport.

The responses to the informal consultation can be found in TRO report number 2.

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

The objection / comments received have been summarised below with the technical responses in italics underneath each one. **Appendix 1** attached to this report includes the full responses received during the 6-month public consultation.

Total Responses: 134

17 Objections – Blue Badge access (7), noise (1 – Rosewell Residents Association) and restriction of cars (5)

12 Partly support – Blue Badge access (4), noise (1), Monmouth St/Westgate Buildings (2), timings (3)

105 Support

Objections main points raised:

Blue Badge Access:

- It is important to keep the streets open for the disabled and mobility impaired who need cars to get around.
- There needs to be much better wheelchair access routes through Kingsmead Square, without the cobbled gutters.
- Vital disabled access has been lost. Please build in a few disabled parking bays to the permanent design.
- The proposals make Bath a two-tier city for those with a disability and those who are able bodied.
- The council has limited blue badge parking in the car park near Kingsmead and it is chargeable - with the reduction of on street parking spaces in Bath and the increasing restriction of use of blue badges parking on double yellow lines, the council should not charge for blue badge parking in their car parks.
- Blue Badge Holders need access to Kingsmead Square to be dropped off / park to reach this area that is beyond the Blue Badge Holder walking distance.

Noise (Rosewell Residents Association):

- Concern regarding the noise late at night for local residents as there are 150 families who live in the surrounding properties, lots of them have young children. They believe that since the square has been traffic free, in the night times the noise from the square has gone up 10-fold.

Restriction of cars:

- Object to what are perceived as the persistent anti-motorist policies.
- A view that “the council appears to be trying to turn Bath into one giant pavement, on which the only wheeled vehicles are allowed such as EScooters, electric bicycles and push bicycles”.
- Closing streets to motor vehicles creates more congestion and therefore pollution. An open network of roads through which motor vehicles are free to choose their own path is the best way to keep moving and keep pollution to a minimum.

Other:

- Hours of operation are too long.

- Shabby looking area, a magnet for street drinkers.
- There needs to be a coherent plan looking at needs of all community groups.
- The barriers when shut have only 1 metre clearance, this needs to be reviewed against current legislation for access for emergency services - can the council confirm how each potential emergency vehicle will have access to the combination locks, what written procedures are in place, that are auditable and communicated.
- Bath is not just for the benefit of tourists and businesses; it should also cater for the needs of its residents.

Partially support main points raised:

Blue Badge Access:

- People with limited mobility who are not disabled and don't qualify for a Blue Badge are excluded from another area of Bath. People do not always fit into categories.
- Blue Badge Holders should be better catered for; four spaces aren't enough.
- I appreciate the need to reduce traffic but the impact on disabled people is too great.
- Any alterations should be balanced against the need to sustain and enhance city centre access for disabled people and/or people with mobility issues to ensure our high streets remain inclusive and accessible for all.
- Measures should be introduced to address the limited disabled parking bays, free Blue Badge parking in all council parking spaces.

Noise:

- It is inappropriate to extend evening operation. People live in this area. Arrangements designed to encourage outdoor socialising after 9pm will make the area unliveable, especially for families with children. It is particularly unpleasant that this is proposed in a part of the city where some less affluent and vulnerable families live. Making the city centre liveable should be a priority, as having people living in the centre is one of the unique things that gives Bath's centre its character. This will do the opposite, promoting hollowing out of yet another part of the city made unliveable by excessive noise at night.

Monmouth St / Westgate:

- Vehicles still have access through Westgate Buildings / Monmouth Street, bisecting the vehicle free areas of Kingsmead and Saw Close. Traffic should

be removed all together from that route and in the meantime some speed bumps would help moderate driver behaviour.

Building / Design:

- I support the move if and only if this continues up the road by Sainsburys Local too (Monmouth Street). The city needs a real redevelopment in creating access consistently throughout the city.
- Buses should be rerouted to a new hub of stops in the lanes on the eastern side of the Apex Hotel.
- Use the space to give local artists and students and charities the chance to display their work and encourage the space to be used to show examples of Bath's excellent culture and creativity.
- Barriers / Bollards - Pedestrians need to feel safe when within the No Motor Vehicles area within the restricted hours. Currently vehicles are able to mount the pavement to drive around the barriers etc. Additional barriers or bollards are needed to prevent motor vehicles being driven around the barriers.
- There is some disparity as to the proposed type of physical access restrictions to be implemented on the New Street access and exit onto James Street West. The "Prohibition of Motor Vehicles" plan suggests the use of "removable bollards, minimum 1.2m apart", whereas the comments of the Chief Constable included in the Officer Decision Report makes reference to "lockable gates". Hinged timber barriers and planters with Kingsmead Square branding are currently in situ at either end to restrict traffic (are these the "lockable gates"?). We maintain that further clarification regarding public realm alterations in relation to maintaining traffic restrictions would be helpful; the addition of new street infrastructure and/or furniture should be compliant with the standards set out in the Bath Pattern Book. In the case of the proposed bollards, we recommend these are recessive in colour, probably black, and have a cast iron 'look' where a bespoke design solution may be considered unviable due to cost.
- With the loss of standard parking spaces on Avon Street (the Officer Decision Report notes through traffic "seeking on-street parking opportunities in Avon Street"), there could be an increase in traffic seeking parking spaces at Kingsmead Square Car Park. Improved pedestrian links between James Street West and Kingsmead Square, particularly on the New Street access, would therefore help to balance pedestrian access with the two-way road into/out of Kingsmead Square Car Park and create a more inviting route into the area.

Timings:

- Midnight is too late. 7pm would be ample and allow evening work at the businesses for tradesmen.

- Why are the restrictions stopping at midnight, the area at that time of night is usually busy with drunken pedestrians, why not keep the vehicular restrictions on until 4am for example.
- I support the making permanent of the Kingsmead Square Experimental Traffic Regulation Order, however the hours of operation should be 10.00am to 11.00pm. This still gives opportunity for deliveries to premises using motor vehicles, and also helps to keep the area safe for pedestrians.

Other:

- The closure is not enforced currently in Kingsmead Square, many vehicles and motorbikes just drive through from Monmouth Street, or through the locked barriers.
- Bikes shouldn't be allowed. They will be a danger to pedestrians.

Support:

The Council received **105** responses of support for the ETRO, however reasons for supporting the scheme were not requested as part of the consultation process as the Council's consultation procedure focuses on the concerns and objections of local residents, businesses and visitors to Bath to see how these can best be addressed.

Response:

The Experimental Traffic Order (ETRO) in Kingsmead Square forms part of a wider package of measures to reduce the impact of motor vehicle traffic on the city centre and to make it more accessible to people walking, cycling, wheeling and using public transport. The ETRO is intended to complement B&NES' High Street Renewal Project with rolling phases of public realm improvements at Kingsmead Square as well as other areas of the city centre.

Since the introduction of the temporary closure and restrictions around Kingsmead Square in 2020, we have been monitoring the situation, as well as speaking to key stakeholders and considering the feedback received from residents and businesses.

The businesses and key landlord on the Square are continually engaged in the design process of the public realm improvements and development of the ETRO process by the Regeneration and Highways teams. These meetings and email correspondence allow continual feedback, which has been seen to be overwhelmingly positive. One business which raised concerns about loading at the start of the ETRO was visited by the project team in September 2022. They have acquired storage facilities outside of the city centre and now receive deliveries of stock to that location whilst the Kingsmead Square unit is a retail store only.

A series of one-to-one meetings have been undertaken with key stakeholders, including ward councillors, key landlords and businesses, at various stages through the ETRO process. The Kingsmead Square email address has been live through the

entire ETRO process, allowing the public to respond at any stage in addition to the formal survey online. This has allowed continuous feedback to the project team. Any comments were included in this report or responded to within 2 weeks where they included a question to the project team.

The ETRO has facilitated a number of public realm improvements, led by the Regeneration Team. These include two parklets, improved cycle storage facilities and 10 Pavement Licences which would not otherwise be possible if the Square was open to traffic during the day. Feedback on the activity and function of the Square has been overwhelmingly positive from elected Members, businesses and the public. The ETRO and associated improvements have been transformative to the Square, which is now an attractive and animated public space which prioritises pedestrians and cyclists. On-street public life analysis has shown that footfall has increased and the area is now considered a destination for use of public space and food & beverage businesses.

We have written to all blue badge holders, for whom we have records, to notify them of this consultation and to ensure they were able to comment. An Accessibility Study was also carried out by an independent consultant from the National Register of Access Consultants to consider the impacts on people living with various disabilities, including those with additional mobility needs. The study made some recommendations for improvements, some of which are being carried out as part of the City Centre Security Project, including Blue Badge Bays, and some by the High Street Renewal programme, including improved and more regular seating throughout the space. As a result of this, we have provided 2 new disabled bays in Westgate Buildings.

Under the separate City Centre Security project, Blue Badge Holders are exempt from the new vehicle access restrictions in Cheap Street and Westgate Street. This prevents access by delivery vehicles in those streets between 10am and 6pm daily, which gives more opportunities and availability for Blue Badge Holders to park, which is close to Kingsmead Square. Westgate Buildings and Monmouth Street also remains available for dropping off and picking up passengers, which is immediately next to Kingsmead Square.

No noise complaints have currently been received by Environmental Protection (EP) from local residents. Any future noise complaints should be directed to EP to address.

An additional bollard has been placed on-site at the western entrance into Kingsmead Square to prevent vehicles from squeezing through over the pavement during the hours of operation.

Temporary, manually operated gates were installed to support the ETRO which allow free movement of pedestrians and cyclists whilst prohibiting traffic. If the TRO is to be made permanent, the intention is to install permanent automated gates which can be operated by the CCTV control room team as part of a consistent approach to access across Bath by the City Centre Management team.

Chief Constable

No comment.

Parking Services

No comment.

Ward Members:

Kingsmead

Cllr Sue Craig – No comment.

Cllr Andrew Furse – No comment.

Cabinet Members:

Cllr Manda Rigby – No comment.

Cllr Mark Roper - No comment.

8. RECOMMENDATION

Vehicle access restrictions have now been in place in Kingsmead Square for over two years, first as a temporary social distancing scheme and then in an amended form and an Experimental Traffic Regulation Order.

The experimental restrictions are considered to have been successful because they have operated well and provided much more space for people to walk, wheel and cycle without having to give way to passing vehicles or to walk in between parked cars and vans. Businesses have adapted well, and the majority affected are very supportive. It is notable that no objections were received from businesses. It's also transformed the way these streets are used, with significantly greater use of tables and chairs on the footway. It is acknowledged that the vehicle access restriction prevents Blue Badge Holders and others with mobility difficulties from parking in Avon Street or being dropped off in the square, but alternatives and improvements have been provided in very close proximity.

It is therefore recommended that the Traffic Regulation Order is sealed as described below.



Signature:
Paul Garrod
Traffic Management & Network Manager

Date: 7th December 2022

9. DECISION

As the Officer holding the above delegation, I have decided that the objections / comments be:

a)	not acceded to and the Order as advertised be sealed.	X
b)	acceded to in full and the proposal(s) withdrawn.	
c)	acceded to in part and the following adjustments, being of minor significance; be included in the Order to be sealed. <i>specify minor amendment to Order here:</i>	

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.

The Councils policy framework has been used as the basis to develop the scheme with full engagement with stakeholders across the area.

I further note that the issue of deciding whether to implement any scheme is a matter of broad judgement, taking into account the wider transport and climate aims of the Council rather than a purely mathematical analysis on the numbers of positive or negative responses.

The arguments both for and against the scheme were clearly identified and were considered fully as part of the decision-making process before I made the final decision as set out above.



Signature:

Date: 08/12/22

Chris Major
Director of Place Management