

# OFFICER DECISION REPORT – TRAFFIC REGULATION ORDER (TRO)

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## PRELIMINARY CONSULTATION (Cabinet Member for Sustainable Transport Delivery)

PREPARED BY: Traffic Management Team, Highways and Traffic Group

**TITLE OF REPORT:** Pennyquick, Whiteway Road, Rush Hill and Frome Road.

**PROPOSAL:** 18 Tonne weight restriction

**SCHEME REF No:** 25-042

**REPORT AUTHOR:** Thomas Slane

### 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:

<b>Section A</b>	The Chief Executive, Strategic Directors, Divisional Directors and Heads of Service have delegated power to take any decision falling within their area of responsibility....”
<b>Section B</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.
<b>Section D9</b>	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 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	
(b)	for preventing damage to the road or to any building on or near the road, or	X

(c)	for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or	
(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 introduction of an 18 tonne weight restriction on the route between the Globe Roundabout on the A4 and the Red Lion Roundabout on the A367, which consists of Pennyquick, Whiteway Road, Rush Hill, and Frome Road.

### 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 restriction on vehicles which are over 18 Tonnes in weight. It has balanced the various considerations and concluded that it is appropriate to promote this restriction. 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 18 Tonne weight restriction 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 weight limits, which is available on 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 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.

## **7. SOURCE OF FINANCE**

The scheme is included in the 2025/26 Local Active Travel and Safety Programme.

## **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.

## **9. COMMENTS RECEIVED TO DATE**

### **Chief Constable**

As you are aware, the route between the Globe Roundabout on the A4 and the Red Lion Roundabout on the A367, (known locally as Pennyquick Hill, Whiteway Road, Rush Hill, and Frome Road) is extensively used by HGV traffic, as identified within the Statement of Reasons as follows - "There are a number of commercial destinations located in the residential area to the north-east of the route in question, including convenience stores / small supermarkets, schools, and public houses etc. However, access to some of these premises is not possible from the A36 due to a relatively narrow road network and low railway bridges, so it is necessary for delivery vehicles to use the Pennyquick, Whiteway Road, Rush Hill, and Frome Road route to access the area" the route also forms part of the Abnormal Indivisible Load route on that side of Bath, avoiding the city centre and its moving traffic restrictions.

Although not designated as such, the route forms the link between A roads and the UK Government road classification standard states 'A roads will generally be among the widest most direct routes in an area and will be of the greatest significance to through traffic' and from UK Guidance published in 2012 "All sections of the strategic road network and primary route network which are not classified as motorways are classified as A roads."

An environmental weight restriction such as is proposed is essentially a traffic calming measure, it redirects traffic from a chosen path in response to community concern. We would request that, in planning and design of traffic calming measures, note is taken of Abnormal Indivisible Loads as defined in The Authorisation of Special Types 1979, Construction and Use Regulations 1986 and the Road Traffic Act 1972, Section 42 and Section 79.

Abnormal Loads are defined in The Authorisation of Special Types 1979, Construction and Use Regulations 1986 and the Road Traffic Act 1972, Section 42 and Section 79.

Abnormal Loads are permitted, subject to the constraints of their routing, to move without escort up to a width of 4.1m (over that the loads are self-escorted/subject to police escort).

Such vehicles vary in width from a minimum 2.9 metres to an undefined maximum. An Abnormal Indivisible Load of 32' / 9.75m width has been moved within our Force Area in the past, and movement of Abnormal Indivisible Loads which fall in the width band between 2.9 metres and 6.1 metres is not uncommon.

Article 26 of The Authorisation of Special Types 1979 requires that any Haulier wishing to move an Abnormal Indivisible Load should notify the Highway and Bridge Authorities through whose area they intend to pass. This notification includes dimensions and a proposed route. I would suggest that it is possible from the information provided to ascertain which routes within the Bath and North East Somerset Council area are most widely trafficked by Abnormal Indivisible Loads and take this information into account when planning future traffic calming measures.

We have previously exchanged correspondence with Bath and North East Somerset Council regarding the introduction of weight restrictions, particularly those which are environmental in nature. An environmental weight restriction such as is proposed, often raises community expectations of enforcement of any contravention and we are aware that there will be numerous exemptions for agricultural vehicles, commercial vehicles and others with legitimate access which may be perceived as contravening the proposed restriction.

The Statement of Reasons provides numerous reasons why the route is used by HGV / commercial vehicles etc., at present but does not identify any alternative routing for such vehicles should the proposal for the weight restriction be introduced. Please could you identify an appropriate alternative route?

It is not possible to dedicate an enforcement presence to such a restriction. The signage and any other physical measures to be introduced to enforce / heighten motorist awareness of the proposed scheme is therefore of importance. Any enforcement will be targeted, and intelligence led.

*Officer response: An exemption could possibly be added to the Traffic Regulation Order which would permit the use of the roads in question by abnormal loads, but only those which are being escorted by livered Police vehicles or similar. This will be investigated further.*

*There would be no defined alternative to the use of the route in question, but there are options. HGVs can either drive into and out of Bath on the 'A' classified road network, which would involve passing through the Clean Air Zone, or make decisions earlier in their journey regarding the route that they intend to follow. For example, a driver passing through the Radstock area heading towards Bristol could choose to follow the A37, and vice-versa.*

*It is recognised that enforcement of environmental weight restrictions can pose some difficulties. However, it is possible for the public etc. to report the abuse of weight restrictions on the Council's website, so there would be an alternative to enforcement by the Police. It is also proposed that the direction signing at each end of the route would be significantly modified to include advance warning of the proposed weight restriction from all directions. Warning of the gradient of Whiteway Road would also be added to some of these signs as appropriate.*

### **Emergency Services**

No response.

### **Road Haulage Association**

No response.

### **Freight Transport Association**

No response.

### **Parking Services**

No response.

### **Waste Services**

No response.

## **Ward Members**

Cllr Joel Hirst:

On behalf of Odd Down Councillors, we are very supportive of this proposal. For too long residents have been blighted by through HGVs on this route. Residents will be very supportive of the implementation of the scheme and would like robust enforcement. This route is not an appropriate route for through HGVs and is evidenced by the number that do breakdown that occur on this route.

Cllr Duncan Hounsell:

I am fully in support of this proposal which will take the heaviest vehicles away from Pennyquick. The road has bends and steep slopes and is unsuitable for these vehicles. The TRO should go ahead as proposed for the reasons given in the report.

Cllr Chris Warren:

If lorries avoid Bath because of the CAZ and therefore divert via Pennyquick, with a weight restriction where will they actually go?

*Officer response: Please see the response above to the comments received from the Chief Constable.*

Cllr Sarah Moore:

As per other Councillor comments, please can you confirm how this will be enforced.

We have had 3 lorries stuck on Pennyquick Hill this week already and this is getting urgent now.

There is another lorry stuck there now!!

*Officer response: Please see the response above to the comments received from the Chief Constable.*

Cllr Dine Romero:

*Would you clarify where the signs will be and how this weight restriction will be enforced?*

*I assume the right agency who deals with HGV sat nav's will also be alerted - once the measures are in place though, perhaps?*

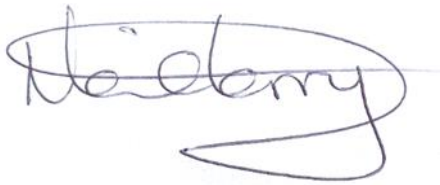
*Officer response: Please see the response above to the comments received from the Chief Constable.*

Cllr Steve Hedges: Comment provided by Cllr Joel Hirst above.

Cllr Paul Crossley: No response.

Cllr Tim Ball: No response.

REPORT APPROVED FOR CIRCULATION TO CABINET MEMBER FOR  
SUSTAINABLE TRANSPORT DELIVERY.

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

Neil Terry  
Traffic Management and Network Manager

Date: 09/10/2025