

OFFICER DECISION REPORT - TRAFFIC REGULATION ORDER (TRO)

5a

OUTCOME OF TRO PROCESS – DECISION (following objections)

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:

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 purposes of this report, the Director of Place Management and the Head of Highways Delivery hold 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.

The responses to the informal consultation can be found in TRO report number 3.

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

The objections received have been summarised below with the officer responses in italics underneath each one.

Objections – 32, Support – 4, Unclear - 3

The responses received are recorded in Appendix A. Please note that individual responses may include multiple comments per response.

Main objections listed below: -

1. Alternative route for HGVs not appropriate (displacement to A37 and villages)

41 comments received.

Officer Response: *The origins and destinations of vehicles over 18 tonnes are highly varied, with many route choices most likely made outside of B&NES or even beyond neighbouring authorities. Because of this, it is not possible to reliably predict a single alternative route which displaced vehicles might use. Classified traffic surveys show that fewer than 50 vehicles over 18 tonnes per direction currently use Pennyquick, Whiteway Road, Rush Hill and Frome Road on a weekday (and fewer than 20 on Saturdays), equating to fewer than 5 per hour in each direction. Given the nature and purpose of HGV movements, any displacement would be expected to be spread across several strategic routes, resulting in a negligible impact on any individual corridor such as the A37.*

2. Congestion / tailbacks / queues at known constraints

49 comments received.

Officer response: *The removal of the larger HGV traffic from the route in question is not expected to materially affect congestion elsewhere. Additionally, because potential diversion routes vary depending on each vehicle's origin and destination, any redistributed traffic would be expected to disperse rather than concentrate at specific pinch points.*

3. Safety risks at narrow/pinch points (including pavement incursions)

25 comments received.

Officer response: *The route of Pennyquick, Whiteway Road, Rush Hill and Frome Road are 'C' classified roads, primarily intended for local traffic and not for use by larger HGVs. The route includes very steep gradients and constrained geometry. It is acknowledged that other routes used by HGVs can share similar characteristics, but this is not a reason to condone the use of the route in question by larger vehicles.*

4. Air quality / pollution / AQMA / health impacts

26 comments received.

Officer response: *Given the relatively low number of vehicles over 18 tonnes currently using this route (less than 5 per hour per direction), any dispersal of these vehicles across the wider strategic road network is very unlikely to have a negative impact on environmental issues elsewhere, including in designated AQMAs within B&NES or neighbouring authorities.*

5. Impacts near schools / children

20 comments received.

Officer response: *Whiteway Road, Rush Hill and Frome Road serve several schools and residential neighbourhoods. These roads are not suitable for use by larger vehicles and are more characteristic of local access roads. It is recognised that there may be schools along the routes to which some of the HGVs could be displaced, but it is very likely that these routes would form part of the 'A' and 'B' classified road network and, as such, these are more suitable routes for use by larger vehicles.*

6. Noise / disturbance

11 comments received.

Officer response: *The vehicles which would be displaced to other routes would represent only a small proportion of the overall traffic flows on the 'A' and 'B' road network, so no perceptible increase in noise levels would be anticipated elsewhere.*

7. Policy fairness / CAZ knock on effects

11 comments received.

Officer response: *The classifications of these roads have existed for many years and are not a consequence of the Clean Air Zone. The roads in question are 'C' classified routes due to their purpose and character. 'A' and 'B' classified roads form part of the national primary and strategic road networks and, as such, are expected to carry a larger volume of traffic, including HGVs. The proposal aligns with these long-standing classifications and does not represent a redistribution caused by the CAZ policy.*

8. Enforcement feasibility (police / cameras / signage)

10 comments received.

Officer response: *The proposals have been formally advertised on-street, as required, and Ward Members have been directly consulted, ensuring that the restriction would be properly established in law if introduced. As with all weight limits, enforcement would follow standard practice: compliance is primarily achieved through clear signage and legal restriction, with enforcement undertaken as appropriate.*

10. ADDITIONAL COMMENTS FROM WARD MEMBERS AND CABINET MEMBER FOR SUSTAINABLE TRANSPORT DELIVERY (in response to the above)

Councillor Paul Crossley: Thank you for this comprehensive report and analysis. Any change to traffic flow is always complex and difficult. However, I fully support this weight restriction TRO

Councillor Sarah Moore: Thank you very much, I also fully support this TRO.

Councillor Joel Hirst: I support the proposal for the weight restrictions. I have read the comments carefully. Residents in Odd Down have discussed this issue with me on the doorstep and it is very clear to me that this restriction will help keep through traffic on the appropriate through routes and protect more residential areas.

Councillor Steve Hedges: No comment.

Councillor Duncan Hounsell: No comment.

Councillor Chris Warren: No comment.

Councillor Dine Romero: No comment.

Councillor Tim Ball: No comment.

Newton St Lowe Parish Council: No comment.

Cabinet Member for Sustainable Transport Delivery (Councillor Lucy Hodge):

11. RECOMMENDATION

That the Traffic Regulation Order as advertised is sealed.

Neil Terry
Traffic Management & Network Manager

Date:

12. DECISION

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

not acceded to and the Order as advertised be sealed.

Or

acceded to in full and the proposal(s) withdrawn.

Or

acceded to in part and the following adjustments, being of minor significance; be included in the Order to be sealed.

specify minor amendment to Order here:

The Council's 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.

Chris Major
Director for Place Management

Date: