

# 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:** Stothert Avenue, Westmoreland

**PROPOSAL:** Amendment to 'Bus Gate'

**SCHEME REF No:** 23 – 023

**REPORT AUTHOR:** Neil Terry

### 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	

(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**

To amend the 'Bus Gate' in Stothert Avenue, at its junction with Midland Road, to deter extraneous through traffic from the Bath Western Riverside development and improve the level of compliance.

### 4. **REASON**

The south bank of the River Avon, a short walk from the City's historic core, has recently been transformed into a modern residential development, Bath Western Riverside. Construction began in 2011 with the first residents moving in at the end of that year. The site is now complete and fully occupied.

As part of the transport strategy for the City, it has been a long-held ambition to create a sustainable transport corridor through the area, allowing ease of movement for public transport, taxis, cyclists and pedestrians, thus promoting and supporting more sustainable transport choices. As a result, the outline planning consent for this regenerative development included the provision of a bus gate in Stothert Avenue to assist in achieving this.

The Developer, Crest Nicholson, oversaw the design and introduction of a bus gate in Stothert Avenue in the spring of 2019, along with other traffic management measures to manage access and parking. However, after further consideration of the outcome of appeals at the Traffic Penalty Tribunal it has been concluded that the layout of the bus gate should be altered to help improve the level of compliance with the restriction.

As with the existing arrangement, enforcement of the bus gate would be achieved by automatic number plate recognition camera and the use of appropriate road markings and signage in accordance with the regulations at the time of implementation.

It will be necessary to remove two formal parking spaces to facilitate these essential improvements to the bus gate. It is currently anticipated that these two parking spaces will be replaced with cycle parking.

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 the proposed bus gate. It has also balanced the various considerations and concluded that it is appropriate to promote the proposed bus gate. 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 bus gate 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 bus priority measures, which is available upon 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 accordance with the law, necessary (in the interests of public safety or economic 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 proposal(s) 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**

Existing Parking Services revenue budget offset by future income from the revised restriction.

## **8. CONSULTATION REQUIREMENT**

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 comments, objections, and expressions of support received are listed on the attached Appendix 1.

This is a summary of the main points which have been raised in the comments and objections (in no particular order).

- Increased journey times for residents, visitors, and deliveries.
- Access difficulties for residents and deliveries.
- Additional congestion on adjacent routes.
- Negative impact on air quality, particularly on adjacent routes.
- The bus service is not well-used.
- Stothert Avenue is not heavily used by through-traffic.
- Some residents would need to enter the CAZ to access their properties.
- The road is not adopted, so how can the Council introduce a bus gate.
- The community would be split.
- There would be a disproportionate impact on residents with disabilities.
- Could residents and 'professional services' be permitted to use the bus gate.
- Negative impact of local businesses.
- The Council is creating a source of revenue.

Officer response to the summarised objections and comments received (if the bus gate is reintroduced):

- It is acknowledged that some vehicular journeys for some residents, visitors, and deliveries would be longer, but not all journeys.
- Vehicular access to all properties in and around Stothert Avenue would still be possible.
- Anecdotal evidence and the comments of some respondents would suggest that the volume of traffic which would be displaced to alternative routes would not be large.

- It is considered that any negative impact on air quality on the alternative routes would be negligible.
- Stothert Avenue is used by buses on a route between the RUH and Bath University. A bus priority measure on this route would help to maintain reduced journey times and greater reliability, so this might help to increase the use of public transport.
- When the bus gate was originally introduced in Stothert Avenue, cul-de-sac signs were introduced on the Destructor Bridge, and advance 'prohibition of motor vehicle' signs were introduced adjacent to Sainsbury's petrol station, but these signs were not removed when the bus gate was suspended. It is considered that some through traffic is currently deterred from the area by these signs, but they would need to be removed if the bus gate is not reintroduced. As a result, through traffic volumes may increase.
- It is recognised that some residents would be required to enter the CAZ in order to access properties in Stothert Avenue.
- The Council is able to introduce traffic restrictions on private land with the landowner's permission. It is also proposed that Stothert Avenue will be adopted in due course.
- The proposed bus gate would, essentially, be a modal filter, and these have been introduced to good effect throughout the country to remove extraneous through traffic from residential areas, often increasing community cohesion and interaction. Rather than splitting the community, the removal of through traffic might be beneficial in this respect.
- It is unclear why it is considered that the proposed bus gate would have a disproportionate impact on residents with disabilities. It is assumed that these residents would be driving to their destination (if the bus gate is likely to influence their journey), so these residents would follow the same alternative routes as other residents.
- The Council does not permit residents or businesses to use its bus gates (across the city) during their operational hours. Aside from the enforcement difficulties which could result, an administrative process would need to be established to support the issuing and management of the permit system. Such a permit system would need to be funded, meaning that the permits would probably attract a charge. This is likely to be unpopular and might be considered to be inequitable by some.
- It is not considered that the reintroduction of the bus gate in Stothert Avenue would have a detrimental impact on local businesses. The removal of extraneous through traffic could increase walking,

wheeling, and cycling activity in the area, which might actually be beneficial for the businesses in question.

- The Council does not introduce traffic restrictions to generate income.

It should be noted that in consideration of the comments and objections which have been received, the introduction of a bus gate in Stothert Avenue was a condition of the planning consent for the Western Riverside development.

**10. ADDITIONAL COMMENTS FROM WARD MEMBERS AND CABINET MEMBER FOR HIGHWAYS (in response to the above)**

Councillors June Player and Colin Blackburn (joint response)

With regards to the proposed Bus gate at Stothert Avenue, both Cllr Blackburn and I are concerned that the introduction of the Bus gate might mean some people will have no alternative but to go through the CAZ to access their parking provision. This means they would incur costs should their vehicle/s not fit the criteria to be exempt.

Certainly, for those residents of Riverside that moved into properties before the CAZ was introduced and so find themselves in this position, we think it would only be fair that they should be given an exemption of some sort from any CAZ charges.

This is a situation which will, with time, reduce, as fewer numbers of these residents will continue living in these affected properties and new owners will know about the CAZ and have the choice to move into such properties, or not.

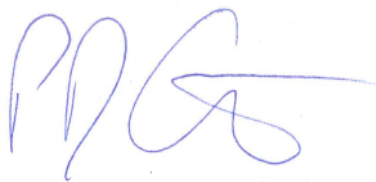
Cabinet Member for Highways (Councillor Manda Rigby)

Quote via Teams meeting:

I support the reintroduction of the proposed bus gate, along with appropriate mitigating measures for local residents with vehicles which are not compliant with the adjacent Clean Air Zone.

**11. RECOMMENDATION**

That the Traffic Regulation Order as advertised is sealed.



Paul Garrod  
Traffic Management & Network Manager

Date: 17<sup>th</sup> December 2024

## 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.

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.

A handwritten signature in black ink, appearing to read 'Chris Major', is positioned above the printed name and title.

Chris Major  
Director for Place Management

Date: 19/12/24