



# **Report to Bath and North East Somerset Council**

**by Mr Rory James Cridland LLB (Hons), PG.DIP, Solicitor**

**an Inspector appointed by Bath and North East Somerset Council**

**Date: 8 June 2022**

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## **ROAD TRAFFIC REGULATION ACT 1984**

**THE BATH AND NORTH EAST SOMERSET COUNCIL (YORK STREET,  
BATH) (PROHIBITION OF DRIVING OF MOTOR VEHICLES)  
(SUSPENSION OF PARKING) (SUSPENSION OF LOADING)  
(SUSPENSION OF ONE-WAY) ORDER 2021**

Date of Inquiry: 26 April 2022

Ref: DPI/F0114/22/2

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## ABBREVIATIONS

BB	Blue Badge
RTRA 1984	Road Traffic Regulation Act 1984
ATTRO	Anti-Terrorism Traffic Regulation Order
TRO	Traffic Regulation Order
The 1996 Regulations	The Local Authorities' Traffic Order (Procedure)(England and Wales) Regulations 1996

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## CASE DETAILS

### **The Bath and North East Somerset Council (York Street, Bath) (Prohibition of Driving of Motor Vehicles) (Suspension of Parking) (Suspension of Loading) (Suspension of One-Way) Order 2022 (“the Order”).**

- The Order forms part of a package of orders which are intended to strengthen security in Bath by closing a number of roads in areas identified by the National Counter Terrorism Security Office as ‘crowded places’. The overall aim is to protect these areas of high footfall from a potential vehicle borne threat, either as a vehicle borne improvised explosive device, use of a vehicle as a weapon or as part of a layered attack. Nevertheless, the other orders forming part of the package are separate orders, the merits of which are not under consideration as part of this report.
- The Order, if confirmed, would close a section of York Street, Bath from 10am to 6pm for anti-terrorism purposes and from 6pm to 10pm for preventing or avoiding danger to persons and improving amenity. Its overall effect would be to prohibit driving, make the road a no parking and no loading area and suspend one way traffic between the hours of 10am and 10pm.

**Summary of Recommendation: It is recommended that the Order be made subject to modifications.**

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### **Preamble**

- 1.1 I have been appointed by Bath and North East Somerset Council (“the Council”) to conduct an inquiry into objections to the Order and to write a report thereon with a recommendation. The Inquiry was held at the Guildhall, Bath on 26 April 2022. All documentation submitted in advance of the Inquiry was published on the Council’s website and was taken into account in my consideration below.
- 1.2 I carried out an unaccompanied site visit on 25 April 2022 prior to the opening of the Inquiry to familiarise myself with York Street and the surrounding area. I carried out a further unaccompanied site visit after the close of the Inquiry on 27 April 2022 in order to see the site in light of the evidence and arguments presented.
- Objectors and supporters*
- 1.3 The Order was advertised as required by the Local Authorities’ Traffic Order (Procedure) (England and Wales) Regulations 1996 (“the 1996 Regulations”). There were initially 111 objections to the Order, all but one of which was subsequently withdrawn before the Inquiry. The sole outstanding objection was made by Ms Hannah Downey.

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- 1.4 A notice was also published in accordance with Regulation 10 of the 1996 Regulations and included details on how anyone who wished to speak at or attend the Inquiry could make their interest known.
- 1.5 Ms Lynda June Deane, the Council's Head of Service - City and Town Centre Management, gave evidence on behalf of the Council along with Inspector Martin Rowland and Superintendent Steve Kendall of Avon and Somerset Police.
- 1.6 In addition, Mr Timothy Coffey and Mr Michael Potts appeared at the Inquiry in support of the Order.
- 1.7 Ms Hannah Downey gave evidence as the sole statutory objector.
- 1.8 Appearances at the Inquiry of others who opposed the Order included Ms Shiva Page, Mr Martin Grixoni, Councillor K Warrington, Mr Victor Pritchard, Mr Mark Stricklin and Ms Susan Charles.

#### *Statutory formalities*

- 1.9 At the Inquiry the Council confirmed that all statutory formalities had been complied with and this was not disputed by any of the other parties present at that time.
- 1.10 The Council also confirmed that it had consulted the Chief Officer of Police who supported the Order.

#### *Scope of this Report*

- 1.11 This report contains a brief description of the locality to which the Order relates, a summary of the evidence presented and my conclusions and recommendations. Statements and proofs of evidence that were submitted are identified; these were added to or otherwise extended at the Inquiry through oral evidence.

### **Description of the locality**

- 2.1 York Street is located in the centre of Bath, very close to the Roman Baths and Grade I listed Bath Abbey, both recognised sites of international importance. It is a narrow road which penetrates this important part of the city allowing pedestrians and vehicles access to these important heritage sites as well as the wider city centre. As a result, it experiences high levels of footfall at peak times.
- 2.2 The road has been the subject of a number of temporary TROs in recent years to help deal with social distancing rules brought about by the Covid-19 pandemic and more recently as part of works being carried out at the western end of York Street. About half way along, the road is subject to a separate TRO which restricts vehicular traffic beyond the junction with Abbey Street.

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## The Order

- 3.1 The Order would be known as *'The Bath and North East Somerset Council (York Street, Bath) (Prohibition of Driving of Motor Vehicles) (Suspension of Parking) (Suspension of Loading) (Suspension of One-Way) Order 2021'*.
- 3.2 It would make the road a no waiting, no loading area, suspend the one way and close the road to most vehicular traffic from 10am to 6pm for anti-terrorism purposes and from 6pm to 10pm for avoiding danger to pedestrians using the road (or for preventing the likelihood of any such danger arising) and for preserving and improving the amenities of the area.

## The case for the Council

### Background

- 4.1 As noted above, the Order is part of a package of TROs designed to strengthen security in the city centre. The other orders forming part of this package are listed below and came into operation on 1 January 2022.
- *The Bath and North East Somerset Council (Lower Borough Walls, Stall Street, Abbeygate Street, Abbey Green, Swallow Street (South) Bath Street, Beau Street and Hot Bath Street, Bath) (Prohibition of Driving of Motor Vehicles) (Suspension of Parking) (Suspension of Loading) Order 2021.*
  - *The Bath and North East Somerset Council (Cheap Street, Westgate Street, Saw Close, Parsonage Lane and Upper Borough Walls, Bath) (Prohibition of Driving of Motor Vehicles) (Suspension of Parking) (Suspension of Loading) Order 2021.*
- 4.2 Both of the above orders restrict the driving of motor vehicles, loading or unloading or parking on the roads listed between the hours of 10am to 6pm unless authorised. Each order contains a managed access list which provides exemptions to the restrictions including for emergency services, certain Council officers, deliveries and blue badge (BB) holders, amongst others.

### The Legislation

- 4.3 A TRO may only be made where it appears to the authority making the order that it is expedient to make it for one or more of the qualifying purposes set out in the RTRA 1984.
- 4.4 The Council considers that the following qualifying purposes set out in section 1(1)(a) and 1(1)(f) of the RTRA 1984 are met:
- *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, and*

- *for preserving or improving the amenities of the area through which the road runs.*

4.5 Furthermore, the Council also relies on section 22C of the RTRA 1984 which provides that an order may be made under section 1(1)(a) for the purpose of avoiding or reducing, or reducing the likelihood of, danger connected with terrorism.

#### *Summary of the Council's evidence*

4.6 The Council's position is set out in the written evidence of Ms Lynda June Deane – Head of Service – City & Town Centre Management. This was expanded on orally at the Inquiry and is supported by the written and oral evidence of Inspector Martin Rowland and Superintendent Steve Kendall of Avon and Somerset Police. A summary of this evidence is set out below:

#### *Ms Lynda June Deane*

- 4.7 Ms Deane's proof of evidence explains that the main purpose for closing the road between the hours of 10am to 6pm is to avoid or prevent danger to persons arising from a vehicle borne terrorist attack. It notes that the Order is part of a package of TROs which together aim to strengthen security in the city centre by closing a number of roads which experience high pedestrian footfall. The stated aim is to protect these areas from a potential vehicle borne threat, either as a vehicle borne improvised explosive device, a vehicle as a weapon or as part of a layered attack (i.e. a vehicle transporting attackers and/or weapons).
- 4.8 The Council essentially argues that if the Order is not made, it would leave York Street vulnerable to attack and would significantly dilute the effectiveness of the overall security measures adopted for the city centre.
- 4.9 In oral evidence, Ms Deane explained that York Street provides access to Bath Abbey, the Roman Baths and runs within metres of these historic sites of international importance. Ms Deane explained that the Order would preclude vehicles parking close to these attractions, protecting the sites and those visiting them from a vehicle borne terrorist attack.
- 4.10 Furthermore, in addition to providing additional security to the city centre, the Council argue that the Order would also enable pedestrians to pass and repass along the length of York Street without the risk of encountering vehicles – improving both safety and amenity.
- 4.11 Ms Deane explained that York Street also provides access to the new Clore Learning Centre and wider access to the city centre. She stated that while the number of pedestrians accessing York Street reduces later in the day, numbers are still sufficiently large that allowing vehicular access still poses a risk to pedestrians who are walking

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along this narrow route.

- 4.12 In view of the existing TRO at the junction with Abbey Street, there is no viable vehicular exit for vehicles once they have entered York Street. As a result, drivers are required to either perform a difficult turning manoeuvre or reverse down York Street increasing danger to pedestrians<sup>1</sup>. Ms Deane explained that people walk freely in this area in the evening and that closure to vehicles between 6pm and 10pm will ensure that the risk to pedestrians from vehicles performing turning manoeuvres or reversing along the highway will be minimised.
- 4.13 She also explained that the Council considers that restricting vehicular access later into the evening will improve the general amenity of the area, noting that groups visiting the Roman Baths and the Abbey walk along York Street from the drop off point at Terrace Walk. It was pointed out that the Roman Baths offers evening events throughout the year specifically to cater for those with autism and other disabilities. Ms Deane also explained that the Council expects evening use of York Street to increase following the opening of the Clore Learning Centre.
- 4.14 In oral evidence, Ms Deane reiterated that the Order is not intended to be a full suite of measures but sits alongside the Council's holistic and ongoing approach to preventing a terrorist attack and protecting public spaces in Bath.
- 4.15 On balance, Ms Deane believes that the risks to security and vulnerable members of the public that would arise from not making the Order, outweighs the disadvantages which would result.

### *Consultation*

- 4.16 Details of the consultation exercise undertaken by the Council is set out in Ms Deane's Proof of Evidence. In summary, the Council carried out an informal public consultation on the proposals, entitled 'Bath City Centre Security, Proposed Permanent Access Restrictions' between 16 November 2020 and 15 January 2021.
- 4.17 Formal consultation under the RTRA 1984 and the 1996 Regulations was carried out between 23 September 2021 and 14 October 2021. Notices were placed on site, in local newspapers and consultation meetings held, together with a number of focus groups including with various stakeholders and disability groups.
- 4.18 In response, 111 objections were received. Following discussions between the Council and these objectors, further modifications were made to the proposed access arrangements, following which, all but one of the objections were subsequently withdrawn.

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<sup>1</sup> Something I observed during my site visits.

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- 4.19 Overall, the Council considers that the modifications made to the original proposals provide a balanced outcome and offer reasonable access whilst maintaining the principal purpose of the Order which is to improve security and protect vulnerable people.

*Avon and Somerset Police*

- 4.20 Two proofs of evidence were received from representatives of Avon and Somerset Police both of whom support the Order. I also heard oral evidence from both witnesses.

*Inspector Martin Rowland*

- 4.21 Inspector Rowland explained both in his written and oral evidence the nature of the terrorist threat facing the UK, that the threat is currently assessed as substantial, and highlighted the main areas of risk. This includes a low sophistication attack using a vehicle as a weapon – considered to be one of the most likely methodologies a terrorist would use to target crowded areas and iconic places, such as Bath Abbey or the Roman Baths.
- 4.22 He noted that one of the main advantages of the Order would be to remove vehicles from an area where large number of pedestrians have access at peak footfall times. While he accepted the Order would not protect against every type of attack, he explained it was part of a balanced approach and one of a number of measures intended to protect the public.
- 4.23 Inspector Rowland confirmed in his oral evidence that he would prefer an order which effectively closed York Street for 24 hours a day but acknowledged that a balance needs to be struck. However, he made clear that, in his view, if York Street were not included in the wider ATTRO scheme, it would lead to an increased vulnerability and undermine the security in the city centre.
- 4.24 He also explained that while no measures can provide full protection, he considered the Council's approach would go some way to limiting the risk and reiterated that he was of the view that the Order is a proportionate and measured approach to assist in the protection of the centre of Bath from a terrorist attack.

*Superintendent Steve Kendall*

- 4.25 Superintendent Kendall's evidence essentially reiterates the views of Inspector Rowland also noting that Bath is a world heritage site and is visited by millions of people each year. As such, it presents an attractive potential target for those seeking to initiate a low sophistication attack.
- 4.26 He also supports the implementation of the Order, notes that the Order is supported by the Chief Constable and considers that security of the city centre would be undermined if the Order was not to be made.



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## *Equality Impact Assessment*

- 4.27 In making the proposal, the Council has given due consideration to the effect of the provisions on people with protected characteristics, specifically disabled BB holders. Its Equalities Impact Assessment (29 July 2021) notes that several options were explored which aim to balance the need for increased security against ensuring access for disabled people and those who live within the proposed zone. It notes a number of potential positive impacts including increased levels of safety and navigability for disabled users as well as improvements to air quality. However, it also notes a number of potential negative impacts in relation to disabled access and, as a result, a full accessibility study was undertaken to understand the potential impacts and consider mitigation measures.

### **Others who spoke at the Inquiry in support**

#### *Mr Timothy Coffey*

- 5.1 Mr Coffey explained he operated several businesses in York Street as well as renting out accommodation on both a short-term and long-term basis there. He stated that he has suffered no inconvenience in not being able to access his premises by car and had altered his working arrangements to manage deliveries and access by tradespeople accordingly. Furthermore, he drew attention to the dangers of traffic in the street and the risks of allowing vehicles into what is generally a pedestrianised area.
- 5.2 In oral evidence, he highlighted a number of previous issues he was aware of with parked vehicles, limited space to turn and the risks posed by vehicles reversing along York Street. He noted that, in his view, allowing vehicles back onto York Street would increase the risk to pedestrians for little benefit.

#### *Mr Michael Potts*

- 5.3 Mr Potts appeared on behalf of the Abbey Quarter Business Association whose members represent a number of independent businesses in the city centre, including those located in and near to York Street. The association made written representations prior to the opening of the Inquiry stating that it supported the closure of York Street and has sought it for many years.
- 5.4 In oral evidence, Mr Potts drew attention to the safety risks to pedestrians from reversing cars and terrorism. While he acknowledged that previous closures had created some difficulties with deliveries and trades, he explained that most businesses had adjusted and overall, he considered there was an improvement to both safety and amenity.

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**The case for the objector**

- 6.1 The central thrust of Ms Downey's objection is that the permanent closure of York Street cannot be considered proportionate if the street is empty at certain times or if there are other means of attack or areas still left vulnerable. Ms Downey agrees that York Street should have restricted access at times but not 365 days a year – and particularly not at times when footfall is low.
- 6.2 She asserts that her objection was to the whole package of TROs not just York Street and that she would like to see all of the orders rescinded and a further public consultation undertaken on the wider security zone area.
- 6.3 Ms Downey is also concerned with the impact that the Order would have on her ability to access her property, located on the corner of Church Street and Abbey Green. She explained in her evidence that being unable to access her property during normal working hours forces her to work late into the night - which is both impractical and overly onerous. She alleges significant injury to her person having to carry heavy loads, work late into the night and claims that this has resulted in a reduction in income.
- 6.4 Some of the difficulties experienced by Ms Downey includes finding trades who are willing to work in the area due to the restricted access. Furthermore, she explained that having to call the Council to arrange access for trades or deliveries is both prohibitive and unreasonable.
- 6.5 Ms Downey (along with a number of other interested parties who do not support the order) also raised a number of concerns with the consultation exercise undertaken by the Council alleging that it was confusing, unclear and misleading. They claim that presenting the proposal alongside public realm schemes for Milsom Street and Kingsmere Square created confusion – as did the various references to Covid-19.
- 6.6 It was also suggested that security is being compromised because there are other areas at risk which are not being protected and that the Council is being driven by its goal of reaching carbon neutrality.
- 6.7 Ms Downey also raises various other concerns including that the Order would result in the devaluing of her property, would impede disabled access, and increase levels of congestion in Terrace Walk. She also alleges that she has been put under undue pressure by Council officers to withdraw her objection to the proposed Order and suggests that the Council have misled both the Police and the public in its reasons for making the Order.

**Others who spoke at the Inquiry in opposition***Councillor K Warrington*

- 7.1 Councillor Warrington, while recognising that the city needs protecting, is concerned about proportionality and balance. She noted that part of the agenda of terrorists is to disrupt the daily lives of residents and pointed out that some of the worst incidents have been carried out by lone individuals on foot.
- 7.2 Speaking as a former cabinet member, Councillor Warrington does not recall any discussions on the blocking off of roads and queries whether the proposed arrangements are needed in York Street, particularly in view of their impact on businesses and BB holders.

*Mr Martin Grixoni*

- 7.3 Mr Grixoni objects on the basis that this was not an ATTRO that was requested by the Police. He considers that an on-call ATTRO would be more effective as terrorists operate at all times of day.
- 7.4 He raises concerns with the consultation exercise undertaken and argues that the Council is merely using the threat of terrorism to justify keeping cars out of the city centre for political purposes.
- 7.5 Mr Grixoni supports Ms Downey's request that the wider ATTRO scheme should be reviewed, and the other orders should be considered as part of this Inquiry.

*Ms Shiva Page*

- 7.6 Ms Page is concerned about the effect that the Order would have on the quality of life, inclusion and accessibility for those with disabilities. She does not believe this has been considered enough and suggests that there is a lack of awareness on the part of the Council that people may have more than one disability.
- 7.7 In her view, it would be just as easy for a potential terrorist to walk or cycle to the site with a device and she queries whether closing the street to cars would be of any real benefit.
- 7.8 Ms Page also considers that the online consultation was not acceptable as many disabled people were not aware of what was being proposed. She points to a lack of clarity on how to object or complain and raises concerns about the difficulties in contacting the Council to arrange access. She also questions how accessible the Clore Learning Centre is if there is no parking nearby.

*Mr Victor Pritchard*

- 7.9 Mr Pritchard suggested that the Council was taking advantage of the

pandemic and a compliant population to bring in draconian measures which would not normally be accepted. He alleged that there were a number of discrepancies in the correspondence between the Council and the Police which suggested that the Council was less concerned with improving security and more with seeking to eradicate cars from the city centre.

*Mr Mark Stricklin*

7.10 Mr Stricklin expressed concern with the impact on trades and other local businesses in accessing the properties on York Street. He believes the Order would negatively impact on the quality of life of those living and working nearby. He is also concerned that there is no justification for the 6pm to 10pm restriction as pedestrian numbers reduce considerably in the evening.

*Ms Susan Charles*

7.11 Ms Charles is concerned that BB holders were not sufficiently consulted on the plans and that the Order would result in them having to walk around 100m from Terrace Walk to access the Clore Learning Centre, Bath Abbey and the Roman Baths - a distance that many disabled people would find difficult. She does not consider the surrounding streets are fit for purpose and notes that under the Equalities Act disabled persons cannot be treated less favourably than others.

7.12 She raised various concerns regarding the availability of parking for disabled visitors but accepted that BB holders would be able to access Cheap Street – which would provide access to the area.

### **Inspector's conclusions**

8.1 A TRO may only be made where it appears to the authority making the order that it is expedient to make it for one or more of the qualifying purposes set out in the RTRA 1984. Therefore, if I am to recommend that the Order is made, it is necessary to consider the following matters:

- *Whether or not the Order would fulfil one or more of the qualifying purposes set out in the RTRA 1984;*

and

- *Whether the advantages to be conferred by the Order would outweigh any disadvantages or losses likely to arise as a result of the Order, either to members of the public generally or persons whose properties adjoin or are near the associated highway.*

8.2 As noted in paragraph 4.4 above, the Council considers that the following qualifying purposes set out in section 1(1)(a) and 1(1)(f) of the RTRA 1984 are met:

- *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.*
- *for preserving or improving the amenities of the area through which the road runs*

8.3 Furthermore, the Council also relies on section 22C which provides that an order may be made under section 1(1)(a) for the purpose of avoiding or reducing, or reducing the likelihood of, danger connected with terrorism.

*Effect on Ms Downey's personal and business interests*

8.4 I heard evidence from Ms Downey on the effect that the closure of York Street has had, and continues to have, on the use of her property as part of her short-term rental accommodation business.

8.5 Ms Downey explained that most guests do not want to check out before 10am and, as a result she has to either operate late into the evening or carry large, heavy loads a considerable distance to her car when arranging a change over for new guests. In addition, she explained the difficulties she experiences in arranging for deliveries and tradespeople, some of whom refuse to work within the area due to the restrictions on access.

8.6 I acknowledge the difficulties this creates for Ms Downey in the operation of her business. While I note the Council's suggestion that Ms Downey could arrange to carry out any change overs before 10am, this does not seem to me to be a reasonable proposition. In view of the timescales involved, check out times would need to be extremely early to make any meaningful difference. Few guests would wish to check out that early and it would clearly affect the appeal of the property which would no doubt negatively impact on business.

8.7 Likewise, I note the difficulties experienced by Ms Downey in transporting heavy loads from her property to her car. However, I do not agree that these distances are so great that they would be overly onerous. Indeed, as the Council indicated at the Inquiry, there are other measures that could be reasonably put in place, including the use of carts, which would greatly assist in transporting heavy loads for the modest distances involved.

8.8 I also acknowledge the additional burden that arranging access for deliveries and tradespeople creates. However, this is similar to a number of other businesses who operate nearby and who have managed to make alternative arrangements, albeit with some small inconvenience. I see no reason that similar arrangements could not be made by Ms Downey.

8.9 Furthermore, I note that the Council's managed access list makes provision for emergency repairs, skips and scaffolds as well as occasional access requirements – which, taken together, would enable

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most works to be carried out via the application for access process, again without posing too onerous a burden on Ms Downey.

- 8.10 As to the value of property, no robust evidence was presented which would indicate that the Order would result in a reduction in property values either on York Street itself or in the surrounding area.
- 8.11 Drawing the above threads together, while I accept that Ms Downey is likely to suffer some moderate inconvenience, I consider the arrangements put in place by the Council already go some way to minimise this. I also consider further arrangements, such as those already put in place by other affected businesses, would assist in further limiting the impact on Ms Downey's interests.

#### Effect on disabled users and blue badge holders

- 8.12 The Council maintained that it had consulted with a number of disability groups throughout the process and sought their views on the options being considered. I have no reason to question the veracity of this. No disability groups maintained a statutory objection to the Order and the evidence indicates that the Council was able to address and/or resolve the majority of the concerns raised regarding access for disabled groups and users.
- 8.13 Furthermore, while I note the various concerns raised in relation to access to the Clore Learning Centre for BB holders, I understand that Terrace Walk was identified as the drop off point in the planning application for that development and was considered acceptable for those purposes. I have seen no evidence which would lead me to conclude otherwise.
- 8.14 It was suggested during the Inquiry that the Council has sought to keep disabled people out of the centre of Bath. However, no evidence was offered to back up this assertion and on the evidence before me it appears that the Council has gone to great lengths to seek to address the concerns raised. Indeed, it seems that a considerable amount of thought has gone into how to balance the needs of disabled users with the need to protect the city centre from terrorist attack.
- 8.15 Overall, I consider the proposals to be fair and equitable and any disadvantages to persons with disabilities, including BB holders, have been minimised. Having considered the matter in the round, I am satisfied that the public sector equality duty has been adequately met.

#### Consultation

- 8.16 Ms Downey also suggested that the consultation carried out by the Council was inadequate, misleading and discriminated against disabled people. This was echoed by a number of others who spoke at the Inquiry including Ms Page, Ms Charles and Mr Grixoni.
- 8.17 I have given careful consideration to this matter. However, I do not agree. The Council's informal consultation which took place between

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November 2020 and January 2021 was clear that it was seeking views on the proposed permanent access restrictions and that it was seeking to build upon existing and temporary measures that were at that time in place. It clearly identifies York Street as one of the areas where permanent restrictions were being considered and explains the risk to security from hostile vehicles in busy public places.

- 8.18 The evidence provided by the Council indicates that the 552 responses received to this informal public consultation were taken into account and the scheme amended accordingly.
- 8.19 Further consultation on the Council's refined proposals was carried out between 23 September 2021 and 14 October 2021 in accordance with the legislative requirements. Notices were placed on site, in local newspapers and consultation meetings held, together with a number of focus groups including with various stakeholders and disability groups.
- 8.20 In response to the formal consultations carried out, 111 objections were received. Following what appear to have been extensive engagement and discussions between the Council and these objectors, further modifications were made to the proposed access arrangements, following which, all but one of the objections was subsequently withdrawn.
- 8.21 I acknowledge the concerns raised by Ms Downey and others regarding the effect that Covid restrictions in place at the time may have had on the willingness of certain groups or individuals to respond to the consultation. However, it is clear, not least from the large number of responses received that many of those who wished to respond had an adequate opportunity to do so. Overall, I consider it unlikely that the interests of anyone would have been prejudiced by the approach taken by the Council when developing and promoting the Order.
- 8.22 Furthermore, the Council publicised the holding of the Inquiry into the Order and invited any interested persons to submit written representations for my consideration. This provided a further opportunity for those with concerns to make them known.
- 8.23 Indeed, while there was some anecdotal evidence presented at the Inquiry of certain BB holders not being notified, no specific groups or individuals have been identified who it is alleged were prejudiced by a lack of consultation. Likewise, no one appearing at the Inquiry identified any specific deficiency with the legal formalities required of the Council in its development, consultation or advertisement of the Order.
- 8.24 Overall, I am satisfied that the Council has carried out an extensive consultation exercise and that all those who should have been consulted have been given an adequate opportunity to make their views known.

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Correspondence between the Council and the Chief Constable

- 8.25 Much was made of the correspondence between the Council and the Chief Constable of Avon and Somerset Police and the fact that the Order was instigated by the Council. It was even suggested that the Council had sought to mislead the public by seeking an order that was not requested by the Police.
- 8.26 However, there is no evidence which would indicate that this was the case. Furthermore, it is open to the Council to propose its own TROs under section 1 of the RTRA 1984 and it need not act only on the recommendation of the Police. However, where it does so, Part III of Schedule 9 of the RTRA 1984 requires it to first consult with the Chief Constable.
- 8.27 Even though the correspondence indicates that the Council instigated the Order, it is clear that the necessary consultation was undertaken and that the proposals were supported by the Chief Constable, both at its formative stage and at the time of the Inquiry.
- 8.28 While I note that the Council requested that elements of the outer zone were not consulted upon, the correspondence makes clear that this would not be supported by the Chief Constable. In such circumstances, members of the public can take comfort from the fact that, were the Council to proceed with the making of any additional orders, requisite consultation would need to be undertaken in accordance with the legislative requirements. In any event, consultation (or any potential lack of it) on possible future orders does not affect my consideration of the Order.

Relationship with other orders

- 8.29 I note the suggestion that the Order (alone or in conjunction with the other inner ATTRO orders) does not provide adequate protection, and that in not pursuing the outer ATTRO requested by the Police the Council is compromising the security of the city more widely. However, the Order is not intended to address all potential threats and as the Council's evidence makes clear, it is just one of a number of measures designed to improve security in the city centre and does not seek to address all possible risks.
- 8.30 In any event, the fact remains that whether or not the Council choose to pursue other TROs is a separate matter which has no bearing on my consideration as to whether or not the Order in relation to York Street should be made.

**Other matters**

- 9.1 During the Inquiry, a number of speakers raised concerns with the manner in which the Council had sought to deal with the objections received - with allegations made of heavy-handed tactics, bullying and undue pressure being brought to bear on objectors.



- 9.2 These are serious allegations. However, they are not matters that I consider fall within the scope of this Inquiry. Nevertheless, I do note that there is nothing in the considerable amount of documentary evidence provided which would indicate that Council officers had acted improperly in their attempts to seek to address and/or resolve the objections and concerns received.

### **Overall conclusion**

- 10.1 The nature of the terrorist threat is clear and ever present. While I acknowledge a balance needs to be struck between the need to protect the public and these important heritage sites from a vehicle borne attack and the rights of local businesses and residents to go about their business unhindered, in the present case it is clear that the potential benefits that arise from improved security in this area are substantial.
- 10.2 York Street penetrates into the very heart of the historic centre. The introduction of a vehicle borne threat of any kind into this area of high footfall would clearly have the potential to cause considerable damage to life and property. While I accept footfall peaks in the summer months, it nevertheless remains high throughout the year and I accept that even at times of lower footfall, the area remains a key target which is vulnerable to attack. Not proceeding with the Order would, in my view, materially undermine the Council's overall approach to security in this part of the city.
- 10.3 Likewise, while I acknowledge that footfall diminishes somewhat during the latter part of the day, it remains high, attracting visitors to both the Abbey, the Roman Baths and the Clore Learning Centre. The reintroduction of vehicles along a road where there would continue to be high levels of footfall would increase the danger to pedestrians both from a vehicle borne threat as well as more generally. Furthermore, I concur with the Council that it would improve amenity in the area more generally.
- 10.4 On balance, I am satisfied that the Order would fulfil one or more of the qualifying purposes set out in section 1 of Part 1 of the RTRA 1984. Furthermore, while I note the practical difficulties that would arise to members of the public and businesses alike, including Ms Downey, these are unlikely to prove overly onerous and would be clearly outweighed by the advantages to be conferred by the Order.
- 10.5 As such, I consider there is a clear and compelling case for the making of the Order and consider it to be a proportionate response.

### **Proposed modifications**

- 11.1 The Council has proposed a number of minor modifications to the Order to address some minor typographical and other drafting errors. These are identified in the Council's neutral dossier and a consolidated order provided in Appendix 2 of its Statement of Case. Having considered these in detail, I am satisfied that they do not affect the

operation or substance of the Order as originally proposed. Furthermore, I consider they are necessary in the interests of good drafting and clarity and to ensure the Order's overall effectiveness.

### **Recommendation**

- 12.1 I recommend that the Bath and North East Somerset Council (York Street, Bath) (Prohibition of Driving of Motor Vehicles) (Suspension of Parking) (Suspension of Loading) (Suspension of One-Way) Order 2021 be made subject to the minor modifications proposed by the Council in Appendix 2 of its Statement of Case.

*Rory Cridland*

INSPECTOR

**APPENDIX 1****APPEARANCES:****FOR BATH AND NORTH EAST SOMERSET COUNCIL**

Mr Stephen Whale of Counsel

Appointed by Bath and North East Somerset Council

**Called**

Ms Lynda June Deane	Head of Service – City & Town Centre Management BANES
Inspector Martin Rowland	Avon and Somerset Police
Superintendent Steve Kendall	Avon and Somerset Police

**FOR THE OBJECTOR**

Ms Hannah Downey Representing herself

**OTHER INTEREST PARTIES WHO SPOKE AT THE INQUIRY**

Mr Michael Potts  
Mr Timothy Coffey  
Ms Shiva Page  
Mr Martin Grixoni  
Councillor K Warrington  
Mr Victor Pritchard  
Mr Mark Stricklin  
Ms Susan Charles

**APPENDIX 2****LIST OF DOCUMENTS SUBMITTED AT THE INQUIRY**

1. Opening Statement on behalf of the Council
2. Photographs of 'The Corridor' and Cheap Street
3. Photographs of York Street showing street furniture at 9.30am
4. Various photographs of Terrace Walk
5. Various photographs showing Terrace Walk in the evening
6. Various photographs showing York Street in the evening
7. Various photographs showing sites in Bath before a Rugby Game
8. Various images of central Bath on Friday 25 March 2022
9. Statement of Mr Martin Grixoni
10. Map showing City Wide ATTRO marked up with areas of high interest (Exhibit 1)
11. Map showing City Wide ATTRO and Central Core marked up with areas of high interest (exhibit 2).

**END**