

Traffic Regulation Order (TRO) Statement of Reasons

Bath and North East Somerset Council

Widcombe Hill, Bath

STATEMENT OF REASONS

Proposal

The modification of existing parking restrictions towards the bottom of Widcombe Hill, the introduction of a loading bay adjacent to the Widcombe Social Club, and the introduction of speed cushions at several locations along the road.

Reasons

Numerous representations have been received from residents and Ward Members regarding the speed at which some motorists use Widcombe Hill, in both directions.

Concern has also been expressed regarding the number of collisions which have occurred at the junction with Macauley Buildings, in particular those involving cyclists.

Various traffic management measures have been developed in consultation with residents and the local Ward Members, and it is considered that these measures will serve to reduce vehicle speeds. A TRO is required to support the introduction of some of these measures, as described above.

The Council has considered article 8 within Schedule 1 to the Human Rights Act (Right to respect for private and family life, home and correspondence) and Protocol 1 Article 1 (Peaceful enjoyment of possessions). Both of these rights are qualified rights, and the Council does not consider that the measures proposed under the TRO amount to a deprivation of possessions as the right to access property has not been extinguished. The proposals are considered to have a minimal impact on human rights. However, the Council is entitled to affect these rights where it is in accordance with the law, necessary (such as 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 proposals within this report are considered to be in accordance with the law, necessary, in pursuit of a legitimate aim and proportionate.

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.

Road Traffic Regulation Act 1984

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 Order specifically for the reason(s) shown and marked 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,	
(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)	

This proposal is also made in accordance with The Highways Act 1980 Section 90A which permits a highway authority to both construct and remove road humps in a public road, for which they are the highway authority, if the highway is subject to a legal speed limit for motor vehicles of 30 miles per hour or less or the road humps are specially authorised by the Secretary of State.

The Council is under a duty pursuant to section 122(1) of the Road Traffic Regulation Act 1984 (as amended) to exercise its duties under the Act (so far as practicable having regard to the subsection 122(2) matters), to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians).

As for the subsection 122(2) matters:

- a) the desirability of securing and maintaining reasonable access to premises.

Comment: The proposals will have no adverse impact on access to premises.

- b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run.

Comment: The proposals will have no adverse impact on the amenities of the locality.

- bb) The strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy)

Comment: It is not considered that the proposals will adversely impact on air quality, as most of the proposals are intended to formalise the existing traffic arrangements along the road.

- c) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles.

Comment: The proposals will have no adverse impact on the passage of public transport vehicles, as these vehicles will be able to 'straddle' the proposed speed cushions, and the other proposals are intended to formalise existing traffic arrangements along the road. Potential improvements to the existing bus stops are also being investigated.

- d) Any other matters appearing to the local authority to be relevant.

Comment: There are no other relevant matters.

In making this proposal, it is considered that the Council has discharged its duties under section 122 of the Road Traffic Regulation Act 1984, the Human Rights Act 1998, section 149 of the Equality Act 2010, and section 16 of the Traffic Management Act 2004. The Council intends to consider making an Order in due course.

Date: 25/11/2024