

## Traffic Regulation Order Statement of Reasons

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

(Beau Street and Stall Street, Bath) (Prohibition of Driving of Motor Vehicles) (Prohibition of Parking) (Suspension of One-Way Traffic)

### **STATEMENT OF REASONS**

#### Proposal

- Prohibition of driving of motor vehicles 6pm to 10am daily along Beau Street.
- Suspension of central zone parking bay on Beau Street.
- Suspension of one-way traffic on Beau Street between the junctions of Stall Street and Bilbury Lane (variation of Order 1557)

#### Reasons

The Beau Street/ Stall Street junction is currently closed between 10am and 6pm daily.

The TRO, under Section 1 of the Road Traffic Regulation Act 1984, would close Beau St at its junction with Stall St in Bath, prohibiting motorised vehicles between 6pm and 10am daily for the *purpose*:

1. *“to avoid danger to persons or other traffic using the road or any other road or to prevent the likelihood of any such danger arising”*
2. *“for facilitating the passage on the road or any other road of any class of traffic (including pedestrians)”*
3. *“to preserve or improve the amenities of the area through which the road runs”.*

This will improve the environment for pedestrians and reduce pedestrians' interactions with motor vehicles.

The TRO will also:

- Suspend one parking bay on the south eastern side of Beau St to enable improved manoeuvrability for vehicles;

- Suspend the existing one-way order on Beau St between the junctions of Stall St and Bilbury Lane.

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)	

In making this proposal the Council has discharged its duty under section 122 of the Road Traffic Regulation Act 1984.

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 (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: Access to adjacent properties for able bodied or disabled persons will not be compromised. Access to properties via private car is retained by making the short section of Beau St from Bilbury Lane to Stall St two-way. Access for

deliveries can still be made from both sides of the closure, with loading bays located in close proximity.

- 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: Whilst Beau St is an exit point from the area, most vehicles tend to exit via Bath St and Hot Bath St, therefore little effect on heavy commercial vehicles.

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

Comment: There would be minimal effect on air quality, as this section of Beau St is already closed between 10am and 6pm.

- 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: No effect, as there are no public services running through this area.

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

Comment: None.

Having balanced the various matters and considerations, the Council has concluded that it is appropriate to progress the proposed Order.

The Council has also discharged its duty under section 16 of the Traffic Management Act 2004. It has concluded that the proposed Order is consistent with that duty, given its other policies and objectives.

Neither section 16 nor section 122 of the 1984 Act precludes the making of the proposed Order.

Date: 18/10/2024