

Experimental Traffic Regulation Order Statement of Reasons

Bath and North East Somerset Council

(VARIOUS ROADS, LOWER LANSDOWN, BATH)

(PRESCRIBED LEFT TURN) (PROHIBITION OF ENTRY) (PROHIBITION OF MOTOR
VEHICLES) (PROHIBITION OF RIGHT TURN) (PROHIBITION OF LEFT TURN)
(REVOCAION OF ONE-WAY TRAFFIC) (PROHIBITION OF WAITING)
(EXPERIMENTAL) (ORDER 2024)

STATEMENT OF REASONS

Proposal

Catharine Place - The introduction of a 'modal filter' restriction in Catharine Place, west of its junction with River Street Mews. A modal filter is, essentially, a road closure which prevents through-traffic from using a route, whilst maintaining access for walking, wheeling and cycling. Emergency vehicles and refuse vehicles will be permitted access through the modal filter. New 'no waiting at any time' parking restrictions are required in Catharine Place and adjoining roads to support the introduction of the modal filter.

Gay Street - The introduction of a restriction which prohibits northbound motor vehicles from proceeding into the northern section of Gay Street from its junction with George Street. Non-motorised vehicles and emergency vehicles will be exempt from the restriction.

The introduction of a restriction (prescribed turn) which requires southbound motor vehicles to turn left from Gay Street into George Street.

New 'no waiting at any time' parking restrictions and modifications to existing parking spaces are required to support the introduction of the traffic restriction.

Winifred's Lane - The introduction of a 'modal filter' restriction on Winifred's Lane, south of its junction with Somerset Lane. A modal filter is, essentially, a road closure which prevents through traffic from using a route, whilst maintaining access for walking, wheeling

and cycling. Emergency vehicles and refuse vehicles will be permitted access through the modal filter.

The introduction of an order prohibiting motor vehicles from turning right from Cavendish Road onto Sion Hill, at the junction of Cavendish Road, Sion Hill and Winifred’s Lane.

The introduction of an order prohibiting motor vehicles from turning left from Sion Hill into Winifred’s Lane.

Reasons

The proposals outlined above are required to enable the aims and objectives of the Council’s Liveable Neighbourhoods initiative for Lower Lansdown to be implemented.

Catharine Place, Gay Street and Winifred’s Lane are routinely used by through-traffic seeking an alternative route to avoid congestion. These roads also form part of a more direct route for some journeys. The proposed measures will deter this through-traffic from roads which are considered to be less appropriate than other routes.

In addition, restricting motor vehicle turning movements at the Gay Street junction with George Street will provide a number of road safety benefits and, potentially, ease congestion at the junction.

An Experimental Traffic Regulation Order is appropriate in order to gauge the impact of the measures before a decision is made on whether to modify, abandon or make them permanent.

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 ETRO 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
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(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	X
(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: It is accepted that the effect of the Traffic Order may impact on accessing some properties and/or businesses, but access is not prevented merely altered and, whilst this perhaps causes some inconvenience, the proposals will generally assist to secure the safer movement of vehicular and pedestrian traffic and reduce and prevent danger in the wider area by deterring through traffic. The proposals may also encourage residents and visitors to the area to walk, wheel, cycle, and use public transport for some journeys.
- 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: Measures will be introduced as part of the proposals to deter through traffic from being displaced to adjacent routes and the impact of the proposals will be monitored. There are measures in places which have been introduced previously to deter larger vehicles across the wider area.
- bb) The strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy)
Comment: the proposed Traffic Order will complement the Council's aspirations for improving air quality as it may encourage greater use of public transport, walking, wheeling, and cycling for some journeys in the wider area. It is recognised that some through-traffic will be displaced to other routes but, overall, the proposals are not expected to have a detrimental impact on air quality.
- 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 at Gay Street could improve the passage of public transport vehicles along George Street. There are no scheduled public bus services using the other roads where measures are being proposed by this Order.

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

Comment: It is not anticipated that the proposals will have a detrimental impact on road safety in the adjacent road network. Measures will be introduced as part of the proposals to deter through traffic from being displaced to adjacent routes and the impact of the proposals will be monitored.

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: 30/09/2024