

AGENDA SUPPLEMENT (1)

Meeting: Westbury Area Board
Place: Heywood Village Hall, Church Road, Heywood BA13 4LP
Date: Thursday 14 June 2012
Time: 7.00 pm

Some additional information and reports have been received and have been included in this supplement.

Please direct any enquiries on this Agenda to Marie Gondlach, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713 597 or email marie.gondlach@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

8 **Chairman's Announcements**

8g **Response to Westbury Bypass motion (Pages 1 - 6)**

A response has been received from Councillor Dick Tonge, Cabinet Member for Highways and Transport.

Following the discussion regarding the bypass at the Westbury Area Board meeting on 19 April a member of the public asked the Board to reaffirm its commitment to the designation of the Wellhead Valley as an Area of Outstanding Natural Beauty. The response from the Chairman of the Area Board is attached.

12 **Leigh Park adoption update (Pages 7 - 16)**

Additional documents received.

15 **Issues Updates** (*Pages 17 - 36*)

A joint appeal (Highways Agency, Somerset County Council and Wiltshire Council) has been submitted to the Secretary of State for Transport regarding the affirmation by Bath and North East Somerset Council to introduce a lorry ban on the primary route A36 at Cleveland Bridge, Bath.

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| DATE OF PUBLICATION: 14 June 2012 |
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Dear Sally,

Thank you for your email concerning the motion agreed at the Area Board on 19th April and shown at Appendix A.

The highlighted section in the email to Westbury Town Council shown at Appendix B explains what is happening with regard to the evaluation of schemes across Wiltshire, work has started and there are now nearly 70 being considered. It will be at least April next year before this process has been completed and priorities suggested jointly between Wiltshire Council and the Local Enterprise Partnership. These priorities will then be the subject of a Cabinet paper when a decision will be made on the use of funding available. As Councillor Scott mentioned at your Area Board in the current economic climate Government would be looking at schemes that dealt with the economy. A Westbury By Pass may or may not be a priority. I am sure that members of your Area Board will be aware that other communities have equally strong views on their schemes and, in consequence, the evaluation has to be objective and transparent.

As far as the identification of a route and a public consultation on whether it should be to the North or South is concerned it is our view that it is far too early for this to take place and that when it is carried out it will have to be objective and address the criteria used in evaluating schemes. If it is not carried out with these objectives in mind it will have little value. Also it would not be good use of resources to carry out such a consultation if the scheme was not a priority. Therefore we suggest that any public debate about the route is left until after the Cabinet meeting that agrees priorities.

If your members have any questions on this matter I'd be pleased to answer them.

Yours sincerely,

R L Tonge

Cabinet Member Highways and Transport

Westbury Area Board 19th April 2012

Westbury Area Board supports the motion that,

Westbury needs an A350 bypass as soon as possible, not least because heavy traffic flows along the A350 are expected to continue to grow for a wide range of reasons.

Westbury Area Board calls on Wiltshire Council's cabinet, Wiltshire Strategic Economic Partnership and all other relevant stakeholders, as soon as reasonably possible, to restart substantive discussions and relevant technical work to:

- a) identify an appropriate and practical route that will obtain planning permission under the new national and local planning regime currently being introduced, and;
- b) set out a vision and practical timescale for the implementation of an A350 Westbury Bypass that will both remove long distance traffic from the town and help to improve journey times along the local A350 corridor taking into account the likely timing and potential sources of funding including possible developer contributions from development schemes that would benefit from better A350 north-south connectivity.

Extract from the draft minutes

Jane Scott explained that at the enquiry the Inspectors had detailed that the usage of the road was not exceptional for a primary route, that the cost and the environmental impact outweighed need and also the Inspectors did not see a strong economic benefit. She explained that she thought that in the current economic climate Government would be looking at schemes that dealt with the economy. She went on to make clear that the Westbury Community needs to have a conversation about what should be done before the harder work is taken on by the Council.

The Chairman explained that her major concerns were financial and that the Council had started to consider over 50 potential major transport schemes ranging in cost from £1m up to +£30m such as Westbury bypass. Each of the schemes would initially be evaluated using a recognised Department of Transport appraisal tool and then prioritised for discussion with the Local Enterprise Partnership. She proposed that the motion should be deferred but this was not supported by the rest of the Area Board membership.

Cllr Cuthbert-Murray supported the motion, emphasising that he did not support either the Eastern or Western route, but that a discussion did need to happen.

Alan Creedy Head of Service Sustainable Transport explained that work regarding the issues surrounding Yarnbrook was ongoing. Growth on that side of Trowbridge was developing and access would be required to the new development. However the developer would be paying for this.

Letter to Westbury Town Council

18th April 2012

Dear Mr Harvey

Thank you for your letter of 16th March which Councillor Scott has asked me to reply to.

Firstly I would like to recap on the last application for a bypass, secondly outline the changed circumstances with regard to funding major highways projects the Government is introducing as part of its Localism agenda, and lastly to describe the process that Wiltshire Council expects to use to decide how the funds will be spent.

The last application

The planning application for the A350 Westbury bypass was submitted on 14 February 2007, on 16 May 2007 the former Wiltshire County Council was minded to grant conditional planning permission subject to the Secretary of State not wishing to call-in the application, the Secretary of State decided on a call in by a Direction made on 11 July 2007 under Section 77 of the Town and Country Planning Act 1990.

The Planning Inspectorate confirmed the start for a conjoined Planning and Orders Inquiry on 17 June 2008 which subsequently closed on 8 October 2008. The Inspector recommended that planning permission should be refused and that the Side Roads Order (SRO) and Compulsory Purchase Order (CPO) not be confirmed. The Inquiry Inspector's recommendation was accepted by the Secretary of State and the decision announced on 1 July 2009. In very general terms, the Inspector was not persuaded that the scale of the problem warranted the proposed solution, nor was he convinced by the economic argument.

Apart from the Inspector's rejection the case was not helped by changes at the regional level, whereby the now defunct Regional Assembly effectively downgraded the role of the A350 in its Regional Spatial Strategy.

The cost of developing the case for the bypass fell on Wiltshire County Council and was in the order of £4.5m which had to be written off by the Council. Had the bypass been approved by the Inspector the total scheme cost would have been £34.7m of which the County Council would have had to fund £3.7m. These figures are in 2009 prices.

Localism and funding major highways

There has always been far greater demand on the Department of Transport (DfT) budget than money available. What happened in the past was that Local Authorities would carry out costly detailed designs and justifications and submit them to the DfT. The DfT would then sift through them annually, put them in priority order and then allocate the available budget to the highest priority projects. The losers, and there were many of them, would be faced with having to write off the investments made in generating the proposal to the cost of the local taxpayers. Many considered this process to be an expensive lottery and, as with all lotteries, there were many more losers than winners.

More recently the Government set indicative funding allocations and then asked regions to set out a list of priorities within these allocations. This meant that each Local Authority had to do some work to get their schemes on the long-list to be considered at the regional level. Once prioritised at the regional level (and thereby usually gaining entry to the first stage of the DfT's approval process), the Local Authorities would need to undertake all the necessary detailed work to gain the required statutory powers such as planning permission. The effect

was the same as there was too little money for the number of schemes. In the case of the Westbury bypass it was on the regional list but failed due to the Inspector's decision.

There are no Wiltshire major road schemes listed in the DfT funding for the period up to 2015.

Beyond 2015 the system of funding will change. The DfT has issued a consultation paper on devolving the local transport major scheme budget. It proposes allocating funding to the local level from April 2015. The intention is that DfT will no longer play a part in selecting which major schemes are funded. The Department says this will cut the costs faced by local authorities of preparing business cases and responding to DfT queries. The risk of having to write off the cost of scheme development, should the scheme not go ahead, will remain with the Local Authority. The DfT plans to issue an indicative range of funding in August, but the significance is that funding will be devolved on a pro rata basis - likely to be population based. If this were to be the case our best estimate is that Wiltshire would be allocated about £4m annually but this could be less if more monies are allocated to National schemes such as trunk roads and motorways.

How will funds be spent?

In terms of the mechanics, DfT are proposing the setting up of new "Local Transport Bodies", based on Local Enterprise Partnership (LEP) geography. For us, that means a body developed for Wiltshire and Swindon. These bodies will have to submit proposals on governance, financial management and delivering value for money to the Department by the end of this year. Once established, they will be required to set and declare their prioritised investment programme by April 2013, with a view to spending in 2015 and beyond. It should be noted that the prime objective of the LEP is economic development and in consequence they will wish to prioritise schemes which have a strong economic case.

The preparatory work on in setting up the "Local Transport Body" is underway.

Given the above process, the Council has started to consider over 50 potential major transport schemes ranging in cost from £1m up to +£30m such as Westbury bypass. Each of the schemes will initially be evaluated using a recognised DfT appraisal tool and then prioritised for discussion with the LEP. The monies for these schemes will come from the annual DfT allocation and from developer contributions. Improvements along the A350 I am sure will carry a high profile but it will be at least a year before any detailed work is carried out. The decision on which schemes go ahead will be the subject public consultation.

I hope that this letter shows the changes that are happening with regard to major projects. These are unfolding as Government finalises its policy but it is quite clear that decisions on schemes in the future will be made locally. As you can see it is far too early to predict whether a bypass for Westbury will be on that prioritised list.

Yours sincerely,

R L Tonge

Cabinet Member for Highways and Transport

Ms Anne Dunderdale asked the Westbury Area Board to reaffirm its commitment to the designation of the Wellhead Valley as an Area of Outstanding Natural Beauty

Councillor Julie Swabey, Chairman of the Westbury Area Board responded as follows:

I would like to respond personally to your email regarding the Westbury Area Board's position on the Wellhead Valley.

At the Area Board meeting held on 7 April 2011, we received a presentation from Maxine Russell, Wiltshire Council's Landscape Officer and Charles Routh from Natural England. The extract from the minutes of the meeting relating to this presentation are as follows:

"Maxine Russell explained that Wiltshire has an extremely rich and valued landscape, from rolling downland and chalk river valleys to low lying vales and ancient forest and parkland it also represents much more than just the scenic beauty of open countryside, it encapsulates Wiltshire's attractive towns, villages, abundant wildlife and habitats, numerous archaeological features and the long historical record of human activity. In recognition of the value of the Wiltshire landscape, almost half of Wiltshire Council's administrative area is considered of national importance and is designated as Area of Outstanding Natural Beauty Page 8 of 12 (AONB). Much of the remainder of the County is designated as locally important Special Landscape Area (SLA). Landscape Character Assessment is an objective method for describing landscape, based on the identification of generic landscape types (e.g. Open Downland) and more specific landscape character areas (e.g. Marlborough Downs). The approach identifies the unique character of different areas of the countryside without making judgements about their relative worth. Landscape character areas are classified based on sense of place, local distinctiveness, characteristic wildlife, natural features and nature of change. Landscape

Character Assessment has been undertaken for all of Wiltshire's land area at 1:50,000 scale and for most of Wiltshire at 1:25,000 scale covering the individual Districts and AONBs. Charles Routh explained that Natural England formed in 2006 from English Nature, Countryside Agency and the Rural Development Service, their role had a number of statutory functions revolving around Sites of Special Scientific Interest (SSSi), AONBs and Protected Species and a more general role of Champion to the natural environment, wildlife, landscape and access to nature. A number of people asked whether the Wellhead Valley could be made an AONB, discussion ensued over the process and potential extension of Cranborne Chase, North Downs, and the potential of Salisbury Plain becoming an AONB. All of these proposals would need further investigation and cross agency consultation. Charles Routh would investigate the criteria for an AONB and then circulate to the Area Board.

Later on in the meeting Cllr Hawker suggested that the Area Board should support the idea of extending the nearby AONB to include the Salisbury Plain escarpment,

including Wellhead Valley. This motion was supported by all the Area Board members.

Decision: To support the extension of the nearby AONB to include the Salisbury Plain escarpment and Wellhead Valley.”

At an Extraordinary Area Board meeting held on Thursday 28 July 2011 held to discuss the Core Strategy, the subject of Wellhead Valley was again discussed and supported as taken from the minutes following:

Landscape Policy

Wiltshire Councils Core Policy on Landscape is detailed at <http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/wiltshirecorestrategy/wcsconsult2011.htm> (page 144 - 145). Members of the public expressed their concerns over the Government reviewing its policy on Landscape. Cllr Hawker explained the Area Boards position was to support the extension of the nearby AONB to include the Salisbury Plain escarpment and Wellhead Valley. After further discussion the Board agreed the following:

Decision

To support the 10 landscape character assessments (LCA's) in support of the current Special Landscape Areas (SLA's)."

I am certain that the Westbury Area Board would be happy for the whole subject to come up again for debate in the context of an officer update on the whole process and around the issues involved and in the light of progress with the core strategy. The next obvious opportunity would be when the planning inspector has decided the outcome of the core strategy which has just been submitted to him AND when the relevant officers know their timescale for reviewing the special landscape policy that is marked for review in the core strategy.

The position of the Area Board has not changed since then and we await the outcome of the findings of the Core Strategy to enable us to have a clearer view on the future of the Westbury Community Area.

Wiltshire Council

Westbury Area Board

14 June 2012

Westbury, Leigh Park – Progress with Adoption of highway infrastructure

1. Purpose of the Report

- 1.1. To update the Westbury Board with progress on the adoption of highway infrastructure on the Leigh Park development

2. Background

- 2.1. The Leigh Park development has been largely completed for some years and the highway infrastructure (i.e., roads, footways, cycleways, street lighting etc) must therefore become maintained at public expense, i.e. adopted by the local authority.
- 2.2. This report follows that provided to the Board on 8th December 2011.
- 2.3. This report is to inform the area board on progress.

3. Main Considerations

- 3.1. Regular monthly progress meetings have been held since late 2009 between highway officers and the main developer to monitor and maintain progress on road adoptions. The highway inspector is in weekly attendance on site to inspect work in progress.
- 3.2. Latest updates are contained in the attached Appendix
- 3.3. The main developer is committed to completing all Agreements in a timely fashion and regular monthly progress meetings will be maintained to ensure the momentum is maintained.

4. Implications

4.1. Environmental Impact of the Proposals

None

4.2. Financial Implications

None.

4.3. Legal Implications

None.

4.4. HR Implications

None

4.5. Equality and Diversity Implications

None

5. Recommendation

It is recommended that: the Westbury Area Board note the contents of the report

Appendices: Update summary.

Appendix One: Persimmon Homes: Westbury Leigh

Review of Agreements as at 15 May 2012

| Agreement No. | Location | Issues |
|---------------|---------------------------------------|---|
| 2897 | Infrastructure roads | Adopted |
| | FP22 | Adoption: anticipated June 2012. Civils and landscaping remedials to footpath completed and reinspected. As-built drawings approved and copies submitted to JC. Street lighting works reinspected. Survey sheets and test certificates required. Further inspection required following Council's removal of bins from columns. |
| | FP24 | Adoption: no current programme. Remedial works not being progressed at present, awaiting completion of R11 development works. Street lighting works will require inspection at the appropriate time. |
| | Penleigh Road | Adopted. |
| | Penleigh Road to Morgan Walk Footpath | Adoption: anticipated July 2012. Civils and landscaping remedials to footpath completed and reinspected. As-built drawings approved and copies submitted to JC. Street lighting works reinspected – update required from SSE. Mouchel report still refers to removal of column erected by Guinness - not part of this S38. |
| 2897/01 | R6/R7 Phase 1 | Adopted. |
| 2897/02 | R7 Phase 1 | Adopted. |
| 2897/03 | R7 Phase 2 | Adopted. |

| | | |
|---------|--------------|---|
| 2897/04 | R7B | Adopted. |
| 2897/05 | R8 | Adoption: anticipated July 2012. Civils remedials reinspected (list issued by RLN 04.05.12). KM to instruct Tithegrove. As-built drawings checked by WF. KM to submit amended drawings to RLN. Street lighting reinspected – no remedials required. Sewers adopted. |
| 2897/06 | Bale Land | Adopted |
| 2897/07 | Local Centre | Adoption: no current programme. Remedial works not being progressed at present due to proposed works to community centre and current works to R15 footpath. As-built drawings prepared – not yet submitted for checking. Street lighting remedials completed per SEC. No reinspection requested at present. Sewers adopted. |
| 2897/08 | Becks Mill | Adopted |
| 2897/09 | Becks Mill | Adopted |
| 2897/10 | R10 | Adopted. |
| 2897/11 | R9 | Adoption: anticipated January 2013. Part 1 Certificate issued – Part 2 inspection required (previously delayed pending street lighting relocations). Maintenance period will run from date of carriageway resurfacing. As-built drawings completed and checked. Amendments required for relocated street lights. |

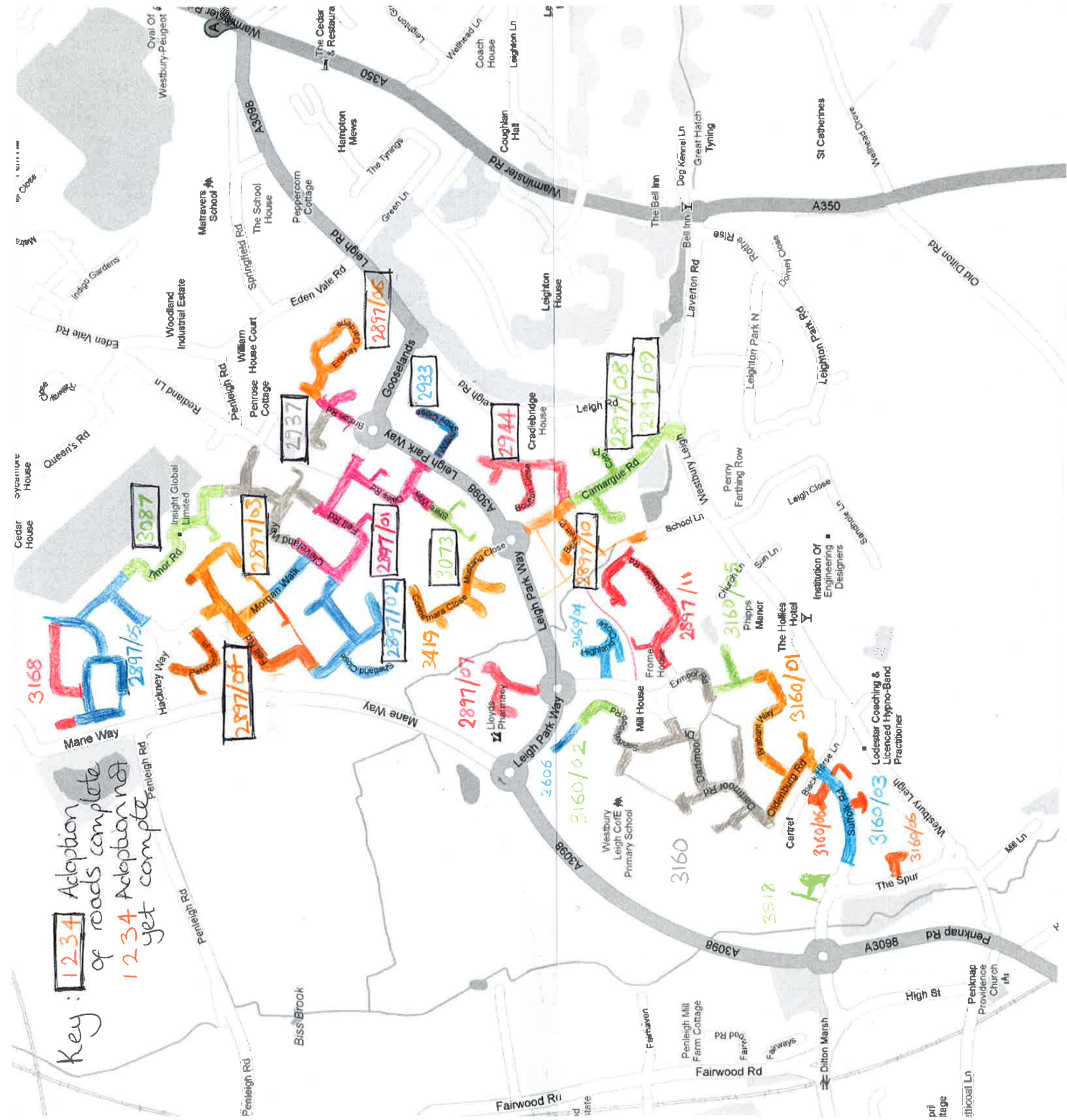
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|---------|-----------|--|
| | | Street lighting works reinspected – update required from SSE. |
| | | Sewers adopted. |
| | | New footbridge complete - commuted sum paid on signing of S38. |
| 2937 | R6 & R7 | Adopted. |
| 3073 | R4 | Adopted. |
| 3160 | R1A & R1B | Adoption: anticipated August 2012. |
| | | Part 2 civils remedials completed. Final inspection required (after SSE confirmation that all street lighting remedials are complete). |
| | | As-built drawings prepared – may need amendment for service margins and relocated street light columns. |
| | | Street lighting works reinspected – update required from SSE. |
| | | Sewers adopted. |
| 3160/01 | R1C | Adoption: anticipated August 2012. |
| | | Part 2 Certificate issued. Final inspection required. |
| | | As-built drawings prepared – may need amendment for service margins and relocated street light columns. |
| | | Street lighting works reinspected – update required from SSE. |
| | | Sewers adopted. |
| 3160/02 | R1S | Adoption: anticipated June 2013. |
| | | Part 2 remedials list issued by KM 08.03.12. Works not yet in progress – maintenance period will run from date of carriageway resurfacing. |
| | | As-built drawings prepared – may need amendment for service margins. |
| | | Street lighting works reinspected – update required from SSE. |

| | | |
|----------------------|--------------|--|
| | | Sewers adopted. |
| 3160/03) 3160/06) | R14 | Adoption: anticipated August 2012. Part 2 remedials list issued by KM 08.03.12. Works not yet in progress. As-built drawings prepared – will need amendment for various service margin and visibility splay issues, and relocated street light columns. Street lighting works reinspected – update required from SSE. Sewers adopted. Black Horse Lane works in connection with prohibition of driving completed. |
| 3160/04 | R2 | Adoption: anticipated January 2013. Part 2 remedials list issued by KM 08.03.12. Works not yet in progress – maintenance period will run from date of carriageway resurfacing. As built drawings submitted to WF 23.03.12 for checking. Street lighting works reinspected – update required from SSE. Sewers adopted. |
| 3160/05) 3450) | R1D | Still under construction. |
| 3419 | R11 & R12 | Still under construction. |
| 3518 | Fussell Land | Adoption: anticipated June 2012. Final remedials issued by KM 08.03.12. Works not yet in progress. As-built drawings submitted to WF 23.03.12 for checking. Street lighting works reinspected – update required from SSE. |

Street Lighting adoption Update

1. For all areas, all necessary bulk clean and lamp changes, re-tests and survey sheets have been completed where appropriate. The installations to the Fussell Land (Ludbourne Place) and to the Morgan Walk to Penleigh Road cycleway are sufficiently recent not to require such works (the originals are all still well within date).
2. R1A&B: no reinspection required yet, as one street lighting connection still to complete. All other works completed.
3. R1C: all works completed - could we have a final reinspection please.
4. R1S: the only outstanding issues (from Mouchel list 13.03.12) were survey sheets and test certificates, so presumably no reinspection required. Could you please ask Mouchel to issue further memo to confirm receipt of outstanding documents.
5. R2: all works completed - could we have a final reinspection please.
6. R8: last Mouchel list (01.03.12) indicated installation was satisfactorily completed.
7. R9: no reinspection required yet, as one dayburner still to rectify.
8. R14: no reinspection required yet, as damaged sign lights to one road narrowing to complete.
9. Fussell Land: all works completed - could we have a final reinspection please.
10. FP22: further reinspection has hopefully already been requested, following removal of Council bins from two columns.
11. Morgan Walk to Penleigh Road cycleway: no reinspection required yet, as one dayburner to rectify.

Key: 1234 Adoption of roads complete
1234 Adoption not yet complete



FAO Michael Dnes
Roads Reform
Zone **3/29**
Department for Transport
Great Minster House
LONDON
SW1P 4DR

6 June 2012

**APPEAL TO THE SECRETARY OF STATE FOR TRANSPORT RE THE
AFFIRMATION BY BATH AND NORTH EAST SOMERSET COUNCIL TO
INTRODUCE A LORRY BAN ON THE PRIMARY ROUTE A36 AT
CLEVELAND BRIDGE, BATH.**

1. Background

- 1.1. Heavy Goods Vehicles travelling through Bath have been a concern for many years, particularly along A4 London Road and A36 Bathwick Street.
- 1.2. Bath and North East Somerset Council (BaNES) cite the contribution made by HGVs to poor air quality, road safety issues and intimidation experienced by vulnerable road users within the Bath World Heritage Site.
- 1.3. In order to mitigate those effects, BaNES are proposing the introduction of an 18 tonne environmental weight restriction for vehicles turning between A36 Bathwick St and A36 Beckford Road, in both directions.

(See plan at Appendix A)
- 1.4. An experimental traffic regulation order is preferred by BaNES, they say to allow the impact of the proposed weight restriction on alternative routes to be monitored before a decision is taken whether to modify, suspend or make the order permanent.
- 1.5. This proposal has been emerging for several years, and has been strongly and consistently opposed by Wiltshire Council, Somerset County Council and the Highways Agency. The proposal is also formally opposed by a number of

disaffected communities, bodies representing the freight industry and local Members of Parliament.

2. Summary of objection

2.1. In summary, the opposition is based on the certainty that :

- HGV's displaced from the A36 through Bath would transfer onto less suitable routes with inevitable adverse environmental and amenity results,
- the function of the PRN would be compromised
- additional costs would be incurred by the freight industry due to added mileage
- displacement of PRN traffic will place undue pressure on alternative motorway junctions (namely M4 J19 and M32 J1) and
- the winter maintenance operation for the PRN would be compromised increasing the vulnerability of the route to function during adverse weather.

3. Current Position

3.1. BaNES decision to proceed has been taken in spite of that opposition. Wiltshire Council's most recent letter to BaNES is attached, responding to a letter from BaNES restating their intention to introduce the Order in June. (See Appendix B). A file of earlier exchanges is available should it be required.

4. Contemporary Guidance

4.1. DfT's "Guidance on Road Classification and the Primary Route Network" (Jan 2012) is a very clear and concise document setting out how local highway authorities should approach the classification of roads and the organisation of the PRN in their own area.

4.2. More specifically, the guidance requires that:

- Significant changes should be agreed between all of the authorities responsible for managing the primary route, to ensure consistency.
- A significant change means a change that has a material impact on the route of a journey from one primary destination to another..... In some situations, the introduction of traffic restrictions (**e.g. banned turns**) may also constitute a significant change

- Unless the agreement of all affected authorities can be obtained, including the Highways Agency where appropriate, then changes to the primary route **should not be made.**
(the emphases are the writer's)

4.3. The guidance also reaffirms that:

- Under EU Directive 89/460/EC, the PRN **must** provide unrestricted access to 40 tonne vehicles
-

5. **BaNES Response**

5.1. Despite strong and consistent representations by the objectors referred to in 1.5 above, BaNES stated intention is to implement the lorry ban in June. Their attention has been specifically drawn to DfT's requirement to secure agreement from affected authorities - there has been no response. Our view therefore remains simply that in light of the guidance, the proposed changes should not be made.

5.2. BaNES attention has also been drawn to the EU Directive.

5.3. BaNES have told us that they have taken independent legal advice, from which they conclude that they are not bound by the EU Directive. Given that such a view would command wider interest, an informal request for sight of this legal advice was made to BaNES.

5.4. That request was declined.

5.5. Both Wiltshire Council and the local MP resorted to making a Freedom of Information request, formally asking for sight of that evidence. Our Fol request was again declined, citing "legal privilege" as a reason for withholding.

6. **Appeal to Secretary of State**

6.1. Dialogue between our respective authorities/agencies is now exhausted, and we have no choice but to ask the SoS to intervene.

6.2. It is well understood that DfT expects the PRN must continue to operate as a nationwide network, and shall remain open to all expected traffic. As such, the PRN should not be affected by banned turns, weight restrictions, etc that limit their functionality.

6.3. The outcome of BaNES proposal would be entirely contrary to that expectation.

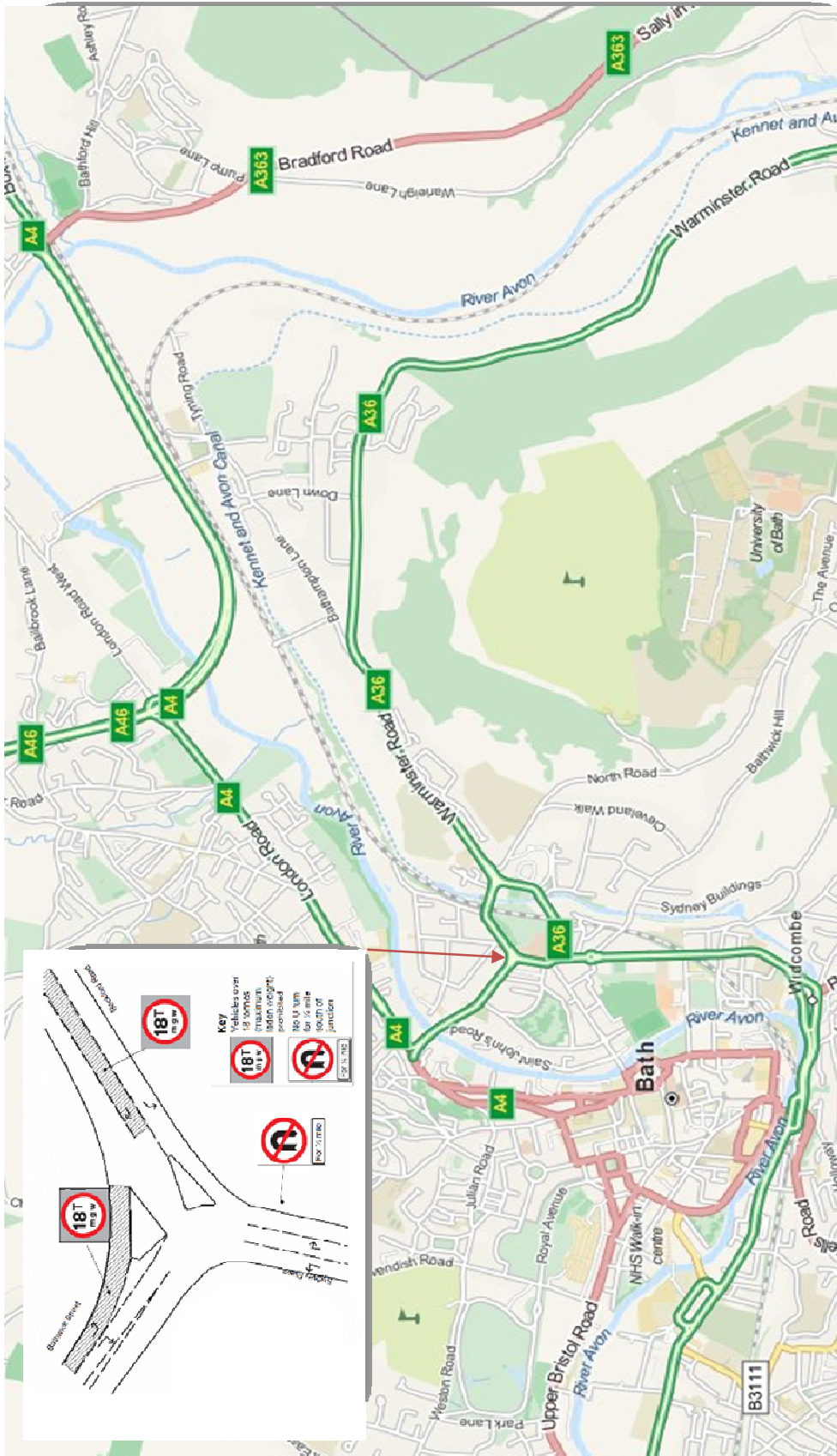
- 6.4. In circumstances where a member of the public or local authority believes an improper decision has been made around the PRN, they are entitled to appeal to DfT. All powers for the management of the PRN still sit with the Secretary of State for Transport, and local authorities can only operate these powers at the pleasure of the Secretary of State.
- 6.5. DfT is formally requested to accept this appeal on behalf of the undersigned, and whilst it is fully understood that the views of both sides will need to be considered, our request is that the Secretary of State ultimately allows the appeal, and instructs Bath and North East Somerset Council to abandon their proposal to introduce a lorry ban on the A36 Primary Route.

Co-signed by:

Andrew Page-Dove · Asset Development Manager · Highways Agency

Ryan Bunce · Transport Policy · Somerset County Council

Allan Creedy · Head of Service · Wiltshire Council



Appeal to Secretary of State re BaNES Lorry Ban - A36 Bath

21 May 2012

Adrian Clarke
Transportation Policy Manager
Transportation and Highways
Floor 2 Riverside
Temple Street
KEYNSHAM
Bristol
BS31 1LA

Department of Transport & Highways
County Hall
Bythesea Road
TROWBRIDGE
Wiltshire
BA14 8JN

Your ref:

Our ref :

Dear Adrian

Proposed Experimental 18t Weight Restriction on the A36 at the junction of Bathwick Street and Beckford Road in Bath

As well as the regular approaches made to you by our Cabinet Member, I have also tried to maintain a professional dialogue on this matter between you and your colleague officers.

Despite those efforts, your Council's responses have become typified by statements that are vague, unhelpful and more recently by a blunt refusal to respond or even acknowledge correspondence.

You should be aware that this opinion is not confined to the Council - several other local individuals, agencies and representative bodies have given me a clear indication that this is a commonly held view.

Your most recent "announcement" overlooked this Council's outstanding procedural queries, preferring instead to issue a letter giving recipients a repeat of what you have already told them, save for the addition of some frequently asked questions. Perhaps not surprisingly, it is a careful selection, that continues to avoid even acknowledging the questions that you prefer not to answer.

I am not prepared to let this matter rest, simply because you find it inconvenient to engage, and/or decline to address relevant issues.

I intend to arrange a round table meeting in the very near future, which I must insist you attend, and for you to be represented at a level appropriate for the occasion.

Given their unresolved concerns, I intend to invite the Highways Agency - following them taking a specific and unsolicited interest, I also propose to alert and invite DfT.

To once more restate the issues that demand your attention:

As I know you are aware, DfT have very recently published their "Guidance on Road Classification and the Primary Route Network".

DfT could not be clearer regarding the need to achieve agreement between affected Authorities (including the HA). They say:

- Significant changes should be agreed between all of the authorities responsible for managing the primary route, to ensure consistency.
- A significant change means a change that has a material impact on the route of a journey from one primary destination to another..... In some situations, the introduction of traffic restrictions (**e.g. banned turns**) may also constitute a significant change
- Unless the agreement of all affected authorities can be obtained, including the Highways Agency where appropriate, then changes to the primary route **should not be made.**

They also maintain:

- Under EU Directive 89/460/EC, the PRN **must** provide unrestricted access to 40 tonne vehicles

(the emphases are all mine)

Our meeting will need to discuss and attempt to understand how you believe that your Council has the ability to implement a proposal that continues to attract objection from affected authorities, and which is contrary to statute.

Can you formally acknowledge receipt of this letter, and confirm that you are willing to attend.

Yours sincerely

Allan Creedy
Head of Service · Sustainable Transport
Direct line: 01225 713444
Email: allan.creedy@wiltshire.gov.uk

Transportation and Highways

Floor 2, Riverside, Temple Street, Keynsham, Bristol BS31 1LA
Minicom: (01225) 394166 Action Line: (01225) 39 40 41
www.bathnes.gov.uk/BathNES/transportandroads

Date: 4th May, 2012

Our ref:

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Proposed Experimental 18t Weight Restriction on the A36 at the junction of Bathwick Street and Beckford Road in Bath

I am writing to you to explain Bath and North East Somerset Council's plans to introduce an experimental weight restriction in Bath at the above location.

The reason for the experimental traffic regulation order is to reduce congestion and air pollution on the A4 London Road in Bath by reducing HGV traffic travelling through the district. The level of NO₂ recorded on the A4 London Road is one of the highest in the UK.

The scheme is illustrated in Appendix A and prohibits the movement of through HGV traffic exceeding 18 tonnes travelling between Bathwick Street and Beckford Road and vice versa. The number of HGV movements affected is estimated to be 335 trips a day and the estimated reduction in traffic emissions is estimated to be 24% in the London Road Air Quality Management Area.

An assessment of the impact of the scheme is provided in Appendix B and Figure 1 shows how the HGV trips will be re-distributed based on this assessment. However, the 18 month experimental period will allow monitoring to take place to determine the actual impact of the scheme before a decision is made whether to implement the scheme on a permanent basis.

The experimental traffic management order is expected to be formally advertised in June 2012, with the scheme implemented shortly thereafter. A statutory consultation period of 6 months will follow, which will provide an opportunity for comments and objections to the scheme to be formally submitted to the council for consideration.

The experimental traffic regulation order will last for a maximum period of 18 months before the council is required to make a formal decision whether to make the scheme permanent.

I also enclose a list of frequently asked questions about the scheme, but please contact me if you have any further queries.

Yours sincerely,

Adrian Clarke

Transportation Policy Manager

A36 Bathwick Street and Beckford Road 18t Experimental Weight Restriction Frequently Asked Questions

What is the purpose of the HGV restriction?

The purpose of the weight restriction is to reduce through HGV traffic travelling between the M4 and towns south of Bath and North East Somerset along the congested A4 London Road in Bath. The proposed restriction will reduce the number of HGV's on the A4 London Road by an estimated 335 vehicles a day (2 way).

The A4 London Road lies in a designated Air Quality Management Area and suffers from one of the highest levels of NO₂ air pollution in the UK. The proposed restriction is estimated to reduce NO₂ emissions from road transport by 24% in the London Road Air Quality Management Area.

What are the alternative routes?

The shortest alternative route is via the M32/A4174/A4/A36, but other routes may be used such as the A37, A350, M5 or A34. Because of the relatively small number of HGV's affected and the number of potential alternative routes used to serve a dispersed range of trips, the impact on alternative routes outside the district is expected to be minimal.

How have the alternative routes been identified?

Traffic modelling carried out as part of the GOSW Bristol-Bath to South Coast Study, identified alternative routes if a weight restriction were to be introduced on the A36 Cleveland Bridge in Bath. This showed that the impact on north-south routes to the east in Wiltshire would be minimal as through HGV traffic predominately carried freight between towns and cities to the north, west and south of the Bath and North East Somerset boundary.

The results of the modelling work was confirmed following detailed analysis of roadside interviews with HGV drivers and the scheme further refined to prohibit the main north-south through movement of HGV's travelling between A36 Bathwick Street and A36 Beckford Road in Bath.

The alternative routes identified have been based on the shortest available legal route and discussions with the freight industry.

Why is an experimental order proposed?

An experimental order is proposed to allow the impact of the scheme to be monitored on alternative routes over a maximum period of 18 months. A monitoring programme using Automatic Traffic Counters has been put in place.

How will the restriction be enforced?

The restriction is designed to be largely self-enforcing, but the Council is trialling HGV enforcement measures on Upper Bristol Road in Bath, which could potentially be introduced at this location.

What is the impact on the Strategic Road Network?

The proposed restriction is not on the Strategic (Trunk) Road Network, but it is designed to prohibit through HGV's travelling between the A46 Trunk Road and the A36 Trunk Road.

The GOSW Bristol-Bath to South Coast Study concluded the A46/A36 route does not have a strategic 'trunk road' function and that the strategic route between the M4 and the south coast is via the A34.

The A46/A36 route is not one of the National Strategic Corridors identified by the DfT or Highways Agency.

An exemption will be provided for Highway Agency vehicles using the route in the course of carrying out the Highways Agency's statutory duties.

Supermarkets and fuel distribution companies would be most affected by the proposed restriction.

The Council will monitor the impact of the restriction on local deliveries in Bath and will consider providing exemptions in appropriate circumstances.

2) MPs, Town and Parish Councils (unprompted)

| | Summary of Comments |
|--|---|
| Duncan Hames MP for Chippenham, Wiltshire | <p>Conveyed constituents' concerns about downgrading A46/A36 route through Bath. The effect of this could be to redirect traffic through Wiltshire, which would exacerbate existing traffic issues in Beanacre, Melksham and Chippenham.</p> <p>Response: The impact on towns and villages in Wiltshire is expected to be minimal. The experimental order will allow the impact to be monitored before a final decision is made on the scheme.</p> |
| Trowbridge Town Council, Wiltshire | <p>Proposal would have a severe and unacceptable impact upon communities in Wiltshire, including those communities adjacent to the A363, A350 and B3105. Any suggestion that the majority of traffic would use alternative routes via Bristol/South Gloucestershire and the Lower Bristol Road are unfounded and based upon flawed logic.</p> <p>The Town Council would urge B&NES Council to dismiss any proposals until a suitable alternative, which does not have an adverse impact upon communities, has been delivered.</p> <p>Response : The impact on towns and villages in Wiltshire is expected to be minimal. The experimental order will allow the impact to be monitored before a final decision is made on the scheme.</p> |
| Bradford on Avon Town Council, Wiltshire. | <p>Fully endorses the comments made by Trowbridge Town Council and hopes that B&NES will take this into consideration when making decisions which will increase the traffic in our towns and villages.</p> <p>Response: The impact on towns and villages in Wiltshire is expected to be minimal. The experimental order will allow the impact to be monitored before a final decision is made on the scheme.</p> |
| Hilperton Parish Council, Wiltshire | <p>Deep concern about suggestion of an increase in HGV traffic through Hilperton, which is very likely to happen if the proposed weight restriction is imposed.</p> <p>We understand that one authority cannot impose a restriction on their roads unless they have the express consent of the authority under whose jurisdiction the alternative route lies.</p> <p>Response:The impact on towns and villages in Wiltshire is expected to be minimal. The experimental order will allow the impact to be monitored before a final decision is made on the scheme. The restriction lies entirely within the jurisdiction of B&NES.</p> |
| Limpley Stoke Parish Council, Wiltshire | <p>Requested additional information on estimated HGV flows.</p> <p>Anticipating that the ban could reduce HGV flows on A36 through Limpley Stoke. However, concerned on the impact on Bradford on</p> |

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|--|---|
| | <p>Avon, and the potential increase in smaller freight that would be able to drive more readily through the village lanes and on the B3108.</p> <p>Response: The impact on towns and villages in Wiltshire is expected to be minimal. The experimental order will allow the impact to be monitored on the B3108 before a final decision is made on the scheme.</p> |
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Town and Parish Councils on the potential affected routes within B&NES and other local authorities will need to be consulted.

3) Members of the public (unprompted)

| Name/Location | Summary of Comments |
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| <p>Ms J Harries, A36 Lower Bristol Road, Bath</p> | <p>Why should 70% of HGVs be diverted to Lower Bristol Road.</p> <p>Why should people living here have their lungs damaged and other residential areas in Bath be protected?</p> <p>Residents in Lower Bristol Rd should not bear the cost of this scheme.</p> <p>Would like an 18 tonne ban on Lower Bristol Rd.</p> <p>Response: The experimental order will allow the impact to be monitored before a final decision is made on the scheme.</p> |
| <p>Mr Manuelo – Mills, Trowbridge</p> | <p>Nimbyism and anti-truck mentality.</p> <p>Extra cost to divert a laden 44 ton truck that averages 6 miles per gallon.</p> <p>A36/A36 is a it is a major European trunk route and EU law allows for free movement</p> <p>HGVs pay £1,200 a year in road tax per year.</p> <p>Everything you buy or own is transported by a lorry, without trucks factories would close, no food or clothing in the shops, no fuel in your garage.</p> |
| <p>Anne Lock, Corsham, Wiltshire</p> | <p>This closure will have an on-going and very severe effect upon communities in Wiltshire</p> <p>Response: The impact on towns and villages in Wiltshire is expected to be minimal. The experimental order will allow the impact to be monitored before a final decision is made on the scheme.</p> |
| <p>Mr D Jones, Staverton, Wiltshire.</p> | <p>As acknowledged in the documents prepared by B&NES, this will lead to a significant increase in large (>18 tonne) HGVs using a route wholly unsuitable and unsafe for such vehicles, namely the A363/B3105/Staverton/A361/A363/A350. This route in entirely inappropriate for such vehicles for the following reasons:</p> <ol style="list-style-type: none"> 1. In places, the B3105 is too narrow to allow large HGVs and cars to pass at the same time (within the village of Staverton). Two HGVs passing simultaneously is not possible at this location and poses a significant danger to road users and pedestrians. 2. The narrow minor roads through Sally in the Woods, the B3105 junction at Forewood Common and the double bends at Woolley are incapable of dealing with large HGV traffic and are already dangerous and the scene of multiple accidents. 3. The causeway of the B3105 at Staverton frequently floods (causing significant disruption) and is in a dangerous condition, with notable subsidence. The bridge at the Cereal Partners is also single lane and traffic controlled. This already gives rise to significant congestion |

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| | <p>during the day and at all peak periods - further traffic will exacerbate this and further contribute to congestion with Staverton, Bradford on Avon and Trowbridge.</p> <p>4. The increased volume of HGV traffic is wholly unsuitable for a minor country road - the B3105.</p> <p>For these reasons, HGV traffic should be directed to the roads suitable for their use - namely the existing main A road network created for such traffic - the A4/A36. The simplistic assumption in the B&NES documents that HGV traffic transferred by this Order will use the already heavily congested roads (such as the Lower Bristol Road or M32) mentioned in the supporting documentation is laughable. In the era of Satellite Navigation, the quickest route will be chosen with no regard to suitability. The proposal is selfish, short sighted and does not even attempt to address the problem - it merely shifts the pollution, noise, congestion and danger onto even less suitable roads which coincidentally happen to be outside of your political remit.</p> <p>Response: The impact on towns and villages in Wiltshire is expected to be minimal. The experimental order will allow the impact to be monitored, including the impact on the B3105, before a final decision is made on the scheme.</p> |
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4) Letters from HGV operators

| Operator | Summary of Comments |
|--|---|
| John Probert, Chairman, Wyvern Cargo | <p>Proposed diversion would be a 15km detour and extra 10-15 minutes journey time in each direction for an average of 3 vehicles a day. Round trip operating cost increase of £50 per vehicle per day (Inc. 1 hour overtime) equating to an additional cost of £9,000 pa.</p> <p>Vehicle use Bath due to inadequacy of alternative N/S route to Dorset. Would welcome B&NES support in urging the Department for Transport to tackle this issue.</p> <p>The proposed ban would principally affect operators not based in Bath, therefore the decision cannot reasonably rest with B&NES.</p> <p>Response: The Council supported the A350 Westbury Bypass which would have improved north/south routes, but this project was halted following a public enquiry.</p> |

HGV Operator Survey

At a meeting with representatives from the Road Haulage Association & Freight Transport Association in June 2001, it was suggested that Bath & North East Somerset Council should write to the major supermarket chains and fuel distribution companies to assess the effect of the proposed scheme. In August 2011 details of the scheme and a questionnaire was sent to 100 companies including:

- 1) Major UK supermarkets
- 2) Main fuel distributors
- 3) Operators who had been recorded making a through trip during the 2009 HGV interview survey on A36 Bathwick Street.

The letter to operators is provided as Appendix 1. The questionnaire is provided as Appendix 2, accompanied by Figure 1. The questionnaire was prepared in consultation with the Freight Transport Association and Road Haulage Association.

Letter to operators:

[\\CYCLOPS\Shared\\$\T&PPS\Active\Team area\Transport Policy\Transportation Planning\Freight\A36 Cleveland Bridge\Proposed weight limit\consultation\operators\questionnaire\pdfs](\\CYCLOPS\Shared$\T&PPS\Active\Team area\Transport Policy\Transportation Planning\Freight\A36 Cleveland Bridge\Proposed weight limit\consultation\operators\questionnaire\pdfs)

36 responses were received, a response rate of 36%. One of the responses was disregarded since it advised that their company's livery was used by a number of local contractors.

Results of HGV Operator Survey

Deliveries in Bath/Midsomer Norton & Radstock

Of the responses received, 86% stated that they delivered to premises in Bath and to a lesser extent, Midsomer Norton & Radstock. Nearly half of these operators making local deliveries (15 operators) made at least one local delivery a day. The most frequent trips were made by a major supermarket in Bath (3 to 4 round trips per day to a single site). Many of the operators were making multi-drop deliveries across a wide area, including milk collections from local farms.

Through trips on A46/A4/A36 Route without stopping to make a collection/delivery in Bath

45% of respondents operated at least daily HGVs through Bath without stopping in the City. One major supermarket chain is responsible for 141 single trips through Bath on a weekly basis. These trips are between South Wales/Bristol and Frome/Bournemouth/Poole. This is an average of 20/day, based on 7 day operation. Other operators making regular through trips included high street retailers, milk collection, building material distribution, food distribution and courier/logistics firms.

The 35 respondents were responsible for making nearly 600 one-way through trips via Bath per week.

Key Origins and Destinations

There was a predominance of through trips identified on an axis north west to south east and vice versa between:

- a) South Wales/Gloucestershire/Worcestershire/Bristol; and
- b) Frome/Warminster/Salisbury/Poole/Bournemouth/Southampton/Portsmouth

Alternative Route

If the proposed weight restriction is implemented, only four of the respondents (11%) stated that they would divert their vehicles to the Council's designated alternative route (M4 Junction 19, M32, A4174, A4 Salford, A36 Lower Bristol Rd and A36 Pulteney Road). 19 (54%) stated that they would use a different alternative whilst 2 (6%) stated they would make use of the proposed and other alternatives. 10 (29%) did not reply to this question. The most popular alternative routes, in order of priority/frequency were:

- M4 Junction 17 to A350, Wiltshire;
- M5 Junction 18, A4 Portway to A36 Lower Bristol Road;
- A46/A4 to Box/A365 to A350 at Melksham;
- A34;
- A46/A4/A363/B3015 Staverton/Hilperton/Trowbridge to A350;
- A37;
- M5 Junction 25 (Taunton) A358/A303/A37;
- A338 Marlborough; and
- A4/Pennyquick/Whiteway Rd/Rush Hill (Bath)/A367.

Additional Comments

Operators were also asked if they had any further comments on the proposal.

These included (in order of greatest frequency):

- It would cause significant additional costs;
- A4174/A4 Salford already congested and therefore not suitable;
- Proposal will move problems of congestion and pollution to other areas;
- Need a permit system for delivers to Bath and surrounding area;
- Proposal is a threat to the survival of business (especially HGV operators within a few miles of Bath);
- Better to spread traffic onto a number of routes; and
- Problems are caused by insufficient highway investment.

Raw Data and Results:

[\\CYCLOPS\Shared\\$\IT&PPS\Active\Team area\Transport Policy\Transportation Planning\Freight\A36 Cleveland Bridge\Proposed weight limit\consultation\operators\results](\\CYCLOPS\Shared$\IT&PPS\Active\Team area\Transport Policy\Transportation Planning\Freight\A36 Cleveland Bridge\Proposed weight limit\consultation\operators\results)

