



Department
for Transport

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Our Ref: PRN001

29th October 2012

Carlton Brand

Wiltshire County Council
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Dear Carlton Brand,

A36 Lorry Turning Ban – PRN Appeal

In May 2012, following earlier discussions, Bath and North East Somerset council (BANES) announced proposals for an experimental turning restriction on 18 tonne vehicles using the A36 in Bath. The restriction would apply at the corner of Bathwick Street and Beckford Road. The stated justification is the impact that it would have on air quality on the A4 London Road. However as a consequence of the scheme it would not be possible for lorries to follow the A4/A36 from the north of Bath to the southeast and south nor the corresponding south to north route.

On 6th June 2012 Wiltshire and Somerset councils, together with the Highways Agency, lodged an appeal against the proposed restriction with the Department, citing five main points to their objection – that the ban would:

- a) compromise the Primary Route Network (PRN);
- b) shift traffic onto local roads;
- c) impose costs on freight;
- d) impede the management of the SRN; and
- e) the proposal had not followed the required process by securing agreement from other affected local authorities, as laid out in DfT guidance on the primary route network.

The Department has now considered the evidence presented, and has reached a conclusion. A detailed explanation of the reasoning behind the decision is attached at Annex A, but in summary:

- The proposed lorry turning ban is a significant change, as defined by guidance, because of the extent of diversion that it causes. This means that BANES must secure the agreement of affected authorities before implementing the measure – and such an agreement has not been reached.

- Lorry drivers who are unaware of the turning ban have the potential to be seriously inconvenienced by the restriction. In the worst cases, they would have to divert by over 45 miles to complete their journey using the PRN. Alternatively, they could continue their journey through less suitable local roads. Either way, the PRN in Bath will be failing in its purpose.
- The issue is exacerbated by the fact that the A46 and A36 are mostly major trunk roads, linking Wiltshire and Dorset with the M4. There is only one short section under local authority control – which is the A36/A4 in Bath. The turning restriction will prevent HGVs from using the SRN in this area.
- No attempt has been made to find an alternative route for freight traffic. The PRN and SRN are therefore both compromised through the introduction of this banned turn.

Overall we must conclude the appeal is valid and should be upheld. Should the scheme be implemented as proposed, without agreeing a suitable alternative route with the affected authorities, this would be in breach of the legislation.

We are conscious of BANES's important concerns about local air quality. The Department is not, in line with the PRN guidance, commenting on the air quality aims of this proposed scheme. We would note that BANES is welcome to use newly-acquired powers to adjust the PRN in its area to remove traffic from the London Road – provided that the proper procedures are followed and all types of traffic continue to have a viable route through or around Bath.

We would urge BANES to work with Wiltshire and Somerset councils to identify an alternative scheme that will be acceptable to all parties. We believe there are a number of ways to achieve BANES's aim of reducing lorry traffic through Bath without the need to disrupt the PRN. For example, we understand that the Highways Agency, Wiltshire and Somerset are willing to form a working group to discuss signing in the area around Bath.

The Department is also happy to work with the key parties to see whether alternative approaches can be developed that achieve BANES's aims without while meeting legal obligations and maintaining an effective and coherent PRN.

I am sending copies of this letter to all councils involved in this appeal and other affected parties.

Yours Sincerely,



Paul O'Sullivan
Divisional Manager
Roads Strategy & Charging

ANNEX A – Decision in Detail

Grounds for Appeal

The Primary Route Network (PRN) designates roads between places of traffic importance across the UK, with the aim of providing easily identifiable routes to access the whole of the country. The A36 is a Primary Route and has been identified as suitable for medium- or long-distance travel.

DfT will only consider a PRN appeal when there has either been a procedural irregularity, or where an authority has made a decision that is clearly unreasonable. Authorities are required to secure the agreement of affected neighbours before making a significant change to the PRN in their area.

BANES has argued that HGV traffic at this turning is small, only 335 HGV per day. As such, they have argued that the introduction of the restriction does not constitute a 'significant change' as laid out in the guidance and hence there is no need to secure agreement from neighbours. Freight associations consulted during the appeal agreed that the volume of HGV traffic on this route is relatively low for the PRN, as freight traffic already aims to avoid Bath where possible. However even given this, it amounts to over 10,000 freight movements per year.

In guidance, the example given of a clearly significant change is the changing of a primary route from one interurban road to another, while a change to junction layout is given as an insignificant change. The standard is set, not in terms of vehicle flow, but of user experience. Given the likely impact of diversion (see below), we have concluded that this is clearly a significant change. This means that BANES should secure the agreement of its neighbours before implementing the turning ban.

Before considering any appeal we also wish to be sure that any appellant has tried to resolve the issue with the defending council, and that dialogue has been exhausted. It is clear from the correspondence that this is the case.

Guidance and Policy on the Primary Route Network

The Department's guidance on road classification, which covers the management of the PRN, sets out the principles which local authorities are expected to follow when managing the network in their area.

2.9 The PRN is designed to fit together as a network, and primary routes must link up to one another. If changes are made to a route, it must still form part of a coherent and sensible network. Primary routes must remain reasonably direct and viable for medium- and long-distance travel including, wherever possible, for freight traffic.

The guidance goes on to clarify that this may mean that the PRN goes through areas where there are environmental concerns, but where no viable alternative routes exist. In these circumstances, environmental factors on their own are not expected to be sufficient grounds to warrant the exclusion of particular types of traffic.

This does not preclude an authority rerouting traffic for environmental reasons where they have provided a reasonable alternative route. However the PRN extends to all corners of

England, and there are a number of places where the local road network provides traffic with only one reasonable route to follow between two significant destinations. In such circumstances, traffic must still be given a route to follow – or else it is likely to divert in an unsuitable way.

Situation in Bath

There is only one Primary Route through Bath – the A4/A36. All through-traffic looking to get from the west of the city to the east or from the north to the south is directed along the A36. The council has worked over recent years to move heavy traffic out of the centre, meaning that an increasing proportion of vehicles are making use of the A36.

Bathwick Street and Beckford Road form a junction between three main routes – the route from the north and the M4, the route east and south into Wiltshire and the route west towards Bristol. The introduction of a HGV right turning ban means that HGVs on the northern route can no longer access the east/south route (and vice versa).

In its proposals, BANES has suggested that affected traffic coming from the south will be able to divert along the A4 towards Bristol and join the M4 at junction 19. No alternative route through Bath has been offered, and there has been no suggestion of how traffic heading south through the city could be expected to divert.

Network Integrity

The PRN is meant to function as a network for navigation, ensuring that a driver can travel reasonable distances without needing to have a detailed knowledge of the area. In this respect, the BANES proposal poses tricky issues for some drivers.

The worst example would be that of a lorry driver seeking to get from junction 18 of the M4 to Warminster. Driving along the A46, at the outskirts of Bath they would be directed by signs to join the A4 heading into the city. When they reach the junction of the A4 and the A36, they will be required by an HGV restriction to turn onto the A36 and cross Cleveland Bridge. It is only when they have crossed the bridge and actually reached the turning between Bathwick Street and Beckford Road that they will encounter the turning restriction. At this point, if they want to follow the PRN to their destination, they will have to make a 46 mile diversion via Bristol and Shepton Mallet.

At this point, they are likely to either a) leave the PRN and try to reach their destination through the local road network or b) try to circumvent the traffic restriction with a U-turn further down the road. In all of these cases, the PRN will have failed in the function it is meant to deliver.

Interaction with the Strategic Road Network

The A4/A36 in Bath also performs an unusual function, in that it fills a three mile gap in the Strategic Road Network (SRN) between the junction of the A4 and A46 north of the Avon and the A36 to the south. This is the only north/south trunk route below the M4 for 80 miles. The SRN is meant to include routes of particular importance to national travel, and this measure will prohibit HGVs from following this route.

There are currently no plans to detrunk this route, so problems of network disruption need to be taken more seriously than they would in a standard case of this type.

The provision of an alternative

Crucial to both these points is the fact that BANES do not appear to be making any provision for lorries that are impeded by the new restriction. If an alternative route had been identified, of reasonable convenience and quality, network integrity would have been maintained. Guidance states that the fine-tuning of the classification system should properly be a matter for the local authority.

Other issues

Taken together, the likely impact of the restrictions on network integrity creates a clear case against the proposed turning ban. The Department's remit as set out in the guidance is focused on maintaining the rationality and functionality of the network, and the proposed restriction works against this. As such, there is a strong case to uphold the appeal.

Participants in the appeal have raised other issues, which we have also considered:

- **The proposed restriction, and any associated disruption to traffic, is justified by its impact on air quality on the A4 London Road.**

The rationale for the turning ban, as articulated in BANES' original proposal, is to reduce HGV traffic on the A4 London Road and thereby improve local air quality.

Air quality, along with other types of environmental impact, are recognised as a matter for the local council when considering road classification decisions. The Department has no wish to instruct councils to adopt a particular approach to the management of a specific road.

The new guidance on the PRN and classification gives councils new flexibility in routing traffic, meaning that it is easier to move traffic away from environmentally sensitive locations. The only requirement on a council in this context is that they ensure that the classification of the road network remains coherent.

If there are concerns about the environmental impact of traffic along the London Road, B&NES are welcome to find an alternative route for traffic. It is only when required procedures are ignored or proposals prevent the PRN from functioning that DfT is concerned.

- **The proposed restriction may have a serious negative effect on freight traffic, transferring traffic to the more congested A4**

We recognise that the management of congestion on local roads is foremost a matter for local councils. Should a council wish to prioritise non-traffic issues above the free movement of general traffic, this is something for which they are ultimately accountable to the local electorate. The selection of a congested versus an uncongested route is something that we would normally expect to be a matter for

the council to consider. Where the impacts are felt across several authorities we would require any changes to be approved collectively – although this has not happened in this case.

However given the fact that this restriction specifically targets through-traffic, only affects HGVs and does not offer a viable alternative route, there is potentially a discrimination angle to this case. While this has not had a material impact on the decision beyond the issues raised around network integrity, the Department may consider intervening on these grounds in future cases.

Summary

- The proposed lorry turning ban is a significant change, as set out in guidance, because of the extent of diversion that it causes. This means that BANES should secure the agreement of affected authorities before implementing the measure – and such an agreement has not been reached.
- Lorry drivers who are unaware of the turning ban have the potential to be seriously inconvenienced by the turning ban. If they were to follow the PRN they would have to divert by over 45 miles; and if they decide not to follow it they will divert through less suitable local roads. Either way, the PRN in Bath will be failing in its purpose.
- The issue is exacerbated by the fact that the A46 and A36 is mostly a major trunk road, linking Wiltshire and Dorset with the M4. There is only one short section under local authority control – which is the A36/A4 in Bath. The turning restriction will prevent HGVs from using the SRN in this area.
- No attempt has been made to find an alternative route for freight traffic. The PRN and SRN are therefore both compromised through the introduction of this banned turn.

As such, overall we must therefore conclude the appeal is valid and should be upheld. Should the scheme be implemented as proposed, without agreeing a suitable alternative route with the affected authorities, this would be in breach of the legislation.