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Roads Reform  
Zone **3/29**  
Department for Transport  
Great Minster House  
LONDON  
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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.

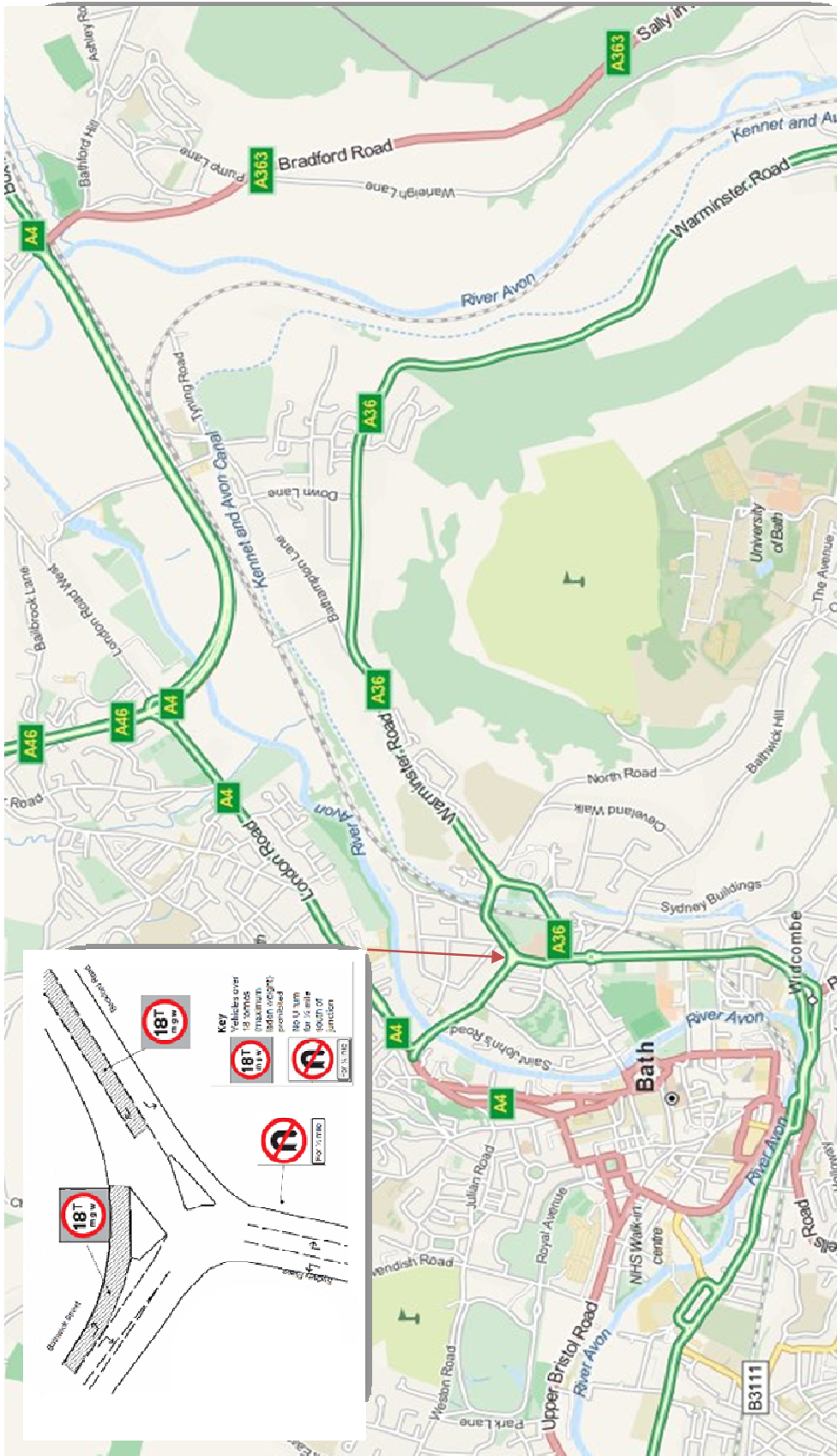
Co-signed by:

**Andrew Page-Dove** · Asset Development Manager · Highways Agency

**Ryan Bunce** · Transport Policy · Somerset County Council

**Allan Creedy** · Head of Service · Wiltshire Council

# Appendix A



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



## Appendix B





21 May 2012

Adrian Clarke  
Transportation Policy Manager  
Transportation and Highways  
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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

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**Transportation and Highways**

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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 NO<sub>2</sub> 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 NO<sub>2</sub> air pollution in the UK. The proposed restriction is estimated to reduce NO<sub>2</sub> 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><b>Response:</b> 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&amp;NES Council to dismiss any proposals until a suitable alternative, which does not have an adverse impact upon communities, has been delivered.</p> <p><b>Response :</b> 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&amp;NES will take this into consideration when making decisions which will increase the traffic in our towns and villages.</p> <p><b>Response:</b> 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><b>Response:</b>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&amp;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>

	<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><b>Response:</b> 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
<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><b>Response:</b> 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><b>Response:</b> 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&amp;NES, this will lead to a significant increase in large (&gt;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"> <li>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.</li> <li>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.</li> <li>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</li> </ol>

	<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&amp;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><b>Response:</b> 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&amp;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&amp;NES.</p> <p><b>Response:</b> 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)