

Bath & North East Somerset Council

DECISION MAKER:	Cllr Malcolm Hanney, Cabinet Member for Resources and Deputy Leader	
DECISION DATE:	On or after Saturday 22 May	PAPER NUMBER 1
TITLE:	Bath Rapid Transit Route: Open Space Appropriation	EXECUTIVE FORWARD PLAN REFERENCE: E 2075
WARD:	Newbridge	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Plans showing Open Space: Appx 1 Rudmore Park, Appx 2 Kaynton Mead Appx 3: Objection letters		

1 THE ISSUE

- 1.1 The route of the proposed rapid transit route of the Bath Transportation Project runs from Brassmill Lane to Windsor Bridge Road along a former railway line. It includes two areas which are designated Open Space held under the Open Space Act 1906 and LGA 1972.
- 1.2 These two areas are required for development of the route and need to be appropriated for the purposes of highway use under the Highways Act 1980 in connection with the Bath Transportation Project.

2 RECOMMENDATION

The Cabinet member is asked to agree that:

- 2.1 Objections be noted
- 2.2 The land at Kaynton Mead and Rudmore Park is appropriated for the purposes of highway use under the Highways Act 1980 in connection with the Bath Transportation Project.

3 FINANCIAL IMPLICATIONS

- 3.1 Financial implications
- 3.2 There are no direct financial implications. The land is essential to allow the Bath Package development to proceed which will generate Government funding of £52.7M

4 CORPORATE PRIORITIES

4.1 Promoting the independence of older people

Provision of an improved public transport system for Bath has the potential to benefit all people in the city and its surrounds, providing regular and reliable transport.

4.2 Sustainable growth

Impact of transport on the economy

“Transport investment is a necessary condition for economic growth”

Department for Transport, 2004 The Future of Transport: a network for 2030

The Eddington Transport Study: the case for action (2006)

- Clear evidence that a comprehensive and high-performing transport system is an important enabler of sustained economic prosperity
- UK wide:
 - 5 per cent reduction in business travel time = £2.5 billion of cost savings
 - Transport delays cost businesses affecting productivity and innovation.
- Transport improvements support clusters of economic activity.
- Transport emissions impact on long-term economic growth by contributing to global climate change (identified by the Stern Review of the economics of climate change). Transport will therefore need to play an important role in an economy-wide response to that challenge

4.3 Improving the availability of Affordable Housing:

The Bath Transport Package will assist in the delivery of major development sites in the City, including substantial social housing elements

4.4 Addressing the causes and effects of Climate Change & Improving transport and the public realm:

Bath suffers from significant traffic congestion and resultant poor air quality. The scheme will tackle congestion in Bath and the surrounding area by improving public transport and enhancing pedestrian access for the benefit of residents, commuters and visitors. It includes the following elements:-

- Expanding the City's three existing Park & Rides and creating a new Park & Ride to the east of the City, increasing Park & Ride capacity from 1,990 to 4,510 spaces.
- A Bus Rapid Transit (BRT) route, including a 1.4km section of "off-street" dedicated bus route which will remove Park & Ride buses from congestion for a significant amount of their journey;
- A more pedestrian and cyclist-friendly City Centre through the introduction of access changes on a number of streets and the expansion and enhancement of pedestrian areas; this will facilitate the implementation of the Council's approved Public Realm and Movement Strategy.
- Introduce 10 Showcase bus routes, including raised kerbs for better access, off-bus ticketing to speed up boarding and real-time electronic

information for passengers; this will improve accessibility to all sectors to access employment and services.

- Improved driver information by the introduction of active traffic management with real-time information to direct drivers to locations where parking spaces are available.
- Provide a high quality public transport link to the Bath Western Riverside development.
- Provide a significant contribution to the delivery of this Council's 20 year Transport Vision.
- Reduce the number of cars entering Bath by 1.5 million a year and provide a reduction of 5 million kilometres in car travel undertaken within the city each year;
- Increase public transport journeys by 2.2million per annum;
- Have a positive impact upon air quality within Bath by providing annual emission savings of 1,500 tonnes of CO²; 2.1 tonnes of NO_x and 10.9 tonnes CO;
- It will avoid 321 accidents over the next 60 years, including 3 fatalities and 35 serious casualties;

Failure to deliver the package will result in increased traffic congestion and worsening levels of pollution. This would inevitably lead to further extension of the Air Quality Management area in the city. Failure would lead to higher levels of road accidents than with the scheme in place. The private motor car would retain its primacy within the City. The scope of the Public Realm and Movement Strategy would be limited. Failure to deliver will threaten future investment in bus services by bus operators. Bus patronage would fall due to greater uncertainty in journey times

5 THE REPORT

5.1 The proposals for the development of the Bath Transportation Project set out on the Planning Application show the rapid transit route along the former railway corridor from Brassmill Lane to Windsor Bridge Rd.

5.2 Part of that route is Open Space for public recreation. The open space comprises two lengths of path ; one at Kaynton Mead laid out with a tarmac path bordered by shrub planting and the second at Rudmore Park being raised overgrown rough land.

5.3 The Open Space will be reprovided in equally beneficial locations and the CPO plans shows areas of Exchange Land for this purpose.

5.4 The proposed appropriation was advertised as required by the LGA 1972 on 19th November 2009. The objection period expired on 10th December 2009 and there were three objections received one of which was signed by three households. The objections are attached in full as Appendix 2 but summarised below.

5.5 Objections:

- 1 The Council plan to take a portion of their street which would be a health and safety risk and compromise their quality of life.
- 2 The Council are taking land laid out as parking for the residents of Brassmill Lane which should remain for estate use
- 3 The Open Space land is a vital community green lung and should be fostered.

5.6 Responses

- 1 The land to be appropriated is Open Space and no part of it is a street.
- 2 No part of the land to be appropriated is used as car parking
- 3 The Open Space is to be reprovided for the benefit of the community

6 RISK MANAGEMENT

6.1 The report author and Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.

6.2 The Bath Transport Package of which this proposal is part is subject to vigorous risk management procedures that are reviewed on a regular basis and subject to appropriate internal and external challenge.

7 EQUALITIES

7.1 No Equalities issues arise as a result of this report

8 RATIONALE

8.1 The land is required for part of the rapid transit route and there is no alternative route along which it might run. Public Open Space of equal merit is to be provided as part of the route construction.

9 OTHER OPTIONS CONSIDERED

9.1 Alternative routes for the Bath Transportation Project as a whole have been considered as set out in the statement of case for the CPO.

10 CONSULTATION

10.1 *Ward Councillor; Cabinet members; Other B&NES Services; Local Residents; Community Section 151 Finance Officer; Chief Executive; Monitoring Officer*

10.2 Consultees have been provided with a draft of this report and any comments received from them have been included as appropriate.

10.3 Response from Ward Councillor, Cllr Brinkhurst received 7 April: We understand that we have a month from 25th March to complain against the closing of these 2 pieces of land and will be submitting them. I have not received any further communication.

10.4 Widespread consultation for the BTP has been carried out. Public consultation was through the appropriation process with public advertisements in the Press.

11 ISSUES TO CONSIDER IN REACHING THE DECISION

11.1 *Sustainability; Human Resources; Property; Other Legal Considerations*

12 ADVICE SOUGHT

The Council's Monitoring Officer (Council Solicitor) and Section 151 Officer (Strategic Director - Support Services) have had the opportunity to input to this report and have cleared it for publication.

Contact person	Keith McCombie, Estates Surveyor, 01225 477976
Background papers	<i>Planning Application, Compulsory Purchase Order, Statement of Case</i>
Please contact the report author if you need to access this report in an alternative format	