

Bath & North East Somerset Council

MEETING/ DECISION MAKER:	Cabinet	
MEETING/ DECISION DATE:	9th September 2021	EXECUTIVE FORWARD PLAN REFERENCE:
		E 3303
TITLE:	Cleveland Bridge – Update and Options	
WARD:	All	
AN OPEN PUBLIC ITEM/		
List of attachments to this report: Appendix 1: Decision letter from the Department for Transport dated 29 th October 2012 Appendix 2: Statutory Guidance on road classification and the primary route network - Published 13 March 2012 Appendix 3: Extract from the Road Investment Strategy 2: 2020-2025		

1 THE ISSUE

- 1.1 Heavy Goods Vehicles (HGVs) travelling through Bath have been a concern for many years, particularly along A4 London Road, over Cleveland Bridge and A36 Bathwick Street. Local residents are concerned about the contribution made by HGVs to poor air quality, road safety issues, intimidation experienced by vulnerable road users and damage to the Bath World Heritage Site.
- 1.2 Cleveland Bridge is currently being repaired and a temporary Traffic Regulation Order restricting HGVs over 18 tonnes from using the bridge is in place. Once the refurbishment works are completed the temporary weight restriction will no longer apply and the route will continue to form part of Primary Route Network with unrestricted use. This report examines the options available to the Council to improve the traffic situation at Cleveland Bridge as well as improving air quality and safety throughout the city.

2 RECOMMENDATION

The Cabinet is asked to agree that the Council should continue to:

- 2.1 Work with Wiltshire and Dorset Councils and the Sub-Regional Transport Board (STB) Western Gateway to complete a strategic study into north-south connectivity between the M4 and the Dorset Coast with an aim of making the A350 the strategic route and limiting HGV use of Cleveland Bridge as part of the Governments Road Investment Strategy 2 (2020-25).
- 2.2 Assess and review the position after completion of the study, recognising that any investment that would resolve the core issue would be considered, at the earliest, as part of the Road Investment Strategy 3 which covers the period 2025-30. The study would also inform discussions between BANES and the other stakeholders. It is considered that this approach is the one most likely to result in a positive outcome for both B&NES and the other stakeholders involved.
- 2.3 Continue to make representations to Government about the need to improve the traffic situation at Cleveland Bridge, highlighting the changes to road conditions within Bath and the wider area since 2012 such as the changes to the A350 as part of the planned improvement and upgrade and the introduction of the Clean Air Zone in Bath.
- 2.4 Progress work on any of the other mechanisms which might also result in HGVs not using Cleveland Bridge.

3 THE REPORT

OTHER OPTIONS THAT COULD BE CONSIDERED

- 3.1 It is recognised that changes to the use of Cleveland Bridge is a complex issue which, if it is to be tackled effectively, needs to be approached from a regional and even national perspective. This involves working with the various stakeholders to find a solution which works for all. The primary alternative options would appear to be as follows:
 - a) The Council, as the local traffic authority, has the power to pursue a weight restriction traffic regulation order (TRO) to effectively prevent HGVs from using Cleveland Bridge. However, that would mean that those HGVs would have to use alternative routes and it would result in a significant diversion of the PRN. BANES does not currently have the agreement of other neighbouring local authorities or the Highways Agency for an alternative PRN route.
 - b) In light of the 2012 DfT appeal decision and the very clear position in the Statutory Guidance, it is considered highly likely that, were BANES to make a TRO now, it would be appealed and the Secretary of State would be likely to allow the appeal for the same reasons as set out in 2012. For the same reasons, there is also a risk that any decision by BANES to make a TRO now could be the subject of a legal challenge.
 - c) It is therefore considered that, in light of the lack of an agreed alternative route, the 2012 appeal decision, the Statutory Guidance and

the complex matrix of environmental impacts, that making a TRO to remove HGVs from Cleveland Bridge is not recommended at this time.

SUMMARY

3.2 Further work has been undertaken in the background to consider the issues and try to identify options to address this issue. The table below identifies work undertaken to date.

Action	Date
Appeal against a trial 18 tonne weight restriction upheld by DfT. Council informed they would be in breach of legislation if the progressed.	Oct 2012
Council has worked with Department for Transport, Highways England, Wiltshire Council and the Sub-Regional Transport Board (STB) Western Gateway to promote a strategic study into north-south connectivity between the M4 and the Dorset Coast with an aim of making the A350 the strategic route <ul style="list-style-type: none"> - Option is included within Governments Road Investment Strategy 2020-25 - Work has commenced on developing the options with B&NES Officers 	2012-2021
Temporary 18tonne weight restriction put into place until bridge is repaired. Working with the Place community group identified HGV who breached the weight limit.	Feb 2020
Review of options including seeking specialist opinion on implementing a toll <ul style="list-style-type: none"> - Bridge originally had a toll before acquisition by the City of Bath Corporation in the 1920s, the Council's predecessor authority. - Under the Bath Corporation Act 1925 tolls were allowed to be charged for up to 7 years from when the Act was passed (i.e. up to 1932). - On top of that the Act included a power under S.54 to remove the tolls by resolution prior to that date. This is the power the exercise of which is recorded on a plaque on the Bridge. Once a resolution is made, the Bridge is to be treated as repairable by the public at large under the public health acts with free passage which is the case today. - A Toll Road need a new private act so is not an option that can be progressed - In terms of current legislation to levy a toll for vehicular traffic the Transport Act 2000 is too limited to apply a toll in this case - The New Roads and Street Works Act 1991 is for private schemes and cannot be applied 	December 2020
Review of options including seeking specialist opinion on implementing a TRO for different reasons <ul style="list-style-type: none"> - In 2012 the DfT ruled that the Council's proposal was a breach of legislation as the Council had failed to secure the agreement of affected authorities. 	Dec 2020

<ul style="list-style-type: none"> - This would apply regardless of the statutory reason for making the TRO including for; - Weight limits; - Air quality; or - Heritage reasons 	
<p>Council wrote to Department for Transport to gather further clarity regarding the 2012 decision</p> <ul style="list-style-type: none"> - No response has been forthcoming to date 	January 2021
<p>Implementation of CAZ that charge the most polluting HGVs</p> <ul style="list-style-type: none"> - 	March 2021
<p>Local Member of Parliament continues to raise the problems of HGV,s using the historic structure including:</p> <ul style="list-style-type: none"> - Speaking in the House of Parliament - public webinar - meeting neighbouring MPs and the Metro Major on the bridge 	2021
<p>Structural repairs</p> <ul style="list-style-type: none"> - Work commenced in May 2021 - Works scheduled to be completed by November 2021 	May 2021
<p>HGV Maximum Weight Limit Consultation</p> <ul style="list-style-type: none"> - The outcome to the consultation on an increased HGV 48 tonne weight limit was released on 23rd August 2021. - The existing limit is 44tonnes with vehicle over 40 tonnes having to meet additional requirements in terms of suspension and axel loads. - The Government have agreed a 4-year trial, with restrictions to a maximum of 50 mile journey distance. Further consideration is to be given to infrastructure costs. - Any route requiring costly adaptations would be excluded unless a trunk road or Local Authority specifically wants to be included. <p>https://www.gov.uk/government/consultations/heavier-intermodal-freight-trial</p>	August 2021
<p>Alternative options</p> <ul style="list-style-type: none"> - Work continues to review and identify additional options to resolve concerns 	Ongoing

BACKGROUND

3.3 Cleveland Bridge was built in 1826, it spans the river Avon and is a Grade II* listed building. Situated within a congested area on the edge of the city centre, the bridge has two-way traffic movements and footpaths on each side of the carriageway.

- 3.4 Bath and North East Somerset Council (BANES) are the local Highway Authority responsible for the maintenance of the bridge. The bridge is designated as part of the Primary Route Network (PRN) as it forms part of a long distance north-south strategic route between the south coast and the M4, with the predominant flow being between the A36 and A46. The 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 country¹. The A4/A46 is also part of the Strategic Route Network (SRN). The SRN consists of roads owned by the Secretary of State for Transport, and operated on their behalf by the Highways Agency (HA), now known as Highways England (HE). HE acts as the highway authority². The A4/A36 through Bath fills a three mile gap in the SRN between the junction of the A4 and A46 north of the Avon and the A36 to the south. It 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.³
- 3.5 The bridge was in need of repair and as such there is currently a temporary Traffic Regulation Order restricting HGVs over 18 tonnes from using the bridge. This temporary traffic order was made in February 2020, due to the deterioration of the bridge.
- 3.6 £3.56m was secured from the Department for Transport for the refurbishment works which commenced on 4th May 2021. Once the refurbishment works are completed the temporary weight restriction will no longer apply and the route will continue to form part of the PRN and the SRN.
- 3.7 Previously in 2012, the Council put in place an experimental 18-tonne weight restriction on movements between Bathwick Street (on which Cleveland Bridge is located) and the A36 Beckford Road. Following an appeal to DfT by Wiltshire Council, Somerset County Council and Highways England, the DfT ruled that the Council's proposal was a breach of legislation as the Council had failed to secure the agreement of affected authorities. DfT concluded the appeal was valid and should be upheld. See Appendix 1.
- 3.8 The Department for Transport Statutory Guidance sets out the Local Authorities' responsibilities for the PRN and confirms that, although there has been a move towards giving local authorities more power to manage PRNs, the Secretary of State retains ultimate power. Any bodies that are required to manage the PRN, must do this in a managed way and must consult neighbouring authorities. The guidance is contained in full in Appendix 2, however the following passages are of particular relevance:

¹ Statutory Guidance on road classification and the primary route network - Published 13 March 2012

² Extract from 2012 Statutory Guidance as above

³ Letter from the Department For Transport to Bath and North East Somerset Council, 29 October 2012,

2.13 A primary route must work as a single entity, even though it will often cross a number of jurisdictions in the process. The aim of a primary route is to ensure that traffic has a clear path between two primary destinations. Significant changes should be agreed between all of the authorities responsible for managing the primary route, to ensure consistency. In some cases, this will include the Highways Agency.

2.15 Where an authority wishes to make a significant change to a primary route, they must consult the other highway authorities along the route about changes that may affect them. Where changes will have an impact on the SRN (directly or in terms of signing), or the network for the movement of abnormal loads, the authority should first consult the HA.

2.16 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.

2.27 The Secretary of State retains ultimate power over the PRN. In the case of disputes over the location of a primary route, affected parties may appeal to the Department for Transport for a ruling. This applies both to 12 *[sic]* local authorities concerned with the actions of their neighbours, and to members of the public who are concerned about an authority's decisions.

2.28 Where there is a dispute, the department will expect interested parties to attempt to reconcile the matter through discussion at a local level [.....]

2.32 The Secretary of State retains ultimate legal responsibility for the PRN. They may exercise these powers if an authority has managed or developed the PRN in its area to the significant detriment of road users or neighbouring authorities, or for other reasons of policy.

[edits and emphasis added]

3.9 It is clear from the above that the Secretary of State is ultimately responsible for the PRN and that any significant changes to the PRN must be agreed with affected neighbouring authorities.

3.10 Following the DfT 2012 decision, and in line with the Statutory Guidance, the Council has worked with Wiltshire Council and the Sub-Regional Transport Board (STB) Western Gateway to promote a strategic study into north-south connectivity between the M4 and the Dorset Coast with an aim of making the A350 the strategic route. The Joint Local Transport Plan includes the need for a study. The strategic study has been included in the Highways England Road Investment Strategy. The study commenced in early 2021 and Highways England are aiming to report the recommendations from the work to the Department of Transport and

stakeholders in late summer 2022. An extract is contained in Appendix 3. Of particular importance is the following passage:

- (1) “M4 to Dorset Coast – There are few north-south connections across the South West of England. The present strategic road for this area is a mixture of the A36 and A46, via Bath, Warminster and Salisbury. Local authorities in the area have suggested that there is a strategic case for adopting an alternative corridor – the A350 – as the main strategic route for the area; and then beginning a coordinated programme of upgrades to provide a high-quality route linking the M4 to the Dorset Coast including Bournemouth and Poole, with its economically-important port facilities. This raises a number of related questions, which are best considered together as part of a strategic study. We expect that this study will identify which corridor provides the main strategic route for the area; may recommend the trunking and detrunking of key routes; and may identify priority investments in the area that can be taken forward after the dualling of the A303/A358 is complete.”

ENVIRONMENTAL CONSIDERATIONS

3.11 Impacts upon environmental assets have been considered for both the existing route through Bath and the possible routes through Wiltshire.

- (1) There are a number of environmental designations along the existing HGV route, in particular at Cleveland Bridge itself, which is located in Bath’s Clean Air Zone and Air Quality Management Area (AQMA), as well as running directly through the central Bath World Heritage Site (WHS), and within a B&NES allocated Conservation Area. The existing route also runs in close proximity to a number of SSSIs, at locations along both the A36 and A46.
- (2) There are also several environmental designations present along the potentially alternative A363 route, which, notably, passes through Bradford-on-Avon AQMA, as well as over Bathford Bridge, a Scheduled Monument.
- (3) The A350 route runs in close proximity to several designations, such as Picket and Clanger Wood SSSI, which lies directly adjacent to the A350 and Green Lane Wood LNR, of which the A350 runs through. Notably, this route runs through the Westbury AQMA. Conversely, this route avoids conflicting with a number of designations that surround Bath, including the UNESCO World Heritage Site and the Cotswolds AONB. However, some investments and improvements, including the duelling of the section at Chippenham have been completed since 2012, improving the route overall.

- (4) In addition to the environmental designations mentioned, both existing and alternative routes pass directly through several residential areas, with sensitive noise and air quality receptors (residential receptors) in close proximity to the road network.
- (5) It is considered that the re-routing of HGVs could lead to potentially significant impacts on air quality, noise and ecological receptors along both alternative routes.

3.12 Wiltshire Council officers have been liaising with BANES officers since 2019 regarding the diversion route along the A350 for the bridge closure when repair work is being undertaken. This included signage for the temporary 18 tonne limit and signage for the diversion. Following the implementation of the Clean Air Zone, Wiltshire Council requested monitoring which Government has not approved. The local media has reported complaints from residents in Wiltshire of increased traffic and impact on their AQMA. In April 2021 Wiltshire Council notified BANES Council that they would no longer support the diversion route and would not give consent for their network to be used. Following the May elections this stance has not changed.

3.13 South Gloucestershire Council have raised concerns about increased traffic and the impact on their AQMA. They have given consent for the use of the M4 and ring road for the temporary diversion route. They have previously indicated that they would be concerned about traffic impact if BANES promoted a permanent 18 tonne weight restriction on Cleveland Bridge.

3.14 There are many sensitive environmental receptors both in Bath and in neighbouring authorities which would potentially be affected by the removal of HGVs from Cleveland Bridge. Therefore, it is important that the issue is addressed by taking a strategic and holistic approach.

UPDATE ON REPAIRS

3.15 WSP, the consultant appointed by the Council continue to undertake the work needed to repair the bridge. As part of the work programme, they have completed further detailed inspections of the structure of the bridge and this confirmed the extent of the defectives were worse than identified when engineers, using ropes to access the trusses, carried out a survey last year.

3.16 Accordingly, WSP have needed to continually update the repair information and have re-analysed each repair to establish which require full closure of the bridge. Dyer and Buttler continue with the concrete repairs and are assessing repairs options with an aim of reopening the bridge while the repairs continue.

3.17 As part of the next stage of the works and in line with the programme, on 13th September 2021 the water proofing of the deck will take place. This will be followed by the resurfacing works necessary to continue to return the bridge to an operational state.

4 STATUTORY CONSIDERATIONS

4.1 The relevant law and Statutory Guidance has been set out above.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

5.1 The current forward programme does not include a scheme for the implementation of a permanent weight restriction for Cleveland Bridge. If, contrary to the recommendation in this report, a permanent TRO were to be progressed then resources and funding would need to be allocated. The existing forward plan would also need to be adjusted to accommodate the additional works resulting in some existing planned works being delayed.

5.2 The Council's Medium Term Financial outlook currently forecasts a further revenue savings requirement of £13.1m for 2022/23 in order to set a balanced budget. Any costs associated with progressing a permanent weight limit or other mechanism would need to be developed on a cost neutral basis with additional revenue or capital costs being funded from within the approved budget for the Transport portfolio. Any unbudgeted costs will need to be considered as part of the budget process for 2022/23 and future years.

6 RISK MANAGEMENT

6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

7 EQUALITIES

7.1 It is considered that continuing to progress the strategic study and discussions with central and local government is the most effective way of addressing the environmental effects of HGVs using Cleveland Bridge. It is considered that this option does not give rise to any adverse equalities impacts, or result in a breach of the Human Rights Act 1998.

8 CLIMATE CHANGE

8.1 Progressing the strategic study and regional discussions also presents an opportunity to examine how the sustainability of the local road network might be improved, in line with the Council's declaration of a Climate Emergency.

9 OTHER OPTIONS CONSIDERED

9.1 The only other option identified is to take no further action. However, this option has been discounted because it is clear that the current traffic

situation on Cleveland Bridge is a significant environmental issue which must be tackled in the most effective way possible.

10 CONSULTATION

10.1 This report has been agreed by the S151 Officer and Monitoring Officer.

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Background papers	
Please contact the report author if you need to access this report in an alternative format	