

# Traffic Regulation Order Report:

## No Entry – Cheltenham Road East/Pirton Lane, Cheltenham

Version 1 – July 2025

Revision	Description	Author	Contributor
1	First Issue	HBL	

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## **Traffic Regulation Order Title:**

### **GLOUCESTERSHIRE COUNTY COUNCIL (NO ENTRY) (B4063 CHELTENHAM ROAD EAST/PIRTON LANE) (TEWKESBURY BOROUGH) ORDER 2024**

**Case Officer: Craig Williams, Principal Engineer, Waterman Aspen on behalf of Gloucestershire County Council.**

**Senior Case Officer: Hannah Bassett-Louis, TRO Manager, Gloucestershire County Council.**

#### **1. Purpose of Report**

- 1.1. To provide background information on the proposed Traffic Regulation Order (TRO) entitled above.
- 1.2. To provide details of representations made in relation to the TRO along with Officer responses.
- 1.3. To make a recommendation to the Traffic & Active Travel Manager on the way forward.

#### **2. Recommendation**

That, for the reasons given in this report and after consideration of the representations made, Gloucestershire County Council (GCC) now:

- Makes the TRO as advertised in February/March 2024.

#### **3. Background and Purpose of the Scheme**

- 3.1. GCC has been making improvements to the pedestrian and cycle facilities along the B4063 between Gloucester and Cheltenham. GCC is committed to providing a high quality, sustainable travel route which has significant potential for more journeys to be made by foot, bike and public transport.
- 3.2. By supporting local people to walk, wheel and take public transport for more journeys it is hoped this will help reduce congestion in the longer term as well as reducing the negative impacts motor traffic has on local residents.
- 3.3. As the improvement scheme aims to encourage the use of more sustainable modes of transport in line with the Gloucestershire Local Transport Plan 2020-2041 where greater priority is given to the movement of pedestrians, cyclists and public transport, the existing bus stop outside the ESSO garage on the B4063 Cheltenham Road East needs to be relocated to allow provision of an off-carriageway cycle track on the northern side of the junction, a salient component of the active travel scheme. The current bus stop is of poor standard and is situated in a constrained location with multiple points of conflict between different road users.
- 3.4. This section of the B4063 Cheltenham Road East is on a very busy bus route with the No.94 service operating at 10 minute intervals during the daytime. It has also been revealed that this bus stop is designated as a timed stop (which can have up to 10mins

wait times), which allows buses to lose time if they are ahead of timetable. If the bus stop was to remain outside the ESSO garage, this timed stop would cause the B4063 Cheltenham Road East/Pirton Lane junction to be blocked if a bus did stop for a longer period of time.

- 3.5. The bus stop is used by children from the local school Northwest of the B4063 Cheltenham Road East/Pirton Lane junction and during peak school times means the bus could be stopped for several minutes to pick up and drop off the school children.
- 3.6. Several different locations were considered to move the bus stop to within 100m of the original bus stop, however, due to Stagecoach operating EDL E400 10.9m double decker and 12m single decker busses in Gloucestershire, the close proximity of private driveways along Cheltenham Road East meant that no suitable location could be identified. This is because both bus types would overhang the gap between individual driveways rendering at least one driveway inaccessible during the bus pick up and drop offs.
- 3.7. It was also looked at taking the buses off the B4063 Cheltenham Road East to a new stop located in the land between Dancey Road and the B4063, but this would have meant busses crossing the busy B4063 both to enter and exit the bus stop. This was rejected under safety grounds.
- 3.8. Diversion of the bus route down St John Avenue was considered, but this was rejected due to the additional time it would add onto bus journeys and would take the bus route too far off commuter desire lines. The current location of the bus stop outside the Esso garage has been identified as optimum for a timed stop and works extremely well for the local school.
- 3.9. Removal of the right turn into Pirton Lane from B4063 Cheltenham Road East was also explored, however, this was rejected due to the high number of vehicles that currently carry out this manoeuvre which would result in a loss of vehicle route for the local community.
- 3.10. The only suitable location that was identified was to move the bus stop to the westside of the B4063 Cheltenham Road East/Pirton Lane junction, where the footway is extremely wide. This space allows for an off-carriageway bus stop clearway with its own traffic signal phase to allow local buses to pull in from the B4063 Cheltenham Road East side and leave onto the Pirton Lane side. This would also allow for buses to wait if they needed to without blocking the main carriageway. The overarching scheme aims to improve this whole junction interface by introducing new traffic light signals integrated with improved signalised pedestrian crossings whilst providing better visibility for all road users and providing a safer junction that keeps congestion and queuing at a minimum. There is enough space to ensure the two adjacent properties' driveways are not impeded and would not fall within the extent of the No Entry restrictions, allowing them free entry and exit from their driveways. The bus stop clearway will, however, prohibit waiting, stopping and parking on the footway adjacent to it so that no vehicles block entry and exit of the bus stop.

## **4. Law and Policy**

- 4.1. In making a TRO, GCC must follow the statutory consultation procedures set out in the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996 (the Regulations). The Regulations prescribe inter alia, specific publication, consultation and notification requirements that must be strictly followed.
- 4.2. The Road Traffic Regulation Act 1984 (RTRA) sets out the legal basis for making TROs. The proposal meets with Section 1 of the RTRA which allows GCC to make a TRO to:
- avoid danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising; and
  - for facilitating the passage on the road or any other road of any class of traffic (including pedestrians).
- 4.3. Thorough consideration has been given to the factors set out in Section 122 of the RTRA in proposing this TRO. This requires the local authority to secure the expeditious, convenient, and safe movement of traffic (including pedestrians). In carrying out this exercise GCC must have regard to the:
- a) Desirability of securing and maintaining reasonable access to premises.
  - b) The effect on the amenities of any locality effected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the road(s) run.
  - c) The strategy prepared under Section 80 of the Environment Act 1995 (the national air quality strategy).
  - d) The importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles.
  - e) Any other matters appearing to the local authority to be relevant
- 4.4. GCC is required to consult with statutory consultees as set out in the Regulations and advertise the draft TRO it intends to make, to allow a period for representations of support or objection to be submitted. After this consultation, GCC must duly consider any representations received and having done so, to either:
- a) Resolve to make a TRO in the form originally intended and advertised; or
  - b) Modify the TRO from the originally advertised and re-consult where necessary; or
  - c) Abandon the proposal altogether.
- 4.5. Significant modifications to the proposed TRO would need to be consulted on in accordance with the Regulations, with those that maybe affected to provide further opportunity for representations to be made.
- 4.6. Traffic Authorities have the flexibility to implement restrictions that are appropriate for an individual road, reflecting safety and road user needs whilst taking into account all local considerations.

## **5. Consultation on the proposed TRO**

- 5.1. Residents and businesses directly affected by the proposals were informally consulted by the GCC Major Projects Team during their design phase of the cycle scheme and during their efforts to find suitable alternative bus stop locations.

- 5.2. Statutory consultation was undertaken between 20<sup>th</sup> February and 15<sup>th</sup> March 2024. An email was sent to the Statutory Consultees attaching all of the proposal documents. Consultees were able to respond via email or post.
- 5.3. Formal public consultation (Notice of Proposal) was undertaken between 22<sup>nd</sup> February and 15<sup>th</sup> March 2024 with Notices placed on site, in the local newspaper (Gloucestershire Citizen/Echo), on GCC's website and on deposit at Shire Hall and Tewkesbury Borough Council Offices (see Appendix A). A letter was also sent to the two properties directly affected by the proposed new bus stop location (see Appendix B).

## 6. Representations

- 6.1. 1 response was received to the statutory consultation.
- 6.2. 5 objections were received to the formal public consultation.
- 6.3. Following the conclusion of the formal public consultation, all those that made a representation were provided with a response.
- 6.4. The Statutory Consultees responded as follows:

Name	Comments
County Councillor	No response received
Borough Council	No response received
Freight Haulage Association	No response received
Road Haulage Association	No response received
Police	<p>Raised a concern that the signal phase solely for the bus stop may not be clear to vehicles entering and exiting the garage forecourt and may cause confusion when the Cheltenham Road traffic is held.</p> <p><b>GCC Officer response: The junction is designed so that the Bus phase signals would only show a green when a bus is present and waiting to come out. This means that the bus would normally obscure the signals for traffic on B4063.</b></p> <p><b>The only time this would be seen is if a car was to mistakenly enter the bus stop or if the junction was in fault. I would say that this should be a low occurrence event and therefore the significance of the risk of confusion would be reduced.</b></p> <p><b>If during commissioning, this is shown to be a significant issue, other solutions such as tunnel hoods or louvres for the bus signals could be deployed.</b></p>
Fire & Rescue	No response received
Ambulance Service	No response received
Local Highway Manager	No response received

## 7. Details of Representations and Case Officer's Response

- 7.1 The first four objections incorrectly referred to GCC's plans to restrict traffic travelling on the B4063 from turning right into Pirton Lane, Churchdown. Concerned about gridlock, displacement and chaos and questioned the need to move the existing bus stop in the first place. **The proposals do not include removing the right hand turn onto Pirton Lane but relate to a No Entry restriction on entering a new bus stop to be positioned off the main carriageway at this location. The current bus stop located at the petrol station is of poor standard and is situated in a constrained location with multiple points of conflict between different road users. It is also amongst the most heavily used on the B4063 corridor and considered a key location for bus operators due to the strategic location allowing the residents of Churchdown to access the main bus route between Gloucester and Cheltenham. Additionally, the bus stop is used by children attending the local schools and during peak school times buses may be stopped for several minutes.**

**The proposal aims to improve the whole junction interface by introducing new traffic light signals integrated with improved signalised pedestrian crossings. This will provide better visibility for all road users and a safer junction that keeps congestion and queuing at a minimum.**

- 7.2 Another theme of objection was regarding the traffic lights being re-installed on the Hare and Hounds/Parton Road junction. Concerns that traffic will increase and cause a bottleneck. Would prefer the mini roundabout system to remain. **The double mini roundabouts were introduced at the Hare & Hounds/ Parton Road junction as a temporary traffic management measure to ensure traffic flow whilst construction works were in progress. This is because temporary traffic lights needed to build the scheme do not work very effectively right next to permanent signals. Therefore, the mini roundabouts were proposed as a way of avoiding this conflict. The replacement traffic signals at both this and the Pirton Lane junction are designed to adapt to changing traffic conditions allowing for a more responsive system to optimise the flow of traffic and reduce congestion.**
- 7.3 The fifth objection is from a local resident who opposes a bus stop and shelter being built on the footway outside their property and claim they have a full legal easement for vehicular access and parking on this land. They dispute that GCC hold any overriding highway rights across the footway and claim they have an easement by both Implied Grant and Prescription across the footway due to three dropped kerbs being in situ. They claim to have appointed a Solicitor to fight their case and action litigation proceedings should contractors start any works here. They are concerned about the 24/7 people traffic, noise and vibration of buses braking and accelerating which could decrease the value of their property, invade their privacy and quality of life as well as breaching the peace. They are also concerned about the busy nature of the junction and safety risks associated with poor driver and pedestrian visibility. An alternative location was suggested up the road at the 'Tesco Car Park' dirt-verge embankment which is only 2 minute walk or 160 metres away where there is plenty of space and it will not block or interfere with any private residential homes or degrade the lives of citizens. Plus remove the existing bus stop at the Hare and Hounds along Cheltenham Road East as it is not required. **I note that you refer to a conveyance, easements and deed documents, however, it seems as though only part-copies have been supplied. The GCC Legal Team have said that there is nothing in the part-copy documents that you have sent us to evidence that you have a full legal easement to drive and park on the land edged in blue to which you refer. As GCC do have Highway Records showing this land as having an overriding public highway interest, the burden of proof is on yourself to provide evidence to the contrary.**

**If you could send me full copies of those documents, especially the 1933 Conveyance,**

**it will help when duly considering your objection to the bus stop restriction. Alternatively, you could supply me with your Solicitor's details and I can refer this matter to the GCC Legal Team to liaise with them accordingly.**

Our solicitors have advised that they will be in contact with you the minute your contractors interfere with our legal easement as conveyed in my previous correspondence. We have been advised that land law litigation is complex and lengthy. Litigation cost's to us, have been estimated in the region of £150,000-£200,000 which we have in place and will vehemently fight your decision to the last penny in order to protect our rights, families and homes. Our substantial legal cost's may only be reclaimed from yourselves at the discretion of the court, so can only be recovered once you interfere with our legal easement and legal action/court case is started. For this reason we will not be commencing with the litigation proceedings until your contractors actually interfere with our easement. **Unfortunately your response does not include any detailed answers to my questions. I, therefore, ask that you:**

- 1. Provide me with copies of any conveyance, easements and deed documents you have to evidence the easement to which you refer. If you are unable to copy these yourself, please arrange to bring the documents into Shire Hall and I will copy them for you.**
- 2. Supply me with your Solicitor's details if you wish the GCC legal Team to liaise with them direct.**

**The TRO proposal does give you a right of access to your off-street parking facility within the boundary of your property only, it does not give you access to drive or park over any other part of the public highway.**

**Please could you supply me with the requested documents by 7th May 2024. If these are not forthcoming then your objection will be considered invalid based on the highway records that GCC have on file and lack of evidence to the contrary. Any court proceedings will be able to see that GCC have tried engaging with you and have given you a reasonable amount of time to provide copies of the documents on which you are relying.**

You write, that if the requested copies of documents are not forthcoming by 7th May 2024, our 'objection will be considered invalid'. Please be advised that the easement has been created by 'prescription' under the Prescription Act 1832. The law under the 'Prescription Act' presumes that the right was lawfully granted, therefore we are not required to send you 'copies of documentation' as per your request. The easement has occurred due to us using this parcel of land, openly, regularly, and continuously without permission, for the purpose of safely accessing our driveways for over 40 years. Please be advised that substantial interference with our enjoyment of the easement will leave us with no option but to vehemently defend via litigation.

- 7.4 Legal advice was sought from GCC Legal Services as well as Highway Records. **Legal Services confirmed that as GCC are not stopping the property owner from exercising their right to cross the public footway to access their off-street driveway, then the Prescription Act is not relevant.**

**Highway Records confirmed that without further information as to any specifics of a private easement, the 1934 dedication would have taken the land into the publicly maintainable highway. Consequently, that 1934 dedication as publicly maintainable highway would then give the usual 'right' for access across that dedicated land to get to their property. However, that 'right' would be no more than the general right of crossing a verge between the carriageway and land within a persons' title. This right is not being affected by this TRO proposal.**

**Anything different would need to be proved by the property owner.**

**Legal Services wrote to the property owner one last time asking for proof/evidence of**

**any private easements but the property owner failed to respond. They also failed to supply their solicitors details to allow them to discuss the situation. The legal advice was, therefore, to override the objection and proceed with the TRO process.**

## **8. Due Regard**

- 8.1. GCC has had due regard to the 3 aims of the general equality duty under the Equalities Act 2010 in relation to the 9 groups (Age, Disability, Sex, Race, Gender reassignment, Marriage and Civil partnership, Pregnancy & Maternity, Religion and/or Belief and Sexual orientation, along with other groups (such as long term unemployed, socio-economical deprived groups, community cohesion, human rights)) with protected characteristics and its decision to propose this TRO does not adversely affect any of the groups with those protected characteristics (please see Due Regard Statement in Appendix C).

## **9. Summary**

- 9.1. GCC has been making improvements to the pedestrian and cycle facilities along the B4063 between Gloucester and Cheltenham and is committed to providing a high quality, sustainable travel route which has significant potential for more journeys to be made by foot, bike and public transport.
- 9.2. As the improvement scheme aims to encourage the use of more sustainable modes of transport in line with the Gloucestershire Local Transport Plan 2020-2041 where greater priority is given to the movement of pedestrians, cyclists and public transport, the existing bus stop outside the ESSO garage on the B4063 Cheltenham Road East needs to be relocated to allow provision of an off-carriageway cycle track on the northern side of the junction, a salient component of the active travel scheme. The current bus stop is of poor standard and is situated in a constrained location with multiple points of conflict between different road users.
- 9.3. This section of the B4063 Cheltenham Road East is on a very busy bus route with the No.94 service operating at 10 minute intervals during the daytime. It has also been revealed that this bus stop is designated as a timed stop (which can have up to 10mins wait times), which allows buses to lose time if they are ahead of timetable. If the bus stop was to remain outside the ESSO garage, this timed stop would cause the B4063 Cheltenham Road East/Pirton Lane junction to be blocked if a bus did stop for a longer period of time.
- 9.4. The bus stop is used by children from the local school Northwest of the B4063 Cheltenham Road East/Pirton Lane junction and during peak school times means the bus could be stopped for several minutes to pick up and drop off the school children.
- 9.5. Several different locations were considered to move the bus stop along Cheltenham Road East or onto nearby roads but no suitable location could be identified for various reasons.
- 9.6. Removal of the right turn into Pirton Lane from B4063 Cheltenham Road East was also explored, however, this was rejected due to the high number of vehicles that currently carry out this manoeuvre which would result in a loss of vehicle route for the local community.

- 9.7. The only suitable location that was identified was to move the bus stop to the westside of the B4063 Cheltenham Road East/Pirton Lane junction, where the footway is extremely wide. This space allows for an off-carriageway bus stop clearway with its own traffic signal phase to allow local buses to pull in from the B4063 Cheltenham Road East side and leave onto the Pirton Lane side. This would also allow for buses to wait if they needed to without blocking the main carriageway. The overarching scheme aims to improve this whole junction interface by introducing new traffic light signals integrated with improved signalised pedestrian crossings whilst providing better visibility for all road users and providing a safer junction that keeps congestion and queuing at a minimum. There is enough space to ensure the two adjacent properties' driveways are not impeded and would not fall within the extent of the No Entry restrictions, allowing them free entry and exit from their driveways. The bus stop clearway will, however, prohibit waiting, stopping and parking on the footway adjacent to it so that no vehicles block entry and exit of the bus stop.
- 9.8. 6 representations were received during the Statutory Consultation and the Formal Public Consultation process with regards to the proposed TRO. 5 were objecting to the proposal, 4 of which were invalid due to misunderstanding the proposals. 1 objection remained upheld.
- 9.9. All representations have been outlined and responded to within this report in sections 6 & 7 in alignment with GCC's duty under the Regulations.
- 9.10. In considering the assessment under Section 122 of the Road Traffic Regulation Act 1984, the proposed TRO meets GCC's obligations in that it would ensure the expeditious, convenient, and safe movement of vehicular and other traffic, including pedestrians and cyclists.

## **10. View of the Case Officer**

- 10.1. This report demonstrates that the introduction of the TRO is consistent with National Guidance and has been fully consulted upon in accordance with GCC procedures and followed necessary statutory procedures, as set out in the Regulations.
- 10.2. A total of 6 representations were received during the Statutory Consultation and Formal Public Consultation process. All representations have been responded to with justifications and included in this report.
- 10.3. It is considered that the proposed TRO meets GCC's objectives and therefore, it would be beneficial that the TRO be made as advertised in February/March 2024.


## **11. Recommendation by the Senior Case Officer**

- 11.1 I am satisfied that the TRO has been correctly advertised and consulted upon in accordance with the Road Traffic Regulation Act 1984 and the procedures laid down in that Act.
- 11.2 The necessary statutory procedures as set out in the Local Authorities' Traffic Orders (Procedure) (England & Wales) Regulations 1996 have been followed, and guidance, including LTN1/20 and the Traffic Signs Regulations and General Directions 2016 have been considered.

- 11.3 Although 6 representations to the TRO have been received, I am satisfied that they have been duly considered and responded to and that a balance has been drawn between any objections, improvements to public health and safety of all road users.
- 11.4 After considering all background information and representations supplied in this report, I recommend that the 1 upheld formal objection is considered as minor in nature. The objector was given plenty of opportunity to provide relevant documents to evidence their claims and supply details of their solicitor. Legal Services advice was sought and approved to proceed with the TRO.
- 11.5 I recommend that the TRO is made permanent as originally advertised, under delegated authority.

## **12. Decision By the Traffic & Active Travel Manager**

- 12.1 I have considered the report, recommendations and whether to hold a Traffic Regulation Committee. I have also considered all the representations that we have received in relation to this matter in making my decision. I have decided that Gloucestershire County Council should:
- Make the TRO as advertised.
- 12.2 As a result of the above I give authorisation for the Assistant Director of Legal Services to act on my decision pursuant to delegations approved in accordance with the Local Government Act 1972 and subsequent legislation.

Signed: 

**Nathaniel Davis**

**Traffic & Active Travel Manager**

Date: 22/07/2025

## **Appendices**

**Appendix A** – Formal Public Consultation Documents

**Appendix B** – Letter sent to directly affected residents

**Appendix C** – Statement of Due Regard