

Record of officer decision

Decision title:	OBJECTION REPORT INTRODUCTION OF RESIDENT PERMIT HOLDER PARKING PLACES ONLY AND WAITING RESTRICTIONS ON LICHFIELD AVENUE AND SURROUNDING JUNCTIONS, HEREFORD.
Date of decision:	26 October 2020
Decision maker:	Acting Assistant Director Highways and Transport / Head of Infrastructure Delivery
Authority for delegated decision:	Economy and Place Scheme of Delegation 15 October 2020, section 75.
Ward:	Eign Hill
Consultation:	<p>A resident's consultation was undertaken for the proposed implementation of 'Limited Waiting' restrictions and 'No Waiting at Any Time' restrictions from 23rd July 2019 to 12th August 2019. The result of the consultation was that the majority of residents wanted Resident Permit Holder Parking Bays to be implemented alongside Waiting restrictions due to concerns with non-resident parking on Lichfield Avenue.</p> <p>Following a meeting between then Acting Assistant Director for Highways and Transportation, the Cabinet Member for Infrastructure and Transport and the Ward Councillor, it was agreed to take forward the request for residents parking restrictions.</p> <p>Following a discussion between officers, a new scheme was designed to incorporate Resident Permit Holder Parking Bays (see Appendix A) and it was agreed that a second residents' consultation should be undertaken to reflect this. This consultation ran from 17th October 2019 to 7th November 2019 and resulted in overwhelming support for the proposals. As the new proposals would alter the existing restrictions in place on Lichfield Avenue in the vicinity of its junction with Ledbury Road, a third small residents' consultation was undertaken from 21st November 2019 to 5th December 2019 during which no objections were raised.</p> <p>An Initial Statutory Consultation was undertaken from 6th December 2019 to 26th December 2019 whereby an initial consultation letter and proposal plan was sent to all Statutory Consultees. During this process, no objections were raised.</p> <p>A Formal Consultation process followed this allowing the general public and Statutory Consultees to issue comments/concerns from 8th July 2020 to 7th August 2020 which raised 22 objections (21%), 9 impartial or partially supportive comments (8%) and 74 messages of support (71%) out of a total of 105 responses. A summary of the Formal Consultation responses is included as Appendix G and the responses from the Statutory Consultees are summarised briefly below.</p> <p>Ward Councillor – Has been made aware of the objections and given the opportunity to comment upon them. They have resolved to issue their full support for the proposals.</p> <p>Hereford City Parish Council – Has been made aware of the objections and given the opportunity to comment upon them. They have resolved to issue their full support for the proposals.</p>

	<p>Traffic Management Advisor, West Mercia Police Road Safety Team – Offered no objections to the proposals. Hereford and Worcester Fire and Rescue Service – Issued no response to the consultation.</p> <p>Road Haulage Association – Issued no response to the consultation.</p> <p>Freight Transport Association – Offered no objections to the proposal.</p> <p>West Midlands Ambulance Service – Issued no response to the consultation.</p> <p>Appendix G contains a summary of the responses received during the Formal Consultation Process.</p>
<p>Decision made:</p>	<p>Consideration has been given to the receipt of multiple objections arising from the formal notice of proposal for the above titled order. Notwithstanding the receipt of these objections, for the reasons as set out below, it is recommended that a new Traffic Regulation Order be implemented as proposed in the Notice of Proposal, the effect of which will be to introduce Resident Permit Holder Parking Places Only and Waiting Restrictions on Lichfield Avenue and surrounding junctions. A Schedule containing the full extents of the proposed restrictions is included as Appendix B.</p>
<p>Reasons for decision:</p>	<p>To consider the comments and objections received from multiple consultees, in relation to the advertisement of the council’s proposal to introduce the following Traffic Regulation Order: THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL HEREFORD RESIDENTS PARKING ORDER 2019 (AMENDMENT NO.1) ORDER 2020. This report regards the proposals for Lichfield Avenue and the surrounding junctions only. The extents of the proposed restrictions, as advertised, are shown in drawing 3409-69 as Appendix A.</p>
<p>Highlight any associated risks/finance/legal/equality considerations:</p>	<p>Community Impact The recommendation to introduce ‘No Waiting at Any Time’ (Double Yellow Lines), ‘Limited Waiting Monday to Friday 08:00-17:00’ (Signal Yellow Lines) and ‘Permit Holder Only’ parking bay restrictions on Lichfield Avenue and surrounding junctions will enable to the local bus service to pass down the Avenue safely and without facing obstacles.</p> <p>In addition, the restrictions will prevent inappropriate parking in the vicinity of the various junctions, provide safe and convenient navigation along the road for all vehicles passing on these junctions and provide parking for residents in the vicinity of their homes.</p> <p>Overall, the recommendation would have a positive impact on the local community for the reasons outlined above.</p> <p>Environmental Impact Herefordshire Council provides and purchases a wide range of services for the people of Herefordshire. Together with partner organisations in the private, public, and voluntary sectors we share a strong commitment to improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Herefordshire’s outstanding natural environment.</p> <p>The development of this project will seek to minimise any adverse environmental impact and will actively seek opportunities to improve and enhance environmental performance. Furthermore, the scheme will improve road safety and amenity making it more inviting for pedestrians and cyclists</p>

who will have to face less obstacles when navigating the roads. The proposals will therefore encourage local active travel.

Therefore, the adoption of the proposals will not be detrimental to the Council's environmental policy commitments and aligns to the success measures in the County Plan.

Equality Duty

The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

The recommendation to progress with the proposed introduce 'No Waiting at Any Time' (Double Yellow Lines), 'Limited Waiting Monday to Friday 08:00-17:00' (Signal Yellow Lines) and 'Permit Holder Only' parking bay restrictions on Lichfield Avenue and surrounding junctions is considered to be low impact with regards to equality. The restrictions aim to improve road amenity and safety, and the ability of residents to park near to their homes. Thus, the proposals pay regard to the council's duty according to the Equality Act 2010 as set out below.

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Any impact as a result of the scheme will be equal to all parties.

See Appendix H of this report for Equality Impacts and Needs Assessment (EINA).

Resource Implications

Budgets are managed by Balfour Beatty Living Places on behalf of Herefordshire County Council. The cost of the implementation of the new restrictions on Lichfield Avenue and its surrounding junctions is approximately £10,000. This includes costs for statutory consultation, preparing and making the TRO, signage, road markings and advertising. This cost has been identified from the existing TRO budget and Annual Plan.

Legal Implications

The making of a new TRO under Part 1, Sections 1, 2, 3, 4, 32, 35, 45, 46, 49 and 51 and Part 4 of Schedule 9 to the Road Traffic Regulation Act 1984 will be required.

Regulation 8 of Part 2 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 ("the 1996 Regulations") states that the Council, as Highway Authority, is required to consider any objections

received after formal statutory consultation which includes advertising in a local newspaper.. The Council will need to consider all of the comments received in making its decision and finalising the proposals.

The Council has discretion to amend its original proposals if considered desirable, whether or not in the light of any objections or comments received, as a result of such statutory consultation. If any objections received are accepted, in part or whole, and/or a decision is made to modify the original proposals, if such a modification is considered to be substantial, then steps must be taken for those affected by the proposed modifications to be further consulted.

Although objections to the proposed order have been received the Council does not consider it necessary to hold a public inquiry. There are no circumstances in this case which require that the Council must hold a public inquiry. These are that the effect of the order would be to prohibit the loading or unloading of vehicles of any class in a road on any day of the week at all times and where the effect of the order is to prohibit or restrict the passage of public service vehicles along a road. In both cases an objection must have been made to the making of the order and has not been withdrawn.

The order must be made within two years of the publication formal notice of proposals. After the order has been made a notice that the order has been made must be published in a newspaper circulating in the locality of the land which is affected by the order. The order cannot come into force before the notice is published. The Council must also notify any person who has objected to the making of the order and this notice must also include the reasons for its decision to make the order.

There is a 6 week time limit to challenge the making of the order which runs from the date the order is made.

Risk Management

The Local Transport Plan sets out to reduce the number and severity of casualties on the highway network in Herefordshire and provide a highway network that is safe and efficient. A Key Performance Indicator is contained in this Local Transport Plan and details a locally set target for a reduction in fatal or serious injuries on the highway network. The adoption of the recommendations in this report would contribute to these objectives in the Local Transport Plan as they would make it less dangerous to navigate this stretch of the road with particular regard to the local bus service and safety at the various junctions.

It is important for safety, fairness and their effectiveness that parking restrictions are imposed appropriately having regard to the type of factors considered in this report. Parking restrictions should only be considered where inconsiderate parking is causing a safety concern and where there is a more convenient place for the parked vehicle to migrate to. This is the case on Lichfield Avenue.

There is a risk that some parking could migrate to surrounding side roads off Lichfield Avenue, including the B4224. A meeting has been held with the Ward Councillor where this risk of migration was explained. During discussions with the Ward Councillor it was emphasised that if further parking controls are requested for adjoining roads as a consequence of implementing measures in Lichfield Avenue then such requests will have to be entered into the annual

	update of the prioritised TRO waiting list. The Cabinet Member for Infrastructure and Transport has also been made aware of this risk and has asked that the scheme be progressed.
Details of any alternative options considered and rejected:	<p>Not to implement any restrictions on Lichfield Avenue – This would be in direct opposition to the desires conveyed by residents on Lichfield Avenue throughout the consultation processes who expressed a strong desire for residents parking bays to be included as part of this scheme. This would also fail to improve road safety and amenity at the various junctions in alignment with sections 1 and 122 of the Road Traffic Regulation Act 1984. It would also mean that the Highway Code Rules 242 and 243 are would continue not to be adhered to. Further, this would ignore the existing issue regarding the local bus service being unable to safely navigate Lichfield Avenue and be in direct opposition to the desires of the Ward Councillor.</p> <p>To implement Waiting Restrictions on the surrounding side roads – Whilst there is a small risk that existing non-resident parking may migrate to the surrounding side roads, this is not recommended. Extensive consultation has taken place showing only a very small number of objections from residents of these roads. Additionally, the Ward Councillor has expressed a desire to continue with the scheme as per the proposals outlined in Appendix A. If further parking controls are requested for adjoining roads as a consequence of implementing measures in Lichfield Avenue, then such requests will have to be entered into the annual update of the prioritised TRO waiting list.</p>
Details of any declarations of interest made:	

I am an officer delegated to make the decision

Signed:

Print Name: Mairead Lane

Job Title: Assistant Director Highways & Transport /
Head of Infrastructure Delivery