

Record of officer decision

Decision title:	PROPOSED TRAFFIC REGULATION ORDER TO IMPLEMENT A NO WAITING AT ANY TIME (DOUBLE YELLOW LINE) RESTRICTIONS AT AMYAND DRIVE, HEREFORDSHIRE.
Date of decision:	15 October 2020
Decision maker:	Acting Assistant Director Highways and Transport / Head of Infrastructure and Delivery
Authority for delegated decision:	<p>Directorate scheme of delegation: updated 15 October 2020 Directorate: Economy and Place, section 75.</p> <p>To act on behalf of the council in respect of the legislation specified in the foregoing:</p> <p>Traffic Management Act 2004, Road Traffic Act 1988, Cycle Tracks Act 1984, Highways Act 1980, National Parks and Access to the Countryside Act 1948, New Roads and Street Works Act 1991 Road Traffic Regulation Act 1984, Town and Country Planning Act 1990, Town Police Clauses Act 1847, Traffic Calming Act 1992 Wildlife and Countryside Act 1981</p>
Ward:	Whitecross
Consultation:	<p>Consultees</p> <p>An Initial Consultation process was undertaken with statutory consultees from 16th April 2020 to 7th May 2020 outlining the proposals found in drawing 3409-71 in Appendix A to this report. The responses received are summarised below.</p> <p>Ward Councillor Dave Boulter – Following a further meeting in July 2020, Councillor Boulter issued full support for the proposals based upon the understanding that the situation on Amyand Drive will be monitored over 12 months after the scheme is implemented.</p> <p>Hereford City Parish Council – Fully support the proposals.</p> <p>The Traffic Management Advisor for West Mercia Police Road Safety – Offered no objections to the proposals.</p> <p>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 – Issued no response to the consultation.</p> <p>West Midlands Ambulance Service – Issued no response to the consultation.</p> <p>The Cabinet Member for Infrastructure and Transport has issued their support for the proposals.</p> <p>A log of the responses received during the Initial Consultation is included as Appendix E.</p>
Decision made:	<p>THAT:</p> <p>Subject to the consideration of the receipt of any objections arising from</p>

	<p>the formal notice of proposal a new Traffic Regulation Order, (TRO) will be introduced under Sections 1 and 2 of the Road Traffic Regulation Act 1984 the effect of which will be to introduce No Waiting at Any Time (Double Yellow Line) restrictions on the following stretches of road;</p> <p>Amyand Drive (Western Side)</p> <ul style="list-style-type: none"> • From its junction with Whitecross Road for a distance of 14m in a south-westerly direction • From a point 33m south-west of its junction with Whitecross Road for a distance of 8m in a south-westerly direction • From a point 52m south-west of its junction with Whitecross Road for a distance of 12m in a south-westerly direction <p>Amyand Drive (Eastern Side)</p> <ul style="list-style-type: none"> • From its junction with Whitecross Road for a distance of 68m in a south-westerly direction <p>Whitecross Road (South-Western Side)</p> <ul style="list-style-type: none"> • From its junction with Amyand Drive for a distance of 10m in a south-easterly direction • From its junction with Amyand Drive for a distance of 12m in a north-westerly direction
<p>Reasons for decision:</p>	<p>To consider the recommendation to introduce No Waiting at Any Time (Double Yellow Line) restrictions at Amyand Drive, Herefordshire.</p> <p>The extents of the proposed restriction are set out in detail in Recommendations below and shown on drawing 3409-71 in Appendix A.</p>
<p>Highlight any associated risks/finance/legal/equality considerations:</p>	<p>Community Impact</p> <p>The recommendation to introduce No Waiting at Any Time (Double Yellow Line) restrictions on Amyand Drive would have a positive impact on the immediate local community.</p> <p>The proposals aim to improve road safety and amenity and to ensure the expeditious, convenient, and safe movement of traffic in alignment with Sections 1 and 122 of the Road Traffic Regulation Act 1984.</p> <p>Environmental Impact</p> <p>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. The adoption of the proposals will not be detrimental to the council's <u>environmental policy commitments</u> and aligns to the success measures in the County Plan.</p>

Equality Duty

The recommendation to implement No Waiting at Any Time (Double Yellow Line) restrictions on Amyand Drive is considered to have a low impact with regards to equality. 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;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

See Appendix D of this report for Equality Impact and Needs Assessments (EINA).

Resource Implications

Budgets for changes to speed limits are managed by Balfour Beatty Living Places on behalf of Herefordshire Council. The estimated cost for the implementation of the proposals is approximately £8000. This includes costs for statutory consultation, preparing and making a new TRO. This cost has been identified from existing budgets.

Legal Implications

The making of a TRO under Sections 1 and 2 of 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) and a subsequent report will include any such objections or comments, for consideration. 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 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.

The Council will need to ensure that they have followed procedures correctly and that there is reasoned justification for making the TRO, otherwise if a TRO has been made unreasonably the decision can be challenged by way of judicial review in the High Court.

The Council has not received any objections to the proposals at the initial consultation with local residents. It can therefore proceed with

	<p>the order. If there are no objections received following the formal consultation the Council will be able to proceed with the order. Before the Order can be made it will need to be publicised in accordance with the requirements of regulation 7 of the 1996 Regulations. This includes publication of a notice of the proposals in a newspaper circulating in the locality of the area where the road which is the subject of the order is located.</p> <p>Risk Management</p> <p>The Local Transport Plan sets out the objective to reduce the number and severity of casualties on the highway network in Herefordshire and provide a highway network that is safe and efficient considering national guidelines. A Key Performance Indicator is contained in this Local Transport Plan and details a locally set target for a reduction in people who are killed or seriously injured on the highway network. The adoption of the recommendations in this report would contribute to these objectives in the Local Transport Plan.</p> <p>It is important for safety 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 parked vehicles to migrate to.</p> <p>The adoption of this recommendation would contribute to the objections in the Local Transport Plan.</p>
<p>Details of any alternative options considered and rejected:</p>	<p>That no waiting restrictions are imposed - This is not recommended, due to the proposals being compliant with Section 1 and 122 of the Road traffic Regulation Act 1984 in terms of improving road safety, amenity and securing the safe movement of vehicles. Additionally, this would be in direct opposition to the desires of the Ward Councillor and the residents of the road and fail to address the current issue of inappropriate parking on Amyand Drive.</p> <p>That residents parking is imposed – This would be in contravention to Herefordshire County Council’s Residents Parking Policy (June 2020) given that there is ample off-street parking available to the residents of Amyand Drive (all of the properties possess at least one off street parking space). The primary issue to be addressed however is danger to road users caused by the inappropriate parking of commuters. This issue is effectively managed by the implementation of the waiting restrictions proposed. The proposed waiting restrictions are also fully supported by the statutory consultees.</p>
<p>Details of any declarations of interest made:</p>	

I am an officer delegated to make the decision

Signed:

Print Name: Mairead Lane
Job Title: Assistant Director Highways & Transport /
Head of Infrastructure Delivery