

Record of officer decision

Decision title:	PROPOSED TRAFFIC REGULATION ORDER TO IMPLEMENT WAITING RESTRICTIONS ON THE ROSE GARDEN AND LEDBURY COURT, HEREFORD
Date of decision:	19 November 2020
Decision maker:	Acting Assistant Director Highways & Transport / Head of Infrastructure
Authority for delegated decision:	<p>Directorate scheme of delegation: updated 4 November 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:	Eign Hill
Consultation:	<p>Consultees</p> <p>A residents consultation was undertaken from 6th February 2020 to 27th February 2020. The consultation on Ledbury Court led to no objections however some comments requesting that the No Waiting at Any Time restriction on the eastern side of Ledbury Court be implemented on the inside bend of the road. The consultation on The Rose Garden led to the majority of residents supporting the No Waiting at Any Time Restrictions, but asking that Limited Waiting Restriction Bays be included on the eastern side of the road to prevent commuter parking but allow for visitor parking. The Ward Councillor agreed with the residents comments.</p> <p>A second residents consultation was undertaken from 16th March 2020 to 30th March 2020 which included No Waiting At Any Time restrictions on the inside bend of Ledbury Court and Limited Waiting Bays on the eastern side of The Rose Garden. This consultation led to no objections.</p> <p>An Initial Statutory Consultation process was undertaken from 6th April 2020 to 27th April 2020 whereby an initial consultation letter and proposal plan was sent to all Statutory Consultees. During this process, no objections were made.</p> <p>A Formal Consultation was undertaken from 7th July 2020 to 7th August 2020 allowing the general public and Statutory Consultees to issue comments/concerns. During this process, no objections were raised. A summary of the Formal Consultation responses is included as Appendix E and summarised below.</p> <p>Ward Councillor, Cllr Foxton – Fully supports the proposals.</p> <p>Hereford City Parish Council – Fully support the proposals.</p> <p>Traffic Management Advisor (TMA), West Mercia Police – 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 – Offered no objections to the proposal.</p> <p>West Midlands Ambulance Service – Issued no response to the consultation.</p> <p>A comprehensive record of all responses received during the Formal Consultation process is included as Appendix E.</p>
<p>Decision made:</p>	<p>Considering no objections have been made from the Initial Statutory Consultation and Formal Notice of Proposal stages, a new Traffic Regulation Order (TRO) will be introduced under Sections 1, 2, 4, 32(1), and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984, Section 63 of the Local Government (Miscellaneous Provisions) Act 1976 the effect of which will be to introduce:</p> <p>No Waiting at Any Time (Double Yellow Line) Restrictions on the following stretches of road:</p> <p>Ledbury Court (Western Side)</p> <ul style="list-style-type: none"> • From its junction with A438 Ledbury Road for a distance of 13m in a northerly direction • From a point 30m north of its junction with A438 Ledbury Road for a distance of 14m in a north-westerly direction <p>Ledbury Court (Eastern Side)</p> <ul style="list-style-type: none"> • From its junction with A438 Ledbury Road for a distance of 71m in a north-westerly direction <p>The Rose Garden (Western Side)</p> <ul style="list-style-type: none"> • From its junction with A438 Ledbury Road for a distance of 67m in a north-westerly direction <p>The Rose Garden (Eastern Side)</p> <ul style="list-style-type: none"> • From its junction with A438 Ledbury Road for a distance of 23m in a north-westerly direction <p>Ledbury Road (Northern Side)</p> <ul style="list-style-type: none"> • From its junction with The Rose Garden for a distance of 2m in a westerly direction <p>Limited Waiting Restriction Monday to Friday 08:00 – 18:00, 2 hours, No Return Within 4 hours on the following stretches of road:</p> <p>The Rose Garden (Eastern Side)</p> <p>From a point 23m northwest of its junction with A438 Ledbury Road for a distance of 38m in a north-westerly direction</p>
<p>Reasons for decision:</p>	<p>To recommend the implementation of waiting restrictions on The Rose Garden and Ledbury Court, Hereford.</p>

	<p>The extents of the proposed restrictions are set out in detail in Recommendations below and shown on drawing 3409-87 in Appendix A.</p>
<p>Highlight any associated risks/finance/legal/equality considerations:</p>	<p>Community impact The recommendation to introduce Waiting Restrictions on Ledbury Court and The Rose Garden will have a positive impact on the local community.</p> <p>The proposals will preserve and improve road safety and the amenity of the area through which the road runs in alignment with Sections 1 and 122 of the Road Traffic Regulation Act 1984 and ensure that compliance to the Highway Code Rules 242 and 243 is enforceable.</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.</p> <p>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. Furthermore, the scheme will improve road safety and amenity making it more inviting for pedestrians and cyclists who will have to face less obstacles when navigating the roads. The proposals will therefore encourage local active travel.</p> <p>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.</p> <p>The recommendation to progress with the proposed Waiting Restrictions on Ledbury Court and The Rose Garden is considered to be low impact with regards to equality. The restrictions aim to improve road amenity and safety, thus paying regard to the council’s duty according to the Equality Act 2010 as set out below.</p> <p>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 -</p> <ul style="list-style-type: none"> (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. <p>Any impact as a result of the scheme will be equal to all parties.</p> <p>See Appendix G of this report for Equality Impacts and Needs Assessment (EINA).</p>

Resource implications

The cost of the implementation of the Waiting Restrictions on Ledbury Court and The Rose Garden is approximately £7000 This includes costs for statutory consultation, preparing and making the TRO, signage, road markings and advertising. This cost has been identified from existing budgets and is managed within the Annual Plan.

Legal implications

The introduction of a new TRO under Sections 1, 2, 4, 32(1), and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 will be required.

Section 9 of Part 2 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 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 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.

The Council has not received any objections to the revised proposals. The Council has two years from the date of publishing the formal notice of proposals to make the order. The time in which objections can be lodged has expired and the Council is therefore able to proceed to make the order. Once an order is made by the Council it will need to be publicised. The order cannot come into force before the date that the making of the order has been publicised.

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.

It is important for safety, fairness, and their effectiveness that Waiting Restrictions are imposed appropriately having regard to the type of factors considered in this report. This is the case at Ledbury Court and The Rose Garden.

There is a low risk that a small amount of migration of parking may occur to surrounding roads. However, it is considered that the reasoning behind the proposed restrictions (to keep junctions clear, maintain access and provide visitor parking near to the care home) is sufficient justification to progress.

Details of any alternative options considered and rejected:

Not to introduce any Waiting Restrictions on The Rose Garden or Ledbury Court – This would result in a failure to address concerns from residents regarding road safety and amenity caused by commuter parking which prevents the flow of two way traffic and causes danger at the junctions of Ledbury Court/Ledbury Road and The Rose Garden/Ledbury Road. In not implementing the proposals the Council

	<p>would fail to carry out its duties under Section 1 and 122 of the Road Traffic Regulation Act. This would also be in direct opposition to the wishes of the Local Member and residents of both roads.</p> <p>Introduce No Waiting at Any Time Restrictions Only – Whilst this would go some way to addressing the safety concerns raised by residents in terms of improving junction safety, it would result in a large stretch of The Rose Garden where all day commuter parking could continue, leaving less parking for visitors to residents of the nearby care home . This would be in direct opposition to the wishes of the residents of the care home and the Local Member.</p>
<p>Details of any declarations of interest made:</p>	<p>None</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