

Record of officer decision

| | |
|--|--|
| Decision title: | OBJECTION REPORT PROPOSED (LOWER BULLINGHAM LANE AND WINDSOR ROAD, HEREFORD) (PROHIBITION OF WAITING AT ANY TIME) ORDER 2020 |
| Date of decision: | 19 November 2020 |
| Decision maker: | Acting Assistant Director Highways & Transport / Head of Infrastructure |
| Authority for delegated decision: | Directorate scheme of delegation: updated 4 November 2020 Directorate: Economy and Place, section 75. To act on behalf of the council in respect of the legislation specified in the foregoing: 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 |
| Ward: | Dinedor Hill |
| Consultation: | Summarise here any consultation undertaken – and how that consultation has influenced the decision. Depending on the decision this may include: <ul style="list-style-type: none"> • Statutory consultation with those affected • Consultation with relevant ward members • Consultation with cabinet members or statutory officers or others specified when the delegation was authorized It is not necessary to include internal consultees. |
| Decision made: | <p>Recommendation(s)</p> <p>Consideration has been given to the receipt of two 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;</p> <p>Introduce ‘No Waiting at Any Time’ restrictions on the following roads:</p> <p>Windsor Road (Northern Side)</p> <ul style="list-style-type: none"> - From a point 11m east of its junction with Lower Bullingham Lane to a point 75 metres west of its junction with Lower Bullingham Lane. <p>Windsor Road (Southern Side)</p> <ul style="list-style-type: none"> - From its junction with Lower Bullingham Lane, to a point 14m west of its junction with Lower Bullingham Lane - From its junction with Lower Bullingham Lane to a point 7m east of its junction with Lower Bullingham Lane <p>Lower Bullingham Lane (Western Side)</p> |

| | |
|---|---|
| | <ul style="list-style-type: none"> - From its junction with Windsor Road, to a point 14m south of its junction with Windsor Road <p>Lower Bullingham Lane (Eastern Side)</p> <p>From its junction with Windsor Road, to a point 11m south of its junction with Windsor Road</p> |
| <p>Reasons for decision:</p> | <p>To consider the comments and objections received from two residents, in relation to the advertisement of the council's proposal to introduce the following Traffic Regulation Order; (LOWER BULLINGHAM LANE AND WINDSOR ROAD, HEREFORD) (PROHIBITION OF WAITING AT ANY TIME) ORDER 2020.</p> <p>The objections received related to the waiting restrictions on Windsor Road and concerns as to where the displaced parking would migrate to.</p> <p>The proposals as advertised are detailed on drawing 3409 72 in Appendix A.</p> |
| <p>Highlight any associated risks/finance/legal/equality considerations:</p> | <p>Community Impact</p> <p>Whilst the recommendation to introduce 'No Waiting at Any Time' restrictions will reduce the amount of on street parking it will manage it so it does not compromise road safety and amenity as is currently the case and capacity exists on the southwestern side of Windsor Road to accommodate displaced vehicles. Overall, this will have a positive impact on the local community.</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. 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>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.</p> <p>Equality Duty</p> <p>Whilst the recommendation to introduce 'No Waiting at Any Time' restrictions will reduce the amount of on street parking it will manage the parking to maintain visibility at the junction between Lower Bullingham Lane and Windsor Road thus improving road safety.</p> <p>The amenity of the road will not be compromised as parking will still be available for vehicles on the south-western side of Windsor Road. It will have a positive impact on the local community in terms of road safety and amenity.</p> <p>Thus, this pays regard to the council's duty according to the Equality Act 2010 as set out below.</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:

- (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.

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

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

Resource Implications

Costs associated with the investigation and implementation of the proposal are approximately £8000 and will be met through existing budgets and will be managed through the annual plan.

Legal Implications

The introduction of a TRO under Part 1, Section 1 & 2 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 the 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.

There are objections to the proposals as detailed in Appendix E and as such the Council have considered these objections made in response to the Notice of Proposal. The "Key Considerations and Alternative Options" sections of this report details why the waiting restrictions were the preferred solution during the scheme assessment phase and the reasoning why not introducing any restrictions was not deemed to be a valid alternative option.

The Council will need to ensure that they have followed the statutory 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.

Risk Management

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 taking into account national guidelines. A Key Performance Indicator is contained in this Local Transport Plan and details a locally set target for a reduction in

| | |
|---|---|
| | <p>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, 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 parked vehicles to migrate to. This is the Case at Windsor Road and Lower Bullingham Lane.</p> |
| <p>Details of any alternative options considered and rejected:</p> | <p>That the ‘no waiting at any time restrictions’ as proposed in this report are not implemented - This is not recommended as it would continue to allow the parking in front of the gated access and hinder the visibility at the junction of Windsor Road and Lower Bullingham Lane causing safety issues for road users. Sufficient parking is available for vehicles on the south-western side of Windsor Road.</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