

<b>Decision maker:</b>	<b>Cabinet member transport and regulatory services</b>
<b>Decision date:</b>	<b>Wednesday, 26 September 2018</b>
<b>Title of report:</b>	<b>Hereford City Centre Improvements - Residents Parking Order 2017</b>
<b>Report by:</b>	<b>Head of technical and parking services</b>

## **Classification**

Open

## **Decision type**

Non-key

## **Wards affected**

Central; College; Eign Hill; Greyfriars; Hinton & Hunderton; Widemarsh

## **Purpose and summary**

To consider the representations including objections to the proposed Hereford Resident' Parking Order 2017 and to authorise the making of the Order either in full as per the Notice of Proposal, to modify the proposed Order (provided that the modification is not a substantial change) or to abandon the proposals. The Council also has the ability to make the Order in part and for the remaining proposals to which the Order relates to either be abandoned, deferred or make an order or orders giving effect to the remaining proposals in whole or part.

This project developed from consultation over the programme of Hereford City Centre Improvements and concerns over the displacement of parking into neighbouring areas. The Council proposes restrictions in the form of new, or extended resident parking zones/restrictions in six wards, supported by no waiting and no waiting at any time restrictions.

Following objections from the initial public consultation, supplementary consultations were also carried out for Broomy Hill, Court Crescent, Gwynne Street, Walmer Street and various roads as part of the extended Zone 15 proposals in College Road in accordance with legislation. The supplementary consultations helped form the bases of the proposed Order.

## **Recommendation(s)**

**That:**

- (a) the introduction of no waiting at any time restrictions in the City Centre (Central Ward) as advertised, with a minor non-substantive reduction in length in Gwynne Street (as shown in Appendix 2) is approved;
- (b) the permit parking restriction proposals for Mill Street (in part) and Harold Street, with the withdrawal of proposed restriction changes on the west side of Mill Street related to a bus stop relocation (see Appendix 2) is approved and introduced;
- (c) the introduction of no waiting at any time, no waiting and permit parking restrictions in College Road and adjoining roads, as advertised (see Appendix 3) is approved;
- (d) the introduction of no waiting at any time and permit parking restrictions in Bulmer Avenue, Esmond Road, Frank Owen Court, Geoffrey Avenue and Lingen Avenue with a revised 2 hour waiting limit and revised eligibility list. (see Appendix 3) is approved;
- (e) the no waiting at any time, zone change and permit parking restrictions for Foley Street and Ledbury Road as advertised (see Appendix 4) is approved and introduced;
- (f) the permit parking restrictions in Bedford Street, Guildford Street and Oxford Street, as advertised, are approved and introduced; the no waiting at any time restrictions in the northern part of Greyfriars Ward as advertised and the withdrawal of proposed permit parking restrictions for Baysham Street, are approved and introduced. Also the proposed extended restriction period for Zone B (Ryelands Street) and Zone 12 (Old Mill Close), as advertised (see Appendix 5) are approved and introduced;
- (g) the no waiting at any time restrictions for the southern part of Greyfriars as advertised, with the exception of modified proposals for Broomy Hill, taking into account objections from the public and supplementary consultation (see Appendix 5) are approved and introduced;
- (h) the restriction period changes and restriction changes for Zone 8 (St Martin's Street and Wye Street) as advertised (see Appendix 6) is approved and introduced;
- (i) the withdrawal of the permit parking and no waiting at any time restriction proposals for Belmont Avenue and Belmont Court (see Appendix 6) are approved and introduced;
- (j) the no waiting at any time restrictions in Hinton Crescent and adjoining roads, as advertised, are approved and introduced. Otherwise the withdrawal of proposed permit parking restrictions for Hinton Crescent (see Appendix 6) is approved;
- (k) the no waiting at any time restrictions on Hinton Road and its junction with Court Crescent and the northern (park) side of Court Crescent (as advertised) with a revised no waiting restriction across most of the frontages on the south side (excluding the accesses – see Appendix 6) are approved and introduced;
- (l) the no waiting at any time, no waiting and permit parking restrictions in the proposed extended Zone C with modifications to withdraw the proposed 1 hour limited waiting period (and revert to permit holder only parking in Canonmoor Street) and to create a discrete Zone H for Walmer Street. – see Appendix 7) are approved and introduced;
- (m) the no waiting at any time and permit parking restrictions in Penhaligon Way and Gladstone Way (with adjoining roads) as advertised are approved and introduced;
- (n) the no waiting at any time and permit parking restrictions in Chester Close, Millbrook Street, Moor Street, Newtown Road, Newtown Road Service Road and Prior Street (Zone F), with the caveat that implementation for Prior Street may be in part superseded by a prospective experimental cycle and access scheme, is approved and introduced;

- (o) **the no waiting at any time, limited waiting and permit parking restrictions in Canal Road and Coningsby Road, as advertised are approved and introduced.**

## Alternative options

1. At each location alternative options are available as follows:
  - i) **Withdrawal** of the proposal as advertised and retain the current parking provision. In cases where this is not being recommended it is due to it failing to satisfy the purpose of the scheme.
  - ii) **Implementation** of the scheme as advertised without any changes to the original design. In cases where this is not recommended it is due to it failing to satisfy the objectors to the Notice of Proposal, where there is scope to amend or withdraw the proposed.
  - iii) Further **minor amendments** to the design. In cases where this has not been recommended it is due to these recommendations being considered the most appropriate in terms of the traffic management and community acceptance (following feedback). Any further redesigns would require additional consultation and would be unlikely to achieve a local consensus, detract from the traffic management principles or be outside the scope of this consultation.

2. Another option available at each location is to defer a decision on the whole scheme or defer in part:

- i) **Defer decision on a whole scheme in a ward.** This would result in other schemes in neighbouring wards being implemented with the deferred schemes parking provision remaining as present. This alternative option could be taken if there was generally a mixed level of support amongst residents across the whole scheme, with a view to monitoring impact of neighbouring schemes following implementation.

This is not being recommended as when taking into account views from across the wider schemes, there is generally support amongst residents. It is also anticipated that a consequence of introducing schemes into neighbouring areas this could create displacement into these deferred areas.

**Defer part of a scheme within a ward.** This would result in the rest of a scheme being implemented as recommended, with the deferred street, or streets, remaining unchanged and current parking provision remaining as present. This alternative option could be taken where support amongst residents varies street by street, with a view to monitoring the impact of rest of the scheme being implemented.

This is not being recommended as it is anticipated that a consequence of introducing schemes into neighbouring streets would likely create displacement into these deferred parts of the scheme.

Following a decision to defer, a further decision would be required in the future to proceed with the implementation of a Traffic Order. It should be noted that due to legal time restraints, following the Notice of Proposal, this further decision must be taken to allow for a new Traffic Order to be made before the 27<sup>th</sup> September 2019.

This further decision to either withdraw, amend or implement any deferred proposals would therefore need a further survey of residents' views after an appropriate review period.

## Key considerations

3. Resident parking policy generally aligns to taking an area wide approach to implementing schemes, this is due to the creation of displacement issues if individual streets are assessed independently and would create a 'street by street' approach. However, due to localised comment and concerns over the proposals following consultation, this approach can be varied.
4. Over recent years there have been an increasing number of concerns in some neighbouring areas to the city centre, over commuter and other non-resident parking which can reduce the availability of on-street parking for residents. As part of the Hereford city centre improvement project, wards and selected streets were surveyed to establish if residents would support permit parking and waiting restrictions. Councillors for College, Eign Hill, Greyfriars, Hinton & Hunderton and Widemarsh wards were asked which roads should be included and as part of that response 2,595 households were then surveyed as part of an informal consultation.
5. In addition, as part of those wards referred to in paragraph 4, a number of other roads were identified with community support for permit parking restrictions (from other surveys), that could otherwise become engaged in the process at the formal consultation stage. Restrictions, to add further parking places have also been added as requested by the St James & Bartonsham Community Association (SJBCA), with community support.
6. On 9<sup>th</sup> August 2017 the Cabinet member transport and regulatory services on the basis of those informal consultations outlined in paragraph 5 authorised the proposing of a Traffic Regulation Order to introduce and amend parking restrictions in Central, College, Eign Hill, Greyfriars, Hinton and Hunderton, and Widemarsh wards.
7. On the 28th September 2017, in line with statutory requirements, a Notice of Proposal was published in the local press and on the council's website, giving 21 days consultation for comments and objections to be made. Further copies of the notice were displayed in the affected streets and copies of all the relevant documents were deposited in the council offices at Plough Lane in accordance with legislation.
8. A total of 210 responses were received to the Notice of Proposal as part of the public consultation.
9. As a result of these responses, each part of the scheme which the objection / comment related to was considered and reviewed. This has resulted in either a redesign of that part of the scheme, withdrawal of a proposal or a recommendation to implement as advertised.
10. A number of objections were also received regarding other issues not directly connected to the Notice of Proposal.
11. A summary of the changes being recommended and the main issues raised in the consultation, along with the response, is detailed within appendix 2 – appendix 8. These appendices are broken down by ward. Each objection is also included in its entirety within each appendix.

## Community impact

12. The introduction of this order is intended to improve the overall amenity for the local community and public safety on the named streets for all users and in particular pedestrian and disabled users.
13. These recommendations and the purpose of this scheme is in line with the council's Local Transport Plan 2016 – 2020, which states "*Review the operation, management and charging of Residents Parking Schemes to ensure residents can park within a reasonable distance of*

*their home and that commuters and short stay users are discouraged from using residential streets”.*

14. These recommendations are also in line with the council’s corporate plan 2016 – 2020 key priority of “*support the growth of our economy*”. Better management of parking in residential areas will not only benefit residents in the immediate vicinity but seek to ensure that vehicles are not using these areas to simply avoid parking charges. Parking charges in the city centre are in place to encourage sustainable travel and promote a turnover of spaces. Allowing free parking on residential streets close to the city centre may seek to encourage vehicle movements into the city which negatively impacts on the overall air quality and congestion.

## **Equality duty**

15. Under section 149 of the Equality Act 2010, the ‘general duty’ on public authorities is set out as follows:
16. A public authority must, in the exercise of its functions, have due regard to the need to -
  - eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - 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.
17. 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.
18. Blue Badge holders will be largely exempt from the new resident permit restrictions as a limited waiting period applies to most. Where a limited waiting period applies a Blue Badge holder is permitted to wait without time limit. Please see attached Equality Needs Impact Assessment (Appendix 1).
19. It is recommended that the current permit holder only restriction in Canonmoor Street is retained. Whilst there will be an extended restriction period, this extension is considered to have a minimal impact, alternative parking is also available in Shinwell Road. Blue Badge holders are also permitted to park for up to 3 hours on no waiting restrictions, as guided in the Department for Transport Blue Badge scheme leaflet.

## **Resource implications**

20. The budget for implementing the resident parking scheme is £140,000 and is contained within the BBLP public realm annual plan funded from local transport plan grant funding. If part of a scheme were to be deferred, as outlined within the alternative options, additional costs of around £5K per deferred area would be incurred in order to carry out further consultation.
21. There will be an additional cost to the parking service for issuing the new permits and enforcing the new restrictions of £13K per annum. This will be offset by additional income from permits.
22. Income from the introduction of permits is anticipated to be in the region of £30k per annum. The surplus will be used to fund the set up and ongoing on street works associated with the implementation and management of the schemes.

## Legal implications

23. This is a non-key decision and as such the Chief Executive has the authority to delegate to officers (under Part 2 Article 10 in exercise of its functions in the Part 3 Functions Scheme Section 7 officer functions of the Constitution Economy and Place Scheme of delegation to officers part 26) to act on behalf of Herefordshire Council in highways and transportation matters.
24. Under Section 122(1) of the Road Traffic Regulation Act 1984 ("RTRA"), the Council as a traffic authority has a duty to secure expeditious, convenient and safe movement of vehicular traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.
25. The Council has the powers to make the Traffic Regulation Order ("TRO") under the RTRA and to modify, amend or revoke the TRO in accordance with the RTRA, where appropriate. The procedure for proposing and introducing TROs is set out in the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996, as amended, ("The Regulations"). This includes the requirements for consultation and the publication of a notice in a local newspaper (Notice of Proposal). Anyone may object in writing to an Order by the date specified on the Notice of Proposal.
27. Following the consultation period the Council must consider all objections made and not withdrawn. The decision is then taken to make the Order as originally publicised, modify the proposed Order provided that the modification is not a substantial change or to abandon the proposals. Provisions under regulation 19 of the Regulations allows the Council to make the Order in part and for the remaining proposals to which the Order relates to either be abandoned, deferred or make an order or orders giving effect to them in whole or part
28. Where a modification to the proposed Order is considered a substantial change, then steps must be taken for those affected by the proposed modifications to be further consulted and any responses must be considered (Regulation 14 of The Regulations).
29. If it is considered that the modification referred to in paragraph 28 above is not a substantial change and the Order is made in part, the remaining proposals if deferred will have to be made by way of a secondary order within 2 years of the date of the Notice of Proposal.

## Risk management

30. As outlined in this report the risks associated with each recommendation have been mitigated through the explanation provided in the alternative options above.
31. There is a risk where restrictions have been withdrawn that the implementation of the remaining recommendation across the city will create displacement of commuter parking traffic into these areas. However, as there was not local consensus that the restrictions proposed would have been accepted at this time it is entirely appropriate to do so.
32. There is also a similar risk if any recommendation to implement a restriction is deferred vehicle displacement could have an adverse effect on the area. This is mitigated by option to implement deferred options following a review period, subject to the legal timeframe outlined in paragraph 2.

## Consultees

33. In 2016 residents of wards and selected streets were surveyed over their support of permit parking and waiting restrictions. Councillors for Greyfriars, Widemarsh, Eign and College Wards were asked which roads should be included and 2595 households were then surveyed. In addition, a number of other roads were identified with community support for permit parking restrictions (from prior surveys), that would become engaged in the process at the formal consultation stage. A total of 720 surveys were returned, a response rate of 28%.
34. As part of the TRO process a formal public consultation was carried out from 28th September – 19<sup>th</sup> October 2017. The occupiers of properties (3,379) in the roads affected were notified, together with Local Members, Hereford Business Improvement District, the Chief Constable of West Mercia Police, Hereford City Council, Freight Transport Association, Road Haulage Association, Hereford & Worcester Ambulance Service, Hereford & Worcester Combined Fire Authority, and The Royal National College for the Blind and invited to represent views.
35. Ward members were consulted on the outcome of the informal consultation where the schemes to be taken forward to statutory consultation were considered. Further consultation with ward members following the statutory consultation was undertaken to review the responses. These consultations have informed the development of the proposals and the recommendations in this report. The responses of the ward members to the proposals were as follows:

**36. Central Ward - Cllr Tawn**

Summary of feedback

Cllr Tawn was in support of the proposals for Central Ward.

Response

No further comment (see also Appendix 2).

**37. College Ward - Cllr Wilcox**

Summary of feedback

Cllr Wilcox was generally in support of the proposals, with the exception of those for Geoffrey Avenue and the north of Lingen Avenue. In these roads where there was inconclusive results from the statutory consultation Cllr Wilcox expressed a preference for the proposals in these streets to be put on hold, and reviewed subsequently after the other restrictions had been introduced elsewhere, to consider the impact of the surrounding restrictions.

Response

Whilst the legislation allows for a decision to be deferred, this would need to be considered in the context of the movement towards area-wide resident parking zones to help disperse displacement over a wider area, as highlighted in paragraph 2 above (see also Appendix 3).

**38. Eign Ward - Cllr North**

Summary of feedback

Cllr North was supportive of the proposals highlighting some of the impact that Foley Trading Estate has. Cllr North noted that there could be merit in considering Ledbury Court within future schemes.

Response

No further comment (see also Appendix 4).

### **39. Greyfriars Ward – Cllr Powers**

#### Summary of feedback

Cllr Powers was in agreement for the wider proposals in Greyfriars Ward. He requested some amendments along Broomy Hill which were the subject of further consultation. Cllr Powers was conscious of the divergent views of residents of Broomy Hill and how this makes it difficult to be clear that the proposals truly reflect residents wishes. Cllr Powers has asked that lining works beside Tower Hill Junction are not implemented until the ongoing works to investigate remodelling the junction of Breinton Road, Tower Hill and Westfaling Street are completed.

#### Response

No further comment (see also Appendix 5).

### **40. Hinton & Hunderton Ward – Cllr Chappell**

#### Summary of feedback

Cllr Chappell was supportive of the proposals, including the proposal not to implement measures in Belmont Road. Cllr Chappell did however express a concern that there was split opinion in Hinton Crescent and expressed a desire to have a small section of permit parking for part of the road.

#### Response

The introduction of permit parking in part of Hinton Crescent is not recommended, as this would displace non-resident parking to neighbouring properties within the same road without any wider dispersal (see also Appendix 6).

### **41. Widemarsh Ward – Cllr Andrews**

#### Summary of feedback

Cllr Andrews was supportive of the proposals, including the adoption of an area wide approach. Cllr Andrews did note the representation of two residents on Edgar Street impacted by the eligibility list, but accepted that the order retained the provision for the Council at its discretion to issue permits to those not covered by the eligibility list.

#### Response

No further comment (see also Appendix 7).

## **Appendices**

Appendix 1 - EINA

Appendix 2 - Central

Appendix 3 - College

Appendix 4 - Eign Hill

Appendix 5 - Greyfriars

Appendix 6 - Hinton & Hunderton

Appendix 7 - Widemarsh

Appendix 8 - Other Representations

Appendix 9 - Representation Photos

Appendix 10 – Permit Entitlement

Appendix 11 – Notice of Proposal (28<sup>th</sup> September 2017)



Appendix 12 – Zone map overview

## **Background papers**

None identified