

Record of officer decision

Decision title:	<u>OBJECTION REPORT</u> PROPOSED TRAFFIC REGULATION ORDER TO IMPLEMENT WAITING RESTRICTIONS ON BROOK LANE, GREEN LANE AND C1039, YARPOLE.
Date of decision:	7 May 2021
Decision maker:	Assistant Director Highways and Transport / Head of Infrastructure and Delivery
Authority for delegated decision:	<p>Directorate scheme of delegation: updated 28 April 2021 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:	Bircher
Consultation:	<p>As previously eluded to in this report, a residents consultation exercise was undertaken from 12th March 2020 to 2nd April 2020 whereby a pamphlet was delivered to those residents who would be directly affected by the proposals detailed in Appendix A. The consultation led to two objections from those directly consulted and four objections from members of the wider community.</p> <p>An Initial Statutory Consultation process was undertaken from 26th May 2020 to 16th June 2020 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 exercise was undertaken from 22nd July 2020 to 14th August 2020 allowing the general public and Statutory Consultees to issue comments/concerns. During this process, multiple objections were raised. A full and comprehensive summary of the Formal Consultation responses is included as Appendix E and some are eluded to in the 'Key Considerations' section of this report. The statutory consultee responses to the Formal Consultation are briefly summarised below.</p> <p>Ward Councillor Bowen – Objects to the proposals.</p> <p>Yarpole Group Parish Council – Supports 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>The Cabinet Member for Infrastructure and Transport has been made aware of the situation and has endorsed recommendation not to proceed with the scheme.</p>
<p>Decision made:</p>	<p>That: Consideration has been given to the receipt of multiple objections arising from the formal notice of proposal for (BROOK LANE, GREEN LANE & C1039, YARPOLE) (PROHIBITION OF WAITING AT ANY TIME) ORDER 2020. As a result of the receipt of these objections, for the reasons as set out below, it is recommended that the Traffic Regulation Order not be progressed to implementation.</p>
<p>Reasons for decision:</p>	<p>To approve the recommendation not to progress the proposed scheme comprising waiting restrictions on Brook Lane, Green Lane and C1039 at Yarpole.</p> <p>The extents of the proposed restrictions as advertised are shown on drawing 3409-90 in Appendix A.lives of looked after children or care leavers you should explain how.</p>
<p>Highlight any associated risks/finance/legal/equality considerations:</p>	<p>Community impact The recommendation not to proceed with the proposed No Waiting at Any Time restrictions at Yarpole would have no further impact (positive or negative) on the local community in terms of road safety.</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 adoption of the proposals will bear no impact on the council’s environmental policy and lead to no further environmental impact in Yarpole.</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 not to progress with the proposed No Waiting at Any Time restrictions at Yarpole is considered to be low impact with regards to equality. Thus, they pay 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 F of this report for Equality Impacts and Needs Assessment (EINA).</p> <p>Resource implications Budgets are managed by Balfour Beatty Living Places on behalf of Herefordshire Council. Due to the recommendation not to proceed there will be no further financial implications with regards to this project.</p> <p>Legal implications The introduction of a new TRO under Sections 1 and 2 of the Road Traffic Regulation Act 1984 would normally be required if the recommendation were to proceed with its making. However, the recommendation is that no TRO is required.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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 Yarpole.</p>
<p>Details of any alternative options considered and rejected:</p>	<p>To introduce No Waiting at Any Time Restrictions as originally proposed— This would be in direct opposition to the wishes of residents and the Ward Councillor. This would also represent a failure to consider any objections received after formal statutory consultation in alignment with Section 9 of Part 2 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.</p>
<p>Details of any declarations of interest made:</p>	<p>If any officers or members involved or consulted in the decision-making have declared an interest you should include the declaration here.</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