

Record of officer decision

Decision title:	PROPOSED TRAFFIC REGULATION ORDER TO IMPLEMENT WAITING RESTRICTIONS ON C1227 GRAFTON LANE AND C1228 PORTWAY TO HAYWOOD, HEREFORDSHIRE.
Date of decision:	7 June 2021
Decision maker:	Assistant Director Highways & 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:	Wormside
Consultation:	<p>As previously eluded to in this report, a residents consultation exercise was undertaken from 13th February 2020 to 6th March 2020. The consultation led to a no objections being raised and no comments received from local businesses (see Appendix C).</p> <p>An Initial Statutory Consultation process was undertaken from 13th March 2020 to 3rd April 2020 whereby an initial consultation letter and proposal plan was sent to all Statutory Consultees. During this process, no objections were made (see Appendix D). As previously stated, Highways England was not consulted as the proposed scheme has no impact on the A49.</p> <p>A Formal Consultation exercise was undertaken from 15th July 2020 to 7th August 2020 allowing the general public and Statutory Consultees to issue comments/concerns. During this process, no objections were raised by Statutory Consultees or by the local businesses in the vicinity of the proposed restrictions. A summary of the Formal Consultation responses is included as Appendix E and summarised below.</p> <p>Ward Councillor Bolderson – Fully supports the proposals.</p> <p>Callow and Haywood Group Parish Council – Fully support the proposals.</p> <p>Traffic Management Advisor (TMA), West Mercia Police – Offered no objections to the proposals but stated:</p> <p>“While these measures will alleviate the problems in the immediate vicinity of the junctions it may well be that the parking does not disappear and will migrate to other areas of Knockerhill Lane, and/or Grafton Lane. If this happens it may well be necessary to revisit this location and review the restrictions further”.</p> <p>In response to these comments, it is possible that parking will simply migrate further along the C1228 Portway to Haywood or onto C1227 Grafton Lane. Nonetheless, there are valid safety concerns regarding</p>

	<p>the obstruction of two-way traffic on C1228 Portway to Haywood and the need to prevent parking on its junction with C1227 Grafton Lane and in the vicinity of the junction with the A49 in alignment with Sections 1 and 122 of the Road Traffic Regulation Act 1984.</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 manager of a local car sales garage offered no objections but was concerned that the implementation of Double Yellow Lines across their access driveway may confuse customers. They also raised a concern that, as a result of the proposals, staff may park close to the junction of C1227 and C1228 and cause obstruction for residents.</p> <p>It was explained by officers that whilst the driveway is included in the TRO restrictions, it may be marked with a 'H-bar' road marking. It was also explained that the fundamental purpose of this Traffic Regulation Order was to improve road safety and amenity by preventing the obstruction of two-way traffic caused by current inappropriate parking in alignment with the Road Traffic Regulation Act 1984. Following this explanation, the consultees concerns were abated.</p> <p>The area in the vicinity of the junction of C1227 and C1228 will be restricted as part of these proposals. It is not recommended to extend the proposals further south-west as this will be difficult to enforce, given the roads rural location. As previously eluded to, there is a risk that parking will simply migrate further southwest on C1228. This may result in the receipt of further complaints.</p> <p>A comprehensive record of all responses received during the Formal Consultation process is included as Appendix E.</p>
Decision made:	<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 Section 1 and 2 of the Road Traffic Regulation Act 1984 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>C1227 Grafton Lane (Northern Side)</p> <ul style="list-style-type: none"> • From its junction with A49 for a distance of 55m in a westerly direction <p>C1227 Grafton Lane (South-Western Side)</p> <ul style="list-style-type: none"> • From its junction with A49 to its junction with C1228 Portway to Haywood (a distance of 48m) • From its junction with C1228 Portway to Haywood for a distance of 13m in a north-westerly direction <p>C1228 Portway to Haywood (North-Western Side)</p>

	<ul style="list-style-type: none"> From its junction with C1227 Grafton Lane for a distance of 135m in a south-westerly direction <p>C1228 Portway to Haywood (South-Eastern Side)</p> <p>From its junction with C1227 Grafton Lane for a distance of 131m in a south-westerly direction</p>
Reasons for decision:	<p>To recommend the implementation of No Waiting at Any Time Restrictions on C1227 Grafton Lane and C1228 Portway to Haywood, Herefordshire.</p> <p>The extents of the proposed restrictions are set out in detail in Recommendations below and shown on drawing 3409-82 in Appendix A.</p>
Highlight any associated risks/finance/legal/equality considerations:	<p>Community impact</p> <p>The recommendation to introduce No Waiting at Any Time Restrictions on C1227 Grafton Lane and C1228 Portway to Haywood will have a positive impact on the local community. 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.</p> <p>They will enable two-way traffic flow and keep the junction of C1227 Grafton Lane and C1228 Portway to Haywood and the junction with the A49 clear of parking. They will also ensure that compliance to the Highway Code Rules 242 and 243 is enforceable.</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> <p>The implementation of the proposals should result in reduced congestion and vehicle emissions and provide an environment where people feel it is safe to walk, cycle or ride.</p> <p>Equality duty</p> <p>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 No Waiting at Any Time Restrictions on C1227 Grafton Lane and C1228 Portway to Haywood 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> <ol style="list-style-type: none"> 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 F of this report for Equality Impacts and Needs Assessment (EINA).

Resource implications

The cost of the implementation of the No Waiting at Any Time on C1227 Grafton Lane and C1228 Portway to Haywood is approximately £10,000. 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 will be delivered as part of the annual plan.

Legal implications

The making of a new 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 has considered 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 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 both at the initial consultation with local residents and as part of the formal consultation. It can therefore proceed with the order. The time in which objections can be lodged has expired and the Council is therefore 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.

Once an order is made by the Council it will need to be publicised in accordance with the requirements of Part 3 of the 1996 Regulations. The order cannot come into force before 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

	<p>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.</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. This is the case with regards to the proposals in this report.</p> <p>A risk has been identified that there may be an impact on the immediate surrounding road network, should parking migrate further south-west on the C1228. Should there be further complaints received after the proposals are implemented, this may result in a further TRO application being made.</p>
Details of any alternative options considered and rejected:	<p>Not to introduce any Waiting Restrictions on C1227 and C2228 –</p> <p>This would result in a failure to address concerns from residents regarding road safety and amenity caused by current inappropriate parking which prevents the flow of two way traffic along C1228 Portway to Haywood. This parking causes danger at its junction with C1227 Grafton Lane. In not implementing the proposals the Council 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 Parish Council.</p>
Details of any declarations of interest made:	<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