

## Record of officer decision

<b>Decision title:</b>	Objection Report - OPOSED TRAFFIC REGULATION ORDER TO IMPLEMENT A CONTROLLED PARKING ZONE AT WHITTERN WAY AND VARIOUS ADJOINING ROADS, HEREFORD
<b>Date of decision:</b>	3 September 2021
<b>Decision maker:</b>	Director for Economy and Place
<b>Authority for delegated decision:</b>	<p>Directorate scheme of delegation: updated 20 July 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>
<b>Ward:</b>	Aylestone Hill
<b>Consultation:</b>	<p>An Initial Statutory Consultation process was undertaken from 11th January 2021 to 5th February 2021, whereby an initial consultation letter and proposal plan was sent to all Statutory Consultees via email. During this process, no objections were raised in relation to the recommendations as part of this TRO. A summary of the responses received during the Initial Statutory Consultation process is included as Appendix D.</p> <p>A Formal Consultation (Notice of Proposal) process allowing the general public and Statutory Consultees to issue comments/concerns was undertaken from 25th March 2021 to 21st April 2021 during which 9 objections were received from residents. Of these objections, 7 were from Area 1 which represents 2% of the total number of consulted properties in the area. No objections were raised by Statutory Consultees. The objections received have been outlined and addressed in detail above in alignment with Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. A summary of the Formal Consultation (Notice of Proposal) responses is included as Appendix E. The responses received from Statutory Consultees are briefly outlined below.</p> <p>Ward Councillor – Has viewed the Objections and resolved to support the proposals (See Appendix G).</p> <p>Hereford City Council – Has viewed the Objections and resolved to support the proposals (See Appendix G).</p> <p>Traffic Management Advisor (TMA), West Mercia Police – Offered no objections to the proposals.</p> <p>Hereford Sixth Form College – Offered no objections to the proposals</p> <p>Parking Enforcement Manager – 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 – Issued no response to the consultation.</p> <p>West Midlands Ambulance Service – Issued no response to the consultation.</p>
<b>Decision made:</b>	<p>Consideration has been given to the receipt of nine 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 introduce a Controlled Parking Zone at Whittern Way and various adjoining roads, Hereford. A Schedule containing the full extents of the proposed restrictions is included as Appendix B.</p>
<b>Reasons for decision:</b>	<p>To consider the comments and objections received from nine residents, in relation to the advertisement of the council’s proposal to introduce the following Traffic Regulation Order: HERFORDSHIRE COUNCIL (WHITTERN WAY, PIGGOT CLOSE, EASTNOR DRIVE, ARAMSTONE RISE, GARNSTONE RISE, HEREFORD) (CONTROLLED PARKING ZONE &amp; RESIDENTS PERMIT PARKING) ORDER 2021.</p> <p>The extents of the proposed restrictions as advertised are shown on drawing 3409-94 in Appendix A.</p>
<b>Highlight any associated risks/finance/legal/equality considerations:</b>	<p><b>Community impact</b>  The recommendation to introduce a Controlled Parking Zone (CPZ) at Whittern Way, Hereford will prevent non-resident parking, largely consisting of students at the local college, causing difficulty for local residents attempting to park close to their homes. The scheme will also improve road safety and amenity by controlling where parking can take place in the area to prevent double parking and parking close to junctions. The proposals will ensure that bus stops in the area are kept clear of parking for the entirety of their operational hours meaning that they are able pull up to the kerb to safely load and unload passengers, drastically improving the situation for all wishing to use the local bus service.</p> <p>Overall, the recommendation would have a positive impact on the local community for the reasons outlined above.</p> <p><b>Environmental Impact</b>  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 has sought to minimise any adverse environmental impact and will actively seek opportunities to improve and enhance environmental performance. The scheme will improve road safety and amenity making it more inviting for pedestrians and cyclists when navigating the roads. The proposals will therefore encourage local active travel.</p> <p>Furthermore, 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><b>Equality duty</b></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.

The recommendations set out in this report are 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.

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 F of this report for Equality Impacts and Needs Assessment (EINA).

### **Resource implications**

The cost of the implementation of the proposals is approximately £20,500. This includes costs for statutory consultation, preparing and making the TRO, signage, road markings and advertising. This cost has been identified from this year's existing budgets in the current Annual Plan.

### **Legal implications**

The introduction of a new TRO under Sections 1, 2, 3, 4, 32, 35, 37, 45, 46, 47, 49, 51 and 53, and Part 4 of Schedule 9 to the Road Traffic Regulation Act 1984 will be required.

Part 2 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (the "1996 Regulations") lays out the procedure prior to making an order. Regulations 6 and 7 require the Council as Highway Authority to undertake a formal consultation on the TRO and publish the proposals. Regulation 8 allows for any person or persons to make objections and requires that the Council, as Highway Authority, consider any objections received after the formal statutory consultation process, (which includes advertising in a local newspaper). 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 in accordance with Regulation 14

of the 1996 Regulations. Following consideration of the consultation responses the Council has decided not to modify the proposals.

The Council has received nine objections. These objections have been considered in alignment with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. 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 in accordance with these requirements. This must be done within two years of the date the order is first publicised in a newspaper circulating in the locality of the area where the land to which the order relates is located. Within 14 days of the order being made it is necessary in accordance with regulation 17 of the 1996 Regulations to publish a notice of making in a newspaper circulating in the area in which any road or place to which the order relates is situated.

The Council will need to ensure that they have followed 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. The time period for challenge is three months from the date of the making of the order.

### **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 by seeking to improve road safety and amenity for all road users.

It is important for safety, 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 the parked vehicle to migrate to. This is the case at the proposal area.

There is a small risk that a parking could migrate to the surrounding roads on the remainder of the estate. The proposals have attempted to mitigate this by allowing parking on single yellow line and residents parking bays outside restriction hours on Saturdays and Sundays so as to not be over restrictive. It is hoped that students currently parking in the area will, as a result of the restrictions, resolve to park in the college car park. Residents of the remainder of the estate were consulted, alerted to the fact that there was a possibility of a migration of some parking into their area, and offered involvement in the scheme but voted by a majority against this involvement.

<p><b>Details of any alternative options considered and rejected:</b></p>	<p>Not to make any changes to the current restrictions– The proposals are designed to ensure local residents are able to park close to their properties unobstructed by non-resident vehicles in the form of student parking associated with the nearby college as is the case at present. The proposals will also improve the navigability of the various junctions by preventing parking close to them thereby also improving driver and pedestrian visibility. They will also prevent double parking on the affected roads and ensure that the local buses are able to pull into bus stops unobstructed by parked vehicles which currently occurs in the unrestricted bays. The proposals are also in alignment with Sections 1 and 122 of the Road Traffic Regulation Act 1984 giving powers to highway authorities to introduce TROs to secure the expeditious, convenient and safe movement of vehicular and other traffic, including pedestrians and the provision of suitable parking facilities on the highway.. Not to proceed with the recommendations would be in direct conflict to the desires of the Ward Councillor, Hereford City Council.</p> <p>To implement No Stopping restrictions for bus stops only – Whilst this would ensure that the local busses are able to pull into stops unobstructed by parking, it would fail to address the primary issue which is the main purpose of the scheme – to prevent non-resident parking to ensure local residents are able to park close to their homes.</p> <p>To implement Residents Parking restrictions only – This would fail to prevent double parking on both sides of the road, parking around junctions and parking within the currently unrestricted bus bays. Non-resident parking would simply migrate to unrestricted sections of road in the area.</p>
<p><b>Details of any declarations of interest made:</b></p>	

I am an officer delegated to make the decision

Signed:

Print Name: Neil Taylor

Job Title: Director for Economy and Place