

## Record of operational decision

<b>Decision title:</b>	Proposed Traffic Regulation Order to implement waiting restrictions and residents permit parking at various roads in the vicinity of Green Lane, Leominster.
<b>Date of decision:</b>	16/1/23
<b>Decision maker:</b>	Interim Service Director for Highways, Environment and Waste
<b>Authority for delegated decision:</b>	Economy and Environment Scheme – Highways and Transport 75. To act on behalf of the council in respect of the legislation specified in the Road Traffic Regulation Act 1984. The authorisation limit is within the <a href="#">financial procedure rules</a> and is sufficient for the decision and that the officer has authority under the contract procedure rules.
<b>Ward:</b>	Leominster East
<b>Consultation:</b>	<p>An Initial Statutory Consultation process was undertaken from 15th January 2021 to 8th 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 4th March 2021 to 26th March 2021 during which four objections were raised by residents. All Statutory Consultee respondents issued support for the scheme. The objections received have been outlined and addressed 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.</p> <p>Leominster Town Council – Has viewed the Objections and resolved to support 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 – Issued no response to the consultation.</p> <p>West Midlands Ambulance Service – Issued no response to the consultation.</p>
<b>Decision made:</b>	A new Traffic Regulation Order be implemented as proposed in the Notice of Proposal, the effect of which will be to introduce No Waiting at Any Time (Double Yellow Line) restrictions, Limited Waiting Bays (Mon-Sat 09:00-17:00 2 Hours no return within 4 Hours) and Residents Permit Holder Parking Bays (Mon-Sat 09:00-17:00) on various roads in the vicinity of Green Lane, Leominster. A Schedule containing the full extents of the proposed restrictions is included as Appendix B.

**Reasons for decision:**

Concerns were originally raised by local residents in 2017 via a petition routed through the Town Council concerning a desire for residents parking bays on Green Lane and Townsend Court. A review of the situation on the site was undertaken by officers and it was decided that details should be entered onto the prioritised Traffic Regulation Order (TRO) Waiting List.

As a result of its entry onto the TRO Waiting List, this scheme was identified for commencement of investigations in the 2020/2021 Annual Plan. Therefore, Balfour Beatty Living Places (BBLP) set about investigating the potential for a new Traffic Regulation Order that would necessitate any changes within the area under investigation.

An on-site assessment and meeting with the Local Member were undertaken in November 2020. During the meeting, the currently unrestricted bay adjacent to properties on the southern side of Green Lane was discussed as being the primary point of consideration for a residents parking bay. The Local Member alerted officers to residents' concerns regarding difficulty in parking close to their property at present for these properties in particular but also a general trend of non-resident vehicles parking in the area on Green Lane.

Officers observed the saturated parking situation on the northern side of Green Lane west of its junction with Oldfields Close. It was explained that those properties on the northern side of Green Lane would not strictly qualify for residents parking bays given that they all had either rear access driveways for two vehicles, or front access driveways for two vehicles. It was suggested that a Limited Waiting Bay could be beneficial here as it could allow parking for a limited amount of time but prevent vehicles being parked for significant periods. The Local Member informed officers that often parents park to drop children at the local pre-school and shoppers occasionally park for short periods which, it was agreed, should be retained as this does not cause any significant issues.

It was suggested by officers that No Waiting at Any Time (Double Yellow Line) restrictions should be implemented at the currently unrestricted junctions of Green Lane/Townsend Court, Green Lane/The Meadows and Green Lane/Townsend Close to prevent parking close to them which leads to more difficulty for vehicles utilising these junctions. It was also suggested that it would be beneficial to prevent double parking at any time on Green Lane and, therefore, to consider the implementation of No Waiting at Any Time (Double Yellow Line) restrictions on the southern side of Green Lane from its junction with Townsend Court to its junction with Townsend Close.

Following the meeting, as part of the scheme assessment the collision history for the site was investigated. It was found that no collisions had taken place in the latest five-year period from 2016-2020 (inclusive).

Having completed the initial assessment, a set of proposals was designed by officers and approved by the Local Member and Town Council. It was agreed that the proposals should first be sent to directly affected residents for comment in the first instance.

Consequently, a resident's consultation exercise was undertaken from 16<sup>th</sup> December 2020 to 13<sup>th</sup> January 2021. A summary of the responses received is included as Appendix C. The results are summarised below.

	<b>No.</b>	<b>%</b>
<b>Support</b>	7	78%
<b>Objection</b>	2	22%
<b>TOTAL</b>	<b>9</b>	<b>100%</b>
<b>Total Consulted</b>	<b>26 (approx.)</b>	
<b>Response Rate</b>	<b>35%</b>	

The results of the consultation showed that the majority of respondents were in support of the proposals. The response rate of 35% is typical of this nature of consultation. Therefore, the final proposal shown in Appendix A was designed and approved by the Local Member and Town Council before progressing to the next phase.

An Initial Statutory Consultation process was undertaken from 15<sup>th</sup> January 2021 to 8<sup>th</sup> 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.

During the Initial Statutory Consultation, the Ward Councillor commented that the proposed residents parking bay on the southern side of Green Lane should retain the current trend of 'nose in' parking in order to maximise the spaces available. However, officers resolved to design parallel parking bays in the interest of road safety by not encouraging vehicles to potentially reverse out of spaces into live traffic on Green Lane.

The Traffic Management Advisor (TMA) for West Mercia Police issued no objections to the proposals but did state that they may result in a migration of parking onto The Meadows and Townsend Close. However, as the TMA themselves stated, these roads are better suited to accommodate any additional parking than Green Lane. Any migration that does occur is unlikely to be large in scale, the risk is considered negligible.

A Formal Consultation (Notice of Proposal) process allowing the general public and Statutory Consultees to issue comments/concerns was undertaken from 4<sup>th</sup> March 2021 to 26<sup>th</sup> March 2021 during which four objections were raised by residents. All Statutory Consultee respondents issued support for the scheme. A summary of the Formal Consultation (Notice of Proposal) responses is included as Appendix E. The objections received are outlined and addressed below in alignment with Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

The first objection (Residence 2 in Appendix E) was related to the cost of permits for the proposed parking bays and a concern that a parking place directly outside their property was not guaranteed which would result in difficulties in access to their alleyway. It was also stated that the car parks in Leominster should be made free to encourage shoppers to utilise them.

In response, the cost of permits is Council policy, it was highlighted in the consultation letter to residents. Regarding the access to premises, the purpose of the residents parking bay on the southern side of Green Lane is to ensure that residents are able to park close to their properties without any obstruction from non-resident vehicles. Whilst a space directly outside each residents property cannot be guaranteed, the proposals are a significant improvement on the current situation in providing exclusive bays for residents. No comment can be made on the charges within local car parks in Leominster, which is not part of the consideration for this TRO process.

The second objection (Residence 3 in Appendix E) issues concerns that the proposals will lead to a migration of parking onto Oldfields Close.

In response, this is an understandable concern. However, current parking habits on Green Lane and its surrounding junctions are causing safety issues and creating difficulty for residents of the southern side of Green Lane and Townsend Court, who do not possess off-street parking, in parking close to their properties. The proposals will prevent parking at the various junctions and on the southern side of Green Lane for non-residents but will still allow parking for 2 hours for

non-resident vehicles on the northern side of Green Lane. Therefore, it is considered that there is a low risk of migration of parking and that if this does occur it will be limited. Additionally, as the Traffic Management Advisor for West Mercia Police has stated (see paragraph 15), these roads are better suited to accommodate any additional parking than Green Lane which is a particularly narrow stretch of road.

The third objection (Residence 4 in Appendix E) stated concerns that the proposals would result in more vehicles utilising the private car park in Townsend Court, which is Private and for the sole use of residents of the flats. Concern was also raised that vehicles utilising the church for services and functions would no longer be able to do so and would, as a result, utilise the private car park at Townsend Court.

In response, the car park at Townsend Court is a private car park which is not adopted by the Council. It is extremely unlikely that vehicles will migrate to park here. The proposed residents parking bay and limited waiting bay do not restrict parking on Sundays which would allow for some parking for church users on this day. From Monday to Saturday, the limited waiting bay provides two hours free parking to accommodate short term stays. The Central Area Car Park is located just east of Green Lane and is a 3-minute walk from the Methodist Church.

The fourth objection (Residence 5 in Appendix E) was from a resident of central Leominster who stated opposition for the further expansion of resident permit parking for individual streets. It was stated that on-street parking is limited in Leominster and certain streets are under restrictions which mean that residents of those streets cannot park close to their properties so rely on parking on other streets.

In response, the primary purpose of the proposals set out in Appendix A as part of this TRO project, is to ensure that the residents of Green Lane and Townsend Court are able to park close to their properties without obstruction by non-resident vehicles. Another key aim is to improve road safety at the various junctions and prevent all day parking by non-residents on the northern side of Green Lane. If there are issues on another residential street in Leominster, this should be investigated as part of a separate TRO request. It is Council policy to allow for qualifying individual streets to request the implementation of residents parking bays.

Considering local guidance, Herefordshire Council's 'Resident Parking Schemes – Policies and Criteria' document sets out criteria to be considered when assessing a potential residents parking scheme which includes: A majority of residents or survey respondents report difficulty in finding a parking space and support the introduction of a permit parking scheme; The kerb space in the area under consideration is regularly occupied by extraneous vehicles; The availability of parking off-street for residents and their visitors; The majority of property which fronts the roads concerned is residential, or there is deemed sufficient capacity in a commercial area for a limited number of residential permits (subject to review); Proposals in nearby or adjacent streets are likely to have a detrimental impact on the locality; The views of the ward councillor and / or parish council.

When applying these criteria to the proposed scheme: throughout the process there has been an overwhelming show of support from residents whom responded to the residents consultation and during the formal consultation which raised just four objections; there is evidence (gathered during the site assessment) that non-resident parking is taking place on the southern and northern side of Green Lane and anecdotal evidence of commuter parking; the eligible properties for the proposed resident parking bays possess no available off street parking; the potential migration of parking has been considered and is deemed to be low risk as a result of parking available in the limited waiting bay and the Central Area Car Park nearby and the neighbouring streets, in any case,

are better suited to accommodate a slight increase in parking and; the Ward Councillor and Leominster Town Council have issued their support for the proposals to be implemented.

Regarding national policy, according to the Road Traffic Regulation Act (RTA) 1984, it is the duty of a highway authority to 'manage their road network' and 'to improve road safety'. Section 122 of the RTA 1984 states that local authorities must, so far as is practicable, exercise their functions under the RTA so as to 'secure the expeditious, convenient and safe movement of traffic'. Additionally, Section 1 of the RTA states the permitted purposes of a TRO which include 'avoiding danger to road users' and 'preserving/improving the amenities in the area'.

Section 122 of the Road Traffic Regulation Act 1984 also states that local authorities must exercise their functions under the RTA so as to 'provide suitable and adequate parking facilities on and off the highway'. It is important to maintain a balance when imposing parking restrictions so as not to be 'over restrictive'. The proposals will seek to improve road safety and access to premises for those who do not possess off-street parking where restrictions are proposed, however parking for short stays is permitted in the limited waiting bay provided. The residents parking bay and limited waiting bay are unrestricted on Sundays.

Further national guidance from Traffic Signs Manual Chapter 3 (2019) states 'Permit parking is provided where residents could have difficulty in parking close to their homes because road space would otherwise be taken up by commuters, shoppers etc.'.

The Highway Code Rule 242 states 'You MUST not leave your vehicle or trailer in a dangerous position or where it causes any unnecessary obstruction of the road'. In addition, Highway Code Rule 243 states 'DO NOT stop or park opposite or within 10 meters of a junction'.

In order to ensure that the Highway Code Rules 242 and 243 are complied with, a Traffic Regulation Order comprising the recommended waiting restrictions should be implemented in order to make the current parking habits illegal and enforceable at all times on the southern side of Green Lane and its junctions with Townsend Court, Townsend Close and The Meadows. Keeping the junctions clear of parking will be of significant benefit to pedestrians crossing the various roads who will have improved visibility as a result of the proposals.

In conclusion, the proposals accord with National Policy in the form of the Road Traffic Regulation Act 1984, National Guidance in the form of the Traffic Signs Manual Chapter 3 and The Highway Code, and Herefordshire Council's 'Resident Parking Schemes – Policies and Criteria' document (June 2020). The proposals supported by the majority of residents, the Ward Councillor and Town Council.

The objections have been considered in alignment with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. Notwithstanding these, for the reasons set out above, it is recommended to proceed with the scheme according to the original proposals as set out in drawing 3409-99 (Appendix A).



Appendix A - Proposed Restrictions  
Appendix B - Schedule of Proposed Residents Consultation  
Appendix C - Response Summary.p



Appendix E - Formal Consultation Respons



Appendix F – EINA.pdf

<p><b>Highlight any associated risks/finance/legal/equality considerations:</b></p>	<p><b>Community Impact</b></p> <p>The recommendation to introduce ‘No Waiting at Any Time’ (Double Yellow Lines), ‘Limited Waiting Monday to Saturday 09:00-17:00’ (Marked Bay) and ‘Resident Permit Holder Only Monday to Saturday 09:00-17:00’ (Parking Bay) restrictions will enable the residents of Green Lane and Townsend Court, who do not possess off-street parking facilities to park close to their properties.</p> <p>In addition, the restrictions will prevent inappropriate parking in the vicinity of the various junctions and provide safe and convenient navigation along the road for all vehicles passing and for pedestrians crossing at the various junctions.</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></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 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> <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 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.</p> <p>Under section 149 of the Equality Act 2010, the ‘general duty’ on public authorities is set out as follows:</p> <p>A public authority must, in the exercise of its functions, have due regard to the need to -</p> <p>eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;</p> <p>advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</p> <p>foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</p> <p>Any impact as a result of the scheme will be equal to all parties.</p>

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

**Resource Implication**

The cost of the implementation of the proposals is approximately £12,000. 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 Implication**

The introduction of a new TRO under Sections 1, 2, 3, 4, 32, 35, 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 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.

The Council has received four Objections. These objections have been considered in accordance 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.

If the objections to the order have not been withdrawn it will be necessary within 14 days of the making of the order for the Council to notify any person who has objected to the order. The notice must include the reasons for the Council not acceding to the objections.

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.

If there has been an error of law or procedure this can be challenged by way of judicial review. The time period for challenge is six weeks from the date of the making of the order.

**Risk Management**

	<p>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.</p> <p>It is important for safety, and their effectiveness that movement and 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.</p> <p>There is a small risk that parking could migrate to the surrounding roads. These proposals mitigate this by allowing 2 hours free parking within the limited waiting bay and allowing parking here and within the residents parking bay on Sundays. It is, however, also considered that the surrounding roads are better suited to accommodate any additional parking than Green Lane, which is a narrow single carriageway road within the majority of the proposal area.</p>
<p><b>Details of any alternative options considered and rejected:</b></p>	<p><b>Not to make any changes to the current restrictions</b>– The proposals are designed to ensure local residents who do not possess off street parking are able to park close to their properties unobstructed by non-resident vehicles. The proposed No Waiting at Any Time (Double Yellow Line) restrictions will improve the navigability of Green Lane and its junctions with Townsend Court, The Meadows and Townsend Close by preventing parking close to these junctions thereby also improving pedestrian visibility. They will also prevent double parking on Green Lane. The proposed Limited Waiting bays will allow parking up to 2 hours for vehicles using local services but prevent all day non-resident parking which is currently taking place. The proposed restrictions are also in alignment with Sections 1 and 122 of the Road Traffic Regulation Act 1984. Not to proceed with the recommendations would be in direct conflict to the desires of the Ward Councillor, Town Council, and majority of local residents in the area.</p> <p><b>To implement No Waiting at Any Time (Double Yellow Line) restrictions only</b> – This is not recommended, whilst this would improve junction safety for vehicles and pedestrians, it would fail to address the primary concern - difficulty for residents who do not possess off street parking in parking close to their properties on Green Lane and Townsend Court.</p> <p><b>Implement Limited Waiting Bays and Resident Parking Bays only</b> – This would most likely result in vehicles migrating to park on the southern side of Green Lane which could lead to double parking and blockage of the road. This would also fail to improve road safety at the various junctions. .</p>
<p><b>Details of any declarations of interest made:</b></p>	<p>None</p>

Signed..... Date:

**Please ensure that signatures are redacted before publishing.**