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| Decision title: | Mabels Furlong and Bray Avenue, Ledbury: Additional Waiting Restrictions |
| Date of decision: | 26 July 2023 |
| Decision maker: | Service Director Environment and Highways |
| Authority for delegated decision: | <p>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 financial procedure rules and is sufficient for the decision and that the officer has authority under the contract procedure rules.</p> <p>Authorisation limit is within the financial procedure rules and is sufficient for the decision and that the officer has authority under the contract procedure rules.</p> |
| Ward: | Ledbury South |
| Consultation: | <p>An informal resident's consultation exercise was undertaken from 25th August 2021 to 15th September 2021. Out of a total of approximately 48 properties consulted, just 3 Objections were raised by the local residents. This equates to 6% of those consulted and suggests that the vast majority of local residents considered the scheme to be acceptable. A summary of the responses received is included as Appendix C.</p> <p>A Formal (Statutory) Consultation process was undertaken from 21st September 2021 to 12th October 2021, whereby an initial consultation letter and proposal plan was sent to all Statutory Consultees via email. During this process, no objections were raised. Support of the scheme was received from the Ward Member, Town Council, West Mercia Police, Parking Enforcement and John Masefield High School. A summary of the responses received during the Formal (Statutory) Consultation process is included as Appendix D.</p> <p>The Notice of Proposal stage allowing the general public and Statutory Consultees to issue comments/concerns was undertaken from 28th October 2021 to 19th November 2021. During this process no objections were raised from the Statutory Consultees. One objection was raised by a local resident. A summary of the Notice of Proposal responses is included as Appendix E. The objection received is outlined and addressed directly in the Key Considerations section of this report in alignment with Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. The responses received by the Statutory Consultees is outlined briefly below.</p> <p>Ward Councillor – Has viewed the Objection and fully supports the proposals (see Appendix G)</p> <p>Town Council – Has viewed the Objection and fully supports the proposals (see Appendix G).</p> <p>Traffic Management Advisor (TMA), West Mercia Police – Offered no objections to the proposals.</p> <p>John Masefield High School – Issued support for the proposals during the Formal (Statutory) Consultation Stage.</p> <p>Hereford and Worcester Fire and Rescue Service – Issued no response to the consultation.</p> |

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| | <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> |
| Decision made: | <p>Mabels Furlong and Bray Avenue, Ledbury – Traffic Regulation Order to introduce additional No Waiting at Any Time at key locations.</p> |
| Reasons for decision: | <p>This scheme originated as a result of a request raised by the Town Council in 2017 to investigate potential additional parking controls in the vicinity of the entrance to John Masefield High School. Consequently, 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.</p> <p>As a result of its entry onto the TRO Waiting List, this scheme was identified for commencement of investigations in the 2021/2022 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.</p> <p>An on-site assessment and meeting with the Local Member and representatives of the Town Council was undertaken in August 2021. During the meeting, councillors made it clear that there was an issue with inappropriate parking and waiting on Mabels Furlong in the vicinity of the school access road. It was highlighted that, whilst this issue was more acute during school opening and closing hours, it was not exclusive to those times and inappropriate parking was occurring throughout the day. Officers observed that there are currently no restrictions in place on the southern side of Mabels Furlong from its junction with A449 nor on the school access road. The lack of restrictions immediately south of the school access road on the west side of Mabels Furlong was leading to vehicles parking in extremely close proximity to it (adjacent to the electric sub-station). This is particularly narrow section of road. Councillors advised that on the eastern side of Mabels Furlong, vehicles regularly pulled up onto the pavement in order to wait there, so parking effectively takes place on both sides of the road. This was evident due to the condition of the pavement which was cracked and sunken – characteristic of vehicles repeatedly driving/parking on it. Parking was also observed in close proximity to the junction of Mabels Furlong and Bray Avenue.</p> <p>An analysis of the collision history in the scheme area showed no personal injury collisions having taken place in the most recent 5-year period.</p> <p>Following completion of the initial assessment, an informal resident's consultation exercise was undertaken from 25th August 2021 to 15th September 2021. Out of a total of approximately 48 properties consulted, just 3 Objections were raised by the local residents. This equates to 6% of those consulted and suggests that the vast majority of local residents considered the scheme to be acceptable. A summary of the responses received is included as Appendix C.</p> <p>The Objectors called for residents permit parking to be implemented on Mabels Furlong and Bray Avenue. This is not something which is considered to be appropriate for the roads in question nor is it a suitable solution to the problems being faced – inappropriate parking specifically in the vicinity of the access road to John Masefield High School.</p> <p>A Formal (Statutory) Consultation process was undertaken from 21st September 2021 to 12th October 2021, whereby an initial consultation letter and proposal plan was sent to all Statutory Consultees via email. During this process, no objections were raised. Support of the scheme was received from the Ward Member, Town Council, West Mercia Police,</p> |

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The Objector did not believe that the No Waiting at Any Time (Double Yellow Line) restrictions proposed would be enough to solve the problems caused by parents of children attending John Masefield High School and workers of the school who, it is stated, 'park their vehicles in the road for the whole day'. The Objector believed that as a result of the proposals vehicles would drive further along Mabels Furlong and create issues elsewhere. In response to this, the primary purpose of the proposed No Waiting at Any Time (Double Yellow Line) restrictions is to improve road safety and amenity by preventing parking where it is unsafe to do so: in close proximity to the school access road, at the junction of Mabels Furlong and A449, and at the junction of Mabels Furlong and Bray Avenue. Also, to prevent double parking on the narrow section of Mabels Furlong south of the school access road. Given the fairly limited nature of the proposals in terms of their extents, it is unlikely that any migration in parking would take place and it is hoped that the restrictions will help to encourage parents dropping off/picking up children to do so in the designated school car park. However, vehicles no longer parking within the proposal area is considered a positive outcome given the nature of the sections of road included on which it is felt parking is not safe or considerate.

Furthermore, according to the Road Traffic Regulation Act (RTRA) 1984, it is the duty of a highway authority to 'manage their road network' and 'to improve road safety'. Section 122 of the RTRA 1984 states that local authorities must, so far as is practicable, exercise their functions under the RTRA so as to 'secure the expeditious, convenient and safe movement of traffic'. Additionally, Section 1 of the RTRA states the permitted purposes of a TRO which include 'avoiding danger to road users' and 'preserving/improving the amenities in the area'. It is therefore prudent that parking should be prevented where it is unsafe to do so 'at any time' and that vehicles should be prevented from waiting in the areas where restrictions are proposed – close to various junctions and on the eastern side of Mabels Furlong where the road is narrow and double parking would cause obstruction for vehicles (including emergency service vehicles).

Section 122 of the Road Traffic Regulation Act 1984 also states that local authorities must exercise their functions under the RTRA 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 seek to improve road safety and amenity whilst allowing parking where it is safe to do so. For example, vehicles will still be permitted to park adjacent to properties on the western side of Mabels Furlong.

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 on the northern section of Mabels Furlong illegal and enforceable.

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| | <p>In conclusion, the proposed additional waiting restrictions on Mabels Furlong and Bray Avenue will align with sections 1 and 122 of the Road Traffic Regulation Act 1984 by improving road safety, amenity, and navigability through the prevention of inconsiderate parking in the vicinity of the school access road and various junctions. The proposals will also prevent double parking on the narrow section of the road. Given the relatively limited extents of the proposals it is highly unlikely that there will be any migration of daytime parking as a result of the proposals. Further, the proposals are supported by the vast majority of local residents, the Town Council, and the Local Member.</p> <p>The objection received has been considered in alignment with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. The Local Member and Town Council have viewed the objection received and have resolved to support the proposals in spite of it (see Appendix G). For this reason and the reasons set out above, it is recommended to proceed with the scheme according to the original proposals as set out in drawing 3409-114 (Appendix A).</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;"> Appendix C.pdf</div> <div style="text-align: center;"> Appendix B.pdf</div> <div style="text-align: center;"> Appendix A.pdf</div> <div style="text-align: center;"> Appendix G.pdf</div> </div> <div style="display: flex; justify-content: space-around; align-items: center; margin-top: 10px;"> <div style="text-align: center;"> Appendix F.pdf</div> <div style="text-align: center;"> Appendix E.pdf</div> <div style="text-align: center;"> Appendix D.pdf</div> </div> |
| <p>Equality Considerations</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 style="padding-left: 40px;">Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:</p> <p style="padding-left: 40px;">A public authority must, in the exercise of its functions, have due regard to the need to -</p> <ul style="list-style-type: none"> 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. <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>Highlight any associated risks/finance/legal/equality considerations:</p> | <p>Community impact</p> <p>The recommendations outlined above will have a positive impact on the local community. The implementation of the proposed restrictions will seek to improve road safety and amenity. The proposals are, therefore, in alignment with Sections 1 and 122 of the Road Traffic Regulation Act 1984.</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.

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 implementation of the proposals should result in reduced congestion and vehicle emissions and provide an environment where people feel it is safer to walk, cycle or ride.

Resource implications

The cost of the implementation of the proposals is approximately £XXXX. 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 and 3 of Part I and Part 4 of Schedule 9 of 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).

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.

The Council has received one objection following publication of the notice of proposals. This objection has been considered in alignment with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

If the objection to the order has 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 objection.

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 notice of proposals of the order are 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

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| | <p>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 order cannot come into force until the notice of making has been published.</p> <p>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.</p> <p>Risk management</p> <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.</p> <p>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. This is the case at Mabels Furlong and Bray Avenue.</p> <p>There is a small risk that there may be a migration of vehicles further south on Mabels Furlong as a result of the proposals. However, the proposed restricted area is limited in size with a very limited number of legitimate parking spaces lost. In addition, vehicles no longer parking within the proposal area is considered a positive given the nature of the sections of road included on which it is felt parking is not safe or considerate. Lastly, it is most likely that vehicles will be encouraged to proceed into the school car park to drop off children, turn around and exit Mabels Furlong as a result of the proposals. In any case, the risk of migration is considered to be negligible.</p> |
| <p>Details of any alternative options considered and rejected:</p> | <p>Not to make any changes to the current restrictions– This is not recommended as it would fail to address the current issues pertaining to inconsiderately parked vehicles on the school access road, on Mabels Furlong and at its junction with Bray Avenue. At present, current parking habits on Mabels Furlong cause difficulty for vehicles attempting to navigate the bend in the road close to the school access road and the junction of Mabels Furlong and A449. Vehicles are currently parking on the school access road and immediately south of it on the western side of Mabels Furlong outside the electric sub-station – a particularly narrow section of the road. Vehicles are also currently parking close to the junction of Mabels Furlong and Bray Avenue. The current issues are as a result of there being a lack of waiting restrictions in the area. It is pertinent that waiting restrictions are implemented to ensure the safe, convenient, and expeditious movement of vehicles (including emergency service vehicles) here. The proposed restrictions are in alignment with sections 1 and 122 of the Road Traffic Regulation Act 1984. Finally, not to proceed with the recommendations would be in direct conflict to the desires of the Local Member, Town Council, and the vast majority of local residents.</p> <p>To implement timed waiting restrictions operational only during school opening and closing hours – Whilst this would go some way to reducing congestion and inappropriate parking during school opening and closing hours, it would fail to prevent it outside these hours. Vehicles should not be allowed to wait on the sections of road on which it is proposed that restrictions be implemented at any time. No Waiting at Any Time (Double Yellow Line) restrictions will ensure that parking is prevented on Mabels Furlong at its junctions with A449, the school access road and Bray Avenue and that the bend in the road is kept clear of parking on one side at all times.</p> |

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| Details of any declarations of interest made: | None |
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Signed..... Date:

Please ensure that signatures are redacted before publishing.