

<b>Decision title:</b>	<b>Belmont Avenue and Belmont Court, Hereford: Additional waiting restrictions traffic regulation order.</b>
<b>Date of decision:</b>	26 July 2023
<b>Decision maker:</b>	Service Director Environment and Highways
<b>Authority for delegated decision:</b>	<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.</p> <p>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>The authorisation limit within the <a href="#">financial procedure rules</a> is sufficient for the decision and that the officer has authority under the contract procedure rules.</p>
<b>Ward:</b>	Hinton and Hunderton
<b>Consultation:</b>	<p>A Formal (Statutory) Consultation process was undertaken from 6th September 2021 to 27th September 2021, whereby an initial consultation letter and proposal plan was sent to all Statutory Consultees via email. During this process, no objections were raised. 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 26th October 2021 to 19th November 2021. During this process no objections were raised from the Statutory Consultees nor from members of the public. A summary of the Notice of Proposal responses is included as Appendix E. The responses received from the Statutory Consultees are outlined briefly below.</p> <p>Ward Councillor – Fully supports the proposals.</p> <p>Hereford City Council – Issued no response to the consultation.</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>	To implement a traffic regulation order to introduce additional no waiting

	at any time (double yellow lines) restrictions on Belmont Avenue and Belmont Court, Hereford.
<b>Reasons for decision:</b>	<p>considerations</p> <p>This scheme originated as a result of concerns from a previous Local Member in 2016 regarding the potential displacement of parking as a result of redevelopment of a former car park on the northern side of Belmont Avenue directly northeast of its junction with Belmont Court. 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 were undertaken in July 2021. The re-development of the former carpark had been completed and the site is now occupied by a large hostel. During the meeting, the Local Member highlighted concerns from residents on Belmont Court regarding inappropriate parking by non-residents which often blocks private driveways and accesses. It was also pointed out that vehicles (non-residents) often waited on the inside of the bend on Belmont Avenue just east of its junction with Belmont Court which caused major difficulties for vehicles navigating this stretch of road. Officers observed the bend in the road on Belmont Avenue and agreed that a waiting restriction on the inside of the bend would be suitable and improve road safety. It was also agreed that additional restrictions would be of benefit on Belmont Court in order to prevent double parking and parking which blocks driveways and accesses located in the turning head of this road.</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 5<sup>th</sup> August 2021 to 26<sup>th</sup> August 2021. No objections were raised. A summary of the responses received is included as Appendix C.</p> <p>During this consultation exercise, one resident supported the proposals but suggested that on Belmont Court the proposed restrictions should be placed on both sides of the road. In response to this, it is important to maintain a balance when implementing parking restrictions so as not to be 'over-restrictive' and only prevent parking where it is unsafe or inappropriate to do so. On Belmont Court, it is considered that parking on one side of the road does not cause any major safety or navigation issues. The proposed additional restrictions are targeted in their objectives which are to prevent double parking and prevent parking which blocks the accesses and driveways located on south-western side of the turning head on Belmont Court.</p> <p>Another consultee supported the proposals but had slight concerns as to their impact on the level of on-street parking spaces available. In response</p>

to this concern, the proposed restrictions have been designed to target areas where parking would compromise road safety and amenity. Where additional restrictions are proposed, parking is infrequent and not regularly used by local residents to wait. Therefore, it is not anticipated that the restrictions will result in the loss of any legitimate parking spaces. Parking has not been restricted where it is safe to do so.

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According to the Road Traffic Regulation Act (RTRA) 1984 and the Traffic Management Act 2004 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 on the inside of the bend in the road on Belmont Avenue and prevented from parking on both sides of Belmont Court and where parking would block accesses and driveways.

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 on Belmont Avenue and Belmont Court whilst allowing parking where it is safe to do so.

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.

In conclusion, the proposed additional waiting restrictions 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 on Belmont Avenue and Belmont Court. The proposed restrictions aim to prevent double parking or parking which blocks driveways and accesses on Belmont Court. They will also aim to prevent parking on the

	<p>inside bend on Belmont Avenue. Further, the proposals are supported by the Local Member and local residents.</p> <p>It is, therefore, advised to progress with the recommendations outlined in this report for the reasons set out above.</p> <div style="display: flex; justify-content: space-around; align-items: flex-start;"> <div style="text-align: center;">         Appendix B.pdf     </div> <div style="text-align: center;">         Appendix A.pdf     </div> <div style="text-align: center;">         Appendix F.pdf     </div> <div style="text-align: center;">         Appendix E.pdf     </div> </div> <div style="display: flex; justify-content: space-around; align-items: flex-start; margin-top: 10px;"> <div style="text-align: center;">         Appendix D.pdf     </div> <div style="text-align: center;">         Appendix C.pdf     </div> </div>
<p><b>Equality Considerations</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 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"> <li>eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;</li> <li>advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</li> <li>foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</li> </ul> <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><b>Highlight any associated risks/finance/legal/equality considerations:</b></p>	<p>Resource implications</p> <p>The cost of the implementation of the proposals is approximately £7500. 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.</p> <p>Legal implications</p> <p>The introduction of a new TRO under Sections 1, 2, 3 and Part 4 of Schedule 9 of the Road Traffic Regulation Act 1984 will be required.</p> <p>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</p>

publish the proposals in a local newspaper. Regulation 7 requires the TRO documents to be made available to the public at all times in a place specified by the notice for a period of 6 weeks. 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.

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 no Objections to the proposals within the timescale set out in regulation 8 of the 1996 Regulations. The Council can therefore make the Order.

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. 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.

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. The time period for challenge is 6 weeks 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.

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 Belmont Avenue and Belmont Court.

There is a small risk that vehicles may migrate to other parts of Belmont Avenue and Belmont Court. 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. In any case, the risk of migration is considered to be negligible.

	<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> <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 has sought to minimise any adverse environmental impact and will actively seek opportunities to improve and enhance environmental performance.</p> <p>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.</p>
<p><b>Details of any alternative options considered and rejected:</b></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 Belmont Court and Belmont Avenue. At present, current parking habits on Belmont Avenue cause difficulty for vehicles attempting to navigate the bend in the road east of its junction with Belmont Court. It is pertinent that waiting restrictions are implemented on the inside of this bend to ensure safe, convenient, and expeditious movement of vehicles (including emergency service vehicles) here. Not to implement the proposals would also fail to prevent parking on both sides of Belmont Court which would block this road as well as to prevent inconsiderate parking by non-residents which blocks private driveways and accesses. 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 and local residents.</p>
<p><b>Details of any declarations of interest made:</b></p>	<p>None</p>

Signed..... Date:

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