

Record of operational decision

Decision title:	Decision to introduce parking restrictions, inclusive of Resident Permit Parking across various road, Ledbury.
Date of decision:	11 th July 2024
Decision maker:	Service Director for Environment and Highways
Authority for delegated decision:	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.
Ward:	Ledbury North, Ledbury West, Ledbury South
Consultation:	<p>A Formal (Statutory) Consultation process was undertaken from 23rd January 2024 to 13th February 2024, 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 E.</p> <p>The Notice of Proposal stage allowing the general public and Statutory Consultees to issue comments/concerns was undertaken from 23rd May 2024 to 14th June 2024. During this process no objections were raised from the Statutory Consultees, and six objections were raised from members of the public. A summary of the Notice of Proposal responses is included as Appendix F. The responses received from the Statutory Consultees are outlined briefly below.</p> <p>Ledbury North Ward Councillor – Issued no formal response to the consultation but has been involved throughout the TRO process and continually issued their support.</p> <p>Ledbury West Ward Councillor – Issued no response to the consultation.</p> <p>Ledbury South Ward Councillor – Supports the Proposals.</p> <p>Ledbury Town Council – Issued no formal response to the consultation but has been involved throughout the TRO process and continually issued their support.</p> <p>Parking Enforcement Manager - Issued no response to the consultation.</p> <p>BBLP Locality Steward – Offered no objection to 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>

Decision made:	<p>Consideration has been given to the receipt of six 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, with the exception of Queens Court where a modified proposal be implemented. The effect of the Order will be to introduce additional Waiting, Permit Parking & Disabled Badge Holder Restrictions on Various Roads in the town of Ledbury.</p> <p>A full schedule of the Final proposals is included as Appendix C.</p>																																																		
Reasons for decision:	<p>The scheme originated in response to a request from local stakeholders in relation to the Extra Ordinary Market Town Fund. There were several individual parking requests which were grouped together into one TRO scheme.</p> <p>An on-site assessment and meeting with the Local Members were undertaken in April 2023. During the meeting, the following issues were discussed:</p> <p>Permit Parking in Belle Orchard, Belle Orchard Close and Queens Court.</p> <p>Formalising the advisory disabled badge holder bays in Queens Court.</p> <p>Waiting Restrictions at the Lower Road Trading Estate & Masefield Avenue.</p> <p>An additional site assessment and scheme feasibility was undertaken in June 2023 following a council decision to include additional TRO requests in Ledbury found on the council's prioritised TRO waiting list. These included: Waiting restrictions at Albert Road, Newbury Park, Church Street/Homend Crescent and Fairfields Road.</p> <p>Permit Parking on New Street opposite the Co-Op.</p> <p>Following completion of the initial assessment, an informal residents' and businesses consultation exercise was undertaken from 28th September 2023 to 27th October 2023. The proposal plans for this consultation can be found in Appendix D.</p> <p>During this consultation exercise, the following response breakdown was received at each proposal location:</p> <table border="1" data-bbox="491 1420 1458 2011"> <thead> <tr> <th>Road</th> <th>Support</th> <th>Object</th> <th>Non-Committal</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Masefield Avenue</td> <td>4</td> <td>3</td> <td>7</td> <td>14</td> </tr> <tr> <td>Belle Orchard/Belle Orchard Close</td> <td>7</td> <td>2</td> <td>8</td> <td>17</td> </tr> <tr> <td>Queens Court</td> <td>11</td> <td>2</td> <td>4</td> <td>17</td> </tr> <tr> <td>Newbury Park</td> <td>7</td> <td>0</td> <td>1</td> <td>8</td> </tr> <tr> <td>New Street</td> <td>6</td> <td>1</td> <td>3</td> <td>10</td> </tr> <tr> <td>Church Street/Homend Crescent</td> <td>4</td> <td>0</td> <td>1</td> <td>5</td> </tr> <tr> <td>Albert Road</td> <td>7</td> <td>1</td> <td>10</td> <td>17</td> </tr> <tr> <td>Fairfields Road</td> <td>0</td> <td>2</td> <td>2</td> <td>4</td> </tr> <tr> <td>Lower Road Trading Estate</td> <td>1</td> <td>1</td> <td>5</td> <td>7</td> </tr> </tbody> </table> <p>A full summary of all the responses received during the informal residents' and businesses consultation exercise is included in Appendix D.</p> <p>The feedback garnered during this consultation was considered and, where deemed appropriate, the following changes were instigated:</p>	Road	Support	Object	Non-Committal	Total	Masefield Avenue	4	3	7	14	Belle Orchard/Belle Orchard Close	7	2	8	17	Queens Court	11	2	4	17	Newbury Park	7	0	1	8	New Street	6	1	3	10	Church Street/Homend Crescent	4	0	1	5	Albert Road	7	1	10	17	Fairfields Road	0	2	2	4	Lower Road Trading Estate	1	1	5	7
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Removal of the No Waiting 12pm-1pm (Single Yellow Line) proposal in Masefield Avenue.

Extend the hours of the Permit Parking Area in Belle Orchard/Belle Orchard Close from Mon-Sat 8am-5pm to Mon-Sat 8am-8pm.

Extend the hours of the Permit Parking Area in Queens Court from Mon-Sat 8am-5pm to Mon-Sat 8am-8pm.

North-eastern extension of the No Waiting at Any Time (Double Yellow Line) restrictions at the junction between Albert Road & Little Marcle Road.

Reduction in the extent of the No Waiting at Any Time (Double Yellow Line) restrictions on Fairfields Road to cover the junction mouth only.

Extension to some of the No Waiting at Any Time (Double Yellow Line) restrictions at the Lower Road Trading Estate to facilitate HGV manoeuvrability.

Following the changes made to the proposals following the informal residents' and businesses consultation exercise, a Formal (Statutory) Consultation process was undertaken from 23rd January 2024 to 13th February 2024, 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 E.

The Notice of Proposal stage allowing the general public and Statutory Consultees to issue comments/concerns was undertaken from 23rd May 2024 to 14th June 2024. During this process no objections were raised from the Statutory Consultees, and six objections were raised from members of the public. A summary of the Notice of Proposal responses is included as Appendix F.

The Objections were all in relation to the roads where permit parking proposals were included within this proposal package. No objections were raised to the waiting restrictions advertised as part of this proposal package. The objections and responses at each location are detailed below:

Three objections were received at Belle Orchard/Belle Orchard Close. Two of these objections were in relation to the costs associated with permit parking and residents who are not willing to pay to park on the street with which they reside. They state that it is a way of boosting income for the council and that they rarely have issues with finding a parking space.

In response to these objections, firstly, the proposals have been requested by the Local Member following concerns raised to them by residents about all day non-resident parking in Belle Orchard/Belle Orchard Close. The cost of permits is policy and not something which can be commented on as part of this report. The current charges are listed within the explanatory information document and can be viewed on the residents' parking permits page of the Herefordshire Council website. Whilst there is indeed a permit cost for residents wishing to park in Belle Orchard/Belle Orchard Close, the cost provides them the opportunity for priority parking, as only permit holders will be able to park on the streets during the restricted hours which, in turn, should provide greater space availability. Additionally, it is clear that the vast majority of the Residents of Belle Orchard/Belle Orchard Close consider the scheme to be acceptable, with several comments of support raised over the TRO process just two objections having been raised by residents and no objections from the Statutory Consultees during the formal consultations.

The third objection at Belle Orchard/Belle Orchard Close was from an NHS service provider who use the parking currently available in the roads for their staff to park. They requested that they have access to 10 permits to continue to park in the road, if the Permit Parking Scheme went ahead, or that they would have to object as it would prevent them from having the ability to park.

In response to the objection, the main criteria for justifying a resident's permit parking scheme is that there is insufficient space in which the residents of the scheme can park, as a result of non-resident parking. Under

Herefordshire Council's 'Resident Parking Schemes – Policies and Criteria' document it would not be possible for 10 parking permits to be issued for staff of the NHS service provider. However, Herefordshire Council have drawn up an arrangement with the NHS service provider for their staff to have a permit to use the nearby Bridge Street Car Park. Therefore, these staff should not be negatively affected by the introduction of these proposals.

Two objections were raised at Queens Court. Both objections centred around the three mandatory disabled bays which were proposed. The objectors stated that they were opposed to both the number and the mandatory status of these disabled bays. One objector also stated that the permit parking would introduce additional issues as residents would be eligible to have up to two permits and as such, there would not be a guarantee that parking spaces would be available to residents of Queens Court. They stated that one permit per household would be more suitable.

In response to the objections surrounding the number of disabled bays, Herefordshire Council has undertaken a review of the requirements of the advisory disabled bays currently in place in Queens Court. As a result of this review and feedback garnered during the consultations, the proposal will be modified so that two of these bays will be removed and become available for permit parking. A modified proposal plan can be found in Appendix B.

In response to the objection about permit parking, the proposals have been requested by the Local Member following concerns raised to them by residents about all day non-resident parking in Queens Court. The restrictions as proposed aim to benefit residents by prioritising parking for them, as non-residents parking will not be permitted during the restricted hours. A permit does not give any right to the provision of a parking space, but simply allows a vehicle displaying a valid permit to park in the road during the restricted hours, as stated in the Herefordshire Council Residents Parking Policy. Visitor permits, permit allocation and their requirements are listed within the explanatory information document and can be viewed on the residents' parking permits page of the Herefordshire Council website. Whilst some properties may have the maximum allocation of permits and therefore, more resident vehicles may be parked on-street, the introduction of permits provides residents the opportunity for priority parking, as only permit holders will be able to park and non-resident vehicles will not be permitted to park. Therefore, there should be greater space availability over the current unrestricted situation.

One objection to the dual residents parking/limited waiting restrictions on New Street was received. The objection was centred around properties that already have off road parking being eligible for permits and being able to have access to permits in conjunction with those who do not. They stated that there are vehicles which remain parked up for several days in these bays. They stated that the limited space should be reserved residents who don't have any alternative parking. They stated they strongly objected to the proposed 1 hour limited waiting parking proposal. They state that this will likely result in them being unable to find a parking space. They also question why they could not be allocated a disabled space on New Street and how these restrictions will be enforced.

In response to the objection, the parking eligibility of the permit holder bays has been drawn up in alignment with the Herefordshire Council Residents Parking Policy. The proposal for residents parking here will provide permit holders the opportunity for priority parking, as only permit holders will be able to park for longer than 1 hour and therefore, should provide greater space availability. The one-hour parking restriction will allow visitors (such as carers) to park without a permit for up to an hour, but will prevent non permit holders from parking here for several days (as the objector stated is currently the case). Herefordshire Council do not allocate disabled bays for use by a specific person and the introduction of permit parking here will improve the objectors parking situation over the present situation. In response to

comments surrounding enforcement, the permit parking restrictions will be patrolled on a regular basis, in accordance with Herefordshire Councils enforcement strategy.

Whilst not objections, two comments were received regarding for additional waiting restrictions that should be included within this TRO at other locations within Ledbury.

In response to these requests, it is not possible to include these additional waiting restrictions within this TRO scheme, as these requests are outside the remit of the project. Should the consultees wish to follow these requests up, they should speak with their local member or the Town Council, who would be able to make a TRO request in alignment the councils TRO request procedure.

Considering local guidance, Herefordshire Council's 'Resident Parking Schemes – Policies and Criteria' document sets out criteria to be considered when assessing potential residents parking restrictions 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/town council.

When applying these criteria to the proposed scheme: throughout the process there has been an overwhelming show of support from residents of Belle Orchard, Belle Orchard Close, Queens Court & New Street, whom responded to the residents consultation and during the formal consultation which raised just six objections in total. There is evidence (gathered during the site assessment) that non-resident parking by visitors to the town is taking place throughout these roads; many properties do not possess any off street parking; the majority of these streets are of a residential nature; the potential migration of parking has been considered and is deemed to be low risk as a result of parking available in the town car parks and; the Ward Councillor has requested and offered their support throughout the TRO process for the proposals to be implemented.

Regarding national policy, 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 waiting should be prevented where it is unsafe to do so 'at any time' on the roads within the scheme, in order to ensure vehicles can navigate the roads more easily, unobstructed by inconsiderately parked vehicles close to junctions, bends and at narrow points in the roads.

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' and decrease the amount of available parking spaces where it is not necessary to do so. The proposals will seek to improve road safety and amenity. Parking has only been restricted where it is deemed unsafe or where it causes an obstruction to road users. The scheme has been designed to include as much residents parking kerb space as is safely possible. As such, these permit restrictions will only be operational during

restricted hours. This will allow unrestricted parking in these areas outside of these hours.

Further national guidance from Traffic Signs Manual (TSM) 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.'. This is the case at Belle Orchard, Belle Orchard Close, Queens Court & New Street, which is currently subject to commuter and shopper parking.

The Highway Code Guidance 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 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 Herefordshire Council's 'Resident Parking Schemes – Policies and Criteria' document (June 2020). Significant consultation with directly affected residents of the affected roads and other nearby roads has been undertaken. 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. The proposed restrictions aim to prevent parking at junctions, bends and pinch points in the roads. There has been overwhelming support from the majority demonstrated by the lack of objections received during the Formal Consultation (Notice of Proposal) stage. There has also been support issued for the proposals by the Local Members.

It is, therefore, advised to progress with the recommendations outlined in this report for the reasons set out above.



Highlight any associated risks/finance/legal/equality considerations:

Community impact

The recommendation to introduce Resident Permit Holder restrictions will enable the residents Belle Orchard, Belle Orchard Close, Queens Court & New Street and other nearby roads, who do not possess off-street parking facilities to park close to their properties.

In addition, the proposed waiting 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. The proposed disabled badge holder restrictions will formalise the parking arrangements for disabled badge holders in Queens Court and allow enforcement of the disabled parking bay there.

Overall, the recommendation would have a positive impact on the local community for the reasons outlined above.

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.

Equality duty

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.

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

Resource implications

The cost of the implementation of the proposals is approximately £30,000. This includes costs for statutory consultation, preparing and making the TRO, signage, road markings and advertising. This cost has been identified from Extra Ordinary Market Town Funds project.

Legal implications

The introduction of a new TRO under Sections 1, 2, 3, 4, 5, 32, 33, 35, 37, 45, 46, 47, 49, 51 and 53 of Part I and Part IV 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

	<p>Council, as Highway Authority, consider any objections received after the formal statutory consultation process, (which includes advertising in a local newspaper).</p> <p>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.</p> <p>The Council has received six objections to the proposals. If the Council proceeds to make an Order, it will be necessary 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.</p> <p>The Order cannot come into force before the Order has been publicised in accordance with these requirements. The time period for challenge is three months 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 in Ledbury.</p> <p>There is a small risk that vehicles may migrate to other parts of Ledbury. However, the proposed restrictions result in a very minimal number of legitimate parking spaces being lost. These proposals have attempted to mitigate this by allowing 1-hour free parking within the dual use limited waiting bays on New Street and allowing parking on Sundays in the Permit Parking areas. Additionally, there is parking capacity within the town's off-street car parks.</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 roads in question, to prioritise parking for residents and formalise advisory disabled badge holder bays. It is pertinent that the waiting, disabled badge holder and permit holder restrictions are implemented to ensure the safe, convenient, and expeditious movement of vehicles (including emergency service vehicles), to prevent non-resident parking all day along the permit proposal roads and to formalise the disabled badge holder provision. Not to implement the proposals would fail to prevent the parking at junctions and other inappropriate locations and fail to prioritise parking for residents & disabled badge holders. Overall, the proposed restrictions are in alignment with sections 1 and 122 of the Road Traffic Regulation Act 1984. Additionally, not to proceed with the recommendations would be in direct conflict to the desires of the majority of local residents.</p> <p>To implement No Waiting at Any Time (Double Yellow Line) restrictions only – Whilst this would improve junction safety for vehicles and pedestrians, it would fail to address the concerns surrounding all day non-resident parking and the difficulty for residents to park.</p>

	Implement Permit Parking restrictions only – Whilst this would prioritise parking for residents, it would fail to address the concerns surrounding current issues pertaining to inconsiderately parked vehicles on the roads in question. This would also fail to improve road safety at the various junctions.
Details of any declarations of interest made:	None

Signed..... Date:

Please ensure that signatures are redacted before publishing.