

## Record of operational decision

<b>Decision title:</b>	Decision to implement additional waiting restrictions at Mortimer and Perseverance Road, Hereford.
<b>Date of decision:</b>	16 <sup>th</sup> February 2024
<b>Decision maker:</b>	Service Director for Environment and Highways
<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 financial procedure rules and is sufficient for the decision and that the officer has authority under the contract procedure rules.
<b>Ward:</b>	Widemarsh
<b>Consultation:</b>	<p>A Formal (Statutory) Consultation process was undertaken from 12<sup>th</sup> September 2022 to 3<sup>rd</sup> October 2022, 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 19<sup>th</sup> January 2023 to 10<sup>th</sup> February 2023. 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 F. The responses received from the Statutory Consultees are outlined briefly below.</p> <p>Ward Councillor – Supports the proposal. Hereford City Council – Issued no response to the consultation. Traffic Management Advisor (TMA), West Mercia Police – Offered no objections to the proposals. Locality Steward – Supports the proposal. Hereford and Worcester Fire and Rescue Service – Issued no response to the consultation. Road Haulage Association – Issued no response to the consultation. Freight Transport Association – Issued no response to the consultation. West Midlands Ambulance Service – Issued no response to the consultation. National Highways - Offered no objections to the proposals.</p>
<b>Decision made:</b>	<p>Considering no objections have been raised during the Formal (Statutory) Consultation and Notice of Proposal Stages, a new Traffic Regulation Order be implemented under Sections 1, 2 and 3 of Part I and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 as proposed in the Notice of Proposal, the effect of which will be to introduce additional No Waiting at Any Time (Double Yellow Line) restrictions on Mortimer Road, Perseverance Road &amp; the A49 Newtown Road, Hereford.</p> <p>A full schedule of the proposals is included as Appendix B.</p>
<b>Reasons for decision:</b>	This scheme originated as a result of a request from the Local Member made in March 2019. The request regarded the introduction of parking controls at the junctions of Mortimer Road/Newtown Road, Mortimer Road/Perseverance Road and Perseverance Road/ Holmer Road slip road. 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.

As a result of its entry onto the TRO Waiting List, this scheme was identified for commencement of investigations in the 2022/2023 Annual Plan. Therefore, Herefordshire Council 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 was undertaken in July 2022. During the meeting, the Local Member highlighted concerns that inappropriate parking by vehicles close to the junctions of Mortimer Road and Newtown Road, Mortimer Road and Perseverance Road and Perseverance Road and Holmer Road was causing difficulty for vehicles navigating these junctions. It was also noted that parked vehicles in these locations were impacting safety for the pedestrian crossings at these points. As a result of this discussion, it was agreed that No Waiting at Any Time (Double Yellow Lines) would be proposed to protect the junctions mentioned above, thereby improving navigability for vehicles and improving safety for pedestrians crossing at these points, whilst seeking not to cause significant inconvenience for local residents and businesses.

An analysis of the collision history in the scheme area showed four personal injury collisions having taken place at the Mortimer Road/A49 Newtown Road Junction in the most recent 5-year period. Collision Data can be found in Appendix C

Following completion of the initial assessment, an informal residents consultation exercise was undertaken from 15<sup>th</sup> August 2022 to 7<sup>th</sup> September 2022. No objections were raised. A summary of the responses received during this Consultation process is included as Appendix D.

During this consultation exercise, residents welcomed the proposals, but requested that the restrictions be extended further in order to further restrict parking and improve the parking situation along the roads.

In response to these comments, it is important to maintain a balance between where parking is permitted and where it is not permitted when implementing parking restrictions, so as not to be deemed to be "over-restrictive". The proposal aligns with this balance. The proposals would also supplement Rule 243 of the Highway Code (i.e., no parking within 10 metres of a junction), which deals with the issues highlighted from the request and discussed in the on-site meeting with the local member.

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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' on Mortimer Road, Perseverance Road & the A49 Newtown Road, 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'. The proposals seek to improve road safety and amenity on Mortimer Road, Perseverance Road & the A49 Newtown Road, whilst allowing parking where it is safe to do so.

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 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 Mortimer Road, Perseverance Road & the A49 Newtown Road. The proposed restrictions aim to prevent parking at junctions and where it causes obstruction particularly at Mortimer Road, Perseverance Road & the A49 Newtown Road junctions. Further, it is clear that the proposals are supported by local residents and the Local Member.

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



Appendix A.pdf



Appendix B.pdf



Appendix C.pdf



Appendix D.pdf



Appendix E.pdf



Appendix F.pdf



Appendix G.pdf

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

### **Community impact**

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 on Mortimer Road, Perseverance Road & the A49 Newtown Road. The proposals are, therefore, in alignment with Sections 1 and 122 of the Road Traffic Regulation Act 1984.

### **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.

### **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.

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Any impact as a result of the scheme will be equal to all parties.

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

### **Resource implications**

The cost of the implementation of the proposals is approximately £10,000. 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 implications**

The introduction of a new TRO under Sections 1, 2 and 3 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 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 no 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.

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.

### **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

	<p>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 Mortimer Road, Perseverance Road &amp; the A49 Newtown Road.</p> <p>There is a risk that vehicles may migrate to other parts of Mortimer Road, Perseverance Road &amp; the A49 Newtown Road. However, the proposed restricted area is targeted at preventing parking in locations where it is unsafe to do so including junctions and narrow sections of carriageway. In addition, vehicles no longer parking within the proposed restricted 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.</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> This is not recommended as it would fail to address the current issues pertaining to inconsiderately parked vehicles at the junctions of these roads. At present, parking habits at these junctions can cause difficulty for vehicles (particularly large vehicles) attempting to navigate the roads. Therefore, it is pertinent that waiting restrictions are implemented to ensure safe, convenient, and expeditious movement of vehicles (including emergency service vehicles) here. Overall, the proposed restrictions are 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 local residents &amp; Local Member.</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.**