

Record of operational decision

Decision title:	Decision to introduce additional parking & waiting restrictions along various streets at Leominster, Herefordshire.
Date of decision:	2 nd February 2024
Decision maker:	Service Director for Highways, Environment and Waste
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:	Leominster South, Leominster East
Consultation:	<p>A Formal (Statutory) Consultation process was undertaken from 8th December 2022 to 6th January 2023, 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 6th April 2023 to 3rd May 2023. During this process no objections were raised from the Statutory Consultees, and five objections were raised 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 (Leominster East) – Supports the proposals. Ward Councillor (Leominster South) – Issued no response to the consultation. Leominster Town Council – Issued no response to the consultation. Parking Enforcement Manager - Issued no response to the consultation. Traffic Management Advisor (TMA), West Mercia Police – Offered no objections to the proposals. 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.</p>
Decision made:	<p>Consideration has been given to the receipt of five 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, the effect of which will be to introduce additional Waiting and Resident Permit Holder restrictions on various roads, Leominster.</p> <p>A full schedule of the proposals is included as Appendix B.</p>
Reasons for decision:	This scheme originated as a result of a various requests from Leominster Town Council and Local Members to impose parking controls, including residents permit parking, at various locations within Leominster. 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 Town Council and Local Members was undertaken in July 2022. During the meeting, they highlighted concerns about inappropriate parking at the Laundry Lane/Hereford Road Junction, Westfield Walk, Worcester Road, School Road & The Priory. Additionally, permit parking for residents on Etnam Street, Worcester Road, Rainbow Street, School Lane & The Priory was also raised. Finally, the conversion of an existing loading bay to match the existing dual use resident permit parking/limited waiting bay restrictions on South Street was raised.

Following completion of the initial assessment, an informal residents' consultation exercise was undertaken from 23rd September 2022 to 21st October 2022.

During this consultation exercise, a total of 52 responses across the proposal areas were received. 4 objections were raised. One for the Hereford Road/Laundry Lane proposal, two for the Etnam Street proposal and one for the Rainbow Street proposal. A full summary of all the responses received during the informal residents' consultation exercise is included as Appendix C.

As a result of the feedback received during the initial informal residents' consultation the proposals were amended where deemed safe and appropriate. The No Waiting Mon-Sat 8am-6:30pm outside the Norfolk House entrance on Etnam Street was replaced by No Waiting at Any Time Restrictions, in order to prevent obstruction in front of the access at any time of day.

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During this process, the Local Member for Leominster East requested that the No Waiting at Any Time restrictions outside of Norfolk House on Etnam Street be extended eastwards to improve visibility looking right for vehicles navigating from the access onto Etnam Street. Additionally, the member requested whether residents from Broad Street were contacted during the informal consultation about the permit parking on School Road & the Priory. Following further discussions with the member, the proposal outside of Norfolk House was extended eastward and it was explained that the Broad Street residents would not qualify for permit parking, under the Herefordshire Council Permit Parking Policy. Finally, the Member requested that additional restrictions were applied to Worcester Road, in order to facilitate the movement of vehicles using the industrial estates.

The eastern extension for the No Waiting at Any Time restrictions outside of Norfolk House and the additional restrictions on Worcester Road were included into the proposal and the proposal was moved forward to the Notice of Proposal stage.

The Notice of Proposal stage allowing the general public and Statutory Consultees to issue comments/concerns was undertaken from 6th April 2023 to 3rd May 2023. During this process no objections were raised from the Statutory Consultees, and five objections were raised from members of the public. A summary of the Notice of Proposal responses is included as Appendix E.

One objection was raised regarding the proposal at the Hereford Road/Laundry Lane junction. The resident stated that the introduction of these restrictions will remove 2/3 parking spaces which are vital for residents, as parking is already limited in this area. They stated that the removal of parking will cause them issues when loading/unloading their vehicle. They also stated that alternative parking should be provided for them.

In response to the objection, the restrictions have been proposed in order to address concerns surrounding visibility and junction safety. The measures aim to improve the navigability of these roads and to improve road safety generally for vehicles (including cyclists) and pedestrians. This will be achieved by preventing inappropriate parking close to junctions, or where it causes obstruction for passing vehicles (including emergency service vehicles), congestion and obscures visibility for pedestrians attempting to cross the various roads. This would also supplement Rule 243 of the Highway Code (i.e., no parking within 10 metres of a junction). It is imperative that the restrictions are implemented in order to ensure vehicles are not parked right up to the junction, in order for road users to have sufficient visibility when using the junction. In response to comments surrounding difficulties to do with Loading and Unloading, these actions are permitted on No Waiting at Any Time (Double Yellow Line) restrictions and so loading and unloading arrangements would not need to change here. Additionally, the remainder of Hereford Road will remain as unrestricted and will therefore continue to provide free parking in the location in question.

Four objections were raised regarding the residents parking proposal on Etnam Street. The first objection stated that the proposed restrictions were unnecessary and detrimental to the town, as the permit restrictions will not guarantee permit holders parking places and will put a financial burden on residents. Additionally, they stated they are detrimental for businesses in the town, as there will now be restricted on-street parking. The second objection mirrored the first in stating that the permit restrictions will not guarantee permit holders parking places and that there was no mention about any future increases in permit costs. The other two objections both stated that the scheme was not comprehensive enough and did not include Pinsley Road & Falconer Place. They stated that these side streets should be included as they will suffer from a migration of parking, should the proposals be implemented. They also questioned why some No Waiting at Any Time restrictions were proposed inside of the parking bay, near to Norfolk House, thus reducing parking availability. They stated concerns surrounding sufficient enforcement of the restrictions and therefore, the payments made by residents for permits being unjustified. They also stated that there was no information on permit eligibility, and so it could not be determined if a property would be eligible, and therefore whether to object or not.

In response to these objections, firstly, the proposals have been requested following concerns about all day non-resident parking in Etnam Street. The restrictions as proposed aim to benefit residents by prioritising parking for them, as non-residents parking will be limited to an hour. 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 excess of the permitted period laid down, as stated in the Herefordshire Council Residents Parking Policy. A conscious attempt was made during the scheme design to ensure that all residents would be able to park as close to their properties as possible. In the majority of instances, residents are able to park on the same side of the road as, or the opposite side to, their property. However, there are a few instances where residents may have to park slightly further away than they are currently able to. Nonetheless, the scheme has been designed in a manner which controls parking in order to improve road safety and amenity in the area. The proposed Limited Waiting provision has been included into the proposal, in order to continue to provide non-resident parking, as non-resident permit holding vehicles will still be permitted to park in the bays on Etnam Street for up to 1 hour. This aims to increase the turnover of vehicles and prevent non-permit holder vehicles from being parked on street for long

periods of time, which should be of benefit to local businesses, as a greater number of vehicles will be able to park along the street. 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 on Etnam Street, the cost provides them 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.

In response to the objections surrounding the comprehensiveness of the scheme, the scheme has been designed in accordance with Herefordshire Council Residents Parking Policy, taking into account the criteria set out within it. Falconer Place and Pinsley Road have off-street parking provision and therefore, do not meet these criteria. Additionally, Pinsley Road has a prohibition of motor vehicles except for access restriction and therefore, vehicles should only be accessing this road if they require access to it, not to park there if they do not require access. The No Waiting at Any Time restrictions outside of Norfolk House on Etnam Street have been extended eastwards to improve visibility looking right for vehicles navigating from the access onto Etnam Street. This was in response to a request from the local member. Whilst this does remove some on street parking, it is important that these restrictions are implemented in order to secure the expeditious, convenient and safe movement of traffic.

In response to comments surrounding enforcement, the permit parking restrictions will be patrolled on a regular basis, in accordance with Herefordshire Council Residents Parking Policy. Full details regarding eligibility and costs associated with Residents Parking Permits could be found in the draft Order on the Herefordshire Council website.

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 council.

When applying these criteria to the proposed scheme: throughout the process there has been an overwhelming show of support from residents of Etnam Street, Worcester Road, Rainbow Street, School Road & The Priory, whom responded to the residents consultation and during the formal consultation which raised just four 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 offered their full support 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 and 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 many residents parking bays as is safely possible. As such, these parking bays will only be operational during the operational hours of Monday-Saturday 08:00-18:00. This will allow unrestricted parking in these areas outside of these hours and on Sundays.

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 Etnam Street, Worcester Road, Rainbow Street, School Lane & The Priory, 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 Etnam Street, Worcester Road, Rainbow Street, School Road & The Priory 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. The Ward Councillor for Leominster East has issued their support for the proposals.

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

Highlight any associated

Community impact

The recommendation to introduce No Waiting at Any Time (Double Yellow Lines), Limited Waiting and Resident Permit Holder restrictions will enable

**risks/finance/legal/
equality
considerations:**

the residents of Etnam Street, Worcester Road, Rainbow Street, School Road & The Priory and other nearby roads, who do not possess off-street parking facilities to park close to their properties.

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.

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.

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

Resource implications

The cost of the implementation of the proposals is approximately £25,000. 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, 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.

	<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 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).</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 five 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 Leominster.</p> <p>There is a small risk that a parking could migrate to the surrounding roads. These proposals have attempted to mitigate this by allowing 1-hour free parking within the dual use limited waiting bays on Etnam Street & Rainbow Street and allowing parking on Sundays. Additionally, there is parking capacity within the towns 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 or to prioritise parking for residents. It is pertinent that waiting and permit holder restrictions are implemented to ensure the safe, convenient, and expeditious movement of vehicles (including emergency service vehicles) and to prevent non-resident parking all day along the permit proposal roads. Not to implement the proposals would fail to prevent the parking at junctions and other inappropriate locations and fail to prioritise parking for residents. 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.