

## Record of operational decision

<b>Decision title:</b>	Decision to introduce Moving Traffic Restrictions to Prohibit Motor Vehicles at Frog Lane, Bromyard.
<b>Date of decision:</b>	29 <sup>th</sup> January 2024
<b>Decision maker:</b>	Service Director for Highways, Environment and Waste
<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>	Bromyard Bringsty
<b>Consultation:</b>	<p>A Formal (Statutory) Consultation process was undertaken from 3rd July to 24<sup>th</sup> July 2023, whereby a consultation letter and proposal plan were sent to all Statutory Consultees via email. During this process, no objections were raised. The responses received are included in Appendix C.</p> <p>The Notice of Proposal stage allowing the general public and Statutory Consultees to issue comments/concerns was undertaken from 9<sup>th</sup> November 2023 to 1<sup>st</sup> December 2023. During this process no objections were raised from the Statutory Consultees nor from members of the public. A summary of the responses received during the Notice of Proposal stage is included as Appendix D.</p> <p>Ward Councillor – Fully supports the proposals.</p> <p>Town Council – Fully supports the proposals.</p> <p>Traffic Management Advisor (TMA), West Mercia Police – Offered no objections to the proposals.</p> <p>Herefordshire Council Cabinet Member: Transport and Infrastructure – Issued no response to the consultation.</p> <p>Locality Stewards – Issued no response to the consultation</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>	<p>Considering no objections have been made as part of the Formal (Statutory) Consultation and Notice of Proposal stages, a new Traffic Regulation Order (TRO) be introduced under Sections 1, 2 and 4 and Part IV of Schedule 9 of the of the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004, the effect of which will be to implement a prohibition of motor vehicles restriction on Frog Lane, Bromyard, Herefordshire.</p> <p>The section of road on which this prohibition is proposed is outlined in the schedule below:</p> <p>U65408 – From its junction with Broad Street (B4203) for a distance of 16m in a southerly direction.</p>

**Reasons for decision:**

The scheme originated as part of the Extraordinary Market Town Funds initiative. The scheme's was included in this initiative following a request from Bromyard and Winslow Town Council.

An on-site assessment and meeting with representatives of the Town Council was undertaken in April 2023. During the assessment, the Town Councillors present stressed the narrowness of the carriageway and that modern vehicles are often too wide to pass through the section of road in question without inflicting damage to the buildings or to themselves. It was also stressed that there was a local desire for the road to be made safe for cyclists and pedestrians in particular. The councillors stated that no motor vehicles should pass on the road for these reasons.

Officers observed the extremely narrow nature of the road. There are currently no moving restrictions on this section of road. Consequently, vehicles may be led through this narrow passage by sat nav systems. There is existing signage near the junction with the A44 advising that the route is unsuitable for vehicles that are wider than 6 feet and 6 inches. However, although the narrowest section of Frog Lane is immediately south of Broad Street, there is no signed indication of the narrow nature of the road at this end of Frog Lane. The carriageway is not wide enough for a vehicle and pedestrians/cyclists moving in opposite directions to pass each other. There is a strong chance that any vehicle passing through the narrow section of Frog Lane will come into conflict with cyclists and/or pedestrians.

No properties or accesses are accessed solely from this section of road and the alternative route for vehicles to travel between Broad Street (B4203) and the lower part of Frog Lane or the A44 is only a very small addition to journey time (approx.1-2 mins). Overall, it was clear that the road was not suitable for any motor vehicle in its current state.

The informal residents consultation demonstrated that the vast majority of residents who responded supported the proposed prohibition of motor vehicles (83%). 34 properties did not respond, suggesting that they had no objections to the proposals. It was therefore decided to progress to the statutory TRO consultation in order to deliver the proposals. The responses received are included in Appendix B.

Therefore, following the completion of the initial assessment and informal residents consultation exercise, a Formal (Statutory) Consultation process was undertaken from 3rd July to 24th July 2023, whereby a consultation letter and proposal plan were sent to all Statutory Consultees via email. During this process, no objections were raised. However, the Ward Councillor for Bromyard Bringsty stated that their support was conditional based on works to the existing garage and road layout changes at the junction of Frog Lane and the A44. The Traffic Management Advisor for West Mercia Police had no objection to the proposal but requested that 'No Through Road' signage was moved closer to the junction with the A44 in order to be more effective. The responses received are included in Appendix C.

The Notice of Proposal stage allowing the general public and Statutory Consultees to issue comments/concerns was undertaken from 9th November 2023 to 1st December 2023. During this process no objections were raised from the Statutory Consultees nor from members of the public.

Following on from their conditional support during the statutory consultation process, the Ward Councillor confirmed their full support for the proposals. A member of the public that responded voiced concerns that vehicles may park at the junction of Frog Lane and Broad Street and suggested bollards or other measures are installed to ensure that this doesn't happen. Double Yellow Lines are currently marked on-street at this junction. A summary of the responses received during the Notice of Proposal stage is included as

Appendix D.

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'. In addition, Traffic Signs Manual (TSM) Chapter 3 guidance also states that a prohibition of motor vehicle restriction can be used 'to keep motor vehicles out of certain roads or a length of road for environmental reasons and where cyclists would not be a hazard to pedestrians'.

The proposed prohibition of motor vehicles aligns with this guidance as it seeks to improve road safety and amenity for pedestrians, cyclists, and horse riders. The alternative route for vehicles to travel between Broad Street (B4203) and the lower part of Frog Lane or the A44 is only a very small addition to journey time (approx.1-2 mins). Therefore, the prevention of motor vehicles utilising the northernmost section of Frog Lane would not be of detriment to the expeditious, convenient, and safe movement of traffic. The proposals also accord with the guidance set out in TSM Chapter 3.

In conclusion, it is clear that this road is not suitable for motor vehicles. There is support from the Town Council and the Ward Councillor. The informal residents consultation and the formal Notice of Proposal (Public Consultation) processes have also demonstrated that there is widescale support for the proposals from local residents who would be directly affected. The proposals also accord with guidance and regulations. 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 – EINA.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 prohibition of motor vehicles will seek to improve road safety and amenity particularly for cyclists, pedestrians, and horse riders. The proposals are therefore in alignment with Section 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.

The implementation of the proposals should result in improved road safety and amenity for non-motor vehicle users and therefore 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 proposals 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 E of this report for Equality Impacts and Needs Assessment (EINA).

#### **Resource implications**

The cost of the implementation of the proposals is approximately £12,000. This includes costs for statutory consultation, preparing and making the TRO, signage, road markings and advertising. This cost is to be covered by the Extraordinary Market Town Funds project.

#### **Legal implications**

The introduction of a new TRO under Sections 1, 2 and 4 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004 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). A subsequent report will include any such objections or comments, for consideration.

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. Before the Order can be made it will need to be publicised in accordance with the requirements of Regulation 7 of the 1996 Regulations. This includes publication of a notice of the proposals in a newspaper circulating in the locality of the area where the road which is the subject of the Order is located. This must be done within two

	<p>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. 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>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 three months from the date of the making of the Order.</p> <p><b>Risk management</b></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 prohibition of motor vehicle restrictions are imposed appropriately having regard to the type of factors considered in this report. This is the case at Frog Lane, Bromyard, Herefordshire.</p> <p>There is a very small risk that the proposals may not achieve routine compliance. However, given that the restrictions will be accompanied by high profile terminal signage, and the level of traffic on the road is very low, the risk of non-compliance is negligible.</p>
<p><b>Details of any alternative options considered and rejected:</b></p>	<p><b>Not to implement a prohibition of motor vehicles restriction</b> – This is not recommended as it would fail to achieve the main aim of this scheme which is to prevent motor vehicles utilising the road. This is necessary as the road is extremely narrow, therefore very difficult and in fact unsuitable for any motor vehicle to navigate. The prohibition would create a safe environment on the section of road for pedestrians, cyclists and horse riders. Furthermore, the proposal aligns with Traffic Signs Manual Chapter 3 guidance in so far as that a prohibition of motor vehicles may be used for ‘environmental reasons’, such as those described above. The proposal is fully supported by the Ward Councillor, the Town Council, West Mercia Police and local residents who raised no objections during the Notice of Proposal (Public Consultation) stage.</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.**