

Record of operational decision

Decision title:	Traffic Regulation Order Scheme to introduce No Waiting at Any Time (Double Yellow Line) restrictions on various roads in the Eign Hill Ward, Hereford, Herefordshire
Date of decision:	11/10/2024
Decision maker:	Head of Highways and Traffic
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:	Eign Hill
Consultation:	An informal residents & businesses consultation exercise was undertaken from 9th March 2023 to 6th April 2023. A summary of the responses received during the informal residents & businesses consultation is included as Appendix B. A Formal (Statutory) Consultation process was undertaken from 26th May 2023 to 19th June 2023, whereby an initial consultation letter and proposal plan was sent to all Statutory Consultees via email. During this process, the Ward Councillor requested that the proposals at Chartwell Road, Bladon Crescent and Blenheim Close, Brookside were modified and a new proposal on Hafod Road be included within the TRO proposals moving forward. A summary of the responses received during the Formal (Statutory) Consultation process is included as Appendix C. In response to feedback received during the initial informal and Formal (Statutory) Consultations, and following further discussions with the Ward Councillor, a second informal residents & businesses consultation exercise was undertaken from 23rd November 2023 to 22nd December 2023. This consultation included revised proposals at Brookside, Chartwell Road, Bladon Crescent & Blenheim Close, as well as a new proposal for the central section of Hafod Road. A summary of the responses received during this second round of informal residents & businesses consultation is included as Appendix E. Following this second round of informal residents and businesses consultation, together with further consultation and site meetings with the Ward Councillor, it was agreed to make further revisions to the TRO proposals at Hafod Road, Brookside, Sedgefield Road, Lichfield Avenue, Bladon Crescent and the Ledbury Service Road and progress the TRO to Notice of Proposal. The Notice of Proposal stage allowing the general public and Statutory Consultees to issue comments/concerns was undertaken from 18th July 2024 to 9th August 2024. During this process no objections were raised from the Statutory Consultees and seven objections were raised from members of the public. A summary of the responses received during the Notice of Proposal stage is included as Appendix G. The responses from Statutory Consultees are also summarised below. Ward Councillor –Supports the proposals. Hereford City Council – 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. BBLP Locality Steward – Issued no response to the consultation.
Decision made:	Consideration has been given to the receipt of seven 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 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 the Order will be to introduce additional No Waiting at Any Time (Double Yellow Line) restrictions on Various Roads in the Eign Hill Ward, Hereford. The Notice of Proposal Documents are included as Appendix H
Reasons for decision:	The scheme originated in response to a request from the Ward Member for parking restrictions on various roads within their ward. There were several individual parking requests which were grouped together into one TRO scheme. 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 with the Ward Member was undertaken in January 2023. During the assessment the following issues were discussed: - Inappropriate parking at the Hafod Road, Vineyard Road & Old Eign Hill junction. - Extending the No Waiting at Any Time (Double Yellow Line) restrictions at the Brookside and Lichfield Avenue junction and the internal T junction on Brookside to improve the navigability of these junctions. - Inappropriate parking on junctions and bends and filling in the gap in the No Waiting at Any Time (Double Yellow Line) restrictions on Sedgfield Road. - Inappropriate parking on junctions, bends and narrower sections of carriageway where parking would cause obstruction on Chartwell Road, Bladon Crescent and Blenheim Close. - Inappropriate parking at the Hafod Road, Bodenham Road & Ledbury Road junction. - Inappropriate parking on the Ledbury Service Road and its junction with Quarry Road where parking causes obstruction to residents utilising their driveways. Therefore, as a result of this assessment it was agreed that additional No Waiting at Any Time (Double Yellow Line) Restrictions would be beneficial at these locations, in order to address the issues mentioned above. Following completion of the initial assessment, an informal residents & businesses consultation exercise was undertaken from 9th March 2023 to 6th April 2023. The proposal plans for this consultation can be found in Appendix A. During this consultation exercise, the following response breakdown was received at each proposal location:

Road	Support	Object	Non-Committal	Total
Hafod Road/Vineyard Road & Old Eign Hill Junction	2	0	0	2
Brookside	3	0	0	3
Sedgefield Road	19	0	0	19
Chartwell Road, Bladon Crescent & Blenheim Close	22	10	7	39
Hafod Road, Bodenham Road and Ledbury Road junction	2	0	2	4
Ledbury Service Road & Quarry Road	8	0	4	12

A summary of all the responses received during the informal residents' and businesses consultation exercise is included in Appendix B.

Following the informal residents' and businesses consultation exercise, a Formal (Statutory) Consultation process was undertaken from 26th May 2023 to 19th June 2023, whereby an initial consultation letter and proposal plan was sent to all Statutory Consultees via email. During this process, the Ward Councillor requested that the proposals at Chartwell Road, Bladon Crescent and Blenheim Close, Brookside were modified and a new proposal on Hafod Road be included within the TRO proposals moving forward. A summary of the responses received during the Formal (Statutory) Consultation process is included as Appendix C.

Following further discussion and on-site meetings with the Ward Councillor the following changes to the TRO proposals were instigated:

- Extending the length of the No Waiting at Any Time (Double Yellow Line) restrictions on Brookside to further improve the navigability of the junctions.
- Introducing additional No Waiting at Any Time (Double Yellow Line) restrictions on Chartwell Road, Bladon Crescent and Blenheim Close to target a potential migration of parking to unsuitable locations under the initial proposal, as well as further improve the navigability of these roads.
- Introducing a new proposal on the western side of Hafod Road between No. 14 & No. 34 to prevent inconsiderate and inappropriate parking, where it causes obstruction to properties accesses, following further consultation with the Ward Councillor.

The revised proposal plans detailing these changes can be found in Appendix D.

Following these changes to the proposals, it was agreed that a second informal residents & businesses consultation exercise be undertaken at these locations. The consultation was undertaken from 23rd November 2023 to 22nd December 2023.

During this consultation exercise, the following response breakdown was received at each proposal location:

Road	Support	Object	Non-Committal	Total
Brookside	5	1	2	8
Chartwell Road, Bladon Crescent & Blenheim Close	6	1	10	17
Hafod Road	5	4	10	19

A summary of the responses received during this second round of informal residents & businesses consultation is included as Appendix E.

Following this second round of informal residents and businesses consultation, together with further consultation and site meetings with the

Ward Councillor, it was agreed to make the following changes to the TRO proposals and progress the TRO to Notice of Proposal.

- Remove the Hafod Road proposal from the TRO proposal following the feedback received during the second round of informal residents and businesses consultation.
- Introduce No Waiting at Any Time (Double Yellow Line) restrictions around both the Northern & Southern turning heads on Brookside.
- Introduce No Waiting at Any Time (Double Yellow Line) restrictions along the western side of the carriageway on Sedgfield Road and on the outside of the bend in the road.
- Introduce No Waiting at Any Time (Double Yellow Line) restrictions on the outside bend of the corner on Lichfield Avenue, where there are currently no waiting restrictions.
- Scale back the proposal on the south-eastern side of Bladon Crescent to allow parking over a driveway.
- Introduce additional No Waiting at Any Time (Double Yellow Line) restrictions on the north-western side of the south-western arm of the Ledbury Service Road.

The final proposal plans for the Notice of Proposal consultation can be found in Appendix F

The Notice of Proposal stage allowing the general public and Statutory Consultees to issue comments/concerns was undertaken from 18th July 2024 to 9th August 2024. During this process no objections were raised from the Statutory Consultees and seven objections were raised from members of the public. A summary of the responses received during the Notice of Proposal stage is included as Appendix G.

During this consultation exercise, the following response breakdown was received at each proposal location:

Road	Support	Object	Non-Committal	Total
Hafod Road/Vineyard Road & Old Eign Hill Junction	1	0	0	1
Brookside	0	1	0	1
Sedgfield Road	2	5	0	7
Chartwell Road, Bladon Crescent & Blenheim Close	1	1	0	2
Hafod Road, Bodenham Road and Ledbury Road junction	2	0	1	3
Ledbury Service Road & Quarry Road	2	0	0	2

Details of the comments received and a response to these comments are detailed below:

Hafod Road/Vineyard Road & Old Eign Hill Junction:

One response was received in support for the proposals, but the response mainly concerned introducing a one-way system onto Old Eign Hill to mitigate the respondents concerns.

In response to the comments, this TRO scheme is for No Waiting parking restrictions. Therefore, a one-way restriction is not within the remit of this TRO scheme.

Brookside:

One Objection was received to the proposals at Brookside. The Objector stated they were supportive of the additional No Waiting at Any Time (Double Yellow Line) restrictions proposed, but objected to the fact that no additional parking restrictions were proposed to prevent all day commuter parking. They suggested introducing 4 hour limited waiting parking bays on the

remainder of the carriageway in Brookside, to allow parking for visitors but prevent all day commuter parking. They also questioned why No Waiting at Any Time (Double Yellow Line) restrictions were not proposed opposite the Brookside T junction.

In response to the objection, the remit for this TRO scheme is for No Waiting restrictions in locations requested by the Ward Councillor, where inappropriate parking or parking that causes obstruction have been observed. All day commuter parking restrictions are therefore, not considered to be within the remit of this scheme. Additionally, Brookside is not suited to limited waiting restrictions (as suggested by the objector) as it is a residential road in which residents and their visitors are utilising the on-street carriageway for parking. The road is a highway maintainable at the public expense and therefore, anyone has the right to park there, provided it is safe to do so. In response to the comments surrounding the section of carriageway opposite the T junction in Brookside, this section has dropped kerbs along the majority of its length. Additionally, vehicles have not been observed to be parking here on any of the site assessments and therefore, the council does not consider that restrictions are required here. Finally, it is clear that the vast majority of the residents of Brookside consider the scheme to be acceptable, with several comments of support raised over the TRO process and just one objection having been raised by a resident. Finally, no objections were raised to the proposals here from the Statutory Consultees during the formal consultations.

Sedgefield Road:

Five objections were received to the proposals at Sedgefield Road. Two of the five objections stated no objection to the proposed waiting restrictions on the eastern side of the carriageway, but stated an objection to the No Waiting at Any Time (Double Yellow Line) restrictions on the western side of the carriageway, alongside the hedge. They stated that these restrictions were unnecessary and would detract from the amenity of the area. Objections also referred to the current proposal making it more difficult for resident vehicles to navigate on and off their driveways, as vehicles are more likely to obstruct them. Three objections were received stating that the proposed restrictions do not solve the parking problems on the roads in question. The objections state that the parking restrictions should prevent all day commuter parking, so a limited waiting or residents parking scheme should be introduced instead.

In response to the objections, the No Waiting at Any Time (Double Yellow Line) restrictions are proposed in order to improve the navigability of these roads and to improve road safety generally for vehicles, cyclists and pedestrians. This will be achieved by preventing inappropriate parking close to junctions and where it causes obstruction for passing vehicles (including emergency service vehicles), congestion and obscures visibility for pedestrians attempting to cross the roads. This would also supplement Rule 243 of the Highway Code (i.e., no parking within 10 metres of a junction). The restrictions on the western side of the carriageway (along the hedge) come at the request of the Ward Councillor, who has confirmed their support for this restriction. Additionally, these restrictions on the western side of the carriageway are proposed in order to prevent a migration of parking from the eastern side of the carriageway to the western side of the carriageway. This will also ensure that double parking does not occur on the carriageway, and it remains unobstructed.

In response to the objections surrounding the restrictions making it more difficult for resident vehicles to navigate on and off their driveways, as vehicles are more likely to obstruct them, the residents' driveways have dropped kerbs and therefore, vehicles are unlikely to park and obstruct these. Additionally, if the council were to propose No Waiting at Any Time (Double Yellow Line) restrictions over the driveways, it would prevent residents from being able to park over their driveway, which has been observed on site assessments. The proposed unrestricted sections of

carriageway continue to leave parking on-street for both residents and visitors to utilise in areas where it is safe to do so. It is important to maintain a balance between where parking is permitted and where it is not, when introducing parking restrictions, so not to be deemed as “over-restrictive”. This proposal aligns with this balance.

In response to the objections stating that a limited waiting or residents parking scheme should be introduced instead, the remit for this TRO scheme is for No Waiting restrictions in locations requested by the Ward Councillor, where inappropriate parking or parking that causes obstruction have been observed. Therefore, all day commuter parking restrictions are not considered to be within the remit of this scheme. Additionally, Sedgefield Road, does not align with the Herefordshire Council Residents Parking Policy criteria for where a residents parking scheme can be considered. Therefore, both options are not considered feasible within this TRO scheme.

Herefordshire Council, as the highway authority, has a duty to maintain safety for all road users and the introduction of these restrictions backed by a TRO will allow civil enforcement officers to keep these areas clear of parked vehicles.

Chartwell Road, Bladon Crescent & Blenheim Close:

One objection was received to the proposals on Chartwell Road, Bladon Crescent & Blenheim Close. The objection related to the No Waiting at Any Time (Double Yellow Line) proposal on Bladon Crescent between the allotments and Blenheim Close. The objector stated that they welcomed the proposed restrictions in the areas where they would address road safety issues, however stated they were disabled and that the proposed restrictions would prevent them from parking outside their property. They stated that their carers and family members also need to park on-street, outside their property, when visiting. They requested the No Waiting at Any Time (Double Yellow Line) restrictions be removed from outside their property.

In response to the objection, the No Waiting at Any Time (Double Yellow Line) restrictions are proposed in order to improve the navigability of these roads and to improve road safety generally for vehicles, cyclists and pedestrians. This will be achieved by preventing inappropriate parking close to junctions and where it causes obstruction for passing vehicles (including emergency service vehicles), congestion and obscures visibility for pedestrians attempting to cross the roads. This would also supplement Rule 243 of the Highway Code (i.e., no parking within 10 metres of a junction). Parked vehicles have been observed to cause navigability issues along this section of the carriageway and the removal of parking restrictions here would not align with the aim of this TRO scheme. If the objector is a blue badge holder, then they would be permitted to park on the No Waiting at Any Time (Double Yellow Line) restrictions for up to three hours, provided it is safe to do so. Additionally, the proposed No Waiting at Any Time (Double Yellow Line) restrictions are targeted in their approach and only restrict parking where it is unsafe. Therefore, a significant proportion of the carriageway in this area will remain unrestricted, where parking will continue to be available. The objector also has off-street parking facilities for up to two vehicles. Therefore, the restrictions should have a minimal impact on the objector.

Herefordshire Council, as the highway authority, has a duty to maintain safety for all road users and the introduction of these restrictions backed by a TRO will allow civil enforcement officers to keep these areas clear of parked vehicles. Therefore, it is imperative that the restrictions are introduced as proposed.

Hafod Road, Bodenham Road & Ledbury Road Junction:

Two responses were received regarding the Hafod Road, Bodenham Road & Ledbury Road junction proposal. The responses stated that they supported the proposed restrictions, but the restrictions should be extended further up Hafod Road, where parking occurs.

In response to the comments, a proposal for No Waiting at Any Time (Double Yellow Line) restrictions further up Hafod Road was consulted upon with residents. This proposal did not garner significant support and therefore, was removed from the TRO proposal moving forward. Additionally, parked vehicles on the straight section of carriageway immediately south of the junction are not considered to be unsafe, given that the road is straight, and visibility is good. It is also worth noting that the removal of parking from further up Hafod Road is likely to increase vehicle speeds along this section of carriageway, as parked vehicles act as a natural form of traffic calming.

Ledbury Service Road:

One response was received regarding the proposal on the Ledbury Service Road. The respondent was in support for the proposal, but wanted clarification/requested that the proposal was extended up to the pedestrian entrance to their property, so that they are able to reverse onto their driveway with ease.

In response, the proposals are extended up to the end of the respondents dropped kerb, so the restriction will enable them to have unobstructed access to their driveway. To extend the restrictions further, up to their pedestrian access would be “over-restrictive”, as it would take away a legitimate on-street parking place.

General:

One response in support to all the proposals as part of this TRO scheme was received on conditional acceptance of proof of ownership of the roads.

In response to this response the proposals included within this TRO package are proposed on carriageway that has been legally adopted and is highway maintainable at the public expense. Therefore, Herefordshire Council has the powers to make a TRO on these roads, under the Road Traffic Regulation Act 1984, as it is on its adopted public highway road network as specified under the Highways Act (as amended) 1980 (the 1980 Act).

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 the various roads, 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 the various roads, 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 the various roads. The proposed restrictions aim to prevent parking at the junctions and where it causes obstruction. Further, it is clear that the proposals are supported by the majority of local residents with only seven objections raised during the Formal (Statutory) Consultation or the Notice of Proposal stages. Finally, the proposals are supported by the Ward Councillor. 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  Appendix H.pdf  Appendix I.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 the various roads. 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 I of this report for Equality Impacts and Needs Assessment (EINA).

Resource implications

The cost of the implementation of the proposals is approximately £20,000. 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 seven 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 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 on the various roads within the Eign Hill ward. There is a risk that vehicles may migrate to other parts of the roads in question. 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.
Details of any alternative options considered and rejected:	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 these roads. At present, parking habits consist of vehicles parking inappropriately where it causes obstruction and at junctions, which is in contravention to Highway Code guidance and creating a hazard for vehicles attempting to navigate these junctions. 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 majority of the local residents and Local Member.
Details of any declarations of interest made:	None

Signed..... Date:

Please ensure that signatures are redacted before publishing.