

Record of operational decision

Decision title:	Traffic Regulation Order Scheme to implement No Waiting at Any Time (Double Yellow Line) restrictions on the B4352 and its junctions with the C1196, Madley, Herefordshire
Date of decision:	11/10/2024
Decision maker:	Head of Highways and Traffic
Authority for delegated decision:	<p>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.</p> <p>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.</p>
Ward:	Stoney Street
Consultation:	<p>An informal residents & businesses consultation exercise was undertaken from 8th February 2024 to 8th March 2024. Two responses of support and one objection was received. A summary of the responses received during the informal residents & businesses consultation is included as Appendix C.</p> <p>A Formal (Statutory) Consultation process was undertaken from 12th June 2024 to 3rd July 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 D.</p> <p>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 nor from members of the public. A summary of the responses received during the Notice of Proposal stage is included as Appendix E. The responses from Statutory Consultees are also summarised below.</p> <p>Ward Councillor – Fully supports the proposals.</p> <p>Parish Council – Issued no response to the consultation.</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> <p>BBLP Locality Steward – Offered no objections to the proposals.</p>
Decision made:	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 the B4352 and its junctions with the C1196 at Madley Village.

	<p>The Notice of Proposal documents including a full schedule of the proposals is included as Appendix B.</p>
Reasons for decision:	<p>The scheme originated to compliment a new residential development (Planning Ref P192672/F) to the north-east of the B4352, just south-east of Madley Village and is being funded by the developer. There was a requirement to introduce No Waiting at Any Time (Double Yellow Lines) in order to complement highway improvement works associated with the development. Therefore, Herefordshire Council set about investigating the potential for a new Traffic Regulation Order that would necessitate any changes within the area under investigation.</p> <p>An on-site assessment was undertaken in December 2023. During the assessment the extent of the supplied TRO drawings for the development highway improvement works were considered by officers with regard to suitability and any displacement of parking that might occur. Additional issues were also noted whilst on site. The issues included, inappropriate parking by vehicles on the B4352 and its junctions with the C1196, which is in contravention to Highway Code guidance and creating a hazard for vehicles attempting to navigate these junctions. The current parking habits were also causing difficulty for pedestrians crossing the road, as vehicles were obscuring pedestrian sight lines when looking left and right.</p> <p>Therefore, as a result of this assessment it was agreed that additional No Waiting at Any Time (Double Yellow Line) Restrictions would be beneficial, in order to address the issues mentioned above, as well as compliment the S278 works.</p> <p>Following completion of the initial assessment, an informal residents & businesses consultation exercise was undertaken from 8th February 2024 to 8th March 2024. Two responses of support and one objection was received. A summary of the responses received during the informal residents & businesses consultation is included as Appendix C.</p> <p>The objection centred around the removal of parking outside a property under this proposal and the impact it would have on the objector, as they will not be able to park directly outside their property. The objector states that they have members of their family with disabilities and the introduction of No Waiting at Any Time (Double Yellow Line) restrictions would prevent their disabled family members from being picked up and dropped off outside their property.</p> <p>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 the junction between the B4352 and the C1196 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 or opposite a junction). The proposal is targeted in its nature and continues to permit parking in locations where it is safe to do so. Therefore, parking will continue to remain nearby, albeit not directly outside the objector's property. No legitimate parking provision has been lost under this proposal. Additionally, Blue Badge Holders can park on Waiting restrictions for up to three hours, if it is safe to do so, and loading and unloading are permitted on waiting restrictions. Therefore, the restrictions would not impact the objector from picking up and dropping off their disabled family members from outside their property. 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 was decided that it was imperative that the restrictions proposed proceeded to the next stage of the TRO process.</p>

Following the completion of the initial assessment, a Formal (Statutory) Consultation process was undertaken from 12th June 2024 to 3rd July 2024, whereby a consultation letter and proposal plan were sent to all Statutory Consultees via email. During this process, no objections were raised. The Traffic Management Advisor for West Mercia Police stated that they had no objections. A summary of the responses received during the Formal (Statutory) Consultation process is included as Appendix D.

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 nor from members of the public. A summary of the responses received during the Notice of Proposal stage is included as Appendix E.

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 B4352 and the C1196, 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 B4352 and the C1196, 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 B4352 and the C1196. 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 local residents/businesses as no objections were raised during the Formal (Statutory) Consultation or the Notice of Proposal stages.

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 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 B4352 and the C1196. 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 F 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 is to be covered by the developer as part of a Section 38/278 agreement with Herefordshire Council.

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 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 at Madley.

There is a risk that vehicles may migrate to other parts of Madley. 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 at these junctions. At present, parking habits consist of vehicles parking on the junction of the B4352 and the C1196, which is in contravention to Highway Code guidance and creating a hazard for vehicles attempting to navigate these junctions. These measures

	<p>are in association with a Section 278 agreement following the development work in Madley. 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 and Local Member.</p>
<p>Details of any declarations of interest made:</p>	<p>None</p>

Signed..... Date:

Please ensure that signatures are redacted before publishing.