

## Record of officer decision

<b>Decision title:</b>	<b>A438 WINFORTON - OBJECTION REPORT</b>  Consideration of comments and objections received in response to the formal Notice of Proposal advertising proposed changes to the extent of the existing 30 mph and 40 mph speed limits on the A438 at Winforton.
<b>Date of decision:</b>	<b>25 June 2019</b>
<b>Decision maker:</b>	ACTING ASSISTANT DIRECTOR HIGHWAYS AND TRANSPORT
<b>Authority for delegated decision:</b>	Directorate scheme of delegation: updated 14 February 2019 Directorate: Economy and Place, section 69. To act on behalf of the council in respect of the legislation specified in the foregoing: Traffic Management Act 2004, Road Traffic Act 1988 Acting Assistant Director for Highways and Transport (Traffic Manager designate) and The Traffic Manager may in making arrangements to ensure that the authority has: (a) determined specific policies or objectives in relation to different roads or classes of road in their road network; (b) monitored the effectiveness of – 117
<b>Ward:</b>	Castle
<b>Consultation:</b>	<ol style="list-style-type: none"> <li>1. The objections to the Statutory Consultation received from EGPC and residents and BBLP response to these comments are provided in Appendix J. The support comments from the Police and a resident is provided in Appendix K.</li> <li>2. Following the May 2019 local elections Councillor Jones was elected for Castle Ward. A brief summary of the current situation was provided for Councillor Jones together with an invitation to make comment for inclusion in this report. A full transcript of the exchange of emails is included in Appendix M. In summary Councillor Jones suggests that to the east of Winforton a 30 mph limit be extended to a point where the current 40 / 60 mph terminals sit with a national speed limit beyond, i.e. no short 40 mph limit. In effect this would entail positioning the 30 / 40 terminal signs approximately 170 metres further east than proposed by this report and leave a distance of approximately 160 metres of national speed limit between the 30 / 40 terminals and the village gates.</li> </ol>
<b>Decision made:</b>	<p><b>THAT:</b></p> <p><b>Notwithstanding the receipt of objections as set out in the appendices to this report the existing 30 mph and 40 mph speed limit Order is revoked and a new speed limit Order is introduced covering the extent of the existing 30 mph and 40 mph speed limits and the proposed extensions of the existing 30 mph and 40 mph speed limit along the A438 – the full extent of a new order would be as follows:</b></p> <p><b>30 mph Speed limit:</b></p> <p><b><u>A438 Winforton</u></b> Between a point 135 metres east of where the centre line of the U90625 Winforton Court Road intersects the centre line of the A438 to a point 258 metres west of where the centre line of the U90627 Bakers Lane intersects the centre line of the A438.</p> <p><b><u>U90626 (Church Road) Winforton</u></b> For its entire adopted length</p> <p><b><u>U90627 (Bakers Lane) Winforton</u></b> For its entire adopted length</p>

	<p><b><u>U90628 (The Courtlands) Winforton</u></b> For its entire adopted length</p> <p><b><u>U90632 (The Vineyards) Winforton</u></b> For its entire adopted length</p> <p><b>40 mph Speed limit:</b></p> <p><b><u>A438 Winforton</u></b> Between a point 135 metres east of where the centre line of the U90625 Winforton Common Road intersects the centre line of the A438 for a distance of 331 metres in an easterly direction.</p>
<p><b>Reasons for decision:</b></p>	<p>To consider comments and objections received in response to the formal Notice of Proposal advertising the recommendation to extend (1) the existing 30 mph speed limit on the A438 at Winforton by 103 metres to the west to coincide with the western village gate and by 84 metres to the east and (2) to extend the existing 40 mph speed limit on the A438 at Winforton by 146 metres to the east to coincide with the eastern village gate and (3) to consolidate other roads in the area that are subject to a 30 mph speed limit into a single Traffic Regulation Order.</p> <p>The objections received only relate to the option of extending either the existing 30 mph speed limit or existing 40 mph speed limit at the eastern end of the village. The recommendation in this Objection Report continues to favour extending the existing 40 mph speed limit to the eastern village gate whilst objectors support extending the existing 30 mph speed limit to the eastern village gate.</p> <p>The Consultees are all in favour of the proposed extension of the 30 mph speed limit at the western end of the village and no objections have been received to this element of the proposals.</p> <p>Consequently this report focuses on objections to the proposed speed limit arrangement at the eastern end of Winforton.</p> <p>The proposals recommended in this report are detailed on Drawing 3409-17D contained in Appendix A and favour extending the existing 40 mph speed limit to the eastern village gate.</p>
<p><b>Highlight any associated risks/finance/legal/equality considerations:</b></p>	<p><b>Legal Implications</b></p> <p>The introduction of a speed limit order under section 84 of the Road Traffic Regulation Act 1984 will be required.</p> <p>The Council, as transport authority, is required to consider any objections received after formal statutory consultation and this report sets out such comments and objections received for consideration.</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 in Appendix J, 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. As regards this informal consultation proposal, comments received are detailed in Appendix B attached and considered in this report.</p> <p>The Council will need to ensure that they have followed procedures</p>

correctly and that there is reasoned justification for making the TRO, otherwise if a TRO has been made unreasonably the decision can be challenged by way of judicial review in the High Court

**Financial Implications**

The cost for the road markings and signage is estimated at £7000. The cost for the implementation of the TRO is estimated at £7000. These costs will be accommodated from existing budgets.

**Community Impact**

The proposal serves to control traffic speed and improve the amenity of the area. The additional road markings will further highlight the 30 mph speed limit making it easier for motorists to know the operational speed limit. This will have a positive impact on road safety and the environment for residents and will enable legal enforcement of the speed limit and help improve road safety in the vicinity.

**Equality Duty**

The introduction of this proposal is considered to be of low impact, as the proposed restrictions will improve driver and pedestrian safety and be of a general benefit to the community. See Appendix L of this report for an Equality Impacts and Needs Assessment.

**Risk Management**

The Local Transport Plan sets out the objective to reduce the number and severity of casualties on the highway network in Herefordshire and provide a highway network that is safe and efficient taking into account national guidelines. A Key Performance Indicator is contained in this Local Transport Plan and details a locally set target for a

It is important for safety and their effectiveness that speed limits are set at an appropriate level having regard to the type of factors considered in this report. Setting speed limits inappropriately low can result in a worsening safety record by way of increased instances of overtaking, tailgating, driver frustration etc. and can increase the risk of collisions occurring. It is therefore recommended to extend the existing 30 mph speed limit by 103 metres to the west to coincide with the western village gate and by 84 metres to the east and to extend the existing 40 mph speed limit section of the A438 by 146 metres to the east to coincide with the eastern village gate.

The adoption of this recommendation would contribute to these objectives in the Local Transport Plan.

**Details of any alternative options considered and rejected:**

That, contrary to the recommendation in this Objection Report, the existing 30 mph speed limit is extended all the way to the eastern village gateway, thereby removing the 40 mph speed limit along this section of the A438. This is the arrangement preferred by the objectors detailed in this report and is favoured by Eardisley Group Parish Council, (EGPC).

That, contrary to the recommendation in this Objection Report, the existing 30 mph speed limit is extended to a position where the existing eastern 40 mph terminals are positioned with the national speed limit prevailing eastwards from this location. This is the option suggested by Councillor Jones – see item 39 below for more details.

Neither of these alternative options have been formally consulted on or advertised in a Notice of Proposal.

<b>Details of any declarations of interest made:</b>	NONE

I am an officer delegated to make the decision

Signed:

Job Title:                   Acting Assistant Director Highways & Transport