

Record of officer decision

Decision title:	PROPOSED TRAFFIC REGULATION ORDER TO IMPLEMENT A 30MPH SPEED LIMIT AT BRIERLEY VILLAGE, HEREFORDSHIRE: OBJECTION REPORT
Date of decision:	1 December 2020
Decision maker:	Acting Assistant Director Highways & Transport / Head of Infrastructure
Authority for delegated decision:	<p>Directorate scheme of delegation: updated 4 November 2020 Directorate: Economy and Place, section 75.</p> <p>To act on behalf of the council in respect of the legislation specified in the foregoing:</p> <p>Traffic Management Act 2004, Road Traffic Act 1988, Cycle Tracks Act 1984, Highways Act 1980, National Parks and Access to the Countryside Act 1948, New Roads and Street Works Act 1991 Road Traffic Regulation Act 1984, Town and Country Planning Act 1990, Town Police Clauses Act 1847, Traffic Calming Act 1992 Wildlife and Countryside Act 1981</p>
Ward:	Leominster South
Consultation:	<p>Consultees</p> <p>As previously eluded to in this report, an Initial Statutory Consultation process was undertaken from 18th December 2019 to 8th January 2020. This process consisted of an initial consultation letter and proposal plan being sent to all Statutory Consultees. During this process, no objections were raised. A summary of the Initial Statutory Consultation responses is included as Appendix C.</p> <p>Formal Consultation process followed this allowing the general public and Statutory Consultees to issue comments/concerns from 12th August 2020 to 4th September 2020. During this process two objections were received. The responses from Statutory Consultees are also briefly outlined below.</p> <p>Ward Councillor – Was made aware of the objections and given the opportunity to comment and has resolved to support the proposals.</p> <p>Leominster Town Parish Council – Was made aware of the objections and given the opportunity to comment and has resolved to support the proposals.</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>The Cabinet Member for Infrastructure and Transport has issued their support for the proposals.</p> <p>A comprehensive record of all responses received during the Formal Consultation process is included as Appendix D.</p>
<p>Decision made:</p>	<p>Consideration has been given to the receipt of two 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 a 30mph speed limit at Brierley Village on the following stretch of road:</p> <p><u>U93600</u></p> <p>From a point 595 metres southwest of the junction with the B4361 Hereford Road to a point 1125 metres southwest of this junction</p>
<p>Reasons for decision:</p>	<p>To consider the comments and objections received from two residents, in relation to the advertisement of the Council’s proposal to introduce the following Traffic Regulation Order: (U93600, BRIERLEY) (30 MPH SPEED LIMIT) ORDER 2020. The extents of the proposed restrictions as advertised are shown on drawing 3409-79 in Appendix A.</p>
<p>Highlight any associated risks/finance/legal/equality considerations:</p>	<p>Community impact The recommendation to introduce a 30mph within the village of Brierley will have a positive impact on the local community. The proposals will preserve and improve road safety and the amenity of the area through which the road runs in alignment with Sections 1 and 122 of the Road Traffic Regulation Act 1984 and ensure that any speeding that occurs through the village is legally enforceable. The proposals are also prudent given the imminent new development within the village.</p> <p>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.</p> <p>The development of this project will seek to minimise any adverse environmental impact and will actively seek opportunities to improve and enhance environmental performance. The adoption of the proposals will not be detrimental to the Council’s</p>

environmental policy commitments and aligns to the success measures in the County Plan.

Implementing a 30mph speed limit in Brierley may encourage lower emissions due to lower vehicle speeds.

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 recommendation to progress with the proposed 30mph in Brierley Village is 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 E of this report for Equality Impacts and Needs Assessment (EINA).

Resource implications

Budgets are managed by Balfour Beatty Living Places on behalf of Herefordshire Council. The cost of the implementation of the No Waiting at Any Time Restrictions is approximately £10,000 which is to be funded by the developer using S106 funding. This includes costs for statutory consultation, preparing and making the TRO, signage, road markings and advertising. This cost has been identified from existing budgets and in the current Annual Plan.

Legal implications

The making of a new order under Section 84 of the Road Traffic Regulation Act 1984 will be required.

Regulation 8 of Part 2 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 ("the 1996 Regulations") states that the Council, as Highway Authority, is required to consider any objections received after formal statutory consultation, (which includes advertising in a local newspaper).

The Council will need to consider all of the comments received in making its decision and finalising the proposals.

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.

Although objections to the proposed order have been received the Council does not consider it necessary to hold a public inquiry. There are no circumstances in this case which require that the Council must hold a public inquiry.

The order must be made within two years of the publication formal notice of proposals. After the order has been made a notice that the order has been made must be published in a newspaper circulating in the locality of the land which is affected by the order. The order cannot come into force before the notice is published. The Council must also notify any person who has objected to the making of the order and this notice must also include the reasons for its decision to make the order.

There is a 6 week time limit to challenge the making of the order which runs from the date the order is made.

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 speed limits are imposed appropriately having regard to the type of factors considered in this report. This is the case with regards to the proposals laid out in this report.

It is considered that there is a low risk of non-compliance with the 30mph speed limit given the geometry of the road and low existing vehicle speeds. However, should non-compliance frequently occur with the proposed speed limit, further signage and/or enforcement may be required.

Details of any alternative options considered and rejected:	Not to introduce a 30mph speed limit at Brierley Village– This would not act to improve road safety and amenity with regards to encouraging lower vehicle speeds throughout the village. The proposed housing development will have a significant impact on the roadside environment and would likely mean Brierley would meet the requirements to be considered a village and therefore would qualify for the implementation of a 30mph speed limit according to Department for Transport's 'Village Speed Limits' document. Furthermore, not implementing the proposals would be in direct opposition to the wishes of the Local Member and Parish Council.
Details of any declarations of interest made:	

I am an officer delegated to make the decision

Signed:

Print Name: Mairead Lane
 Job Title: Assistant Director Highways & Transport /
 Head of Infrastructure Delivery