

Record of officer decision

Decision title:	PROPOSED TRAFFIC REGULATION ORDER TO IMPLEMENT A 50MPH SPEED LIMIT ON A4103 EAST OF NEWTOWN CROSSROADS, HEREFORDSHIRE
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:	Three Crosses
Consultation:	<p>As previously eluded to in this report, an Initial Statutory Consultation process was undertaken from 23rd March 2020 to 13th April 2020 whereby an initial consultation letter and proposal plan was sent to all Statutory Consultees. During this process, no objections were raised.</p> <p>A Formal Consultation exercise allowing the general public and Statutory Consultees to issue comments/concerns was undertaken from 8th July 2020 to 7th August 2020, during which no objections were raised. A summary of the Formal Consultation responses is included as Appendix G and summarised below.</p> <p>Ward Councillor Lester – Fully supports the proposals.</p> <p>Stretton Grandison Group Parish Council – Fully support the proposals.</p> <p>Yarkhill Group Parish Council – Fully support the proposals.</p> <p>Traffic Management Advisor (TMA), West Mercia Police – Offered no objections to the proposals, but issued the following comments:</p> <p>“I can confirm that I have no objections to offer to this proposal. Ideally it would be complimented by measures to further highlight the bend (Anti-skid surface or some change in road surface colour and additional signs/lines) and a high profile terminal feature to soften the rural environment and create more of a “gateway” to the new limit.”.</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>Two consultees (residents within the area) issued their support but suggested an extension of the existing 40mph limit eastwards.</p> <p>As previously eluded to in paragraph 8, the surveyed 85th percentile vehicle speeds are significantly above the ACPO guideline enforcement intervention level of 46mph in a 40mph limit. DfT's 'Setting Local Speed Limits' document sets out the parameters for consideration of a 40mph limit as being 'where there are many bends, junctions or accesses, substantial development or a strong environmental reason'. The extension area does not meet these criteria. Therefore, extending the existing 40mph terminal points further eastwards without the installation of effective self-enforcing traffic engineering features, is unlikely to result in a proportional or significant reduction in the existing 85th percentile speeds. In fact, extending the 40 mph eastwards could create a situation whereby the drivers perceive the speed limit reduction (along the extended section) to be unreasonably low and continue at a higher speeds which is likely to increase the risks of collisions.</p> <p>A comprehensive record of all responses received during the Formal Consultation process is included as Appendix G.</p>
<p>Decision made:</p>	<p>Considering no objections have been made from the Initial Statutory Consultation and Formal Notice of Proposal stages, a new Traffic Regulation Order (TRO) will be introduced under Section 84 of the Road Traffic Regulation Act 1984, the effect of which will be to introduce a 40mph speed limit on the following stretch of road:</p> <p>A4103</p> <p>From a point 560 metres east of its junction with A417 to a point 1060 metres east of its junction with A417</p>
<p>Reasons for decision:</p>	<p>To recommend the implementation a reduction in the current National Speed Limit on A4103 east of Newtown crossroads, to 50mph. The extents of the proposed restrictions are set out in detail in Recommendations below and shown on drawing 3409-84 in Appendix A.</p>
<p>Highlight any associated risks/finance/legal/equality considerations:</p>	<p>Community impact</p> <p>The recommendation to implement a reduction in the current National Speed Limit on A4103 east of Newtown crossroads will have a positive impact on the local community.</p> <p>The proposals will preserve and improve road safety and the amenity of the area through which the road runs. They are, therefore, in alignment with Sections 1 and 122 of the Road Traffic Regulation Act 1984 and align with guidance set out by the DfT's 'Setting Local Speed Limits' document.</p> <p>Environmental Impact</p> <p>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>

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 proposed 50mph speed limit should result in reduced vehicle speeds and reduced vehicle emissions and provide a better roadside environment.

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 proposals on A4103 east of Newtown crossroads 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 H 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 proposals on A4103 is approximately £10,000. This includes costs for statutory consultation, preparing and making the TRO, signage, road markings and advertising. This cost has been identified from existing annual plan budgets.

Legal implications

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

Section 9 of Part 2 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 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) and 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

	<p>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.</p> <p>Risk management</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 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 set out in this report.</p>
<p>Details of any alternative options considered and rejected:</p>	<p>Not to reduce the National Speed Limit to 50mph on A4103– This would result in a failure to address the existing road safety concerns comprising a significant collision history along the stretch of the A4103 under investigation. Also, existing vehicle speeds are within the Association of Chief Police Officers (ACPO) guideline enforcement intervention level of 57mph in a 50mph limit meaning the proposals are enforceable. Not implementing the proposals would also be in direct opposition to the wishes of the Local Member and Parish Councils.</p> <p>To extend the current 40mph speed limit further east – This is not recommended as the current surveyed vehicle speeds are significantly higher than Association of Chief Police Officers (ACPO) guideline enforcement intervention level of 46mph in a 40mph limit. Thus, an extended 40mph speed limit would require significant traffic engineering measures to achieve any level of compliance and would be very unlikely to gain any support from the Police. Additionally, a 40mph limit would not be in alignment with Department for Transport’s ‘Setting Local Speed Limits’ document in terms of the presence of junctions and accesses and the level roadside environment and could create a situation whereby the drivers perceive the speed limit reduction (along the extended section) to be unreasonably low and continue at a higher speeds which is likely to increase the risks of collisions.</p>
<p>Details of any declarations of interest made:</p>	

I am an officer delegated to make the decision

Signed:

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