

Record of officer decision

Decision title:	PROPOSED TRAFFIC REGULATION ORDER TO IMPLEMENT A 30MPH SPEED LIMIT AT BREDENBURY, HEREFORDSHIRE
Date of decision:	13 July 2021
Decision maker:	Acting Assistant Director Highways and Transport / Head of Infrastructure and Delivery
Authority for delegated decision:	<p>Directorate scheme of delegation: updated 28 April 2021 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:	Hampton
Consultation:	<p>An Initial Statutory Consultation process was undertaken from 25th January 2021 to 15th February 2021 whereby an initial consultation letter and proposal plan was sent to all Statutory Consultees via email. During this process, no objections were raised in relation to the recommendations as part of this TRO. A summary of the responses received during the Initial Statutory Consultation process is included as Appendix C.</p> <p>The Notice of Proposal process followed this allowing the general public and Statutory Consultees to issue comments/concerns from 4th March 2021 to 26th March 2021 during which no objections were raised. A summary of the Notice of Proposal responses is included as Appendix D and briefly summarised below.</p> <p>Ward Councillor Harrington – Expressed his full support for the proposals during the Initial Statutory Consultation stage.</p> <p>Bredenbury and District Group Parish Council – Fully supports the proposals.</p> <p>Traffic Management Advisor (TMA), West Mercia Police – Offered no objections to the proposals and stated:</p> <p>“...the limit will be widely complied with. I feel that the nature of the roads in question mean it will be largely self-regulating...”</p> <p>Bredenbury Primary School – Fully Supports 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>

	West Midlands Ambulance Service – Issued no response to the consultation.
Decision made:	<p>That:</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 30mph speed limit on the following stretches of road:</p> <p>C1062 from its junction with A44 to a point 238m east of its junction with U65213</p> <p>U65213 Valley View from its junction with C1062 to the limit of its adoption</p>
Reasons for decision:	<p>To recommend the implementation of a 30mph Speed Limit on C1062 and Valley View at Bredenbury, Herefordshire.</p> <p>The extents of the proposed restrictions and signage are set out in detail in Recommendations below and shown on drawing 3409-102 in Appendix A.</p>
Highlight any associated risks/finance/legal/equality considerations:	<p>Community impact</p> <p>The recommendations outlined above will have a positive impact on the local community. The implementation of the proposed restrictions will seek to encourage reduced vehicle speeds through the area concerned and therefore act to improve road safety and amenity. The proposals are, therefore, in alignment with Sections 1 and 122 of the Road Traffic Regulation Act 1984.</p> <p>The proposals also align with guidance set out by the DfT's 'Setting Local Speed Limits' and 'Village Speed Limits' documents.</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> <p>The development of this project has sought to minimise any adverse environmental impact and will actively seek opportunities to improve and enhance environmental performance.</p> <p>The adoption of the proposed restrictions will encourage reduced vehicle speeds, thereby reducing emissions. This will provide an environment where people feel it is safe to walk, cycle or ride throughout the area concerned. This is particularly important given the presence of the primary school on C1062.</p> <p>Equality duty</p> <p>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.</p> <p>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.</p> <p>Under section 149 of the Equality Act 2010, the 'general duty' on public</p>

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

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 has been identified from this year's existing budgets in the current Annual Plan.

Legal implications

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

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

The Council has not received any objections to the proposals both at the Initial Statutory Consultation and as part of the Notice of Proposal stages. The time in which objections can be lodged has expired and the Council is therefore able to proceed with the Order..

Regulation 8 of the 1996 Regulations allows for a minimum 21 day period or such other period as set out in the notice for any person to object to the making of the order. Before proceeding to make the order the Council shall consider any objections submitted and not withdrawn in accordance with regulation 8.

Once an order is made by the Council it will need to be publicised in accordance with the requirements of Part 3 of the 1996 Regulations. The order cannot come into force before the order has been publicised in accordance with these requirements. This must be done within two years of the date the order is first publicised in a newspaper circulating in the locality of the area where the land to which the order relates is located. Within 14 days of the order being made it is necessary in accordance

	<p>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.</p> <p>The Council will need to ensure that the statutory procedures have been correctly followed and that there is reasoned justification for making the TRO. If there has been an error of law or procedure this can be challenged by way of judicial review. The time period for challenge is six weeks from the date of the making of the order.</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 limit restrictions are imposed appropriately having regard to the type of factors considered in this report. This is the case at Bredenbury.</p> <p>There is a small risk that the proposals may not achieve routine compliance in which case additional engineering measures may be required, along with additional enforcement from the police.</p>
Details of any alternative options considered and rejected:	<p>Not to introduce the 30mph Speed Limit. The proposal qualifies for a 30mph speed limit as set out in the Department for Transport's (DfT) 'Setting Local Speed Limits' guidance. The proposed 30mph speed limit is also recommended in alignment with sections 1 and 122 of the Road Traffic Regulation Act. Not to proceed with the recommendations would also be in direct conflict to the desires of the Ward Councillor and the Parish Council.</p>
Details of any declarations of interest made:	<p>If any officers or members involved or consulted in the decision-making have declared an interest you should include the declaration here.</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