

## Record of officer decision

<b>Decision title:</b>	<u>OBJECTION REPORT</u> PROPOSED TRAFFIC REGULATION ORDER TO IMPLEMENT A 20MPH SPEED LIMIT AT PEMBRIDGE, HEREFORDSHIRE
<b>Date of decision:</b>	3 September 2021
<b>Decision maker:</b>	Director of Economy and Place
<b>Authority for delegated decision:</b>	<p>Directorate scheme of delegation: updated 20 July 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>
<b>Ward:</b>	Arrow
<b>Consultation:</b>	<p>An Initial Statutory Consultation process was undertaken from 3rd February 2021 to 24th 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 D and notable responses are summarised in the Key Considerations section of this report.</p> <p>A Formal Consultation (Notice of Proposal) process allowing the general public and Statutory Consultees to issue comments/concerns was undertaken from 25th March 2021 to 21st April 2021 during which one objection was raised by a resident from a neighbouring settlement. All Statutory Consultee respondents issued support for the scheme. A summary of the Formal Consultation (Notice of Proposal) responses is included as Appendix E. The objection received has been outlined and addressed in this report in alignment with Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. Statutory Consultee responses are summarised below.</p> <ul style="list-style-type: none"> <li>• Ward Councillor – Has viewed the Objections and resolved to support the proposals.</li> <li>• Parish Council – Has viewed the Objections and resolved to support the proposals.</li> <li>• Traffic Management Advisor (TMA), West Mercia Police – Offered no objections to the proposals.</li> <li>• Pembrige CE Primary School (Head Teacher) – Fully supports the proposals.</li> <li>• Hereford and Worcester Fire and Rescue Service – Issued no response to the consultation.</li> <li>• Road Haulage Association – Issued no response to the consultation.</li> <li>• Freight Transport Association – Issued no response to the consultation.</li> <li>• West Midlands Ambulance Service – Issued no response to the consultation.</li> </ul>

<b>Decision made:</b>	<p>Consideration has been given to the receipt of one objection arising from the formal notice of proposal for the above titled order.</p> <p>Notwithstanding the receipt of this objection, 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 20mph speed limit at Pembridge village. A Schedule containing the full extents of the proposed restrictions is included as Appendix B.</p>
<b>Reasons for decision:</b>	<p>To consider the comments and objections received from one resident, in relation to the advertisement of the council's proposal to introduce the following Traffic Regulation Order: (A44 AND VARIOUS SIDE ROADS, PEMBRIDGE) (20MPH SPEED LIMIT) ORDER 2021.</p> <p>The extents of the proposed restrictions as advertised are shown on drawing 3409-100 in Appendix A.</p>
<b>Highlight any associated risks/finance/legal/equality considerations:</b>	<p><b>Community impact</b></p> <p>The recommendation to introduce a 20mph speed limit at Pembridge will act to improve road safety and amenity there. The roads throughout the village are heavily used by pedestrians and vulnerable road users associated with local residents and school children from the local primary school.</p> <p>The proposals will support the ongoing works to remove central carriageway markings and implement edge of carriageway markings to further encourage reduced speeds.</p> <p>Therefore, the recommendation would have a positive impact on the local community for the reasons outlined above.</p> <p><b>Environmental Impact</b></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. The scheme will improve road safety and amenity making it more inviting for pedestrians and cyclists when navigating the roads. The proposals will therefore encourage local active travel.</p> <p>Furthermore, the implementation of the proposals could result in reduced vehicle emissions and provide an environment where people feel it is safe to walk, cycle or ride.</p> <p><b>Equality duty</b></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 authorities is set out as follows:</p> <p>A public authority must, in the exercise of its functions, have due regard to the need to -</p>

- (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 £12,000. 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 Part 1 and Part 4 of Schedule 9 to 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 (this document) 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 received one objection. This objection has been considered in alignment with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. Before the Order can be made it will need to be publicised in accordance with the requirements of Regulation 7 of the 1996 Regulations. This includes publication of a notice of the proposals in a newspaper circulating in the locality of the area where the road which is the subject of the order is located.

If the objection to the order has not been withdrawn it will be necessary within 14 days of the making of the order for the Council to notify any person who has objected to the order. The notice must include the reasons for the Council not acceding to the objection.

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

	<p>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 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>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><b>Risk management</b></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 by seeking to improve road safety and amenity for all road users.</p> <p>It is important for safety, and their effectiveness that movement and speed restrictions are imposed appropriately having regard to the type of factors considered in this report. This is the case at Pembridge.</p> <p>There is a small risk that vehicles may not comply with the new speed limit. However, the scheme has attempted to mitigate this through use of high-profile signage and the existing edge of carriageway lining which creates a 'narrowing' effect for drivers thereby encouraging reduced speeds. Additionally, a review of the schemes effectiveness will be undertaken 2-3 years after implementation. This has been agreed with the Traffic Management Advisor for West Mercia Police and the Senior Accident Investigation Engineer at Herefordshire Council.</p>
<b>Details of any alternative options considered and rejected:</b>	<p>Not to introduce the 20mph speed limit - The proposals are designed to encourage reduced vehicle speeds throughout the village of Pembridge thereby improving road safety. The new speed limit will accompany the works to remove the central carriageway markings and implementation of edge of carriageway markings throughout the village. It will also complement the existing traffic calming features in place on the eastern and western approaches to the village on the A44. The proposed restrictions are also 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 Ward Councillor, Parish Council, local primary school, and vast majority of local residents in the area.</p>
<b>Details of any declarations of interest made:</b>	

I am an officer delegated to make the decision

Signed:

Print Name: Neil Taylor

Job Title: Director for Economy and Place