

## Record of operational decision

<b>Decision title:</b>	Decision to introduce 20mph across various road at Hay-on-Wye and Presteigne, Herefordshire.
<b>Date of decision:</b>	29 <sup>th</sup> January 2024
<b>Decision maker:</b>	Service Director for Highways, Environment and Waste
<b>Authority for delegated decision:</b>	Economy and Environment Scheme – Highways and Transport 75. To act on behalf of the council in respect of the legislation specified in the Road Traffic Regulation Act 1984. The authorisation limit is within the financial procedure rules and is sufficient for the decision and that the officer has authority under the contract procedure rules.
<b>Ward:</b>	Golden Valley North, Mortimer
<b>Consultation:</b>	<p>Following the completion of the initial assessment, a Formal (Statutory) Consultation process was undertaken from 25<sup>th</sup> May 2023 to 19<sup>th</sup> June 2023, whereby a consultation letter and proposal plan were sent to all Statutory Consultees via email. During this process, Cusop Parish Council raised objections to the Hardwicke Road, Nantylas Lane and Cusop Dingle Proposals. The Traffic Management Advisor for West Mercia Police raised no objection to the Ford Street, Presteigne, but requested further information regarding soft engineering measures on Newport Street &amp; Hardwicke Road, Hay-on-Wye. A summary of the responses received during the Formal (Statutory) Consultation process is included as Appendix C.</p> <p>The Notice of Proposal stage allowing the general public and Statutory Consultees to issue comments/concerns was undertaken from 21<sup>st</sup> September 2023 to 13<sup>th</sup> October 2023. During this process no objections were raised from the Statutory Consultees but 5 Objections were raised from members of the public (4 in Hay-on-Wye &amp; 1 in Presteigne). A summary of the responses received during the Notice of Proposal stage is included as Appendix D. The responses received from the statutory consultees are shown below:</p> <p>Golden Valley North Ward Councillor – Supports the proposals. Mortimer Ward Councillor – Supports the proposals. Cusop Parish Council – Offered no objections to the proposals. Stapleton Group Parish Council – Issued no response to the consultation. Traffic Management Advisor (TMA), West Mercia Police – Offered no objections to the proposals. Hereford and Worcester Fire and Rescue Service – Issued no response to the consultation. Road Haulage Association – Issued no response to the consultation. Freight Transport Association – Issued no response to the consultation. West Midlands Ambulance Service – Issued no response to the consultation.</p>
<b>Decision made:</b>	<b>A new Traffic Regulation Order be implemented as proposed in the Notice of Proposal, the effect of which will be to introduce 20mph &amp; 30mph speed limits on the Various Roads in the cross-border (England/Wales) towns of Hay-on-Wye &amp; Presteigne, Herefordshire</b> <b>A full schedule of the proposals is included as Appendix B.</b>
<b>Reasons for decision:</b>	The scheme is in alignment with the reduction of the existing Restricted Road (30mph speed limits) to 20mph speed limits in Hay-on-Wye and Presteigne, which has been undertaken by Powys County Council. These proposals form part of the Welsh Government's decision to turn all restricted roads (under section 82 of the Road Traffic Regulation Act 1984) in Wales from 30mph to 20mph. This scheme aims to ensure that the 20mph speed limit starts at a suitable location on the Herefordshire side of the Welsh border, to ensure

continuity in the towns in question and is being funded by the Welsh Government. The following roads are included within the proposal:  
Newport Street (B4350), Hay-on-Wye  
Nantyglassdwr Lane (C1204), Hay-on-Wye  
Hardwicke Road (B4348), Hay-on-Wye  
Cusop Dingle (U75246), Hay-on-Wye  
Grove Cottages Access (U75247), Hay-on-Wye  
Victoria Terrace (U75248), Hay-on-Wye  
Ford Street (C1004), Presteigne

An on-site assessment and meeting was undertaken by officers in February 2023. During the assessment officers noted the roadside environment for the areas of Hay-on-Wye & Presteigne that would be transitioning to 20mph on the Welsh Side of the border. This roadside environment nature was then considered when assessing the extents of the 20mph speed limits on the English side of the border. The road geometry was also considered along with where it was practicable to site new terminal signage and road markings.

It was also considered prudent to extend the existing 30mph speed limits on Newport Street & Hardwicke Road, Hay-on-Wye, in order to provide a buffer zone for drivers to slow down on their approach to the proposed 20mph speed limits.

Officers identified suitable locations (as shown in Appendix A) at which the 20mph & 30mph speed limits could be implemented, given the good verge width available to house terminal signage and forward visibility for approaching vehicles. It was also noted that at the proposed entry to the 30mph & 20mph speed limits, drivers would be able to see an increasing level of development as they travel into the towns, which would give the impression of entering a more built-up environment and therefore further encourage a reduction in speed.

Following the completion of the initial assessment, a Formal (Statutory) Consultation process was undertaken from 25<sup>th</sup> May 2023 to 19<sup>th</sup> June 2023, whereby a consultation letter and proposal plan were sent to all Statutory Consultees via email.

During this process, Cusop Parish Council raised objections to the Hardwicke Road, Nantyglassdwr Lane and Cusop Dingle proposals. The Traffic Management Advisor for West Mercia Police raised no objection to the Ford Street, Presteigne, but requested further information regarding soft engineering measures on Newport Street & Hardwicke Road, Hay-on-Wye.

A copy of the Proposals sent to the Statutory Consultees and a summary of the responses received during the Formal (Statutory) Consultation process is included as Appendix C.

Following the conclusion of the Formal (Statutory) Consultation process a meeting with the Traffic Management Advisor for West Mercia Police was held in June 2023 to discuss the proposals, together with their comments on Cusop Parish Council's Objections. As a result of the meeting the Traffic Management Advisor offered no objection to the proposals.

A further meeting was held in July 2023 with the Cabinet Member for Highways (also the Local Member for Golden Valley North) to discuss the proposals. As a result of the meeting a revised set of proposals were drawn up and were supported by the Cabinet Member. A response to their objections and the updated proposals were then sent to Cusop Parish Council who, via a response from the Local Member, who agreed to support these amended proposal plans, but requested that the existing 30mph section of Nantyglassdwr Lane be reduced to 20mph. Officers considered this request, and it was agreed to include this amendment and progress to the Notice of Proposal Stage.

The Notice of Proposal stage allowing the general public and Statutory Consultees to issue comments/concerns was undertaken from 21<sup>st</sup> September 2023 to 13<sup>th</sup> October 2023. During this process no objections were raised from the Statutory Consultees, but 5 Objections were raised from members of the public (4 in Hay-on-Wye & 1 in Presteigne).

During this consultation the Mortimer Ward Councillor confirmed their support. The Traffic Management Advisor for West Mercia Police confirmed that they had no objections, but issued some concerns regarding compliance with the extended 30mph limit on Hardwicke Road, given existing issues with excess speeds in the area. Cusop Parish Council did not state any objection to the proposal, but highlighted concerns raised to them about the proposals from members of the public.

A summary of the responses received during the Notice of Proposal stage is included as Appendix D.

The majority of the objections or comments received from members of the public in Hay-on-Wye regarded the proposed 20mph or 30mph speed limit not being introduced on Nantyglassdwr Lane. The objections centred around Nantyglassdwr Lane being a narrow, single-track road, with minimal passing places, and multiple 90 degree blind bends. They state it is a popular route for walkers and cyclists and a 20mph or 30mph speed limit on the country lane would provide a safe environment for pedestrians, cyclists and vehicles to coexist.

In response to the objections, the proposals are in association with the introduction of 20mph speed limits in Wales and are being funded by the Welsh Government. The Proposals have been designed to ensure there is a continuity and consistency of speed limits on similar road types and environments on both sides of the border in the town.

Nantyglassdwr Lane is unsuitable for a 20mph or 30mph speed limit and therefore, falls outside of the scope the scheme for the following reasons:

DfT guidance deems that the lane would not meet the criteria for a 20mph or 30mph speed limit. DfT guidance states the following for 30/20mph speed limits: *"It is government policy that a 30 mph speed limit should be the norm in villages. It may also be appropriate to consider 20 mph zones and limits in built-up village streets. It is recommended that the minimum length of a village speed limit should be 600 metres. However, traffic authorities may lower this to 400 metres, and in exceptional circumstances to 300 metres. Fear of traffic can affect people's quality of life in villages and it is self-evident that villages should have comparable speed limits to similar roads in urban areas. It is therefore government policy that a 30 mph speed limit should be the norm through villages. It may also be appropriate to consider 20 mph limits or zones in built-up village streets which are primarily residential in nature, or where pedestrian and cyclist movements are high. Such limits should not, however, be considered on roads with a strategic function or where the movement of motor vehicles is the primary function."* The DfT criteria is imperative in ensuring a consistent message to drivers of the appropriate speed limit for the surrounding roadside environment across not only Herefordshire but also the country. Therefore, a 20mph/30mph proposal on Nantyglassdwr Lane would not align with this guidance.

Existing speeds throughout Nantyglassdwr Lane are observed (across numerous site visits) to be already low in most parts, although it is understood that frequent users of the lane may sometimes drive at excessive levels (as they are familiar with the road layout). The National Speed Limit ensures that motorists travel at a speed deemed suitable (i.e. The driver drives to the conditions of the road) for this area and it is recognised that, although near the village of Cusop, the road is very similar to a large number of country lanes around the County and also the country which are signposted as national speed limit.

A signed 20mph speed limit alone will not prevent the minority of road users who travel along the lane at excessive speeds from doing so and they will continue to do so.

Introducing 20mph (or any other speed limit) along this road, due to the lack of street lighting throughout the lane, would mean an increased number of repeater signs would be required in locations where there is limited verge space, vast overgrowth and limited passing places. The numbers of repeater signs required would increase unnecessary sign clutter and urbanise this area, which would have limited benefit to the majority of users already travelling at lower speeds. DfT Traffic Signs Manual states that repeater signage must be installed at a maximum interval of 200m along the length of a 20mph speed limit. Therefore, in response to comments suggesting this would not be required as it is only a country lane, this would render the order unlawful and unenforceable.

The small section of existing 30mph on Nantyglasdwr Lane that does meet DfT guidance is proposed to become 20mph to align with the aim of the scheme - to ensure there is a continuity and consistency of speed limits on similar road types and environments on both sides of the border in the town.

Objections were also received regarding the extent of the proposals on Hardwicke Road, Hay-on-Wye. The objectors stated that the 30mph speed limit should be extended to reach beyond the turning to the C1205 and the bend of the B4348 where it leaves it. They stated should be extended in a north easterly direction beyond the turning with the C1205. This is because traffic in either direction travels at unsafe speeds and, coming into Hay, cut the corner, which causes problems for traffic heading in a northeasterly direction. Excessive speed also poses significant problems for traffic turning into and out of the C1205. Comments were also received that the 20mph on Hardwicke Road should be extended to a point north of the junction with Nantyglasdwr Lane (to tie in with the 20mph speed limit along the length of the lane).

In response to these objections, the proposed location of the 20mph terminal speed limit signs, together with the moving of the existing 30mph speed limit further up the hill of Hardwicke Road, is deemed the most appropriate site for a change in speed limit, due to the good forward visibility downhill for motorists travelling into Cusop. It would be impractical to change the speed limit just before or on the mid-point of a sweeping bend, especially where motorists have been travelling at 50mph+ for some considerable distance beforehand. Not only would there be a lack of visibility to the speed limit signs, there would also be motorists contravening the 30mph because it would be deemed unsuitable, given the topography of the carriageway. Additionally, the bend acts as a natural method for slowing vehicles down prior to entering the 30mph speed limit, reducing the occurrence of vehicles heavily braking on approach to the speed limit terminal signs.

With regards to extending the 20mph speed limit past Nantyglasdwr Lane, it is likely that there would be an increase in potentially dangerous overtaking manoeuvres because of the straightness of the road, lack of built-up property frontages (although recognising there are some) and the very good forward visibility. Drivers are also travelling downhill having been travelling along national speed limit for a number of miles, prior to entering Cusop, so it is likely compliance with this speed limit will be reduced if it were to start too far out from areas of development.

One objection was received regarding the proposals on Ford Street, Presteigne. The objector stated they objected to the 20mph speed limit and that current situation should be maintained. They felt this was because cars currently accelerate harshly as they leave the existing 30mph speed limit, and that with the introduction of a 20mph speed limit it would be made worse. They stated that Herefordshire Council should not waste money on this

	<p>proposal which mimics the introduction of 20mph speed limits in Wales. Finally, they stated that Herefordshire Council should spend the money fixing Potholes.</p> <p>In response to the objection, the proposals have been designed to ensure there is a continuity and consistency of speed limits on similar road types and environments on both sides of the border in the town. The proposal here replaces the existing 30mph speed limit with a 20mph speed limit (as has been done in the rest of Presteigne on the Welsh side of the border) and is proposed in association with the introduction of 20mph speed limits in Wales.</p> <p>The terminal sign location in the proposal has been shifted slightly northwards from the current existing 30mph terminal sign location to improve the forward visibility of the signage for vehicles, which should also reduce the speed of vehicles on approach and when exiting the 20mph speed limit. The section of carriageway will also benefit from a 20mph speed limit, as it is a narrow section of road with properties directly fronting the road on both sides. The scheme is not being funded by Herefordshire Council and is entirely funded by the Welsh Government.</p> <p>In response to the comments surrounding fixing potholes, the budget for this project has been provided by the Welsh Government in order to undertake these speed limit changes. Therefore, pothole repairs are outside of the remit of this scheme.</p> <p>According to the Road Traffic Regulation Act (RTRA) 1984, it is the duty of a highway authority to 'manage their road network' and 'to improve road safety'. Section 122 of the RTRA 1984 states that local authorities must, so far as is practicable, exercise their functions under the RTRA so as to 'secure the expeditious, convenient and safe movement of traffic'.</p> <p>DfT's 'Setting Local Speed Limits' document states that it may be appropriate to consider the implementation of a 20mph speed limit within a village or town when streets are primarily residential in nature, and/or usage by pedestrians or cyclists is high. This is the case on Newport Street, Hardwicke Road, Cusop Dingle and its side roads in Hay-on-Wye and Ford Street in Presteigne.</p> <p>In conclusion, the proposed 20mph speed limit seeks to improve road safety and amenity throughout on the roads in question and is therefore in alignment with section 122 of the Road Traffic Regulation Act 1984. The proposal also aligns with DfT's 'Setting Local Speed Limit' guidance and with the introduction of 20mph speed limits on Restricted roads in Wales (under section 82 of the Road Traffic Regulation Act 1984) undertaken by the Welsh Government on the other side of the border in the towns in question. The Traffic Management Advisor for West Mercia Police has offered no objections. Finally, no objections have raised by Cusop Parish Council, the Local Members, and majority of local residents.</p> <p>It is, therefore, advised to progress with the recommendations outlined in this report for the reasons set out above.</p>
<p><b>Highlight any associated risks/finance/legal/equality considerations:</b></p>	<p><b>Community impact</b> The recommendations outlined above will have a positive impact on the local community. The implementation of the proposed 20mph &amp; 30mph speed limits will seek to improve road safety and amenity, as well as create consistency for drivers with regards to the speed limits on both sides of the border in the towns. The proposals are therefore in alignment with Section 122 of the Road Traffic Regulation Act 1984.</p> <p><b>Environmental Impact</b> 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</p>

improving our environmental sustainability, achieving carbon neutrality and to protect and enhance Herefordshire's outstanding natural environment.

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 implementation of the proposals should result in improved road safety and amenity and provide an environment where people feel it is safer to walk, cycle or ride as well as ensure there is consistency in the speed limits on both sides of the border.

### **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 recommendations set out in this report are considered to be low impact with regards to equality. The proposals 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 -

eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

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 £45,000. This includes costs for statutory consultation, preparing and making the TRO, signage, road markings and advertising. This cost is to be covered in full by the Welsh Government.

### **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 ('the 1996 Regulations') 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 of the 1996 Regulations. Following consideration of the consultation responses the Council has decided not to modify the proposals.

	<p>The Council has received 5 Objections. 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. 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 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>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. The time period for challenge is three months 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.</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 at Hay-on-Wye and Presteigne.</p> <p>There is a small risk that the proposals may not achieve routine compliance. However, the proposed 20mph speed limits will be in place within areas where it is clear to drivers that they have entered a built-up residential environment. Additionally, the speed limits will create consistency on roads with a similar roadside environment on the Welsh side of the Border. The restrictions will also be accompanied by terminal signage and repeater signage. The risk of non-compliance is therefore negligible.</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">         Appendix A.pdf     </div> <div style="text-align: center;">         Appendix B.pdf     </div> <div style="text-align: center;">         Appendix C.pdf     </div> <div style="text-align: center;">         Appendix D.pdf     </div> </div> <div style="text-align: center; margin-top: 20px;">         Appendix E.pdf     </div>
<p><b>Details of any alternative options considered and rejected:</b></p>	<p><b>Not to make any changes to the existing speed limits –</b> This is not recommended as it would fail to achieve the primary purpose of the proposal; to ensure there is a continuity and consistency of the speed limits on similar road types and environments on both sides of the border in the towns in question. These proposals form part of the Welsh Government’s decision to turn all restricted roads (under section 82 of the Road Traffic Regulation Act 1984) in Wales from 30mph to 20mph. The proposals are in alignment with section 122 of the Road Traffic Regulation Act 1984. Finally, no objection was raised by Cusop Parish Council, the Local Members, West Mercia Police and majority of local residents.</p>
<p><b>Details of any declarations of interest made:</b></p>	<p>None</p>

Signed..... Date:

Please ensure that signatures are redacted before publishing.