

## Record of operational decision

<b>Decision title:</b>	Decision to implement a 40mph speed limit on the A449 and an extension of the 30mph speed limit on the C1289 at Much Marcle, Herefordshire.
<b>Date of decision:</b>	11 <sup>th</sup> December 2023
<b>Decision maker:</b>	Service Director Environment and Highways
<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>	Old Gore
<b>Consultation:</b>	<p>A Formal (Statutory) Consultation process was undertaken from 22<sup>nd</sup> December 2022 to 25<sup>th</sup> January 2023, 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 proposed 40mph speed limit and 30mph speed limit extension. A summary of the responses received during the Formal (Statutory) Consultation process is included as Appendix E.</p> <p>The Notice of Proposal stage allowing the general public and Statutory Consultees to issue comments/concerns was undertaken from 13<sup>th</sup> April 2023 to 5<sup>th</sup> May 2023. During this process no objections were raised from the Statutory Consultees, nor from members of the public. A summary of the responses received during the Notice of Proposal stage is included as Appendix F. The responses from Statutory Consultees are also summarised below.</p> <p>Parish Council – Fully supports the proposals. Traffic Management Advisor (TMA), West Mercia Police – Offered no objections to the proposals. Ward Councillor – Fully supports 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>	<p><b>Considering no objections have been made as part of the Formal (Statutory) Consultation and Notice of Proposal stages, a new Traffic Regulation Order (TRO) be introduced under Section 84 of the Road Traffic Regulation Act 1984 the effect of which will be to implement a 40mph speed limit on the A449 and an extension of the 30mph speed limit on the C1289 at Much Marcle.</b></p> <p><b>A full schedule of the proposals is included as Appendix B.</b></p>
<b>Reasons for decision:</b>	This scheme originated as a result of representations from the Local Member and a member of the public via their MP, to review the level and extent of the existing 50mph speed limit on the A449 through Much Marcle. It was also considered prudent to review the level and extent of the existing speed limits on the side roads of the A449 in Much Marcle. Consequently, a review of the situation on the site was undertaken by officers and it was decided that details should be

entered onto the prioritised Traffic Regulation Order (TRO) Waiting List.

As a result of its entry onto the TRO Waiting List, this scheme was identified for commencement of investigations in the 2022/23 Annual Plan. Therefore, Herefordshire Council set about investigating the potential for a new Traffic Regulation Order that would necessitate any changes within the area under investigation.

An on-site assessment was undertaken in November 2022. During the assessment, officers considered the extent of the speed limits on the side roads in accordance with Department for Transport 'Setting Local Speed Limits' guidance. Particular consideration was also given for drivers pulling out onto the A449 at the crossroads. It was also noted that a section of the existing national speed limit extent on the C1289 needed to be reduced to 30mph, due to a high concentration of properties fronting the road. The surrounding environment and road geometry were also considered along with where it was practicable to site new terminal signage.

Officers decided that the existing terminal signs on site are already at suitable locations (as shown in Appendix A). As a result, whilst the existing 50mph speed limit will be reduced to a 40mph speed limit, the existing extents will remain the same. Officers also identified a suitable location at which the existing 30mph speed limit could be extended to on the C1289, given the good verge width available to house terminal signage and good forward visibility for approaching vehicles.

Department for Transport's (DfT) 'Setting Local Speed Limits' document lists key factors for consideration during site assessments regarding local speed limits. One of these is the collision history. Analysis of collision data for the latest 5-year period from 2017-2022 (inclusive) showed five personal injury collisions having taken place within the investigation area. Accident data is shown in Appendix C.

Another key factor in the document for consideration is 'current traffic speeds'. Therefore, as part of the planning assessment phase, four Automatic Traffic Count (ATC) Surveys were undertaken in order to ascertain the current vehicle speeds close to the boundaries of the proposed 40mph speed limit and the 30mph speed limit extension. The speed survey data is included as Appendix D. Speed data comprising 85th percentile vehicle speeds (mph) are summarised in the table below.

	<b>Northbound</b>	<b>Southbound</b>
<b>ATC 1</b>	52.7	44.8
<b>ATC 2</b>	48.4	48.4
<b>ATC 3</b>	48.4	53.6
<b>ATC 4 (C1289)</b>	27.7	27.0

The vehicle speeds collected by ATCs 1-3 are slightly above the maximum guideline intervention level for a 40mph speed limit of 46mph, as set by Association of Chief Police Officers (ACPO) guidance. However, these surveys were undertaken in a location that is currently signed as a 50mph speed limit. Therefore, it is likely that with high profile village nameplate signage and repeater signage, vehicles would likely reduce their speed further to a more acceptable level. The ATC on the C1289 showed that vehicles were already within ACPO guidance for a 30mph speed limit.

Following the completion of the initial assessment, a Formal (Statutory) Consultation process was undertaken from 22<sup>nd</sup> December 2022 to 25<sup>th</sup> January 2023, whereby a consultation letter and proposal plan were sent to all Statutory Consultees via email. During this process, no

objections were raised in relation to the recommendations as part of this TRO. The Traffic Management Advisor for West Mercia Police stated that they had no objections, although voiced concerns regarding adherence to the new speed limit. The Parish Council and Ward Councillor also issued their support. A summary of the responses received during the Formal (Statutory) Consultation process is included as Appendix E.

The Notice of Proposal stage allowing the general public and Statutory Consultees to issue comments/concerns was undertaken from 13<sup>th</sup> April 2023 to 5<sup>th</sup> May 2023. During this process no objections were raised from the Statutory Consultees or from members of the public. During this consultation the Parish Council confirmed their full support. A summary of the responses received during the Notice of Proposal stage is included as Appendix F.

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'.

DfT's 'Setting Local Speed Limits' document also issues guidance with regard to the consideration of a 40mph speed limit that it 'should be considered where there are many bends, junctions, or accesses...or where there are considerable numbers of vulnerable road users'. As there are a number of junctions and accesses fronting the section of the A449 in question, this section of road accords with this guidance in qualifying for a 40mph speed limit. The section of the C1289 in question also qualifies for a 30mph speed limit as per DfT guidance, as it is part of the village of Much Marcle, and there is an average density of at least three houses over each 100m section of the 30mph speed limit extent.

In conclusion, the proposed 40mph speed limit and 30mph speed limit extension at Much Marcle align with guidance set out by Department for Transport's 'Setting Local Speed Limits' document and the duties set out in Section 122 of the Road Traffic Regulation Act 1984. The proposed speed limit will act to improve road safety and amenity for passing vehicles, pedestrians, and local residents. Despite vehicle speeds on the A449 being slightly above the guideline maximum intervention level set in the ACPO guidance for a 40mph speed limit, the proposed speed limit will be accompanied by high profile village nameplate signage and repeater signage and road roundels as proposed in Appendix A. Therefore, vehicles would likely reduce their speed further. Existing vehicle speeds are already below 30mph on the C1289 where the 30mph speed limit extension is proposed.

Finally, no objection has been raised by West Mercia Police, and the proposals are fully supported by the Parish Council and Local Member. It is, therefore, advised to progress with the recommendations outlined in this report for the reasons set out above.



Appendix A.pdf



Appendix B.pdf



Appendix C.pdf



Appendix D.pdf



Appendix E.pdf



Appendix F.pdf



Appendix G.pdf

**Highlight any associated risks/finance/legal/equality considerations:**

**Community impact**

The recommendations outlined above will have a positive impact on the local community. The implementation of the proposed 40mph and 30mph speed limits will seek to improve road safety and amenity. The proposals are therefore in alignment with Section 122 of the Road Traffic Regulation Act 1984.

**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.

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 throughout the entire area.

**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 G 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 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.

The Council has received no 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.

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.

#### **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 at Much Marcle.

There is a small risk that the proposals may not achieve routine compliance. However, given that the restrictions will be accompanied by high profile terminal signage, repeater signage and road markings and development on the roadside, it should be clear to drivers that they are entering a more built-up environment. The risk of non-compliance is therefore negligible.

**Details of any alternative options considered and rejected:**

**Not to make any changes to the current speed limit arrangement**  
– This is not recommended as it would fail to achieve the primary purpose of the proposal – to improve road safety through Much Marcle, particularly for pedestrians in the village, and for vehicles at the crossroads pulling onto the A449. It is therefore prudent that the existing 50mph speed limit on the A449 be reduced to a 40mph speed limit, and that the 30mph speed limit on the C1289 is extended past several properties. The proposals seek to improve road safety and amenity for vehicles and pedestrians in alignment with Section 122 of the Road Traffic Regulation Act 1984. Furthermore, not to implement the 40mph speed limit on the A449 and the extension of the 30mph

	speed limit would be in contravention to the desires of the Parish Council, Local Member, and the local residents.
<b>Details of any declarations of interest made:</b>	None

Signed..... Date:

**Please ensure that signatures are redacted before publishing.**