

Record of operational decision

Decision title:	Decision to introduce a reduction of the existing 40mph speed limit to a 30mph speed limit on the c1095 and introduce a 30mph speed limit at Danny Lee Walk, Hereford, Herefordshire.
Date of decision:	1 st December 2023
Decision maker:	Service Director Environment and Highways
Authority for delegated decision:	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.
Ward:	Queenswood
Consultation:	<p>Following the completion of the initial assessment, a Formal (Statutory) Consultation process was undertaken from 4th April 2023 to 28th April 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. 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 6th July 2023 to 28th July 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 D. The responses from Statutory Consultees are also summarised below.</p> <p>Ward Councillor – Fully supports the proposals. Parish Council – Fully supports the proposals. 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>
Decision made:	<p>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 reduce the existing 40mph speed limit to a 30mph speed limit on the C1095 and introduce a 30mph speed limit at Danny Lee Walk, Hereford.</p> <p>A full schedule of the proposals is included as Appendix B.</p>
Reasons for decision:	<p>The scheme originated to compliment a new residential development (Planning Ref P160048/O) to the south-west of the C1095 just north-west of its junction with A4103 Roman Road and is being funded by the developer via a Section 278 agreement. There is a requirement to relocate the existing 30mph speed limit terminals north-west to encompass the new development access which currently sits outside the 30mph speed limit on the C1095. The new development (Danny Lee Walk) is not street lit and therefore requires an Order to be designated with a 30mph speed limit.</p> <p>An on-site assessment was undertaken in March 2023. During the assessment, officers considered the extent of the speed limit with particular consideration for drivers accessing and egressing the new</p>

development access. The surrounding environment and road geometry were also considered along with where it was practicable to site new terminal signage and road markings.

Officers identified that, in order to prevent there being a short section of 40mph speed limit remaining, the most suitable location at which the 30mph speed limit could commence was the current terminal point of the existing 40mph speed limit (as shown in Appendix A). This was determined given the good verge width available to house terminal signage and forward visibility for approaching vehicles. It was also noted that with the inclusion of Danny Lee Walk increasing the development in the vicinity, the area up to the existing 40mph terminal signs would now qualify for a 30mph speed limit under DfT Setting Local Speed Limits guidance. Additionally, at the proposed entry to the 30mph speed limit, drivers would be able to see the properties affronting the road which would give the impression of entering a more built-up environment and therefore further encourage a reduction in speed.

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 2017-2021 (inclusive) showed no personal injury collisions having taken place within the investigation area.

Another key factor in the document for consideration is 'current traffic speeds'. Therefore, as part of the planning assessment phase, one Automatic Traffic Count (ATC) Survey was undertaken on the C1095 by the developer, in order to ascertain the current vehicle speeds along the section of road in question. Speed data comprising 85th percentile vehicle speeds (mph) are summarised in the table below.

	North-westbound	South-eastbound
ATC 1	35.3	43.3

The vehicle speeds collected are above the maximum guideline intervention level for a 30mph speed limit of 35mph, as set by Association of Chief Police Officers (ACPO) guidance. However, the location of the survey is within the current 40mph speed limit, so it is unsurprising that existing vehicle speeds are higher. However, the speeds recorded are within the ACPO guidance for the existing 40mph speed limit, showing that compliance with this speed limit is occurring. Furthermore, the roadside environment in this area will be changing considerably following the completion of the residential development. Therefore, it is likely that with high profile signage and the new development which will be visible from the road changing the existing environment, vehicles would likely reduce their speed to a level within or close to this guidance. The north-westbound speed is typical of vehicles which are currently accelerating out of the existing 30mph speed limit into the 40mph speed limit.

Following the completion of the initial assessment, a Formal (Statutory) Consultation process was undertaken from 4th April 2023 to 28th April 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. The Parish Council also issued their support. A summary of the responses received during the Formal (Statutory) Consultation process is included as Appendix C.

The Notice of Proposal stage allowing the general public and Statutory Consultees to issue comments/concerns was undertaken from 6th July 2023 to 28th July 2023. During this process no objections were raised from the Statutory Consultees nor from members of the public. The Ward

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

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'.

Department for Transport's (Dft) 'Setting Local Speed Limits' guidance states that a 30mph speed limit is suitable in other built-up areas (where motor vehicle movement is deemed more important), with development on both sides of the road. The proposals align with this guidance.

In conclusion, the proposed 30mph speed limit aligns 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 and local residents of the new development Danny Lee Walk and on the C1095 to the north-west of the new development. No objection has been raised by West Mercia Police. Finally, the proposals are fully supported by the Parish Council, Local Member and local residents.

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 -
EINA.docx

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 reduction in the existing 40mph to a 30mph speed limit on the C1095 and the introduction of a 30mph speed limit in Danny Lee Walk 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 -

- (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 is to be covered by the developer as part of a Section 278 agreement with Herefordshire Council.

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

	<p>accordance with these requirements. The time period for challenge is three months 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 limits are imposed appropriately having regard to the type of factors considered in this report. This is the case on the C1095 & Danny Lee Walk.</p> <p>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 and repeater signage and that the development will be visible from the road, thereby changing the existing roadside environment, it should be clear to drivers that they are entering a more built-up environment. The risk of non-compliance is therefore negligible.</p>
<p>Details of any alternative options considered and rejected:</p>	<p>Not to make any changes to the current speed limit arrangement –</p> <p>This is not recommended as it would fail to achieve the primary purpose of the proposal – to include the new residential development and particularly its access onto the C1095 within the 30mph speed limit. The access to the new development is located within the existing 40mph speed limit and the development is not street lit and therefore requires an Order to have a 30mph speed limit implemented. It is therefore prudent that the existing 40mph speed limit be reduced to a 30mph speed limit to accommodate the development itself and its access within the 30mph speed limit. 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 extension of the 30mph speed limit would be in contravention to the desires of the Parish Council, Local Member and local residents.</p>
<p>Details of any declarations of interest made:</p>	<p>None</p>

Signed..... Date:

Please ensure that signatures are redacted before publishing.