

Record of operational decision

Decision title:	Decision to implement a 50mph speed limit on the A438 between Winforton and Rhydspence, Herefordshire
Date of decision:	5 th July 2024
Decision maker:	Service Director for 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:	Castle
Consultation:	A Formal (Statutory) Consultation process was undertaken from 19th December 2022 to 20th 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 recommendations as part of this TRO. 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 13th April 2023 to 5th 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. Ward Councillor – Issued no response to the consultation. Eardisley Group Parish Council – Fully supports the proposals. Brilley 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.
Decision made:	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 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004 the effect of which will be to implement a 50mph speed limit on the A438 between Winforton and Rhydspence. The Notice of Proposal documents including a full schedule of the proposals is included as Appendix B.

Reasons for decision:

This scheme originated as a result of a request from the Parish Council to assess and rationalise the existing speed limits on the stretch of the A438 between Winforton and the county border. 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 2022/2023 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 and meeting with the Local Member, Eardisley Group Parish Council and Brilley Parish Council was undertaken in November 2022. During the meeting, it was agreed that the existing sections of national speed limit are not appropriate since they create an inconsistent speed limit along the entirety of the route. It was also agreed that a new 50mph speed limit would offer protection to vehicles pulling onto the A438 from side roads and private accesses, where visibility is limited. The surrounding environment and road geometry was also considered with where it was practicable to site new repeater signage (shown in Appendix A).

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 areas. Accident data is shown in Appendix C.

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

	Eastbound	Westbound
A438 (Western)	53.5	51.3
A438 (Eastern)	48.3	48.5

The vehicle speeds collected by both ATCs are comfortably within the maximum guideline intervention level for a 50mph speed limit of 57mph, as set by Association of Chief Police Officers (ACPO) guidance. The addition of further 50mph repeater signs within the new sections of 50mph speed limit is also likely to lead to vehicles reducing their speed further. As a result, there are no concerns regarding compliance with the 50mph speed limit.

Following the completion of the initial assessment, a Formal (Statutory) Consultation process was undertaken from 19th December 2022 to 20th 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. 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 13th April 2023 to 5th May 2023. During this process no objections were raised from the Statutory Consultees nor from members of the public. One member of the public suggested that a 20mph speed limit could be introduced in Winforton. However, DfT guidance states that 20mph speed limits should not be considered on roads where the movement of motor vehicles is the primary

	function, as is the case on the A438. Additionally, the introduction of a 20mph speed limit in Winforton is beyond the remit of this TRO scheme. A summary of the responses received during the Notice of Proposal stage is included as Appendix F. According to the Road Traffic Regulation Act (RTA) 1984, it is the duty of a highway authority to ‘manage their road network’ and ‘to improve road safety’. Section 122 of the RTA 1984 states that local authorities must, so far as is practicable, exercise their functions under the RTA so as to ‘secure the expeditious, convenient and safe movement of traffic’. Department for Transport’s (DfT) ‘Setting Local Speed Limits’ guidance states 50mph speed limits should be considered for ‘lower quality A and B roads that may have a relatively high number of bends, junctions or accesses’, and also where ‘mean speeds are below 50mph’. Mean vehicle speeds recorded on both ATCs were between 40mph and 46mph. The mean speeds recorded by the ATCs are included in Appendix D. On both these conditions, this section of the A438 qualifies for a 50mph speed limit. In conclusion, the proposed 50mph 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 create a consistent speed limit on the stretch of the A438 between Winforton and the county border. It will also act to improve road safety and amenity for vehicles entering the A438 from junctions and accesses, as well as passing vehicles and local residents. No objection has been raised by West Mercia Police. Finally, the proposals are fully supported by Eardisley Group and Brilley Parish Councils and local residents. It is, therefore, advised to progress with the recommendations outlined in this report for the reasons set out above.  Appendix G.pdf  Appendix F.pdf  Appendix E.pdf  Appendix D.pdf  Appendix C.pdf  Appendix B.pdf  Appendix A.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 50mph speed limit 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 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 G of this report for Equality Impacts and Needs Assessment (EINA).

Resource implications

The cost of the implementation of the proposals is approximately £30,000. 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 Winforton and Rhydspence. 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, it should be clear to drivers that they are entering an area with a lower speed limit. 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 ensure the consistency of the signed speed limit along the entirety of the A438 between Winforton and the county boundary. DfT guidance emphasises that a number of changes to the speed limit over a route should be avoided. Failure to replace the existing sections of national speed limit with a 50mph speed limit may lead to confusion amongst drivers regarding what the speed limit is. 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, and also seek to mitigate against the current visibility issues when entering the A438 from side roads. Furthermore, not to implement a 50mph speed limit would be in contravention to the desires of the Parish Council, Local Member and local residents.
Details of any declarations of interest made:	None

Signed..... Date:

Please ensure that signatures are redacted before publishing.