

## Record of Officer Decision

<b>Decision title:</b>	TRAFFIC REGULATION ORDER SCHEME TO INTRODUCE A 40MPH SPEED LIMIT B4203, B4204, U65005, U65045, U65047 & U65041 AT UPPER SAPEY, HEREFORDSHIRE.
<b>Date of decision:</b>	04 February 2026
<b>Decision maker:</b>	Group Manager - Streetscene, Public Rights of Way and Traffic Management
<b>Authority for delegated decision:</b>	<p>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.</p> <p>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.</p>
<b>Ward:</b>	Bromyard Bringsty
<b>Consultation:</b>	<p>A Formal (Statutory) Consultation process was undertaken from 11<sup>th</sup> July 2025 to 1<sup>st</sup> August 2025, whereby an initial consultation letter and proposal plan was sent to all Statutory Consultees via email. During this process, no objections were raised. A summary of the responses received during the Formal (Statutory) Consultation process is included as Appendix B.</p> <p>The Notice of Proposal stage allowing the general public and Statutory Consultees to issue comments/concerns was undertaken from 6<sup>th</sup> November 2025 to 28<sup>th</sup> November 2025. During this process no objections were raised from the Statutory Consultees nor from members of the public. However, one member of public requested the speed limit to be extended. A summary of the responses received during the Notice of Proposal stage is included as Appendix C. The responses from Statutory Consultees are also summarised below.</p> <p>Ward Councillor – Issued no response to the consultation.</p> <p>Parish Council – Fully supports the proposal</p> <p>Traffic Management Advisor (TMA), West Mercia Police – Offered no objections to the proposals.</p> <p>Cabinet Member – Issued no response to the consultation.</p> <p>Hereford and Worcester Fire and Rescue Service – Issued no response to the consultation.</p> <p>Road Haulage Association – Issued no response to the consultation.</p> <p>Freight Transport Association – Issued no response to the consultation.</p> <p>West Midlands Ambulance Service – Issued no response to the consultation.</p>
<b>Decision made:</b>	Considering no objections have been made as part of the Formal (Statutory) Consultation and Notice of Proposal stages, a new Traffic Order (TO) 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 40mph speed limit B4203, B4204, U65005, U65045, U65047 & U65041 at Upper Sapey, Herefordshire.

	<p>The Notice of Proposal documents including a full schedule of the proposals is included as Appendix A.</p>
<b>Reasons for decision:</b>	<p>The scheme originated in response to a proposal to modify Upper Sapey Crossroads between the B4203 and B4204 as part of the road safety improvement programme. In addition, a separate scheme request relating to this location was included on the Traffic Regulation Order (TRO) prioritised waiting list and was awaiting commencement. It was therefore proposed to undertake a speed limit review to support the proposed junction alterations and to combine this work with the original request from the Parish Council for a speed limit review.</p> <p>An on-site assessment was undertaken in March 2025. During this assessment, officers reviewed the appropriate extents of the speed limit on each approach to High House Crossroads. On the south-west approach, it was considered appropriate to extend the 40mph speed limit to include Upper Sapey, which meets the criteria for a 40mph restriction.</p> <p>Although the environment between the crossroads and Upper Sapey is relatively sparse in terms of development, introducing two separate speed limits would result in a very short section of national speed limit that falls below recommended guidance for minimum speed limit lengths. In addition, the route between Upper Sapey and High House Crossroads includes a collision bend site that has received engineering improvements in 2025/26. The proposed 40mph speed limit will complement and support these measures.</p> <p>Following the completion of the initial assessment, a Formal (Statutory) Consultation process was undertaken from 11<sup>th</sup> July 2025 to 1<sup>st</sup> August 2025, whereby a consultation letter and proposal plan were sent to all Statutory Consultees via email. During this process, no objections were raised. 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 B.</p> <p>The Notice of Proposal stage allowing the general public and Statutory Consultees to issue comments/concerns was undertaken from 6<sup>th</sup> November 2025 to 28<sup>th</sup> November 2025. During this process no objections were raised from the Statutory Consultees nor from members of the public. However, one member of public requested the speed limit to be extended. The Parish Council confirmed their support for the current proposals. A summary of the responses received during the Notice of Proposal stage is included as Appendix C. The speed limit is not to be extended further than proposed as a prolonged 40mph limit on this stretch could encourage unsafe driver behaviour, including increased instances of overtaking and tailgating. Setting speed limits that the average driver may perceive as unnecessarily low, or extending them over long distances, can inadvertently worsen compliance and increase risk rather than reduce it.</p> <p>It is important to note that the safest roads are those where motorists travel at consistent speeds with each other, keeping the difference between the slowest and fastest vehicles as narrow as possible. When this window of speed disparity widens, such as when some drivers adhere strictly to a lower limit while others disregard it, road safety tends to deteriorate. This mismatch in speeds can create frustration, encourage risky manoeuvres, and ultimately increase the likelihood of collisions.</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>In conclusion, the proposed 40mph 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 vehicles and local residents of Upper Sapey. No objection has been raised by statutory consultees or member of public. Finally, the Parish Council confirmed their support for the proposals.</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></p> <p>The recommendations outlined above will have a positive impact on the local community. The implementation of the proposed extension to the existing 30mph 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.</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.</p> <p>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.</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 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.</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> <ul style="list-style-type: none"> <li>(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;</li> <li>(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;</li> </ul>

	<p>(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</p> <p>Any impact as a result of the scheme will be equal to all parties.</p> <p>Equality Impacts and Needs Assessment (EINA) is included in Appendix A.</p> <p><b>Resource implications</b></p> <p>The cost of the implementation of the proposals is approximately £15,000. This includes costs for statutory consultation, preparing and making the Traffic Order, signage and advertising. This cost has been identified from this year's existing budgets in the current Annual Plan.</p> <p><b>Legal implications</b></p> <p>The introduction of a new Traffic Order under Section 84 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (the 1984 Act) and the Traffic Management Act 2004 (the 2004 Act) will be required.</p> <p>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 Traffic Order 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.</p> <p>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> <p>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.</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>
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	<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.</p> <p>There is a small risk that the proposals may not achieve routine compliance. However, given the prominent locations of repeater signage, and relatively well complied with 85<sup>th</sup> percentiles speed in the current layout of a national speed limit. The risk of non-compliance is therefore negligible.</p>
<b>Details of any alternative options considered and rejected:</b>	<p><b>Not to make any changes to the current speed limit arrangement</b> – This is not recommended as it would fail to achieve the primary purpose of the proposal – to improve road safety for vehicles and pedestrians. 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 would be in contravention to the desires of the Parish Council and local residents, none of which objected to the proposals, suggesting that they deem the proposals to be acceptable.</p>
<b>Details of any declarations of interest made:</b>	None

Signed:

**Date:** 04 February 2026

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

