

**Forward Plan reference number:** Not Applicable

<b>Report title:</b> Implementation of 40mph Speed Buffer, High Street, Hempstead	
<b>Report to:</b> Councillor Kevin Bentley, Deputy Leader and Cabinet Member for Infrastructure	
<b>Report author:</b> Andrew Cook, Director for Highways and Transport	
<b>Date:</b> 17 September 2020	<b>For:</b> Decision
<b>Enquiries to:</b> Vicky Presland – Head of Design, Essex Highways Chloe Livingstone - Chloe.livingstone@essexhighways.org	
<b>County Divisions affected:</b> Thaxted	

## 1. Purpose of Report

- 1.1 Essex County Council (the Council) has formally advertised the implementation of a 40mph Speed Limit buffer on High Street/Bumpstead Road, Hempstead. Following the consultations and advertisement, two objections to the scheme have been received, the Cabinet Member is now asked to decide as to whether the proposal should be implemented.

## 2. Recommendations

- 2.1 To approve the implementation of the 40mph Speed Limit as formally advertised.

## 3. Summary of issue

- 3.1 Hempstead Parish Council has raised concerns regarding the speed of traffic approaching the stretch of Hempstead Village which is subject to a 30mph Speed Limit. As a result, the Parish Council requested an extension to the 30mph speed limit.
- 3.2 However, this was deemed not suitable due to the rural nature of the proposed location, which is why it would not have been included within the Hempstead's original 30mph speed limit, despite it geographically still being within the village boundary. In terms of speed limits, a village is defined as being a minimum of 20 houses in a 600 metre length which is why the existing 30mph speed limit ceases before the geographical boundary of the village.
- 3.3 In the event that a speed limit is installed that does not reflect the nature of the road, non-compliance can occur as the road does not 'feel' like the speed limit that has been implemented and, in this instance, could continue throughout the village.
- 3.4 Due to the reasons mentioned above, the Local Highway Panel, in agreement with the Parish Council, have proposed a 40mph buffer be installed. The Proposal of the 40mph starts at the terminal signs of the existing 30mph within Hempstead village, in a north easterly direction for a distance of approximately 245 metres (plan shown under Appendix 1).

- 3.5 Speed surveys were taken on site showing mean average speeds within the proposed buffer being 46mph and so it is feasible that drivers would adhere to a 40mph speed limit. A speed survey was undertaken within the 30mph section of the village which returned a mean speed of 35.7mph which indicated the need to slow vehicles as they entered the village.
- 3.6 DfT Circular 01/2013 Setting Local Speed Limits states that “Occasionally it may be appropriate to use a short length of 40 mph or 50 mph speed limit as a transition between a length of road subject to a national limit and another length on which a lower limit is in force, for example on the outskirts of villages or urban areas with adjoining intermittent development. However, the use of such transitional limits should be restricted to sections of road where immediate speed reduction would cause risks or is likely to be less effective.”

### **Informal Consultation**

- 3.7 As a result of the Proposal an informal consultation was carried out between 12 April 2019 and 4 May 2019 in which the following stakeholders were invited to make comment and responded with the following statements:
- County Councillor Walsh is happy to support the proposal
  - Essex Police stated that it is essential that any limit is ‘compatible with its environment’ if it is to be respected by road users, and that they felt the Proposal was not. It was stated that there does not appear to be an injury collision record which indicates that the current limit is too high, so if average speeds are currently 46mph, then signage is unlikely to change that, and by changing the speed limit it will just be making drivers non-compliant with the speed limit. If the desire is to reduce speeds within the existing 30mph, then gateway features, or measures within the 30mph itself could be considered as alternative options. In addition, they mentioned that police enforcement would be almost impossible at the location of the Proposal due the rural nature, there would in all likelihood be nowhere to enforce from. An objection was not made however it is noted that Essex Police are equally not in support. They requested that if the Proposal is to proceed that it is properly monitored, and further measures implemented to achieve the desired highway benefits. A gateway feature is therefore proposed to be installed as part of the scheme. In addition, post installation surveys can be undertaken to assess the compliance achieved with the new speed limit. If required then investigations can be undertaken for further traffic calming
  - Hempstead Parish Council is wholly in support of the proposal in the interests of seeking to reduce the speed of traffic through the village. However, it should be noted that the Parish Council originally requested a 40mph speed limit from the current 30 mph limit through to Bramley Hollow to address the ‘dangerous’ conditions at this location, as the Parish felt that the speed of traffic through Bramley Hollow creates very dangerous conditions for emerging residential traffic and dissuades use of the footpaths and bridleways joined by this section

of Bumpstead Road. Following discussions with the Parish Council they have agreed to the proposed 40mph buffer as it was highlighted that it would help to achieve greater speed compliance for the 30mph limit in the village.

- 3.7 Two objections from members of the public were received. Both of these objectors supported the concept of speed reduction however expressed that they felt the Proposal should be extended further towards Steeple Bumpstead on the grounds of improving safety and reducing noise pollution from the resulting accelerating vehicles.. There has been no identified collision pattern along this length of High Street, so an extension of the 40mph could not be made on the grounds of road safety, as there is no statistical evidence to justify this. Furthermore, the Proposal has been designed as a buffer to aid compliance of vehicle speeds within the existing 30mph within the village. If this 40mph were extended, there would be less chance of compliance as the characteristics of the road are not consistent with the environment expected for 40mph speed limits. This would likely reduce the impact of the buffer to a driver and subsequently reduce the likelihood that the Proposal would achieve its objective of reducing speeds within the existing 30mph.
- 3.8 Full details of the objections can be found in the Objection Report under Appendix 2. Four comments in support of the Proposal were also received from the general public.
- 3.9 Following the informal consultation a formal consultation took place between 15 August 2019 and 5 September 2019. The consultation involved public notices being placed on site, providing details to the public on how to make comment. In addition, an advertisement was placed on the Essex Highways website as well as within the local newspaper and correspondence asking for further comment sent to the relevant Councillors and Stakeholders.
- 3.10 No further comments were received during the formal consultation. Please refer to Appendix 2 for the full Objection Report.

## 4. Options

### 4.1 Option A – Continue with scheme as advertised- This is the recommended option.

By implementing the Proposal as advertised, the aim to reduce speeds on the approach to Hempstead village are expected to be met, as it is in accordance with the guidance in DfT circular 01/2013.

The implementation of the Proposal would satisfy the Parish Council along with others who have submitted comments of support.

However, it is unlikely that Essex Police will be able to provide additional enforcement due to the site's rural nature not providing suitable locations to enforce from. In the event of drivers not complying to the 40mph, and with the Police not being able to enforce it, it is felt that vehicles would not be travelling greatly above 40mph due the current mean average speeds within the proposed buffer location being 46mph.

## **4.2 Option B – Abandon scheme**

By abandoning the scheme, the Parish Council and others who have submitted comments of support would not be satisfied as their concerns around speeding would not be addressed. This would also not satisfy the objectors who also want lower speeds in the area.

Abandoning the scheme will not achieve any additional highway benefits.

## **4.3 Option C – Propose an extension of 40mph Speed Limit towards Steeple Bumpstead**

This option would satisfy both objectors and may satisfy those in Steeple Bumpstead, however extending the 40mph up to Steeple Bumpstead and having it become a general speed limit rather than a buffer may result in drivers ignoring the 40mph within the extended area. This is as the road does not have the usual attributes of a 40mph speed limit for a long duration of time and may seem 'unnecessary' when compared to the roads which have usual attributes of a 40mph road.

As per the Essex Speed Management Strategy, the typical attributes for a 40mph speed limit involves built up development on both sides of the road with properties set back from the road. Within the suggested extension from the 2 objectors there are a total of 28 properties within an approximately 4.3km stretch, which equates to an average of approximately 1 property per 153 metres.

Additionally, no evidence has been gathered to suggest that compliance to a 40mph within this stretch would be feasible. Additional speed surveys would therefore need to be taken in order to assess as to whether compliance would be likely and if additional traffic calming would be needed, which there is a high possibility it would be. If it were then deemed suitable the Proposal would need to be re-advertised and consultations once again carried out. All of these measures would need to be funded by Essex County Council.

In the event that the further extension of the 40mph up to Steeple Bumpstead were installed and successful this may improve the pedestrian and equestrian environment as there are 9 pedestrian and 1 bridleway Public Right of Ways joining onto High Street/Bumpstead Road after the proposed buffer and before Steeple Bumpstead.

This option would not comply with the Essex Speed Management Strategy, and may exacerbate the potential negative implications of the proposal as detailed in the response received from Essex Police.

Furthermore, this option would require re-design to assess suitable location of terminal signs, re-advertisement and during this process there is a possibility that objections will be received to this alternative proposal.

## **5. Issues for consideration**

### **5.1 Financial implications**

- 5.1.1 It is estimated that the cost of implementing this speed limit will be £4,000 and will be funded by the Uttlesford Local Highway Panel 2020/2021 revenue budget.
- 5.1.2 Any post-implementation surveys and investigations for additional traffic calming measures will require support and funding from the Uttlesford Local Highway Panel. Local Highway Panels are funded by the Council.

### **5.2 Legal implications**

- 5.2.1 The Road Traffic Regulation Act 1984 (RTRA 1984) gives the Council a statutory duty under section 122 of the RTRA 1984 to exercise its traffic functions to secure the expeditious, convenient and safe movement of traffic of all kinds, including pedestrians and to provide suitable and adequate parking facilities. So far as practical the Council is also required to have regard to:
  - (a) the desirability of securing and maintaining reasonable access to premises;
  - (b) the effect on the amenities of any locality affected so as to preserve or improve the amenities of the areas through which the roads run;
  - (c) the importance of facilitating the passage of buses and their passengers.
- 5.2.2 More specifically, S84 (1) of the RTRA 1984 provides that the Council may make an order prohibiting the driving of motor vehicles on the named road, at a speed exceeding that specified in the order, provided the Council give public notice of their intention to make the Order.
- 5.2.3 Any person or authority who are required to be consulted may object to the making of an order by the date specified in the notice of proposals or, if later, the end of the period of 21 days beginning with the date on which the Council complied with all the requirements of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.
- 5.2.4 Compliant speed limits are thought to assist with the expeditious, convenient and safe movement of traffic and pedestrians.
- 5.2.5 Whilst there is no requirement to hold a public inquiry on orders made under S84 of the RTRA 1984, the decision of the council to make the order, despite the objections received, may be subject to judicial review.

## **6. Equality and Diversity implications**

## Proposed Implementation of 40mph Speed Buffer, High Street, Hempstead

- 6.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:
- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc on the grounds of a protected characteristic unlawful
  - (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.
- 6.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 6.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

## 7. List of appendices

- 7.1 Appendix 1 – Proposal Plan
- 7.2 Appendix 2 – Objection Report
- 7.3 Appendix 3 – Equality Impact Assessment

## 8. List of Background papers

- 8.1 Full consultation responses
- 8.2 Essex Speed Management Strategy
- 8.3 DfT circular 01/2013 Setting Local Speed Limits

<b>I approve the above recommendations set out above for the reasons set out in the report.</b>	<b>Date</b>
<b>Councillor Kevin Bentley, Deputy Leader and Cabinet Member for Infrastructure</b>	07/10/20

### In consultation with:

<b>Role</b>	<b>Date</b>
<b>Director for Highways and Transport</b>	21/09/2020
<b>Andrew Cook</b>	
<b>S151 Officer</b>	Consent not needed

Proposed Implementation of 40mph Speed Buffer, High Street, Hempstead

<b>Nicole Wood</b>	
<b>Director, Legal and Assurance (Monitoring Officer)</b>	17/09/2020
<b>Laura Edwards on behalf of Paul Turner</b>	
<b>Head of Network and Safety/Traffic Manager</b>	18/09/2020
<b>Liz Burr</b>	
<b>Head of Design</b>	02/12/2019
<b>Vicky Presland</b>	