

**CYNGOR SIR POWYS COUNTY COUNCIL**  
**CABINET MEMBER DELEGATED DECISION**  
**by**  
**COUNTY COUNCILLOR JACKIE CHARLTON**  
**CABINET MEMBER FOR A GREENER POWYS**  
**March 2024**

**REPORT AUTHOR:** Traffic Engineer North, Highways & Technical Services

**REPORT TITLE:** Speed Limit Modifications A489 and C2012 on approaches to Kerry Primary School – Consideration of Public Representations.

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**REPORT FOR:** Decision

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**1. Purpose**

- 1.1. The purpose of this report is to consider the representations and objections received from members of the public during the public consultation period, with respect to the proposals by the local highway authority to make a traffic regulation order to modify the speed limit along parts of the A489 and the C2012 within the village of Kerry.

**2. Background**

- 2.1 The plans identifying the extents of the proposed new and modified speed limits at Kerry are attached at Appendix A.
- 2.2 In the delegated decision dated the 22<sup>nd</sup> January 2024 the Cabinet Member for a Greener Powys approved the initiation of the Traffic Regulation Order consultation procedure for this proposal in accordance with The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. <https://powys.moderngov.co.uk/ieListDocuments.aspx?CId=936&MIId=8394&Ver=4>
- 2.3 The proposed Traffic Regulation Order seeks to modify the extents of the existing speed limits and introduce new speed limits along various roads in the village of Kerry to enable the reintroduction of the restricted road speed limit along parts of the A489 and the C2012 within the core of the village in the vicinity of the primary school and other public facility premises where those roads are currently the subject of a 30mph speed limit.
- 2.4 The public consultation period took place between the 2<sup>nd</sup> February 2024 and the 1<sup>st</sup> March 2024 and 20 responses were received.

### **3 Advice and Guidance**

- 3.1 The 20 representations received during the public consultation period have been anonymised and summarised within the attached Appendix B spreadsheet where each representor has been allocated an individual representor number.
- 3.2 Whilst Kerry Community Council did not submit any representation to the highway authority with respect to the traffic regulation order proposal during the public consultation period, the minutes of their meeting of 31<sup>st</sup> January 2024 published on their website record their decision "*Kerry Community Council resolved to respond with acceptance of a mandatory 20 where there is an advisory 20 currently by St Michael's School. (Vote held – majority approved 7/11)*".
- The highway authority's speed limit proposal would locate the proposed 20mph speed limit signs as close to the existing advisory signage as is possible taking into account the available verge/footway widths, the signage visibility requirements, and the need to replace the existing school warning signage with alternative signage to highlight the presence of school children travelling to and from the school. It can only therefore be concluded that the highway authority's proposals align as close as is practicably possible to what the community council would like to see introduced along the A489 in Kerry.
- 3.3 From analysing the representations received, it is clear that the recent Welsh Government legislation which lowered the speed limit of all restricted roads in Wales from 30mph to 20mph has resulted in a significant number of negative responses to this restricted road traffic regulation order proposal, with 8 of the representations received being opposed to the general impact and the costs associated with the introduction of that legislation.
- 3.4 It is also of note that 6 of the representations received suggested that the restricted road speed limit (20mph in Wales) should have been proposed over the entire length of the A489 through Kerry which is currently the subject of a 30mph speed limit, with some of those representors expressing the opinion that this lower speed should have been introduced last September when the existing restricted roads speed limit in Wales was reduced to 20mph.
- 3.5 2 of the representations received suggested that only a part time 20mph speed limit is required past the primary school along the A489 at school drop off and pick up times. However, pedestrians are regularly encountered crossing from one side of the A489 to the other where the restricted road speed limit is proposed at other times of the day at multiple locations where there is no realistic scope to introduce a controlled pedestrian crossing facility such as a zebra crossing, so the justification for a full-time restricted roads speed limit along the A489 as proposed remains.
- 3.6 Of the 20 representations received, 11 representors supported the introduction of the restricted roads speed limit (20mph) along the A489 through Kerry either over the extent of the A489 as proposed, or over a longer extent through the village.

- 3.7 The highway authority cannot modify the existing traffic regulation order proposal to impose the restricted roads speed limit along additional sections of the public highway than originally proposed without abandoning the current traffic regulation proposal and commencing an entirely new traffic regulation order proposal.

In this instance, the representations received did not identify that there was an overwhelming majority of highway users who would support an alternative proposal to either apply the restricted roads speed limit to cover either a longer section of the existing 30mph speed limit along the A489 through the village, or over the entire length of the existing 30mph speed limit along the A489.

Furthermore, the representations received did not identify any new factors or risks that had not already been considered by the project team when drawing up the speed limit proposal.

Whilst the option to abandon a traffic regulation order proposal and draw up a different proposal at a future date if and when funding becomes available is always an option following the public consultation period, that option is not one which the project team recommends in this instance as it is considered that the current proposal with the restricted roads speed limit applied only to that part of the A489 where the public facilities are located would result in more drivers complying with the lower speed limit than if it were to be applied as a blanket speed limit over the entire length of the A489 through the village.

The option to extend the restricted roads speed limit to other parts of the A489 within the village is also not supported or requested by either the community council or the local county councillor.

- 3.8 6 of the representors have suggested that the existing 20mph speed limit at school drop off and pick up times as indicated by the existing road signs with flashing amber lights is sufficient. However, those existing signs are purely advisory and automated traffic counts have shown that there is no marked decrease in traffic speeds between those signs at those times when the lights are flashing. With this in mind and given that pedestrians are needing to cross the A489 within the core of the village to access public facilities within the village at all times of the day, the justification to introduce an enforceable restricted roads speed limit along the A489 as proposed remains.

- 3.9 When comparing this section of road to the Welsh Governments guidance on exception criteria, it does meet the criteria for being a 20mph restricted road due to the proximity of the school, residential properties and other local facilities. The reason this was not considered at the time of the change last year was that the restricted road status had previously been removed from this road by the 30mph order of 2020.

- 3.10 A number of representors have indicated that they are opposed to the proposal partially because there is an estimated £5000 cost implication to introduce the proposed speed limit. However, there is always a cost implication to introduce any new traffic regulation order, and that in itself is not a substantiated reason to oppose a lower speed limit that will reduce the likelihood of vulnerable road users being injured in a road traffic collision and make it safer for them to cross or travel along a public highway.

- 3.11 Reasoned responses to the individual representations by the highway authority project team have been included within the spreadsheet at Appendix B.
- 3.12 It is of note that the costs to introduce the restricted roads speed limit as proposed can currently be funded from the existing Welsh Government 20mph project grant awarded to Powys County Council with the agreement of the Welsh Government if the proposed speed limit order is made and brought into effect prior to the end of March 2024. This window of opportunity will close after that date, and there is currently no guarantee that the Welsh Government will provide any additional grant funding for this project during the 2024/25 or subsequent financial years.
- 3.13 The highway authority project team's recommendation to the cabinet member is to note but overrule all the substantiated objections received from representors and instruct highway officers to make the Order as proposed as a matter of urgency.
- 3.14 As with any traffic regulation order proposal the cabinet member also has the option to instruct highway officers to abandon the traffic regulation order proposal, and to consider other options if and when funding becomes available at some future date.

#### **4 Resource Implications**

- 4.1 The decision to fund all costs associated with this Traffic Regulation Order including press adverts, the manufacture/erection of the associated signage, and carriageway markings from the Welsh Government 20mph project grant awarded to Powys County Council was made when the Cabinet Member for a Greener Powys took the delegated decision dated 22nd January 2024 to resolve that the Traffic Regulation Order consultation procedure is initiated in accordance with The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 for the proposed modifications of the existing speed limits along parts of the A489 and the C2012 in the village of Kerry; and if no substantive objections are received the proposal be implemented.
- 4.2 The decisions made within this report do not fundamentally alter the scheme, therefore if the Traffic Regulation Order is made as originally proposed, the Welsh Government 20mph project grant costs can still be used to fund this project.
- 4.3 The Director of Corporate Services (Section 151 Officer) notes the report and can support the recommendations.

#### **5. Legal implications**

- 5.1 The Property Lawyer North has reviewed the proposals which appear appropriate to the circumstances and lawful as long as the correct process is followed.
- 5.2 The Head of Legal Services and the Monitoring Officer has commented as follows: - "I note the legal comment and support the recommendations."

## **6. Climate Change & Nature Implications**

- 6.1 As the proposal relates purely to the introduction of a lower speed limit in front of the primary school and the other public facility premises within the core of the village, the proposal will have no negative impact with respect to the Council's Climate and Nature emergency declarations.

## **7. Data Protection**

- 7.1 Personal data collected from responses to the public consultation is essential to undertake this statutory requirement for making a Traffic Regulation Order. This data has been collected and will be managed in accordance with the privacy notice that is published on the Traffic Order Consultation page on our website at <https://en.powys.gov.uk/trafficconsult>
- 7.2 The Data Protection Officer notes the use of personal data under the given privacy notice and has no further comments to make.

## **8. Comment from local members**

- 8.1.1 Cllr Benjamin Breeze has made the following comments following the close of the public consultation period: -

"Having read the representations received during the public consultation period and the highway traffic engineering team's responses and recommendations with respect to those representations, I would like to continue my support for the speed proposal as originally proposed and identified on the Appendix A plan."

"I feel strongly that the busier central area of Kerry should be incorporated into the proposed 20mph zone which should include the school, shop, chapel, church, the two public houses and the busy Common Road junction with its restricted geometry and visibility. I'm optimistic that this proposed change will make our treasured community safer for all."

## **9. Impact Assessment**

An impact assessment is not required. Representations from the public and any other interested parties have been duly considered following the legally specified public consultation procedure associated with the processing of a Traffic Regulation Order.

## **10. Recommendations**

<b>Recommendations:</b>	<b>Reasons for Making Decisions:</b>
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<p>The Cabinet Member to resolve to make one of the following decisions: -</p> <ol style="list-style-type: none"> <li>1. That the substantiated objections be noted but the Traffic Regulation Order relating to the modified speed limits along parts of the A489 and the C2012 in the village of Kerry as set out in the plans in Appendix A to the report be made and implemented in accordance with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996; or</li> <li>2. To abandon and withdraw the current traffic regulation order proposal.</li> </ol>	<p>Recommendation 1 - To manage traffic speeds at locations on the public highway where the safety of vulnerable highway users would otherwise continue to be compromised.</p> <p>Recommendation 2 – To uphold one or more of the objections received during the public consultation period and have highway officers consider alternative speed limit options if and when funding becomes available at some future date.</p>
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Relevant Policy:	<b>Corporate Improvement Plan 2021-25 : Improve our Infrastructure to Support Regeneration and Attract Investment</b> - We will actively compete for any grant funding opportunities, and subject to such funding, deliver transport infrastructure projects, develop active travel, support suitable transport options and improve road safety.		
Within Policy:	Y / <del>N</del>	Within Budget:	Y / <del>N</del>

Relevant Local Member(s):	Cllr. Benjamin Breeze - member for the Kerry ward.
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Person(s) To Implement Decision:	Chris Lloyd
Date By When Decision To Be Implemented:	As soon as possible

Is a review of the impact of the decision required?	Y / <del>N</del>
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Head of Service: Corporate Director:	post currently vacant Matt Perry

**Background Papers used to prepare Report:**

- **Initially Proposed Traffic Regulation Order plan (Appendix A)**
- **Summary of representations received during the public consultation period (Appendix B)**
- **22<sup>nd</sup> January 2024 Cabinet Member for a Greener Powys decision papers that are available on the PCC website at <https://powys.moderngov.co.uk/ieListDocuments.aspx?CId=936&MId=8394&Ver=4>**

DELEGATED DECISION NEW REPORT TEMPLATE VERSION 4