

Decision making level: **Officer in Consultation** Date: **21 October 2014**

20MPH SPEED LIMIT ORDER – ADDITIONAL STREETS

Decision

Approval is requested to implement the Speed Limit Order, as advertised recently under the *Notice of Proposals – The York Speed Limit (Amendment) (No 14/6) Order 2014*, which concerns applying a new 20mph speed limit to a number of additional residential streets, not covered by previous Speed Limit Orders, as detailed in the attached Annexes.

Purpose

To implement new signed-only 20mph speed limits on these specific streets, pursuant to the roll-out of the citywide 20mph programme, in line with the Council Plan.

Available Options

- A Having considered the representations received, grant the 20mph Speed Limit Order for all of the streets advertised, and proceed with implementation.
- B Having considered the representations received, choose to grant the 20mph Speed Limit Order for some but not all of the advertised streets, thus grant an amended Order, and proceed to implementation.
- C Having considered the representations received, do not grant any element of the advertised 20mph Speed Limit Order.

Report

The roll-out of 20mph speed limits on streets of a residential nature across the city is an established Council priority. On 22 July 2014 approval was granted to implement the *East of York 20mph Speed Limit Order (SLO)* as advertised. However, following localised public support, instruction was also given to Officers to advertise additional 20mph speed limits for:-

- Heslington Road (*part of*)
- Hospital Fields Road (*full extent*)

In addition, Wheldrake Parish Council have consulted locally and requested an extension of the existing 20mph speed limit so that it continues up to Wheldrake Village Hall on the following:-

- Broad Highway, Wheldrake (*part of*)

Subsequently an SLO was officially advertised on 12 September 2014 under “*Notice of Proposals – The York Speed Limit (Amendment) (No 14/6) Order 2014*” [ANNEX ‘A’]. The deadline for official representations was 3 October 2014. This is the statutory process required for implementing a change of speed limit. This report will consider representations received pertaining to the advertised Speed Limit Order and the streets it affects [maps of which at ANNEX ‘B’].

For information, the *West of York* phase of the agreed citywide roll-out (within the outer ring road) of the residential 20mph programme was completed in January 2014. The *North of York* and *East of York* phases are currently in the process of consecutive implementation following the granting of their respective SLOs on 10 June and 22 July 2014 respectively. The full roll-out is expected to be complete by the end of 2014.

The policy guiding the strategy for developing 20mph speed limits across York was agreed with North Yorkshire Police and subsequently taken to Cabinet Member Decision Session on 21 May 2012, where approval was also given to the phased roll-out of this programme. The strategy taken by York was validated by national policy advice published in January 2013 by the Department for Transport (DfT) “*Setting Local Speed Limits*” which contained a section specifically relating to 20mph speed limits and which York’s policy conformed to.

Representations

As with any other Traffic Regulation Order, an SLO gives the opportunity for residents and interested parties to make official representations / objections to the Order, should there be specific issues which they feel should modify or stop the Order from being made. This is the standard legal procedure for any change of speed limit.

2 formal representations from the public were received during the period of advertisement. 1 of these was an objection regarding the 20mph programme in general. 1 was in support of the new proposed speed limit, on behalf of *York Cycle Campaign*. These are, for transparency, contained in full at the end of this report [ANNEX ‘C’].

1 formal representation was also received from North Yorkshire Police [ANNEX ‘D’].

Fishergate Ward Councillors are in support of including Heslington Road and Hospital Fields Road within the 20mph programme. Cllr D’Agorne has previously presented a petition of 79 signatures to full Council calling on them to include Heslington Road within the 20mph programme (as it was not initially proposed for the *East of York* roll-out). Cllr D’Agorne had also made representations previously regarding the desire to see Hospital Fields Road included.

Wheldrake Parish Council are in support of extending the existing 20mph speed limit northwards on Broad Highway to Wheldrake Village Hall. It was the Parish Council who instigated the request.

Objection from Mr Ward of Lindsey Avenue, York [ANNEX ‘C’]

It is Mr Ward’s belief that the council has not followed proper procedure and consultation with the appropriate bodies when proposing and advertising 20mph Speed Limit Orders.

1. He quotes the *Road Traffic Act 1984; Local Authorities’ Traffic Orders*

(Procedure) (England & Wales) Regulations 1996; and Department for Transport Circular 01/2013 - Setting Local Speed Limits, and asserts that we have not followed these.

Officer's Response: The council fully complies with all applicable guidance and statutes when advertising and implementing Traffic Regulation Orders (including Speed Limit Orders), and as such, all changes in speed limits such as these are legal and enforceable.

The correspondent states that it is necessary to comply with the criteria set out in the 1996 document quoted above (*Appendix A, Paragraph 6, Table Items 5, 6, and 7*). He is correct that this is indeed the case, although incorrect in his assumption that we do not. As a traffic authority we statutorily consult local bus service operators affected by the proposals, the local NHS trust, the local fire authority, the local Police service, and the Freight Transport / Road Haulage Associations. In addition we follow the requirement for publication of the proposal before making an Order through a notice and further adequate publicity.

2. Mr Ward also draws our attention to *Table 1: Speed limits in urban areas – summary*, which is contained within the latter of the above publications and asserts that this shows that 20mph is not suitable for many of the affected roads in the citywide programme.

Officer's Response: The table referred to is a summary of *Section 6: Urban Speed Limits*, contained within the aforementioned *DfT Circular 01/2013*. It is reproduced below verbatim:-

Speed limit (mph): 20 (including 20 mph zone)

Where limit should apply: In streets that are primarily residential and in other town and city streets where pedestrian and cyclist movements are high, such as around schools, shops, markets, playgrounds and other areas, where motor vehicle movement is not the primary function.

As mentioned, this is merely a generalised summary and does not reflect the full guidance. Paragraph 84 of this same document says the following, which confirms CYC's position:-

Based on... road safety and a generally favourable reception from local residents, traffic authorities are able to use their power to introduce 20mph speed limits or zones on:

- Major streets where there are – or could be – significant numbers of journeys on foot, and/or where pedal cycle movements are an important consideration, and this outweighs the disadvantage of longer journey times for motorised traffic.
- This is in addition to residential streets in cities, towns and villages, particularly where the streets are being used by people on foot and on bicycles, there is community support and the characteristics of the streets are suitable.

3. Mr Ward believes that "proper consultation" should be either the use of the free *Speed Limit Appraisal Tool* supplied by the DfT, or an "equally comparable data and record keeping system would need to be used".

Officer's Response: Mr Ward is incorrect in his assertion. As stated in the *DfT Circular 01/2013, paragraph 65*, local authorities are invited, though not required, to use the tool. Further clarification and corroboration of the guidance and the purpose of the tool:-

"The purpose of the tool is to enable local highway authority officers and other

professionals to forecast mean and 85th percentile speeds for speed limit changes; forecast changes to journey times separately for business and personal users; vehicle operating costs including fuel; accidents by severity; CO2 emissions; and NOX emissions²; and appraise changes in speed limits...”

“However, the Department recognises that there are many aspects of changing speed limits that cannot currently be quantified by the tool, for example improved ambience and modal shift. This is because there is insufficient evidence at present to develop a supportable relationship”

“It is vital that speed limits are suitable for local conditions and local authorities are best placed to develop solutions that suit their communities, working in conjunction with law enforcement agencies and taking on board the views of the community they serve.”

Support on behalf of York Cycle Campaign [ANNEX 'C']

York Cycle Campaign wrote in support of 20mph limits on Hospital Fields Road and Heslington Road. They consider the many public representations already expressed (and contained within the East of York 20mph OIC report of 22 July 2014) to address the reasons very well.

Representation from North Yorkshire Police [ANNEX 'D']

The police spokesperson believes that Hospital Fields Road and Heslington Road were rejected by the Working Group for inclusion into the 20mph Programme initially, and this was based on the guidance and protocols set by the 20mph Steering Group, and these reasons for rejection are still valid now. Therefore neither location can be supported by North Yorkshire Police. Correct and appropriate speed limits should have good compliance and not require enforcement by the police.

1. The police state that Hospital Fields Road is largely a non-residential industrial estate with the only housing set back from the road in units and flats. There are no speed related injury accidents recorded. Mean speeds are 23mph and 85th percentile are 30mph for this road. This indicates that an unsupported 20mph speed limit would be likely to be problematic and could lead to a dangerous mismatch between what vulnerable road users are expecting and what is being delivered by drivers.

Officer's Response: The Working Group did conclude on initial assessment of this road that with a large number of industrial units at the western end of Hospital Fields Road, this road was not necessarily “*primarily of a residential nature*”, so therefore not entirely appropriate for a signed-only 20mph speed limit.

However, the very same guidance which York based its policy on also continues with “...and [introduce] into town or city streets where pedestrian and cyclist movements are high, such as around schools, shops, markets, playgrounds and other areas; where these are not part of any major through route”. The representations submitted previously argue that with this road being a major cycle (and pedestrian) route, but not a through-route for vehicles, that this should be considered over and above the fact that the road isn't residential in its entirety.

DfT guidance and York's agreed policy is to only introduce signed-only 20mph limits on streets which have average mean speeds of 24mph and below. On this specific road, mean speeds are 23mph which is within the acceptable range for probable compliance.

Taking on board the police's comments and concerns however, the council will give assurances that it will continue to monitor this street post-implementation. It is accepted that police enforcement will not take place here and that any significant number of public reports concerning inappropriate speeds here will have to be met with the consideration of physical engineering / traffic calming.

2. A section of Heslington Road currently has a 20mph engineered zone and the police state that indications are that this limit is working correctly here. By extending the 20mph into an area, which does not appear to have the correct environment and will be unsupported by any mitigation, there is a real possibility that the speed of traffic through the new area will have an unacceptably low compliance rate. This in turn will produce a dangerous mismatch between what vulnerable road users are expecting and what is being delivered by drivers. More importantly, the area where it is most important to have a compliance with the 20mph speed limit, outside of the junior school, is likely to see the speed of traffic rise and a subsequent more dangerous situation.

Officer's Response: Heslington Road was initially assessed by the Working Group as a *distributor road* which is strategically important in the network, and following York's agreed policy that we should leave a comprehensive network of primary, secondary and feeder/distributor roads at their existing speed limits, this led us to conclude on first assessment that this road should not be included in the 20mph programme.

However, considering the apparent strength of local community support for reducing the speed limit on this road to 20mph (a petition of 79 signatures was presented to Council, in addition to 16 representations from the advertising of the initial East of York SLO), it is certainly worth reassessing our initial judgment.

If we consider what the DfT policy counsels, that speed limits should be set with support from the local community and that 20mph limits can be set on more major streets where there are potentially high number of journeys on foot or by bike (outweighing any disadvantages of longer journey times for motorised traffic) – my informed view is that it could perhaps be argued that Heslington Road does indeed fit this criteria, at least at it's western end.

Again, taking on board the police's comments and concerns however, the council will give assurances that it will continue to monitor this street post-implementation. It is accepted that police enforcement will not take place here and that any significant number of public reports concerning inappropriate speeds here will have to be met with the consideration of physical engineering / traffic calming.

3. Current speeds on Broad Highway indicate that an unsupported 20mph speed limit would be likely to be problematic from inception as outlined in a report prepared for Wheldrake Parish Council at the end of 2013. The implementation of a 20mph speed limit could lead to a dangerous mismatch between what vulnerable road users were expecting and what was being delivered by drivers. Therefore there are road safety concerns should a 20mph speed limit be enacted without other mitigation.

Officer's Response: Wheldrake Parish Council had been made aware of

these limitations previously but were not necessarily in agreement with the concerns raised and wished us to proceed. They were informed that it might be possible but undertaken with the understanding that the police will not enforce the scheme. Any works deemed necessary by the Parish Council in future to ensure compliance with the extended 20mph would not be funded by City of York Council. If the Parish Council, in future, deem the extension to be detrimental to the rest of the 20mph zone any changes back to the original configuration would also have to be funded by the Parish Council.

Ward & Parish Councillors' views

- Fishergate: Ward Members have expressed their support.
- Wheldrake: Parish Council have expressed their support.

Financial implications

The roll-out of the 20mph programme of works has been budgeted for and has allocated funding in the 2014/15 Capital Programme.

Consultation Process

As mentioned previously in this report; as statutorily required, copies of the Notice of Proposal pertaining to the SLO were advertised on the affected streets, as well as in The Press. Additionally as part of the earlier *East of York* roll-out, an informative leaflet was distributed to every household, giving details of the programme and alerting residents to the impending SLO Notices.

In addition, as is standard with a Traffic Regulation Order, other statutory consultees were invited to comment on the SLO.

Statutory powers

The City of York Council, as Highways Authority of the area, has powers under the Highways Act 1980 and associated Road Traffic Regulations Act 1984 to implement the measures proposed.

Level of Risk

1-3 Acceptable	✓	
4-8 Regular Monitoring		
9-15 Constant Monitoring		
16-20 Action Plan		
21-25 Registered as a corporate risk		

Implications

Legal	The City of York Council, as Highways Authority of the area, has powers under the Highways Act 1980 and associated Road Traffic Regulations Act 1984 to implement the measures proposed
Financial	The roll-out of the 20mph programme of works has been budgeted for and has allocated funding in the 2014/15 Capital Programme.
Human Resources	There are no human resources implications.
Crime and Disorder	There may be an increase in motorists exceeding the speed limit.
Sustainability	There are no sustainability implications.
Equalities	There are no equalities implications.
Property	There are no property implications.
Other	There are no other known implications.

Implementation Status

Work to be completed	November – December 2014
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Annexes

- A Notice of Proposals – The York Speed Limit (No 14/6) Order
- B Maps – proposed 20mph speed limits
- C Public representations to the advertisement of the Order
- D Police representation to the advertisement of the Order

Background reports

20 mph in the East York area – Speed Limit Order

<http://democracy.york.gov.uk/ieDecisionDetails.aspx?ID=4123>

20mph Speed Limit Policy Approach

<http://democracy.york.gov.uk/ieListDocuments.aspx?CId=738&MID=6748>

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Report Approved

Date