



Delegated decision report

DECISION UNDER DELEGATED POWERS

DECISION CANNOT BE TAKEN BEFORE 17 APRIL 2019

TITLE ISLE OF WIGHT COUNCIL (VARIOUS STREETS, ISLE OF WIGHT) (SPEED LIMITS) CONSOLIDATION ORDER NO 1 2018 – LEESON ROAD, VENTNOR

REPORT OF CABINET MEMBER FOR INFRASTRUCTURE & TRANSPORT

EXECUTIVE SUMMARY

1. This report provides the details of officers' recommendations to extend the existing 30mph speed limit on Leeson Road by approximately 800 metres via a new Traffic Regulation Order (TRO). This will lead to a reduction of the existing 40mph speed restriction to a 30mph limit on the eastern section of Leeson Road, Ventnor as detailed in Appendix 1.
2. The results of a recent speed survey indicate that a 30mph limit is more appropriate given the average speed of vehicles. The nature and characteristics of the road also suggest a 30mph limit is more suitable based on guidance provided by the Department for Transport (DfT) and the new speed limit is likely to have a reasonable level of compliance.
3. The reduced speed limit is being proposed to facilitate passage on the road of both vehicles and pedestrians, for avoiding danger to users of the highway and preventing the likelihood of any such danger arising.
4. There is significant support from local residents (600 person petition) and the local Isle of Wight Council member for the speed limit to be reduced to 30mph.
5. The police do not believe the change is required as proposed and have concerns about unofficial signage that has been erected by local residents.

BACKGROUND

6. The proposed TRO will implement the following:
 - a. Revoke the provisions of The Isle of Wight Council (Various Streets, Isle of Wight) (Speed Limits) Consolidation Order No 3 2017.
 - b. Re-enact the provisions contained therein subject to the revocation of the 40mph speed limit on A3055 Leeson Road, Ventnor from a point 600 metres

north-east to a point 200 metres south-west of the junction with Bonchurch Shute a distance of approximately 800 metres

- c. Result in the speed limit for the remaining length, automatically reverting to a 30mph speed limit by virtue of 'Section 82(1)(a) of the Road Traffic Regulation Act 1984'

7. In determining whether to proceed with the proposed traffic restrictions the council as highway authority ("the authority") has considered the council's Speed Limit Policy, which is based on DfT guidance.
8. DfT guidance and the council's speed limit policy recommend that six key factors should be taken into account in any decisions on local speed limits. These factors are:
 - history of collisions;
 - road geometry and engineering;
 - road function;
 - composition of road users (including existing and potential levels of vulnerable road users);
 - existing traffic speeds; and
 - road environment.
9. The guidance also highlights that the impact on the community and environmental outcomes should also be considered.
10. The council's policy provides a framework which allows the council to set speed limits on the roads below the national limit, "in response to local risk factors and conditions". Previous speed data alone does not indicate that the speed limit on this road needs to be changed but more recent data shows that drivers generally feel safer travelling nearer to 30mph as opposed to the current limit of 40mph.
11. The authority's speed data at this location shows the mean speed is to be less than 29mph. Based on formulae provided by the DfT (The Speed Limit Appraisal Tool: User Guidance) the mean speed at this location suggests a 30mph limit is likely to have a reasonable level of compliance.
12. DfT guidance (Setting Local Speed Limits – DfT Circular 01/2013) suggests that in urban areas 30mph should apply "in other built-up areas (where motor vehicle movement is deemed more important), with development on both sides of the road". The limit of 40mph should apply "on higher quality suburban roads or those on the outskirts of urban areas where there is little development, with few cyclists, pedestrians or equestrians. On roads with good width and layout, parking and waiting restrictions in operation, and buildings set back from the road. On roads that, wherever possible, cater for the needs of non-motorised users through segregation of road space, and have adequate footways and crossing places". Based on these guidelines, 30mph is considered to be a more appropriate speed for this section of the road.
13. This order is being proposed to avoid danger to persons or other traffic using the road or any other road and for preventing the likelihood of any such danger arising.

14. There is strong local support for a reduction in the speed limit as demonstrated by a petition calling for a speed limit reduction, which was signed by more than 600 local residents.
15. There have been two recorded accidents on this section of Leeson Road in the last five years.

STRATEGIC CONTEXT

16. In line with the council's Corporate Plan, the proposed reduction of the 40mph speed restriction to a 30mph speed restriction along Leeson Road, Ventnor links in with the corporate priority to keep the island and its residents safe.
17. The scheme in its entirety has been considered against Department for Transport (DfT) guidelines and the Isle of Wight Council's Speed Limit Policy.

CONSULTATION

18. The Isle of Wight Council (Various Streets, Isle of Wight) (Speed Limits) Consolidation Order No 1 2018 was advertised in the local press on 12 January 2018 and all key stakeholders including the police, local town and parish council, and Isle of Wight councillors have been provided with the opportunity to comment.
19. The local authority must consider any objection that has not been withdrawn and take into account relevant representations when making the decision.
20. One letter of representation was received during the consultation process and this has been considered as part of this report.

The representation is shown in summary below, along with comments from the highway authority:

| Representation | Highway authority comment |
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| <p>The objection by police is on the grounds of road safety, unlawful practices by residents and resident expectation.</p> | <p>The authority notes this comment but is of the view that a reduction in the speed limit to 30mph would be safer for motorists and pedestrians for the reasons explained within the report. The mean speed is less than 29mph, and the urban design and layout meets the DfT guidance for setting Local Speed Limits.</p> <p>The authority is aware that local residents have put up their own 30mph speed limit signs along the eastern section of Leeson Road. It is assumed that this is what the police are referring to when mentioning unlawful practices by residents. This together with the petition received indicates residents are</p> |

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| | heavily in favour of a reduction in the speed limit but the authority does not see these factors are reasons for not introducing the TRO. |
| <p>The Department for Transport Circular 01/2013 is the guidance document on Setting Local Speed Limits. The circular mentions important factors to be considered when deciding on an appropriate speed limit which include the history of collisions and existing traffic speeds.</p> | <p>The authority has considered collision data as part of the decision making process along with all other factors recommended within the DfT circular.</p> <p>Speed data at this location suggests that 30mph is more appropriate given that a recent survey demonstrated that the mean speed is now less than 29mph. DfT guidance (Setting Local Speed Limits – DfT Circular 01/2013) also suggests that as a built-up area (where motor vehicle movement is deemed more important), with development on both sides of the road, this section of road should have a 30mph limit.</p> |
| <p>Without engineering to slow the traffic this will cause a potential enforcement expectation which the police could not assist with given a lack of accidents to justify enforcement.</p> | <p>It is anticipated that compliance with the new speed limit will be high based on the DfT guidance as highlighted in the previous comment.</p> |
| <p>The road has the requisite spacing of street lights to make the road a restricted road meaning that no 30 repeater signs are allowed to be displayed. At the present time this length of road is displaying 40mph repeater signs but also poster type 30mph signs (also red circle border and black writing) erected by residents which they will not remove. These posters are also in evidence in the 30mph restricted road part of Leeson Road and these confusing and unlawful signs mean that the police will not enforce either the 30mph or 40mph current speed limits. Our concerns are that if the road is reduced to 30mph residents will continue to display unlawful 30mph repeaters (whether posters or adverts) bringing restricted roads on the Isle of Wight into disrepute.</p> | <p>The authority notes these comments and cannot offer any guarantee that local residents will remove any unlawful signs once the new speed limit is introduced. However, this is not seen as a reason for leaving the speed limit at the current level.</p> |

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| <p>If the change is approved it must be pointed out that the DfT circular states that there should be no expectation on the police to provide additional enforcement beyond their routine activity, unless this has been explicitly agreed.</p> | <p>Noted.</p> |
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FINANCIAL / BUDGET IMPLICATIONS

21. The costs associated with the introduction of the proposed order have been identified and are to be covered as part of the council's Local Transport Plan budget.
22. The costs involved, are expected to be in the region of £4,000. All signs and/or carriageway markings will be provided in accordance with the Traffic Signs Regulations and General Directions 2016.

LEGAL IMPLICATIONS

23. It is recognised that restrictions on road users may represent an interference with an individual's human rights under Article 8 (Right to respect for private and family life) and Article 1 of the first protocol (Peaceful enjoyment of property) of the European Convention on Human Rights. Any such interference is considered necessary and proportionate due to positive enhancement of such road safety for other users of the area.
24. The statutory authority for adopting a traffic regulation order (TRO) imposing a speed limit is section 84 of the Road Traffic Regulation Act 1984.
25. An order should be adopted in accordance with the Local Authorities' Traffic Regulation Orders (Procedure) (England and Wales) Regulations 1996 ('the 1996 Regulations').
26. The statutory authority for signs and road markings are by virtue of the Traffic Signs Regulations and General Directions 2016.
27. Consideration will need to be given to the factors set out in Section 122 of the Road Traffic Regulation Act 1984 in proposing these traffic orders. Section 122 requires the local authority to secure the expeditious, convenient and safe movement of traffic (including pedestrians) and the provision of adequate parking facilities. In carrying out this exercise the council must have regard to the:
 - (a) desirability of securing and maintaining reasonable access to premises;
 - (b) the effect on the amenities of any locality effected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the road(s) run;
 - (c) any strategy prepared under section 80 of the Environment Act 1995 (the national air quality strategy);

- (d) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles;
 - (e) any other matters appearing to the local authority to be relevant.
28. The 1996 regulations also set out the procedure to be adopted following publication of the proposed TROs and the approach the council should adopt in considering the orders.
29. Regulation 13 of the 1996 regulations confirms that before making an order, the traffic authority shall consider all objections duly made to the TROs that have not been withdrawn.
30. The council is under a duty pursuant to section 16 of the Traffic Management Act 2004 to manage their road network with a view to achieving, so far as may be reasonably practicable having regard to their other obligations, policies and objectives, the following objectives:
- i. Securing the expeditious movement of traffic on the authority's road network.
 - ii. Facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.
31. The authority has considered all of the above legal implications as part of the decision making process and this report considers representations received with regard to the proposed 30mph speed restriction along the eastern end of Leeson Road, Ventnor.

EQUALITY AND DIVERSITY

32. The council, as a public body, is required to meet its statutory obligations under the Equality Act 2010 to have due regard to eliminate unlawful discrimination, promote equal opportunities between people from different groups and to foster good relations between people who share a protected characteristic and those who not share it. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.
33. Under the Equality Act 2010 the council is required to have due regard to its equality duties when making decisions, reviewing services, undertaking projects, developing and reviewing policies.
34. Due regard to the council's responsibilities under the Equality Act 2010 has been given as part of this process. An equality impact assessment has been completed which is annexed to this report at Appendix 2.

OPTIONS

35. **Option 1:** Not to approve the proposed restrictions that are subject to this report in relation to The Isle of Wight Council (Various Streets, Isle of Wight) (Speed Limits) Consolidation Order No 1 2018.

Option 2: To approve the proposed restrictions that are subject to this report in relation to The Isle of Wight Council (Various Streets, Isle of Wight) (Speed Limits) Consolidation Order No 1 2018.

Option 3: To approve the proposed restrictions that are subject to this report in relation to The Isle of Wight Council (Various Streets, Isle of Wight) (Speed Limits) Consolidation Order No 1 2018, with amendment.

RISK MANAGEMENT

36. The proposal is to implement a 30mph speed limit on the eastern section of Leeson Road, Ventnor to avoid danger to persons or other traffic using the road or any other road and for preventing the likelihood of any such danger arising. Motorists will be committing an offence if they do not drive within the new speed limit but based on DfT guidelines it is anticipated that compliance with the new speed limit, which brings this section of road in line with the speed limit on the western section, will be high.
37. The local police representative has raised some concerns about compliance with the proposed speed limits and there is a risk that drivers will ignore the new restrictions if introduced. However, the proposed speed limits are considered to be warranted and appropriate for the reasons set out in this report.

EVALUATION

38. **Option 1:** Following consideration of the representation received, this was rejected because there is considered to be a need for the proposals submitted in option 2 to be implemented, as explained within this report.

Option 2: This was approved because there is considered to be a need to reduce the existing 40mph limit to 30mph on the eastern section of Leeson Road in order to increase safety for pedestrians and motorists, as set out within the report. There is significant support from local residents and the local Isle of Wight councillor.

Option 3: Following consideration of the representation received this was rejected because the proposals in option 2 are considered to be the most suitable option by the highway authority and no amendments are required.

RECOMMENDATION

39. **Option 2:** To approve the proposed restrictions that are subject to this report in relation to The Isle of Wight Council (Various Streets, Isle of Wight) (Speed Limits) Consolidation Order No 1 2018.

APPENDICES ATTACHED

[Appendix 1 – TRO details](#)

[Appendix 2 – Equality Impact Assessment](#)

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COLIN ROWLAND
Director of Neighbourhoods

CLLR IAN WARD
Cabinet Member for Infrastructure and Transport

Decision

Signed

Date
