

Members' Library Service Request Form

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Document Title	Objections to Traffic Regulation Order TO/203/17 20mph Speed limit – Whin Park Area, Cockenzie, Muirpark Area, Tranent & Lochbridge Road Area, North Berwick

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REPORT TO: Members' Library Service

MEETING DATE:

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Objections to Traffic Regulation Order TO/203/17
20mph Speed limit – Whin Park Area, Cockenzie,
Muirpark Area, Tranent & Lochbridge Road Area,
North Berwick

1 PURPOSE

- 1.1 The purpose of this report is to acknowledge and set aside objections to the proposed Traffic Regulation Order (TRO), TO/203/17.

2 RECOMMENDATIONS

- 2.1 Under delegated powers the Head of Infrastructure recommends to Members that they:
- 2.1.1 note the objections received to the advertised TRO; and
 - 2.1.2 set aside the objections and give approval to make the TRO as advertised

3 BACKGROUND

- 3.1 An experimental 18 month TRO (TO/077/15) came into effect on 8 June 2015 reducing the speed limit at various locations within the Whin Park Area, Muirpark Area and Lochbridge Road Area from 30mph to 20mph.
- 3.2 On 14 January 2017 ELC Cabinet approved the initiation of the statutory procedure to make permanent 20mph speed limits at Lochbridge Road, North Berwick, Muirpark Area Tranent and Whin Park in Cockenzie. This followed an 18-month experimental order. A permanent TRO (TO/203/17) was advertised in August 2017. In accordance with applicable legislation, adverts were placed in the local press and copies of all the relevant documents were made available for viewing at reception, John Muir House, Haddington.

- 3.3 In addition to the legislative requirements set out in paragraph 3.2 above, electronic copies of all the relevant documents were made available on the Council's website and on the Scottish Government's public information gateway, tellmescotland.gov.uk.
- 3.4 At the end of the formal consultation period, the Council had received a total of 151 objections. 148 of these objections were from one person which was unprecedented. A number of the 148 objections were duplicates repeated to individual streets, which left 11 unduplicated objections and 3 individual objections.
- 3.5 The objections and Officers responses are contained within appendix 1 of this report.

4 POLICY IMPLICATIONS

- 4.1 These proposals will contribute towards fulfilling the East Lothian Plan 2017-2027, in particular:
- Outcome 2.1: "East Lothian has strong resilient communities where people respect and support each other" and
 - action (k) "we will make our roads safer, including a focus on making journeys safer for cyclists and pedestrians of all ages and abilities

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy

6 RESOURCE IMPLICATIONS

- 6.1 Financial – All costs involved in connection with consultation, advertising, design and implementation associated with the making of these Orders can be accommodated within the Housing Strategy and Development project budget.
- 6.2 Personnel - None
- 6.3 Other – None

AUTHOR'S NAME	Peter Forsyth
DESIGNATION	Roads Asset and Regulatory Manager
CONTACT INFO	01620 827724
DATE	May 2018

Appendix 1

No.	Objection	Response
1	<p>ELC as Local Authority has failed to follow Statutory requirements “The Local Authorities Traffic Order Procedure” Section 4</p> <p>“Table item 6 case 2 consultee 3 a, b & c” ELC in making permanent order has not consulted The Freight Transportation Association, The Road Haulage Association, Local Residents Organisations such as Community Council to gauge opinion on making permanent the Speed restrictions.</p>	<p>The Council has followed the statutory procedures for the advertisement of a Speed Limit Order and formal consultation letters / e-mails were sent on 12 July 2017.</p>
2	<p>The making of the TRO by ELC to set 20mph limits is not in line with Government Guidance GOOD PRACTICE GUIDE ON 20 MPH SPEED RESTRICTIONS June 2016 Version 2 Item 42</p> <p>Item 42. “Any changes should be monitored, and where compliance levels are not at an acceptable level, consideration should be given to the addition of traffic calming measures or reverting to a 30 mph limit, if necessary.”</p> <p>The recordings for speeds whilst an initiative was previously in place showed during the 30mph limits that for 28904 records 732 were over 30mph (13%) 19973 were over 20mph (68%).</p> <p>The recordings for speeds whilst an initiative was previously in place showed during the 20mph limits, that for 61075 records 38043 were over 20mph (62%).</p> <p>If following ACPO enforcement limits whilst at 30mph limits there would have been 78 fixed penalties, 0.3% prosecution rate, for only 1 week period.</p> <p>If following ACPO enforcement limits whilst at 20mph limits there would have been 9231 fixed penalties, 111Summons 15.3% prosecution rate, for only 2 week period.</p> <p>This puts a substantial Enforcement burden on Police Scotland where the mean speeds are already low. This survey clearly shows that the road is not suitable for 20mph limits.</p>	<p>Speed counts at Lochbridge Road North Berwick were carried out on 2/3/12 – 8/3/13, prior to the introduction of the experimental 20mph. The mean speed for both directions was 26.8 mph.</p> <p>Following the introduction of the experimental 20mph speed limit counts were taken between 1/12/16 – 7/12/16. The mean speed for both directions had dropped to 23.6mph.</p>

<p>3</p>	<p>The making of the TRO by ELC to set 20mph limits is not in line with Government Guidance GOOD PRACTICE GUIDE ON 20 MPH SPEED RESTRICTIONS June 2016 Version 2 Item 40</p> <p>Item 40. “Any decision to lower the speed limit to 20 mph should seek to avoid the need for extensive police enforcement, as 20 mph limits will not be routinely enforced, unless it is absolutely necessary and in the interest of casualty reduction. The only exception to this is the enforcement of 20 mph speed limits outside schools, which takes place on a regular basis.”</p> <p>There has not been any review of casualties by ELC, CRASHMAP statistics for the last 7 years shows there being one slight incident at Muirpark Road for the 15 roads in the area that the TRO refers, therefore it cannot be claimed there is a need to meet Road Safety Aspect in the interest of casualty reduction.</p> <p>It can also not be claimed it would continually prevent danger as no adverse danger has been shown to exist.</p> <p>The reduction would only lead to further demand placed upon Police Scotland as Enforcement Body.</p>	<p>Driving more slowly can prevent injuries and save lives. Research by the UK Transport Research Laboratory has shown that every 1mph reduction in average urban speeds can result in a 6% fall in the number of casualties.</p> <p>It’s also been shown that pedestrians are seven times more likely to survive if hit by a car driving at 20mph, than at 30mph.</p> <p>The legal limit on all roads are enforced by Police Scotland and this will be no different whether the speed limit is 20, 30 or 40mph.</p>
<p>4</p>	<p>The making of the TRO by ELC to set 20mph limits is not in line with Government Guidance GOOD PRACTICE GUIDE ON 20 MPH SPEED RESTRICTIONS June 2016 Version 2 Item 39</p> <p>Item 39. “For the majority of existing roads there is a consistent relationship between mean speed and 85th percentile speed. Where the variation between mean speed and 85th percentile speed exists there is a clear indication that a more suitable match between road design and speed limit is required. Furthermore, if the desire remains to reduce the speed on the road to 20 mph or below, then additional engineering or traffic calming measures may be required in order to achieve appropriate traffic speed”</p> <p>The recordings for speeds whilst at 30mph limits showed a substantial variance of 24.5% & 20.4% between mean and 85th percentile speeds North and South respectively.</p>	<p>UK Transport Research Laboratory looked at the effect of speeds on overall accident numbers and found a clear relationship, it is estimated that for every 1mph reduction in the average speed of motorists, the likelihood of an accident would reduce by about 6 per cent for an urban road with low average speed</p> <p>Research also indicated that at slower speeds, vehicles flow more smoothly through junctions. As such, within an urban environment, 20mph may help to improve traffic flows.</p>

	<p>The recordings for speeds whilst at 20mph limits showed a substantial variance of 26% & 13.1% between mean and 85th percentile speed, showing that mandatory speed limits are not suitable. Therefore further road design or additional engineering would be required for mandatory speed limits only.</p> <p>The recordings for speeds show the fall of mean speeds from 30mph posted limits of only 0.6mph North and 0.5mph South showing the lower speed limits had little to no effect on the traffic.</p>	<p>In addition, as a result of reduced acceleration and braking, 20mph may help to reduce fuel consumption and associated emissions.</p>
5	<p>The making of the TRO by ELC to set 20mph limits is not in line with Government Guidance GOOD PRACTICE GUIDE ON 20 MPH SPEED RESTRICTIONS June 2016 Version 2 Item 38</p> <p>Item 38. “Mean speed and 85th percentile speed (the speed at or below which 85% of vehicles are travelling) are the most commonly used measures of actual traffic speed. Local authorities should collect and assess both when considering introducing a 20 mph speed limit and in the monitoring of an initiative. However, mean speeds should be used as the basis for determining whether to introduce 20 mph speed restrictions.”</p> <p>The recordings for speeds whilst at 30mph limits made June 2014 showed a variance of speeds between North and South, Mean Speed North being 22.9mph and South being 21.6 mph with 85th Percentile speeds North being 28.5mph and South being 26mph. The North side being accessed from major arterial road. This road already has Engineered traffic calming measures in way of speed cushions.</p> <p>The recordings for speeds whilst an initiative was previously in place showed during the 20mph limits, 7 day mean speeds being North 22.3mph South 21.07mph and 85th Percentile speeds being North 28.1mph South 23.83mph (average of 3 x one week period recordings). In previous considerations an 85th percentile speed of 28.5mph whilst posted 30mph limits would have determined road as not being suitable for 20mph mandatory speed limits. Having mean speeds at 22.3Mph whilst posted 20mph speed limits shows that the road is not suitable for 20mph Mandatory Speed Limit.</p>	<p>20mph speed limits encourage more considerate driving, leading to safer streets for all road users, including motorists, cyclists and pedestrians. The lower speeds reduce the risk and severity of road collisions.</p> <p>Reducing traffic speed helps make people feel more confident about being on their local streets and enables children and the elderly to travel independently and safely. Calmer road speeds also help to make walking and cycling more attractive options, leading to less traffic congestion, better health, less noise, more social interaction and stronger communities.</p>

6	<p>ELC as Local Authority has failed to follow its own Policies “East Lothian Council - Speed Limit Policy 2009”</p> <p>Responsibility and Underlying Principles “East Lothian Council and Lothian and Borders Police will work closely together in determining, or considering, any changes to speed limits.” Lothian and Borders Police now being Police Scotland. ELC has committed to making the 20mph limits permanent without having worked closely nor had any discussions regarding on the changing of the speed limits. “Alternative speed management options will always be considered before a new speed limit is introduced” ELC as Local Authority has not considered any measures to reduce speed other than reducing limits. “Mean (average) speeds will be used to determine local speed limits.” No RECENT survey has been made of the current speeds at National Speed limit restricted roads to determine whether any changes are required.</p> <p>20 mph Speed Limits “In situations where speeds are low there is little benefit in introducing a mandatory limit simply to provide a ‘feel good factor’.” ELC has not surveyed the speeds to determine if low enough to require 20mph limits or if there is in fact any need to change the limits. “...such limits should not be introduced where there is no realistic expectation that they will achieve the required decrease in traffic speeds...” ELC has not surveyed speeds so is unable to determine any expectation for a realistic reduction of speeds.</p> <p>Data Collection and Analysis Required when carrying out a speed limit assessment (a) Traffic flow data (b) Traffic speed data (c) Accident data. ELC has not collected or analysed any of this required data for considering setting the reduced speed limit.</p>	<p>This policy was introduced in 2009 following Scottish Government guidance on setting local speed limits (Circular 1/2006). There was a requirement for all local authorities in Scotland to review the speed limits on all A and B class roads by 2011. East Lothian Council did this.</p> <p>Since then guidance has changed and a new policy has been drafted.</p> <p>The principle of streets for people enacted through a reduction in the national speed limit provides conditions that support pedestrian mobility for people of all ages, incomes, race, and gender. Increased pedestrian journeys and activity, and a focus of places for people, helps support opportunities for socialising, social inclusion, and public health and well-being improvements. A default 20mph speed limit also contributes to the ‘Duty of Care’ of the vulnerable - especially children, whose eyesight isn’t developed enough to judge the speed of traffic or reliably cross with traffic at 25mph until 14 years old. Reduced speed limits are also better for independence and equality, especially amongst vulnerable groups including elderly people, the infirm, and those who are mobility impaired.</p>
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7	<p>ELC as Local Authority has failed to follow Government Guidelines "GOOD PRACTICE GUIDE ON 20 MPH SPEED RESTRICTIONS June 2016 Version 2" Factors to be considered when setting 20 mph speed restrictions, item 38 & 39</p> <p>"Mean speed and 85th percentile speed" ELC as Local Authority has not RECENTLY reviewed existing speeds for the road above mentioned road, at National Speed Limit restricted roads 30mph.</p> <p>"Where the variation between mean speed and 85th percentile speed exists there is a clear indication that a more suitable match between road design and speed limit is required. Furthermore, if the desire remains to reduce the speed on the road to 20 mph or below, then additional engineering or traffic calming measures may be required in order to achieve appropriate traffic speed."</p> <p>ELC cannot determined the mean speeds nor 85th percentile speeds or variance between. ELC has also not made any review as to whether there is a necessity for implementing additional engineering or traffic calming measures to meet a reduced speed of 20mph. Therefore reduced speeds should not be implemented as per Government Guidelines.</p>	<p>The Traffic Signs Regulations and General Directions 2016 has specifically permitted principally signage only schemes by redefining signage as traffic calming features.</p>
8	<p>ELC as Local Authority has failed to follow Government Guidelines "GOOD PRACTICE GUIDE ON 20 MPH SPEED RESTRICTIONS June 2016 Version 2" Factors to be considered when setting 20 mph speed restrictions, item 37</p> <p>"Accident Data" "Composition of Road Users" "Road Environment" ELC as Local Authority has not reviewed available data or surveyed users/conditions for the above mentioned road, therefore it cannot be claimed there is any Road Safety requirement or existing danger as justification for changes to National Limits.</p>	<p>Speeds at which vehicles travel is directly linked to the severity of injuries sustained in the event of a collision. A pedestrian, if struck by a vehicle driving at 20mph, is likely to suffer slight injuries. At 30mph they would be severely hurt and at 40mph or above are likely to be killed. Reducing the speed limit to 20mph will have a direct impact on pedestrian safety.</p>

9	<p>The statement of reasons is false, ELC Transportation has declared in writing the sole premise to implement the 20mph restrictions was due to strong support from residents. Since there has not been any polling of residents by ELC as the Local Authority for making the restriction permanent this cannot be the case. Fact being a Consultation Survey was made by Cockenzie and Port Seton Community Council that covers the area of Cockenzie Whin Park, and ELC has failed to take in to account the views resulting.</p>	<p>Public consultation was advertised in the local newspaper, the Council's website and on the Scottish Governments public information gateway "Tellme Scotland". In addition, 20's Plenty Steering Group meetings were held with representatives from Cockenzie West TRG, Law Residents, Muirpark & Steading View TRG etc. The meetings were chaired by East Lothian Councils Transportation spokesman with representatives from Transportations Road Safety and other interested parties.</p>
10	<p>The statement of reasons is false "East Lothian Council propose to make the experimental 20mph speed limits Order permanent on various roads in Cockenzie, North Berwick and Tranent" since no valid experimental order is in existence it cannot be possible to make one permanent.</p>	<p>Experimental Traffic Regulation Orders have a maximum duration of 18 months. Thereafter the local authority considers their effectiveness and whether a permanent Order should be made.</p> <p>On 14 January 2017 ELC Cabinet approved the initiation of the statutory procedure to make permanent 20mph speed limits at Lochbridge Road, North Berwick, Muirpark Area Tranent and Whin Park in Cockenzie</p>
11	<p>The statement of reasons is false "continually prevent danger to persons or other traffic using the road stemming from excess speeds." implies that the National Speed limit 30mph restricted roads is a danger and an excess speed, as such the National and Local Authority would be negligent in allowing 30mph speed limits. This is not the case therefore the reason is not valid.</p>	<p>In certain circumstances driving at 30mph can be deemed as being excessive, outside schools, in busy built up areas, where there are a number of pedestrians crossing the road, vulnerable road users etc.</p>
12	<p>In my opinion as an experienced driver, the introduction of untimed 20mph speed limits is in general a waste of time for the following reasons:</p>	<p>The Traffic Signs Regulations and General Directions 2016 has specifically permitted</p>

	<p>1. The roads themselves rarely lead to an average speed of 20mph along their length being achieved because of car parking on either side of the road.</p> <p>2. Speed limits are rarely monitored.</p> <p>3. Car engines are not designed to operate efficiently at such low speeds leading to poorer air quality from exhaust fumes and particulates.</p> <p>The times when a possible reduction in average speeds might be desirable are when school pupils are about, and at those times it is self-evident that possible hazards exist so that the vast majority of drivers respond accordingly.</p>	<p>principally signage only schemes by redefining signage as traffic calming features.</p> <p>Fuel consumption, pollution and engine wear are primarily affected by driving style, with hard acceleration and braking contributing to an increase in these. A 20mph limit can reduce the level of braking and acceleration.</p>
13	<p>First let me make it clear that I do not object to the introduction of 20mph zones in principle, but I do to the way the Council intends to go about it.</p> <p>In all of the trial areas, the only measure taken in the attempt to reduce traffic speeds was the installation of 20mph signs. An article in the Courier in early 2016 complained that the measured speeds in Lochbridge Road had dropped hardly at all after the installation of the signs. From observation I hazard the guess that this has never changed over the following year.</p> <p>This result is entirely in line with the results of studies in a sizable number of English cities, where it was found that the installation of 20mph signs alone only led to an average speed drop of just 1mph. It can therefore not be expected that the permanent installation of the signs alone in East Lothian roads will have any more significant effect on the actual speeds driven. All the signs will actually achieve is that drivers get used to ignoring traffic regulations.</p> <p>To achieve a speed reduction in streets that appear to drivers as wide and open (as for instance the lower part of Lochbridge Road) physical measures have to accompany the signage. The two main options are street humps and the physical narrowing of roads either along their whole length or at least at repeated points alternating between both sides of the road. Narrowing roads is the most expensive option, but if flower containers</p>	<p>The Traffic Signs Regulations and General Directions 2016 has specifically permitted principally signage only schemes by redefining signage as traffic calming features.</p> <p>The measured speeds in Lochbridge Road dropped by 3mph. Research by the UK Transport Research Laboratory has shown that every 1mph reduction in average urban speeds can result in a 6% fall in the number of casualties.</p> <p>Drivers ignoring the traffic regulations and caught flouting the speed limit will face warnings or speeding fines which will be enforced by Police Scotland who are supportive of the speed reduction.</p>

	<p>and benches are then installed on the resulting bays, this will contribute considerably to amenity value of the road for residents while at the same time making it obvious to drivers that these are roads for residential use where they ought to drive slowly.</p> <p>It would be even better to declare some of the minor roads to be home zones, but since this has to go along with even more elaborate street enhancements, this is probably not a realistic option under current budget constraints.</p> <p>Therefore the minimum compromise on minor roads will be the installation of speed humps to force drivers to slow down. Even if they accelerate again after each hump, they are unlikely to reach current speed levels as long as the humps are not too far spaced out.</p> <p>However, in a street like Lochbridge Road, where buses pass through, humps are not really acceptable for often vulnerable bus passengers, and the street narrowing option has to be chosen to enforce the 20mph signs.</p> <p>The signs alone are obviously the cheapest option, but unfortunately, reducing speeds significantly cannot be achieved on the cheap.</p>	
14	<p>The statement of reasons, continually prevent danger to persons or other traffic using the road stemming from excess speeds. There is no evidence of any danger to persons or other traffic at the moment. This statement of reasons does not cover any specific instances where there has been injuries to people or other traffic. There is no evidence whatsoever for this statement.</p> <p>The rationale for implementation of 20mph zone implies that the National Speed limit 30mph restricted roads is a danger and an excess speed, as such the National and Local Authority are negligent in allowing 30mph speed limits. There has also been no reported incidents of injuries to persons from Police Scotland in these areas. There is reported</p>	<p>In certain circumstances driving at 30mph can be deemed as being excessive, outside schools, in busy built up areas, where there are a number of pedestrians crossing the road etc.</p> <p>A recent survey carried out in relation to a proposed 20mph scheme for Dunbar North showed that 85% of the 872 responses received were in favour of a 20mph speed limit.</p>

	<p>evidence that from the Edinburgh City implementation of 20mph zones, there has been an increase of incidents due to drivers being less focused at a lower driving speed.</p> <p>There is no published evidence that the locals in these zones wish for 20mph implementation. There was an online survey carried out by local communities which at this moment has not been published as the results are seemingly “surprising”. This could mean that all of the returns were actually against 20mph zones. I would request the council to wait until these results are published and listen to the local residents.</p> <p>The implied benefits of reducing the national recognised speed limits are not quantifiable. There is no evidence that introduction of 20mph zones increases pedestrian traffic or more people to cycling. There is recorded evidence that this increases pollution as the engine revolution speed is higher at 20mph than 30mph. This would then impact on the health of the residents who suffer Asthma and other chronic illnesses.</p> <p>Implementation of 20mph zones would also put added pressure on an already stretched Police Force in policing these zones. At this current time, there are no reported incidents of speeding in the normal 30mph zones.</p>	<p>When cars are running they produce harmful Nitrogen Oxides (NOx), particulates (PM10) and Carbon Dioxide (CO2) emissions. Petrol and diesel cars produce these emissions in different quantities – with diesel cars typically producing more NOx and PM10 than petrol cars. Both petrol and diesel cars produce significantly less PM10 in 20mph limits than when in 30mph limits. Diesel cars will also see a reduction in both NOx and CO2, while petrol cars would see a slight increase in NOx and CO2. However, given the much larger quantities of dangerous emissions from diesels and the current distribution of diesel / petrol cars this would still result in lower levels of NOx and PM10 overall.</p> <p>The legal limit on all roads are enforced by Police Scotland and this will be no different whether the speed limit is 20, 30 or 40mph.</p>
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