

Proposed 20mph Limit in Fernlea, Jonquil Way, Camomile Way, Sorrel Close, Stonecrop, Bluebell Way, Anemone Court, Celandine Court, Gentian Court, Coltsfoot Court and Lavender Way, Braiswick, Colchester

Forward Plan reference number: Not Applicable

Report title: Proposed 20mph Limit in Fernlea, Jonquil Way, Camomile Way, Sorrel Close, Stonecrop, Bluebell Way, Anemone Court, Celandine Court, Gentian Court, Coltsfoot Court and Lavender Way, Braiswick, Colchester	
Report to: Councillor Kevin Bentley, Deputy Leader and Cabinet Member for Infrastructure	
Report author: Andrew Cook, Director for Highways and Transport	
Date: 30/10/2019	For: Decision
Enquiries to: Vicky Presland, Head of Design, Essex Highways Chloe Livingstone, Development Lead Officer, Essex Highways – chloe.livingstone@essexhighways.org	
County Divisions affected: Mile End and Highwoods Division	

1. Purpose of Report

- 1.1 Essex County Council (the Council) has formally advertised its intention to implement a 20mph speed limit throughout the Fernlea Estate, including:
 - Fernlea;
 - Jonquil Way;
 - Camomile Way;
 - Sorrel Close Stonecrop;
 - Bluebell Way;
 - Anemone Court;
 - Celandine Court;
 - Gentian Court;
 - Coltsfoot Court; and
 - Lavender Way (the Proposal).
- 1.2 This proposal does not meet the Council's criteria under Highways Policy Note (HPN) 040 '*20mph Permanent Speed Limits and Zones in Urban and Rural Areas*', so has previously required Cabinet Member approval to be advertised.
- 1.3 The Cabinet Member's approval was granted in March 2019 under the reference FP-422-04-19.
- 1.4 As this scheme has progressed and advertised, subsequent objections have been received to the Proposal, the Cabinet Member is therefore asked to decide whether the Proposal should be implemented.

2. Recommendations

- 2.1 To approve the implementation of the 20mph speed limit on Fernlea and its surrounding side roads, as advertised and set out in Appendix 1.

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3. Summary of issue

- 3.1 Residents of the Fernlea Estate, supported by the Local County Member, have requested an investigation into the possible introduction of a 20mph speed limit throughout the Fernlea Estate and the adjoining estate roads (the Proposal). The roads currently have a 30mph speed limit by virtue of street lighting.
- 3.2 Braiswick Primary School is located to the west of the Proposal, between the adjacent residential estate on Apprentice Drive and Fernlea. Braiswick Primary School and properties on Apprentice Drive are newly constructed, so there has been an increase over time in vehicular and pedestrian traffic which regularly uses the new drop off/pick up section between the two estate roads at both the start and end of the school day. Photos of this link road can be seen under Appendix 2.
- 3.3 This school can only be accessed by vehicles from Apprentice Drive on the adjacent residential estate to Fernlea. The school has an informal one way system in place, meaning that all vehicles exiting the school premises have to use the new link road which brings them directly out onto the south western end of Fernlea, and then must drive through this estate to exit onto B1058 Braiswick. There was previously no direct transport link between these two estates. It is felt that this exit road is another factor for additional vehicular traffic to the Fernlea Estate during school start/finish times, as drivers will have to drive through Fernlea upon exiting the school.
- 3.4 The image below identifies the area under consideration for the Proposal in relation to the Primary School. The area within the red circle contains all of the roads subject to the proposed 20mph limit, while the yellow section shows the new link road between the Primary School and Fernlea:



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3.5 This Proposal was then taken through Essex Highways' validation process for consideration as to whether the scheme should be commissioned through the Colchester Local Highway Panel, where subsequent speed surveys were taken in March 2018.

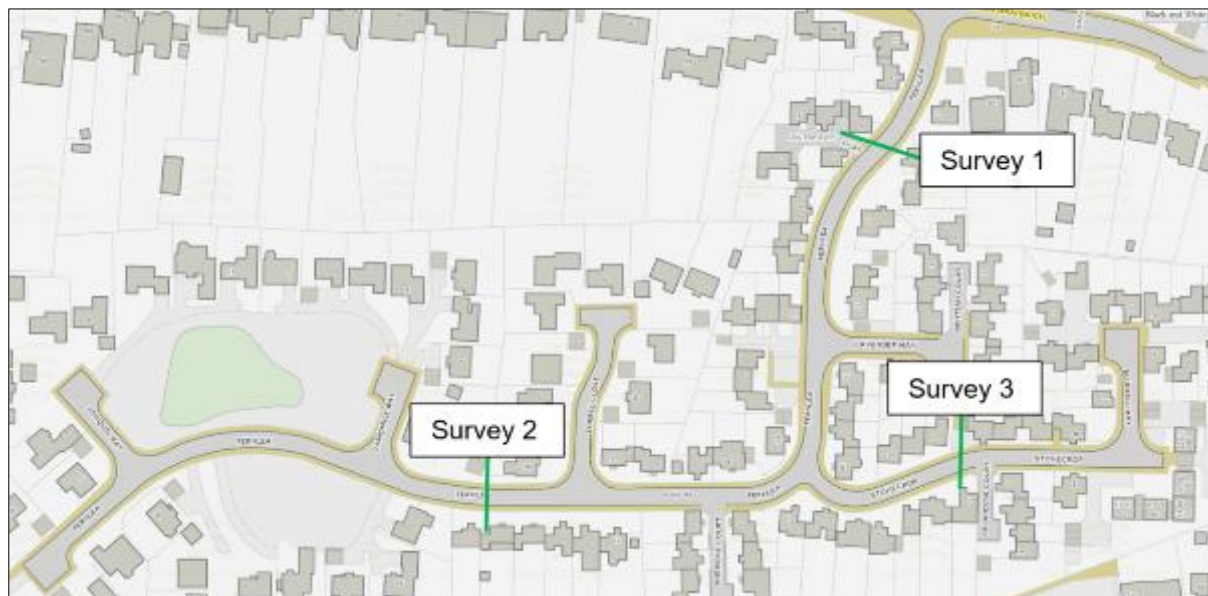
3.6 Three speed and volume surveys were undertaken at the following locations:

- a) Fernlea - approximately 75 metres south of the junction with the B1508 Braiswick.
- b) Fernlea - approximately 25 metres west of the junction with Sorrel Close.
- c) Stonecrop - approximately 55 metres east of the junction with Fernlea.

3.7 All surveys were conducted between 4 and 8 March 2018. The results are shown in the table below.

Site	Location of survey	Speed limit	Direction of Travel	Mean average Speed	Volume of Traffic
1	75m south of B1508 Braiswick	30	Southbound	20.9mph	2,556
			Northbound	21.4mph	2,901
2	25m west of Sorrel Close	30	Eastbound	23.0mph	1,324
			Westbound	24.8mph	855
3	Stonecrop – 55m east of Fernlea	30	Eastbound	13.4mph	727
			Westbound	13.9mph	718

3.8 The image below shows where each of the above surveys were undertaken. All the roads are classified as Local Roads, with no personal injury collisions reported across the estate within the last three years.



3.9 Highways Policy Note (HPN) 040 '20mph Permanent Speed Limits and Zones in Urban and Rural Areas', and the Essex Speed Management Strategy states that Cabinet Member approval is required for 20mph limits on local roads where the

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mean average speeds are 24mph and under; a criteria which most of the roads in Fernlea fit into following the speed survey.

3.10 It is for the above reason, in addition to strong support from the Local County Member for the speed reduction, that the Cabinet Member approval was granted in March 2019 under the reference FP-422-04-19. This approval allowed the Proposal to progress and be formally advertised, where it would be subject to further Cabinet Member approval for implementation if any objections to the Proposal were received from members of the public.

3.11 In support of Cabinet Member approval, it is also noted that the roads are residential and used primarily by residents or children on their way to and from Braiswick Primary school either walking or by car. The school caters for 230 pupils. It is felt the speed limit reduction will help ensure that these children continue to feel safe whilst walking to and from school and assists in the strategic aim of ECC to help create great places for residents to grow up, live and work.

3.12 Due to the average speeds in the estate already being recorded as low, it is not anticipated that the Proposal will provide any significant change in vehicle speeds if it is implemented. However, it is felt that the lower limit is now much more appropriate due to the primary school and subsequent increase in pedestrian and driver traffic. A lower speed limit may even encourage parents and school children to take sustainable modes of transport such as walking and cycling on their journey to and from school.

3.13 Consultation

3.14 From 1 to 23 August 2019, Essex Highways formally advertised the Proposal.

3.15 The Proposal was advertised on the Essex Highways website and in the local newspaper The Colchester Evening Gazette. Public Notices were also displayed along Fernlea and the surrounding side roads, and several key stakeholders were also consulted:

- a) Councillor Anne Turrell, County Member for Mile End and Highwoods Division, stated that she was happy with the plans and would like the scheme to proceed;
- b) Essex Police had no comment to make on the Proposal;
- c) Colchester Borough Council responded to the Proposal expressing their support, however proposed that B1058 Bergholt Road/Braiswick should also be included under the 20mph limit.

3.20 Essex Highways responded to Colchester Borough Council, explaining that a 20mph limit on B1058 is outside of ECC policy, it would therefore need prior

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Cabinet Member approval and should be submitted to the County Member as a potential scheme request via the Local Highway Panel process.

- 3.21 B1058 is a Priority 2 (PR2) in the Essex Functional Route Hierarchy, and the Essex Speed Management Strategy states that PR2 Routes will only be considered following approval from the Cabinet Member. It was also explained that consideration of this suggestion is unlikely as a good standard of driver compliance will not be anticipated without additional enforcement. This is due to the nature and environment of the road, which has a wide road and pavement throughout with development on both sides which does not suit the usual attributes of a 20mph limit.
- 3.22 At the time of the formal consultation, a letter was sent to all of the residents living within the affected area, explaining what changes within the Proposal, why it is being proposed and included a drawing of the scheme, as shown in Appendix 1.
- 3.23 During the formal consultation, 9 responses were received in total from residents. 2 of these were objections, and the other 7 expressed their support for the 20mph limit to be implemented.
- 3.24 Out of the 7 residents that were in support, 4 of them raised the issue of congestion on Fernlea, particularly at the top of the road where it meets B1508 Braiswick. This is reportedly due to commuters using Fernlea for free parking, as the road currently does not have any restrictions and is in close proximity to Colchester Train Station. All of these comments suggested that the existing double yellow lines at the top of the road, should be extended further down in order to prevent congestion, or alternatively another form of parking restriction.
- 3.25 Essex Highways responded to these residents, explaining to them that currently parking restrictions are outside the remit of the scheme, as the Proposal is focused on amending the speed limit to improve the driver and pedestrian environment. They were told that if they wished to have their suggestions taken forward then they would need to contact their local County Member. Alternatively, these concerns could be brought to the North Essex Parking Partnership, as the local parking authority.

Objections

- 3.26 The first objector felt the proposed 20mph limit is unnecessary and a waste of money, and would therefore not provide any benefits. They made reference to the fact that the speed data recorded in 3.6 is already low, so reducing the speed limit would not physically achieve anything. The objector commented on the pavement provision in the area being very good, meaning the 20mph limit is unnecessary from a pedestrian perspective too. They also made comment on the congestion problems in the estate, which are caused by parked cars and a high number of traffic on the school run.
- 3.27 Essex Highways responded to the objector with the following points:

Proposed 20mph Limit in Fernlea, Jonquil Way, Camomile Way, Sorrel Close, Stonecrop, Bluebell Way, Anemone Court, Celandine Court, Gentian Court, Coltsfoot Court and Lavender Way, Braiswick, Colchester

- (a) Explaining the reasons why the 20mph limit has been proposed and the benefits it is expected achieve. It was explained even though this is outside of Essex's usual policy (HPN 040), the roads in the estate are all residential, cul-de-sac roads which are mostly used by residents, and children going to and from school by car or on foot. It is therefore felt a 20mph limit is more appropriate for the area, given the proximity of Braiswick Primary School;
- (b) The Essex Speed Management Strategy was referenced in support of the response, where it states the expected characteristics for roads with a 20mph limit will include residential areas, and roads in the vicinity of schools where there is a high presence of vulnerable road users, all of which can be applied to the roads within this Proposal.
- (c) A lower speed limit, may be encouraging to parents and school children to walk or cycle to and from school. With regards to their concerns over issues of congestion in the area, the objector was informed that this issue was outside the remits of this particular scheme, and that they should contact their local County Member with such comments. Alternatively, these concerns could be brought to the North Essex Parking Partnership, as the local parking authority.

3.28 The second objector, felt that decreasing the speed limit from 30mph to 20mph is 'overkill', given that the speeds are already low. They stated that it is difficult to even reach 30mph in the estate due to the high number of parked cars at the side of the roads, and that it would be frustrating if traffic calming measures such as speed bumps were installed.

3.29 Essex Highways responded to the objector, again explaining that the 20mph limit has been proposed in an attempt to improve the environment, due to the close proximity of Braiswick Primary School. It was also explained that Traffic Calming Measures are not planned as part of this Proposal, as the 20mph limit is expected to be self-enforcing.

3.30 A full objection report can be found under Appendix 4.

4. Options

Option A – Continue with the scheme as advertised (Recommended)

- 4.1 Although this proposed Scheme is outside the parameters of the Council's policy, the introduction of the proposed Scheme will allow residents walking to school to feel safe therefore assisting the Council's strategic aim to help create great places for residents to grow up, live and work. It may also encourage school children and parents to take more sustainable modes of transport on their way to school such as walking and cycling, due to the more suitable environment the lower speed limit may provide. The speeds are already low so the risk that the new speed limit will be exceeded is low. The residents and County Member are in support of the Proposal and therefore this is the recommended option. However, this would not satisfy the 2 objectors.

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Option B – Abandon the scheme

- 4.2 As the Proposal is outside the parameters of the Council's policy there is no obligation on the Council to take the Proposal forward. However, this would not achieve the benefits identified within this report. Accordingly, this is not the recommended option.

5. Issues for consideration

5.1 Financial implications

- 5.1.1 This scheme is funded by the Colchester Local Highways Panel 2019/2020 budget with a total scheme allocation of £6,000.

5.2 Legal implications

- 5.2.1 The Road Traffic Regulation Act 1984 gives the Council a statutory duty 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 Justifiable speed limits assist with the expeditious, convenient and safe movement of traffic and pedestrians. However, this Scheme sits outside the Council's Policy and therefore consideration needs to be given as to whether this Scheme should be considered as an exemption, for the reasons set out in this report.

6. Equality and Diversity implications

- 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.

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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 – Scheme Drawing
- 7.2 Appendix 2 – Site Photos
- 7.3 Appendix 3 – Equality Impact Assessment (EQIA)
- 7.4 Appendix 4 – Objection Report

8. List of Background papers

- 8.1 Full Consultation Responses
- 8.2 HPN 040 – 20mph Speed Limits and Zone in Urban and Rural Areas

I approve the above recommendations set out above for the reasons set out in the report.	Date
Councillor Kevin Bentley, Deputy Leader and Cabinet Member for Infrastructure	06.11.2019

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In consultation with:

Role	Date
Director Highways and Transportation Andrew Cook	31.10.2019
S151 Officer Nicole Wood	Consent not needed
Director, Legal and Assurance (Monitoring Officer) Laura Edwards behalf of Paul Turner	29.10.2019
Head of Network and Safety/Traffic Manager Liz Burr	27.09.2019
Head of Design Vicky Presland	01.10.2019