

Forward Plan reference number: Not Applicable

Report title: Proposed 30mph Speed Limit East Road, Ivy Lane, Broman's Lane, Shop Lane, Church Lane and Meeting Lane, East Mersea, Colchester	
Report to: Councillor David Finch, Leader of the Council	
Report author: Andrew Cook, Director for Highways and Transport	
Date: 06/02/2020	For: Decision
Enquiries to: Vicky Presland – Head of Design, Essex Highways	
County Divisions affected: Stanway and Pyefleet	

1. Purpose of Report

- 1.1 Essex County Council has formally advertised the proposed implementation of a 30mph speed limit on East Road, East Mersea, Colchester along with the following adjoining side roads Ivy Lane, Broman's Lane, Moore Lane, Shop Lane, Church Lane and Meeting Lane (the Proposal) which was not in accordance with the Essex Speed Management Strategy or national guidance given in Department for Transport circular 01/2013 "Setting Local Speed Limits". Six formal comments to the proposal have been received of which several are formal objections, the Leader of the Council is now asked to decide as to whether the proposal should be implemented as advertised.

2. Recommendations

- 2.1 It is recommended that the Leader of the Council considers each of the options in section 4 of this report and makes a decision, taking into account the views of all relevant parties.

3. Summary of issue

- 3.1 The roads included within the proposal are currently subject to a 40mph speed limit, which has raised concern among local residents and the East Mersea Parish Council (the Parish).
- 3.2 The entirety of the roads included within the proposal are rural lanes, all of which, bar East Road, drop down in width at times only allowing for one flow of traffic to pass. In addition, none of these roads encompass pedestrian footways. This is the main area of concern for residents and the Parish, especially in the summer months as the number of pedestrians in the area increases due to the local tourism industry which is heavily made up by the three campsites in the Parish. Many of these include young families visiting the campsites, in addition, the permanent population of East Mersea has a higher population percentage of 65+ year olds than Colchester Borough's mean average percentage. The average population percentage of 65+ year olds in the Colchester Borough is between 17.1% and 20.02%, whereas, the population of East Mersea is made up of 23.1% 65+ year olds.

A higher population percentage of 65+ year olds than average, paired with the increase of young families in the summer months, adds to the risk surrounding vulnerable pedestrians using this local road network. These are people who may need to take extra time and caution when using the public highway. The aim of the Proposal is therefore to provide a more accommodating pedestrian environment and reduce the risk of collisions.

- 3.3 Research identifies that a pedestrian hit by a vehicle at a lower speed in the region of 30mph stands a far greater chance of survival and the risk of severe injury and death increases with vehicle speed. A reduction in speed limit to 30mph on these roads, if observed, would allow vehicle drivers more time to react to their surroundings. However, when assessing the personal injury collisions that have taken place over the past ten years on this network, there have been no collisions involving pedestrians. When assessing the data set of personal injury collisions for the entirety of East Mersea during the past five years, there have been a total of four collisions. None of these involved pedestrians and three of them were measured as 'slight' in severity and one as 'serious'. This number of collisions would not meet the intervention criteria set by the Council for a collision site to be identified. The criteria for a site to qualify for a casualty reduction scheme are that within the past three years of personal injury collision data there must be:

- At least four personal injury collisions in a 50 metre radius (in an urban area 30mph and below); or
- At least three personal injury collisions in a 250 metre radius (in a rural area – 40mph and above)

In East Mersea only one of these collisions occurred within the past three years and the distance between each is too great to qualify for a casualty reduction scheme. Extending the time period for the past ten years there have been eight personal injury collisions, none of which include pedestrians and only one of these includes a cyclist, only one of the eight incident's details showed that the driver may have been speeding. Full details of all incidents that have occurred in East Mersea in the past ten years can be found under Appendix 5.

- 3.4 Approval to advertise this proposal outside of the Essex Speed Management Strategy and National Guidance was previously taken on a Cabinet Member Action form by the Leader of the Council in September 2019 (FP-527-09-19). A copy of this report can be found under Appendix 6. The Proposal was formally advertised on 19th December 2019 with a consultation closing date of 17th January 2020. The Proposal was advertised in a local newspaper and on the Essex Highways website in addition to notices outlining the Proposal being placed on site and details of the Proposal being kept at the local library for public access. Consultations took place during this period involving the County Councillor and Parish Council, Key Stakeholders and Local Residents. Stanway and Pyefleet Division Councillor Kevin Bentley and East Mersea Parish Council did not respond to the consultation, however have previously indicated strong support for the proposal. Essex Police responded to the consultation but did not wish to make any comments. Mersea and Pyefleet Ward Councillor Robert Davidson, responded to the consultation.

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Councillor Davidson did not object to the Proposal, however did request that the Proposal is amended to consider a 20mph speed limit on Bromans Lane. In addition to this, a further 6 responses were received from local residents. Although the majority of these responses were in favour of a speed reduction on East Mersea, several felt that the Proposal did not go far enough and some requests were made for 20mph speed limits or for a wider area to be included in the Proposal. However, several comments were also received in relation to enforcement of speed limits and the need for considerate driving in this area. A full objection report with officer responses can be found under Appendix 2.

- 3.5 The current speed limit applied on the roads in the proposal is 40mph. Speed surveys taken along East Road have indicated that compliance with the posted limit is very good. Mean average speed of 37.3mph eastbound and 36.1mph westbound identify that drivers are already adjusting their speed to the environment as they are already below the 40mph speed limit. There is therefore a high percentage of compliant drivers.
(Traffic Surveys can be found under Appendix 7).
- 3.6 By introducing a 30mph speed limit at the proposed locations it is possible that drivers will struggle to see the rationale for the lower limit due to the road not 'feeling' like a 30mph. The typical feature of a 30mph speed limit is it having built-up areas with development on both sides of the road and front directly onto the road. East Mersea is unusual as a village as it has no defined centre but residential housing is scattered along the East Road and there are some sections where development occurs on both sides of the road, however many of these properties are set back from the road which is a feature more typical to find within a 40mph speed limit. Where there are built up areas within the proposal, these are then followed by stretches of road with no development.
- 3.7 The Essex Speed Management Strategy 2010 identifies that for rural roads 30mph should be the "norm" for a village where a defined centre exists with development and traffic generators. This is not the case for East Mersea where development is sporadic across a significant length of road. The guidance given in the Department for Transport's circular 01/2013 provides additional information on the application of a 30mph in rural locations as detailed below:

133. Traffic Advisory Leaflet 01/04 (DfT, 2004) sets out policy on achieving lower speed limits in villages. It suggests that reasonable minimum criteria for the definition of what constitutes a village, for the purpose of applying a village speed limit of 30 mph, would be that there were:

- 20 or more houses (on one or both sides of the road); and
- a minimum length of 600 metres.

134. If there are just fewer than 20 houses, traffic authorities should make extra allowance for any other key buildings, such as a church, shop or school. Where the character of a village falls outside this definition, local authorities

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are encouraged to use their discretion in deciding whether a lower speed limit is appropriate.

135. The criteria above should give adequate visual messages to drivers to reduce their speed. It is recommended that the minimum length for the new limit is at least 600 metres to avoid too many changes in speed limits along a route, and to aid compliance. Traffic authorities may, however, lower this to 400 metres when the level of development density over this shorter length exceeds the 20 or more houses criterion and, in exceptional circumstances, to 300 metres.

136. In some circumstances it might be appropriate to consider an intermediate speed limit of 40 mph prior to the 30 mph terminal speed limit signs at the entrance to a village, in particular where there are outlying houses beyond the village boundary or roads with high approach speeds. For the latter, traffic authorities might also need to consider other speed management measures to support the message of the speed limit and help encourage compliance so that no enforcement difficulties are created for the local police force. Where appropriate, such measures might include a vehicle-activated sign, centre hatching or other measures that would have the effect of narrowing or changing the nature and appearance of the road.

137. Where the speed limit commences at the village boundary, the village nameplate sign (prescribed in diagram 2402.1 of TSRGD 2002) and speed limit roundel may be mounted together. The combined sign should be located at the point where the speed limit starts, and it may be helpful if drivers can see housing at the same time as the signs, reinforcing the visual message for reduced speed.

138. If there are high approach speeds to a village, or the start of the village is not obvious, village gateway treatments can also be an effective way to slow drivers down. Advice can be found in Local Transport Note 1/07 Traffic Calming (DfT, 2007) and Traffic Advisory Leaflets 01/94 VISIP – A Summary (DoT, 1994a) and 01/04 Village Speed Limits (DfT, 2004). 139. In situations where the above criteria for a village are not met and there is a lesser degree of development, or where engineering measures are not practicable or cost-effective to achieve a 30 mph limit, but a reduction from the national 60 mph speed limit is considered appropriate, traffic authorities should consider alternative lower limits of 40 or 50 mph.

- 3.8 As part of the statutory consultation process Essex Police were sent the proposal details and asked for their views on the scheme as the enforcement authority they responded: "No comments or concerns from Command regarding this proposal."
- 3.9 East Mersea is distinctive in its location and village sprawl exacerbated by the seasonal influx of holiday makers. However, there are several other locations within the rural environment in Essex where requests for 40mph limits to be reduced to 30mph have been refused on the grounds that the criteria in the Essex Speed Management Strategy and Circular 01/2013 are

not met. If this proposal goes ahead it will be difficult to continue to refuse these requests, as a precedent will be set.

- 3.10 The Essex Traffic Management strategy was written in 2005 and whilst it was fundamental in setting the county route hierarchy and the application of engineering features based on the function that the route performs in the hierarchy times have changed significantly in the intervening 15 years and the priority given to motorised transport has shifted requiring instead greater precedence to be given to sustainable transport and the impact on people lives and where they live.
- 3.11 The application of an unrealistically low speed limit may lead to calls for police enforcement which may not be a priority for Essex Police given the reduction in the dedicated traffic team over the years. Further, if drivers perceive the reduction to be inappropriate and drive at a speed they feel comfortable with pedestrians may be put at an increased risk feeling that vehicles will be at or below 30mph when in actuality they may be nearer to 40mph previously posted limit.

4. Options

Option A – Continue with the scheme as advertised

- 4.1 This option would introduce a 30mph limit along the lengths as advertised. This would satisfy those who support the proposed speed reduction in East Mersea and aim to provide a better environment for non-motorised users. However, expectations may be raised that drivers will adhere to the posted limit which may not be the case. Additional engineering measures may need to be requested at a later date which will require additional expenditure to be allocated and will be subject to an approval process. Without further investigation it is not possible to confirm which measures would be appropriate in this rural environment.

Option B – Abandon the scheme

- 4.2 This option would not satisfy the local parish council or the local member who supported the scheme. Furthermore, it would not satisfy the residents who support the Proposal. However, this option would ensure that the speed limits within East Mersea continue to comply with the Essex Speed Management Strategy and national guidance as set out by Department for Transport circular 01/2013, with a greater chance of self-compliance from drivers.

5. Issues for consideration

5.1 Financial implications

- 5.1.1 It is estimated that the cost of implementing the 30mph speed limit will be in the region of £15,000 for the legal order, staff time and sign changes. This can be accommodated within the existing 2019/20 Highways Tackling Congestion budget.

5.2 Legal implications

- 5.2.1 The Road Traffic Regulation Act 1984 (RTRA 1984) gives the Council a statutory duty under section 122 of the RTRA 1984 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 More specifically, S84 (1) of the RTRA 1984 provides that the Council may make an order prohibiting the driving of motor vehicles on the named road, at a speed exceeding that specified in the order, provided the Council give public notice of their intention to make the Order.
- 5.2.3 Any person or authority who are required to be consulted may object to the making of an order by the date specified in the notice of proposals or, if later, the end of the period of 21 days beginning with the date on which the Council complied with all the requirements of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996
- 5.2.4 Compliant speed limits are thought to assist with the expeditious, convenient and safe movement of traffic and pedestrians.
- 5.2.5 Whilst there is no requirement to hold a public inquiry on orders made under S84 of the RTRA 1984, the decision of the council to make the order, despite the objections received, may be subject to judicial review..

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.
- 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

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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. The Equality Impact Assessment can be found in Appendix 3.

7. List of appendices

- 7.1 Appendix 1 – Consultation Plan
- 7.2 Appendix 2 – Objection Report
- 7.3 Appendix 3 – Equality Impact Assessment
- 7.4 Appendix 4 – Site Photos
- 7.5 Appendix 5 – Accident data
- 7.6 Appendix 6 – Previous CMA – FP-527-09-19
- 7.7 Appendix 7 - Traffic Surveys

8. List of Background papers

- 8.1 Full consultation responses
- 8.2 Department for Transport, Setting Local Speed Limits
- 8.3 Population data sources for Colchester Borough and East Mersea
- 8.4 Essex Speed Management Strategy

I approve Option A / Option B as set out above for the reasons set out in the report.	Date
Councillor David Finch Leader of the Council	04.03.20

In consultation with:

Role	Date
Director for Highways and Transport	28.02.2020
Andrew Cook	
Executive Director for Corporate and Customer Services (S151 Officer)	Consent not needed
Nicole Wood	
Director, Legal and Assurance (Monitoring Officer)	24.02.2020
Katie Bray on behalf of Paul Turner	
Head of Network and Safety/Traffic Manager	28.02.2020
Liz Burr	

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Head of Design, Essex Highways	25.02.2020
Vicky Presland	