BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

CABINET MEMBER FOR TRANSPORT Report to:

AND ROADS JOINTLY WITH

CORPORATE DIRECTOR, ECONOMY

INTERIM ASSISTANT DIRECTOR TRANSPORTATION Report of:

AND CONNECTIVITY

Date of Decision: 5 February 2018

SUBJECT: 20MPH PILOT AREA B2 ("the Project") - OBJECTIONS

TO TRAFFIC REGULATION ORDER

Key Decision: No Relevant Forward Plan Ref:n/a If not in the Forward Plan: Chief Executive approved (please "X" box) **O&S** Chair approved

Relevant Cabinet Member(s) or

Councillor Stewart Stacey - Transport and Roads **Relevant Executive Member:**

Relevant O&S Chair: Councillor Zafar Igbal – Economy, Skills and Transport

Wards affected: Edgbaston, Harborne, Selly Oak and Bournville

1. Purpose of report:

- 1.1 To provide details of the objections and comments received, as given in Appendix D, to the proposal to introduce a 20 miles per hour (mph) speed limit and consolidate existing 20mph speed zones as shown on drawing nos. CA-02714_09_01_01_0001 to CA-02714 09 01 01 0006 and CA-02714 09 01 01 0013, attached as Appendix B.
- 1.2 To seek approval to proceed with the implementation of the Project having considered the responses to the objections received as set out in Appendix A.

2. Decision(s) recommended:

That the Cabinet Member for Transport and Roads jointly with the Corporate Director, Economy:

- 2.1 Authorise the Assistant Director - Transportation and Connectivity to proceed having regard to the responses to the objections as set out in Appendix A with the implementation of the Project to introduce and consolidate a 20mph speed limit and existing 20mph speed zones as shown on drawing nos. 02714_09_01_01_0001 to CA-02714_09_01_01_0006 and CA-02714_09_01_01_0013, attached as Appendix B.
- 2.2 Authorise the City Solicitor to negotiate, execute, seal and complete all necessary documents to give effect to the above recommendations.

Lead Contact Officer(s): Varinder Raulia, Head of Infrastructure Projects

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3. Consultation

Consultation should include those that have an interest in the decisions recommended

- 3.1 Internal
- 3.1.1 The Ward Councillors have been consulted on the scheme proposals and their feedback was reported as part of the Full Business Case report (FBC). Any comments/objections received during the statutory period are given in Appendix A.
- 3.2 External
- 3.2.1 The stakeholder groups were consulted and their feedback was reported as part of the FBC report. Any comments/objections received during the statutory period are given in Appendix A.
- 3.2.2 The key stakeholder groups consulted include Push Bikes, Birmingham Friends of the Earth, National Express, Transport for West Midlands, West Midlands Police, West Midlands Fire Service, NHS and Royal Mail.
- 3.2.3 The statutory advertisement for the proposed Traffic Regulation Order was advertised in the press and on-street from 10th July 2017 to 21st August 2017. A letter along with the notice was also delivered to approximately 30,000 residents/businesses within the affected wards.
- 3.2.4 A number of objections/comments were received from local residents. Further details are given in Appendix A and Appendix D.
- 3.2.5 The key issues raised were regarding the enforcement of the proposed speed limits, the impact on air quality and what data was being used to support the proposed 20mph speed limits. Further details are given in Appendix A and Appendix D.
- 3.2.6 Requests were received to include or exclude roads from the proposed Order; these have been considered alongside the other objections received.

4. Compliance Issues:

- 4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?
- 4.1.1 The BCR programme supports the City Council's policy objectives as outlined in the Vision and Forward Plan approved in May 2017, in particular 'investment in infrastructure and improved connectivity', 'development of a...transport system that promotes and prioritises sustainable journeys', 'creating a healthier environment', and 'more people walking and cycling'. The measures also support the policies within the Birmingham Development Plan (BDP), the aspirations of Birmingham Connected, the Health and Wellbeing Strategy, and the West Midlands Strategic Transport Plan.
- 4.2 Financial Implications (How will decisions be carried out within existing finances and Resources?)
- 4.2.1 The financial implications of this Project were covered in the Full Business Case (FBC)
 Report approved by Cabinet Members for Transport and Roads and Value for Money and
 Efficiency jointly with the Corporate Director for Economy on 25th May 2017 titled '20MPH
 Pilot Area B2– Full Business Case '. The Project cost is £735,000 which will be funded

from the GBSLEP Local Growth Fund (for BCR Phase 2).

- 4.2.2 Provision was made within the Project costs for dealing with any objections received to the Traffic Regulation Order.
- 4.2.3 There are no further implications to the approved costs as a result of the changes recommended within this report.

4.3 Legal Implications

- 4.3.1 Birmingham City Council derives its authority for implementing works on the public highways from the Highways Act 1980, the Road Traffic Regulation Act 1984, Traffic Management Act 2004 and the Transport Act 2000 as amended.
- 4.3.2 With respect to Section 122 of the Road Traffic Regulation Act 1984 the following assessments have been carried out:
 - A high-level literature review was undertaken of readily available publications and reports to investigate what studies have been undertaken that consider the impacts of 20 mph traffic management measures on air quality and is attached to this report as Appendix E. While there is no general consensus within the reviewed evidence to suggest, one way or the other, that driving at lower free-flow speeds causes increases or decreases in local pollutant emissions, studies tend to agree that in locations where traffic flows are low, such as on residential roads, the impact of a 20mph limit intervention is not necessarily detrimental to ambient local air quality.
 - Majority of the literature available for the high-level review is based on 20mph zones
 which include traffic calming features. The proposals as part of this scheme are limited to
 an area wide speed reduction of 20mph through signs and road marking and do not
 include any traffic calming measures and hence a direct comparison cannot be made
 between 20mph zones and 20mph areas.
 - Although the high-level literature review is inconclusive in regards to the impact on air quality, it is expected that in the long term vehicles speeds will reduce and more people will shift to the use of alternative modes of transport such as walking and cycling. It is considered that the expected reduction in accidents as a result of these reduced speeds and the changes in travel behaviour over time will outweigh any potential impact on air quality.
- 4.3.4 Project risks were covered in the FBC report.
- 4.4 Public Sector Equality Duty (see separate guidance note)
- 4.4.1 An Equality Analysis was completed in February 2017, and was attached to the FBC which was approved on 25th May 2017 and is attached to this report as Appendix C.

5. Relevant background/chronology of key events:

- 5.1 As detailed in the FBC approved on 25th May 2017, the Project includes the introduction of the fourth 20 mph pilot area, known as Area B2.
- 5.2 The pilot 20mph speed limit areas are part of the Birmingham Cycle Revolution Programme, which is funded from the Greater Birmingham and Solihull Local Enterprise Partnership (GBSLEP) Local Growth Fund (for Birmingham Cycle Revolution (BCR)

Phase 2).

- 5.3 The speed limit change is part of a package of measures included within the Birmingham Cycle Revolution programme to support walking and cycling and improve road safety. This will include city-wide and local promotion of the benefits of 20mph speed limits to encourage compliance together with 'wrap-around' measures including road safety education, travel planning and cycle training.
- 5.4 The proposals for Area B2 include reductions in the speed limit to 20mph on the majority of residential, retail and industrial roads in accordance with the 20mph Speed Limit Policy approved by Cabinet on 17th March 2014.
- 5.5 20mph is also proposed on main roads through recognised local centres.
- 5.6 Additional roads were advertised as part of the statutory consultation which were not included in the Full Business Case report. The additional roads included are: Arthur Road (from Church Road to Carpenter Road), Pritchatts Road from Farquhar Road to Edgbaston Park Road, Vincent Drive New Foss Way to Pritchatts Road, Wheeleys Road- from Carpenter Road to Lee Bank Middleway.
- 5.7 Further to the statutory consultation there have been no specific objections to the additional roads proposed to be included in the 20mph area.
- 5.8 A number of objections/comments were received from local residents. Further details of the objections and the design team responses are given in Appendix A.
- 5.9 Following statutory consultation the scheme is to be implemented as per the proposals in the original FBC with the addition of those roads identified in section 5.6 above.
- 5.10 The physical measures within the 20mph limit will include:
- Installation of new 20mph and 30mph speed limit signs, posts, associated ground works, and electricity connections where signs have to be illuminated.
- The removal of existing 20mph zone signs and posts where required, and ground works to make good the footways.
- The removal of redundant 30mph and 40mph speed limit signs and posts, and ground works to make good the footways.
- Painting of repeater signs on the carriageway in the form of 20mph Roundels.
- Installation of repeater signs on existing lighting columns or on new posts where required.
- 5.11 Following approval of this report, works are programmed to start in March 2018 and the Traffic Regulation Order is expected to be operational early in August 2018.

6. Evaluation of alternative option(s):

6.1 Alternative options were considered at the consultation stage through discussion with residents and Ward Councillors and these were presented in the FBC.

7. Reasons for Decision(s):

7.1 The approval of this report will allow the Area B2 20mph pilot scheme to progress to implementation.

<u>Date</u>

List of Background Documents used to compile this Report:

- 1. Full Business Case Report approved by on 25th May 2017 titled: '20mph Pilot Area B2- Full Business Case '.
- 2. Cabinet Report approved on 17th March 2014 titled: '20mph Speed Limit Policy'.

List of Appendices accompanying this Report (if any):

- 1. Appendix A – Summary of Objections to the Traffic Regulation Order and Responses.
- Appendix B Scheme Plan Drawing Number: CA-02714_09_01_01_0001 to CA-2. 02714_09_01_01_0006 and CA-02714_09_01_01_0013.
- Appendix C Equality Analysis 3.
- Appendix D Objections 4.
- Appendix E Literature Review: Local Air Quality and 20mph Limits 5.

PROTOCOL PUBLIC SECTOR EQUALITY DUTY

- The public sector equality duty drives the need for equality assessments (Initial and Full). An initial assessment should, be prepared from the outset based upon available knowledge and information.
- If there is no adverse impact then that fact should be stated within the Report section 4.4 and the initial assessment document appended to the Report duly signed and dated. A summary of the statutory duty is annexed to this Protocol and should be referred to in section 4.4 of executive reports for decision and then attached in an appendix; the term 'adverse impact' refers to any decision-making by the Council which can be judged as likely to be contrary in whole or in part to the equality duty.
- A full assessment should be prepared where necessary and consultation should then take place.
- Consultation should address any possible adverse impact upon service users, providers and those within the scope of the report; questions need to assist to identify adverse impact which might be contrary to the equality duty and engage all such persons in a dialogue which might identify ways in which any adverse impact might be avoided or, if avoidance is not possible, reduced.
- 5 Responses to the consultation should be analysed in order to identify:
 - (a) whether there is adverse impact upon persons within the protected categories
 - (b) what is the nature of this adverse impact
 - (c) whether the adverse impact can be avoided and at what cost and if not –
 - (d) what mitigating actions can be taken and at what cost
- The impact assessment carried out at the outset will need to be amended to have due regard to the matters in (4) above.
- 7 Where there is adverse impact the final Report should contain:
 - a summary of the adverse impact and any possible mitigating actions (in section 4.4 or an appendix if necessary)
 - the full equality impact assessment (as an appendix)
 - the equality duty (as an appendix).

Equality Act 2010

The Executive must have due regard to the public sector equality duty when considering Council reports for decision.

The public sector equality duty is as follows:

- 1 The Council must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 2 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
 - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- 4 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
 - (a) tackle prejudice, and
 - (b) promote understanding.
- 5 The relevant protected characteristics are:
 - (a) marriage & civil partnership
 - (b) age
 - (c) disability
 - (d) gender reassignment
 - (e) pregnancy and maternity
 - (f) race
 - (g) religion or belief
 - (h) sex
 - (i) sexual orientation

SUMMARY OF OBJECTIONS TO TRAFFIC REGULATION ORDER AND RESPONSES

SCHEME: 20MPH PILOT AREAS: AREA B2

OBJECTION PERIOD OF TRO ADVERT: 10th July 2017 to 21st August 2017

Objections:

This table summarises and provides a response to the key issues raised in the individual objections. The complete text contained within each correspondence is provided in Appendix D.

TOTAL NUMBER OF	SUMMARY OF OBJECTION	RESPONSE
OBJECTION		
116	Enforcement and Speed	
	Concerns regarding the enforcement of 20mph, current speed limits are not being enforced.	20mph speed limits are enforceable in the same way as any other speed limit – though they are enforced by roadside activity (utilising calibrated speed measurement devices) but not at this time by speed cameras (fixed or mobile). The council has the full support of the police in enforcing the speed limits but resources are limited – it is important that drivers are educated on the reasons behind 20mph limits as part of this process. The council keeps a log of locations reported to us where drivers are not sticking to the 20mph speed limits and we have actively sought this feedback from our communities via social media. Please note that it is not always possible for them to respond to all enforcement requests straight away and other operational considerations and emergencies sometimes have to take priority.
	Drivers driving in excess of 30mph will continue to drive at high speeds and will put other road users at risk by carrying out dangerous manoeuvres.	A key part of 20mph limits is community engagement, education and targeted enforcement.
	20mph will only be effective if it is supported by Traffic Calming.	As you will be aware these schemes are signs and lines only, they involve no physical traffic calming, and are part of a longer term approach to change driver attitudes and behaviour – the idea is that over time attitudes to speeding in residential areas will change in the way that they have towards seatbelts or drink driving for most people. A key part of 20mph limits is community engagement, education and targeted enforcement.
		20mph speed limit areas without traffic calming are considerably less expensive to implement, which means that wider areas can be covered. Due to the wide area of this scheme, no traffic calming will be installed however following the monitoring period, an assessment will be carried out to determine if any further measures are

required. The Highway Code rule 124 is clear on keeping Will the speed limit apply to cyclists as they can cycle faster than 20mph? within speed limits, but does not specifically make reference to cyclists. Penalties for pedal cyclists are less about speed but more about the issue of dangerous cycling created by high speed. We would advise all road users to adhere to the speed limit. Regardless of the speed limit, drivers should Safety concerns as drivers will be more focused always be aware of the speed that they are on the speed and not the road. travelling at. The Department for Transport (DfT) states that there is clear evidence that reducing traffic speeds reduces collisions and casualties. Collisions are less frequent at lower speeds; and where collisions do occur the risk of fatal injury is also reduced. 20mph will increase journey times. 20mph will mainly apply on residential street and in selected locations on main roads. Most main roads will keep their existing 30mph or 40mph speed limits, so once drivers leave residential areas and join the main road network there should be no impact on journey times. The vast majority of the city's traffic travels on the 10% of the road network that will stay at 30mph or 40mph. The parts of the journey affected would only be the relatively short sections of that iourney that would be on 20mph roads in order to reach the main road network. 25mph should be considered as a compromise. 25mph is not a prescribed national speed limit and cannot be used on public roads 20mph should be limited to targeted areas, such 20mph limits (as opposed to targeted traffic as outside schools, otherwise it will be ignored. calmed zones) are not intended as a blunt instrument to reduce vehicle speeds. They are one part of a process of long term behaviour change - the idea is that over time attitudes to speeding in residential areas will change in the way that they have towards seatbelts or drink driving for most people. The larger the area implemented the more consistent the speed limit becomes. This makes it easier to embed slower driver behaviour as the norm. Wider 20mph speed limit areas also encourage a more holistic approach to travelling to school by promoting slower speeds, and enabling walking and cycling to school and around the community streets. After reviewing Solihull Council's evaluation of their 20mph speed limit trial outside of schools, it concluded that there was very little evidence to suggest that the speed limit trial was successful, and recommended that no further 20mph speed limits be introduced outside schools (See report dated 7th July 2016, titled "Solihull Part Time 20mph Speed Limit Pilot Study"). 16 Pollution/Air Quality Concerns regarding air quality due to higher As part of the baseline study we will use diffusion emissions and pollution caused by using lower tubes to measure air quality. We will be carrying

gears. out this process again as part of the 3 year assessment. The introduction of 20mph speed limits aims to help make our roads safer which will in turn give people greater confidence to walk or cycle. Making local trips on foot or by bicycle instead of by car is a good way to reduce emissions and make our air better to breathe. Adopting a smoother driving style can also help. These 20mph schemes are signs and lines only, and involve no physical traffic calming. This type of scheme encourages drivers to maintain a reduced, steady pace along the whole stretch of road, rather than road humps that may increase acceleration and braking-related emissions. The latest advise from the National Institute for Health and Care Excellence (NICE) recommends 20mph limits to improve air quality stating that 'smoother driving means cleaner air' see: http://road.cc/content/news/226044-nicerecommends-20mph-limits-improve-air-quality. 33 **Scheme** Concerns were raised regarding some small cul-Small cul-de-sacs have been left at the speed de-sacs being included in the proposals as well limit of the road they come off. In accordance as concerns regarding some cul-de-sacs not with the guidance provided by DFT, the minimum length of a speed limit should be 300m. This will being included. also reduce sign clutter and reduce future maintenance costs. The scheme will increase street clutter with little Where possible, new signs will be installed onto benefit. existing posts and lamp columns. Any existing signs and furniture which is not required will also be removed. Through routes should not be reduced to Majority of the through routes have maintained 20mph. their existing speed limits. Do the Council have authority to implement Every Highway Authority has the authority to introduce Traffic Regulation Orders on any speed limits on private roads? Highway within their area, regardless of whether that Highway is a public Highway or a private Highway. In proposing the speed limit on this private road it is BCCs opinion that it falls within the common law definition of 'Highway'. Whilst the private roads are not "highways maintainable at public expense", they are still deemed in law as being "a highway". The question of jurisdiction for the police to apply and enforce traffic laws applies to all highways including private roads: in the same way drivers would be subject to the rules of the road if they were not wearing a seat belt, had an unroadworthy vehicle, had children travelling without booster seats, etc.

Only having 20mph in certain wards will cause inconsistency and confusion.

Whilst the council remains committed to rolling out 20mph limits to residential roads city-wide, we are currently still in the process of implementing the wider substantial pilot area. We will be reviewing the data from the first 12 months of current areas before further developing the programme for roll out to other areas.

Harborne TRO Objection Consideration Public Report, dated 24 March 2016 of the Acting Strategic Director, Place states that the council will include the section of Lordswood Road, from the roundabout at Lordswood Road / War Lane to the roundabout Lordswood Road / Court Oak Road in the 20mph limit Area B2 scheme.

During the consultation for the Area B2 20 mph proposals during September 2016. Changes to the speed limit along Lordswood Rd was assessed, however, it was decided that in order to maintain sufficient traffic flow through that area of Lordswood Road it would will remain at its current speed limit. The FBC for Area B2 which was signed off in May 2017 made reference to this decision.

12 Data

Concerns have been raised that there is not sufficient speed/accident data for the Edgbaston area to justify the speed reduction.

The council is committed to the roll out of 20mph speed limits areas in all residential areas. The pilot schemes were prioritised on the basis of the number and severity of road traffic collisions. particularly those involving child pedestrians, and also some consideration to the conditions of the funding for example the potential to increase cycling in an area.

Area B2 (Central South West) was the fourth area to be prioritised as:

- It had one of the highest levels of public support in the initial consultation.
- It is an area where there are existing cyclists and significant scope to grow that number.
- It joins with the previous area which was implemented so helps to create a single wider 20mph area.
- It has a relatively high level of road traffic crashes. Between 2010-2012 there were a total of 534 collisions.

Data from previous 20mph limits should be analysed before proceeding with any further schemes.

Data from the previous scheme is being collected and will be considered before implementing any further 20mph schemes around Birmingham. Area B2 was selected and approved as a Pilot Area along with the previous three schemes which have been delivered. Due to budget availability the current scheme is being delivered after the original 3 schemes.

Report from Open University suggests that 20mph limits do not work. Manchester City Council is also not proceeding with any further 20mph schemes.

20mph limits are not just a road safety measure. In Birmingham they are part of a wider behaviour change campaign 'Slower is Safer'. Therefore, when assessing their value and effectiveness, it is important to consider increases in walking and cycling and improvements in quality of life indicators, such as

health improvements, community cohesion and better air quality, as well as reductions in vehicle speeds and road crashes and casualties. Already more than half of the largest 40 urban authorities in the UK have a policy of setting 20mph as the default for all their streets. A report into 20mph speed limits areas, commissioned by the DfT, has provided 'very positive interim results', according to 20's Plenty for Us. The interim results of the study, based on thousands of interviews and questionnaires in 15 case study areas, reveal that 75% of those interviewed supported 20mph limits after implementation, compared with 50% before. Two thirds of drivers interviewed said the new limits were a 'good idea'. 60% of residents thought that 20mph had provided a safer environment, while three quarters felt that 20mph limits were beneficial for their community (http://www.roadsafetygb.org.uk/news/4925.html) Consultation 6 Concerns raised that during the original Previous City-wide public and stakeholder consultation in 2013, there have been a high consultation was undertaken on the 20mph number of objections but the Council are still policy in Autumn 2013. The overall results of the consultation were mixed, but with significant continuing to implement further 20mph limits around the city. support in certain areas. All local Councillors were consulted – the majority who responded were supportive, and were particularly in favour of 20mph limits near to schools. Stakeholders were generally supportive. The outcome of this consultation was reported in the 20mph Policy Report to Cabinet in March 2014. and was used as one of the criteria for determining the extent of the initial 20mph schemes. The statutory consultation for Area B2 was The standard period for a statutory consultation is 21 days; however the consultation period for carried out during the holiday period, not giving Area B2 was from 10th July 2017 to 21st August residents the opportunity to object. 2017. This exceeds the minimum requirements and allows sufficient time for residents to respond either side of their holidays. 11 Financial The scheme is to be funded from Central As the Council is short on resources, the budget for this scheme should be used elsewhere Government and the funding cannot be used for other purposes. The primary aim of the 20mph limit is to reduce collisions in residential areas. Road traffic collisions in Birmingham cost the local economy an estimated £176 million a year. Despite the costs involved in creating more 20mph streets, investing in 20mph could not only save lives but also money in the future. How will these proposals be affected by the The 20mph speed limit schemes are signs and lines only; they involve no physical traffic Government's recent announcement to invest £255m pounds to help address environmental calming, and are part of a longer term approach

concerns? Part of this money is aimed at reducing the number of traffic calming measures.

to change driver attitudes and behaviour. This type of scheme encourages drivers to maintain a reduced, steady pace along the whole stretch of road, rather than road humps that may increase acceleration and braking-related emissions. As part of the baseline study we will use diffusion tubes to measure air quality. We will be carrying out this process again as part of the 3 year assessment.

The introduction of 20mph speed limits aims to help make our roads safer which will in time give people greater confidence to walk or cycle. Making local trips on foot or by bicycle instead of by car is a good way to reduce emissions and make our air better to breathe. Adopting a smoother driving style can also help.

The latest advise from The National Institute for Health and Care Excellence (NICE) recommends 20mph limits to improve air quality stating that 'smoother driving means cleaner air' see: http://road.cc/content/news/226044-nice-recommends-20mph-limits-improve-air-quality