

REPORT OF THE EXECUTIVE DIRECTOR OF CITY SERVICES

OBJECTIONS TO THE PROPOSED TRAFFIC CALMING AND ASSOCIATED 20 MPH SPEED LIMIT ZONE AROUND THE BARNES JUNIOR AND INFANT SCHOOL, SUNDERLAND

1.0 PURPOSE OF REPORT

- 1.1 The purpose of the report is to inform Planning & Highways Committee of the objections received to the proposed Traffic Regulation Order (TRO) for the introduction of Traffic Calming features and associated 20 miles per hour (MPH) Speed Limit Zone in certain streets around the Barnes Junior and Infant School.

2.0 BACKGROUND

- 2.1 A petition to the Council contained 317 signatures (January 2010) stating: "We call upon Sunderland City Council to introduce traffic calming measures at Barnes Infant and Junior School, particularly in Mount Road and Colchester Terrace".
- 2.2 In addition, other correspondence and requests for service relating to this particular location, have been received expressing concerns regarding various road safety issues including excessive vehicle speeds, inconsiderate and obstructive parking behaviour and traffic volumes during the pick up and dropping off times at the schools.

3.0 PROPOSALS

- 3.1 A proposed scheme of measures, which addresses the concerns of local residents was developed for the streets immediately surrounding the Barnes Junior and Infants School. The proposals as detailed in drawing 09/TM/1858/01 Rev B attached, comprises the introduction of a 20 MPH Speed Limit Zone and the installation of two types of vertical traffic calming measures, speed cushions and speed humps. These features will help ensure that lower mean vehicle speeds and consequently safer driving conditions are achieved in an area where there are a significant number of vulnerable road users.
- 3.2 The Department for Transport advise that 20 MPH Zones should be self enforcing and consequently additional traffic calming measures are often required to ensure that appropriate vehicle speeds are achieved. Given the road layout and road widths of the streets surrounding Barnes school vertical traffic calming measures were deemed necessary.
- 3.3 Nevertheless, to mitigate the impact of the vertical traffic calming measures on the emergency services, bus services and drivers with disabilities a number of the originally proposed speed humps were converted to speed cushions. The speed cushions, which are to be located on Mount Road, will be more gentle to traverse for most car drivers and allow bus vehicles to completely straddle them. The proposed speed humps will be used in the remaining streets.

4.0 CONSULTATION

- 4.1 A preliminary consultation was carried out, on 5th November 2010, on a draft proposal for traffic calming measures on streets surrounding Barnes School. The consultation included all residences directly affected by the proposals, local Ward members and the approved list of Consultees.
- 4.2 The 160 properties and homeowners directly affected by the proposal were consulted using a "Consultation Pack", comprising a drawing, a questionnaire return sheet and a pre-paid envelope, sent out with an explanatory letter. Fifty one responses were received; 33 supporting the proposal and 18 against the proposal. The return rate for this consultation was approximately 32%. Of the responses received approximately 65% are in favour and 35% are against the proposals.
- 4.3 All consultation responses for the proposed scheme were collated and reported to the Deputy Executive Director of City Services. A Delegated Decision approving the progression of the proposed scheme to the statutory publication of proposals phase was signed on the 20th of December 2010.
- 4.4 In November 2011 the Head of Law and Governance formally advertised in the Publication of Proposals the council's intention to: -
- exercise its powers under Section 90A of the Highways Act 1980 and after consultation in accordance with Section 90C of the Highways Act 1980. It was proposed to construct road humps complying with the Highways (Road Humps) Regulations 1999 as traffic calming measures in Colchester Terrace, Colchester Terrace East Back, Cleveland Road South Back, Ewesley Road, Ewesley Road West Back, Wycliffe Road, Wycliffe Road North Back, Mount Road, Sunderland.
 - make an Order under Sections 84(1) and (2) of the Road Traffic Regulation Act 1984 The general nature and effect of the Order would be to impose a speed limit of 20 MPH along the lengths of the roads near Barnes Junior and Infant School (i.e Colchester Terrace / Colchester Terrace East Back / Cleveland Road South Back / Ewesley Road / Ewesley Road West Back / Wycliffe Road / Wycliffe Road North Back / Mount Road, Sunderland).
 - and invited objections to the proposal. The deadline for Publication of Proposals expired on 9th December 2011 and two objections have been received (as outlined below).

5.0 OBJECTIONS RECEIVED

- 5.1 Two objections to the proposals have been received. It is noted that one objection is from a resident directly affected by the proposals; the second objection is from a non resident not directly affected by the proposals.
- 5.2 The objections received and the reasons given as to why these objections should be not upheld are detailed below: -

Issues Raised:-	Comments:-
RESPONDENT 1	
<p>"I strongly object to anyone placing speed humps and cushions in Mount Road and surrounding areas.</p> <p>I live in number 63 Mount Road and I can see from your plans that you propose to place a speed hump outside my property. I can not stress to you enough how important it is that this does not go ahead. I am disabled due to chronic disc disease and suffer severe pain and discomfort.</p> <p>Travelling in the car is bad enough without having to go over humps in the road which can cause great pain and distress. In day to day transport I go out of my way to avoid speed humps and I am mortified at the prospect of speed humps being placed in the street where I live. This will make my life extremely difficult as I have just had major spinal surgery from which I am recovering from. I am to avoid anything which can aggravate my back and this certainly won't help me as I can not avoid them if they are placed outside my home.</p> <p>Speed bumps have a major impact on people suffering from some medical conditions, such as back problems. If you complain about such problems to road safety experts they simply say you should take another route, or slow down more. This is not possible, and is effectively discrimination against disabled people.</p>	<p>Some people with disabilities may experience discomfort crossing humps and cushions as a vehicle occupant. However, the humps will be well signed and it is up to the driver of a vehicle to cross the hump at a speed appropriate for the vehicle and any of the vehicles occupants. All road humps and speed cushions will be constructed to guidance given by the Department For Transport. As such, all traffic calming feature will not be greater than 75mm in height.</p> <p>Notwithstanding the above, all the emergency services including the Ambulance were consulted on the proposals and no objections were received. All drivers have a responsibility when parking on the highway to maintain access and refrain from causing obstruction. The issue is mainly one of enforcement and needs to be taken up with the Police if and when an incident occurs.</p> <p>Whilst it is acknowledged that a few residents may experience some inconvenience in the surrounding areas to the proposed (through the migration of vehicles traffic). However, it is believed that this is outweighed by the increase in road safety resulting from the implementation of this scheme.</p>
<p>Living in High Barnes the houses are typically Victorian. I feel I speak for most of the residents when I say that adding speed humps to our street will devalue it and is not aesthetically pleasing.</p> <p>I also feel speed humps will only divert traffic to our backlane and adjacent streets. This does not solve a problem but moves the problem to a different area. The backlane is already difficult due to people obstructing the access to garages when picking children up from school,</p>	<p>There is no evidence to suggest that this will be the case. In fact the installation of appropriate traffic calming measures and materials can increase the saleable value of property. Streets that have lower traffic speeds are safer and this can attract interest in properties in the general area.</p> <p>In addition, traffic calming may reduce the incidence of short cutting thus improving the general environment. Whilst this will result in a reduction in traffic volumes and hence noise and pollution, it will add to</p>

<p>often travelling at high speed.</p> <p>I feel the use of speed humps will be ineffective as drivers will only speed up in between humps. This will increase noise for residents due to braking and acceleration of the vehicles. Therefore I suggest a speed camera would be more appropriate.”</p>	<p>the attractiveness of the area. It is now the case that all new residential areas both private and council are required to have traffic calming features incorporated in their layout so the stigma, which may have previously been attached to some areas no longer exists.</p> <p>Research has shown that after the installation of vertical and horizontal traffic calming features overall noise levels are in fact reduced when light vehicles (cars) form most of the traffic stream. This is the case in this instance as the proportion of large commercial vehicles using Crow Lane is relatively low. In addition the traffic calming measures are likely to have a downward influence on vehicle flow.</p> <p>Speed cameras only provide a very localised effect and are not appropriate for use in large residential areas.</p>
<p>Respondent 2</p>	
<p>1. An order making a direction in accordance with RTRA 84 section 82(2) to derestrict the above streets has not been included. Therefore it is not possible to make an order under section 84.</p> <p>2. <i>“Since October 1995 it has been necessary to metricate all traffic orders, the only exception was distance and speed measurements displayed on traffic signs:-</i></p> <p>a) <i>Article 3 of the above order should read instead of ‘20 miles per hour’ the following as primary and secondary notation e.g. ‘32km/hour (20MPH)’ or similar.”</i></p>	<p>It is not necessary to proceed in this way. Section 84(1)RTRA84 provides that an Order may be made as respects “any road”. Section 84(3) provides that while an order is in force as respects a road that road shall not be a restricted road for the purpose of section 81 of this Act.</p> <p>As such, the a revocation of a 30mph limit would not be necessary as no requirement is necessary to make a TRO for a 30mph speed limit within England and Wales.</p> <p>The Council’s view is that this is not correct.</p> <p>Units of Measurement Regulations 1995 Reg 5(2) say – “Nothing in these Regulations shall apply in relation to any of the uses of relevant Imperial units which are permitted by Article 1(b) of the units of Measurement Directive that is to say - the use of the mile, yard, foot or inch for road traffic signs, distance and speed measurement.”</p> <p>Article 1(b) of the Metrication Directive to which Reg 5(2) refers provides that the</p>

<p>3. <i>“The Traffic Signs and General Directions 2002, requires that within a 20MPH zone, no point within the zone is more than 50metres from a traffic calming feature:-</i></p> <p>a) <i>No details are given as to the whereabouts of these ‘features’ nor their distance apart (Notice under the Highways Act 1980 90A and 90C only gives locations adjacent to properties, which cannot readily determine the distances apart). Road junctions also have to be included as ‘features’.”</i></p> <p>4. <i>“No scheme can be <u>self enforcing</u>, as it is illegal to physically place any device on the road that interferes with a vehicle to slow it down without the driver’s consent, (except for the police under their special powers).”</i></p>	<p>measurements listed in chapter ii of the Annex to the Directive shall be permitted but only in member States where they were so authorized on 21st April 1973 (e.g. the UK) .In Chapter ii under the heading "field of application " there appears the same phrase as in 1995 Regulation i.e. " road traffic signs ,distance and speed measurement "for which the mile, the yard and the foot expressly remain permitted. "</p> <p>It is clear that road signs can have imperial measures on them but there is no reason to contemplate that the orders authorising such signs would have metric units in them as an alternative.</p> <p>The proposals published clearly indicate the locations of the proposed traffic calming features. The Council is satisfied that the spacing of the proposed traffic calming features met the directions stated in the Traffic Signs Regulations and General Directions 2002 (TSRGD) Section 16 (1), (2) and (3).</p> <p>The Notice of Proposals posted on site, local libraries and the Sunderland Echo all conform to the current government guidance “The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996, Schedule 1, Part I, II and III” (attached in Appendix A) on the content of the information which must be publicised and consulted upon.</p> <p>There is no requirement to explicitly demonstrate the specific distances between traffic calming features within the Order.</p> <p>“Self enforcing” in this context, would mean that vehicles would generally obey the signed speed limit without demanding regular speed enforcement by the Police.</p> <p>Additionally, Section 90E of the highways act 1980 states: “The road hump shall not be treated as constituting an obstruction to the highway but as part of the highway”</p>
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5.3 The relevant sections of legislation referred to above are detailed in Appendices A and B attached.

6.0 CONCLUSIONS

6.1 The proposed Traffic Calming and associated 20 MPH Speed Limit Zone, in streets surrounding the Barnes Junior and Infant School, have been designed to minimise any adverse impacts on drivers with disabilities, bus services and the emergency services, including ambulances, while ensuring that lower vehicle speed are achieved and that the speed limit is self enforcing.

6.2 The objections received during the consultation process have been investigated and discussed in the section above. The objections are not considered to be significant and should not be upheld.

7.0 RECOMMENDATIONS

7.1 It is therefore RECOMMENDED that: -

- (i) the formal objections to the Traffic Calming and Associated 20 MPH Speed Limit Zone should not be upheld;
- (ii) the Executive Director of City Services be requested to instruct the Head of Law and Governance to confirm the making of the proposed orders and
- (iii) the objectors be informed accordingly.

Appendix A:–

The Road Traffic Regulation Act. 1984, Part VI, Sections 81 and 82.

81 General speed limit for restricted roads.

- (1) It shall not be lawful for a person to drive a motor vehicle on a restricted road at a speed exceeding 30 miles per hour.
- (2) The Ministers acting jointly may by order made by statutory instrument and approved by a resolution of each House of Parliament increase or reduce the rate of speed fixed by subsection (1) above, either as originally enacted or as varied under this subsection.

82 What roads are restricted roads.

- (1) Subject to the provisions of this section and of section 84(3) of this Act, a road is a restricted road for the purposes of section 81 of this Act [if:-
- (a) in England and Wales, there is provided on it a system of street lighting furnished by means of lamps placed not more than 200 yards apart;
 - (b) in Scotland, there is provided on it a system of carriageway lighting furnished by means of lamps placed not more than 185 metres apart and the road is of a classification or type specified for the purposes of this subsection in regulations made by the Secretary of State.]
- (2) [The traffic authority for a road may direct]
- (a) That [the road] which is a restricted road for the purposes of section 81 of this Act shall cease to be a restricted road for those purposes, or
 - (b) That [the road] which is not a restricted road for those purposes shall become a restricted road for those purposes.

[(3) A special road is not a restricted road for the purposes of section 81 on or after the date declared by the traffic authority, by notice published in the prescribed manner, to be the date on which the special road, or the relevant part of the special road, is open for use as a special road.]

Appendix B:- “The Local Authorities’ Traffic Orders (Procedure) (England and Wales) Regulations 1996, Schedule 1, Part I, II and III”

PART I, PARTICULARS TO BE INCLUDED IN A NOTICE UNDER REGULATION 7, 17 OR 24(2)

1. The name of the order making authority.
2. The title of the order.
3. A brief statement of the general nature and effect of the order.
4. Where the order relates to a road, the name or a brief description of the road and, where appropriate, a description of the length of it to which the order relates.
5. Where the order relates to an off-street parking place or a loading area, a brief description of that place or area and of its location.
6. Where the order relates to a parking place and prescribes charges for its use or restricts the times during which, or classes of vehicle for which, it may be used, a statement of those charges, times or classes.
7. A statement that documents giving more detailed particulars of the order are available for inspection and a statement of the places at which they are so available and of the times when they may be inspected at each place.

PART II, PARTICULARS TO BE INCLUDED IN A NOTICE UNDER REGULATION 7 OR 24(2)

8. A statement that all objections and other representations relating to the order must be made in writing and that all objections must specify the grounds on which they are made.
9. The date by which objections to the order and other representations must be made and the address to which they should be sent.
10. Where applicable, the additional matters prescribed by regulation 10(1).

PART III, PARTICULARS TO BE INCLUDED IN A NOTICE UNDER REGULATION 17

11. The date on which the order is to come into force.
12. Where the order to which the notice relates is an order which has been made under section 1, 6, 9, 19, 32, 37 or 38 of the 1984 Act or a designation order, a statement that, if any person wishes to question the validity of the order or of any of its provisions on the grounds that it or they are not within the powers conferred by the Act, or that any requirement of the Act or of any instrument made under the Act has not been complied with, that person may, within 6 weeks from the date on which the order is made, apply for the purpose to the High Court.
13. Where applicable, the statements prescribed by regulation 23(3) and Schedule 5.