

ENVIRONMENT OVERVIEW AND SCRUTINY

Date Of Meeting	Wednesday 19 September 2018
Report Subject	Phase 2 Speed Limit Review Update
Cabinet Member	Cabinet Member for Streetscene and Countryside
Report Author	Chief Officer (Streetscene and Transportation)
Type Of Report	Strategic

EXECUTIVE SUMMARY

A report to Scrutiny in September 2017 provided an update on progress to address the historic anomalies within existing speed limit orders whilst also clarifying the next stage of the process which will enable delivery of a Single Consolidated Order, covering the entire highway network. The report also sought to update Scrutiny on the outcome of individual Member requests for revised speed limits in their wards, whilst clarifying the Department for Transport (DfT) National criteria against which all requests were considered.

One year on, this report seeks to update Scrutiny on the progress made to date as well as providing details of a number of legal challenges against the proposed process, which have since been overcome. This report also seeks to inform Scrutiny of the revised timelines associated with the progression of a Single Consolidated Order covering the entire highway network, whilst also clarifying proposals to expedite those member requests that were supported by DfT Criteria.

RECOMMENDATIONS

1.	That Scrutiny notes the progress made to date and acknowledge both the legal challenges and subsequent changes in approach, which have led to a delay in the process.
2.	That Scrutiny support the amended legal process in order to progress the delivery of a Single Consolidated Order.

REPORT DETAILS

1.00	PROGRESS ON DELIVERING THE REVIEW OF SPEED LIMITS ON ALL PUBLIC HIGHWAYS																		
1.01	<p>Following an initial report to Cabinet in September 2016, Streetscene and Transportation committed to undertake a review to address historic inconsistencies associated with the Authority's speed limit orders ensuring all speed limit orders, both past and present, were reviewed, corrected (if necessary) and then maintained within a single controlled environment. It was intended that the Council should progress to a single consolidated speed limit order, which would ensure confidence in both the appropriateness and legality of all speed limit orders in the County.</p>																		
1.02	<p>In the months that have proceeded the report, a number of key actions have been undertaken for which the following update is provided.</p>																		
1.03	<p>In order to eliminate the over reliance on Legal Services, Streetscene and Transportation Officers have developed a system of approved templates which has now enabled the completion of a 'Single Order' for which all speed limits (both existing and proposed) are to be advertised.</p> <p>Utilisation of this revised approach has streamlined the previous over complicated procedure standardising the order writing process for any given eventuality.</p>																		
1.04	<p>Given the enormity of scale associated with the consecutive advertisement of all speed limits within the County (both existing and proposed), it is essential that the forthcoming advertisement of proposals are both clear and reasonable when considering the requirements of the statutory consultation procedure.</p> <p>Following the proposal to advertise the 'Single Order' via the use of a modern map based schedule (rather than the historic method of written schedules), officers have now completed a map based system covering the County's entire highway network for which individual Map Books have been created for the following locations;</p> <table border="1" data-bbox="304 1559 1369 2011"> <thead> <tr> <th data-bbox="304 1559 475 1630">Map Ref. Book</th> <th data-bbox="475 1559 1369 1630">Extents of Coverage</th> </tr> </thead> <tbody> <tr> <td data-bbox="304 1630 475 1709">1</td> <td data-bbox="475 1630 1369 1709">Ffynnongroew, Gronant, Trelawynd, Gwaenysgor, Mostyn, Whitford, Greenfield & Holywell.</td> </tr> <tr> <td data-bbox="304 1709 475 1744">2</td> <td data-bbox="475 1709 1369 1744">Bagillt West, Bagillt East, Flint, Northop & Northop Hall</td> </tr> <tr> <td data-bbox="304 1744 475 1780">3</td> <td data-bbox="475 1744 1369 1780">Connah's Quay, Shotton & Sealand</td> </tr> <tr> <td data-bbox="304 1780 475 1816">4</td> <td data-bbox="475 1780 1369 1816">Caerwys, Cilcain, Brynford & Halkyn</td> </tr> <tr> <td data-bbox="304 1816 475 1852">5</td> <td data-bbox="475 1816 1369 1852">Gwernaffield, Mold & Gwernymydd</td> </tr> <tr> <td data-bbox="304 1852 475 1888">6</td> <td data-bbox="475 1852 1369 1888">New Brighton, Argoed, Buckley</td> </tr> <tr> <td data-bbox="304 1888 475 1924">7</td> <td data-bbox="475 1888 1369 1924">Ewloe, Aston, Hawarden, Mancot, Queensferry</td> </tr> <tr> <td data-bbox="304 1924 475 2011">8</td> <td data-bbox="475 1924 1369 2011">Penyffordd, Higher Kinnerton, Hope, Caergwre, Leeswood, Treuddyn & Llanfynydd</td> </tr> </tbody> </table>	Map Ref. Book	Extents of Coverage	1	Ffynnongroew, Gronant, Trelawynd, Gwaenysgor, Mostyn, Whitford, Greenfield & Holywell.	2	Bagillt West, Bagillt East, Flint, Northop & Northop Hall	3	Connah's Quay, Shotton & Sealand	4	Caerwys, Cilcain, Brynford & Halkyn	5	Gwernaffield, Mold & Gwernymydd	6	New Brighton, Argoed, Buckley	7	Ewloe, Aston, Hawarden, Mancot, Queensferry	8	Penyffordd, Higher Kinnerton, Hope, Caergwre, Leeswood, Treuddyn & Llanfynydd
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	<p>Each Map Referencing Book contains a clear indexing system thus enabling members of the public to easily locate individual areas of interest both within their immediate place of residence and across the County.</p>
1.05	<p>Following feedback provided to Members on the outcome of individual speed limit requests (enclosed within Appendix 1 for information), Officers have since met with a number of Members and their residents (where requested) in order to explain the rationale behind the outcome of individual technical surveys.</p>
1.06	<p>Whilst great effort has been made with the progression of the Consolidated Order, progress has not been without its challenges.</p> <p>In December 2017, Flintshire County Council received a challenge regarding the Authority's revised method of advertisement. As detailed within the update to Scrutiny in September 2017, the Authority proposed to move away from the archaic written order process, allowing the County's speed limits to be both viewed and advertised within a simple and easy to understand map based format.</p> <p>Despite this pragmatic and transparent approach, a formal complaint was lodged against the Authority on the basis that Map Schedules are not permitted as an alternative to the traditional written schedule. Although the Authority's approach had previously received legal approval, Streetscene thought it prudent to reaffirm this advice for which a legal statement confirming the Authority's intent was provided to the objector. The objector has now accepted this position and withdrawn the objection.</p>
1.07	<p>A further challenge was received in relation to the advertisement of 30mph speed limits.</p> <p>In accordance with National legislation, 30mph speed limits fall in to 2 distinct categories;</p> <ol style="list-style-type: none"> 1. Those that are 30mph by default of a system of Street Lighting for which an order is <u>not</u> required (Restricted Road status) and; 2. Those 30mph speed limits that do not possess a system of street lighting for which an Order <u>will</u> be required. (30mph order). <p>Although at first glance this may appear a rather simple differentiation, a system of street lighting can only be declared where there are a series of 3 street lamps present within a distance of 183m. To further complicate this matter, it is entirely possible that individual 30mph speed limits with sporadic street lighting may consist of a mixture of the 2 options described above.</p> <p>Following initial legal advice, it had previously been thought to advertise and implement all 30mph speed limits by means of a 30mph order irrespective of the presence of street lighting. The advantages of such would negate the need to differentiate between those locations that had street lighting and those locations that did not, thus simplifying what would otherwise appear to be an overly complicated process.</p>

	<p>Despite the Authority's best attempts to simplify the progression of 30mph speed limits, an objection was lodged on the basis that the Authority's approach was not supported by current legislation. Once again, although the Council's approach had previously received legal approval, Streetscene thought it prudent to clarify this advice for which an amended recommendation was given to revert back to the current process thus mitigating the potential for delays should an objection be lodged during the statutory consultation process.</p>
1.08	<p>A similar challenge was received in relation to the advertisement of 60mph speed limits.</p> <p>In accordance with National legislation, 60mph speed limits fall in to 2 distinct categories;</p> <ol style="list-style-type: none"> 1. Those 60mph speed limits that do not possess a system of street lighting and therefore will <u>not</u> require an order. (National Speed Limit). 2. Those 60mph speed limits that possess a system of street lighting for which an order <u>will</u> be required. (Derestriction Order). <p>Although initial legal advice had permitted the advertisement of all 60mph speed limits by means of an order, irrespective of the presence of street lighting, a further legal challenge was made against the Authority on the basis that the Authority's approach was not supported by current legislation.</p> <p>As per the pragmatic approach taken with the 30mph speed limit orders, despite the Authority's best attempts to simplify the progression of 60mph speed limits, further legal advice recommended to revert back to the traditional process in order to mitigate delays to the implementation of the Singular order should formal objections be lodged during the statutory consultation period.</p>
1.09	<p>For the purposes of speed limits, street lighting can take many forms and consists of County Council owned lighting columns, Community Lighting and Footway Lighting.</p> <p>Whilst the Authority's internal systems accurately record the positioning of all County Council owned and maintained Street Lighting Columns, they will not include the different classifications of lighting described above. It is therefore essential that the accurate positioning of every street lighting column is known (regardless of ownership) before determining whether or not a 30mph or 60mph speed limit will require the making of an order.</p> <p>In order to overcome this current stall in the process, a detailed survey has been internally commissioned to accurately record the extent of all street lighting on both 60mph and 30mph speed limits (regardless of ownership) for which is scheduled for completion in October this year. We can however safely assume that all residential estate roads already have a consistent system of street lighting in place and as such, these locations will not fall within the scope of the survey.</p>

	Upon completion of the survey, Officers will re-examine the data in order to determine which speed limits are regulated by 'default of Street Lighting' and those speed limits for which will need to be regulated by an order.
1.10	<p>Although it had been anticipated to advertise the Singular Order in October 2017 (as outlined within the 2017 update to Cabinet), given the delays that have occurred as a result of legal challenges, it is anticipated that the Single Order will now be advertised early in 2019.</p> <p>For those member requests that were supported by DFT Criteria, it is proposed to expedite the advertisement of the 15 proposed speed limits in November 2018 with the exception of A5119 Northop Road, Flint Mountain for which has been prioritised for advertisement in September 2018 due to an increasing number of accidents on the road.</p>
1.11	Upon completion of the required statutory process, both the Singular Order and members requests can then be consolidated with Phase 1 Speed Limit Review (completed in November 2016) which would ensure the Council would then hold a single consolidated and compliant order covering the County's highway network.
1.12	Once the single Consolidated Order is in place, a 5 year review of all existing speed limits within the County (with the exception of the areas already examined within Members requests) will be undertaken to ensure compliance with the DfT Criteria with any revisions being made via an amendment to the main Consolidation Order.

2.00 RESOURCE IMPLICATIONS

2.01 No resource implications identified. All of the works are being undertaken by staff and resources within the Streetscene & Transportation portfolio.

3.00 CONSULTATIONS REQUIRED / CARRIED OUT

3.01 With Cabinet Member.

3.02 Statutory consultation required for purposes of advertising Singular Order & Members Requests

4.00 RISK MANAGEMENT

4.01 Given the scale associated with this process, it is likely that objections will be received. Valid objections (that cannot be overruled) will be addressed via re-advertisement of the amended proposal. Those speed limits that do not receive challenge will not be open to further objection.

4.02 The Authority is at risk of legal challenge against both existing and future speed limits if the process is not validated. It will also fail in its statutory duty of care in relation to road safety in the event that speed limits are not enforceable.

5.00	APPENDICES
5.01	Appendix 1 – Matrix Assessment detailing Local Member speed limit requests.
6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Contact Officer: Stephen O Jones Telephone: 01352 704700 E-mail: stephen.o.jones@flintshire.gov.uk
7.00	GLOSSARY OF TERMS
7.01	Singular Order: The advertisement of all existing speed limits in the County (excluding those completed within Phase 1 Speed limit Review) to enable progression of a Consolidated Order. Department for Transport (DfT)