



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

CABINET

Thursday, 12 January 2023

Report of the Executive Director - Place

Green Towns

(Cabinet Member for Highways, Assets and Transport)

1. Divisions Affected

- 1.1 Buxton North and East, Buxton West, Long Eaton, Petersham, and Sawley.

2. Key Decision

- 2.1 This is a key decision because it is likely to be significant in terms of its effect on communities living or working in an area comprising two or more electoral areas in the County.

3. Purpose

- 3.1 To authorise the carrying out of public consultation on and an exhibition of a towns-wide green town initiative, specifically a proposed 20mph limit in Buxton and Long Eaton and the carrying out of before and after monitoring of air quality, the use of more sustainable forms of transport, traffic speeds, transportation behavioural patterns and its environmental impacts upon the residents and the businesses in the towns.

4. Information and Analysis

- 4.1 The Council Plan is committed to a prosperous and greener Derbyshire. Encouraging healthier and more sustainable modes of transport in and around Derbyshire's market towns provides an opportunity to support a shift to a more resilient, diverse, and clean economy. Encouraging positive changes to driver behaviour through a lower and safer speed

limit with fewer accelerations or decelerations, provides an opportunity to make a positive impact on the urban environment. A safer lower speed trafficked environment will also lend itself to encourage more people to walk and cycle rather than travel by car for short journeys. This can improve air quality and combat climate change by reducing carbon and other emissions, improve health and well-being through more physical activity, and tackle congestion on our roads.

- 4.2 There has been widespread use of 20mph schemes throughout Derbyshire over many years, particularly for casualty reduction purposes. These successful schemes have generally been associated with other forms of traffic calming, such as road humps and changes to road alignment. There has, however, been limited success with signed only schemes, where traffic calming is inappropriate for a variety of engineering, environmental or road hierarchical reasons. In Derbyshire, these signed only initiatives have tended to be in villages or on a particular section of road.
- 4.3 There has been research done nationally, which demonstrates varying levels of success, particularly from those schemes with physical road measures in place. There are also groups advocating that 20mph should be normal in built-up areas across entire County regions.
- 4.4 It is intended to carry out consultation on the introduction of 20mph speed limits in and surrounding the town centres of Buxton and Long Eaton. The consultations will be carried out over a 12-week period commencing in January 2023, starting with an exhibition, informal stakeholder engagement and then followed by formal advertisement of the speed limits. These areas have been carefully chosen for this based on having environmental impacts from road traffic that a 20mph limit may help to resolve, and their suitability for a before-and-after monitoring and evaluation exercise. The before and after monitoring will include speed surveys and air quality analysis in collaboration with the relevant district council. Officers within the Strategic Transport team undertook the initial selection exercise based on analysis of a range of relevant criteria.
- 4.5 If, following and depending on the information gained from a consultation process, 20mph limits are to be put in place in these areas, information can be gathered by before-and-after monitoring to evaluate air quality, the use of more sustainable forms of transport, traffic speeds, transportation behavioural patterns and impacts upon residents and businesses and their environment, as well as, road safety, and local peoples' opinions on their wellbeing, and 'sense of place' where they live. Each town is of a suitable population size for these types of exercise. The information to be gained from them could provide

evidence to assist future decision-making – for example, as to whether to propose similar schemes for other locations in Derbyshire.

5. Consultation

- 5.1 If the recommendation is followed, consultation to seek the views of the general public, County Council elected members and stakeholders will be undertaken, reaching out to, the public through public exhibition and meetings in the towns and media engagement where questions can be asked. This will be done in close coordination with High Peak and Erewash Borough Council colleagues to ensure that all those interested can discuss and debate the proposals. Both Councils have been consulted on the development of the proposals to date.
- 5.2 Following the consultation period, a further report would be presented to determine the findings of the consultations and whether to proceed with any speed limit traffic regulation orders.

6. Alternative Options Considered

- 6.1 The Council's Speed Management Plan outlines various alternative measures to target speed enforcement for casualty reduction reasons and alternative measures that may be considered in the absence of a collision history. The Plan would be referred to in the proposed consultation and the availability of any alternative measures for these locations would be addressed under the further report that would be presented following the consultation.

7. Implications

- 7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

8. Background Papers

- 8.1 The County Council Highway Network Management Plan
<https://www.derbyshire.gov.uk/site-elements/documents/pdf/transport-roads/roads-traffic/highway-network-management-plan.pdf>
- 8.2 The County Council Speed Management Plan
<https://www.derbyshire.gov.uk/site-elements/documents/pdf/council/meetings-decisions/meetings/cabinet/2017-11-16-speed-management-plan.pdf>

- 8.3 The Traffic Signs and General Directions Regulations 2016
<https://www.gov.uk/government/publications/traffic-signs-regulations-and-general-directions-2016-an-overview>
- 8.4 Report to Cabinet 20mph Speed Limits in Derbyshire, dated 31 January 2019 (Minute No. 03/19 refers).
- 8.5 Department for Transport commissioned study on 20mph speed limits on roads – 22 November 2018
https://www.gov.uk/government/publications/20-mph-speed-limits-on-roads?utm_source=4a35f8cc-0f02-429c-b984-0a590e326628&utm_medium=email&utm_campaign=govuk-notifications&utm_content=immediate
- 8.6 Council Plan
[Council Plan Refresh 2022-23](#)
- 8.7 Report to Cabinet 20mph Speed Limits in Derbyshire, dated 3 May 2016 (Minute No. 132/16 refers).

9. Appendices

- 9.1 Appendix 1 – Implications.
- 9.2 Appendix 2 – Technical Note.

10. Recommendation

That Cabinet:

- a) Approves the carrying out by the Council of a consultation and public engagement exercise for introduction of 20mph speed limits under the Road Traffic Regulation Act 1984 on roads in areas surrounding the town centres of Buxton and Long Eaton.

11. Reason for Recommendation

- 11.1 The areas surrounding the town centres of Buxton and Long Eaton each experience environmental impacts from road traffic that a 20mph speed limit may help to resolve. Monitoring for these impacts both before and after implementation of such a limit would also give an opportunity to further evaluate the effectiveness of 20mph speed limits and assist consideration of their potential use in other locations, in line with the Speed Management Plan section of the Highway Network Management Plan.

12. Is it necessary to waive the call-in period?

12.1 No.

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Implications

Financial

- 1.1 The initial funding for the 20mph area in Buxton and Long Eaton will be made available from the Highways Signs budget contained within 2022-2023 Capital Programme of Schemes and, if further funding is necessary, it will be from the 2023 - 2024 and will form part of the Highways signs allocation.

Legal

- 2.1 The County Council has power under section 84 of the Road Traffic Regulation Act 1984 to make speed limit orders, as it considers necessary for the purpose of controlling traffic on any highway for which it is the highway authority. The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 sets out the procedure that must be followed for making these orders.
- 2.2 The Gunning principles set out the common law principles to be observed when undertaking consultation. R v London Borough of Brent ex parte Gunning [1985] 84 LGR 168 established these principles, which set out that a consultation is only lawful when these four principles are met:
 - a) Proposals are still at a formative stage - a final decision has not yet been made, or predetermined, by the decision makers.
 - b) There is sufficient information to give 'intelligent consideration' - the information provided must relate to the consultation and must be available, accessible, and easily interpretable for consultees to provide an informed response.
 - c) There is adequate time for consideration and response - there must be sufficient opportunity for consultees to participate in the consultation. In the absence of a prescribed statutory period, there is no set timeframe for consultation, though it is considered that an eight week consultation period is sufficient in this case. The adequacy of the length of time given for consultees to respond can vary depending on the subject and extent of impact of the consultation.
 - d) 'Conscientious consideration' must be given to the consultation responses before a decision is made. Decision-makers should be able to provide evidence that they took consultation responses into account.

2.3 In coming to a decision, the Council should also have regard to the Public Sector Equality Duty (PSED) under the Equality Act 2010. The PSED requires public authorities to have "due regard" to:

- The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010 (section 149(1a)).
- The need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (section 149(1b)). This involves having due regard to the need to:
 - remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic (section 149(3)(a));
 - or 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 (section 149(3)(b)); and
 - or 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 (section 149(3)(c)).

Human Resources

3.1 The staff resources required for application received will be led by the Traffic and Safety Team with top up assistance being provided by a selected highway consultancy.

Information Technology

4.1 None.

Equalities Impact

5.1 Not applicable as 20mph speed limits are already permitted through legislative powers granted to the Council.

Corporate objectives and priorities for change

6.1 None.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None.