

THE VALE OF GLAMORGAN COUNCIL

CABINET: 7TH SEPTEMBER, 2023

REFERENCE FROM ENVIRONMENT AND REGENERATION SCRUTINY
COMMITTEE: 18TH JULY, 2023

“230 PROPOSED TRAFFIC REGULATION ORDER (TRO) FOR EXCEPTIONS TO WALES 20MPH DEFAULT SPEED LIMIT AND IMPLEMENTATION OF ANCILLARY SPEED LIMITS (REF) –

The reference from Cabinet of 6th July, 2023 as contained within the agenda was presented by the Operational Manager Engineering - Neighbourhood Services and Transport.

The Operational Manager outlined that the First Minister had announced in May 2019 that it was Welsh Government policy to set a national default 20mph limit. The Senedd approved legislation to lower the default speed limit on Restricted Roads in Wales from 30mph to 20mph on 12th July, 2022.

The Restricted Roads (20mph Speed Limit) (Wales) Order 2022 was made by Welsh Ministers on 13th July, 2022. The Order reduced the general or default speed limit for Restricted Roads, set by section 81(1) of the Road Traffic Regulation Act 1984, to 20mph. The purpose of new 20mph default speed limit was to reduce the number of collisions and severe injuries improving safety, encourage more sustainable forms of transport within local communities and help make Welsh streets more welcoming.

The default speed limit of 20mph on Restricted Roads would come into force on 17th September, 2023, except those roads identified as exceptions in accordance with Welsh Government guidance published in October 2022. Setting exceptions involved keeping the speed limit generally on ‘A’ and ‘B’ Class Restricted Roads at 30mph rather than it defaulting to 20mph.

The Operational Manager advised that the Council’s Traffic Management team had referred and interpreted the exceptions guidance provided by the Welsh Government in a consistent, reasonable, and proportionate manner to determine which sections of road on the ‘A’ and ‘B’ route network should become “exceptions” and remain 30mph. The information was used to prepare an ‘exceptions map’ in conjunction with Transport for Wales (TfW) to accurately reflect the Restricted Roads that would default to 20mph and those that were proposed to be exempt.

A Traffic Regulation Order (TRO) was prepared based on the proposed “exceptions map” for roads to remain at 30mph, together with additional ancillary speed limits considered necessary, and the statutory legal public notice of the proposed TRO was given on 22nd June, 2023 and would close by 19th July, 2023. Any comments received during the statutory consultation period, would be reviewed and reported to Cabinet for consideration and final decision.

It was reported that details of the proposed schedule and plans comprising the TRO were provided within Appendix A and B to the report. Any roads defaulting down to the reduced speed limit of 20mph did not require a TRO because of the nationwide statutory notice published by Welsh Government and would not require any changes or statutory consultation with the public or other stakeholders.

The Council's 'exceptions map' was available on Date Map Wales and the Vale's website as well as paper copies of the schedule and plans being available at the Civic Offices reception to ensure all residents could review proposals.

The Committee welcomed its first registered public speaker, Mr. Max Wallis, who was advised that they would have 3 minutes speaking time. Mr. Wallis referred to the following:

- Friends of the Earth had objected to the statement at the beginning Council's website as being misleading. The statement was meant to be in line with the Welsh Government exceptions criteria, and it was felt that decisions were wrong in respect of exceptions requested for Penarth, Llandough, Dinas Powys and Sully. Representations on that matter had been made to the Council's Monitoring Officer requesting for those exceptions to be withdrawn.
- Mr. Wallis personally knew these sites well as a cyclist and in walking to Llandough Hospital.
- Proposed changes were meant to simplify signage, but they would make it more complex, complicated, confusing and costly.
- Government guidance stated that separate speed limits should be 300 meters minimum in length, but Friends of the Earth had seen several of the exceptions being 100 metres or shorter. That covered the exception proposed for Sully and Merrie Harrier Junction to Llandough that meant that vehicles would have to accelerate uphill to reach 30mph which was wasteful and polluting.
- Exceptions proposed for the Murch at Dinas Powys down to Cogan Hill, and so on, and along Lavernock Road breached Welsh Government criteria in relation to the designated cycle paths on the road with no segregation and because of substandard footways.
- It was unclear whether the Council had surveyed pavements or looked at its Active Travel Network.

There being no points of clarification of Mr. Wallis, the Committee welcomed its second public speaker, Mrs. Hilary May.

Mrs. May was advised that she would have 3 minutes speaking time, and her points raised could be summarised as follows:

- Mrs. May was a resident of Dinas Powys, a driver, cyclist, pedestrian and a mother of school age children who walked to school. She was also a member of Vale Ways.
- Mrs. May was member of a fairly new active travel group in the Vale that welcomed the introduction of the 20mph now and limits on restricted roads

- that would make it safer for all residents and enabled more walking and cycling.
- Vale Ways was concerned that the Vale Council was not completely following Welsh Government guidance when accepting the roads and including for the most vulnerable people.
 - The guidance stated that where significant numbers of pedestrians and cyclists mixed with motor traffic, there should not be exceptions, and this criterion applied to many of the routes proposed.
 - To keep at 30mph the Council justification had been that these routes had higher volumes of daily traffic compared to urban residential streets, and as such did not meet the criteria for a road with a speed limit of 20mph. However, that was not a reason to accept a road and was not one of the Welsh Government criteria.
 - The Council was meant to address how vulnerable road users would be protected from motor traffic travelling at speeds of over 20mph, and advice on the legality of the exceptions had been sought from Charity Cycling UK, which was supportive in challenging the Council exceptions.
 - The Vale Council had policies to reduce car use and to enhance active travel, and Mrs. May urged the Council to back up words with action to reduce the speed limits on all restricted routes which did not have segregated active travel infrastructure.
 - Dinas Powys had been mentioned as had Cogan Hill which had many junctions that were tricky for drivers and another route requiring consideration was St. Nicholas Road in Barry.

In being asked points of clarification, Mrs. May outlined that Vale Ways was in the process of submitting representations as part of the consultation, but there had been difficulties as there was not a designated email address. In response, the Operational Manager stated that as there was a dedicated website with a portal to submit comments, there was no need for a separate email address. Mrs. May also commented that it was her belief that the junction between Cardiff Road and Station Road had not changed since she had lived in the area for over 15 years. She commented that the junction had “frequent collisions”.

The Operational Manager, further to the points raised by the public speakers, began by stating that it had recently been identified that the Statement of Reasons was inaccurate and did not represent the factual position in terms of how the Council had carried out its assessment. However, the Cabinet report had demonstrated how the Council had undertaken the assessment to determine the exception roads, so that had shown that the Council had followed the process as outlined in the guidance provided by Welsh Government. The Cabinet report also showed that the Council had interpreted the guidance in a reasoned and proportionate manner which was felt to be appropriate and consistent. Legal advice had also been sought regarding the Statement of Reasons and it had been determined that the Council could proceed as planned.

The Operational Manager also clarified the following:

- With regard to buffer zones, there appeared to be some misinterpretation as there were not many buffer zone areas identified on the map. However, the

Council had extended the 20mph limits by order in certain areas to make the speed limit more consistent. That would also assist the Council when it came to better and safer locations for signs which would be more visible.

- There was also mention of 100 metres short lengths of exceptions, but there were not any currently identified. The Council would be happy to look further if any evidence was presented.
- In terms of cycle routes, there were a number of routes on the Council's Active Travel Map, however, these may not have been implemented or constructed as designated cycle routes to date, and were therefore not relevant in line with Welsh Government guidance.
- In relation to exceptions through Dinas Powys, the Council had given detailed consideration to the number of pedestrians and cyclists. The Council had interpreted what the term significant meant within the guidance and considered the stretch of Cardiff Road through Dinas Powys passed a number of shops and businesses as well as a school met the criteria and would default to 20mph, however, it was considered that other areas of Cardiff Road did not currently meet the criteria and were therefore identified as exceptions. It was also noted that the road was well served by good footways and pedestrian crossing facilities.
- With regard to Station Road, the Council did not have any evidence to indicate that collisions involved pedestrians or cyclists.

Councillor S.T. Wiliam queried proposals for Jenner Road and stated that he had an objection to the exception for St. Nicholas Road, which had been raised at previous consultation events. Councillor Wiliam added that the stretch of road was a very dangerous section for residents. He also highlighted concerns with Harbour Road that linked to the Causeway and the pedestrian crossing at the bend. In response, the Operational Manager stated that Jenner Road would be 20mph because of the potential of school children walking alongside. In relation to St. Nicholas Road, he stated that the rationale for exception was that there was not a significant number of pedestrians and cyclists using the road and mixing with traffic. There was also reasonable footway infrastructure in place. With regards to Harbour Road and the road safety measures put in place, safety audits of that junction/road had been carried out. The Operational Manager added that he was unaware of any collisions, and it offered a good facility for people to cross.

The objection raised by Councillor Wiliam in relation to St. Nicholas Road was echoed by Councillor M. Hooper, who stated that by Park Avenue and the area leading to Harbour Road there were 4 pedestrian crossings which indicated that there was a need to ensure that the area was safe. Councillor Hooper also referred to the coding system used on the maps which did not appear to be straightforward, so it was important that the Council was careful with understanding the location of concerns raised by members of the public. In reply, the Operational Manager provided assurance that all comments would be carefully considered and the Council would do its best to interpret comments to ensure the locations being referred to.

Councillor S. Lloyd-Selby queried how would the exceptions be monitored. In reply, the Operational Manager clarified that the Council would work closely with the Police to understand any safety and compliance issue. There would also be the monitoring of issues reported by members of the public.

Councillor Lloyd-Selby added that perhaps some further information could be placed onto the Council's website closer to the introduction date (17th September, 2023), as a reminder, while also making it clear that concerns could be raised with the Council on an ongoing basis. It would also be useful to inform the public about how concerns could be raised. The Operational Manager wished to add that Welsh Government would be running a social media campaign and a series of public advertisements leading up to 17th September, and the Council's Communications Team would also have a programme to raise public awareness using promotional material provided by Welsh Government. The Council would also ensure that there was an easy way for the public to raise concerns.

The Operational Manager further advised that there was an expectation by Welsh Government for the Council to review speed limits for the entire road network of the Vale of Glamorgan after the 20mph default limit had been brought in. The Operational Manager advised that such a review would be a huge task that would likely take years to complete.

Councillor C. Champion highlighted concerns raised by the local communities for a stretch of road between Ystradowen and Aberthin. Councillor Champion also referred to the slip road linking Cowbridge to the A48 bypass road. That stretch of road would be 20mph which would lead to motorists join the A48 where other vehicles would be travelling around 50mph. That was potentially very dangerous. The Operational Manager stated that he would take that away as part of the TRO process.

Councillor E. Penn referred to Windsor Road and where it met Plassey Street in Penarth which was remaining 30mph. Councillor Penn stated that that road should be reduced to 20mph because there were allotments, a bus stop and houses in the area. In response, the Operational Manager referred to previous comments raised regarding following Welsh Government guidance and whilst it was recognised there were a couple of houses / businesses on the eastern side of the road as well as an allotment, that comprised a minimal development and the Council had taken the position that this was not considered to constitute or contribute a significant interaction with pedestrians and cyclists.

Councillor I. Perry then raised a series of points which could be summarised as follows:

- The TROs would increase speed limits by 50% from 20mph to 30mph, so there was the possibility of increased collisions if no further action was taken.
- As the Statement of Reasons was inaccurate and did not reflect the process taken and because it was a legal document, then that meant that the consultation had been flawed. Members of the public may be unaware of the inaccuracies and their comments misled.
- The report referred to collaboration and the use of local knowledge, but it was unclear whether there had been any within Councillor Perry's Ward as local residents were unsure of where Kings Land Lane was.

- It was reported that volumes of traffic would not be taken into consideration but Western Avenue in Cardiff, which was one of the busiest roads in Wales, was defaulting to 20mph.
- It was unclear whether the public were fully aware of the reasons for the exceptions.
- There had been limited social media input and newspaper circulation was reducing.
- With regard to St. Nicholas, Councillor Perry had measured the distance from the school gate to the A48 as being 79m, yet Transport of Wales had measured it as 135m probably by using the Geographical Information System.
- There was a narrow definition of 'Place' within the Guidance which did not take into account key buildings of Planning Guidance.
- St. Nicholas also had very narrow footways and a number of pedestrian crossings as well as the Millennium Heritage Trail. There were also local residents that would regularly walk their dogs and travel a short distance by car to avoid very narrow footways. That was one of the reasons for the introduction of the new 20mph speed limit.
- The Scrutiny Committee needed to recommend to Cabinet for the Council to use the "precautionary principle" and ensure that there were strong and well informed decisions relating to the 20mph exceptions.

In reply to some of the points raised, the Operational Manager indicated that he had already commented on the Statement of Reasons and legal advice had been sought which considered that there was no impact to the legality of the document. With regard to the points relating to St. Nicholas, the Operational Manager stated that a detailed response had been provided to Councillor Perry via email outlining why there had been an exception to the 20mph speed limit. The Operational Manager added that he would dispute the 79m distance to the A48, as Councillor Perry may have been referring to a private nursery, of which there was no reference to within the guidance. The Operational Manager commented that the Council had strived hard to ensure the inaccuracies were as minimal as possible, but there may be some errors given the complex nature of the exercise undertaken.

Councillor A. Ernest commented that he was of the opinion that not all of the public were supportive of the introduction of 20mph zones, highlighting that the many stretches of uphill roads in the Vale would cause environment issues as modern cars travelling at 20mph were extremely inefficient and would lead to an increase in pollution. Modern cars were designed to travel at 30 to 40mph, so the proposals were going to greatly impact residents living by those roads. There were also the issues of resources, with the Vale of Glamorgan Council facing restricted budgets which could mean that it would be 2 or 3 years before sufficient funds became available for further changes. Councillor Ernest also commented that there had been reference to cyclists on the roads, but for many roads that was not the case, so he questioned the evidence to show that certain 20mph zones were required.

The Chair asked the Scrutiny Committee whether there were any specific recommendations to be made to Cabinet. Councillor William indicated he would like Cabinet to note the Scrutiny Committee's approval subject to the removal of St. Nicholas Road. The recommendation having been seconded and voted upon was defeated.

The Committee subsequently agreed to a recommendation put forward by the Councillor Champion (formally seconded by Councillor Wiliam), for the comments raised by the Scrutiny Committee to be referred to Cabinet for its consideration.

It was

RECOMMENDED – T H A T the comments of the Environment and Regeneration Scrutiny Committee in relation to the proposed Traffic Regulation Order (TRO) for exceptions to Wales 20mph Default Speed Limit and Implementation of Ancillary Speed Limits report be referred to Cabinet.

Reason for recommendation

Having regard to the contents of the report and discussions at the meeting.”