



Report of the Cabinet Member for Environment & Infrastructure

Cabinet - 23 March 2023

National 20 Mph Default Speed Limit Including Consideration of the Exemptions Process

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| Purpose: | This report has been prepared to advise members on the proposal to make the national default speed limit on restricted roads 20mph and detail those roads which will be exempt and remain at 30mph. The report sets out the consultation process to be followed and seeks confirmation of the approach taken. |
| Policy Framework: | Restricted Roads (20mph Speed Limit) (Wales) Order 2022, Road Traffic Regulation Act 1984, Active Travel (Wales) Act (2013), The Well-being of Future Generations Act (2015). |
| Consultation: | Access to Services, Finance, Legal. |
| Recommendation(s): | That Cabinet: <ol style="list-style-type: none"> 1) Note the mandatory Welsh Government requirement to implement a default 20mph in Swansea 2) Endorse the approach detailed in the report in respect of the implementation of the 20mph default speed limit in Swansea 3) Agree to delegate authority to the Cabinet Member for Environment and Infrastructure to approve the exceptions agreed with individual ward members leading to the formal public advertisement of the appropriate Traffic Regulation Orders. |
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1. Introduction

- 1.1 The following report has been prepared to advise on the Welsh Government initiative to lower the speed limit on restricted roads. The legislation for this was passed by the Senedd in July 2022 and will come into effect on 17 September 2023. The effect of this will be to change the speed limit on all restricted roads, i.e. those roads which have a street lighting system, from the existing 30mph to 20mph.
- 1.2 Welsh Government, in passing the legislation, have noted that this lowered limit may not be suitable for all roads and invited Local Authorities to consider those roads which it may be appropriate to maintain the 30mph restriction. Consequently, they have provided guidance to identify such roads with the ambition of ensuring that there is a consistency in approach throughout Wales.
- 1.3 The report therefore continues to consider roads which should be exempt and remain at 30mph. The report describes the legal processes which have to be followed to enable this as well as the consultation required. The exemptions proposed are presented in the Appendix A to the report. It should be noted that this list may be amended as consultation progresses with members before the formal consultation to the wider public.

2. Implementation of the National 20mph rollout and exemption process

2.1 Current Position

- 2.1.1 As set out in Part VI of the Road Traffic Regulation Act, at present restricted roads throughout the UK have a 30mph speed limit. These are defined as roads which operate with a system of street lighting. A traffic regulation order is required to change this which offers the public an opportunity to comment on any proposal to lower or increase this limit.
- 2.1.2 This position will change in Wales on 17 September 2023. The “Restricted Roads (20mph Speed Limit) (Wales) Order 2022” was passed by the Senedd. This has the effect that all roads, with a system of street lighting, will have a default speed limit of 20mph unless there is a Traffic Regulation Order, either already in place, or progressed by that date. This means that street lit roads with a speed limit of 40, 50 or 60mph will continue to operate at that limit but where the existing limit is 30 mph Traffic Orders will be required to keep this limit.
- 2.1.3 Welsh Government (WG) have recognised that 20mph may not be appropriate for all restricted roads and suggested that Local Authorities should consider those roads which it may be appropriate to keep at the current limit and develop a case for doing so. To assist Council’s in this process WG provided detailed guidance in setting exceptions. A link to this guidance has been included in the background papers.

2.1.4 The guidance has been prepared to seek conformity in the approach taken across Wales but recognising that local factors and circumstances are taken into account. However it sets out Welsh Government's aspiration to meet the Stockholm declaration (Para 1.2.3), "a 20mph speed limit should be set where pedestrians and/or cyclists and motor vehicles mix in a frequent manner, except where strong evidence exists that higher speeds are safe."

2.1.5 The guidance focuses on two key questions

Question A: Are there significant numbers (or potential numbers, if speeds were lower) of pedestrians and cyclists travelling along or across the road? If the answer is 'no' then an exception for a 30mph speed limit may be appropriate.

Question B: If the answer to A is 'yes', are the pedestrians and cyclists mixing with motor traffic?

If the answer to B is 'no' then a 30mph speed limit exception may be appropriate.

If the answer to B is 'yes' then a 20mph speed limit will be appropriate unless the robust and evidenced application of local factors indicates otherwise.

2.1.6 In line with this guidance officers have reviewed the operation of the roads network throughout the city and county area and developed plans showing those roads which are considered to be exempt. These are characteristically key distributor roads with limited interaction between pedestrian and cyclists and which have a demonstrably good safety record between vulnerable users and regular traffic. Full consideration has been made of the locality of community centres and schools in the development of the plans. These plans are included as Appendix A to the report.

2.2 Consultation Process and timing.

2.2.1 In addition to the area maps included in Appendix A, officers have prepared individual maps for each ward showing those roads which are considered to be exempt. These maps were circulated to all ward members for their information and comment on 1 February. Due to the extent of the proposals Traffic Management officers have been providing support to discuss the impact that the proposals will have on each individual ward and discuss potential amendments with Members prior to making the plans available to the public. It is proposed that the public consultation should commence once members comments have been addressed and on acceptance of the recommendations in the report.

2.2.2 Welsh Government are proposing to commence their information rollout on the overall ambition of the proposals in March 2023. To take advantage of this it is proposed that Swansea should target commencement of its public engagement to synchronize with this timescale. However, to meet this ambition, this will require all Member consultations to be completed in

February to enable mapping to be put up on line showing those roads to remain exempt.

- 2.2.3 As outlined above, this would in turn lead to the formal consultation process. Where an exception is identified and agreed with members, an appropriate traffic order must initially be advertised in accordance with procedural rules set out in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 under section 84 of the Road Traffic Regulation Act 1984. This requires the Authority to invite comment from the general public on their proposals for a period of three weeks. It also requires the Authority to undertake Statutory Consultations with key stakeholders. These include the Police, Fire and Ambulance Services, Community Councils, Road Haulage and Freight Transport Associations, Mobility Groups and Bus and Taxi operators.
- 2.2.4 As the new default limit will not come into force until 17 September, it will be important to highlight in the Notice and supporting information that the Council recognise the impact of the forthcoming change in the default speed limit and clearly and robustly set out the reasons why 30mph remains the appropriate speed limit on the exempt roads identified. At the end of the three week consultative period, any representations received will be assessed against the Welsh Government Guidance on the exceptions process. It should be noted that objections to the 20mph provision itself will not be considered. A report will then be prepared proposing a course of Action for the Cabinet Member for Environment and Infrastructure to consider.
- 2.2.5 The conclusion of this process will result in the formal making of the Order for those roads considered to be exceptions. This will be timed to coincide with the Restricted Roads (20mph Speed Limit) (Wales) Order 2022 coming into effect on 17 September.

2.3 Implementation

- 2.3.1 Welsh Government have provided a grant of £551k in 22/23 to undertake preparatory works. This funding has been used to date to support the design and development of the scheme and pre-purchase signs and posts. Welsh Government have also been advised that based on current understanding, a further £2.952million will be required to install these signs and carry out works to the highway and signing infrastructure to support the change in limit. A formal bid for this funding has recently been submitted.
- 2.3.2 Following the completion of the consultation process and consideration of comments received, and subject to funding being made available from WG, works will commence on the implementation. Initially this will focus on the erection of posts and removal of road markings which will be inconsistent with the new arrangement of speed limits. Closer to September covered signs will be erected showing the new limits. Following the 17 September there will be an intensive period of works which will

require all inconsistent signs being removed and the new signing uncovered. In overall terms, around 500 new posts will be required with 1,000 new signs and 2,100 existing signs removed. In addition 950 road markings will have to be removed. At present this is programmed to be completed by 31 March 2024.

3. General Issues

3.1 Staffing Implications

3.2 The grant awarded has an allowance for fee built into the award. This will be used in supporting the operation of the Highways section in developing and delivering the change in speed limit.

4. Integrated Assessment Implications

4.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

4.1.1 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

4.1.2 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

4.2 The requirement to change the speed limits has been brought about as a consequence of a change in legislation introduced by Welsh Government.

In implementing the changes the Council will follow all guidance provided by Welsh Government.

In terms of involvement, the Council have a statutory duty to ensure that all Traffic Regulation Orders, lining and signing works are carried out to meet the demands of the timetable set by Welsh Government. Full and transparent consultation processes will be undertaken with key stakeholders as well as the wider general public in undertaking this duty.

The overall impact, as assessed by Welsh Government, is positive. The measures have been developed to support road safety, address key sustainability issues and create an environment which is safer for walkers and cyclists. However, this may lead to increased journey times for those in motorised transport with associated impact on business and public transport provision.

- 4.3 The works will be designed taking full account of the requirements to support the use of Welsh language. All traffic signs will be bi-lingual with Welsh appearing first.
- 4.4 An Integrated Impact Assessment (IIA) screening form has been completed with the agreed outcome that a full IIA report was not required. The screening concluded that the measures will support and have a positive impact on people of all ages in the community travelling sustainably. This will form a key measure in meeting the aspirations set out in the Well-being of Future Generations (Wales) Act and Active Travel (Wales) Act. The cumulative impact is seen as being positive. A copy has been appended to the report as Appendix A.

5. Financial Implications

- 5.1 In the current financial year 22/23, Welsh Government have provided grant allocation of up to £551k. The grant expires on 31st March 2023, any unclaimed grant will be lost to the Authority.
- 5.2 The funding is being used to meet the advance costs associated with the rollout of the 20mph default limit. This has been used in developing the plans to date and purchasing signs and posts required for the forthcoming changes to the speed limits. This funding will also be used to support the consultation process which will be required to develop any exemptions agree to the new default 20mph limit.
- 5.3 Welsh Government have invited Local Authorities to bid for funding to support the implementation works required in financial year 23/24. This is currently estimated as being £2.952 million to introduce all new signing and remove obsolete signs and markings. This will also include for staff costs in managing and developing the programme of works.
- 5.4 There is currently no information available in relation to financial support for any longer term issues associated with the change.

6. Legal Implications

- 6.1 The “Restricted Roads (20mph Speed Limit) (Wales) Order 2022” has been passed and comes into effect on 17 September 2022. This will have the effect of making the speed limit on restricted roads 20mph from the current 30mph. WG recognised that this may not be appropriate for all roads with a street lighting system and that local factors may influence those roads for which it may be appropriate to retain the existing speed limit through the progression of Traffic Regulation Orders. To assist Local Authorities they have produced a guidance document which sets out principles to be followed.
- 6.2 In developing Traffic Regulation Orders to retain keep the 30mph limit on sections of road it will be necessary to develop robust arguments in support of the decision made. In line with the produced guidance, this support should focus on the potential interaction between vulnerable road users and traffic and seek to confirm that the existing traffic movements are safe. In taking this approach it will lessen the potential of legal challenge to the Traffic Regulation Order process and a speedier progression of the overall Legal process.
- 6.3 The Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996 was made pursuant to the Road Traffic Regulation Act 1984 Act and together prescribes the procedures to be undertaken when making an order of the nature proposed by this report. The procedure includes the obligation to consult prior to the making of an order, and the requirement to consider any objections received as a result of the consultation before the decision is made whether or not to implement the order.
- 6.4 Legal officers will continue to work with those from Highways and Transportation to support this process as it develops.

Background Papers:

<https://gov.wales/setting-exceptions-20mph-defaults-speed-limit-restricted-roads-html>

- Appendix A** Proposed Exemptions
Appendix B IIA Screening Form