

# CHESHIRE EAST COUNCIL

## Cabinet

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<b>Date of Meeting:</b>	14 <sup>th</sup> October 2014
<b>Report of:</b>	Caroline Simpson, Director of Economic Growth and Prosperity
<b>Subject/Title:</b>	Notice of Motion – Making of Roads on New Estates Subject to a 20 mph Speed Limit
<b>Portfolio Holder:</b>	Cllr David Topping, Service Commissioning

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### 1.0 Report Summary

- 1.1 The purpose of this report is to consider and respond to the following motion which had been moved by Councillor Fletcher and seconded by Councillor Nelson at the Council meeting on 17<sup>th</sup> July 2014, and referred to Cabinet for consideration:

**Notice of Motion – Making of Roads on New Estates subject to a 20 mph Speed Limit”**

The motion stated:

*“Most, if not all, new approved Planning Applications for large estates have a condition that the developers build the road in a way that is unsuitable for driving at speeds in excess of 20mph.*

*However, it appears that not all residents or visitors to these estates are aware that the roads on these new estates are usually set at different levels can damage their vehicles if they drive in excess of 20mph.*

*Local garages have stated that the increase in damage to cars is being caused by potholes, the poor state of Cheshire roads, and driving at excess speed over road humps.*

*The Council therefore calls for official 20mph speed limits to be imposed when Cheshire East Planning Department imposes a condition that roads be built to ensure that speeds are limited to 20mph maximum and that any associated legal costs and erection of signs is paid for by the developers.”*

- 1.2 This report examines the opportunities and effects of two options for the control of traffic speed on new estate roads which come forward through new development proposals.

It seeks to identify the merits and/or disbenefits of methods by which a 20mph design speed or regulated traffic speed can be achieved under those two options.

The options are to either: create a design for the layout of new housing roads which will be self regulating at a 20mph design speed., or: impose Traffic Regulation Orders which will put in place legislative control for a 20mph speed limit on the roads in question.

## **2.0 Recommendations**

- 2.1 That for new residential developments where it is appropriate and where there is Local Demand, the Council will support the provision of a highway environment which creates a self-enforcing 20mph design speed.
- 2.2 That the motion for imposing 20mph speed limits on all new developments be rejected.

## **3.0 Reasons for Recommendations**

- 3.1 The design led approach to managing speed is appropriate and aligns with national policy and guidance. It does not include vertical traffic calming features such as road humps which are not supported by this Authority.
- 3.2 Traffic Regulation Orders are costly and cannot be supported through planning conditions as they fall under Highway Legislation. Developers may resist the requirement to pay for TRO's if they have a 20mph design in place. Orders would require signing maintenance and would be unlikely to be enforced.
- 3.3 To ensure that a 'blanket' application of 20mph limits does not provide an argument for development to occur in unsustainable locations.

## **4.0 Wards Affected**

- 4.1 All

## **5.0 Local Ward Members**

- 5.1 All

## **6.0 Policy Implications**

- 6.1 Maintain current Planning & Highway Development Management approach

## **7.0 Implications for Rural Communities**

- 7.1 Would affect new residential development.

## **8.0 Financial Implications**

8.1 None

## **9.0 Legal Implications**

9.1 None

## **10.0 Risk Management**

10.1 In cases where, even through careful design, there is perceived speeding issue a traffic regulation order can be implemented.

## **11.0 Background and Options**

### **11.1 Option 1 - 20mph by design:**

- Manual for Streets (2007) offers guidance on street design and place making which gives hierarchy to new estate roads and can provide a layout design which creates a 20 mph design speed through various design elements.
- The Strategic Highways Development Control team in liaison with the planning department negotiate new estate design to provide quality place making. This includes for geometry and alignment which will provide a 20 mph design speed.
- Manual for Streets design approach is not based on the old 'traffic calming' approach which is not supported by this Authority, but includes for a descending hierarchy which restricts vehicles and their speed and includes for tighter junction designs, lateral deflections, shorter unrestricted lengths of carriageway, pedestrian priority designs and material and environment changes which all serve to produce a lower vehicle speed.

### **Option 2 - Traffic Regulation Order:**

- Traffic Regulation Orders could be imposed on new estate roads once formally adopted as public highway in order to legally restrict vehicle speed to 20 mph.

Note: there are a number of caveats which can affect this option:

- A Traffic regulation Order cannot be the subject of a planning condition as it falls under legislation other than planning legislation and if conditioned and the TRO failed at legal process the developer would be in breach of planning condition and the granted permission with be rendered unlawful.

- A Traffic Regulation Order can only be imposed once a new estate has been formally adopted as public highway which may mean that a new development subject to build out over a few years may not have a TRO imposed for a lengthy period of time.
- The imposition of a 20 mph speed limit would require on street signing which may be considered detrimental to the street scene due to signing proliferation – something which the LPA may wish to comment upon.
- In order for TRO's to be funded it is likely the Authority would require developers to provide funding for the legal advertisement and signing of the Traffic regulation Order if CEC policy required TRO's to be imposed once adoption was complete. This would mean negotiating a capital sum under a Section 106 agreement at the time of the planning process - which would need to be estimated - and agreeing a suitable length of time for the money to be held by the Authority in order that it was available when in the fullness of time the development was formally adopted.
- It is entirely possible that a developer – having agreed a high quality design which provides a 20mph design speed – may object to a requirement for the funding for a TRO as it could be considered both unreasonable and not appropriate against the requirements of the National Planning Policy Framework.
- In addition, and in making this decision, weight must be given to the probability that if the Authority policy was to provide 20mph Traffic Regulation Orders, that residents on existing residential developments may view this precedent and this could begin a series of requests for similar TRO's on existing estate roads which are currently subject to a 30mph speed limit due to street lighting provision.
- Finally, weight must be given to the likelihood of enforcement of an imposed 20mph speed limit by Cheshire Constabulary and whether this would be a practical likelihood.

## **12.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

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