

Committee:	Rights of Way Committee
Meeting Date:	14 January 2014
Lead Councillor/s:	Councillor Graham Newman, Cabinet Member for Roads and Transport
Local Councillor/s:	Councillor Keith Patience, Councillor Janet Craig, Councillor Bert Poole and Councillor Leonard Jacklin
Director:	Mark Hardingham, Chief Fire Officer, Suffolk Fire and Rescue Service & Public Protection, Highways and Transport
Assistant Director or Head of Service:	Andrew Guttridge, Assistant Director of Highways and Transport
Author:	Will Marshall, Senior Transport Planner, Telephone 01473 264814, or e-mail: will.marshall@suffolk.gov.uk

Suffolk County Council (Lowestoft Northern Spine Road and Side Roads) (30 and 40 mph speed limit) Order 20-

Brief summary of report

1. To consider objections to the advertised Traffic Regulation Orders (TRO) for the introduction and retaining of 30 and 40 mph speed limits on phase 5 of the Lowestoft Northern Spine Road, the new five-armed roundabout at its northern end, and on existing or newly aligned side-roads and main roads.
2. There have been three objections received to the advertised retaining of the speed limit of 40 mph in both directions on the stretch of the A12 (Yarmouth Road) that runs from just north of the Yarmouth Road/Bentley Drive/Leisure Way roundabout to and including the the new five-armed roundabout mentioned above. Part of this stretch of road is to be realigned to accommodate the roundabout at the northern end of the Northern Spine Road.

Action recommended

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| <ol style="list-style-type: none"> 3. That the Cabinet Member for Roads and Transport be recommended to approve the making of the Suffolk County Council (Lowestoft Northern Spine Road and Spine Roads) (30 mph and 40 mph speed limit) Order 20- as advertised. |
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Reason for recommendation

4. Suffolk County Council, as the local highway authority for Suffolk, was asked by residents living in houses on Yarmouth Road, to review its proposal to retain the existing speed limit of 40 mph on the stretch of Yarmouth Road which runs from the Yarmouth Road/Bentley Drive/Leisure Way roundabout to and including the new five-armed roundabout that

connects a newly aligned Yarmouth Road with the A12 (north), a newly aligned Blundeston Road, Phase 5 of the Northern Spine Road, and Corton Long Lane. This roundabout and A12 (north and south) is maintained and managed by the Highways Agency (HA) as part of the national road network. The HA has the authority to change or retain the speed limit on this road. The Highways Agency concluded, in their discussions with County Council Officers, that the current speed limit has been set in accordance with guidance from the Department of Transport, and that they would only consider changing the speed limit if there was a change in the density of housing on or close to this stretch of road, or if there was a high rate of road accidents on it that were specifically linked to there being an inappropriate speed limit. They would also consider changing the speed limit if there were a change in the guidance issued to them by the Department of Transport. As none of these things has happened, they are minded to retain the existing speed limit.

Alternative options

5. Continue to liaise with the Highways Agency and Suffolk Constabulary and persuade them to change the speed limit to 30 mph as requested by the objectors.

Who will be affected by this decision?

6. Residents who live in houses on or close to the stretch of the A12 mentioned above. Motorists who use this stretch of road will also be affected, as will pedestrians and cyclists who use the pavement on either side of Yarmouth Road.

Main body of report

Background

7. The order is the outcome of the construction of Phase 5 of the Lowestoft Northern Spine Road which is set to open to motorists on 26 March 2015.
8. The proposal is part of an order which includes the implementation of new speed limit of 40 mph on Phase 5 of the Lowestoft Northern Spine Road for a distance of 1030 metres, and a speed limit of 40mph for the whole of the circumference of the new five-armed roundabout at its northern end. It also included a proposal to retain the existing speed limit of 30 mph on the newly aligned Blundeston Road and Corton Long Lane, and the existing speed limit of 40 mph on the re-aligned stretch of Yarmouth Road immediately south of the new roundabout.

Consultation

9. The draft TRO was advertised in the Lowestoft Journal between the 24 October 2014 and 17 November 2014. A copy of the draft TRO is included as appendix B of this report. Copies of the draft TRO, the plan, and the statement of reasons were also placed in Lowestoft Library and in Endeavour House, Ipswich, for members of the public to view in person for the same period of time.

Objections

10. The following persons are considered to have formally objected to the published notice:
 - a) Mr and Mrs S. Kinder, Whitecroft, Blundeston Road, Lowestoft

- b) Mr and Mrs B. Jones, 334 Yarmouth Road, Lowestoft, NR32 5DB
 - c) Mr and Mrs D. Wood, Wayside, Blundeston Road, Corton, Lowestoft, NR32 5DD
11. The objections received contained three main themes. These were:
- a) That the speed limit on the new roundabout and on the stretch of Yarmouth Road immediately south of it be reviewed to preserve the safety of motorists, and the safety of pedestrians and cyclists that use the pavement on the eastern side of the road. The Objectors are concerned at the speed at which they see motorists approaching and exiting the new roundabout to head south towards Lowestoft town centre. The objectors reported this is causing motorists to take the newly aligned stretch of Yarmouth Road, which contains a right-hand bend, too fast. They fear that motorists will, having exited a dual carriageway, under-steer on this bend causing them to mount the pavement and collide with pedestrians, and to hit the front garden wall of one of the objectors. Unfortunately, a motorist collided with the front garden wall of Mr and Mrs Jones' home on the morning of 18 November 2014.
 - b) That the new roundabout and the stretch of Yarmouth Road immediately south of it be reduced to 30 mph.
 - c) That the safety measures proposed to reduce driver speeds as part of the scheme be reviewed and barrier protection for pedestrians using the pavement on the eastern side of Yarmouth Road immediately south of the new roundabout be considered. Two of the objectors also asked that the speed limit be reviewed because of the number of collisions at the point at which Blundeston Road and Corton Long Lane meet Yarmouth Road.

Officer Comments

12. The roundabout and stretch of road in question are managed and maintained by the Highways Agency (HA) as part of the national road network. The HA has the authority to retain or change speed limits on them, not Suffolk County Council. On Wednesday 26 November 2014 an Officer in the Transport Strategy team held a telephone conversation with an employee of the Highways Agency in which he described the nature of the objections mentioned above. The Officer enquired whether the HA would consider changing the speed limit on the stretch of road in question from 40 mph to 30 mph. The HA responded that it adheres to the guidance given by the Department of Transport when setting, changing, or retaining speed limits. The current guidance is the Department of Transport Circular 01/2013, *Setting Local Speed Limits* (see web-link attached). Paragraph 109, on page 26 of this guidance states that:

“Roads suitable for 40 mph are generally higher-quality suburban roads or those on the outskirts of urban areas where there is little development. They should have good width and layout, parking and waiting restrictions in operation, and buildings set back from the road. These roads should, wherever possible, cater for the needs of non-motorised road users through segregation of road space, and have adequate footways and crossing places. Alternatively, traffic authorities should consider whether there are convenient alternative routes available.”

13. The stretch of Yarmouth Road mentioned is a single-carriageway suburban road on the outskirts of the urban area of Lowestoft. There is little development other than suburban housing which is set back from the main road, as well as agricultural land and other land and buildings which form part of Gunton Hall Holiday Resort. Pedestrians and cyclists are separated from motorised traffic by pavement on both sides of the road between the Yarmouth Road/Leisure Way/Bentley Drive roundabout to where the new roundabout will be. The Highways Agency is allowing Suffolk County Council to include a toucan crossing on Yarmouth Road immediately south of the new roundabout as part of the scheme to build phase 5 of the Northern Spine Road. It is the view of the HA that the current speed limit adheres to this guidance and that it would only be reviewed subject to a change in the instance of new guidance coming forward, of more development in the area, or of a high number of accidents on this stretch of Yarmouth Road being caused by an inappropriate speed limit being set.
14. Suffolk County Council's own road accident report data indicates that there have been a total of 13 road accidents on this stretch of Yarmouth Road immediately south of the new roundabout between 27 August 2009 and 28 January 2014. Of these, 12 stated that driver, motorcyclist, or cyclist error was the cause and 1 stated that a diesel spill from a heavy commercial vehicle was the principle cause. None of the accident reports stated an inappropriate speed limit as a cause. Nine of the accidents involved drivers making errors while turning into or out of Corton Long Lane or Blundeston Road, or following behind vehicles that signalled to do so. The provision of a new 5-armed roundabout, together with new alignments for the ends of Blundeston Road and Yarmouth Road nearest to it, would be more likely to slow the pace of traffic using Yarmouth Road and make drivers more conscientious than the unsignalised T-junctions that currently connect Corton Long Lane and Blundeston Road with Yarmouth Road.
15. In his e-mailed objection to the County Council of Monday 27 October 2014, Mr Jones stated that, in the summer of 2012, the front garden wall of his property was damaged in a road accident caused by a motorist driving at too high a speed. However, we can find no records of this accident. On the morning of 18 November 2014 another driver heading south on Yarmouth Road collided with Mr Jones' garden wall while trying to avoid a moving vehicle in front. Mr Jones reported this to the County Council. Suffolk Constabulary reported that this was caused by the driver who hit the wall driving too close to the car in front and having to take evasive action, and that there is no evidence to suggest that it was caused by the current speed limit being inappropriate for the area.
16. A Suffolk County Council Officer also liaised over the telephone and by e-mail with the Suffolk Constabulary on this issue in December 2014. The Officer responding on its behalf stated that the Constabulary would object to any suggestion that the speed limit along Yarmouth Road (south of the new roundabout) be reduced to 30 mph on the grounds that there are no obstructions along this route and not enough pedestrian traffic to justify the reduction. The Officer also stated, in line with evidence described in paragraph 14 above, that a number of accidents have been caused on that particular stretch of road have been through motorists pulling into and out of the junction that links Corton Long Lane with Yarmouth Road having difficulty seeing and judging the speed of oncoming traffic. This problem will be solved by the new roundabout being able to slow the pace of oncoming

traffic down. The Officer also suggested that the recent accident described in paragraph 15 above was down to driver error.

Summary

17. To conclude, residents who live in three households close to Yarmouth Road have objected to the proposal of a new speed limit of 40 mph on the new five-armed roundabout at the northern end of phase 5 of the Lowestoft Northern Spine Road. These same residents have also objected to the proposal to retain the existing speed limit of 40 mph along the stretch of the A12 (Yarmouth Road) that lies immediately to the south-east of the new roundabout. They feel that the speed limit on the roundabout and on the stretch of road immediately south-east of it should be reduced to 30 mph.
18. They feel that the current speed limit is leading to motorists driving at inappropriate speeds whilst travelling along Yarmouth Road (North and South). This leads to collisions with motorists turning into and out of the existing junctions with Corton Long Lane and Blundeston Road. It is also causing motorists to take the right-hand bend on the newly aligned stretch of the A12 immediately south-east of the new roundabout to collide with the pavement on the eastern side of the road and with the front garden wall of the home of one of the objecting residents.
19. These objections have been considered thoroughly by Officers and other bodies they have consulted. Officers believe that although there have been a number of collisions at the existing un-signalled junctions, and one motorist did collide with the front garden wall of the home of one of the objectors, the case for confirming the existing orders outweighs the case for upholding the objections. Firstly, evidence gathered by Suffolk Constabulary and Suffolk County Council's Road Safety team, shows that these collisions were caused by individual driver errors and not by inappropriate speed limits. However, Suffolk County Council will, in accordance with standard highway project evaluation procedures, monitor the effect the new roundabout has in slowing north and south-bound traffic on Yarmouth Road and reducing the number of collisions. Secondly, the HA, who manage and maintain the existing A12 and will manage the new roundabout, and has the authority to change or retain speed limits, believes that it adhered to current guidance issued to it by the Department of Transport when setting these, and that a case could only be made for changing these if different guidance were issued. Thirdly, Suffolk Constabulary, who is responsible for enforcing speed limits, does not believe that there is a case for 30 mph speed limits on this part of the road network and has said it would strongly object to any proposal to implement them.

Human Rights Act 1998

20. The objections need to be considered in the light of the Human Rights Act 1998, s. 6 of which prohibits public authorities from acting in a way which is incompatible with the European Convention on Human Rights. Two specific convention rights may be relevant:
 - a) Entitlement to a fair and public hearing in the determination of a person's civil and political rights (Convention Article 6) which includes property rights and can include opportunities to be heard in the consultation process; and
 - b) Peaceful enjoyment of possessions (including property), subject to the State's right to enforce such laws as it deems necessary to control the

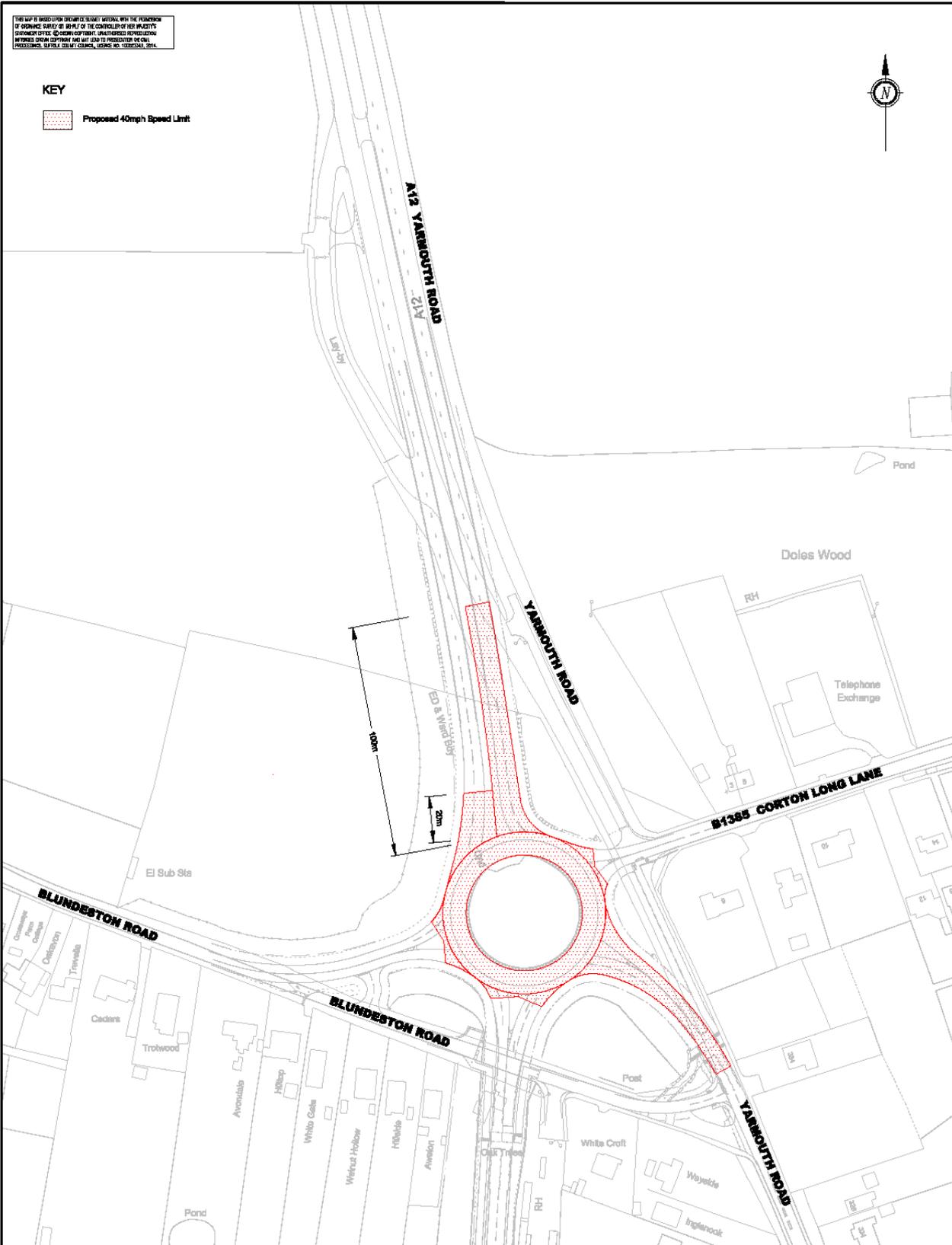
use of property in accordance with the general interest (First Protocol Article 1).

21. Other rights may also be affected including individuals' rights to respect for private and family life and home.
22. Regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole. Both public and private interests are to be taken into account in the exercise of the Council's powers and duties as a traffic authority. Any interference with a Convention right must be necessary and proportionate.
23. The Council is required to consider carefully the balance to be struck between individual rights and the wider public interest. In this case, officers consider that the interference with Convention rights, if there is any, will be justified in order to secure the significant benefits in improving access and road safety.

Sources of Further Information

Department of Transport (2013), Circular 01/2013: *Setting Local Speed Limits*,

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/63975/circular-01-2013.pdf



Suffolk Highways
KIER MG
 Building Tomorrow's Environment
 Neilson Wilson, Contract Manager of Suffolk Highways
 Phoenix House Highways Dept., 2 Oaklands Road, Ipswich, Suffolk, IP1 3DP.

<p>Suffolk County Council Long Walk, Ipswich, Suffolk, IP1 1PU</p>	CLIXIV REVISION(S) DESCRIPTION REV. DATE BY TL
	PROJECT TITLE LOWESTOFT NORTHERN SPINE RD PHASE V HIGHWAYS AGENCY DRAWING TITLE TRO - Speed Limits

ORIGINATOR SJR SCALE(S) 1:1000	CHECKER ORIGINAL SIZE A2 DATE 9/12/2014	DESIGNER DRAWING NUMBER S369R507-05	REVIEWER REVISION
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APPENDIX B

SUFFOLK COUNTY COUNCIL (LOWESTOFT NORTHERN SPINE ROAD AND SIDE ROADS) (30 MPH AND 40 MPH SPEED LIMIT ORDER 201-

Suffolk County Council in exercise of its powers under Section 84 (1) (a) and (2) of the Road Traffic Regulation Act 1984, as amended, (hereinafter referred to as 'the Act of 1984') and of all other enabling powers, and with the permission of the Department for Transport, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act of 1984, hereby makes the following Order:

1. Except where otherwise stated, any reference in this Order to a numbered Schedule is a reference to the Schedule bearing that number in this Order.
2. No person shall drive any vehicle at a speed exceeding 30 mph in any direction on the lengths of road specified in Schedule 1.
3. No person shall drive any vehicle at a speed exceeding 40 mph in any direction on the length of road specified in Schedule 2.
4. No person shall drive any vehicle at a speed exceeding 40 mph in any direction on the length of road specified in Schedule 3.
5. No speed limit imposed by this notice applies to vehicles falling within regulation 3(4) of the Road Traffic Exemptions (Special Forces) (Variation and Amendment) Regulations 2011 when used in accordance with regulation 3(5) of those Regulations.
6. This Order may be cited as the Suffolk County Council (Lowestoft Northern Spine Road and Side Roads) (30 mph and 40 mph Speed Limit) Order 201- and shall come into operation on

Date:

The COMMON SEAL OF SUFFOLK)
COUNTY COUNCIL was affixed)
in the presence of:)

(An authorised Officer of the Council

SCHEDULE 1

30 mph Speed Limit

ROAD	DESCRIPTION
Lowestoft Northern Spine Road (A1117)	From a point at the northern side of the roundabout junction with Park Meadows, Bentley Drive and Millennium Way in a north north-easterly direction for a distance of 20 metres.
Blundeston Road (C906)	(a) From a point at the western side of the roundabout junction with Yarmouth Road (A12) and Corton Long Lane in a generally westerly direction for a distance of 103 metres. (b) From a point on the southern side of the new alignment of Blundeston Road (its approach to the roundabout) in a southerly direction for a distance of 17.4 metres (the entire length of the link road between the new and existing alignments).
Corton Long Lane (B1385)	From a point at the north eastern exit of the roundabout junction with Yarmouth Road (A12) and Blundeston Road in north-easterly direction for a distance of 20 metres.

SCHEDULE 2

40 mph Speed Limit

ROAD	DESCRIPTION
Lowestoft Northern Spine Road (A1117)	From a point 20 metres north of the northern exit of the roundabout junction with Park Meadows, Bentley Drive and Millennium Way in a north north-easterly direction for a distance of 1030 metres to the roundabout junction with Yarmouth Road (A12), Blundeston Road and Corton Long Lane, and the entire circumference of the roundabout for a distance of 220 metres.
Yarmouth Road (A12) (northbound carriageway)	From a point at the northern exit of the roundabout junction with Yarmouth Road (A12), Blundeston Road and Corton Long Lane in a north north-westerly direction for a distance of 20 metres.
Yarmouth Road (A12) (southbound carriageway)	From a point at the northern exit of the roundabout junction with Yarmouth Road (A12), Blundeston Road and Corton Long Lane in a south-easterly direction for a distance of 100 metres.
Yarmouth Road (A12) (both carriageways)	From a point at the south eastern exit of the roundabout junction with Yarmouth Road (A12), Blundeston Road and Corton Long Lane in a south-easterly direction for a distance of 77.1 metres.