

Item: 8

Development and Infrastructure Committee: 5 September 2023.

20 mph Speed Limits at Isles Schools.

Report by Corporate Director for Neighbourhood Services and Infrastructure.

1. Purpose of Report

To further consider The Orkney Islands Council (Variable 20 mph Speed Limit) (Island Schools) Order 2023 in the context of additional community feedback.

2. Recommendations

The Committee is invited to note:

2.1.

That, on 21 June 2023, when considering an objection received following statutory and public consultation, the Development and Infrastructure Committee resolved, in terms of delegated powers, that the Council should not make a Traffic Regulation Order introducing variable 20 mph speed limits at island schools.

2.2.

That the Development and Infrastructure Committee thereafter recommended that the Corporate Director for Neighbourhood Services and Infrastructure should submit a report, to the Development and Infrastructure Committee, outlining options for the budget currently allocated towards the provision of variable 20 mph speed limits at island schools.

2.3.

That, on 4 July 2023, when considering the recommendation at paragraph 2.2 above, the Council resolved that the matter be referred back to the Development and Infrastructure Committee for further consideration.

2.4.

That the Council further noted the assurance provided by the Corporate Director for Neighbourhood Services and Infrastructure that a further report would be submitted, to the next meeting of the Development and Infrastructure Committee, scheduled for 5 September 2023, regarding introducing traffic regulation order(s) in respect of 20 mph speed limits at isles schools.

2.5.

The outcome of further consultation with relevant Community Councils, as detailed in section 4.6 of this report.

It is recommended:

2.6.

That mandatory, variable 20 mph speed limits be introduced at the island schools listed in section 4.5 of this report.

2.7.

That the Corporate Director for Neighbourhood Services and Infrastructure make the appropriate Traffic Regulation Order, incorporating the proposal referred to at paragraph 2.6 above.

3. Background

3.1.

Previous decisions of the Council are detailed in Appendix 1 to this report.

3.2.

In summary, whilst the Development and Infrastructure Committee has resolved that the Council should not make a Traffic Regulation Order introducing variable 20 mph speed limits at island schools, on 4 July 2023, the Council resolved that the Committee should give further consideration to the matter, with an assurance that a further report would be submitted, to this meeting, regarding introducing traffic regulation order(s) in respect of 20 mph speed limits at isles schools.

4. Engagement and Consultation

4.1.

Consultation on the proposals originally took place with the following:

- Police Scotland.
- Road Haulage Association Limited.
- Freight Transport Association.
- Scottish Fire and Rescue Service.
- Disabled Drivers' Association.
- Orkney Disability Forum.
- Scottish Ambulance Service.
- NHS Orkney.
- HM Coastguard.
- Orkney Tourism Group.

- Kirkwall BID Limited.
- Stromness Community Business Forum.
- Local bus operators.
- Relevant Community Councils.

4.2.

The proposals were also advertised publicly in accordance with the statutory requirements to consult.

4.3.

Police Scotland has confirmed its support for the proposals and that it is consistent with Police Scotland's Road Safety Strategy.

4.4.

Following the assurance provided to the Council on 4 July 2023, officers contacted the community councils affected by the proposal (listed in section 4.5 below) and asked for confirmation that they wanted the proposed speed limits. The responses received are detailed in Appendix 2 to this report.

4.5.

The remaining isles schools which do not yet have a 20 mph speed limit in place are:

- North Walls Primary School.
- Sanday Junior High School.
- Stronsay Junior High School.
- Westray Junior High School.
- Shapinsay Primary School.
- Rousay Primary School.
- Eday Primary School.
- Papa Westray Primary School.
- Flotta Primary School.
- North Ronaldsay Primary School.

4.6.

In summary, of the 10 community councils contacted, nine are in favour of 20 mph speed limits around their schools; four would like these to be permanent, rather than part-time; and there was no response from one community council.

5. Good Practice on 20 mph Speed Restrictions

5.1.

Transport Scotland's Good Practice Guide on 20 mph Speed Restrictions, Version 2 June 2016, recommends the introduction of mandatory 20 mph speed limits, 20 mph zones and part-time 20 mph speed limits, based on the following criteria:

- Mandatory 20 mph speed limits, indicated with signs only, no traffic calming features. Should only be introduced where existing mean speeds are below 24 mph and expectations are the desired speed reduction can be achieved.
- 20 mph zones require speed reducing features to reduce traffic speeds without the need for enforcement. These zones are recommended for urban areas covering several roads.
- The Guide notes that 20 mph should be the standard speed limit in the vicinity of schools. Where a 20 mph limit or zone is not in place, a part-time speed limit can be used.

5.2.

As the roads around the isles schools do not conform with the requirements of the first two bullet points above, part-time speed limits are the appropriate solution. Whilst the aspirations of communities regarding permanent 20 mph speed limits are recognised, the roads are not suitable for this.

6. Objections

6.1.

During the initial public consultation, one objection was received from a resident of Flotta, which is attached as Appendix 3.

6.2.

The objector felt that introducing a variable 20 mph speed limit in Flotta would represent a poor use of Council funds and would not make measurable difference to children's risk when walking to school.

7. Options

7.1.

The options open to the Council are:

- Do nothing.
- To make The Orkney Islands Council (Variable 20 mph Speed Limit) (Island Schools) Order 2023.
- To make the Order with modifications.

7.2.

If the Council declines to make the Order, variable 20 mph speed limits will not be introduced at any of the schools listed in section 4.5 above.

7.3.

Having considered the objection, the preferred option is to make The Orkney Islands Council (Variable 20 mph Speed Limit) (Island Schools) Order 2023. This will result in a variable 20 mph speed limit being introduced in Flotta at the same time as the other island schools, noting that the Community Council is in favour. Transport Scotland guidance states that 20 mph should be the standard speed limit in the vicinity of all schools. This will provide consistency across all of Orkney's schools and comply with Transport Scotland guidance.

8. Corporate Governance

8.1.

This report relates to the Council complying with governance and procedural issues and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

8.2.

As the recommendation to make the relevant traffic regulation order is contradictory to a decision of the Council taken on 21 June 2023 (whereby the Development and Infrastructure Committee resolved not to make the order), Standing Order 23.1 (which provides that a motion shall not be competent if it is contradictory of a previous decision of the Council made within the last 12 months) will require to be suspended in order for the recommendation to be considered and/or approved. Standing Order 23.1 may only be suspended if two-thirds of the Members present, rounded up to the nearest whole number, so agree.

9. Financial Implications

9.1.

As Roads Authority, the cost of any Traffic Regulation Order, estimated at about £1,000, will be borne by the Council under the relevant section of the roads revenue budget.

9.2.

The remaining approved budget for this project is £414,846, noting that the money must be spent in financial year 2023/24. This total is made up of the following contributions:

- £144,000 from the Cycling, Walking, Safer Routes Scottish Government grant.
- £30,000 from Transport Scotland Direct Resource Funding.
- £240,846 from the Renewable Energy, Redevelopment and Regeneration Fund.

9.3.

The cost of the signs has already been accounted for in financial year 2022/23. Therefore, this budget is to cover the costs of installation, noting that the Direct Resource Funding money can only be spent on officer time, not on direct installation costs.

10. Legal Aspects

If the Council wishes to introduce new speed limit restrictions, it must obtain a traffic regulation order under the Road Traffic Regulation Act 1984. The requirements of The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999 have been observed as regards the form of the order and the procedure to date.

11. Contact Officers

Hayley Green, Corporate Director for Neighbourhood Services and Infrastructure, extension 2309, Email hayley.green@orkney.gov.uk

Lorna Richardson, Head of Neighbourhood Services, extension 2322, Email lorna.richardson@orkney.gov.uk

Kenneth Roy, Team Manager Roads Support, extension 2326, Email kenny.roy@orkney.gov.uk

12. Appendices

Appendix 1: Previous Council Decisions.

Appendix 2: Responses from community councils.

Appendix 3: Objection.

Appendix 1.

Previous Council Decisions

1. General Meeting of the Council – 7 December 2021

1.1.

On 7 December 2021, the Council considered a Notice of Motion, lodged by Councillor Stephen Clackson, which stated:

“We, the undersigned, hereby give notice of the following motion to be lodged at the Council’s General Meeting of the 7 December 2021:

That the Council install before the end of 2022 a 20mph zone or speed limit on the roads in the vicinity of each of those schools in Orkney that still do not have one.

Signed Stephen G Clackson

Countersigned by J T Richards, S Sankey, John A R Scott, A Cowie, Steven Heddle, Norman R Craigie and David Dawson.”

1.2.

The Council noted:

- That, in November 2003, the Scottish Government made funding available for the creation of safer routes to schools which subsequently led to the introduction of part-time 20 mph speed limits around some schools in Orkney, as detailed in section 4 of the report by the Interim Executive Director of Environmental, Property and IT Services.
- That there was no identified budget to introduce 20 mph part-time speed limits at the island schools, estimated to be £478,000.
- That, on 16 February 2017, when reviewing speed limits at island schools, the Development and Infrastructure Committee resolved, in terms of delegated powers, that, subject to availability of funding, mandatory, variable part-time 20 mph speed limits be introduced at the following island schools:
 - North Walls Primary School.
 - Sanday Junior High School.
 - Stronsay Junior High School.
 - Westray Junior High School.
 - Shapinsay Primary School.
 - Rousay Primary School.
 - Eday Primary School.
 - Papa Westray Primary School.

- That the Development and Infrastructure Committee also recommended that the Executive Director of Development and Infrastructure should progress a Stage 1 Capital Project Appraisal in respect of a phased programme for the introduction of mandatory, variable part-time 20 mph speed limits in the vicinity of island schools.
- That, in order to accommodate the timescale for introducing 20 mph part-time speed limits at the island schools as required by the Notice of Motion, existing planned programmes of work for 2022/23 would be significantly impacted.
- The options for progressing the project to introduce variable part-time 20 mph speed limits around island schools, should the Notice of Motion be supported, as detailed in section 6 of the report by the Interim Executive Director of Environmental, Property and IT Services.

1.3.

The Council considered the Notice of Motion and thereafter resolved:

- To install, as soon as practicable but no later than the end of 2023, a 20 mph zone or speed limit on the roads in the vicinity of each of those schools in Orkney that still did not have one.
- That, in order to progress the project to install a 20 mph zone or speed limit around island schools, Option 1, namely the submission of a Stage 1 Capital Project Appraisal to the Development and Infrastructure Committee, be adopted.

2. Policy and Resources Committee – 20 September 2022

2.1.

On 20 September 2022, the Policy and Resources Committee recommended:

- That the Stage 2 Capital Project Appraisal in respect of the introduction of mandatory, variable part-time 20 mph speed limits at island schools should be approved.
- That the installation of new mandatory, variable part-time 20 mph speed limits at island schools be added to the General Fund capital programme for 2022/23 onwards, at a gross project cost of £434,280, to be funded by external grant funding in the first instance, with the balance met from the Renewable Energy, Redevelopment and Regeneration Fund, where required.

3. Development and Infrastructure Committee – 21 June 2023

3.1.

On 21 June 2023, the Development and Infrastructure Committee noted:

- That, on 7 December 2021, the Council considered a Notice of Motion regarding the installation of a 20 mph zone or speed limit on the roads in the vicinity of each of those schools in Orkney that still did not have one, and thereafter resolved:
 - To install, as soon as practicable but no later than the end of 2023, a 20 mph zone or speed limit on the roads in the vicinity of each of those schools in Orkney that still did not have one.

- That one letter of objection, from a Flotta resident, a summary of which was attached as Appendix 1 to the report by the Corporate Director for Neighbourhood Services and Infrastructure, was received during the consultation process in respect of the proposal referred to above.
- 1.3. The proposed extents of the variable 20 mph speed limit at Flotta Primary School, as shown on the drawing attached as Appendix 2 to the report by the Corporate Director for Neighbourhood Services and Infrastructure.
- 1.4. That traffic counts were carried out in February 2022, which indicated that the 85 percentile speed approaching Flotta Primary School from the west was 29.8 mph and 34.1 mph when approaching from the east.

3.2.

The Committee resolved, in terms of delegated powers, that the Council should not make a Traffic Regulation Order introducing variable 20 mph speed limits at island schools.

3.3.

The Committee recommended that the Corporate Director for Neighbourhood Services and Infrastructure should submit a report, to the Development and Infrastructure Committee, outlining options for the budget currently allocated towards the provision of variable 20 mph speed limits at island schools.

4. General Meeting of the Council – 4 July 2023

4.1.

On 4 July 2023, when considering the recommendation detailed at section 3.3 above, the Council resolved that the matter be referred back to the Development and Infrastructure Committee for further consideration.

4.2.

The Council further noted the assurance provided by the Corporate Director for Neighbourhood Services and Infrastructure that a further report would be submitted, to the next meeting of the Development and Infrastructure Committee, scheduled for 5 September 2023, regarding introducing traffic regulation order(s) in respect of 20 mph speed limits at isles schools.

Appendix 2.

Further responses from Community Councils

Eday – no comment received.

Flotta – don't think the expense of lights is warranted, especially as the school is currently only open 3 days a week. Would support a 20mph limit permanently at this location.

Graemsay, Hoy & Walls – Members have advised that they are in agreement with the 20mph limit around island schools.

North Ronaldsay – only had one response and that was that 20mph limit around all island schools was acceptable, but they questioned how far the boundary extended.

Papa Westray – Agreed to support 20mph speed limit at Island Schools.

Rousay, Egilsay, Wyre & Gairsay – All REWG community councillors are in agreement that a 20mph speed limit around the school is a good idea.

As the school is also our community building it is used throughout the day and evening with toddler groups, nursery children, Brownies and many more entering and exiting the building out with the times the part-time 20mph limit would be active. The school is located near a blind corner and there is limited off road parking for the community to use. Often the only place to park is along the side of the already narrow road making for a dangerous situation.

Would the Council please consider making the 20mph speed limit full-time outside the community school from just before the approach to the school playground to just around the corner? This would be a cost saving which could be directed towards painted warnings on the road making a safer community space for all.

Sanday – 20 mph at the school has been an aim for more than a couple of decades.

Sanday Community Council tried (for 30 mph) in 2000 when there were no restrictions other than the national speed limit. This was supported by the School Board. The School Board tried for a limit again to no avail in 2006 and there was a big list of signatures supporting this wish (but that was lost at OIC).

A pedestrian was hit by a car outside the school in 2009. Since 2010 we got a 40-mph limit.

We now got the opportunity of getting at least part of the time speed restrictions in this busy part of Sanday. In the context of part-time restrictions it is important to remember that Sanday school is not just for teaching children but there are also plenty of other events, playpark etc. Pre-programmed speed restrictions that simply match school hours/days would be of very limited use. It therefore will be necessary that "we", i.e., someone in Sanday, can control/modify the times the speed restrictions apply.

While we welcome part-time speed restrictions, we often get asked "Why not simply a 20-sign?" It appears that Sanday folk would also be happy with the simpler method of speed restriction.

After listening to the debate, CC members via email discussed this matter at length. Sanday CC has the following comments that we would like appended to our original response to the 20mph consultation.

Sanday CC is displeased at this having to go back to the committee and how the North Isles CC's views were dismissed in favour of one objection from Flotta brought to the debate by Mainland Councillors. For this to go back to Committee, Council Officers now must prepare another report, wasting their time, delaying implementation and risking lives.

Sanday CC is also shocked that the committee members chose to ignore the positive assessments of the community councils with the words: "What else are they going say if it is supposedly for the safety of children". We were not browbeaten into agreeing to this. It is not 'supposedly' for the safety of the children - it IS for the safety of the children!

Sanday CC is concerned by the committee's lack of understanding about the enforcement issue. This is not about enforcement; it's about deterrence. Currently, if a child (or an adult, for that matter) were to be killed by a motorist travelling at 40mph, a very likely outcome statistically, it would be challenging to bring the charge of causing death by dangerous driving against that motorist. This would also apply if the suggested 'homegrown' speed reduction methods were used, as these are not legally enforceable. Causing death by dangerous driving carries a maximum sentence of life imprisonment - an obvious and effective deterrent.

Finally, we would like to address the statement of one councillor that they would rather see the money used for active travel initiatives. Introducing a legally enforceable speed limit at the schools will allow for safer walking and cycling to school - that is active travel. Another point is that one of our members is an enthusiastic active traveller who has seen some poorly implemented active travel 'box ticking' exercises on Mainland Orkney.

Shapinsay – members agree the 20mph speed limit around the Shapinsay School is a good thing assuming only during drop off and pick up and very well signposted.

Stronsay - In response to the communication from the Team Manager, Roads Support regarding the installation of part-time mandatory 20mph speed limits around islands schools by the end of 2023 members would like in noted they are in agreement and supportive of this provided the 20mph speed restriction is part-time and applies only before the start and end of the school day.

Westray - A permanent 20mph from the T junction up past the school would be far better, as the playpark, the football pitch, the netball court etc. are all across from the school, and are widely used by local kids, and visitors outside of school hours. The public toilets which can also be used by families etc. are also across the main road from the football pitch. A permanent 20mph would be a reminder to all motorists to slow down.

Appendix 3

Summary of objections to the proposal

Objector Details:

[REDACTED]

[REDACTED]

Received: 19 May 2023

Objection:

"I would like to register my objection to the proposed 20mph zone outside the Flotta school.

20mph zones make sense where a large number of children arrive or leave at the same time. Only two children from a single family attend the Flotta school and only for three days per week. Furthermore, they do not walk but are dropped off and collected by car. Given the lack of empty habitable houses on Flotta there is little chance of the number of primary age children increasing.

Installing a 20mph zone outside the school represents extremely poor use of council funds and will not make a measurable difference to the children's risk."