



Special Highways Committee

Date Monday 23 March 2020
Time 2.00 pm
Venue Council Chamber, County Hall, Durham

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest, if any
4. C95 Whitworth Road, Spennymoor - 40mph Speed Limit TRO - Report of Interim Corporate Director of Regeneration and Local Services (Pages 3 - 16)
5. Such other business, as in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Helen Lynch

Head of Legal and Democratic Services

County Hall
Durham
13 March 2020

To: **The Members of the Highways Committee**

Councillor C Kay (Chair)
Councillor S Morrison (Vice-Chair)

Councillors D Bell, H Bennett, G Bleasdale, J Chaplow,
J Considine, S Dunn, D Hicks, K Hopper, S Hugill, K Liddell,
O Milburn, R Ormerod, J Rowlandson, P Sexton,
J Shuttleworth, A Simpson, K Thompson, J Turnbull and
M Wilson

Contact: Michael Turnbull Tel: 03000 269 714

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Highways Committee

23 March 2020

**C95 Whitworth Road, Spennymoor
40mph Speed Limit TRO**



Ordinary Decision/Key Decision No.

Report of Corporate Management Team

Geoff Paul, Interim Corporate Director of Regeneration and Local Services

Councillor Brian Stephens, Cabinet Portfolio Holder for Neighbourhoods and Local Partnerships

Electoral division(s) affected:

Spennymoor.

1 Purpose of the Report

- 1.1 In accordance with the Council's Constitution, Members are asked to offer guidance to the Interim Corporate Director in the exercise of delegated decision making. The final decision is therefore one to be made under delegated powers.
- 1.2 To advise Members of two objections received to the C95 Whitworth Road, Spennymoor 40mph Speed Limit Order.
- 1.3 To request that members consider the objections made during the consultation period.

2 Executive Summary

- 2.1 A Planning Condition imposed for the development of Burton Woods housing estate requires the introduction of a 40mph speed limit to cover the length of the C95 Whitworth Road from the existing terminal point near the Auckland Walk crossing to a point northwest of the access into the Burton Woods development. The existing 40mph speed limit commences near the entrance to Page Grove, Spennymoor and extends in a north-westerly direction to the Auckland Walk crossing.
- 2.1 During the development of the proposal and following consideration of representations from a resident of Newtown, officers increased the scope of the scheme. It is proposed to extend the existing 40mph speed limit on the C95 Whitworth Road from the terminal point near to the Auckland Walk

crossing beyond the entrance to the Burton Woods development to a point past Newtown. This would introduce a reduced speed limit of that section of the C95 from 60mph to 40mph. Details of the extents of the proposed 40mph speed limit can be found in Appendix 2.

- 2.2 At the commencement of the proposed 40mph restriction north west of Newtown, it is also proposed to create a gateway feature consisting of a 40 roundel, 'dragons teeth', 'Slow' markings and a red hatched surface treatment. Details of the gateway feature can be found in Appendix 3.
- 2.3 New chevron signs with yellow borders to emphasise a bend in the carriageway. These signs have already been installed.
- 2.4 40mph Repeater Signs will be installed along the extends of the 40mph Speed limit.
- 2.5 These proposals are intended to assist in maintaining lower speeds through Newtown, past the entrance to the Burton Wood development and towards the existing 30mph restriction near Page Grove.
- 2.6 Traffic surveys have been undertaken at several locations on the C95 Whitworth Road over a typical 7-day deployment period. Further surveys were carried out in mid-January 2020 either side of the properties in Newtown.
- 2.7 The recent survey data indicates that the average speeds are between 33 and 35mph and the 85th percentile speeds are between 37 and 40mph. The 85th percentile speed is a good indicator of what the travelling public consider is a safe speed to drive along the road given the road environment.
- 2.8 Whilst the road generally has the characteristics of a rural derestricted (60mph) road, the presence of the double bends act as a natural speed reducing feature. The results of the speed surveys are sufficient to enable both Durham County Council Traffic Engineers and Durham Constabulary Traffic Management Officers to support the proposed extension of the 40mph speed limit.
- 2.9 The accidents which have occurred at this location have been considered and weather information / road condition details compared. Findings would suggest that there is some correlation between the incidents and damp / wet conditions. This could indicate that the skid resistance of the road surface may be reducing and further investigation considered. Appendix 6 provides a summary of the incidents.
- 2.10 Road condition surveys have been undertaken and comparisons made between 2018 and 2019. The results of this testing of the road surface indicates that there is some deterioration but that apart from some very

localised sections, that in general the condition is not below an actionable level. Appendix 5 provides details.

- 2.11 The correlation between the accidents and wet conditions has justified the section of road to be included in the 2020/2021 surfacing programme. It is expected that this action will improve skid resistance and have a positive affect on reducing the occurrence of incidents.

3 Recommendation(s)

- 3.1 It is recommended that, having considered the objections, the Committee agree to the proposals in principle and recommends to the Interim Corporate Director of Regeneration and Local Services that a Traffic Regulation Order be made to amend the 40mph speed limits as per the plan in Appendix 2.
- 3.2 Should the Committee consider the proposed speed limit at Newtown not to be acceptable, it is recommended that the proposal be reduced to the extent which is required by the Planning Condition. This would move the 40mph terminal point to the northwest of the Burton Woods development access and retain the existing national speed limit for the remainder of the C95 Whitworth Road. See the plan in Appendix 4.

4 Background

- 4.1 Planning conditions for Burton Woods development in Spennymoor stipulate that a 40mph speed limit on the C95 Whitworth Road shall be extended to incorporate the developments new access, as per Appendix 4.
- 4.2 Whilst fulfilling this planning condition the Traffic Assets team have also taken the opportunity to propose a further extension of the 40mph speed limit in a north westly direction to also include nearby Newtown as per Appendix 2.
- 4.3 The extension of the 40mph speed limit northwest to include nearby Newton is proposed in order to address the road safety concerns of a small number of residents in this area.

5 Statutory Consultation

- 5.1 A statutory consultation as part of the legal Traffic Regulation Order making process was carried out between 16th March 2019 and the 8th April 2019. This included consulting all statutory consultees, advertising the proposed 40mph speed limit in the local press and erecting public notices on-site.
- 5.2 Paul Emmerson, Durham Constabulary Traffic Management Officer offers his full support to the proposed 40mph speed limit. His written response to the statutory consultation is detailed below -

In May 2015 I supported the extension of the current 40mph limit on Whitworth Road from its current location, northwest, to commence near Newtown Farm. I re-confirmed this support for a 40mph limit on 8 March 2019.

My rationale for a 40mph limit is based upon speed data collected in 2015 that revealed a 85%ile speed of 44.3mph & mean speed of 37.8mph. These figures confirm that drivers would recognise a 40mph restriction as credible and it would not require additional enforcement activities to ensure compliance.

My only comment in 2015 was I would have no objections to extending it to the proposed location but would need some assurances regarding the provision of gateway features and additional signs and road markings/roundels to reinforce the 40 limit especially between the commencement of the new limit at Newtown and the entry to the new development. Whilst this section of the road has a series of bends which naturally slows vehicles down it is bordered by trees and there is a tendency to increase speed.

I could not support the introduction of a 30mph along this section of Whitworth Road for the following reasons

- *The section of road is rural in nature bordered by fields and trees*
- *Newtown consists of 3 inhabited properties immediately fronting the road to its east side and 1 inhabited property to the west, which is set back from the road. It does not constitute an urban environment nor have the character of a village.*
- *Research shows that the introduction of a signed only speed limit will result in a 1-2 mph drop in vehicle speeds*
- *The collision rate at this location is not significant and the collisions that have occurred are a result of poor driver behaviour combined with inappropriate speed as opposed to excessive speed.*

Given the above the introduction of a 30mph limit would not be credible, would result in high non-compliance (around 59%) and a requirement to enforce which would have no impact on driver behaviour/vehicle speeds and create a demand that we cannot service.

There is also the likelihood it will increase vehicle speeds within the current 30mph limit on Whitworth Road, as drivers will have travelled over 1km within a non-credible 30mph limit before they encounter an urban environment.

6 Local Member Consultation

6.1 Local Ward Member Councillor Liz Madison made no formal objection to these proposals but commented as follows;

- 1) Residents believe that both sections should be a maximum of 30mph along the C95 Whitworth Road.
- 2) At Newtown there have been several accidents where vehicles have gone into resident's perimeter fence due to excess speeding along this road.

- 3) Whitworth Park Academy has a 20-mph restriction that should also be enforced.

6.2 No other Local Ward members commented on the statutory consultation.

7 Objection(s) and response

7.1 The statutory consultation resulted in the receipt of two formal objections from residents of Newtown:

- Objector 1 - Berenice Cottage, Newtown.
- Objector 2 - 2 Newtown Bungalows, Newtown.

7.2 Objector 1 – Berenice Cottage, Newtown.

This objection is based on the below reasons;

1) The TRO proposal should reduce the current de-restricted speed limit to 30mph.

2) The accidents that have occurred at Newtown have not had their cause determined so it must be assumed they are occurring at the 85th percentile speed of “40mph”.

3) Visibility splays and lines of sight are not being considered.

Response (Item 1)

With regards to the request to reduce the speed limit to 30mph. Such a speed limit lacks credibility due to the rural nature of the road and small number of properties and this lack of credibility generally results in motorists failing to observe the speed limit. Experience has shown that where a speed limit lacks credibility vehicle speeds do not reduce. The Police do not support a 30mph limit on this road. Only the 40mph Speed proposal is supported, following their own onsite review of the C95 Whitworth Road. Additionally, the C95 Whitworth Road does not meet the criteria for a 30mph road set out in accordance with the Durham County Council Speed Management Strategy and Department for Transport guidelines.

There is also strong concern that the long length of non-credible 30mph speed limit will have the likelihood of increasing vehicle speeds as they enter the section of road which is currently subject to a 30mph speed limit and approaches Whitworth Park Academy.

Response (Item 2)

The 85th percentile speed is the speed which 85% of the vehicles are not exceeding. Research has shown that the safest group of vehicles are travelling at or below the 85th to 90th percentiles. Above the 90th percentile drivers could be exceeding safe

limits and the accident risk increases as a consequence. It is generally accepted practice to set the speed limit to accord with the 85th percentile speed.

It is not possible to fully investigate all the accidents which have occurred due to them being damage only incidents and therefore not subject to the full accident investigations afforded to personal injury accidents. However, it is known that one involved a stolen vehicle being driven by an individual who was under the influence of drink / drugs. Analysis of the prevailing weather conditions around the time of the incidents would suggest that the loss of control incidents are occurring during or following wet conditions as indicated in the report. The Council are including the C95 in the surfacing programme to improve skid resistance which should assist in reducing the occurrence.

Response (Item 3)

The visibility splays and stopping distance requirements that are outlined within highways standards only apply to new build residential developments or new road construction; this does not apply to private roads and existing developments/ properties.

The highway authority, in this instance Durham County Council, do not have a duty to change road layouts or change speed limits where individual private properties have insufficient visibility from a private driveway. There is also no mandate from the Department for Transport to retrospectively introduce highway standards to the existing highway network.

7.3 Objector 2 - 2 Newtown Bungalows, Newtown.

This objection is based on the below reasons;

- 1) The TRO proposal should reduce the current de-restricted speed limit to 30mph with traffic calming to be installed on C95 Whitworth Road to support the reduced speed limit.
- 2) Planning permission has been granted for a housing development in Newtown this will increase the number people having to pull on and off the C95 off the blind bend.
- 3) Heavy and Long vehicles use the C95 Whitworth Road. Resident has been informed that these types of vehicles shouldn't be allowed as they exceed the weight restriction on the bridge on Page Bank.

Response (Item 1)

With regards to the request for the reduction of the speed limit to 30mph, the comments provided in the response to the same request from Objector 1 apply. Traffic calming can only be provided on a road subject to a speed limit of 30mph or

below and where there is a system of street lighting. The absence of street lighting prohibits the use of traffic calming measures.

Response (Item 2)

Newtown has received planning permission for the development of 5 Bungalows which will not lead to a significant increase to the number of vehicles using C95 Whitworth Road for accessing and egressing.

Response (Item 3)

There is no weight limit restriction on the bridge at Page Bank allowing all types of vehicles travel on the C95 Whitworth Road, including Heavy Good Vehicles.

8 Conclusion

- 8.1 Under part 3 of the Council's Constitution, the final decision on whether to make a TRO is delegated to the Interim Corporate Director of Regeneration and Local Services, having regard to guidance from the Committee.
- 8.2 The proposal will provide a self-evident and self-enforcing speed limit thus satisfying the Department for Transport guidance. It is recommended that the Committee, having considered the objections, endorse the proposal in principle to proceed with the implementation of the speed limit changes, as per the plan in Appendix 2.
- 8.3 Should it not be possible to arrive at agreement to the proposal outlined in Appendix 2, it is recommended that the Committee, endorse the proposal to satisfy the planning condition and to proceed with the implementation of the speed limit changes, as per the plan in Appendix 4.

Background papers

- Correspondence on Office File.

Other useful documents

- Previous Cabinet reports / None.

Contact: David Battensby

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Appendix 1: Implications

Legal Implications

Enforceable TRO.

Finance

To be funded by the developer.

Consultation

16th March to 08th April 2019 - Statutory Consultation.

Equality and Diversity / Public Sector Equality Duty

It is considered that there are no Equality and Diversity issues to be addressed.

Human Rights

No impact on human rights.

Crime and Disorder

N/A.

Staffing

Carried out by the Traffic Asset Team.

Accommodation

No impact.

Risk

There may be objections to the scheme following consultation which will need to be considered through the TRO process.

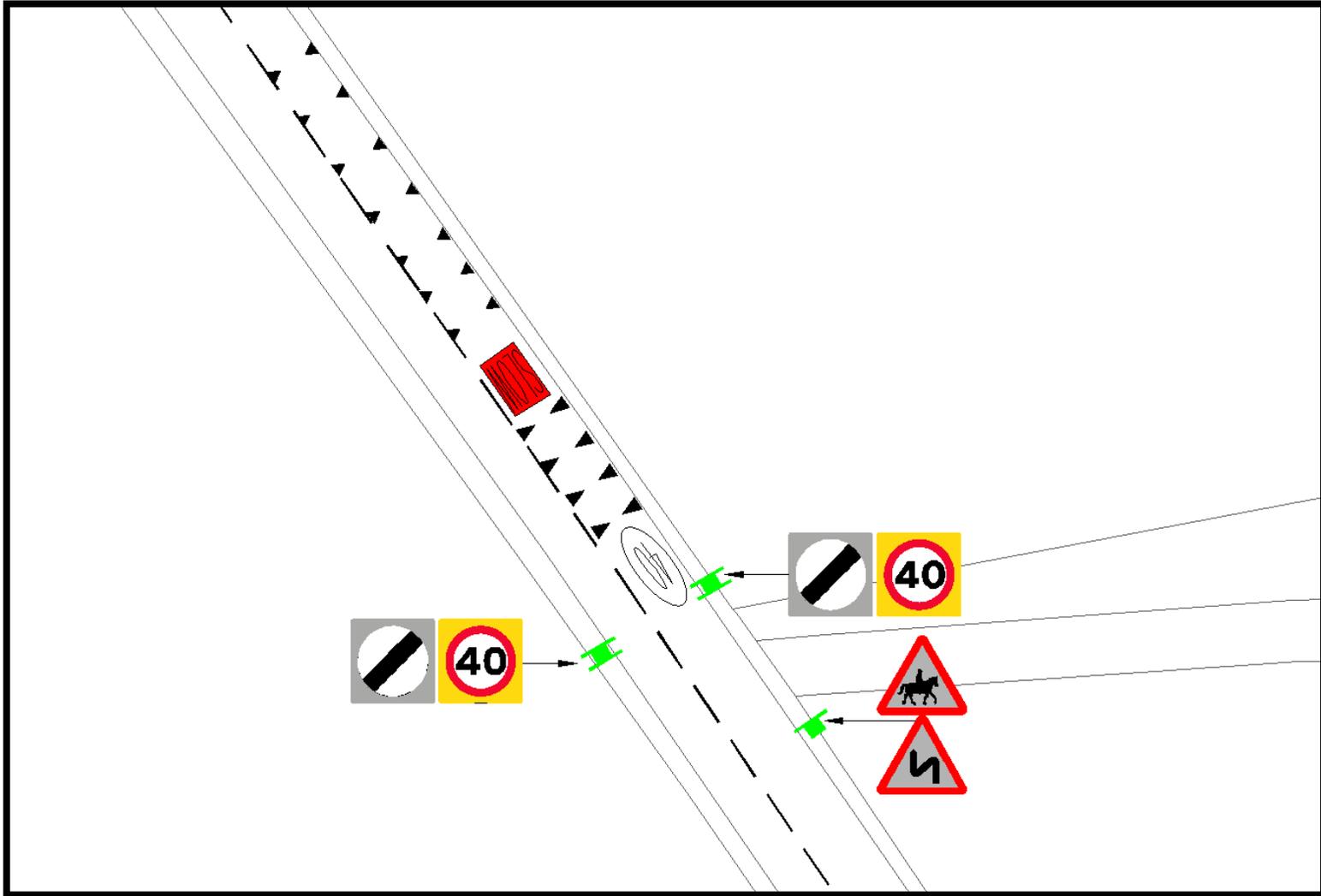
Procurement

Operations, DCC.

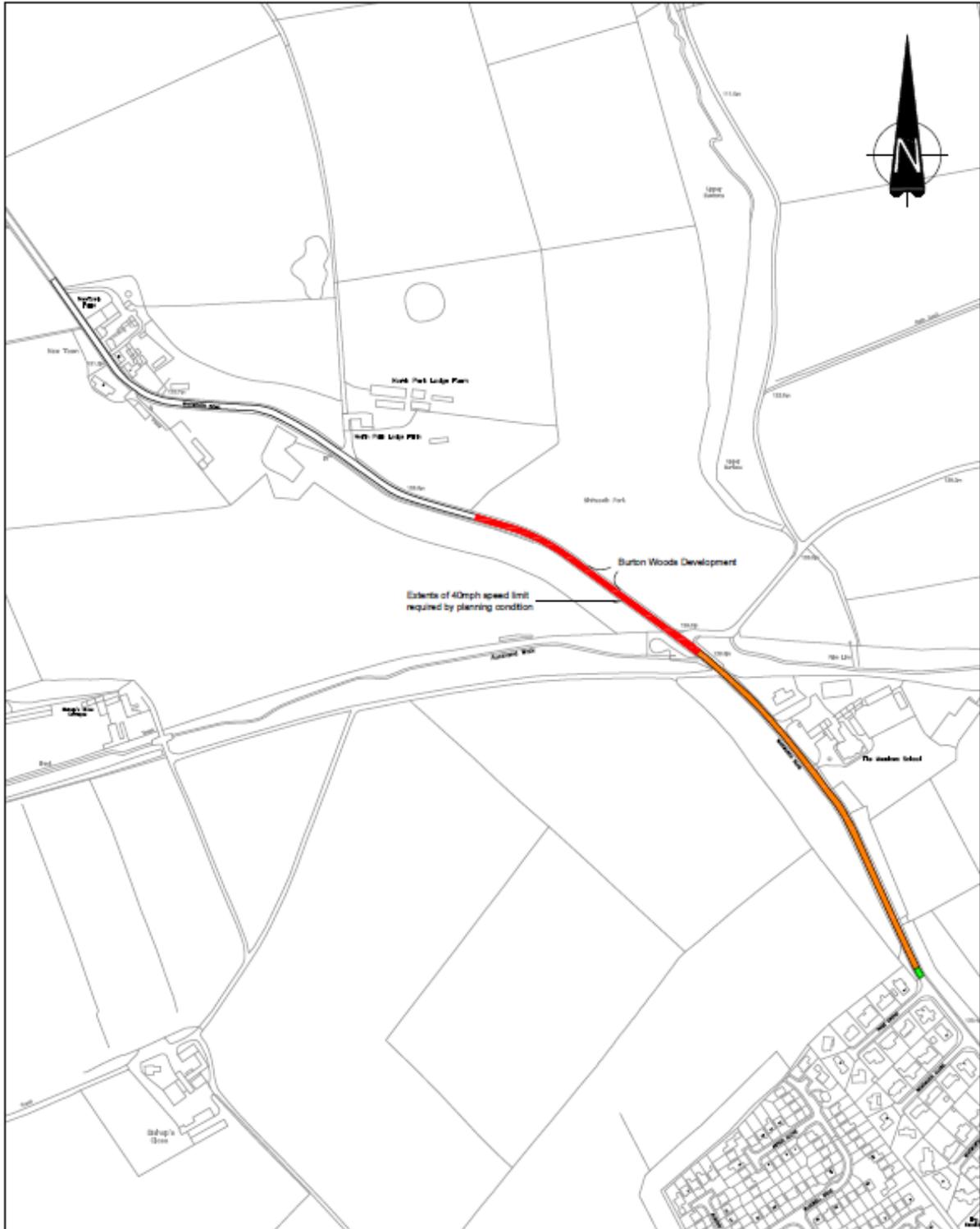
Appendix 2: 40mph Speed Limit



Appendix 3: Newtown Gateway Features

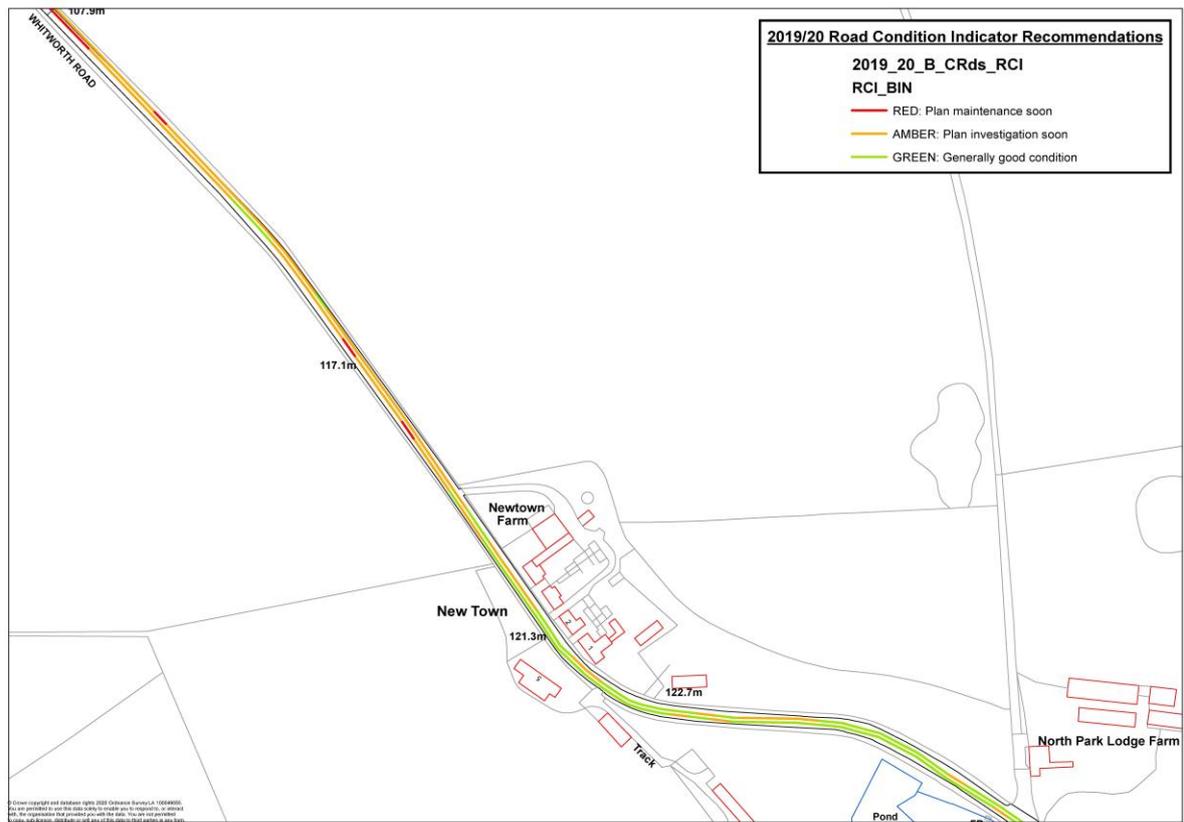


Appendix 4: Planning condition 40mph Speed Limit extents



Rev/ Amdt	Approved By			Description Of Amendments	 Iain Thompson Corporate Director of Regeneration and Local Services County Hall Durham DH1 1UG	Project	
	Name	Date	Sign			CG5 WHITWORTH ROAD, SPENNYMOOR	
-	S.VENTRESS	10/19	SV			Drawing	
						40 MPH SPEED LIMIT - PLANNING CONDITION	
						All Portrait Scale	Project/Drawing No.
						NTS	
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Appendix 5: Road Condition Survey



Appendix 6: Accident Summary

Date	Reported to Police	Police Attended	Road Surface	Comments
25/9/17	Yes	Yes	Wet	Single vehicle loss of control 100m northwest of Newtown. Inexperienced driver hit a "puddle", panicked and over reacted resulting in loss of control
29/10/18	Yes	Contact with householder	Frost	Unknown vehicle lost control and collided with fence
19/12/18	No	No	Dry	HGV and Bus clipped mirrors on the northern bend at Newtown – exchange of insurance details
25/12/18	Yes	Yes	Icy	Slight injury traffic collision
5/2/19	Yes	No	Wet	Damage only incident – insurance details exchanged
27/2/19	No	No	Wet	Driver lost control and ended up in hedgerow
30/4/19	Yes	Yes		Single vehicle loss of control – vehicle taken without consent by a driver under the influence who fled the scene
7/1/20	No	No	Damp	Single vehicle loss of control, left carriageway and collided with hedgerow
12/1/20	No	No	Frost	Driver lost control and collided with hedgerow near to entrance with Whitworth Hall, approx. 400m northwest of Newtown

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