

DEPARTMENT FOR TRANSPORT

QUIET LANES AND HOME ZONES

RESPONSES TO CONSULTATION ON DRAFT REGULATIONS AND STATUTORY GUIDANCE FOR ENGLAND

The consultation paper on the draft regulations and guidance for Quiet Lanes and Home Zones in England was sent out to invited consultees (see Annex A) on 20 August 2004. It was also publicly available on the Department's website. The consultation closed on 19 November 2004. A total of 90 responses were received including 37 from local authorities, 25 from interest groups and the remainder from various professional and representative bodies, companies and individuals. This is a report of the responses.

Consultees were invited to respond to the following seven questions :

1. Are the minimum consultation requirements specified within the regulations too onerous? In particular, do they place too great a burden on a) businesses or b) authorities?
2. For local authorities only: What are the estimated resource implications (in financial terms or time) if you choose to a) designate a road, and b) make a use order or speed order following the procedures set out in the proposed regulations?
3. Will the making of use orders as specified in the draft regulations add value to Quiet Lanes and Home Zones schemes?
4. Will the making of speed orders as specified in the draft regulations add value to Quiet Lanes and Home Zones schemes?
5. Statutory Guidance: Does the draft statutory guidance help to clarify the requirements of the draft regulations? If not, please specify remaining areas of confusion.
6. Regulatory Impact Assessment: Have the main costs and benefits for each of the RIA options been included? If not, please provide supporting evidence.
7. Quiet Lanes Sign: Please tick box to indicate the sign alternative you prefer (A) or (B).

A number of respondents answered only some of these questions and others provided detailed comments rather than providing direct answers. The numerical analysis that follows therefore includes only those responses where a clear answer to the question has been provided or can be deduced. All comments received have, however, been considered in reviewing and revising the draft regulations, guidance and regulatory impact assessment.

1. Are the minimum consultation requirements specified within the regulations too onerous? In particular, do they place too great a burden on a) businesses or b) authorities?

A total of 60 respondents gave a clear answer to this question. Of those, the majority of respondents (78%) did not feel that the minimum consultation requirements specified were too onerous. It was generally felt that they would provide a structured process which would therefore be easily understood and accepted. It was also felt that formal guidelines laid down would reduce levels of confusion and address public concerns.

However, a minority of respondents (22%) felt that the minimum consultation requirements specified within the regulations were too onerous.

One respondent stated that there was too great a burden on businesses. This was on the grounds that there was already a consultation overload for businesses.

Seven respondents felt that they placed too great a burden on local authorities.

The main areas of concern were:

- Home Zones can only be implemented where properties are occupied. (see note (i)).
- Consultation process too lengthy and resource consuming.
- 14 day consultation period not long enough. (see note (ii)).
- Some respondents felt there was no basis for enforcement.
- Designation too prescriptive.
- Consultation timescale unrealistic and posted notices unpractical.
- Consultation too expensive.
- Drain of public support following successive consultations.

(i) This is not correct. The draft regulations require consultation with occupiers of properties, but if there are none the designation can proceed. The road must be a highway to which the public has access before designation can be made.

(ii) The 14 day period mentioned in draft regulation 15 (1) (c) is the maximum period between designation or order making and the publication of a notice to inform the local community that this has been done. It is not the consultation period.

Government response: *In light of the view expressed by 78% of respondents that the consultation requirements are not too onerous, no significant amendment to the draft regulations is planned. Due to comments from some consultees, there have been some minor alterations to the consultation requirements given in regulations 4 and 10 (see the response to theme 2 on page 10).*

2. For local authorities only : What are the estimated resource implications (in financial terms or time) if you choose to a) designate a road, and b) make a use order or speed order following the procedures set out in the proposed regulations ?

- a) 9 local authorities answered, with estimates of designation costs varying from £1,000 to £150,000.
- b) 7 local authorities answered, with cost estimates varying from £4,700 to £10,000 to make use orders or speed orders.

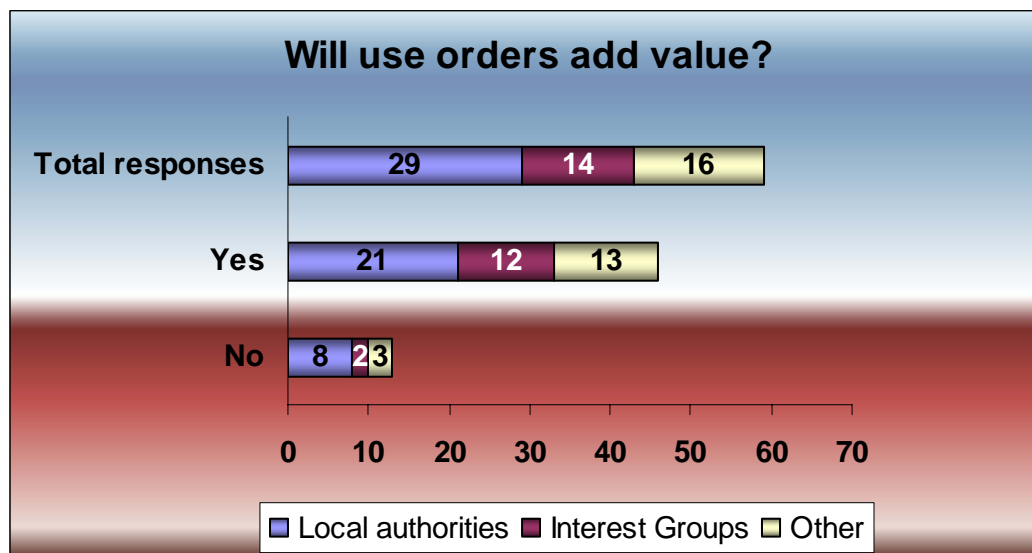
Government response: *These estimates have been used in the final Regulatory Impact Assessment.*

3. Will the making of use orders as specified in the draft regulations add value to Quiet Lanes and Home Zone schemes?

A total of 59 respondents gave a clear answer to this question. The majority of respondents (78%) thought that use orders would add value to Quiet Lane and Home Zone schemes.

Breakdown of respondents :

46 respondents thought use orders would add value to schemes whilst 13 thought that they wouldn't :



The following reasons for use orders not adding value were cited :

- Unenforceability
- Prevention of certain uses (see note (iii))
- Use orders overly specific (see note (iv))
- Signing problems for the partially sighted/blind

- Little value for Quiet Lanes
- Would consume LA staff time and resources
- The cost of schemes
- Specific times of schemes confusing (see note (iv))
- Difficulty in convincing communities of effectiveness

(iii) Use orders can only permit uses. They cannot be used to prevent certain uses.

(iv) Use orders can be general or specific as required.

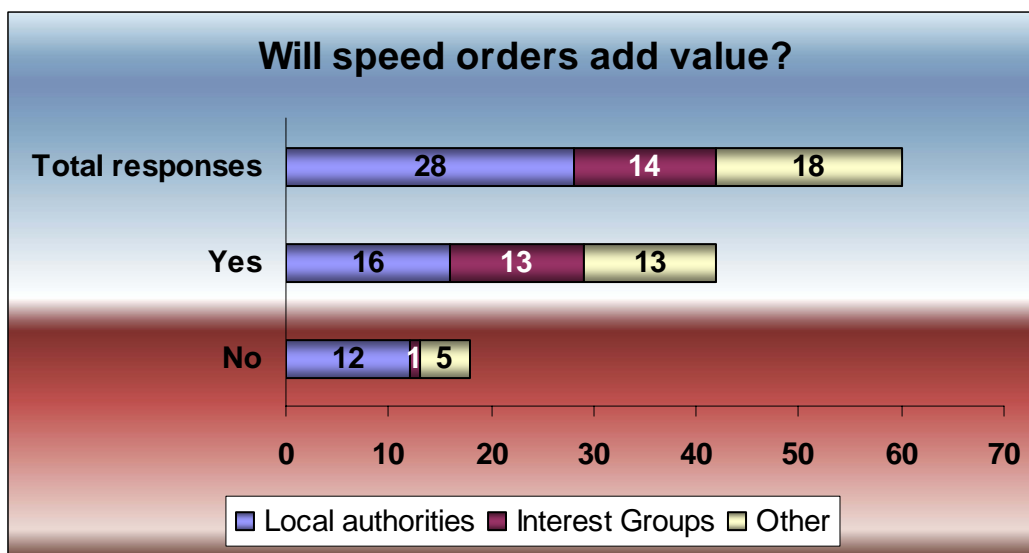
Government response: *In light of the view expressed by 78% of respondents that the making of use orders as specified in the draft regulations would add value to Quiet Lanes and Home Zones, no amendment to the draft regulations is planned.*

4. Will the making of speed orders as specified in the draft regulations add value to Quiet Lanes and Home Zone schemes?

A total of 60 respondents gave a clear answer to this question. The majority of respondents (70%) thought that speed orders would add value to Quiet Lane and Home Zone schemes.

Breakdown of Respondents :

42 respondents thought speed orders would add value to schemes whilst 18 thought that they wouldn't :



A small number of respondents (8%) thought that the speed specified in a speed order could not be enforced and that schemes would therefore lose credibility (see note (v)).

(v) It should be noted that a speed order does not set a speed limit. It is an agreement between the local community and the local authority on the ideal maximum speed to be achieved via the planned speed reduction measures.

Government response: *In light of the view expressed by 70% of respondents that the making of speed orders as specified in the draft regulations would add value to Quiet Lanes and Home Zones, no amendment to the draft regulations is planned.*

5. Statutory Guidance: Does the draft statutory guidance help to clarify the requirements of the draft regulations? If not, please specify remaining areas of confusion.

A total of 59 respondents gave a clear answer to this question. The majority of respondents (81%) agreed that the draft statutory guidance helped to clarify the requirements of the draft regulations.

Remaining areas of confusion :

- Confusion over speed limits and specified speed
- The signing of Home Zones and Quiet Lanes
- Confusion for tourists not understanding the signs

Government response: *The guidance has been amended to clarify the difference between speed orders and speed limits. Standard signs are now agreed for Home Zones and Quiet Lanes. We are proposing to include a new rule for Home Zones and Quiet Lanes in the next edition of the Highway Code; this new rule was included in the draft of the Code issued for consultation by DSA in February 2006.*

6. Regulatory Impact Assessment: Have the main costs and benefits for each of the RIA options been included? If not, please provide supporting evidence.

A total of 48 respondents gave a clear answer to this question. The majority of respondents (85%) agreed that the main costs and benefits for each of the RIA options had been covered.

Impacts thought to have insufficient detail in the RIA:

- Extra enforcement duties for the Police (see note (vi))
- Rural business affected
- Extra cost of publicity/information

(vi) use and speed orders will not impose additional enforcement burdens as they are not enforceable.

Government response: The RIA has been amended to take into consideration the impact on rural businesses. The extra cost of producing publicity and information is already included as part of the estimates of the overall cost of designation.

7. Quiet Lanes Sign

59 respondents answered this question. The majority, 32, preferred Sign B whilst 22 favoured Sign A. Five respondents showed no preference between the two signs. 31 respondents did not answer this question.



Sign A



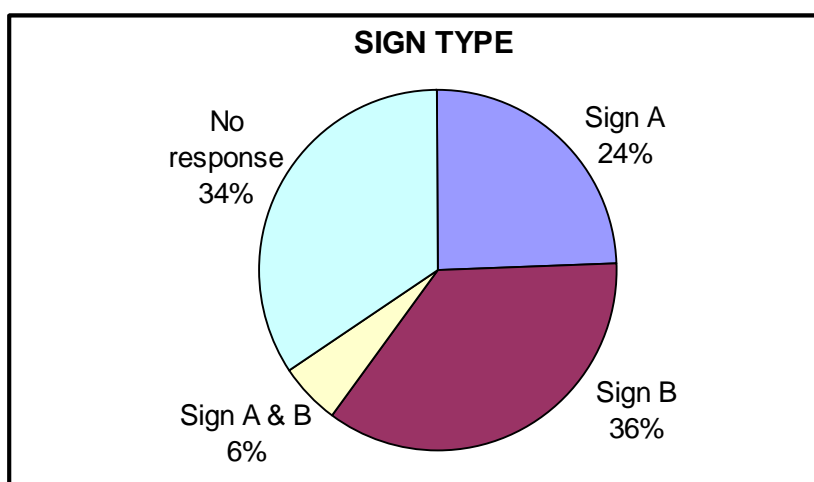
Sign B

(signs reproduced above are for illustration purposes and are not to scale)

Respondent preferences :

Respondent	Sign A	Sign B	Both A&B
Local Authority	11	12	
Interest Group	5	10	2
Other	6	10	3
TOTAL	22	32	5

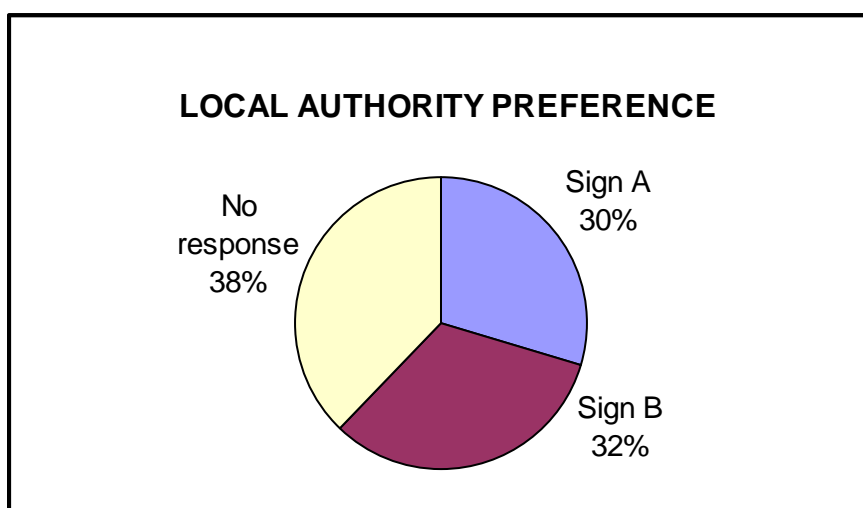
Respondent preference by sign type :



The response from Local Authorities

A small majority of Local Authorities, 12, preferred Sign B whilst 11 preferred Sign A. 14 Local Authority respondents did not answer this question.

Local Authority preference of sign type :



Sign A was preferred for use in rural areas and some respondents thought that it better reflected the Quiet Lane concept. Its size was also thought to be less obtrusive.

Sign B was preferred as being recognisable and conventional, and depicting the differing types of road use. However, some respondents felt that the sign was too large.

Government response: As a result of the consultation responses, the Department has developed a new Quiet Lane sign based on Sign B. Only the smaller of the two sizes given in the consultation document will be prescribed; an additional smaller version will also be prescribed. The new signs to mark the entry and exit points of a road designated as a Quiet Lane in England will be added to the Traffic Signs Regulations 2002 by way of an amendment regulation.

8. Other points raised in the consultation

In the responses, other areas of concern were :

- Restricted access to commercial properties in rural areas (see note (vii))
- Qualifying criteria for designations and permitted uses too strict (see note (viii))

- Objectors need more time to appeal (see note (ix))
- Conflict between motorised and non-motorised traffic
- Changing traffic conditions at different times due to use orders
- Sharing of carriageway contradicting road safety education

Government response:

- (vii) *There is no intention to restrict access, and use orders cannot be used to prevent access to properties.*
- (viii) *The suggested criteria in the statutory guidance were developed having examined research into pilot Quiet Lanes or Home Zones. The Department believes that meeting these criteria will help restrict schemes to areas where they are likely to succeed, though these are not regulated criteria.*
- (ix) *The consultation requirements are modelled on those required for the making of traffic regulation orders, including the time periods for objections. The development of proposal requirements provide additional time for stakeholder concerns to be raised and addressed. Extending the objection period would add to the cost of schemes.*

Themes from Consultation Responses

The following suggestions and comments (in bold text) were made by more than one respondent. The text below each is the Department for Transport's response to these thematic comments.

1. The scheme development section should refer to a "consultation event" not a public meeting.

The wording in the guidance and regulations will be amended to allow for alternative events, taking into account the fact that a public meeting may not be the best form of consultation. The phrase 'meeting with the public' has been substituted for 'public meeting'. We consider this covers a range of consultation events.

2. Additional statutory consultees.

Many respondents suggested additional statutory consultees should be added in regulations 4 and 10. Some amendments have been made to the regulations which clarify or add to the requirements, but for the most part these suggestions have been dealt with by alterations to the Statutory Guidance. This will be strengthened, for example to emphasise the need to consult groups representing particular modes and disabled people.

3. Some respondents wanted to be able to use local authority websites to advertise schemes, rather than the required notices on the road or in a newspaper.

The Department believes it is important that all those likely to be affected by the scheme are made aware of it. To this end, we support the use of local authority websites as an additional advertising medium.

However, it cannot be expected that all those using the route will regularly check the local authority website; therefore notices on the road(s) in question are still essential. Similarly, members of the surrounding community may reasonably be expected to browse through a local paper more frequently than they browse a local authority website. The requirements for posting of notices will therefore remain unchanged.

4. Some respondents expressed concerns that stakeholders from outside the area, for example freight hauliers, could frustrate local desires.

It is essential that all those who may be affected by a scheme have a chance to be involved in the scheme consultation, even if they are not part of the local community. However the local traffic authority is ultimately responsible for decisions regarding designation and the making of orders. It is for them to decide the validity of any objections made and whether these should be upheld.

5. Several respondents expressed the view that Quiet Lane designation should not be restricted to lanes that already have low traffic flows and speeds.

The provisions of the Transport Act 2000 enable a local traffic authority to designate any road within their area as a Quiet Lane. However the Department's view is that roads with high motorised traffic flows or high vehicle speeds are likely to be inappropriate for shared use by motorised and non-motorised users.

The recommendations within the Statutory Guidance were not intended to discourage the designation of roads where suitable measures have been employed to reduce the number or speed of vehicles, and the Statutory Guidance has been amended to reflect this. However, in this scenario authorities need to consider how they can ensure that their measures have been effective, before encouraging increased use by vulnerable road users.

6. A recommended 85th percentile of 35mph for Quiet Lanes is too high to allow safe shared use with vulnerable road users.

It is for local authorities to decide which roads are appropriate for designation as Quiet Lanes, and to consider the safety implications of such designation. The guidance talks of Quiet Lanes usually having an 85th percentile speed below 35mph. This is not a recommended speed for Quiet Lanes, rather a recommended maximum speed for roads under consideration for designation as Quiet Lanes.

7. Requests for mandatory 20mph speed limit on Quiet Lanes.

Local authorities are already able to impose 20mph speed limits on Quiet Lanes if they so desire. Some authorities may feel that a 20mph limit is undesirable in terms of sign proliferation and unnecessary as speeds are already low. There is therefore no intention to make a 20mph limit mandatory.

8. Several respondents expressed the view that Home Zone designation should not be restricted to residential areas.

The provisions of the Transport Act 2000 enable a local traffic authority to designate any road within their area as a Home Zone. However the Department's view is that the term "Home Zone" implies a predominantly residential area. A high proportion of residents is vital in order to get community ownership of the scheme and the street. This is not to say that the area would have no other uses, for example it may contain local shops, pubs or a school. This has been clarified in the Statutory Guidance.

9. Designation of new build Home Zones requirements.

The Section 268 of the Transport Act 2000 provides no power for prospective designations of Home Zones (or Quiet Lanes). Roads to be designated must be highways to which the public have access.

For new housing developments, the road layout could be designed in line with Home Zone principles; in discussion with the local traffic and planning authorities. Although formal designation cannot occur until the public has access to the road, it may be expected that purchasers will be aware of Home Zone principles and are "buying in" to the concept. The Statutory Guidance has been strengthened to reflect this position.

The Department wishes to test this in practice before considering any changes to primary legislation.

10. The advice suggesting use orders should specify uses rather than use the generic headings would make them too prescriptive.

It is up to the local traffic authority whether or not they make use orders, and if so, the level of detail which they specify under the generic headings. The Department recommends that local authorities are specific about the uses they allow in order to reduce potential conflict at a later date. If the authority wishes to use the generic heading only, they should consider very carefully which activities could be covered and whether any of these would be undesirable.

11. Several respondents expressed concerns over liability if someone engaging in a permitted use is involved in an accident.

The legislation enables streets to be designated so that drivers may no longer expect people to relinquish priority to vehicles. In Home Zones and Quiet Lanes there is a right of passage in vehicles, on horses, bicycles or foot and where there is a use order, a right to use the road in other permitted ways, which could include rights to socialise and play. But the right of passage must not be obstructed.

All users of Home Zones and Quiet Lanes have to take due care. Liability for accidents will depend upon the particular circumstances of the case and the nature of the permitted uses in the relevant Home Zone or Quiet Lane.

12. Confusion between speed orders and speed limits.

The Statutory Guidance has been amended to clarify the nature of speed orders and reiterate the fact that these are not speed limits.

13. Requests for signing and enforcement mechanisms for orders.

The Department does not wish to add to sign clutter in either rural or urban areas. Use orders will not forbid any activity and speed orders do not impose a speed limit, therefore acting in opposition to such orders is not, in itself, a criminal activity. As such, enforcement mechanisms are not appropriate.

The signs at the start of the designated area will signify that it is an area where uses other than passage should be expected. It is therefore not thought necessary to provide additional signs for use orders.

Local traffic authorities are expected to take measures to achieve speeds below that specified in the order. Additional signing should therefore not be necessary.

14. Government should specify particular (sensitively designed) traffic calming measures.

This recommendation goes against DfT policy to allow local authorities flexibility in the design and implementation of traffic calming measures. It is preferable for local traffic authorities, working in conjunction with their local communities, to determine whether measures are required and, if so, the type of measures to be used.

15. Quiet Lane sign - there were contradictory views here with respondents wanting both the clarity of sign B and the small size of sign A.

As a result of this consultation a compromise has been agreed. The prescribed Quiet Lane sign is based on sign B *but only the smaller of the two sizes given in the consultation document will be authorised. In addition, an even smaller version will be prescribed.*

Annex A

Invited consultees :

**Ambulance Service Association
Architecture Foundation
Association of Chief Police Officers
Association of Consulting Engineers
Association of London Government
Association of National Park Authorities
Association of Road Traffic Safety and Management
Automobile Association
Babtie Group
Bicycle Association of Great Britain Ltd
British Cycling
The British Horse Society
The British Motorcyclists Federation Ltd
British Tourist Authority
Campaign to Protect Rural England
Cardiff University
Child Accident Prevention Trust
Children's Play Council
Chilterns Conservation Board
Commission for Architecture and the Built Environment
Confederation of Passenger Transport UK
Council for National Parks
Countryside Agency
CSS
CTC
Department for Culture, Media and Sport
Department of the Environment, Food and Rural Affairs
Dept of the Environment for Northern Ireland
Department for Regional Development (Northern Ireland)
Disability Network
Disabled Persons Transport Advisory Committee
English Heritage
English Historic Towns Forum
Environmental Transport Association
Faber Maunsell
Federation of Small Businesses
Freight Transport Association
Friends of the Earth
HM Fire Inspectorate
Home Office
Home Zone Challenge Contacts
Home Zone Pilot Working Group Members
House Builders Federation
Housing Corporation
Government Offices for the Regions
Greater London Authority**

Institution of Civil Engineers
Institute of Highway Incorporated Engineers
Institution of Highways and Transportation
Institute of Logistics and Transport
JMU Access Partnership
Joint Committee on Mobility for Disabled People
Landscape Institute
Living Streets
Local Authorities in England
Local Government Association
Local Government Technical Advisors Group
London Accessible Transport Alliance
London Cycling Campaign
London Planning Advisory Committee
London Women and Planning Forum
Mouchel Parkman
Monmouthshire County Council
National Association of Local Councils
National Farmers Union
National Federation of the Blind of the UK
National Trust
Office of the Deputy Prime Minister
Parliamentary Advisory Council for Transport Safety
Peter Brett Associates
Phil Jones Associates
Planning Officers Society
RAC
RAC Foundation
The Ramblers' Association Ltd
Road Danger Reduction Forum
Road Haulage Association
Road Peace
Royal Institute of British Architects
Royal Institution of Chartered Surveyors
Royal National Institute for the Blind
RNIB Cymru
RNIB Joint Mobility Unit
Royal Town Planning Institute
Royal Society for the Prevention of Accidents
RPS Planning and Environment
Scottish Executive
Scott Wilson
Stirling County Council
Sustrans
The Design Studio
Transport 2000
Transport for London
Transport and Travel Research Ltd

Transport Research Laboratory
Urban Design Alliance
Visit Britain
Welsh Assembly Government
WSP Group