



## Regulatory Committee

Minutes of the meeting held at County Hall, Colliton Park,  
Dorchester, DT1 1XJ on Thursday, 19 October 2017

### Present:

David Jones (Chairman)

Byron Quayle (Vice-Chairman)

Jon Andrews, Shane Bartlett, Kevin Brookes, Ray Bryan, Keith Day, Jean Dunseith, Beryl Ezzard, Katharine Garcia, Nick Ireland, Jon Orrell, Mary Penfold and David Shortell.

Officers Attending: Mike Garrity (County Planning, Minerals and Waste Team Leader), Mike Potter (Project Engineer), Jon Lake (Technical Engineer (Traffic Management)), Phil Crowther (Senior Solicitor) and David Northover (Senior Democratic Services Officer).

### Public speakers

Andrew Culley, objector – minutes 16 and 17

Mark Simons, Chairman of Charminster Parish Council – minute 16

Richard Coode, local resident – minute 16

Gillian Pearson, Osmington Parish Councillor – minute 17

Hilary Ballard, local resident – minute 17.

Ian Baalam, representing PGL Travel Ltd – minute 17.

Justin Measures, local resident – minute 17.

(Note: These minutes have been prepared by officers as a record of the meeting and of any decisions reached. They are to be considered and confirmed at the next meeting of the Committee to be held on **Thursday 7 December 2017**).

### Apologies for Absence

12 An apology for absence was received from Councillor Margaret Phipps.

In the absence of the Chairman at the start of the meeting, the Vice Chairman, Councillor Quayle, assumed Chairmanship until his arrival.

A number of other members were also absent at the start of the meeting, with their subsequent arrival being noted.

### Apologies for Absence

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### Code of Conduct

13 There were no declarations by members of disclosable pecuniary interests under the Code of Conduct.

The County Councillor for Linden Lea, Nick Ireland, declared a non-pecuniary interest in minute 17 as he considered that his strong support for the proposal constituted pre-determination. He intended to address the Committee in his role as local member but would leave the room before debate took place.

### Minutes

14 The minutes of the meeting held on 17 August 2017 were confirmed and signed.

### Public Participation

15 Public Speaking

There were no public questions received at the meeting in accordance with Standing Order 21(1).

There were no public statements received at the meeting in accordance with Standing Order 21(2).

### **Proposed Speed Limit Reduction C12, Charminster**

16 A report was considered by the Committee on a proposed reduction to the speed limit - from 50mph to 40 mph - on the C12 between Lower Burton and Charminster. Following consultation on the proposal, an objection had been received and the Committee was now being asked whether the proposed change to the speed limit should be implemented, as advertised.

The officers' presentation described what the proposal entailed and why it was considered to be necessary. The characteristics of the road were described and its relationship with the surrounding area. The steep decent over the southern section of the length, towards Lower Burton, was noted. The reduction in the speed limit was being proposed on road safety grounds and was designed to regulate or reduce the speed of traffic to be able to readily meet the conditions of the road in a managed way.

Given that the amount of traffic using this road had increased markedly over recent years due to the development at Charlton Down, that there were numerous accesses onto the C12 and that there had been a number of recorded injury collisions over that length, officers considered that reducing the limit as proposed would go a long way to minimising risk in the future.

Analysis of the speed survey data had indicated that a 40 mph limit would be reasonable and appropriate along that stretch of road. This proposal met the necessary speed limit policy criteria which the County Council had adopted

In response to the consultation exercise held, support had been received from the County Councillor for Three Valleys, West Dorset District Council, Charminster Parish Council and Dorset Police, with one objection to the proposal being received from Andrew Culley.

Public speaking then took place. Mr Culley considered that given that the mean vehicle speeds in the speed survey were below the limit being proposed, the new limit was unnecessary and could not be justified. He considered that there was no clear evidence to support what was being proposed and that Council resources could be put to better use. He said the Department for Transport (DfT) guidance was that speed limits should not be reduced where there was an engineering solution and a right turn lane would be the solution here. His view was that there was no basis for the reduction, which was contrary to DfT and the County Council's policy and that the officer's opinion on the benefit of this should not be supported.

Mark Simons, Chairman of Charminster Parish Council considered that the reduction would certainly benefit road safety given the use now being made of the road, its configuration and what limitations there were to visibility along the stretch, the number of accesses onto it and its accident record, there having been an accident in the last week. This would also enable traffic speeds to be more readily monitored. Concern had been expressed for some time at excessive speeds on this road and the reduction would allay much of that concern. The reduction in the limit was seen to be a key part of a package of measures supported by the Parish Council which was designed to manage traffic speeds.

Richard Coode considered the reduction to be necessary as a means of addressing

excessive speed so that those manoeuvres which were necessary to take place on the road could be undertaken safely and without undue risk. He felt that the reduction proposed would largely achieve this.

Clarification was provided by officers, in response to members questions, of how the speed survey data had been analysed and how it had been used as a basis for what was being proposed. Confirmation of how the speed limit policy had been applied in these circumstances was also provided.

Members considered that to have access to the accident statistics and how the speed survey data had been applied would benefit their understanding of the what they were being asked to consider and put matters into perspective. Given this, they asked that, when considering speed limit proposals in the future, this information should be made accessible to them. Particularly useful to them would be the accident data from the previous 5 year period so that trend comparisons could be made.

In this instance however, members considered that from what had been explained to them, what they had seen in the report and what they had heard at the meeting, they were able to recommend to Cabinet that the speed limit along this length of the C12 should be reduced to 40 mph. In their opinion there was enough evidence to suggest that what was being proposed was largely in line with what was being experienced on the ground and there would be benefits to be gained from reducing the speed limit, in terms of improved road safety and in minimising what risks could arise.

Prior to this vote being taken, the Senior Solicitor had advised those members whom had arrived after the start of consideration of this matter to determine for themselves if they felt that they had received sufficient information on which to base their decision. If they felt this was not the case, they should not participate in the voting process. Members accepted this advice.

### **Recommended**

That having considered the objection received, the proposed reduction of the speed limit from 50 mph to 40mph on the C12 between Charminster and Lower Burton be approved.

### **Reason for Recommendation**

The proposal would regulate or reduce the speed of vehicles to a level which drivers can readily meet the general hazards which may be expected on this road. This would also fulfil the County Council's obligation to review speed limits in light of changes in DFT (Department for Transport) guidance "setting local speed limits".

### **Proposed Speed Limit Reduction A353 White Horse Hill, Osmington**

17 Prior to consideration of this application, Councillor David Jones assumed Chairmanship of the meeting and thanked the Vice-Chairman for the part he had played in his absence.

The County Councillor for Linden Lea – Nick Ireland – withdraw from the Committee prior to consideration of this item as he considered that his strong support for the proposal constituted pre-determination. He moved to the public seating area on order to fulfil his role as the local member and, having addressed the Committee in that role, he left the meeting.

The Committee considered a report by the Service Director – Highways and Emergency Planning for a proposed change to the speed limit from 60mph to 40 mph on the A353 at White Horse Hill, Osmington. Whilst, originally, primary consultation had raised an objection from Weymouth and Portland Borough Council - on the basis that the proposals would not necessarily solve any road safety issues and that a footway would be more beneficial – the Committee, at its meeting on 6 April 2017,

had agreed that the proposals should be advertised and consideration given to any responses received. Following this, an objection had been received and, as a consequence, the Committee were now being asked to consider whether the proposed speed limit change should be implemented, as advertised.

Officers confirmed that, as there had been no recorded collisions involving pedestrians, in the circumstances there was no justification for a footway as suggested by the Borough Council. In any event, the cost of providing this would be prohibitive given the budgetary constraints.

With reference to the provisions of the Update Sheet provided to members prior to the meeting, officers described the proposal, what it entailed and why it was considered to be necessary. Speed survey data had assessed that it would be reasonable and appropriate for the speed limit to be reduced to 40mph limit. This proposal met the necessary speed limit policy criteria which the County Council had adopted. The characteristics and topography of the road was described, there being a significant incline and decent in the road's configuration, with bends throughout, which restricted visibility.

Within the length of road over which the reduction was proposed to be imposed were entrances to three farms and three businesses: a holiday park, a garage and a car sales operation. During the summer holiday season, two of the three farms operated successful and busy camp sites, increasing the traffic accessing these sites. The road was a county "A" road which carried significant amounts of traffic in an east/west direction, particularly during the summer season. Consequently there had been a number of injury collisions on this route and it was considered that by significantly reducing the speed permitted would assist in reducing this and considerably benefit road safety.

Given that the amount of traffic using this road had increased markedly over recent years due to the attractions in the area, the numerous accesses onto the A352 and the number of recorded injury collisions over that length, a reduction in the speed limit was considered to be necessary on road safety grounds and was designed to regulate or reduce the speed of traffic to be able to readily meet the conditions of the road in a managed way and would go a long way to minimising risk in the future.

In response to the consultation exercise held, support had been received from the County Councillors for Linden Lea and Lodmoor, Osmington Parish Council and Dorset Police, with one objection to the proposal being received from Andrew Culley.

Public speaking then took place. On a point of procedure, Mr Culley was dissatisfied that he had not been notified directly of when this proposal would be considered by the Committee. The Chairman confirmed that this matter would be looked into, but confirmed that the [dorsetforyou.gov.uk](http://dorsetforyou.gov.uk) website provided this information. On the proposal, Mr Culley considered that the proposal was unnecessary and could not be justified given that analysis of the speed survey data appeared to show that the speed of traffic was already largely self regulating. As before, he considered that there was no clear evidence to support what was being proposed. His view was that there was no basis for the reduction and that the officer's opinion on the benefit of this should not be supported. Only if there was conclusive evidence, beyond any reasonable doubt, of the speed limit being necessary should it be approved.

The Senior Solicitor took the opportunity to clarify the basis on which decisions taken by quasi-judicial committees were made and that their decision should be taken on the balance of probability, taking into account the evidence and the policy.

Gillian Pearson supported the proposal to reduce speeds to a level which minimised risk to road users and met what Osmington Community Speed Watch felt was

necessary. By doing this, traffic would be ready to enter Osmington from a westwards direction in a manageable way. Given that there were now considerably more pedestrians and cyclists using the route to access the amenities along the stretch, and the volume of traffic had itself increased, a reduction in traffic speeds was justified on road safety grounds.

Hilary Ballard considered that a reduction was necessary given the volume and speed of traffic and the use of the route by pedestrians, horse riders and cyclists. She felt that the bends on the road could obscure pedestrians from drivers. The number of accesses onto the road also justified what was being proposed. She too considered that the reduction along that length would better prepare drivers for entering the villages of Preston and Osmington to either side.

Ian Balaam, manager of the PGL site, was of the opinion that by reducing the speed limit to a more appropriate level would minimise the risk to his staff who regularly used the route to and from work. As many of his staff either walked or cycled to work, in his view there was no other practical means for them to get there other than to use the road. There was considerable danger to them having to do this, especially during the nighttime period. He and his staff had experienced several dangerous situations over the years and he felt it was time this was addressed.

Justin Measures considered the reduction was needed on road safety grounds as advantage was regularly taken for sightseeing at that prominent vantage point and it was commonplace for motorists to do this without necessarily putting safety first. Manoeuvres were often made spontaneously and brought their own risk. Even the formal 'pull in' designed for this purpose brought its own hazards upon exit. Motorists travelling at a lower speed would serve to minimise any such risk. Given the amenities being accessed and those vulnerable road users accessing them, there was a need for traffic speeds to be addressed to improve road safety.

The County Councillor for Linden Lea, Nick Ireland, fully supported the measures being proposed. He considered that the speed limit reduction was necessary given the limited visibility and what activities took place over that length, particularly from the camp sites, rural recreation by pedestrians and cyclists and by vehicles exiting the garage. Whilst he would have preferred to have seen engineering solutions as an answer, he recognised that the cost of these were prohibitive. Given that there was widespread local support for the reduction, including the Parish Council and the previous County Councillors serving the two divisions, he sought the Committee's approval for the matter to be implemented as advertised. The support of Rachel Fraser for the proposals was reported in the Update Sheet and referred to by Councillor Ireland.

The Committee's attention was drawn to the receipt of a representation from the County Councillor for Lodmoor, Tony Ferrari, who fully supported the proposals given the activities which took place along that length of road and the traffic speeds which had been recorded there.

The Committee were then provided with the opportunity to ask questions of the officer's presentation and officer's provided clarification in respect of the points raised. The costs of the proposals, and why these differed from the costs of the C12 proposals considered earlier in the meeting, was explained - in that there was significantly more traffic management signage required for that proposal. Advertisement costs applied in both cases.

Clarification was once again provided by officers of how the speed survey data had been analysed and how it had been used as a basis for what was being proposed. Confirmation of how the County Council's speed limit policy had been applied in these circumstances was also provided.

As previously, Members considered that to have access to the accident statistics and how the speed survey data had been applied – with access available to the accident data from the previous 5 year period so that trend comparisons could be made - would have benefited their understanding of what they were being asked to consider and put matters into perspective. Nevertheless, members were satisfied that the data available was still valid and relevant.

Particularly useful to them would have been accident data which could be directly attributable to excessive traffic speeds. On this occasion, whilst officers were unable to provide that direct correlation, the reduction as proposed was considered to significantly assist in reducing the risk of that being the case.

Similarly, members would have found it useful to have traffic flow data. However members considered that whatever past flows had been, it was reasonable to believe that traffic flows would have significantly increased over recent years. A number of members spoke in support of the proposal. They considered that, whilst noting the data was out of date, traffic volumes had only increased in the meantime; the road affected was only a 0.7 mile stretch between existing 30 mph limits; the road alignment affected visibility; and there were no footways.

The Chairman was of the view that the evidence presented did not convince him that a speed restriction was appropriate. He did not consider that the traffic flow data showed excessive speeds or that the accidents were caused by excessive speed. In his view, where motorists could not necessarily see the reasoning for a certain limit, this could well lead to unsafe driving practices, bringing risk with this. For that reason he felt he was unable to support what was being proposed as he was unconvinced this would satisfactorily address the issues at hand. He favoured stricter enforcement and more stringent penalties as a deterrent to inappropriate driving practices.

Whilst his view was recognised, other members did not share that view. Members were supportive of what was being proposed on the grounds that forward visibility was limited throughout the stretch, given its topography; that there was no accessible pedestrian footway; that the road was well used by other vulnerable road users (horse riders and cyclists); that access was needed to numerous amenities over the length; and that there was a high chance of encounters with slow moving traffic i.e agricultural or caravans. For those reasons, the majority of the Committee considered the proposals should be supported.

Having heard from a number of members who supported the proposal, the Chairman provided the opportunity to hear an alternative point of view. Other than his own, no alternative view was put forward.

The Committee noted that the use of speed management measures, such as warning signs and markings, had been exhausted without the desired outcome. Given that there was a need to minimise the risk for the vulnerable road users using the road and for those accessing the amenities along its length, the Committee considered that by reducing the limit to a manageable speed was the most appropriate means of meeting that obligation. In their opinion there was enough evidence to suggest that what was being proposed was largely in line with what was being experienced on the ground and there would be benefits to be gained from reducing the speed limit, in terms of improved road safety and in minimising what risks could arise.

Subsequently, given the Committee's understanding of the issues at hand, the activity taking place on a busy "A" road, the number of traffic incidents recorded, and how this was seen to be the most suitable means of improving road safety, members considered that from what had been explained to them, what they had seen in the report and what they had heard at the meeting, they were able to recommend to

Cabinet that the speed limit along this length of the A353 should be reduced to 40 mph. A 40mph limit on that section of road would serve to both reinforce the typical speeds being experienced and reduce those speeds which were far in excess of that. On being put to the vote, the Committee recommended that the Cabinet should be asked to support the proposals, as advertised.

### **Recommended**

That having considered the objection received, the proposed reduction of the speed limit from 60 mph to 40mph on the A353 at White Horse Hill, Osmington be approved.

### **Reason for Recommendation**

The proposal would regulate or reduce the speed of vehicles to a level which drivers can readily meet the general hazards which may be expected on this road. This would also fulfil the County Council's obligation to review speed limits in light of changes in DFT (Department for Transport) guidance "setting local speed limits".

### **Arrangements for a site visit**

- 18 The Committee were asked to agree to a site visit being held on 17 November 2017 in connection with upcoming planning applications at Weymouth and Wareham.

Officers emphasised the importance of members making every effort to attend this visit so as to be able to play an active part in the determination of the two applications.

### **Resolved**

That a site visit be held on 17 November 2017, with arrangements for this being confirmed by officers.

### **Reason for Decision**

To enable members to see at first hand all the relevant issues and to have a better understanding of what the applications entailed.

### **Questions from County Councillors**

- 19 No questions were asked by members under Standing Order 20(2).

Meeting Duration: 10.00 am - 12.40 pm

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