

SURREY COUNTY COUNCIL

LOCAL COMMITTEE (SURREY HEATH)

DATE: 6 DECEMBER 2018



SURREY

LEAD OFFICER: WILLIAM BRYANS – TRANSPORT STUDIES TEAM MANAGER

SUBJECT: A331 BLACKWATER VALLEY ROUTE AIR QUALITY, SPEED REDUCTION TO 50MPH

DIVISION: FRIMLEY GREEN AND MYTCHETT

SUMMARY OF ISSUE:

The UK National Plan for tackling roadside nitrogen dioxide concentrations (2017) identified the A331 Blackwater Valley Route (BVR) as a road that would continue to exceed the EU Nitrogen Dioxide limit values until 2023. A Ministerial Directive was issued to the Environmental Health Authorities of Guildford Borough Council, Rushmoor Borough Council and Surrey Heath Borough Council through which the road passes. This Directive required these authorities to undertake a Feasibility Study to identify measures that would achieve compliance with the EU limit values in the shortest time possible.

Working with both Hampshire and Surrey county councils, supported by air quality consultant Atkins and the Government's Joint Air Quality Unit (JAQU), the study found that the only part of the A331 BVR that would not meet compliance by 2021 (the date by when compliance should be achieved) and in the shortest possible time would be the section between the Coleford Bridge Road and Frimley junctions, where the Blackwater Valley Path passes close to the road, particularly in the vicinity of The Hatches and under the Farnborough-Woking railway line. The Study also identified that the only measure that would best meet the terms of the Directive to deliver nitrogen dioxide compliance in the shortest possible time is one where the speed limit on this section of the A331 BVR is reduced from the national speed limit to 50mph.

RECOMMENDATIONS:

The Local Committee (Surrey Heath) is asked to agree that:

- (i) An advertisement should be published for a Traffic Regulation Order to extend the current 50mph speed limit on the A331 BVR between the M3 junction 4 and A325 Frimley junctions to 100 metres south of the Coleford Bridge Road junction;
- (ii) Any objections to the revocation of the existing 70mph speed limit and resultant introduction of a 50mph speed limit should be considered and resolved by the Area Highways Manager (NW) in consultation with the Divisional Member, Chairman and relevant Hampshire County Council

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officers and Members, and that this issue only be returned to Committee if any objections prove insurmountable;

- (iii) Once any objections have been considered and resolved, that the order be made and the 50mph limit introduced with the expectation that the current national speed limit of 70mph will be reinstated once it can be assured that nitrogen dioxide levels will remain compliant with these higher traffic speeds.

REASONS FOR RECOMMENDATIONS:

The UK National Plan for tackling roadside nitrogen dioxide concentrations (2017) identified the A331 Blackwater Valley Route (BVR) as a road that would continue to exceed the EU Nitrogen Dioxide limit values until 2023. A Ministerial Directive was issued to the Environmental Health Authorities of Guildford Borough Council, Rushmoor Borough Council and Surrey Heath Borough Council through which the road passes.

The recommendations will help ensure that councils comply with the Ministerial Direction. The agreement of the Local Committee (Surrey Heath) to advertise the necessary Traffic Regulation Order is required to ensure this preferred option can be progressed in the Outline Business Case so that it can be submitted to the Government by the specified deadlines.

1. INTRODUCTION AND BACKGROUND:

- 1.1 In July 2017 the Government published the National Air Quality Plan for tackling roadside Nitrogen Dioxide (NO₂) concentrations (the Plan). The Plan sets out how the Government will ensure compliance with air quality limits within the shortest possible time. In order to achieve this, the Plan identifies roads where an assessment at the national level indicated NO₂ concentrations would exceed limits and requires the relevant Local Authorities to undertake feasibility studies to be submitted to the Government with a view to implementing measures to ensure compliance is reached as quickly as possible.
- 1.2 The Plan lists the A331 between the A31 and M3 as such a road and the borough councils of Guildford, Rushmoor and Surrey Heath are named in the Plan. The Plan is supported by a legal requirement via a Ministerial Directive served on the three named authorities, and for the work and implementation of mitigation measures to achieve annual mean nitrogen dioxide concentrations of no higher than 40.0µg/m³ to be overseen and funded by the Defra / Department for Transport Joint Air Quality Unit (JAQU).
- 1.3 The three local authorities named in relation to the A331 are working collaboratively and are supported by the respective highway authorities of Hampshire and Surrey county councils. A Memorandum of Understanding was established between all five authorities (the Blackwater Valley Partnership) to confirm the partnership working in order to meet the Directive. The partnership involves a Strategic Group consisting of both Members and officers, and a Technical Group consisting of officers supported by the air quality consultants Atkins. JAQU is also a partner, and so is Highways

England due to the junction with the M3 at the northern end of this part of the A331.

- 1.4 The Direction served under Section 85(5) of the Environment Act 1995 on the 27 July 2017 required the three Authorities to:

“Undertake as part of the UK plan for tackling roadside nitrogen dioxide concentrations 2017, a Feasibility Study in accordance with the HM Treasury’s Green Book approach, to identify the option which will deliver compliance with legal limits for nitrogen dioxide in the area for which the authority is responsible, in the shortest possible time.”

- 1.5 The Direction identifies two specific activities with deadlines. First, to submit an Initial Plan (Strategic Outline Case) as soon as possible and no later than the 31 March 2018. This was completed, and the Strategic Outline Case (SOC) produced a longlist of potential measures to deliver compliance with the legal limits for nitrogen dioxide in the shortest possible time.
- 1.6 Second, to comply with the second requirement of the Direction, a Final Plan (Business Case) must be provided to JAQU as soon as possible and by the 31 December 2018 at the latest. JAQU guidance requires there is formal Member approval of the Final Plan, and papers will be taken to relevant Cabinet / Executive / Joint Committee meetings in each of the three Authorities during December. Should both the Local Committee (Surrey Heath) and Hampshire County Council give permission for the proposed Traffic Regulation Order (TRO) to be advertised and all three Authorities approve the Outline Business Case (provided in the Annex to this report), the TRO will be advertised towards the end of February 2019 after the Secretary of State for the Environment has approved the Final Plan.
- 1.7 Although Hampshire County Council is responsible for the maintenance of this section of the A331 BVR, as the road follows the county boundary both Hampshire and Surrey county councils are required to make the necessary Traffic Regulation Orders. In addition, the southern terminals (100 metres south of the Coleford Bridge Road and on both the entry and exit slips) will be located within Surrey Heath.

2. ANALYSIS:

- 2.1 The air quality data in the Plan was based on the Defra’s Pollution Climate Mapping (PCM) Model, which is an umbrella screening tool. The Blackwater Valley Partnership undertook an exercise to validate the PCM data using local information including a week long ANPR (automatic number plate recognition) survey to better understand the vehicles using and journeys completed on the A331 BVR.
- 2.2 The local air quality modelling work undertaken shows that all sections of the A331 achieve compliance with the annual mean for nitrogen dioxide limit ($40\mu\text{g}/\text{m}^3$) by 2021 with the exception of the section between the Coleford Bridge Road and Frimley junctions.
- 2.3 Consequently, the Ministerial Direction requires mitigation measures to be implemented that will achieve compliance in the shortest possible time on this section of the A331 BVR.

3. OPTIONS:

- 3.1 JAQU guidance states that a Clean Air Zone should be the benchmark option as it considers a Clean Air Zone to be the quickest solution to achieving compliance in the majority of cases. As the A331 is a straight-line exceedance rather than an area such as a town centre, and was built specifically as a bypass to local towns including Aldershot, Ash, Farnborough, Mytchett and Frimley, a clean air zone is likely to cause traffic to divert thereby increasing air pollution in other areas. The Blackwater Valley Partnership submitted a technical note to JAQU discounting the default of a Clean Air Zone benchmark in favour of a speed limit reduction. This approach was agreed by JAQU, and the technical note is included in the Outline Business Case.
- 3.2 The development of the preferred measure has involved the production of the Feasibility Study, the Strategic Outline Case, the Initial Evidence Submission (which was approved, including the methodology and results) and now the Outline Business Case. JAQU and consultants either have been involved in every decision making stage or have been informed after each decision.
- 3.3 The initial long and shortlist of measures to achieve compliance in the shortest possible time was developed as part of the Strategic Outline Case.
- 3.4 Individual and packages of measures have been under review constantly as local data has become available and as implementation of the measures has been explored and evaluated. This has included options to either close or divert the Blackwater Valley Path away from the A331, but neither of these would meet the requirement to implement measures to achieve compliance as soon as possible.
- 3.5 From the long list of options, two are forecast to achieve compliance: a speed limit reduction from 70mph to 60mph, which is forecast to achieve an annual mean of 39.6µg/m³ in 2021, and a speed reduction from 70mph to 50mph: this is forecast to achieve an annual mean of 37.6µg/m³ in 2021.
- 3.6 Some additional measures, such as signing, will be required to bring vehicle speeds down and encourage drivers to comply with the 50mph limit. These measures are likely to include signs explaining the rationale for the speed limit reduction. The measures will be displayed as part of the consultation on the TRO.
- 3.7 The difficulty with air quality assessments is that they are imprecise: there is at least a 10% margin of error. There is a risk that a 50mph speed limit will not achieve compliance in reality, but that risk is much higher for the 60mph option. Consequently, following advice received from JAQU, the preferred option being put forward in the Outline Business Case is a reduction to 50mph supported by average speed cameras. This advice resulted from the judgement delivered in February 2018 following the Client Earth (no. 3) action brought against the Government and Mayor of London stating that there is an obligation on the Government to ensure that the mitigation measures will mean meeting the compliance value limits is not just possible, but likely.
- 3.8 Once the speed limit has been reduced, monitoring will be undertaken coupled with further technical work to assess when compliance will continue to be

achieved at higher speeds (i.e. with a speed limit of 70mph). Once JAQU accepts this is the case, another TRO will be proposed to revert the speed limit on this section of the A331 to 70mph. At the same time, relevant supporting measures will be removed. It is envisaged that this is likely to be around the end of 2023, but will depend on the monitoring results.

- 3.9 As a Ministerial Direction has been served on Guildford, Rushmoor and Surrey Heath borough councils by the Parliamentary Under Secretary of State for the Environment, under Section 85(7) of the Environment Act 1995 the councils have a duty to comply with the Direction. Consequently, doing nothing is not a legal option.
- 3.10 Although the Direction itself does not specify any penalties for non-compliance, doing nothing could result in legal action for missing the legal obligation. Potentially this could result in fines from the EU in relation to not meeting EU limit values for air quality being passed on from the Secretary of State under the Localism Act 2011 (under Part 2 of the Localism Act 2011 the Secretary of State has a discretionary power to require Local Authorities to contribute to any EU financial sanctions imposed under Article of 260(2) of the Treaty of the Functioning of the European Union when the acts of the authority have caused or contributed to the infraction of EU law.) Legal action could also be taken against the councils by parties such a Client Earth.
- 3.11 To meet the requirements of the Ministerial Direction, officers recommend the Local Committee (Surrey Heath) agree to the three recommendations put forward at the beginning of this paper.
- 3.12 In order to comply with the Ministerial Directive all the Authorities served with the Direction have to endorse the Outline Business Case. Therefore recommending the advertisement for a TRO to reduce the speed limit to just 60mph is not recommended as it would prevent submission of the Outline and Full Business Case by the Government deadlines.

4. CONSULTATIONS:

- 4.1 Consultation has taken place with the Blackwater Valley Strategic Working Group, which includes senior officers and Lead Members for Air Quality at each of the five Local Authorities in the partnership. All support the option to introduce a 50mph speed limit on the specified section of the A331 BVR.
- 4.2 Surrey Police (Traffic Management & Road safety Team) has also been consulted. Surrey Police accept that a reduction to 60mph meets Surrey policy and consider that reduction to this limit would be largely self-enforcing. However, while they have raised concerns about a reduction to 50mph, they haven't actually objected to the proposal. Their full response given on 2 October is shown below:

In respect of the specific proposal on the lower speed limit along the A331 BVR to 60mph, this meets the agreed SCC/ Surrey Police policy and as such we would not object, as it would be largely self-enforcing. However in your previous email you suggest that if a 60mph limit did not resolve the air quality issue then the limit could be lowered to 50mph. This lower 50mph limit would not meet with your policy and would require some other form of speed reducing measure to ensure compliance. As it is a dual carriageway the only

possible way forward to achieve such a drastic change in driver behaviour would be the introduction of average speed cameras. The required reduction in vehicles speeds could not be achieved through enforcement by officers on the ground and in addition that type of speed enforcement is expensive. It is both time and resource intensive and competes with many other important policing issues of equal public concern.

In general terms speed limits must be clear and appropriate for the nature of the road so that the need for compliance from all drivers is understood. By introducing such inappropriate speed limits drivers will not see the need to comply and this could bring into disrepute all other speed limits. With regard to average speed cameras to ensure compliance, it is not only the expense of the installation of the system that needs to be considered, but also the back office function that will have to be of a level to cope with the extra demand of the large increase in offences, the lack of court slots and the Driver Improvement NDORS courses. All of these need to be considered in addition to just the funding of the cameras.

We understand and accept the reasons behind the initiative, however Surrey Police have a finite capacity to manage speed enforcement schemes of which our priority must be focused towards road safety and casualty reduction matters.

- 4.3 As Hampshire County Council is responsible for the maintenance of this section of the A331 BVR, Hampshire have agreed to take on responsibility for both implementing the measures and maintaining them. The installation of roads signs and associated lining works along with the infrastructure to support the average speed cameras would have to be done under lane closers. Given that any works on the A331 BVR involving lane closures results in significant congestion and delays to drivers, Hampshire is looking to undertake as much of the work as possible under night-time only lane closures. However, details of what time of day work will be undertaken and what associated traffic management will be required have yet to be confirmed.
- 4.4 In addition, the traffic management that will be required to facilitate the provision of electric power to supporting measures (for example, variable message signs if these are going to be installed) and monitoring stations remains unknown at this time.
- 4.5 All works will be subject to gaining the required Streetwork Permits from the relevant authority.

5. FINANCIAL AND VALUE FOR MONEY IMPLICATIONS:

- 5.1 All costs throughout the length of the project including investigation, implementation, monitoring and evaluation are paid for by JAQU funding.
- 5.2 A grant of £50,000 was awarded initially by JAQU in August 2017 under Section 31 of the Local Government Act 2003 to each of the three Authorities served with the Ministerial Directive: a total of £150,000.

- 5.3 JAQU awarded a further grant payment of £600,000 to Surrey Heath Borough Council under Section 31 of the Local Government Act 2003 in February 2018 to support the development of the joint feasibility study by all three Local Authorities subject to the Direction.
- 5.4 All officer time spent in the development of the feasibility study across the Blackwater Valley Partnership is paid for from the grant. The grant spend is monitored by the Technical Working Group with regular reports to JAQU and the Strategic Working Group.
- 5.5 The approximate cost of implementing the measures in the Outline Business Case is £750,000 and will be implemented subject to approval and full funding from JAQU. The Blackwater Valley Partnership has agreed that Rushmoor Borough Council will be the recipient of the implementation grant and the Section 151 officer for Rushmoor Borough Council has confirmed support of this approach.
- 5.6 The grant requirement will include costs for maintenance, on-going monitoring, decommissioning and reinstatement of the current 70mph speed limit.

6. EQUALITIES AND DIVERSITY IMPLICATIONS:

- 6.1 Surrey County Council's Highways & Transport Service is mindful of its needs within this area and attempts to treat all users of the public highway and footpath network with equality and understanding.

7. LOCALISM:

- 7.1 Through the views and needs expressed by local communities, and accommodating where possible the involvement of local communities in looking after the public highway, localism is routinely considered as part of the consultation and bidding processes for highway related works.
- 7.2 It is recognised that the A331 BVR is used by both local people and drivers traveling through the area, and this will be taken into account when the public notice about the TRO is advertised.

8. OTHER IMPLICATIONS:

The potential implications of the proposed action has been considered in relation to the following Council priorities and policies:

Area assessed:	Direct Implications:
Crime and Disorder	No significant implications arising from this report / Set out below.
Sustainability (including Climate Change and Carbon Emissions)	No significant implications arising from this report / Set out below.
Corporate Parenting/Looked After Children	No significant implications arising from this report / Set out below.
Safeguarding responsibilities for vulnerable children and adults	No significant implications arising from this report / Set out below.

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Public Health	No significant implications arising from this report / Set out below.
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8.1 Sustainability implications

There will be a small reduction in carbon emissions as a result of drivers reducing their vehicle speeds along this section of the A331.

8.2 Public Health implications

The implementation of the proposed measures to improve air quality will have a positive impact on the health of those using the Blackwater Valley Path and other paths adjacent to this section of the A331.

9. CONCLUSION AND RECOMMENDATIONS:

- 9.1 The Blackwater Valley Partnership have produced an Outline Business Case (contained in the Annex to this report) to meet the requirements of the Ministerial Direction. The Outline Business Case identifies the preferred measure to achieve compliance in the shortest possible time and evidence to support the option.
- 9.2 Officers recommend the Local Committee (Surrey Heath) agree to the advertising of the Public Notice for the Traffic Regulation Order to extend the existing 50mph in force at the Frimley end of the A331 BVR southwards to 100 metres south of the Coleford Bridge Road junction.

10. WHAT HAPPENS NEXT:

- 10.1 Should the Local Committee (Surrey Heath) agree to the advertising of the public notice for the Traffic Regulation Order, officers will liaise with officers in Hampshire County Council to ensure it is advertised in both authorities at the same time. The proposal will only be advertised following positive feedback from the Secretary of State for the Environment following submission of the Outline Business Case: this response is expected in late February 2019. Details will be given of how to respond to a single address, and this will be advertised on the A331 BVR itself.
- 10.2 Any objections to the revocation of the existing 70mph speed limit and resultant introduction of a 50mph speed limit will be considered and resolved by the Area Highways Manager (NW) in consultation with the Divisional Member, Chairman and relevant Hampshire County Council officers and Members, and that this issue only be returned to Committee if any objections prove insurmountable.
- 10.3 Should all objections be resolvable, the Order will be made and the physical works will be carried out on site subject to gaining the necessary Streetwork Permits. These works will be organised and overseen by Hampshire Country Council.

Contact Officer:

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Consulted:

Blackwater Valley Strategic Group
County Councillor Goodman (Cabinet Member for Environment & Transport)
Mr Jason Russell, Executive Director, Highways, Transport and Environment
Mrs Lucy Monie, Head of Highways & Transport
Mr Richard Bolton, Local Highway Services Group Manager
Mr Andrew Milne, Area Highway Manager (North West)
Surrey County Council Road Safety Team
Surrey Police Traffic Management & Road Safety Team

Annexes:

Map showing the extent of the 50mph limit
Blackwater Valley Outline Business Case (this will be available in hard copy at the meeting)

Sources/background papers:

- Air quality plan for nitrogen dioxide (NO₂) in UK (2017), Defra, July 2017
<https://www.gov.uk/government/publications/air-quality-plan-for-nitrogen-dioxide-no2-in-uk-2017>
- Environment Act 1995 <https://www.legislation.gov.uk/ukpga/1995/25/contents>
- Environment Act 1995 (Feasibility Study for Nitrogen Dioxide Compliance) Air Quality Direction 2017
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/746095/air-quality-no2-plan-directions-2017.pdf
- Localism Act 2011
<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

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