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Edward Mountain MSP  
Convener  
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Scottish Parliament  
Holyrood  
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30 October 2018

Dear Edward,

As Cabinet Secretary with responsibility for Road Safety in Scotland I am writing to the Rural Economy and Connectivity Committee to provide the Scottish Government's initial views on the Restricted Roads (20 mph Speed Limits) (Scotland) Bill introduced by Mark Ruskell MSP.

I recently met with Mr Ruskell regarding his plans to introduce a Member's Bill on 20 mph speed limits. At this meeting I indicated that whilst I was broadly supportive of the principles of the proposals there is a lot of detail, including wider impact which was yet to be considered.

I am clear that 20 mph speed limits are a good idea when implemented in the right environment. The Scottish Government actively encourages the implementation of 20 mph speed limits in the right environment and welcomes discussion of the merits and demerits of these proposals. However, we believe that more evidence and more detailed analysis is needed before the measure proposed in the Restricted Roads (20 mph Limits) (Scotland) Bill can be fully supported.

Our full written response is attached.

I would welcome the opportunity to contribute in greater detail as the Committee progresses its scrutiny of the Bill.

**MICHAEL MATHESON**

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# RESTRICTED ROADS (20 MPH SPEED LIMITS) (SCOTLAND) BILL

## WRITTEN SUBMISSION FROM THE SCOTTISH GOVERNMENT

### Introduction

1. This memorandum has been prepared by the Scottish Government to assist consideration by the Rural Economy and Connectivity Committee of the Restricted Roads (20 mph Speed Limits) (Scotland) Bill (“the Bill”), which was introduced by Mark Ruskell MSP on 21 September 2018.

### Background

2. The purpose of the Bill is to reduce the general speed limit on restricted roads from 30 mph to 20 mph. A restricted road in Scotland is a road which:

- ◆ has a system of carriageway lighting provided by lamps placed not more than 185 m apart;
- ◆ has been classified as class C or unclassified;
- ◆ has not been derestricted or had a different speed limit set by order (including orders by local authorities); and
- ◆ In addition, it can also be a road which does not meet the above criteria but which the road authority has directed (by a Restricted Road Order) should become a restricted road.

3. Local authorities currently have the option to lower the 30 mph default speed limit on restricted roads to 20 mph via a Traffic Regulations Order (TRO) and should do so in line with Transport Scotland (TS) guidance on the matter. Most councils have implemented 20 mph restrictions to some extent, particularly on roads around schools and with high levels of pedestrians and cyclists, but others have gone further. The largest scale 20 mph limit programme is in Edinburgh, where all roads with the exception of key thoroughfares have had their speed limits reduced. Some authorities have implemented speed limit zones, which use traffic calming measures to reduce speeds. There is no central register currently available as to the total length of roads in Scotland which have a 20 mph limit, nor the total length of restricted roads

4. The Policy Memorandum accompanying the Bill states that by reducing the speed limits on Restricted Roads this would make 20 mph the norm in built-up areas, rather than the exception, while still allowing a limited network of through-routes in towns and cities which are subject to speed limits higher than 20 mph. According to the Policy Memorandum the Bill is intended to encourage a change in social and cultural attitudes towards road safety by reducing speeds in built-up areas.

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## Consultation

5. In line with Parliamentary requirements, Mr Ruskell undertook a national consultation which closed on 15 September 2017 and gained a total of 2445 responses. Of these, 1090 were by way of a pre-prepared text drafted by Friends of the Earth Scotland and the Scottish Green Party. There were 1,355 unique responses to the consultation received from individuals or organisations. The consultation analysis only focussed on these unique responses.

6. Overall, 891 respondents (66% – just under two-thirds) were fully or partially supportive, while 434 (32% – just under a third) were partially or fully opposed. If the 1,090 near-identical responses received via the Friends of the Earth and Scottish Green Party online tools – all of which were supportive – are included, 1,981 respondents (82%) supported the proposal, while 434 (18%) opposed it.

7. Active travel groups such as Cycling Scotland and Cycling UK were generally supportive of the measures, citing that the risk of serious injury or death cyclists and for pedestrians increases disproportionately as speed increases. Local Authorities were also generally supportive of the proposals but did highlight some practical implementation issues such as the TRO process. The motoring organisations who responded stated that a blanket reduction in the restricted roads speed limit is neither warranted nor acceptable.

8. There is an established relationship between speed and injury collisions – the higher the speed, the more collisions and where collisions do occur, the higher the risk of a fatal injury at higher speeds. However, 20 mph speed limits is an issue with several dimensions other than road safety – how speed limits are set and adhered to can also impact on emissions; air pollution; active travel choices, engineering, policing and other enforcement costs; and on levels of compliance with and respect for other speed limits and the law more generally. This is reflected in the consultation responses and by research in this area.

## Financial Impact

9. The Financial Memorandum accompanying the Bill acknowledges that the majority of the financial costs of reducing the current 30 mph general speed limit on restricted roads to 20 mph would fall on Local Authorities. The bulk of these costs relate to signage, that is ensuring that the correct road signs and markings are in place. There will also be more minor costs associated with marketing undertaken by the Scottish Government, and relating to increased prosecutions for speeding undertaken by the Crown Office and Procurator Fiscal Service and Scottish Courts and Tribunal Service.

10. However, there are some concerns around the robustness of this assessment of costs. These include that Local Authority costs do not go beyond expenditure on signage, despite the likely need for consequential Traffic Regulation Orders for those roads that they wish to remain at 30 mph and also potential additional infrastructure investment such as traffic calming measures. There are also costs to the Scottish Government which have not been taken account of, given they manage the Trunk Road Network. In addition there are other areas of costs which we consider need to be looked into further to establish what economic costs such as fuel consumption and increased journey time may be incurred on road users as a result.

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Therefore there is need for further analysis to be undertaken to ensure that all the financial implications are taken into account. This might be something the committee would wish to consider

## **Scottish Government's Position**

11. We are clear that 20 mph speed limits are a good idea when implemented in the right environment. Following further devolution of powers under the Scotland Act 2016, the Scottish Ministers have the power to set all national default speed limits. Primary legislation is not required. Our policy is that speed limits should be appropriate for a given location. As a result we have not so far felt the need to use these powers to change the default speed limit to 20 mph, as we do not believe this is justified.

12. Through Scotland's Road Safety Framework, road safety partners and the Scottish Ministers set out a commitment to 'Encourage local authorities to introduce 20 mph zones or limits in residential areas and areas of towns or cities with a high volume of pedestrians and cyclists'. Accordingly Transport Scotland's Good Practice Guide on 20 mph speed restrictions, published in 2015 (and updated in 2016), encourages local authorities to introduce such measures where appropriate, and this has been and is being acted upon by a number of local authorities.

13. It has been the Scottish Government's position to date that decisions on introducing 20 mph speed limits are best taken at a local level. This allows for the exact circumstances of each road to be fully considered to ensure that decisions which are made are appropriate and credible. This was also highlighted by the UK Parliamentary Advisory Council for Transport Safety (PACTS), a transport safety body, advocates evidence-based policies to reduce transport casualties. Whilst PACTS welcomed Mr Ruskell's consultation they consider that careful examination of the issues and evidence is needed.

14. That accords with advice from Police Scotland that:

- ◆ any speed limits should be appropriate and credible;
- ◆ it is imperative that Local Authorities (and the Scottish Ministers for the Trunk Road Network) give careful consideration to the selection of sites that require the introduction of a lowered speed limit;
- ◆ such limits should be supported by speed reduction measures such that they are effectively self-enforcing; and
- ◆ clear evidence should be available to support any proposed speed limit change and it should include the analysis of any existing issues or risks.

15. There is a risk that a blanket approach will not capture all roads where it would be desirable to have a 20 mph limit, and conversely, there will be roads that will be changed to 20 mph when the current 30 mph limit is more appropriate for that environment.

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16. Speed management is not achieved solely through the posting of speed limits. A key factor in setting any speed limit is its acceptance by road users as credible. The latest statistics from Department for Transport (DfT) show that in 2016 over 80% of cars and Large Goods Vehicles exceeded 20 mph speed limits, albeit this is a marginal improvement on the previous year's statistics. There are questions as to whether the setting of speed limits which could be seen as inappropriately low relative to the character of the road and which are accordingly not well-observed can lead to lower compliance from drivers in relation to other limits and other road traffic laws.

17. Current policy is that pre-existing average vehicle speeds should be 24 mph or less before it is appropriate to introduce a 20 mph limit. Lowering limits on roads with higher average speeds in place risks creating a perceived speeding issue which could not be addressed with current resources.

18. The most robust and comprehensive review of current evidence is anticipated from a three-year study by the DfT on sign-only limits, due in Autumn 2018. Until this is published we do not consider there to be a firm foundation upon which the Scottish Government can take an evidence-based approach to the issue.

19. In terms of emissions impacts, the evidence is partial and inconclusive, particularly for the effects on greenhouse gas emissions. DfT-commissioned analysis of emissions-lab test data indicates that there is little difference in emissions of CO<sub>2</sub> per km travelled comparing vehicles travelling at speeds of 20 mph and 30 mph. However, they found little or no real-world estimation of the impact of 20 mph limits or zones on greenhouse gas emissions.

20. Accordingly, there are a number of questions around the process, impact and consequences of a nationwide default 20 mph limit for all restricted roads which need to be carefully considered before we are in a position to fully support the Bill. Building on the work already undertaken, the DfT study may provide some of the answers to some of those questions and we will work with COSLA, Society of Local Authority Chief Executives (SOLACE) and The Society of Chief Officers of Transportation in Scotland (SCOTS) with the aim of:

- ◆ Assisting Traffic Authorities to identify the roads which will be affected, both in implementing 20 mph speeds limits and processing Traffic Regulation orders for those roads which will require to be retained at 30 mph;
- ◆ Assisting Traffic Authorities to understand the circumstances of each of the affected roads to help estimate all resource and costs involved in the implementation of the proposals and any potential consequences of them;
- ◆ Comparing the resource and costs consequences of the Bill against the current process of implementing Traffic Regulation Orders for 20 mph limits; and
- ◆ Identifying whether there are any factors which are preventing Local Authorities from implementing 20 mph speed limits in the right environments.

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## Conclusion

21. The Scottish Government actively encourages the implementation of 20 mph speed limits in the right environment and welcomes discussion of the merits and demerits of these proposals. However, we believe that more evidence and more detailed analysis is needed before the measure proposed in the Restricted Roads (20 mph Limits) (Scotland) Bill can be fully supported. Some of that evidence may come from the DfT study anticipated shortly. Other relevant evidence we will gather collaboratively through the additional work described above. We recognise the importance of giving full consideration to these proposals to ensure we achieve our shared objectives of safe roads where more people choose active travel.

Road Safety Policy Team  
Scottish Government

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