

Report to: Place Scrutiny Committee

Date of meeting: 27 November 2025

By: Director of Communities, Economy and Transport

Title: Notice of Motion: 20mph Speed Limits in new developments

Purpose: To consider a Notice of Motion to implement a maximum speed limit of 20mph when adopting roads in new developments

RECOMMENDATIONS:

Place Scrutiny Committee is recommended to:

- (1) Note that the matter of implementing 20mph speed limits at new development was considered by Place Scrutiny Committee during the 2024/25 Scrutiny Review of Local Speed Limit Policy;
 - (2) Note that the Council's approach to setting local speed limits is still in line with current Department for Transport guidance and will be reviewed when there are changes to national guidance or policy; and
 - (3) Note that, whilst the County Council's guidance recommends a 'design speed' of 20mph for residential roads at new development, there is currently no legal mechanism through which we can implement 20mph limits when adopting new roads
 - (4) Recommend to Full Council that it supports an amended motion as set out in paragraph 3.5.
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1 Background Information

- 1.1. Councillor Field has submitted the following Notice of Motion to the Chairman:

"Evidence shows that 20mph limits:

- increases a pedestrian's chance of survival if hit by a car*
- improves the quality of life for those living in a 20mph zone*
- leads to calmer streets and improved community cohesion*
- reduces pollution*

This Council requests the Cabinet to:

Consider implementing a maximum speed limit of 20mph when adopting roads in new developments."

- 1.2 The Chairman has agreed that this Notice of Motion should be considered by the Place Scrutiny Committee, prior to it being reported to the Full Council.

- 1.3 In 2024 the Place Scrutiny Committee undertook a Scrutiny Review of Local Speed Limit Policy. The final Scrutiny Review report and Cabinet's agreed response to the recommendations were presented to Full Council on 11 February 2025).
- 1.4 The review considered the matter of speed limits at new development. The review concluded that the Council's approach to setting local speed limits was in line with the Department for Transport guidance, although some Members involved with the review noted that they disagreed with some of the report findings, which was reflected in the final report to Full Council.

2 Supporting information

Consideration of lower speed environments as part of new development

- 2.1 East Sussex County Council (ESCC) is a consultee in the planning process and ultimately planning applications are determined by the districts and borough councils in East Sussex. When new roads are constructed, developers may offer them to ESCC for adoption. This occurs after planning permission is granted. Whether a road is to be adopted would be considered after permission and during detailed design / construction, most commonly via a Section 38 Agreement under the Highways Act and only at the landowners request or with their permission. The Act allows new and existing roads to be adopted by highway authorities so that they become maintainable at public expense, subject to being built to the correct specification and securing commuted sums for future maintenance. Not all new roads will be offered for adoption and we cannot insist upon it. This is achieved if the necessary technical parameters, construction specifications and checks have been met. Adoptions are a separate process to the granting of planning permission.
- 2.2 The County Council's Transport Development Planning Team input to the planning application process to ensure that new estate roads are designed appropriately to a 20mph design speed and in accordance with ESCC and national guidance, Manual for Streets (MfS). A design speed is the planned, safe speed determined by physical features such as road widths, curves and sight distances, this is considered as part of the design and planning process and is not the same as a speed limit.
- Speed limits are a separate matter using signage, road markings and other such measures to legally enforce a limit. Speed limits require Police support and enforcement, and wherever possible, design speeds should be self-enforcing.
- 2.3 ESCC's design guidance follows the Department for Transport (DfT) MfS and has been in place since 2007. The Transport Development Planning Team seek to ensure the design of new residential developments supports lower speeds. Whilst comments are made to the respective planning authorities on a development's layout in relation to Manual for Streets, ESCC does not have any authority over the final development design. The Transport Development Planning Team's guidance states that: ***"The design speed for new streets is a key principle to their success in achieving a sense of place. All residential roads should therefore be designed to achieve an 85th percentile speed of 20mph."***

- 2.4 There is therefore no mechanism to provide a 20mph limit at the planning or road adoption stage. Speed limits can only be put in place at a time when evidence is presented identifying actual speed measurements at a given location. The required evidence will only be available once a development is fully occupied, travel patterns are well established, surveys have been undertaken and there is a clear need for a limit which can be appropriately delivered and has the required support of Sussex Police.

Place making and safe speeds

- 2.5 Design of new road layouts and local environment should lead to drivers naturally adopting lower speeds. MfS encourages a move away from the dominance of the motor vehicle and achieving a sense of place, which is consistent with the approach the County Council has taken in its adopted Local Transport Plan 4.
- 2.6 Safe speeds are achieved through a range of measures; speed limits themselves are not effective in isolation, as drivers will often drive at a speed that they think is appropriate to the environment they are in. Good design is, therefore, important in encouraging personal responsibility for safe and appropriate behaviour. It is important to stress that the Transport Development Planning Team, through its representations to the district and borough councils as part of the planning process, is limited to commenting on design speeds only and cannot, therefore, implement a 20mph speed limit on new roads which may be subsequently adopted.
- 2.7 MfS sets out detailed design considerations inclusive of, but not limited to, reducing forward visibility, road layouts and widths, reduced junction radii and other measures. Such measures and good place making should negate the need for speed limits.

Speed limit policy

- 2.8 National and local policies and guidance support 20mph speed limits where appropriate. National legislation imposes a default 30mph speed limit on roads provided with a system of street lighting which covers most residential and urban roads and no speed limit reminder signs are required to give effect to the speed limit.
- 2.9 Drivers may not automatically comply with a limit if it is set unrealistically low for a particular road function and condition. The principal aim in determining appropriate speed limits is to provide a consistent message between the speed limit and what the road looks like, and for changes in the limit to be reflective of changes in the road layout and characteristics.
- 2.10 ESCC policy (PS05/02) sets out criteria for appropriate application of 20mph speed limits. This is based on average speeds, road environment, the character of the road and traffic composition.
- 2.11 With reference to the previous scrutiny report on Local Speed Limit Policy that was agreed at Full Council on 11 February 2025, the committee's recommendation that "the County Council regularly reviews Policy PS05/02 Local Speed Limits when there is a change in national guidance" was agreed. There have been no significant updates to the national guidance on the setting of local speed limits (DfT circular 01/2013) since this date.

- 2.12 It is noted that 01/2013 was updated in March 2024 to emphasise the fundamentals of appropriate speed limits to reinforce driver understanding, saying “Traffic Authorities should use the right speed limits in the right places. They should keep their speed limits under review and only introduce 20mph limits and zones in the right places”.
- 2.13 Alongside ESCC’s adopted speed limit policy PS05/02, the committee considered other measures the Council takes to implement low speed environments inclusive of those implemented through the planning system. Overall, the committee found that the Council’s local speed limit policy and approach new development is in line with current national guidance.

3 Conclusion and Reasons for Recommendations

- 3.1 Place making and design speeds will continue to be considered as part of planning application and road adoption processes. When making representations to local planning authorities on applications, we will continue to recommend a design speed of 20mph for residential streets.
- 3.2 Whilst 20mph speed limits will continue to be supported where appropriate in accordance with approved national and local policies and guidance, the County Council cannot implement 20mph limits on residential roads at new development through the planning process as there is currently no mechanism to deliver them. This is also true of the road adoption process.
- 3.3 ESCC policies and guidance will be reviewed as and when there is a change to national policy or legislation, as recommended by the previous Place Scrutiny Review on setting local speed limits.
- 3.4 The County Council guidance supports the principle of the motion in that it states that residential roads at new development should be designed to achieve maximum speeds of 20mph. However, in the absence of a mechanism to achieve it we cannot currently implement 20 mph limits when adopting residential roads.
- 3.5 It is recommended that the Committee recommend that Council supports the following amended motion:

“This Council supports the principle that residential roads in new developments should have maximum speeds of 20mph and agrees to make representations to Government to review and update the national speed limit policy to better reflect the Council’s aspiration of achieving 20mph speed limits in new developments.”

RUPERT CLUBB

Director of Communities, Economy and Transport

Contact Officers: Michelle Edser / Claire Scriven

Tel. No. 01273 482254

Email: michelle.edser@eastsussex.gov.uk / claire.scriven@eastsussex.gov.uk

LOCAL MEMBERS

All

BACKGROUND DOCUMENTS

None.