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11 March 2022

Subject: Remit of Environmental Standards Scotland – Case Reference IESS.22.002

Dear [REDACTED],

Thank you for the representation you submitted to Environmental Standards Scotland (ESS) on 15 January 2022. I can confirm that I have carefully reviewed the information provided, and have undertaken additional background research relating to the concerns you have raised.

In your representation form you explained that, whilst you support the roll out of 20mph speed limits across Edinburgh, in your experience the 20 mph speed limit is ignored by many drivers and that, consequently, the roads are now more dangerous because of drivers either trying to observe or ignoring the limit. In your view, the behaviour of drivers has potentially delivered the opposite of what was intended, namely an increase in pollution, environmental damage and a negative contribution to climate change mitigation. The outcome you seek from making your representation is active enforcement of all speed limits across the city of Edinburgh.

Background and rationale for the introduction of the 20 mph speed limit

Edinburgh was the first city in Scotland to implement a city-wide 20 mph network, the **primary** aim of extending the 20 mph limits between 2016-18 was to:

- *Reduce the risk and severity of accidents by reducing speed, increasing the safety and well-being of all road users.*
- *Create more favourable conditions for pedestrians and cyclists in the city.*
- *Create streets that are attractive, social and people friendly¹*

¹ <https://www.edinburgh.gov.uk/downloads/file/26614/report-on-key-outcomes-following-the-implementation-of-20mph-limits-in-edinburgh-nihr-sept-2019>

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The appropriate law underpinning the 20mph speed limits is the Road Traffic Regulation Act (RTRA), 1984², which was amended in 1999 to allow local authorities to designate 20 mph speed limits without the prior approval of the Secretary of State³. Two distinct types of 20 mph speed limit were made possible:

- 20 mph limits indicated by speed limit (and repeater) signs only (signed only limits); and
- 20 mph zones, designed to be ‘self-enforcing’ through the introduction of traffic calming measures (e.g. speed humps, chicanes).

In order to ensure that 20 mph limits and speed limit zones are legally implemented and enforceable, a speed limit order must be made. In Scotland, local authorities should use the Local Authorities Traffic Orders (Procedure) (Scotland) Regulations 1999⁴. These 1999 Regulations prescribe the procedure to be followed by Local Traffic Authorities (LTAs). Transport Regulation Orders (TRO) can be introduced by LTAs for a number of reasons, for example to ease congestion and promote traffic flow. It would appear that the aim of the TRO for Edinburgh’s 20 mph speed limits was to reduce the risk of accidents, the number of fatalities and vehicle speed. There was no specific mention to any of the environmental considerations you mentioned, such as pollution, environmental damage and climate change mitigation.

In addition there are a number of national and local policies, strategies and actions plans delivering on 20mph speed limits including:

- Scottish Government - Good Practice Guide on 20 mph Speed Restrictions⁵
- Scottish Government - Road Safety Framework 2030⁶
- Cycling Action Plan for Scotland (CAPS) (2017-2020)⁷
- A long term vision for active travel in Scotland 2030⁸
- City of Edinburgh Council - Local Transport Strategy 2014-19⁹

Although environmental impacts such as reductions in greenhouse gas emissions, air pollution and the establishment of a green transport network feature in these, they do not appear to be the main policy drivers for the 20 mph speed limit interventions.

Following on from this point, it is apparent that conflicting views still exist within published scientific studies relating to the introduction of 20 mph speed limits, and the effects these have on vehicle emissions and local air pollutant levels. For example, a Bristol study¹⁰ reports “*a smoothing of driving style and cutting out of the acceleration phase from 20 mph to 30 mph is considered to be beneficial for emissions of harmful pollutants*”. Whilst

² [Road Traffic Regulation Act 1984 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1984/26)

³ [The Road Traffic Regulation Act 1984 \(Amendment\) Order 1999 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/1999/1000)

⁴ [The Local Authorities' Traffic Orders \(Procedure\) \(Scotland\) Regulations 1999 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/1999/1000)

⁵ <https://www.transport.gov.scot/media/38640/20-mph-good-practice-guide-update-version-2-28-june-2016.pdf>

⁶ <https://www.transport.gov.scot/media/49893/scotlands-road-safety-framework-to-2030.pdf>

⁷ <https://www.transport.gov.scot/media/10311/transport-scotland-policy-cycling-action-plan-for-scotland-january-2017.pdf>

⁸ <https://www.transport.gov.scot/media/33649/long-term-vision-for-active-travel-in-scotland-2030.pdf>

⁹ [Local transport strategy 2014 - 2019 – The City of Edinburgh Council](#)

¹⁰ [The Bristol Twenty Miles Per Hour Limit Evaluation \(BRITE\) Study \(worktribe.com\)](https://www.worktribe.com/bristol-20-mph-limit-evaluation)

research conducted by Imperial College¹¹ (London) concludes that “*Nitrogen Oxides (NOx²) emission factors are higher for petrol vehicles over 20 mph compared to 30 mph drive cycles; for diesel vehicles they are lower*”.

Arguably the relationship between vehicle speed and air quality is complex and emission levels will vary according to the interplay of various factors such as driving style, road camber/surface, congestion levels and vehicle type. Therefore, in my view, it would be incorrect to assume that 20 mph speed restrictions would inevitably result in improvements to ambient local air quality, and any assessment of environmental change or impact relating to a 10 mph reduction in vehicle speed (from 30 to 20 mph) in isolation would be almost impossible to measure at a local scale.

Enforcement of the 20mph speed limit

The enforcement of the 20 mph speed limits appears to fall on the responsibility of both LTAs and the Police. However, the overall intention is that these lower limits should be reasonably self-enforcing through the use of repeater signs and road markings to increase driver awareness, and if needed through other physical measures such as speed roundels and traffic calming features¹².

In January 2015, the Scottish Government published their Good Practice Guide in relation to the setting of 20 mph speed restrictions (2016)⁵. The document aims to provide greater clarity on the options available to local authorities in setting 20 mph speed restrictions throughout Scotland. In paragraph 40 of this document, it states that “*Any decision to lower the speed limit to 20 mph should seek to avoid the need for extensive police enforcement, as 20 mph limits will not be routinely enforced, unless it is absolutely necessary and in the interest of casualty reduction. The only exception to this is the enforcement of 20 mph speed limits outside schools, which takes place on a regular basis*”.

The guide further recommends that to ensure compliance with the new lower limit local authorities must ensure speed limits meet the legislative process and the requirements of the Traffic Signs Regulations and General Directions (TSRGD) 2016¹³ and that they are signed correctly and consistently. It is important to note that the 20 mph Good Practice Guide is intended as guidance only.

In addition to the above guidance, Section 6.3 of CEC’ Local Transport Strategy⁹ also makes reference to the requirement of effective enforcement of the 20 mph speed limits to achieve targets for improved road safety, stating: “*The Council will work with Police Scotland to help achieve this through the Road Safety Forum to seek means of addressing enforcement issues which may arise as 20 mph speed limit areas are rolled out*”.

¹¹ [An evaluation of the impacts of on vehicle emissions of a 20mph speed restriction in London \(edinburgh.gov.uk\)](http://edinburgh.gov.uk)

¹² [The Traffic Sign Regulations and General Directions 2016 - DfT Circular \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)

¹³ https://www.legislation.gov.uk/uksi/2016/362/pdfs/ukxi_20160362_en.pdf

Conclusion

It is important to explain that the role of ESS has been specifically defined to avoid any overlap with the responsibilities and functions of existing oversight and regulatory bodies. What this means in practice is that, where the subject matter of a representation legitimately falls within the remit of another oversight body, ESS will generally signpost to that body.

Having taken into account the information you have provided, in my view your concerns in respect of enforcement relate primarily to the health and safety of road users. Ultimately, you are not convinced that everything that could be done is being done to properly enforce the 20mph speed limit.

As I have already noted, the responsibility of enforcing the 20mph speed limit is the responsibility of Police Scotland and local authorities. The respective oversight organisation in relation to these bodies is the Police Investigation and Review Commissioner (PIRC) and the Scottish Public Service Ombudsman (SPSO).

Accordingly, any complaints you wish to make about the lack of enforcement should first of all be made to Police Scotland and/or the City of Edinburgh Council. Any complaint you make must be responded to within set timescales and, should you remain dissatisfied with their response, you have the right to complain to the PIRC or SPSO – who will be signposted in the complaint response. Further information on how you can make your complaints in the first instance can be found at:

[Comments and complaints – The City of Edinburgh Council](#)

[Complaints \(NEW\) - Police Scotland](#)

I appreciate that this may not be the response you were hoping for, however I would like to take this opportunity to thank you for your time in submitting your representation to ESS. Having said this, I can confirm that the information you have told us will be held to help us in our wider monitoring role. Lastly, if you have any queries or require further clarification on any of the above, please do not hesitate to contact me at the above e-mail address.

Yours sincerely



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