

EXPLANATORY MEMORANDUM TO
THE QUIET LANES AND HOME ZONES (ENGLAND) REGULATIONS 2006

2006 No. 2082

THE TRAFFIC SIGNS (AMENDMENT) REGULATIONS 2006

2006 No. 2083

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 The Quiet Lanes and Home Zones (England) Regulations 2006 set out the procedures that local traffic authorities must follow for designating, varying and revoking roads as Quiet Lanes or as Home Zones in England. They also enable local traffic authorities to make use orders and speed orders, and specify procedures for making, varying and revoking them.

2.2 The Traffic Signs (Amendment) Regulations 2006 prescribe new signs to mark the entry and exit points of a road designated as a Quiet Lane in England.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 The Quiet Lanes and Home Zones (England) Regulations 2006 are made in exercise of powers conferred by section 268 of the Transport Act 2000 to prescribe the procedure for the designation of Quiet Lanes and Home Zones by local traffic authorities. They also confer powers on those authorities to make use orders and speed orders in respect of designated roads. Use orders permit the road to be used for prescribed purposes, while speed orders describe the measures which the authority may take on a designated road with a view to reducing the speed of motor vehicles or pedal cycles or both motor vehicles and pedal cycles below the speed specified in the order.

4.2 The Traffic Signs (Amendment) Regulations 2006 are made in exercise of section 64 of the Road Traffic Regulation Act 1984 and after consultation with representative bodies in accordance with section 134(2) of the Road Traffic Regulation Act 1984. They add new specified signs to the Traffic Signs Regulations 2002 for use to indicate the beginning and end of designated Quiet Lanes in England.

4.3 In August 2005 the Regulations were notified in draft to the European Commission in accordance with Directive 98/34/EC as amended by Directive 98/48/EC because they prescribe new traffic signs.

5. Extent

5.1 These instruments apply to England.

6. European Convention on Human Rights

As the instruments are subject to negative resolution procedure and do not amend primary legislation, no statement is required.

7. Policy background

7.1 In Quiet Lanes and Home Zones, objectives for improving and maintaining the quality of life for local residents take precedence over general objectives to ease traffic movements. Roads in a Quiet Lane network or in a Home Zone are places where prescribed local activities may be carried out as well as being public thoroughfares. The speed of vehicles must be low enough to permit such activities to be enjoyed safely by people of all ages and abilities.

7.2 Section 268 of the Transport Act 2000 enabled local traffic authorities to designate roads as Quiet Lanes and Home Zones and introduced the concept of use orders and speed orders. It gave the Secretary of State the powers to make regulations and give guidance on these issues in England.

7.3 In respect of designation, the Quiet Lanes and Home Zones (England) Regulations are essentially procedural as they prescribe the procedures that local traffic authorities must follow for designating, varying and revoking Quiet Lanes and Home Zones (broadly following the procedures for traffic regulation orders), including provision for a substantial level of public involvement. In addition, they enable local traffic authorities to make use orders and speed orders, and specify procedures for making, varying and revoking them. Without these regulations, use orders and speed orders cannot be made.

7.4 A use order specifically permits the use of a road for purposes other than passage. The purposes for which a use order may be made are specified in the Regulations and include communal and recreational purposes. A speed order authorises the authority to take measures, described in the order, to encourage motor vehicles and/or pedal cycles to travel below the speed specified in the order.

7.5 The Traffic Signs (Amendment) Regulations 2006 amend the Traffic Signs Regulations 2002 (part I of SI 2002/3113) to introduce new traffic signs, for use in England only, to indicate entry and exit points of a road designated as a Quiet Lane. Signs for Home Zones are already included in the Traffic Signs Regulations.

7.6 Guidance on issues that local traffic authorities in England must consider when deciding whether or not to designate a road as a Quiet Lane or a Home Zone and when making use orders and speed orders will be published as Department for Transport Circular. A copy of the proposed text is attached to this memorandum at Annex A.

7.7 The Department for Transport has held two rounds of consultation about Quiet Lanes and Home Zones. In the first, a wide range of interested stakeholders were consulted initially on the need for and type of regulations and statutory guidance. 85% of those responding to the initial round of consultation stated they wanted regulations for Home Zones and for Quiet Lanes. When asked whether they wanted statutory guidance, 93% said yes for Home Zones and 92% said yes for Quiet Lanes. 91% of those responding agreed that the Department should make procedure regulations for use orders and speed orders.

7.8 A second formal public consultation was held on the draft regulations, draft statutory guidance and draft regulatory impact assessment. Consultees included Government Departments, local authorities in England, Charities/Voluntary Organisations, stakeholder groups, special interest groups, professional bodies, private companies and individuals. A total of ninety responses were received. A consultation report, that includes a list of invited consultees, has been published on the Department's website and a copy is included in the Regulatory Impact Assessment. Responses that provided a clear answer to the questions posed may be summarised as follows:

- 78% of respondents did not feel that the minimum consultation requirements were too onerous
- 78% thought that use orders (as specified in the draft regulations) would add value
- 70% thought that speed orders (as specified in the draft regulations) would add value
- 81% agreed that the draft statutory guidance helped to clarify the requirements
- 85% felt that the Regulatory Impact Assessment covered the main costs and benefits of each of the possible options
- a majority of respondents expressed a preference for the Quiet Lanes sign design as in the sign amendment regulations

Detailed comments from respondents have led to changes in the regulations, statutory guidance and the Regulatory Impact Assessment.

8. Impact

8.1 A Regulatory Impact Assessment is attached to this memorandum.

8.2 Authorities are not required to designate roads as Quiet Lanes or Home Zones, or to make use orders or speed orders once designated. If they choose not to, there will be no impact on businesses or the public sector. Where an authority chooses to implement Quiet Lanes or Home Zones the impacts on businesses and the public sector are described in the Regulatory Impact Assessment.

9. Contact

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ANNEX A

DEPARTMENT FOR TRANSPORT

DfT **XX/2006**

Department for Transport

Great Minster House, 76 Marsham Street, London SW1P 4DR

Publication date

THE QUIET LANES AND HOME ZONES (ENGLAND) REGULATIONS 2006

INTRODUCTION

1. In pursuance of section 268(7) of the Transport Act 2000, this Circular gives guidance on issues that local traffic authorities in England must consider when deciding whether or not to designate a road as a Quiet Lane or a Home Zone.
2. This Circular also gives guidance on the procedures for the making, variation and revocation of a designation of a road as a Quiet Lane or Home Zone, use orders, and speed orders.
3. In Quiet Lanes and Home Zones, objectives for improving and maintaining the quality of life for local residents should take precedence over general objectives to ease traffic movements. A road in a Quiet Lane network or in a Home Zone is a place where the whole of the space is available for a range of different uses. The speed of vehicles must be low enough to satisfy the local traffic authority that any permitted activities may be enjoyed safely by people of all ages and abilities. Designated roads should be recognised as places where prescribed local activities may be carried out, as well as being public thoroughfares.

QUIET LANES

4. Quiet Lanes are minor rural roads or networks of minor rural roads appropriate for shared use by walkers, cyclists, horse riders and other vehicles. The aim of Quiet Lanes is to maintain the character of minor rural roads by seeking to contain rising traffic growth that is widespread in rural areas. There are three key elements to a Quiet Lanes scheme: community involvement to encourage a change in user behaviour; area-wide direction signing to discourage through traffic; and Quiet Lane entry and exit signs to remind drivers that they are entering or leaving a Quiet Lane, a place where they may expect people to be using the whole of the road space for a range of activities.
5. In a Quiet Lane it may be appropriate to use development controls, where the local planning authority (after consulting other stakeholders) considers it necessary, to control the generators or destinations of traffic to a level commensurate with the Quiet Lane concept.

However, it is for each local planning authority to decide which policies to incorporate in its development plan for the area, the relevance of any particular issue when assessing a planning application, and the relative weight that should be given to any factor when reaching its decision.

6. The Department considers that only minor roads or networks of minor roads which have low flows of motorised vehicles travelling at low speeds and are suitable for shared use by walkers, cyclists, equestrians and motorists are appropriate for designation as Quiet Lanes. They should be rural in character, though they do not necessarily have to be in a rural area. Whilst single roads can be designated under the Act, the aim of creating a coherent network of routes for non-motorised users should remain.
7. It is recommended that designated Quiet Lanes should have no more than about 1000 motor vehicles per day. Vehicle speeds should be kept to levels appropriate to the mix of uses and activities expected to take place, usually with the 85th percentile speed below 35 mph. Traffic calming and traffic management measures may be required to achieve these conditions; these should be designed to be in keeping with the local environment but must still be effective. Pedestrians, cyclists and equestrians should feel able to use Quiet Lanes safely from the time of designation. Uses might include recreation, social interaction, and education, and could include uses that do not involve passing along the lane.

HOME ZONES

8. Home Zones aim to improve the quality of life in residential roads by making them places for people, instead of just being thoroughfares for vehicles. The key elements to a Home Zone are: community involvement to encourage a change in user behaviour; and for the road to be designed in such a way as to allow it to be used for a range of activities and to encourage very slow vehicle speeds (usually involving sensitively designed traffic calming).
9. The Department considers that only roads which are predominantly residential and either have very low traffic speeds already (well below 20 mph), or have measures applied to bring speeds down to these levels, are appropriate for consideration for designation as a Home Zone. Home Zones can be designed as part of new residential developments, or retrofitted into existing residential areas by redesigning the streets. A Home Zone may include some other non-residential premises, for example local shops or schools, but the majority of premises should be residential.
10. Within a designated Home Zone, traffic flows should be low, no more than about 100 motor vehicles in the afternoon peak hour is recommended, with little or no through traffic. Traffic management measures may be used to constrain motorised vehicle flows. Vehicle speeds should be kept to low levels appropriate to the mix of activities being undertaken by different users in the Home Zone. The intention should be to ensure that, for example, children can play games or that people can stand and talk in safety, even though they may need to move occasionally to allow vehicles to pass. Home Zone entry and exit signs remind drivers that they are entering or leaving a Home Zone, a place where they may expect people to be using the whole of the road space for a range of activities including children playing.

DEVELOPMENT OF PROPOSALS

11. The success of a Quiet Lane or a Home Zone can be judged by the extent to which the people who use the road or live there recognise the need for the scheme and take ownership of it. Such ownership largely depends upon effective community participation and involvement at

all stages, from the original selection of the area through to implementation and beyond. The means for involving the community in developing a scheme are wide ranging, and there is no one approach that is most effective. A combination of methods is usually best, with the aim of engaging all sectors of the community, particularly groups that are often under-represented in the decision making process; for example children, young people, people with disabilities (especially those with visual or hearing impairments, wheelchair users or people with learning difficulties) and people from ethnic minority groups.

12. In developing schemes, authorities should bear in mind that a number of stakeholders, not just local residents, will have an interest. It is important that all stakeholders are involved at the development of proposals stage, so that their requirements are not overlooked, leading to objections during formal consultation. Those with an interest may include other sections of the authority promoting the scheme, for example maintenance and service provision, as well as the emergency services, operational services, other local authorities, businesses, groups representing those using the road, local access groups, disabled persons groups, and utility or service companies.
13. Authorities need to bear in mind that effective community and stakeholder participation to develop a scheme is likely to be time consuming; they should ensure that they have adequate resources allocated for this phase. It is also important that people's expectations are realistic as there is little benefit in encouraging the community to design a scheme that is physically, legally or financially impossible to implement or maintain. Care should be taken to ensure that communities are also given realistic predictions of the impact of the measures to be implemented.
14. As Quiet Lanes and Home Zones are relatively new concepts in England, a traffic authority that considers that an area might benefit from developing a scheme may first need to explain what they are and what might be involved. The authority should consider making available information of a general nature on the Quiet Lanes or Home Zones concept, for example likely benefits, potential negative impacts, and alternative options. The authority should also be able to explain the designation and order making procedures, as well as how their highway standards and any proposed traffic calming works would have an impact on the scheme.
15. The Regulations set out the **minimum** requirements for involving the local community in the development of a scheme prior to formal designation proposals being drawn up. By itself, designation will not change driver behaviour or how the road is used. The mechanisms for change are the community involvement, the making of use orders and speed orders, the design quality of the road, and measures implemented to reduce the speed of vehicles.

DESIGNATION

16. The Transport Act 2000 enables local traffic authorities to designate roads for which they are the traffic authority as a Quiet Lane or a Home Zone. In this instance 'road' has the same meaning as in the Road Traffic Regulation Act 1984, where it is defined (in section 142) as meaning any length of highway or other road to which the public has access. The power to designate does not allow for designation of a part of a width, for example one side of a road only.
17. Where a road in a new development is to be designated, careful consideration needs to be given to the timing of the designation process. A new road built by a developer cannot be a highway until it is open for public passage; nor is a road to which the public is to have access

such a road until that access is a fact. There is no power for prospective designations or orders under s.268 of the Transport Act 2000. Roads not maintainable at the public expense may still be designated if they are public highways.

18. In designing the layout of a new development, decisions on the layout of the roads will have been made before the roads are open to the public. However, although a road in a new development may, for example, be built in accordance with Home Zone objectives, it cannot be designated as a Home Zone until the public has access and the local traffic authority has been through the designation procedures outlined in the regulations. Whilst occupiers of property in a newly built Home Zone must still be formally consulted about designation (or use orders or speed orders), it may be expected that they will be "buying in" to the Home Zone concept. Good practice also dictates that those who have bought, or are in the process of buying, properties within an area being designated should be invited to participate in the scheme development and formal consultation process, whether or not they have yet occupied those properties.
19. Local traffic authorities should bear in mind that designation as a Quiet Lane or Home Zone neither provides the road with any additional legal protection, nor does it alter local authorities' other powers and responsibilities, for example when implementing traffic calming measures. Designation will, however, enable the local traffic authority to make use orders and speed orders which will set out authorised uses for the road, a specified speed, and the measures to be implemented to control vehicle speed.

USE ORDERS AND SPEED ORDERS

20. The Regulations authorise local traffic authorities to make use orders and speed orders for roads they have designated. Use orders and speed orders cannot be made until the road to which they will apply has been designated as a Quiet Lane or Home Zone. There is no requirement to make a use order and/or a speed order for a designated road. However, given the overriding objective for introducing Quiet Lanes or Home Zones, it is unlikely that these interrelated orders will not be made.
21. The critical element in developing proposals for a successful Quiet Lane or Home Zone scheme is involving the local community fully in the process. The local traffic authority and the community will want to debate the range of activities that they wish to permit in the designated roads and the appropriate speed for vehicles travelling along them. The activities described in the use order, the specified speed and any associated measures described in the speed order will then reflect the local traffic authority's and local community's expectations for the scheme, the new activities expected within it, and hence help to alter driver behaviour.

USE ORDERS

22. Local traffic authorities are reminded that use orders are **only** applicable in designated Quiet Lanes or Home Zones and in no other situation. Use orders permit the road to be used for purposes other than passage. These activities are subject to requirements not to obstruct the lawful use of the road by others, or to deny reasonable access to premises. Use orders do not need to include movement of non-motorised users along a road; this is already a legal use of a highway (unless otherwise prohibited).
23. The Regulations set out the requirements for a use order. Traffic authorities are required to:-

- describe the area to which the order applies on a designated road(s);
- describe the times and days or dates of application; and
- describe the uses that the order permits.

In describing the area to which the order applies, authorities should note that the regulations allow for the permitted use to be restricted to only a part of the width of the road as well as the whole width. In addition, the use order may apply to only some of the roads covered in the designation as a Quiet Lane or Home Zone, or to certain lengths of road. Use orders can apply at one or more of the following: at all times; at specified times every day; on specified days of the week; or on a recurring date(s) each year.

24. The Department for Transport does not wish to be prescriptive in these matters and it is for the local traffic authority, working with the community, to determine where and when the order applies and the uses that it permits. However, in considering the activities that are proposed, the local traffic authority will need to assess the safety implications and determine what measures will be needed for them to take place in safety. Consideration also needs to be given to how the road is already being used, and potential future uses, when preparing use orders.
25. Whilst the uses allowed by the order must fall within the generic activities specified in the Regulations, it is recommended that the local traffic authority considers setting out specific permitted uses in the order rather than allowing all uses that could fall within the generic headings; for example ball games rather than recreational uses. This will enable the community to understand what uses are being allowed and help to prevent objections and complaints after the order has been made.

SPEED ORDERS

26. Local traffic authorities are reminded that speed orders are **only** applicable in designated Quiet Lanes or Home Zones and in no other situation. Speed orders enable the local traffic authority to set a specified speed in consultation with the local community. The term "specified speed" refers to the speed stated in the speed order.
27. **Speed orders do not impose speed limits at the specified speed.** If wanted for enforcement purposes, local traffic authorities can make speed limit orders for individual roads under section 84 of the Road Traffic Regulation Act 1984. Any local speed limit below 20 mph requires the approval of the Secretary of State. Due to factors such as the unreliability of speedometers at very low speeds, local traffic authorities should note that such approval is unlikely to be given.
28. The road design of the Quiet Lane or Home Zone, and any additional measures implemented, should aim to keep vehicle speeds at or below the specified speed.
29. Measures could include traffic calming measures but are not limited to them, they may also include non-physical measures, for example, publicity campaigns or community speed pledges. New build Home Zones should be designed to achieve low speeds through their layout and design and additional speed-reducing measures should not normally be necessary once the road is open. Local traffic authorities should also consider the specified speed of a road when determining suitable highway design standards for a Quiet Lane or Home Zone.

30. It is important to note that the new provisions do not alter local authorities' existing powers. Normal procedures must be followed to authorise any traffic calming or traffic management measures as the speed orders themselves do not confer such authorisation. However, normal procedures for the implementation of traffic calming measures can be carried out in conjunction with those for the introduction of speed orders in order to save on costs.

31. The Regulations set out the requirements for a speed order. Traffic authorities are required to:-

- state which classes of vehicle, ie motor vehicles, cycles or both motor vehicles and cycles, the speed order is targeting;
- describe the measures that the traffic authority will take with a view to reducing the speed of the specified classes of vehicle; and
- specify the speed below which the measures are intended to constrain the speed of the specified vehicles.

It should be noted that, 'cycle' has the same meaning as in section 192 of the Road Traffic Act 1988 and 'motor vehicle' has the same meaning as section 268 of the Transport Act 2000.

32. The specified speed will usually be lower than the speed limit for the roads in question and should be set at a level that will permit the activities proposed for the area to take place in safety.

FORMAL CONSULTATION

33. Before making a designation or a use order or speed order, the local traffic authority must formally consult those persons likely to be affected; it is important that all affected groups are consulted. Consultation should include those likely to benefit from the scheme as well as those who may be adversely affected. The requirements for consultation are set out in tabular form to make them easier to follow and understand. Groups covered by the term "other organisations" are likely to include walking, cycling and equestrian groups, local access groups, groups representing disabled people (including those representing visually or hearing impaired persons, wheelchair users or people with learning disabilities) and schools that are not on the road(s) in question but whose pupils use that road as a route to school.

34. The requirements for publishing proposals are broadly similar for designation and for use orders and speed orders, and entail:-

- publishing a notice of proposals in a local newspaper circulating in the area to which the designation or order relates
- sending a copy of the notice of proposals to each person required to be consulted according to the consultation tables as set out in the Regulations
- displaying notices on the roads affected and at other places the authority considers appropriate, for example in local community gathering places such as village halls, religious centres, doctors surgeries, community centres, public houses, sports halls, schools etc.

- taking such other steps as is considered appropriate to give adequate publicity about the proposals to those people likely to be affected, for example publishing documents on the authority's website, and permitting online responses.
35. In addition, deposited documents (details of the proposed designation or order, including a map) shall be made available for inspection. It is essential that inspection opportunities respect the needs of all sections of the community, for example by providing Braille or audio versions on request. Authorities may also wish to consider having staff on hand to explain the proposals.
36. Subject to the provisions within the regulations, local traffic authorities are advised to minimise the time delay between the start of consultation and the implementation of the scheme. This will reduce the likelihood of complaints about measures from new residents who have not been involved in the scheme development.
37. Good practice dictates that notices about proposed designation, use orders or speed orders should be removed as soon as practicable to avoid clutter.

OBJECTIONS

38. Any person may object to a designation, a use order, or a speed order. Before designating a road as a Quiet Lane or a Home Zone or making a use order or a speed order the local traffic authority shall consider any objections received and not withdrawn.
39. There is no requirement to hold a Public Inquiry to consider objections. Quiet Lanes and Home Zones should be schemes developed through close liaison with the community and other stakeholders, providing an opportunity for resolving any problems or dissenting views. Where the local traffic authority decides to proceed despite unresolved objections, the objectors must be provided with a written statement of reasons specific to the unresolved objections giving reasons why they have not been upheld.

MODIFICATIONS

40. A local traffic authority may make modifications to a designation, a use order, or a speed order before it is made. This may be as a result of the consultation process and the consideration of any objections, but is not necessarily restricted to these cases. However, if the proposed modifications appear to make substantial changes to the designation or order, the local traffic authority is required to inform those people likely to be affected by it, giving them an opportunity to make representations which shall then be duly considered.

DESIGNATION AND MAKING OF USE ORDERS AND SPEED ORDERS

41. Whilst it is possible for the local traffic authority to run the designation and use order and speed order processes in parallel, it is a requirement of the Transport Act 2000 that the road is formally designated **before** the use orders or speed orders can be made. If the local traffic authority is running the consultation procedures for designation and order making in parallel, it should be made clear that the use and speed orders will not be made unless the road is designated.
42. When the local traffic authority has made a designation, a use order, or a speed order it is a requirement that notice and publicity of the fact is given, and that documents are made available for inspection, as specified in the Regulations.

VARYING AND REVOKING DESIGNATIONS, USE ORDERS OR SPEED ORDERS

43. The Regulations set out the requirements for varying or revoking a designation, a use order or a speed order after it has been made. Essentially the local traffic authority must follow the same steps as if it were making a designation, a use order or a speed order in the first instance.

MAPS

44. The local traffic authority is required to prepare and keep up to date a map indicating each road, roads or part of a road to which a designation, a use order or a speed order relates. As a matter of good practice, a map illustrating the use order or speed order should also illustrate the full extent of the roads designated at the time when the road to which they relate was designated.
45. The map is a record of Quiet Lanes and Home Zones within the authority area. The Department recommends that the map is readily available for inspection for example by publishing it on the authority's website.

TRAFFIC SIGNS

46. In order to inform people that they are entering or leaving a Quiet Lane or a Home Zone, the local traffic authority must arrange for traffic signs to be erected as prescribed in the Traffic Signs Regulations and General Directions (TSRGD) (as amended). The signs must be maintained for as long as the designation remains in force.
47. The Department considers it important that traffic signs are consistent. For Home Zones the traffic signs to be used at the start and end of a designated zone are detailed at diagrams 881 and 882 of TSRGD 2002. Signs to be used at the start and end of a designated Quiet Lane in England were added to TSRGD, as diagrams 884 and 885, through the Traffic Signs (Amendment) Regulations 2006.
48. There is no requirement to replace signs previously authorised by the Secretary of State.

STATUS OF ROADS DESIGNATED BEFORE THE QUIET LANE AND HOME ZONE REGULATIONS CAME INTO FORCE

49. Designations of roads as Quiet Lanes or Home Zones made before the regulations came into force remain valid. Such designations can only be revoked following the formal procedures set out in regulation 16. The regulations enable local traffic authorities to commence procedures for the implementation of use orders or speed orders on any roads already designated.

FURTHER INFORMATION

50. Enquiries on matters raised by this circular should be addressed to:

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Regulatory Impact Assessment (RIA) for the Quiet Lanes and Home Zones Regulations and the associated amendment to the Traffic Signs Regulations

Title of proposed regulations:

The Quiet Lanes and Home Zones (England) Regulations 2006 and
The Traffic Signs (Amendment) Regulations 2006

Purpose and intended effect:

(i) Objectives

To regulate the powers conferred on local traffic authorities (referred to henceforth as authorities) by section 268 of the Transport Act. These powers allow authorities to designate roads within their area as Quiet Lanes or as Home Zones, and to vary or revoke such designations. The regulations specify the procedures, including consultation procedures, to be carried out when making, varying or revoking designations, use orders or speed orders. The regulations will also allow authorities to make, vary or revoke use orders and speed orders. The associated signs regulations will prescribe signs indicating the entry and exit points of a road designated as a Quiet Lane. The regulations do not supersede other regulations or alter existing authority powers.

Use orders will legitimise uses other than passage on the designated roads. The community involved will agree the types of uses, which will then have a legal right to occur on the road. Use orders will spell out to the local community the types of activity that will be permitted on the road.

Speed orders will allow authorities to set a specified speed for the road and authorise them to take measures to achieve that speed. These measures may be physical (e.g. traffic calming, design of road layout, etc) or not (e.g. advertising, community speed pledges, etc). Consultation requirements prior to the implementation of physical traffic calming measures, and the authorisation for these measures, are already covered in other legislation.

These regulations primarily affect local traffic authorities as they specify procedures that must be followed during designation of a Quiet Lane or Home Zone, and when making use orders or speed orders. The regulations may also encourage the creation of further Quiet Lanes and Home Zones; this will benefit local communities and vulnerable road users. Finally the regulations will affect all other users of roads to be designated as they may be invited to participate in the consultation/scheme development process.

The aim of Quiet Lanes is to maintain the character of minor rural roads by seeking to contain rising motorised traffic growth that is widespread in rural areas. There are three key elements to a Quiet Lanes scheme: community involvement to encourage a change in user behaviour; area-wide direction signing to discourage through traffic; and entry signing to indicate those entering an area may expect to encounter a range of users and activities. Quiet Lanes are minor rural roads which are appropriate for shared use by walkers, cyclists, horse riders and motorised users. They should have low motorised traffic flows travelling at low speeds before designation. Feedback from the national demonstration projects has shown these to be a successful in maintaining low motorised traffic flows travelling at low speeds.

Home Zones aim to improve the quality of life in residential streets by making them places for people, instead of just being thoroughfares for vehicles. They will often involve a redesign of the street, usually including (though not exclusively) traffic calming, to indicate a different

environment where a mix of uses are likely to be encountered and to encourage very slow vehicle speeds. Home Zone entry signs would also be used to back up this message. Authorities should develop Home Zones as a model for their residential streets, both in existing communities and when planning new developments. Feedback from retrofitted Home Zones shows they may have many beneficial impacts including improved community cohesion, increased house prices, and reduced street crime.

These initiatives come under the Government's liveability and public space policies that include community capacity building and wider issues.

(ii) Background

There were no previous regulations concerning the designation of Quiet Lanes or Home Zones. Under the Transport Act 2000 (section 268) local traffic authorities are able to designate any road for which they are the traffic authority as a Quiet Lane or Home Zone. The lack of regulation means that there is no statutory consultation with those who may be affected by the designation.

The Transport Act 2000 also described use orders and speed orders. The regulations will enable local traffic authorities to make these orders.

There were no previous regulations prescribing entry and exit signs for Quiet Lanes. The lack of regulation means that any authority implementing a Quiet Lane scheme must apply for special authorisation of entry and exit signs. Entry and exit signs for Home Zones are already prescribed in the Traffic Signs Regulations and General Directions 2002.

(iii) Risk Assessment:

85% of those responding to the initial round of consultation stated they wanted regulations for Quiet Lanes and for Home Zones. When asked whether they wanted statutory guidance, 92% said yes for Quiet Lanes and 93% said yes for Home Zones. Since this consultation there have been repeated calls from local authorities and others for the Department to provide the regulations and guidance. These are new concepts and put considerable emphasis on the authority engaging with the local community. Local traffic authorities can already designate roads as Quiet Lanes and Home Zones under the Transport Act 2000. Some have done this, but many more are awaiting guidance on matters such as the minimum consultation requirements and formal procedures before progressing their schemes. Without the regulations, there would be no formal opportunity for the local community to buy into, or object to, plans for the introduction of Quiet Lanes or Home Zones.

Without the regulations, local traffic authorities would not be able to make use orders. Such orders confer clear authorisation for uses of the road in addition to passage and reinforce the idea that Home Zones, in particular, are places for people and not simply thoroughfares. Uses that may be allowed by the orders could include street play, standing and talking, street parties, bird-watching groups, painting scenic views, etc. Although some of these activities may take place already, they have no formal authorisation. The order will also signify formal recognition from the community that they are accepted activities on the designated roads.

Without regulations, the authorities would not be able to make speed orders. That would mean that there would be no locally determined specified speed below which vehicles on the designated road are intended to travel. It is not possible to set speed limits lower than 20mph without the approval of the Secretary of State. Due to problems such as the unreliability of speedometers at very low speeds such approval is unlikely to be given. However a walking pace may be more appropriate for vehicles within a Home Zone where children may be playing in the

street for example. Authorities need to work with the communities involved to agree an appropriate speed, and then take such measures as would achieve compliance. Authorities have existing powers to set speed limits and introduce traffic calming; speed orders would not alter these powers.

Without the associated signs regulations, authorities will need to continue to apply for special authorisation of entry and exit signs for their Quiet Lanes schemes. Special authorisation places a burden on both authorities and central government. There is also a risk that different authorities develop different sign variants, this could reduce the recognition of Quiet Lanes areas.

Options:

1. Do nothing:

This is not considered a feasible option. It would not overcome the problems described above of authorities' reluctance to develop more Quiet Lanes and Home Zone schemes, and would not provide the new powers needed for use and speed orders. If it were clear that regulations were not to be made, more authorities may decide to proceed as they see fit with designation of certain roads as Quiet Lanes or Home Zones, but then they would be unable to make use orders or speed orders.

2. Produce non-statutory guidance in place of regulations and statutory guidance:

This would help to clarify the expected procedures in terms of consultation with the local community prior to designation as Home Zones or Quiet Lanes. Consultation aims to get community agreement regarding the objectives of the scheme and the road(s) to be designated. However this would not be legally binding and authorities might choose to ignore the advice and do less.

This option would not allow for the making, variation or revocation of use orders and speed orders.

3. Produce regulations and statutory guidance:

This would impose a minimum level of consultation before designation as Quiet Lanes and Home Zones can occur. It would ensure the possible scheme is discussed at public meetings and via representations before the proposals are finalised. Once proposals had been defined, all those likely to be affected would have a chance to make formal objections to the scheme and have those objections considered prior to designation.

In the Department's view, the regulations specify the minimum consultation requirements, with the statutory guidance providing more detail about what might be required in a given scheme. Consultation is a key element in developing Quiet Lane and Home Zone schemes, ensuring that they meet the requirements of the communities involved and developing a change in attitude towards this public space, transforming it for a range of uses, not just for vehicle passage and parking.

Option 3 would also allow for the making of use and speed orders including full consultation and objection procedures. Use orders would allow authorities and communities to decide what uses were appropriate for their Quiet Lane or Home Zone and to have those uses formally enshrined in law. Through the use order making process, communities would have a chance to discuss possible conflicts regarding what constituted "appropriate" uses, with the aim of nurturing understanding of the needs of others and building community spirit. A use order would also help to inform the community of the activities they might come across in the road and encourage them to act accordingly, especially when driving. Signs for warning drivers that they are entering

or leaving a Quiet Lane or Home Zone are available, respectively, by special authorisation or in the Traffic Signs Regulations and General Directions 2002. The Traffic Signs Regulations and General Directions will be amended to prescribe new entry and exit signs for road designated as Quiet Lanes. The Department proposes to add the Quiet Lane and Home Zone signs to the Highway Code when this is next revised, in order to improve public understanding of their meaning.

In addition, the specified uses would have a legal standing. At present, any uses of a road for purposes other than passage (pass and re-pass) have no formal authorisation. Use orders could allow a range of uses, for example recreation uses such as children's play. Should an accident occur, it would not be possible for one party to claim that an authorised use by the other was an unlawful use of the highway, provided that it did not obstruct the lawful use of the road by others or deny access to premises.

The process of making speed orders will allow authorities and communities to come to a decision about an appropriate specified speed of vehicles in the Quiet Lane or Home Zone, and have this recognised legally. Although these regulations do not increase the powers of authorities on issues relating to speeding, speed orders could be widely advertised to encourage community compliance. It is expected that objections to measures taken later to achieve the specified speed would be minimised, as areas of concern would have been raised already. A specified speed could provide a basis for local highway authorities to change their highway standards for a particular road. If an accident were to occur due to a vehicle travelling at an inappropriate speed, i.e. above the speed specified in the speed order, the driver of that vehicle might have less of a case to argue should they attempt to sue the local authority. Both Quiet Lanes and Home Zones are expected to have very little motorised through traffic, therefore few instances are expected where drivers would enter the area completely unaware of the scheme and the specified speed.

The regulations place similar requirements on authorities as those required for implementation of a traffic regulation order, something with which authorities are very familiar. The requirements have been clarified and simplified where appropriate to further ease the burden on authorities.

Making of the associated signs regulations would provide authorities with a prescribed sign for Quiet Lanes in England. This would reduce the administrative burden on authorities designating new Quiet Lanes. It will also lead to a single sign design being used for all Quiet Lanes in England, helping road users to recognise Quiet Lanes outside of their local area. The Quiet Lane signs have been designed to relate to the Home Zone signs, emphasising their similarities in terms of shared priority between motorised and non-motorised users. If prescribed, the Department intends to add a section to the Highway Code explaining the meaning of the new signs and the existing Home Zone signs.

Business sectors affected

With both Quiet Lanes and Home Zones it is expected that there would be very little effect on businesses. This is because neither type of designation is recommended for industrial areas or busy through routes, rather for residential areas or minor rural roads where there is little through traffic. Provisions in primary legislation, the Transport Act 2000, relating to Quiet Lanes and Home Zones mean that there will be no impact on access to businesses.

In Quiet Lanes:

The businesses most likely to be positively affected are equestrian businesses and tourism businesses. Equestrian businesses are likely to benefit from increased driver awareness of non-motorised users and the making of speed orders to reduce traffic speeds. In some areas, tourism

businesses may benefit from being able to claim attractions are "on a Quiet Lane" with an improved road environment. By improving on-road walking, cycling and horse-riding networks, and linking together off-road routes, they may also attract tourists wishing to use non-motorised modes to enjoy the surrounding countryside.

In Home Zones:

Property developers and associated businesses could be positively affected if their property is in a Home Zone area as this could lead to an increase in property values. This reflects the higher environmental quality that can be associated with Home Zones. There is a small risk that, at the margins, people are priced out of the area. Other types of business likely to be affected are local shops and services such as doctors' surgeries. These businesses would benefit from a safer, more attractive environment for staff and customers.

Costs and benefits

Option 1: Do nothing. Authorities could designate a Quiet Lane or Home Zone but not make use orders or speed orders.

Impact on businesses:

Minimal: Fewer roads are likely to be designated as Quiet Lanes and Home Zones.

However, businesses (and others) would not have the protection of the formal objection procedure and, potentially, a road could be designated (or a designation varied or revoked) without their being made aware of the process.

Implementation of traffic calming or traffic management measures that could affect business travel is already possible and bound by regulated consultation procedures that would be unaffected by these regulations. It is likely that physical speed reducing and control features would still be used, especially in Home Zones.

Impacts on public sector:

The consultation requirements would not be set and the authority could spend unnecessary time/money on public involvement. If the authority carried out less consultation than that required by the regulations, it is unlikely that they would have done enough to engage the community, obtain buy-in to the scheme objectives and encourage a change in user behaviour.

The benefits of option 1 would be limited as authorities would not be able to make use orders and speed orders to help achieve Quiet Lane and Home Zone objectives to improve quality of life. Option 1 is also likely to lead to fewer Quiet Lanes and Home Zones being designated as many authorities would be uncertain of how to proceed with these new and unfamiliar initiatives based on community involvement.

With designation but without the provision of use orders there could be confusion over which activities are authorised in the roadspace. The effect of this would be fewer people using the public space within the designated area for activities other than passage.

Health impacts:

There will be no significant health impacts arising from this option as there will be no change from the current situation. However, without the structure of these process regulations some authorities may not feel confident to create new Quiet Lanes. Quiet Lanes help to maintain the character of minor rural roads against a national background of rising traffic growth, without

more designations there could be further degradation of walking, cycling and horse-riding networks with knock-on impacts on the health of local communities.

Option 2: Produce non-statutory guidance in place of regulations and statutory guidance. Authorities could designate a Quiet Lane or Home Zone but not make use orders or speed orders.

Impact on businesses:

This option is likely to involve the same level of impact on businesses as option 3 as the recommended consultation requirements would be the same in the non-statutory guidance as in the regulations and statutory guidance.

However, the risks would be greater as businesses (and others) would not have the protection of the formal consultation and objection procedures. A road could, potentially, be designated without their being made aware of the process.

There is also a risk that the authority would carry out less consultation than recommended and would fail to fully engage the community, obtain buy-in to the scheme objectives, and encourage a change in user behaviour.

Impacts on public sector:

The majority of authorities would follow non-statutory guidance, so the cost to the public sector in terms of consultation requirements would be similar to that in option 3.

With designation but without the provision of use orders there could be confusion over which activities were authorised in the roadspace. The effect of this would be fewer people using the public space within the designated area for activities other than passage.

Health impacts:

By encouraging the implementation of more Quiet Lanes and Home Zones, it is likely that non-statutory guidance (option 2) would have some of the additional health benefits cited under option 3. However, use orders and speed orders would not be available to authorities. The lack of speed orders removes the potential for even lower vehicle speeds, whilst the lack of use orders removes the framework for encouraging increased physical activity in the street.

Option 2 therefore represents the worst overall option, with the negative impact on the majority of businesses and the majority of the public sector being just as great as for option 3 but the risks being as high as for option 1.

Option 3: Produce regulations and statutory guidance.

Authorities are not required to designate roads as Quiet Lanes and Home Zones (or to make use orders or speed orders once designated). If they chose not to, there would be no impact on businesses or the public sector. We would only expect designation (and subsequent use orders and speed orders) where the authority felt it would add value.

Impact on businesses:

Where authorities chose to implement Quiet Lanes or Home Zones it is thought that the cost to businesses would be slight. Quiet Lanes are minor rural roads and Home Zones are residential streets. It is unlikely that there would be many businesses on such roads and, as a key feature is that the zones and lanes should carry minimum motorised through traffic, they are unlikely to have a major impact on business-related traffic.

Those businesses likely to be affected would be given the opportunity to be involved in the development of the Home Zone or Quiet Lane designation proposals. Objection procedures would be formalised, therefore any objections made by these parties must be duly considered. The same consultation and objection procedures would apply to the making of use orders and speed orders.

It is not thought that any one business sector would be disproportionately affected.

Only one of the ninety respondents to the consultation on the draft regulations and statutory guidance (the second round of consultation) felt that the consultation requirements within the regulations placed too great a burden on businesses, this was on the grounds that businesses were already suffering from consultation overload.

Impact on public sector:

If they chose to implement a Quiet Lane or Home Zone then the authority would have to follow the procedures set out in the regulations. It is considered that the procedures set out the **minimum** level of consultation required in order to achieve community engagement, an essential part of developing these schemes. It is right that those likely to be affected by the designation, use order or speed order should be given an opportunity to object to the scheme and any such objections duly considered.

Only thirteen of the ninety respondents to the second round of consultation felt that the consultation requirements within the regulations were too onerous. The main concerns in this area were about the time and resources required for the specified consultation procedures, but a drain of public support from successive consultations was also cited.

Estimations of the cost of designation by consultation respondents varied between £1k and £150k. It is thought that the upper end of these estimates reflects the additional consultation local authorities believe necessary rather than the cost of the minimum consultation requirements set out in the regulations. The cost of formal procedures for making use orders or speed orders were estimated by consultation respondents to be between £4.7k and £10k per order made. This could be reduced if the order procedures were run at the same time as designation procedures.

The benefit of option 3 would be that minimum levels of community involvement would have to be adhered to by the authority. They would also allow the making of use and speed orders to help achieve the scheme objectives.

Option 3 would also provide benefits by removing the need for special authorisation of Quiet Lane entry and exit sign. This process can often take several weeks or months so represents a real resource saving.

Health impacts:

Although it might be thought that the increased activity on the street might increase the likelihood of an accident, the number and severity of accidents per vulnerable road user should actually decrease due to reduced vehicle speeds. Speed orders authorise local authorities to take measures to reduce speeds to below that specified in the order and it is expected that they would take requisite measures to reduce vehicle speeds. In addition, one of the wider impacts of the community involvement should be that drivers have an increased awareness of vulnerable road users, so reducing the number of accidents. Quiet Lanes and Home Zones are not primarily road safety schemes; accident levels in all the pilot schemes were low both before and after implementation. In the Home Zone pilots, mean speeds were reduced by an average of around

5mph (to less than 15mph) and 85th percentile speeds were reduced by an average of around 6mph (to less than 19mph).

By encouraging the implementation of more Quiet Lanes and Home Zones, it is likely that option 3 would cause additional benefits in terms of increased physical activity. In the Quiet Lane demonstration projects, 14% of respondents in Kent and 17% of those in Norfolk said they were more likely to walk, cycle or ride a horse on the Lanes. However the numbers of non-motorised users both before and after the scheme were too low to see statistically significant changes. In the Home Zone pilot schemes 44% of respondents thought that walking was "more pleasant" than before, a slight increase in the amount of time residents spent outside was also noted. The regulations would enable local authorities to make use orders. By designating certain parts of the street as suitable areas for specific uses, these may further encourage street activity.

Quiet Lane or Home Zone schemes can also lead to reductions in vehicle flows, with knock-on health benefits in terms of reduced air pollution. In the Home Zone pilot schemes, traffic flows were reduced by approximately one quarter across all the schemes. In the Quiet Lanes demonstration projects traffic flows were reduced by an average of 11.2% in Norfolk and 14.5% in Kent relative to flows on the control roads.

A number of the Home Zone Challenge authorities have suggested that their schemes look more attractive and this has positive impacts on health and feelings of well being. Raised moral and increased community spirit have also been suggested contributors to improved community health. Only in time will the effects on health be clearer.

Other impacts:

The types of roads designated as Quiet Lanes or Home Zones should have minimal levels of motorised through traffic. It is therefore unlikely that designation or the implementation of use orders or speed orders would significantly increase business journey times or displace significant levels of motorised traffic onto adjacent roads.

The wider benefits of implementing Quiet Lanes and Home Zones are only just becoming clear through the monitoring of pilot projects. Quiet Lanes have been shown to be an effective tool for managing existing motorised traffic flows against a background of rising motorised traffic levels in rural areas. Local authorities managing the pilots have also reported improved quality of life for the local communities involved. Home Zones have been seen to have a range of benefits including improved community cohesion, increased house prices, and reductions in street crime.

The existence of standardised signs will improve recognition of Quiet Lanes amongst road users who are familiar with the Quiet Lanes concept but are from outside the local area. Standardisation of signing will also allow central government to take measures to improve awareness of the Quiet Lanes concept amongst the general population.

Equity and fairness

The regulations will positively affect vulnerable road users by encouraging the creation of more Quiet Lanes and Home Zones, and enabling local traffic authorities to make use orders or speed orders. The affects on specific business sectors are outlined in the "Business sectors affected" section.

The regulations do not have any race equality impacts. The statutory guidance specifically recommends that local traffic authorities use a range of consultation methods to engage with all sectors of the community, particularly those normally under-represented in the decision-making process.

Small Firms' Impact Test

The Small Business Service thought it unlikely that the proposed regulations and statutory guidance would have a disproportionate affect on small businesses.

As mentioned in the "Business sectors affected" section, equestrian and tourist businesses may benefit from option 3 due to the increased uptake of Quiet Lanes and Home Zones. Small businesses local to the designated area could potentially be both negatively and positively affected by the implementation of traffic calming measures associated with individual schemes.

However, each Quiet Lane or Home Zone designation would have a separate consultation process during which any specific issues can be raised and addressed.

Competition Assessment

No market is impacted specifically as the consultation requirements that the new regulations could introduce would have a general effect. There will therefore be no impact on competition.

Enforcement and Sanctions

Local traffic authorities would not be obliged to implement Quiet Lanes or Home Zones. However, if they chose to designate, or vary or revoke that designation, or make use orders or speed orders without following the regulations, they would be open to challenge. This could ultimately result in the revocation or alteration of a designation or order.

The Department has no statutory enforcement role.

Monitoring and Review

The Department will monitor the correspondence from local authorities and local communities in order to establish the effectiveness or otherwise of the legislation. Revisions to the legislation would only be suggested if such correspondence indicates a strong need for changes in a particular area.

Consultation

The Department has held two rounds of public consultation about Quiet Lanes and Home Zones. In the first, a wide range of interested stakeholders were consulted initially on the need for and type of regulations and statutory guidance. 85% of those responding to the initial round of consultation stated they wanted regulations for Home Zones and for Quiet Lanes. When asked whether they wanted statutory guidance, 93% said yes for Home Zones and 92% said yes for Quiet Lanes. 91% of those responding agreed that the Department should make procedure regulations for use orders and speed orders.

A second round of consultation was held to give consultees an opportunity to comment on the draft statutory instrument, draft statutory guidance and draft regulatory impact assessment. Responses that provided a clear answer to the questions posed may be summarised as follows:

- 78% of respondents did not feel that the minimum consultation requirements were too onerous
- 78% thought that use orders (as specified in the draft regulations) would add value
- 70% thought that speed orders (as specified in the draft regulations) would add value
- 81% agreed that the draft statutory guidance helped to clarify the requirements
- 85% felt that the RIA covered the main costs and benefits of each of the possible options
- the majority of respondents expressed a preference for the Quiet Lanes sign design as in the Traffic Sign (Amendment) Regulations

A full report of the consultation responses may be found at Annex A. Detailed comments from respondents have led to changes in the regulations, statutory guidance and final RIA.

Consultees included:

(i) Within government:

Countryside Agency, DCMS, DEFRA, Dept for Regional Development (N.I.), HM Fire Inspectorate, Home Office, Government Offices for the Regions, the Scottish Executive, Visit Britain and the Welsh Assembly Government.

(ii) Public consultation:

Local authorities in England (including County Councils, District Councils, Metropolitan Borough Councils and the National Association of Local Councils), Charities/Voluntary Organisations/Stakeholder groups, special interest groups, Professional bodies, Private companies, and individuals.

Summary and Recommendation:

Option	Costs	Benefits
1. Do nothing <i>Note: other traffic management tools could still be used.</i>	<ul style="list-style-type: none"> • Baseline scenario therefore no costs or benefits beyond those currently experienced. 	
2. Non-statutory guidance	<ul style="list-style-type: none"> • Same level of locally determined consultation for the majority of cases (and therefore same resource implications and implications for businesses) as if there were regulations in place • Some cases where consultation would be higher/lower: <ul style="list-style-type: none"> • If levels of consultation were higher - more time/resources (some 	<ul style="list-style-type: none"> • Authorities have slightly more confidence to implement schemes bringing the benefits noted in option 3.

	<p>pilot projects spent £50k or even more on consultation, this is far more than the cost of the minimum requirements to be specified in the regulations), may impact more on businesses if the consultation is wider.</p> <ul style="list-style-type: none"> • If lower - no buy-in to objectives, no change in user behaviour unless forced • No formal objection procedures • Confusion within the local community over activities allowed in the street 	
<p>3. Regulations and Statutory Guidance</p>	<ul style="list-style-type: none"> • Authorities required to follow formal procedures for public involvement - thought to be c. £5-10k for the minimum consultation required by the regulations. Estimations of the cost of designation by consultation respondents varied between £1k and £150k. It is thought that the upper end of these estimates reflects the additional consultation local authorities believe necessary rather than the cost of the minimum consultation requirements set out in the regulations. • More Quiet Lanes and Home Zones likely to be designated leading to increased public involvement costs. In the pilot schemes (implemented without regulations) most local authorities spent between £15k and £50k on this stage • Use orders and speed orders could be made by some authorities - cost of formal procedures was estimated by consultation respondents to be between £4.7k and £10k 	<ul style="list-style-type: none"> • Guaranteed consultation opportunity for businesses occupying properties on the road in question, or otherwise likely to be affected. • Formalised objection procedures • Clarity concerning minimum levels of consultation. • Clarification of uses legally allowed on the road, encouraging more people to use the space within the designated area for activities other than passage • More Quiet Lanes and Home Zones leading to: <ul style="list-style-type: none"> • Control of rising motorised traffic levels on minor rural roads designated • Improved quality of life for the communities involved • Improved community cohesion • Possibility of increased house prices in designated areas. In the pilot home zone in Northmoor, house prices went from £12k to £60k following home zone implementation. • Reduced street crime • Potential health benefits in terms of reduced accidents, increased physical activity and improved air quality.

	<p>per order made. This could be reduced if the order procedures were run at the same time as designation procedures.</p>	<ul style="list-style-type: none"> • If speed orders were implemented - community-agreement regarding the specified speed appropriate for the road, agreement for speed reducing measures which in turn would lead to reduced risk of serious or fatal accidents, and potential for adjustment of highway standards in accordance with specified speed. • No special authorisation required for Quiet Lane entry and exit signs. • Improved consistency and recognition of Quiet Lanes signs.
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There is no requirement to introduce Quiet Lanes or Home Zones so authorities could choose to remain unaffected by the regulations. Where they do choose to designate it is felt that the regulations require only the minimum level of consultation appropriate. Option 3 would provide the most security for those likely to be affected, in terms of consultation and formal objection procedures. Option 3 is also the only option to allow the making of use orders and speed orders with the benefits outlined above.

Therefore the recommendation is that option 3 is adopted and regulations are made.

Ministerial Declaration

I have read the Regulatory Impact Assessment and am satisfied that the benefits justify the costs.

*Signed: **G.Merron***

Date: 26 July 2006

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DEPARTMENT FOR TRANSPORT**QUIET LANES AND HOME ZONES****RESPONSES TO CONSULTATION ON DRAFT REGULATIONS AND STATUTORY GUIDANCE FOR ENGLAND**

The consultation paper on the draft regulations and guidance for Quiet Lanes and Home Zones in England was sent out to invited consultees (see Annex A) on 20 August 2004. It was also publicly available on the Department's website. The consultation closed on 19 November 2004. A total of 90 responses were received including 37 from local authorities, 25 from interest groups and the remainder from various professional and representative bodies, companies and individuals. This is a report of the responses.

Consultees were invited to respond to the following seven questions :

1. Are the minimum consultation requirements specified within the regulations too onerous? In particular, do they place too great a burden on a) businesses or b) authorities?
2. For local authorities only: What are the estimated resource implications (in financial terms or time) if you choose to a) designate a road, and b) make a use order or speed order following the procedures set out in the proposed regulations?
3. Will the making of use orders as specified in the draft regulations add value to Quiet Lanes and Home Zones schemes?
4. Will the making of speed orders as specified in the draft regulations add value to Quiet Lanes and Home Zones schemes?
5. Statutory Guidance: Does the draft statutory guidance help to clarify the requirements of the draft regulations? If not, please specify remaining areas of confusion.
6. Regulatory Impact Assessment: Have the main costs and benefits for each of the RIA options been included? If not, please provide supporting evidence.
7. Quiet Lanes Sign: Please tick box to indicate the sign alternative you prefer (A) or (B).

A number of respondents answered only some of these questions and others provided detailed comments rather than providing direct answers. The numerical analysis that follows therefore includes only those responses where a clear answer to the question has been provided or can be deduced. All comments received have, however, been considered in reviewing and revising the draft regulations, guidance and regulatory impact assessment.

1. Are the minimum consultation requirements specified within the regulations too onerous? In particular, do they place too great a burden on a) businesses or b) authorities?

A total of 60 respondents gave a clear answer to this question. Of those, the majority of respondents (78%) did not feel that the minimum consultation requirements specified were too onerous. It was generally felt that they would provide a structured process which would

therefore be easily understood and accepted. It was also felt that formal guidelines laid down would reduce levels of confusion and address public concerns.

However, a minority of respondents (22%) felt that the minimum consultation requirements specified within the regulations were too onerous.

One respondent stated that there was too great a burden on businesses. This was on the grounds that there was already a consultation overload for businesses.

Seven respondents felt that they placed too great a burden on local authorities.

The main areas of concern were:

- Home Zones can only be implemented where properties are occupied. (see note (i)).
- Consultation process too lengthy and resource consuming.
- 14 day consultation period not long enough. (see note (ii)).
- Some respondents felt there was no basis for enforcement.
- Designation too prescriptive.
- Consultation timescale unrealistic and posted notices unpractical.
- Consultation too expensive.
- Drain of public support following successive consultations.

(i) This is not correct. The draft regulations require consultation with occupiers of properties, but if there are none the designation can proceed. The road must be a highway to which the public has access before designation can be made.

(ii) The 14 day period mentioned in draft regulation 15 (1) (c) is the maximum period between designation or order making and the publication of a notice to inform the local community that this has been done. It is not the consultation period.

Government response: *In light of the view expressed by 78% of respondents that the consultation requirements are not too onerous, no significant amendment to the draft regulations is planned. Due to comments from some consultees, there have been some minor alterations to the consultation requirements given in regulations 4 and 10 (see the response to theme 2 on page 10).*

2. For local authorities only : What are the estimated resource implications (in financial terms or time) if you choose to a) designate a road, and b) make a use order or speed order following the procedures set out in the proposed regulations ?

- a) 9 local authorities answered, with estimates of designation costs varying from £1,000 to £150,000.
- b) 7 local authorities answered, with cost estimates varying from £4,700 to £10,000 to make use orders or speed orders.

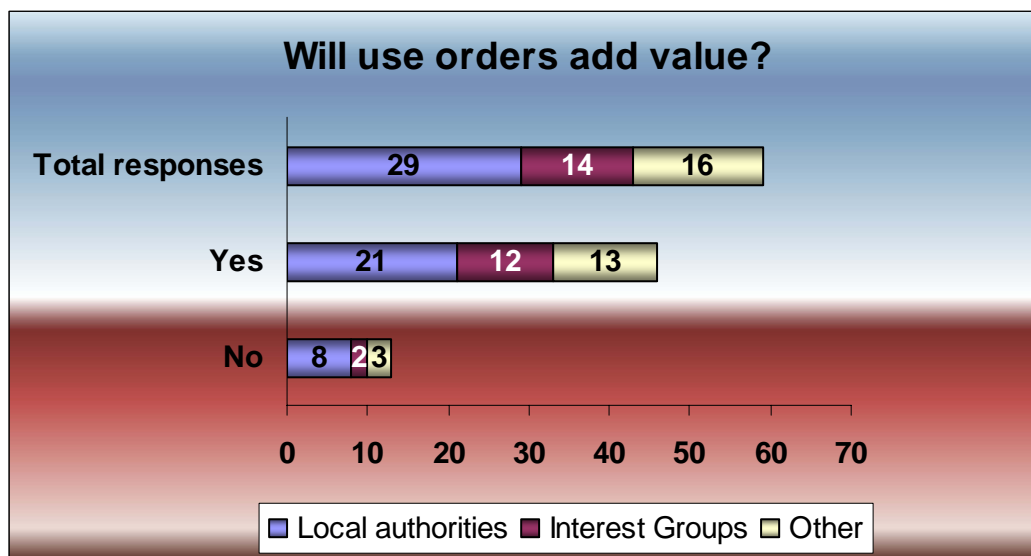
Government response: These estimates have been used in the final Regulatory Impact Assessment.

3. Will the making of use orders as specified in the draft regulations add value to Quiet Lanes and Home Zone schemes?

A total of 59 respondents gave a clear answer to this question. The majority of respondents (78%) thought that use orders would add value to Quiet Lane and Home Zone schemes.

Breakdown of respondents :

46 respondents thought use orders would add value to schemes whilst 13 thought that they wouldn't :



The following reasons for use orders not adding value were cited :

- Unenforceability
- Prevention of certain uses (see note (iii))
- Use orders overly specific (see note (iv))
- Signing problems for the partially sighted/blind
- Little value for Quiet Lanes
- Would consume LA staff time and resources
- The cost of schemes
- Specific times of schemes confusing (see note (iv))

- Difficulty in convincing communities of effectiveness

(iii) Use orders can only permit uses. They cannot be used to prevent certain uses.

(iv) Use orders can be general or specific as required.

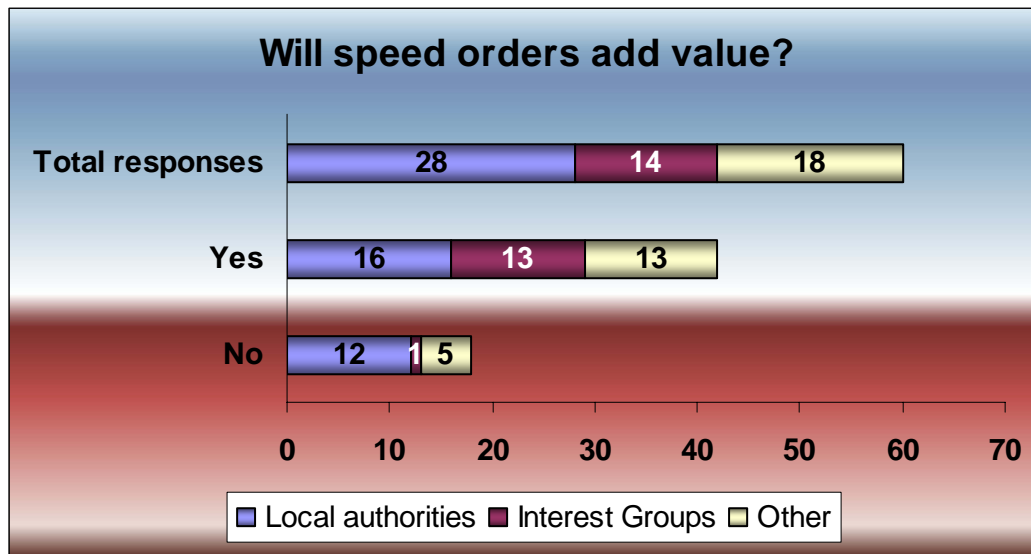
Government response: *In light of the view expressed by 78% of respondents that the making of use orders as specified in the draft regulations would add value to Quiet Lanes and Home Zones, no amendment to the draft regulations is planned.*

4. Will the making of speed orders as specified in the draft regulations add value to Quiet Lanes and Home Zone schemes?

A total of 60 respondents gave a clear answer to this question. The majority of respondents (70%) thought that speed orders would add value to Quiet Lane and Home Zone schemes.

Breakdown of Respondents :

42 respondents thought speed orders would add value to schemes whilst 18 thought that they wouldn't :



A small number of respondents (8%) thought that the speed specified in a speed order could not be enforced and that schemes would therefore lose credibility (see note (v)).

(v) It should be noted that a speed order does not set a speed limit. It is an agreement between the local community and the local authority on the ideal maximum speed to be achieved via the planned speed reduction measures.

Government response: *In light of the view expressed by 70% of respondents that the making of speed orders as specified in the draft regulations would add value to Quiet Lanes and Home Zones, no amendment to the draft regulations is planned.*

5. Statutory Guidance: Does the draft statutory guidance help to clarify the requirements of the draft regulations? If not, please specify remaining areas of confusion.

A total of 59 respondents gave a clear answer to this question. The majority of respondents (81%) agreed that the draft statutory guidance helped to clarify the requirements of the draft regulations.

Remaining areas of confusion :

- Confusion over speed limits and specified speed
- The signing of Home Zones and Quiet Lanes
- Confusion for tourists not understanding the signs

***Government response:** The guidance has been amended to clarify the difference between speed orders and speed limits. Standard signs are now agreed for Home Zones and Quiet Lanes. We are proposing to include a new rule for Home Zones and Quiet Lanes in the next edition of the Highway Code; this new rule was included in the draft of the Code issued for consultation by DSA in February 2006.*

6. Regulatory Impact Assessment: Have the main costs and benefits for each of the RIA options been included? If not, please provide supporting evidence.

A total of 48 respondents gave a clear answer to this question. The majority of respondents (85%) agreed that the main costs and benefits for each of the RIA options had been covered.

Impacts thought to have insufficient detail in the RIA:

- Extra enforcement duties for the Police (see note (vi))
- Rural business affected
- Extra cost of publicity/information

(vi) use and speed orders will not impose additional enforcement burdens as they are not enforceable.

***Government response:** The RIA has been amended to take into consideration the impact on rural businesses. The extra cost of producing publicity and information is already included as part of the estimates of the overall cost of designation.*

7. Quiet Lanes Sign

59 respondents answered this question. The majority, 32, preferred Sign B whilst 22 favoured Sign A. Five respondents showed no preference between the two signs. 31 respondents did not answer this question.



Sign A



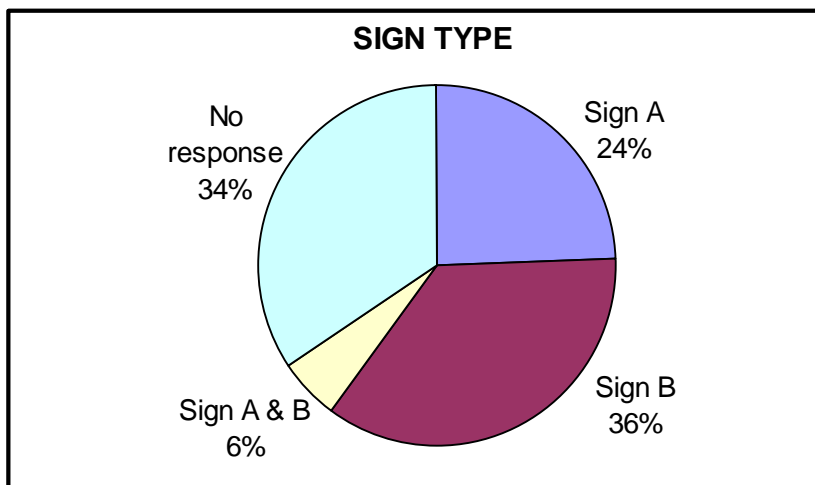
Sign B

(signs reproduced above are for illustration purposes and are not to scale)

Respondent preferences :

Respondent	Sign A	Sign B	Both A&B
Local Authority	11	12	
Interest Group	5	10	2
Other	6	10	3
TOTAL	22	32	5

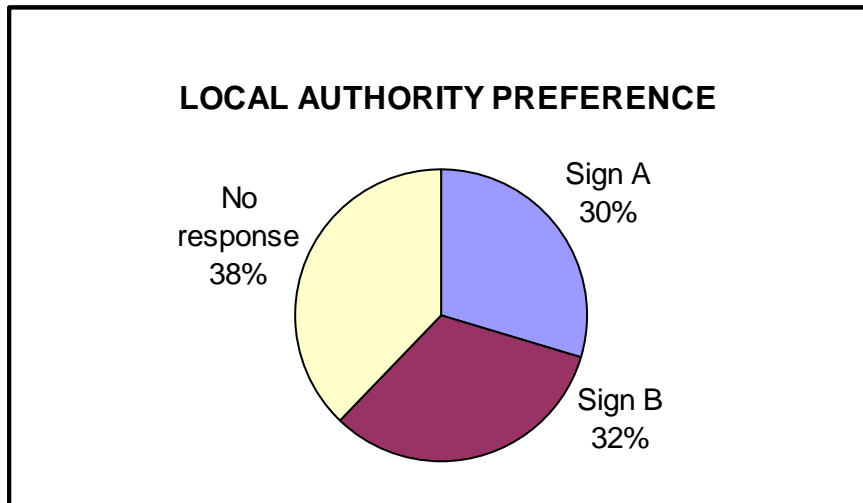
Respondent preference by sign type :



The response from Local Authorities

A small majority of Local Authorities, 12, preferred Sign B whilst 11 preferred Sign A. 14 Local Authority respondents did not answer this question.

Local Authority preference of sign type :



Sign A was preferred for use in rural areas and some respondents thought that it better reflected the Quiet Lane concept. Its size was also thought to be less obtrusive.

Sign B was preferred as being recognisable and conventional, and depicting the differing types of road use. However, some respondents felt that the sign was too large.

Government response: As a result of the consultation responses, the Department has developed a new Quiet Lane sign based on Sign B. Only the smaller of the two sizes given in the consultation document will be prescribed; an additional smaller version will also be prescribed. The new signs to mark the entry and exit points of a road designated as a Quiet Lane in England will be added to the Traffic Signs Regulations 2002 by way of an amendment regulation.

8. Other points raised in the consultation

In the responses, other areas of concern were :

- Restricted access to commercial properties in rural areas (see note (vii))
- Qualifying criteria for designations and permitted uses too strict (see note (viii))
- Objectors need more time to appeal (see note (ix))
- Conflict between motorised and non-motorised traffic
- Changing traffic conditions at different times due to use orders
- Sharing of carriageway contradicting road safety education

Government response:

- (vii) *There is no intention to restrict access, and use orders cannot be used to prevent access to properties.*
- (viii) *The suggested criteria in the statutory guidance were developed having examined research into pilot Quiet Lanes or Home Zones. The Department believes that meeting these criteria will help restrict schemes to areas where they are likely to succeed, though these are not regulated criteria.*
- (ix) *The consultation requirements are modelled on those required for the making of traffic regulation orders, including the time periods for objections. The development of proposal requirements provide additional time for stakeholder concerns to be raised and addressed. Extending the objection period would add to the cost of schemes.*

Themes from Consultation Responses

The following suggestions and comments (in bold text) were made by more than one respondent. The text below each is the Department for Transport's response to these thematic comments.

1. The scheme development section should refer to a "consultation event" not a public meeting.

The wording in the guidance and regulations will be amended to allow for alternative events, taking into account the fact that a public meeting may not be the best form of consultation. The phrase 'meeting with the public' has been substituted for 'public meeting'. We consider this covers a range of consultation events.

2. Additional statutory consultees.

Many respondents suggested additional statutory consultees should be added in regulations 4 and 10. Some amendments have been made to the regulations which clarify or add to the requirements, but for the most part these suggestions have been dealt with by alterations to the Statutory Guidance. This will be strengthened, for example to emphasise the need to consult groups representing particular modes and disabled people.

3. Some respondents wanted to be able to use local authority websites to advertise schemes, rather than the required notices on the road or in a newspaper.

The Department believes it is important that all those likely to be affected by the scheme are made aware of it. To this end, we support the use of local authority websites as an additional advertising medium.

However, it cannot be expected that all those using the route will regularly check the local authority website; therefore notices on the road(s) in question are still essential. Similarly, members of the surrounding community may reasonably be expected to browse through a local paper more frequently than they browse a local authority website. The requirements for posting of notices will therefore remain unchanged.

4. Some respondents expressed concerns that stakeholders from outside the area, for example freight hauliers, could frustrate local desires.

It is essential that all those who may be affected by a scheme have a chance to be involved in the scheme consultation, even if they are not part of the local community. However the local traffic authority is ultimately responsible for decisions regarding designation and the making of orders. It is for them to decide the validity of any objections made and whether these should be upheld.

5. Several respondents expressed the view that Quiet Lane designation should not be restricted to lanes that already have low traffic flows and speeds.

The provisions of the Transport Act 2000 enable a local traffic authority to designate any road within their area as a Quiet Lane. However the Department's view is that roads with high motorised traffic flows or high vehicle speeds are likely to be inappropriate for shared use by motorised and non-motorised users.

The recommendations within the Statutory Guidance were not intended to discourage the designation of roads where suitable measures have been employed to reduce the number or speed of vehicles, and the Statutory Guidance has been amended to reflect this. However, in this scenario authorities need to consider how they can ensure that their measures have been effective, before encouraging increased use by vulnerable road users.

6. A recommended 85th percentile of 35mph for Quiet Lanes is too high to allow safe shared use with vulnerable road users.

It is for local authorities to decide which roads are appropriate for designation as Quiet Lanes, and to consider the safety implications of such designation. The guidance talks of Quiet Lanes usually having an 85th percentile speed below 35mph. This is not a recommended speed for Quiet Lanes, rather a recommended maximum speed for roads under consideration for designation as Quiet Lanes.

7. Requests for mandatory 20mph speed limit on Quiet Lanes.

Local authorities are already able to impose 20mph speed limits on Quiet Lanes if they so desire. Some authorities may feel that a 20mph limit is undesirable in terms of sign proliferation and unnecessary as speeds are already low. There is therefore no intention to make a 20mph limit mandatory.

8. Several respondents expressed the view that Home Zone designation should not be restricted to residential areas.

The provisions of the Transport Act 2000 enable a local traffic authority to designate any road within their area as a Home Zone. However the Department's view is that the term "Home Zone" implies a predominantly residential area. A high proportion of residents is vital in order to get community ownership of the scheme and the street. This is not to say that the area would have no other uses, for example it may contain local shops, pubs or a school. This has been clarified in the Statutory Guidance.

9. Designation of new build Home Zones requirements.

The Section 268 of the Transport Act 2000 provides no power for prospective designations of Home Zones (or Quiet Lanes). Roads to be designated must be highways to which the public have access.

For new housing developments, the road layout could be designed in line with Home Zone principles; in discussion with the local traffic and planning authorities. Although formal designation cannot occur until the public has access to the road, it may be expected that purchasers will be aware of Home Zone principles and are "buying in" to the concept. The Statutory Guidance has been strengthened to reflect this position.

The Department wishes to test this in practice before considering any changes to primary legislation.

10. The advice suggesting use orders should specify uses rather than use the generic headings would make them too prescriptive.

It is up to the local traffic authority whether or not they make use orders, and if so, the level of detail which they specify under the generic headings. The Department recommends that local authorities are specific about the uses they allow in order to reduce potential conflict at a later date. If the authority wishes to use the generic heading only, they should consider very carefully which activities could be covered and whether any of these would be undesirable.

11. Several respondents expressed concerns over liability if someone engaging in a permitted use is involved in an accident.

The legislation enables streets to be designated so that drivers may no longer expect people to relinquish priority to vehicles. In Home Zones and Quiet Lanes there is a right of passage in vehicles, on horses, bicycles or foot and where there is a use order, a right to use the road in other permitted ways, which could include rights to socialise and play. But the right of passage must not be obstructed.

All users of Home Zones and Quiet Lanes have to take due care. Liability for accidents will depend upon the particular circumstances of the case and the nature of the permitted uses in the relevant Home Zone or Quiet Lane.

12. Confusion between speed orders and speed limits.

The Statutory Guidance has been amended to clarify the nature of speed orders and reiterate the fact that these are not speed limits.

13. Requests for signing and enforcement mechanisms for orders.

The Department does not wish to add to sign clutter in either rural or urban areas. Use orders will not forbid any activity and speed orders do not impose a speed limit, therefore acting in opposition to such orders is not, in itself, a criminal activity. As such, enforcement mechanisms are not appropriate.

The signs at the start of the designated area will signify that it is an area where uses other than passage should be expected. It is therefore not thought necessary to provide additional signs for use orders.

Local traffic authorities are expected to take measures to achieve speeds below that specified in the order. Additional signing should therefore not be necessary.

14. Government should specify particular (sensitively designed) traffic calming measures.

This recommendation goes against DfT policy to allow local authorities flexibility in the design and implementation of traffic calming measures. It is preferable for local traffic authorities, working in conjunction with their local communities, to determine whether measures are required and, if so, the type of measures to be used.

15. Quiet Lane sign - there were contradictory views here with respondents wanting both the clarity of sign B and the small size of sign A.

As a result of this consultation a compromise has been agreed. The prescribed Quiet Lane sign is based on sign B *but only the smaller of the two sizes given in the consultation document will be authorised. In addition, an even smaller version will be prescribed.*

Annex A

Invited consultees :

Ambulance Service Association
Architecture Foundation
Association of Chief Police Officers
Association of Consulting Engineers
Association of London Government
Association of National Park Authorities
Association of Road Traffic Safety and Management
Automobile Association
Babtie Group
Bicycle Association of Great Britain Ltd
British Cycling
The British Horse Society
The British Motorcyclists Federation Ltd
British Tourist Authority
Campaign to Protect Rural England
Cardiff University
Child Accident Prevention Trust
Children's Play Council
Chilterns Conservation Board
Commission for Architecture and the Built Environment
Confederation of Passenger Transport UK
Council for National Parks
Countryside Agency
CSS
CTC
Department for Culture, Media and Sport
Department of the Environment, Food and Rural Affairs
Dept of the Environment for Northern Ireland
Department for Regional Development (Northern Ireland)
Disability Network
Disabled Persons Transport Advisory Committee
English Heritage
English Historic Towns Forum
Environmental Transport Association
Faber Maunsell
Federation of Small Businesses
Freight Transport Association
Friends of the Earth
HM Fire Inspectorate
Home Office
Home Zone Challenge Contacts
Home Zone Pilot Working Group Members
House Builders Federation
Housing Corporation
Government Offices for the Regions
Greater London Authority
Institution of Civil Engineers
Institute of Highway Incorporated Engineers

Institution of Highways and Transportation
Institute of Logistics and Transport
JMU Access Partnership
Joint Committee on Mobility for Disabled People
Landscape Institute
Living Streets
Local Authorities in England
Local Government Association
Local Government Technical Advisors Group
London Accessible Transport Alliance
London Cycling Campaign
London Planning Advisory Committee
London Women and Planning Forum
Mouchel Parkman
Monmouthshire County Council
National Association of Local Councils
National Farmers Union
National Federation of the Blind of the UK
National Trust
Office of the Deputy Prime Minister
Parliamentary Advisory Council for Transport Safety
Peter Brett Associates
Phil Jones Associates
Planning Officers Society
RAC
RAC Foundation
The Ramblers' Association Ltd
Road Danger Reduction Forum
Road Haulage Association
Road Peace
Royal Institute of British Architects
Royal Institution of Chartered Surveyors
Royal National Institute for the Blind
RNIB Cymru
RNIB Joint Mobility Unit
Royal Town Planning Institute
Royal Society for the Prevention of Accidents
RPS Planning and Environment
Scottish Executive
Scott Wilson
Stirling County Council
Sustrans
The Design Studio
Transport 2000
Transport for London
Transport and Travel Research Ltd
Transport Research Laboratory
Urban Design Alliance
Visit Britain
Welsh Assembly Government
WSP Group

