

Traffic Regulation Order Process for Public Rights of Way



Traffic Regulation Order Process

- Everybody has the right to use the public rights of way across Essex.
- To temporarily or permanently restrict a public right of way requires a traffic regulation order or notice. Without an order or notice in place the restriction on the public right of way will be illegal.
- All processes and procedures are governed by the Road Traffic Regulation Act 1984 (RTRA 1984).
- Ultimately the safety of the public is paramount.



Temporary Traffic Regulation Orders (TTRO's)

- TTRO's are necessary when the public highway needs to be temporarily restricted e.g. due to works, grounds for public safety or where a permanent Order is not required.
- Examples of TTRO's include closure, prohibition of a particular type of vehicle eg motor vehicle, width restriction, weight restriction etc
- TTRO's are made under S14 RTRA 1984.
- S14 allows the traffic authority to restrict the public highway for the following reasons:
 - ✓ Works
 - ✓ likelihood of danger to the public, or of serious damage to the road/PROW, which is not attributable to such works
 - ✓ To allow litter clearing and cleaning under section 89 (1) (a) or (2) of the Environmental Protection Act 1990



Temporary Traffic Regulation Orders (TTRO's)

- All temporary planned works are processed by order under S14(1) RTRA 1984
- The applicant must submit the completed application form and associated plan highlighting the extent of the closure and alternative route to the Network Assurance team no less than 6 weeks prior to the start of the works to allow for the legal process to be undertaken.
- Procedure for TTRO's is governed by The Road Traffic (Temporary Restrictions) Procedure Regulations 1992.
- All applications which are received are approved by the Public Rights of Way Manager before being processed.



TTRO process

- Order is drafted along with two separate notices (Intention Notice and Has Made Notice)
- Intention Notice is published in a newspapers circulating in the area to which the order relates no less than 7 days before making an order
- The Intention Notice must state—
 - (a)the reason for the order;
 - (b)alternative route (if applicable, not a legal requirement and will only be provided if deemed safe to do so)
 - (c)the date the order comes into force and its maximum duration.
- Consultation undertaken by email on all statutory consultees which includes emergency services and District/Borough/City Councils. Parish Council, County Council Member for the area and also any affected associations eg Ramblers, Open Space Society are also consulted with.
- Within 14 days after making the order a notice of the making of the order (Has Made Notice) is published in the same circulating newspapers used for Intention Notice.
- Applicant's responsibility to print, laminated and display the Has made Notice in clear prominent positions on site. Applicant must maintain these notices throughout the duration of the restriction.
- Whilst there is no right to object to TTRO's, we do listen to any comments raised and will try to accommodate where possible.
- Possible development of map based system for members of the public to view existing TTRO's.



Duration of TTRO's

- A TTRO can last up to 6 months for public rights of way and 18 months for roads.
- If a longer period is required this needs to be approved by the public rights of way manager before submitting to the Secretary of State (DfT) for approval.
- Extensions are usually for an additional 6 months except in exceptional circumstances.
- Applicant's must apply for extension no less than 8 weeks prior to the order expiring to allow sufficient time to review and process.
- If extension is approved an extension notice is published in the local circulating newspaper and the consultees are re-consulted.



Temporary Notices for Public Safety or for necessary and expedient works (TTRN)

- S14(2) RTRA 1984 allows for temporary restrictions to be placed on public right of way/road by way of notice rather than by order.
- This can be executed in the following circumstances:
 - ✓ S14(2) (a) – necessary and expedient works – works must be for 5 consecutive days or under
 - ✓ S14(2) (b) – for genuine risk to public safety not attributable to works eg sewer collapse, fallen tree etc – closure can be for up to 21 consecutive days.



Process for restrictions issued under S14(2) RTRA 1984

- All applications are approved by Public Rights of Way Manager
- S14(2) Notice is drafted
- If for reasons of public safety the restriction will have immediate effect
- No need to advertise in local newspaper
- Consultees advised via email
- Notices printed, laminated and displayed on site by the applicant



Extensions to S14(2) notices

- For restrictions issued under S14(2) (a) – necessary and expedient works any extension has to be by a follow up order.
- This would require an order to be drafted and Has Made Notice to be published in the local newspaper circulating within the area affected.
- Consultees notified in usual way.
- For restrictions issued under S14(2) (b) – for genuine risk to public safety not attributable to works, an additional 21 day extension notice can be provided. If a longer duration is required this must be followed up with an order and processed in the same way as detailed above.



Permanent Traffic Regulation Orders (TRO's)

- S1 of the RTRA 1984 allows a traffic authority to make a TRO to control the movement and waiting of vehicles for the following reasons:
 - ✓ for avoiding danger to persons or other traffic using the road/PROW or any other road/PROW, or for preventing the likelihood of any such danger arising; or
 - ✓ for preventing damage to the road/PROW or to any building on or near the road/PROW; or
 - ✓ for facilitating the passage on the road/PROW or any other road/PROW of any class of traffic (including pedestrians); or
 - ✓ for preventing the use of the road/PROW by vehicular traffic of a kind is unsuitable having regard to the existing character of the road/PROW or adjoining property; or
 - ✓ for preserving the character of the road/PROW in a case where it is specially suitable for use by persons on horseback or on foot; or
 - ✓ for preserving or improving the amenities of the area through which the road/PROW runs.
- As well as considering new TROs to impose new restrictions it is necessary to consider existing TROs on site which are no longer required and should be revoked formally
- Permanent order procedure is laid down by The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996



The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996

- Proposed order, Intention Notice and statement of reasons are drafted.
- Intention Notice for permanent restrictions on PROW's must include:
 - ✓ The name of the order making authority.
 - ✓ The title of the order.
 - ✓ A brief statement of the general nature and effect of the order.
 - ✓ Brief description of the PROW and, where appropriate, a description of the length of it to which the order relates.
 - ✓ Statement detailing which documents are available on deposit for public inspection and where.
- Statement of reasons must be robust detailing the reasons behind the scheme to allow members of the public to make necessary comments or to formally object to the scheme.



Permanent Order Process

- Intention notice is published in local newspaper circulating in the area to which the order relates.
- Consultation with consultees undertaken in usual way.
- All associated documents are held on deposit at the District/Borough/City Council and at local library. Documents also displayed on Essex Highways website.
- Members of the public have 21 days from the publishing of the Intention Notice to comment/object to the scheme.
- If objections are received a decision is then made by the cabinet on how to proceed.
- If no objections received the order can be sealed and a Has Made Notice published.
- Has Made Notice must contain date in which the order is to come in to force and if someone wishes to challenge the validity of the order, how this can be done.
- All orders must be sealed within 2 years from when the Intention Notice is originally published otherwise scheme will need to be re-advertised and whole process restarted.



Experimental Traffic Regulation Orders (ETRO)

- An ETRO is made under Sections 9 and 10 of the Road Traffic Regulation Act 1984
- There must be a clear valid experiment eg measures for success/failure for this process to be used otherwise validity of order can be challenged.
- An ETRO can only stay in force for a maximum of 18 months while the effects are monitored and assessed.
- It is not possible to lodge a formal objection to an ETRO until it is in force. Once it is in force, objections may be made to the order being made permanent and these must be made within six months of the day that the ETRO comes into force.
- If feedback or an objection is received during the period that suggests an immediate change to the experiment is required, that change can be made and the experiment can then proceed.
- If the experimental order is changed, then objections may be made within six months of the day that the experimental order is changed.



Experimental Order Process

- Order, Has Made Notice and statement of reasons are drafted.
- Order is sealed.
- Has Made Notice is published in the local newspaper circulating in the area.
- The order cannot come in to force until 7 days has passed from the Has Made Notice being advertised.
- A copy of all associated documents are held on deposit at the District/Borough/City Council and at local library. Documents also displayed on Essex Highways website.
- Members of the public have 6 months to raise any comments/objections.
- If no comments/objections are raised then a decision is made whether to make the experimental order permanent.
- If the order is made permanent then the permanent order is drafted using revised sections of legislation, Has Made Notice is advertised in local newspaper circulating in the area, consultees are advised.





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