



**TEMPORARY TRAFFIC REGULATION
ORDER/NOTICE**

**GUIDANCE TO APPLICANTS
April 2012 – March 2013**

BACKGROUND

The public road network provides a vital service to the public allowing the movement of people, vehicles and goods in order that they may go about their normal business.

However for a wide variety of reasons this freedom of movement may need to be restricted for limited periods of time to enable other events to take place for the greater good.

This includes the obstruction of the street for the performance of:

- (a) works that are being or are proposed to be executed on or near the road; or
- (b) because of the likelihood of danger to the public, or of serious damage to the road not attributable to such works
- (c) for the purpose of enabling the duty imposed by section 89(1)(a) or (2) of the Environmental Protection Act 1990 (litter clearing and cleaning) to be discharged
- (d) certain local, civic, social and sporting events.

In many cases the level of restriction is limited to partial obstruction of the street, such as when a Utility Company or Highways Authority needs to carry out repairs to its apparatus or the street. These situations are managed by the deployment of traffic signs and barrier systems enabling the street to be used safely by the public and the works activity together.

However in some cases the extent of the activity will be such that the shared use of the street is not possible. In these cases the street may be closed to Vehicles, or Vehicles and Pedestrians as necessary or have other restrictions imposed.

Authority to impose such restrictions rests with the Solihull MBC for the road concerned.

APPLYING TO HAVE A RESTRICTION IMPOSED

Any individual, business, organisation or authority may apply to Solihull MBC to have a restriction imposed.

It is for Solihull MBC to judge whether the restriction is needed in the circumstances, reasonable and practical and, if it is, to impose the restriction by the making of an Order or Notice as appropriate.

DANGER TO THE PUBLIC

Solihull MBC may publish a TTRN where the authority is satisfied that sub paragraph (b) above applies [there is the likelihood of danger to the public or of serious damage to the road, which is not attributable to such works] and it is necessary that the restriction should come into force without delay.

Application

- Contact Solihull MBC by telephone within 2 hours of arrival on site, explain the situation. The Promoter must be prepared to full justify the use of an immediate restriction
- Submit Part 1 and Part 2 of the application form by end of next working day.

Duration

There are strict limits on the duration of a restriction permitted by a TTRN. In these circumstances the period may not exceed 21 days, but the Solihull MBC may issue one further TTRN extending the restriction by a further period of up to 21 days.

It should be noted that the use of this category of restriction is not intended for cases where the works could have been planned but the works promoter failed to do so.

OTHER SITUATIONS

A promoter wishing to carry out an activity that does not satisfy the definition set out in sub-paragraph (b) but does satisfy sub-paragraphs (a), (c) or (d) above may still need to restrict the use of the street.

Application

- Application is to be made in writing by submitting Part 1 and Part 2.
- All applications are to be submitted as far in advance of the required restriction as possible. The greater the lead time the more likely it will be that the restriction will be granted on the date and at the times requested.
- It is to be noted that the submission of an application does not guarantee that authority to impose a restriction will be granted.
- It must also be noted that where authority to restrict the street is granted, that such restriction will be subject to Terms, Standard Conditions and may be subject to additional Non-standard Conditions.
- Failure to fulfil all terms and conditions may void the application

Justification

Granting authority to impose a restriction by making of a TTRO or publication of a TTRN is very much based upon the justification provided by the promoter of the works, on this basis therefore, the duration of restriction or number of periods of restriction authorised under a TTRO or TTRN will be closely linked to the activity for which the restriction is required.

Durations

TTRO may be made for any periods of up to 18 months and in exceptional circumstances even longer.

- Granting authority to implement a TTRO is subject to a statutory advertising process using local newspapers and therefore can take some time to authorise.
- Additionally where the activity falls into the category defined by sub paragraph (a) above the requirements of the New Roads and Street Works Act 1991 will apply.
- This, in practical terms leads to the need to submit any application at least 3 months in advance of the proposed dates of restriction.

TTRN may be published for events where the period of restriction will not exceed 5 consecutive days from the day of publication.

- A TTRN [5-day] cannot be extended.
- A TTRN [5-day] will only be granted where the applicant can clearly demonstrate that the restriction is needed and **Solihull MBC considers it expedient** to allow the restriction to proceed without the delay that would be incurred if the restriction were to be imposed by a TTRO.

THE PROCESS

The process consists of 4 parts:

- **Application**
- **Consideration**
- **Response**
- **Implementation**

THE APPLICATION

It is for the applicant to fully justify the need for any restriction, that is to say, explain why the activity that is to be carried out:

- Is necessary; and
- Cannot be carried out without closing the road or imposing a restriction to the extent applied for
- When and for how long the restriction will be required.
- The application must contain a plan showing the extent [how much space] of the restriction.
- If the application is to “Close” the road or ban turning traffic the application is to contain a proposed diversion route.

CONSIDERATION

Solihull MBC will consider the proposal and insofar as it has been demonstrated that:

- The activity is necessary; and
 - The extent of closure is appropriate; and
 - The timing and duration of the closure is appropriate for the activity,
- may authorise the restriction by the making of an Order [TTRO] or publication of a Notice [TTRN] as appropriate.

SOLIHULL MBC RESPONSE TO APPLICATION

Solihull MBC will advise the applicant of the outcome of its deliberations, in writing within 10 working days. This communication will be in the form of an acknowledgement letter or email:

- Where the proposal is straight forward and the restriction will have minimal impact on other road users, such as in isolated locations or late at night Solihull MBC may respond by stating that:
 - A restriction is to be made in line with the application and subject to the standard terms and conditions, or
 - A restriction is to be made in line with the application and subject to the standard terms and conditions, and Non-standard Conditions, or
 - A restriction is “Agreed in Principal”. This option will be used in all cases where the application has been made and/or agreement reached more than 3 months in advance of the proposed restriction. This will enable the Promoter to proceed with planning the activity confident that the restriction will be authorised as required, or
 - A restriction will not be authorised and why.
- Where the proposal is more complex, as it would be in areas with high traffic volumes or in situations where other multiple restrictions [speed restrictions, alteration of parking restrictions, changing flow direction in one-way streets etc] may need to be imposed Solihull MBC’s initial response may be less conclusive. Typically it would indicate that:
 - The dates requested are at the time of writing available for the restriction and a meeting to discuss the request with all stakeholders is to be held. It may or may not identify a meeting date. Or,
 - That the dates requested are at the time of writing not available for the restriction and a meeting to discuss alternative dates and times is to be arranged.

- Once meetings and/or discussions have been held and agreement reached on permitting a restriction to be imposed Solihull MBC will provide confirmation in writing along the lines of those provided for less complex applications.

This list of options is not definitive and variations on the above options may be used.

TERMS AND CONDITIONS

Standard Terms

The terms relating to a Closure are designed to cover the cost of providing a TTRO or TTRN.

They will include:

- The cost of making the order/notice
- The actual cost of advertising of a TTRO/TTRN in local publications and the placing of notices in the street to be closed or have a restriction imposed in accordance with the requirements of the regulations.
- The administrative charges.
- By agreement, where the applicant is a business and provides in the application an Invoice Address and Purchase Order, Solihull MBC will submit a single invoice to the applicant to cover all sums.
- Where there is no agreement the cost of the closure must be submitted with the application in the form of a cheque.
- It must be understood by the applicant that there could be a delay in providing the necessary Order if the applicant does not provide all of the necessary information.
- An additional charge will be made for any subsequent changes to the Order.

Standard Conditions

Where the restriction to be imposed will require the diversion of traffic the Standard Conditions listed below will apply. Failure to comply with any of the Standard Conditions will void the application and have the effect of revoking the authority to impose the restriction. The Standard Conditions are:

- The applicant will provide to the authority, within 10 working days of receiving the Agreement [or Agreement in Principle] to proceed with a restriction a schedule of signs to be deployed to mark the extent of restriction and any diversion route as defined on the plan attached to the Agreement [or Agreement in Principle].
- The applicant will, not less than 10 working days prior to the restriction place signs in the street advising road users of the restriction. The sign must be to the specification set by Solihull MBC but will in any case:
 - State the dates and times of the next period of restriction
 - State the reason for the restriction
 - State the name of the Promoter of the works and provide a contact telephone number.
- Where the restriction is a Road Closure:
 - The applicant will, not less than 10 working days prior to the restriction or immediately if less than 10 working days, advise in writing the owners or occupiers of those Properties and Businesses whose frontage falls within the extent of any Closure. Such letter is to state:
 - By whom the restriction has been requested.
 - The reason for the closure.
 - The periods of closure.

- Set out the access arrangements that are to be made.
 - Immediately before any period of closure deploy signs defining the closed extent of the road and the diversion route for traffic in accordance with the schedule of signs.
 - Immediately following any period of closure recover and remove all signs related to the closure. [In the event that there are multiple periods of closure, in between periods signs are to be laid flat in order that they do not confuse or mislead road users].
 - Throughout any period of closure maintain clearly marked and protected pedestrian access to all properties whose frontage falls within the extent of the closure.
 - Where the closure applies to Motor Vehicles only, maintain clearly marked and protected pedestrian access through the area of closure.
- Where the restriction removes or restricts Resident Parking Bays:
 - The applicant will, not less than 10 working days prior to the restriction or immediately if less than 10 working days, advise in writing the affected residents. Such letter is to state:
 - By whom the restriction has been requested.
 - The reason for the restriction.
 - The periods of restriction.
 - Set out any alternative arrangements that have been agreed by the Authority.

Non-Standard Conditions

Solihull MBC may in some circumstances also impose Non-Standard Conditions. The following criteria apply:

- Non-standard Conditions will be specific to the particular restriction.
- Where Non-Standard Conditions are imposed the reason(s) will be provided.
- Typically non-standard conditions might include [this list is not exhaustive]:
 - Limitations on the days and/or times of day during which the closure may be in effect.
 - Conditions regarding access to the closed part of the street during the period of closure.
 - The requirement to provide more than 1 diversion route for traffic, for instance separate HGV and car routes.
 - Requirement to take part in liaison meetings with stakeholders, typically; Emergency Services, Bus Operators etc.

Challenging Non-standard Conditions

If the applicant disagrees with any of the Non-standard Conditions or considers them to be unreasonable he may submit a challenge to Solihull MBC.

The applicant should be aware that any challenge may have the effect of delaying the authorisation, and in the case of short notice applications may result in the activity having to be postponed until agreement is reached.

GENERAL ADVERTISING, CONSULTATION AND LIAISON

Advertising

Advertising is the responsibility of Solihull MBC.

There are 2 methods:

- **TTRO.** When granting a Closure by the making of an Order
 - A Notice must be published in local newspaper(s). In the first instance as a warning that an Order is to be made and secondly to make the Order.
 - A copy of the Notice may be displayed in the street(s) concerned.
 - The cost of advertising and displaying copy Orders forms part of the Terms mentioned above.
- **TTRN.**
 - A Notice must be published in local newspaper(s).
 - A Notice is displayed in the street concerned.
 - The cost of delivering and displaying such Notices will be charged to the applicant, see terms above.

Consultation

There is no legal obligation imposed upon Solihull MBC to consult on a Closure. However this does not prevent Solihull MBC from carrying out a consultation if they consider it appropriate.

Liaison

The legislation requires that Solihull MBC informs the Police and Fire Services of any restriction and although there is no legal obligation so to do, it is good practice to also inform other emergency services, Ambulance, Coast Guard, Transport Operators etc that may be affected by the restriction.