

# TEMPORARY TRAFFIC REGULATION ORDER/NOTICE

## GUIDANCE TO APPLICANTS

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### 1. 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 it is sometimes necessary to restrict movement and access for limited periods of time to enable other events to take place for the greater good.

This includes the obstruction of the street to enable:

- (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 can be limited to a 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.

In some cases however the scale and extent of the activity will be such that it is necessary to prevent access through the use of a formal Temporary Traffic Regulation Order (TTRO) or Notice (TTRN). 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 a restriction rests solely with Solihull MBC as Highway Authority for the road concerned.***

### 2. APPLYING TO HAVE A RESTRICTION IMPOSED

Utility companies, developers, contractors or any other body requiring a temporary traffic management order must apply to Solihull MBC and follow the procedure set out below to have a restriction imposed.

Orders are made under section 14(1) of the Road Traffic Regulation Act 1984. In exceptional circumstances we may issue a notice under section 14(2) if there is an urgent need for the restriction to come into force without delay.

On receipt of an application, 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.

### 3. DANGER TO THE PUBLIC

Solihull MBC may publish an Emergency Temporary Traffic Regulation Notice (ETTRN) 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.

#### a. Application and Fee

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. A copy the application form and current fee schedule can be found here:

<http://www.solihull.gov.uk/Business/Licences/roadandhighwaylicences/temporaryroadclosure>

#### b. Duration

There are strict limits on the duration of a restriction permitted by a ETTRN. In these circumstances the period may not exceed 21 days, but the Council at its discretion may issue one further ETTRN extending the restriction by a further period of up to 21 days.

***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.***

### 4. ALL OTHER SITUATIONS

A works 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.

If you consider it necessary to close or restrict access to a road or street then you will need to apply to Solihull MBC using the current application form, a copy of which can be found here:

<http://www.solihull.gov.uk/Business/Licences/roadandhighwaylicences/temporaryroadclosure>

**Before completing your application please consider the following:**

#### a. Application and fee

- Applications must be made in writing by submitting Part 1 and Part 2 of the application form.
- ***The minimum notice required to progress an application is 3 months.***
- All applications should 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.
- All applications must be accompanied with the corresponding application fee which is required in advance and should be submitted at the time of application.

**Please note: your application will not be commenced and may be delayed if you fail to submit the appropriate fee with your application.**

**Further information on fees can be found in Section 6 below, and details of the current application fee can be found here:**

<http://www.solihull.gov.uk/Business/Licences/roadandhighwaylicences/temporaryroadclo>

- It should also be noted that where authority to restrict a street is granted, the 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.

**b. Justification**

Granting authority to impose a restriction by making a TTRO or through the publication of a TTRN (where the proposed works are scheduled to last less than 5 days) 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.

**c. Durations (TTRO's)**

A 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.

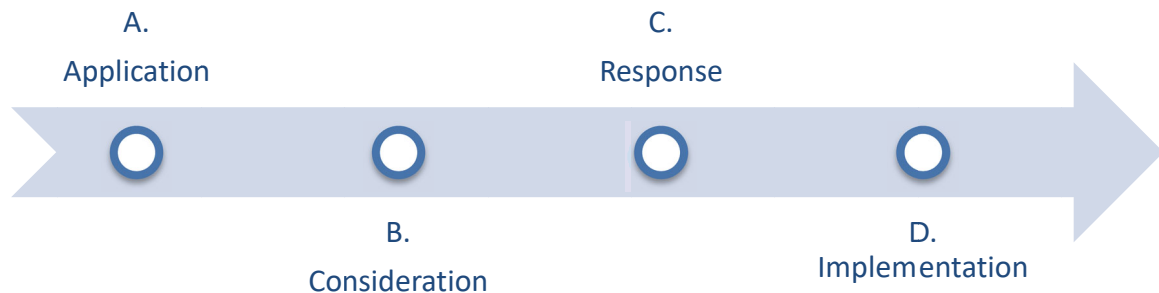
**d. Durations (TTRN's)**

A 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.

## 5. THE PROCESS

The TTRO and TTRN process consists of the 4 elements set out below. Before commencing with your application it is advised that you read this guidance note in its entirety as this will help to streamline the process for you and reduce the likelihood that your application is delayed or rejected:



### a. 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.

### b. 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 through the making of TTRO, or through the publication of a TTRN as appropriate.

### c. RESPONSE

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.***

#### **d. Implementation**

On confirmation by Solihull MBC that the requested restriction has been approved the standard conditions set out in section 6 below will apply, along with any non-standard conditions imposed as part of the grant of approval.

## **6. 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 Councils costs of making the order/notice, which include:
  - The cost to the Council 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.
- From the 1<sup>st</sup> April 2019 the Authority has introduced a new electronic payment system designed to assist and streamline the submission of applicants. Electronic payments using the Councils epayment service is the Authorities preferred method of payment. Further details can be found here:  
[https://www.civicaepay.co.uk/Solihull/Webpay\\_Public/Webpay/Default.aspx?Fund=TM](https://www.civicaepay.co.uk/Solihull/Webpay_Public/Webpay/Default.aspx?Fund=TM)

***Please note: prior to submitting a payment by the epayment service, please contact us to obtain a unique reference number which you will need to reference your payment against. Contact us at: [temporaryroadclosure@solihull.gov.uk](mailto:temporaryroadclosure@solihull.gov.uk)***

- The Council will continue to accept payment by cheque or where the applicant is a business, an Invoice Address and Purchase Order, however this must be agreed in advance and may result in a delay in your application being progressed.
- Any application which does not provide all of the necessary information will be automatically rejected and could result in a delay in providing the necessary Order.
- An additional charge will be made for any subsequent changes to an approved application.

### **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 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.
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### **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.

## **7. GENERAL ADVERTISING, CONSULTATION AND LIAISON**

### **a. 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.

### **b. 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.

### **c. 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.

**d. Information Sharing**

Please note that as part of the order making process the applicant name and contact telephone number as provided within Part 1 (Work Details) of the Temporary Traffic Regulation Order/Notice application form will be included on any subsequent legal notice which will be available for public inspection and published online and in both press and site notices.

This information is provided as it has been found to aid the resolution of any issues that may occur during the period that a restriction is in place, particularly outside of normal office hours.

Please also note that your information may also be shared with other council services and partner organizations to ensure our records are kept accurate and to help us to identify services or benefits you may be entitled to or interested in. We may also need to share your information for the prevention and detection of fraud and/or other crimes or as the law requires. For further information about how we use your information please refer to the Council's Privacy Statement on [www.solihull.gov.uk](http://www.solihull.gov.uk) or contact [temporaryroadclosure@solihull.gov.uk](mailto:temporaryroadclosure@solihull.gov.uk)