

From: Bryan Sweetland, Cabinet Member – Environment, Highways & Waste
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To: Environment, Highways & Waste Cabinet Committee

Date: 20 September 2012

Subject: Speeding up the Traffic Regulation Order Process

Classification: Unrestricted

Summary:

This report asks the Committee to consider proposals to speed up the Traffic Regulation Order (TRO) process by delegating the consideration of non-controversial objections to TRO's where the local County Councillor is in full support of the proposal to the Director of Highways and Transportation for consideration. This report sets out the process and procedures the Director would have to follow when considering the objections.

Recommendation:

Delegated authority is given to the Director of Highways and Transportation for the consideration of objections to TRO's when five or fewer objections have been received and the local County Councillor is in full support of the proposal. TRO's with more than five objections or the County Councillor is not in full support of the proposal will still be reported to the local Joint Transportation Board (JTB) for a recommendation to be made to the Cabinet Member for Environment, Highways & Waste.

1. Introduction

This report asks the Committee to consider proposals to speed up the Traffic Regulation Order (TRO) process by delegating the consideration of objections to TRO's when they are not controversial.

2. Traffic Regulation Orders (TRO's)

The Road Traffic Regulation Act 1984 gives traffic authorities the powers to make TRO's for various reasons as listed:-

- for avoiding or for preventing danger to persons or other traffic using a road,
- for preventing damage to the road or to any building,

- for facilitating the passage on a road,
- for preventing the use of the road by vehicular traffic which is unsuitable,
- for preserving or improving the amenities of the area through which a road runs,
- for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality)

Typically, TRO's take the form of prohibitions or restrictions such as speed limits, weight & width limits, prohibition of driving or of motor vehicles, prohibited or prescribed movements, parking restrictions etc. A TRO can be proposed on its own or as part of a scheme.

3. Current Procedures for making a TRO

When a traffic authority wishes to make a TRO it must follow a statutory procedure which is set out in The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. The procedure requires the traffic authority to consult any persons likely to be affected by the restrictions or prohibitions to be imposed by the Order. The authority must publish a notice in a local paper and carry out other provisions to ensure adequate publicity for the proposal such as writing to affected parties or posting notices on the road where the TRO is being proposed. The traffic authority then must allow a minimum of 21 days for stakeholders to make comments on the proposal and if they wish formally object.

If somebody formally objects to the TRO, the traffic authority has to consider all objections made under section 13 of The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. Objections to certain types of order necessitate a Public Inquiry and / or a decision be referred to the Secretary of State. This is relatively rare.

Current KCC procedures when objections are received are to report them to the local Joint Transportation Board for the relevant area. The Board are typically asked to make a recommendation to the Cabinet Member for Environment, Highways & Waste on whether to proceed with the scheme notwithstanding the objections; implement the proposal with modifications, or abandon the proposal. If no objections are received to a TRO then the Director of Highways & Transportation already has delegated authority to proceed with making the Order as proposed.

4. Issues with Current Procedures

The main issue with the current procedure is the time it can take for a decision to be made when objections are received to a TRO. As stated above the traffic authority is legally required to consult when proposing a TRO and give people a minimum 21 days to make objections. When added to the time it takes to design a scheme, consult and then report to a local Joint Transportation Board, which are only held every three months, it can take six to nine months to make an order for a very simple proposal such as a few metres of double yellow lines.

The proposal set out in this report is aimed at reducing the time taking for a decision to be made on TRO's when minimal objections are received and the local County Councillor is in full support of the proposals. This will enable the County Council to react quicker to potential safety issues and speed up the delivery of schemes especially those being delivered for Members out of their Member Highway Fund. When a proposal receives a number of objections and / or the local County Councillor does not support the proposal, the current procedures of asking the local JTB to make a recommendation to the cabinet member will continue.

5. Proposed Procedures

Following the statutory consultation if five or fewer objections are received and the local County Councillor is in full support of proceeding with the proposal, a report will be submitted to the Director of Highways and Transportation requesting authorisation for the Order to be made. The Director will carefully consider the matter and if he is not happy to authorise the making of the Order it will be reported back to the local JTB for a recommendation to be made to the Cabinet Member. Once an Order has been made any objector will be notified in writing within 14 days that the Order has been made. This is a requirement of The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

When more than five objections are made and / or the local County Councillor is not in full support of the proposal this will be (as existing procedures prescribe) reported to the local JTB for a recommendation to be made to the Cabinet Member. When no objections have been received, the Director of Highways and Transportation already has delegated authority to authorise the making of the Order.

These proposed changes are also intended for use when dealing with objections received to Pedestrian Crossing & Traffic Calming notices as required as part of the Highways Act 1980.

6. Conclusions

The proposed changes to the County Councils procedures for considering objections to TRO's comply with Section 13 of The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 which states that the Order making authority shall consider all objections duly made. It does not specify that they must be considered by a committee or Councillors. These procedures also align with how many planning authorities deal with minor objections to planning applications giving delegated authority to officers to decide on non-controversial planning permissions.

The proposal supports the principles set out in Bold Steps for Kent for reducing unnecessary bureaucracy and those in the Department for Transport's January 2012 consultation document on Traffic Orders entitled "Simplifying the Process".

The proposed changes, along with the introduction of a new computerised system for writing TRO's, will cut the time it takes for the County to react to safety critical issues and speed up the delivery of schemes, especially those promoted by County Councillors via their Member Highway Fund (MHF). These changes also assist in meeting Priority 3.1 of our Highways and Transportation Annual Plan 2012/13 to improve speed of process from design to delivery of the MHF.

A recent example were these proposed changes would have sped up the delivery of a MHF scheme would have been the implementation of a pedestrian crossing in Hothfield, Ashford. Only one objection was received to this proposal which had the full support of the local County Councillor, local Borough Councillor and Parish Council however, due to this one objection the delivery of the scheme had to be delayed for three months to allow the objection to be reported to the local JTB where it was agreed to proceed notwithstanding the objection.

7. Recommendation

Delegated authority is given to the Director of Highways and Transportation for the consideration of objections to TRO's when five or fewer objections have been received and the local County Councillor is in full support of the proposal. TRO's with more than five objections or the County Councillor is not in full support of the proposal will still be reported to the local Joint Transportation Board (JTB) for a recommendation to be made to the Cabinet Member for Environment, Highways & Waste.

Background Documents:

Road Traffic Regulation Act 1984

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

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