

North East Lincolnshire Council

Traffic Regulation Order (TRO) Guidance

Guidance on the introduction of TRO's for Waiting Restrictions

Document History			
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PART 1: Guidance Introduction

1. Introduction

Local authorities in England have a duty to manage the road network in order to reduce congestion and disruption.

Section 1 of the Road Traffic Regulation Act 1984, gives Local Authorities the power to make Traffic Regulation Orders (TRO's) for controlling or regulating vehicular and other traffic (including pedestrians)

This guidance document has been developed to provide a consistent framework for implementing, amending or removing on-street parking restrictions in North East Lincolnshire and sets out how North East Lincolnshire Council (NELC) will deal with requests for new parking restrictions received from any organisations or bodies including Ward Councillors, Parish or Town Councils, members of the public and businesses.

It provides greater transparency of the Traffic Regulation Order prioritisation process and allows elected members and members of the public to fully understand those factors that will be considered when deciding if a scheme should go ahead and the priority that will be attached to any approved waiting restriction Traffic Regulation Order request.

Part 1 of this document also refers to Traffic Regulation Orders for Residents Parking Schemes. Further information regarding these specific types of Traffic Regulation Orders and the application process is detailed in the NELC Residents Parking Guidance.

Throughout this document, where the text refers to 'significant', 'reasonable' or 'frequent', this shall be determined by the relevant Portfolio Holder in consultation with the Traffic Team Manager.

2. Civil Parking Enforcement (CPE) and TROs

In 2010 North East Lincolnshire Council became responsible for the enforcement of on-street parking restrictions, which was previously the responsibility of the Police. This responsibility is in line with the Traffic Management Act 2004 Part 6, which enables councils to enforce parking restrictions as a civil matter.

The Civil Parking Enforcement of waiting restrictions and the obstruction of dropped crossing points is undertaken by uniformed NELC Civil Enforcement Officers (CEO's) who can issue a Penalty Charge Notice (PCN) to any vehicle observed to be in contravention of the restrictions or obstructing a dropped access.

For further information on CPE, refer to the NELC Civil Parking Enforcement Procedures 2018

The enforcement of 'Prohibition of Movement' TRO's (for example, speed limits, one way streets, banned turns) are classed as a 'Moving Traffic Offence' and can only be undertaken by the Police on observing the offence.

3. Highway Access, Obstruction and Road Safety

The primary purpose of the highway is for the passage of traffic (including pedestrians), though it is recognised that in residential and commercial areas vehicle traffic flow may be restricted by demands for on street parking. This would be generally accepted where disruption to vehicle flows are minimal, localised and of a short duration.

Obstructive and / or uncontrolled parking tends to have an impact on wider service vehicles which may lead to failed waste collections or in more serious and urgent circumstances the obstruction of access by emergency service vehicles. In these circumstances the Council may consider appropriate measures such as 24hour Prohibition of Waiting restrictions (double yellow lines) or other such on street parking controls for issues that mainly occur during peak traffic times (for example, no waiting between the hours of 8am - 6pm).

Persistent obstructive parking can also increase the risk of road traffic accidents. Where clusters of Personal Injury Collisions (PICs) arise which are fully or partly as a result of, or related to on street parking, the Council will consider introducing appropriate measures to promote and improve road safety.

4. Access to Property

Where vehicles are parked over a legal vehicle crossing (a dropped kerb access) preventing vehicles from accessing or egressing a property, a PCN can be issued to the offending vehicle at the request of the property owner (as it could for example be the property owner parking and thus not causing any nuisance).

Previously 'I-Bar' or 'Keep Clear' markings have been used, however these markings are advisory only and cannot be enforced by NELC's Civil Enforcement Officers (CEO's). These markings will only be considered in exceptional circumstances where there is proven evidence that frequent enforcement has failed to address the persistent obstruction to a property's access.

In the event it is deemed necessary to install 'I-bar' or 'keep clear' markings, the cost of these works will be met by the resident / business affected.

5. Narrow Roads and Streets

There are a number of locations in the Borough where the roads and streets were not designed for the level of car ownership that we see today, nor wide enough to facilitate on-street parking.

NELC, as highway authority, has a statutory duty to ensure the safe passage of vehicles and pedestrians and cannot encourage parking in an unsafe location, or driving along a footway which is illegal, or allowing vehicles to obstruct the highway and restrict access for emergency services or waste management vehicle.

In order to create a fair and consistent approach for NELC to follow when reviewing and, if appropriate, changing parking conditions in narrow roads and streets, all roads will be subject to the following assessment criteria :-

Where, as a result of vehicles parking on one or both sides of the road, the remaining carriageway width is less than 3.3 metres the following options will be considered:-

Option 1 – Where parking on **both sides** of the street results in less than 3.3 metres of remaining carriageway width for through traffic, the introduction of parking restrictions will be considered for either one side of the road only or staggered parking on both sides.

Option 2 - Where parking on **one side** of the street results in less than 3.3 metres of remaining carriageway width for through traffic, the introduction of parking restrictions will be considered on both sides of the road.

Prohibiting on-street parking in its entirety will be the final resort and only if no other practical and safe solutions can be found.

6. Unadopted Highway

Certain roads are "unadopted", which means that they are not maintained at the public expense by the Highway Authority (in these circumstances it is normally the adjoining landowners who are responsible for maintenance of the unadopted road or street).

Parking in a private road without permission or a legal right to do so may be trespassing, and is a civil offence between the landowner and the persons committing the offence.

7. Residents Parking Schemes

Where there is excessive demand for on-street parking, concerns are often raised over the availability of parking for residents. NELC's approach to the introduction of a Residents Parking Scheme will be guided in part by considering whether the excess demand is due to residents or from non-residents (e.g. commuters).

Full details regarding the introduction of a Residents Parking Scheme, including the application process are contained in the NELC Residents Parking Guidance.

8. Short Term Parking

Short term "invasion parking" is parking for the purpose of dropping off and picking up passengers or goods at a location such as a school or convenience store. The most common situation of this type is around schools where it can result in a high volume of traffic in one location for, usually, only short periods of time.

NELC have introduced 'School Keep Clear' markings outside all schools in an attempt to reduce the risk to all road users, including pedestrians and school children from inappropriately parked vehicles.

NELC may also consider the introduction of additional "Limited Waiting" restrictions or "No Loading" restrictions to address short term invasion parking if deemed appropriate.

9. Blue Badge Parking

The Blue Badge scheme: rights and responsibilities in England' is issued by the Department of Transport and provides the full details of where Blue Badge Holders can park without a time restriction.

Yellow Lines: Badge holders may park on single or double yellow lines for a maximum of three hours, except where restrictions on loading or unloading – indicated by yellow kerb dashes and/or signs on plates or if a bus or cycle lane is in operation. .

'On-street' disabled parking bays (Signs have a blue wheelchair symbol): Badge holders can park for free and without time limit unless signs say otherwise.

When parking, badge holders should ensure they do not cause an obstruction to the highway, or a hazard to other road users such as parking too close to a junction and blocking visibility.

10. Disabled Parking Bays

Subject to certain criteria, NELC currently provides on-street disabled parking bays outside residential properties. These bays are not supported by a TRO and are only an advisory road marking that cannot be enforced by Civil Enforcement Officers.
Refer to the NELC Disabled Bay guidance available on the NELC website for further details including the application process.

PART 2: TRAFFIC REGULATION ORDERS (Waiting Restrictions)

11. What are Traffic Regulation Orders (TRO's)

A Traffic Regulation Order (TRO) is a legal order, which allows the highway authority to regulate the speed, movement and parking of vehicles. The act governing Traffic Regulation Orders is the Road Traffic Regulation Act 1984 and is enforceable by law.

A TRO may be proposed for a variety of reasons and generally these will fall into four categories:

- Control or regulate the movement of traffic and parking.
- Reduce and manage congestion
- Avoid or reduce danger to all road users
- Local concerns where restrictions are required to manage commuter, shopper or residents parking

Examples of the types of parking restrictions imposed by a TRO are:

- Waiting and loading restrictions
- School Keep Clear restrictions
- Residents Parking Schemes
- Verge / Footway Parking

There is an increasing demand across the NELC highway network for an increasing number of on-street parking restrictions to be implemented, as more vehicles are introduced onto the road network.

Examples of the types of 'Prohibition of Movement' imposed by a TRO are:

- Speed limits
- Clearways
- Prohibition of Movement (one way streets, turning bans etc.)
- Weight limit restrictions

12. Types of TRO

a. **Permanent** – These types of orders can only be introduced in accordance with current legislation and by following a statutory legal process. There are several stages to the introduction of a new permanent TRO, some of which are governed by statutory timescales. The introduction of a permanent TRO can be very time consuming but once made, the TRO will remain operational until superseded or revoked.

b. **Temporary** – Temporary Traffic Regulation Orders (TTRO's) are introduced in accordance with Legislation and again follow a statutory process. These are introduced to impose temporary restrictions or road closures on the Highway for up to 18 months in order to facilitate the following:

- Works on or near a road

- Events on the Highway

c. **Experimental** – These are introduced under the same legislation as permanent TRO's and are used to trial a proposed TRO. Orders must be advertised at least seven days before they are due to come into effect. They can be in place for up to 18 months before either being made permanent or removed. Consultation requirements must be followed before the order is made.

d. **Emergency** – These are used to cover emergency works for example a burst utility pipe or to prevent immediate danger to users of the highway and can be made for up to 21 days.

13. Applying for a TRO for Waiting Restrictions

All applications for a TRO must be made via the 'Traffic Issues' Report IT form located on the North East Lincolnshire Council website (https://www.nelincs.gov.uk/report-it/).

This form has been designed to collect information on the nature of the problem being experienced so an assessment can be made and a suitable solution identified.

The form requires the applicant to submit evidence of significant local support and absence of clear opposition from residents and/or businesses experiencing the problem at the time of application.

The applicants' evidence of local support can include:-

- Petition signed by a significant number of the residents or businesses living or working within the street that is being reported and who are directly experiencing the reported issue

  Or

- An applicant's own questionnaire showing a significant number of the residents or businesses living or working within the street that is being reported are directly experiencing the reported issue

In addition, the applicant is required to submit evidence that their local Ward Councillor (s) and Town or Parish Council (where applicable) are aware of their request.

This evidence should be an email or written correspondence informing of the application.

If the above required evidence is not submitted, this will be considered as there being a lack of sufficient support for the reported issue, resulting in this being considering as low priority.

The Traffic team will acknowledge receipt of the Report IT form and provide a unique scheme reference number to the applicant within 5 working days of receipt.

14. Assessment and Prioritisation

To ensure that all 'Traffic Issues' Report IT forms requesting a new or amended TRO, are assessed in a fair and consistent manner, the issue will be investigated, an initial assessment undertaken and the applicant, Ward Councillor(s) and Town/Parish Councils (if applicable) informed of the assessment outcome within 12 weeks of receipt by the Traffic team.

The initial assessment process includes:-

- Identification of the issue being reported on the Traffic Issues form.
- Site visit, desktop assessment and investigation of possible solution (if applicable)
- Prioritisation of request in accordance with the criteria below

1. Nature of the Reported issue
   - Issues regarding road safety, obstruction to the free flow of traffic, and visibility will have a higher priority than those which relate solely to the availability of on-street parking.

These are defined below:-

Road Safety: The proposed TRO is supported by Road Safety accident collision data **- HIGH PRIORITY**

Obstruction: Free flow of traffic restricted due to parked vehicles
Main road which is heavily trafficked - **HIGH PRIORITY**
Obstruction of a turning head (eg residential cul-de-sac) - **HIGH PRIORITY**

Visibility: Reduced forward visibility on a particular road or junction
Major road/high speed road or major road junction **- HIGH PRIORITY**
Minor residential road - **LOW PRIORITY**

2. Emergency Service Request
   - The request has been received directly from any of the emergency services and/ or the location presents a significant risk to public safety – **HIGH PRIORITY**
3. Location
   - The location for the proposed TRO impacts more significantly on vulnerable road users e.g. within the vicinity of a school – **HIGH PRIORITY**
4. Support
   - a request that has evidence of substantial local support and evidence that specific Ward Councillors have been informed – **HIGH PRIORITY**
   - the request for a TRO has been instigated by a small proportion of residents having regard to the number of residents on the street and little or no evidence of support submitted with the application.– **LOW PRIORITY**
5. Wider Scheme
   - TROs that are required to support a larger project and have associated timescales for delivery. – **HIGH PRIORITY**
6. Combine works
   - Opportunity to combine a number of requests in a similar area in order to improve efficiency of delivery – **HIGH PRIORITY**

In order to comply with its statutory obligations as a highway authority, NELC reserves the right to implement a TRO when it is deemed essential for road safety or traffic management purposes regardless of the outcome of informal consultation.

Where a TRO is deemed to provide an appropriate solution, these will be scored, prioritised and added to the forward programme for further action in consultation with the relevant Portfolio Holder. The issues that score the highest are taken forward with a higher priority.

15. TRO Forward Programme

A 2 year Forward Programme of TRO's will be produced that shows the forward programme of work through a combination of generic headings and specific schemes. The content of the programme is based on the above prioritisation process, other works requiring TROs (such as major schemes), staff resources and the available TRO works budget.

This forward programme of TROs will be determined, agreed, approved by the Head of Highways and Transport and presented to the Portfolio Holder for formal approval between July and September (Q3) of the previous calendar year, with the option to refer the TRO Programme to Scrutiny for their consideration. This will give absolute transparency to the programme and also give members the opportunity to approve the current year's programme.

The TRO Forward Programme will typically include a variety of work streams including major schemes, LTP Road Safety Schemes, Residents Parking Schemes and Community Requests.

Any in year adjustments to the TRO programme will be forwarded to the Portfolio Holder for approval on a quarterly basis or upon request by the Portfolio Holder.

16. Key Stages and Timescales of making a Permanent TRO

The making of a permanent TRO is subject to the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. These Regulations impose various statutory requirements on a Local Authority prior to making an order and it is the Local Authority's responsibility to ensure a fair process is undertaken that complies with these requirements when introducing a TRO.

A major key to that process is undertaking informal consultation with, and seeking feedback from those residents and businesses that are living or working within the reported street that may be directly affected by the introduction of any new or amended restrictions. Such informal consultations will be reported to the relevant Portfolio Holder.

NELC follows national best practice by carrying out informal 'pre consultation' on any proposed new TRO, prior to the formal advertising of the proposed order.

From starting the pre consultation to implementation, it currently takes approximately 40 weeks to bring a TRO into operation that has significant support amongst residents in consultation with businesses and Ward Councillors. More complex or contentious TROs may take longer.

The key stages listed below do not take into account the 12 week assessment, prioritising and programming period as outlined in Sections 15 and 16, with Stage 1 starting after these have taken place.

Stage	Description	Indicative timescale*	Statutory Requirement
PRE CONSULTATION		**12 WEEKS**	
1	Develop a preferred scheme and seek initial feedback from Ward Councillors	6 weeks	N
2	Letter drop with plan of proposals issued to residents and businesses directly affected to seek feedback.	3 weeks	N
3	Review the feedback received. Advise Ward Councillors, residents and businesses of the outcome.	3 weeks	N
DEMOCRATIC PROCESS		**10 WEEKS**	

4	Submit a report to the Portfolio Holder requesting approval to make a TRO for the preferred scheme	10 weeks	N
LEGAL PROCESS		**18 WEEKS**	
5	Draft the Traffic Regulation Order (TRO) for the preferred scheme and send to NELC Legal for review	4 weeks	Y
6	Advertise the Notice of Intent to make the TRO	1 weeks	Y
7	Statutory 21 day advertising period for formal objections to the proposed Order to be received.	3 weeks	Y
8	Review of formal objections received during the statutory 21 day period in conjunction with the NELC Legal team.	4 weeks	Y
9	If no objections are received, seal and make the TRO	1 week	Y
10	Advertise the Notice of Making of the TRO (within 14 days of sealing the Order).	1 week	Y
11	Install the required traffic signing and road markings on site. (Subject to availability of a suitable Road Marking Contractor)	4 weeks.	Y
SCHEME OPERATIONAL		**40 weeks**	

*The indicative timescales above are subject to:-

- Stage 3: A significant level of support and minimal direct opposition for the proposals will be required. In the event this is not reached the applicant and Ward Councillors will be informed and the TRO put on hold until the required level of support is achieved. On receipt of the required level of support, the TRO forward programme will be reviewed and the TRO request rescheduled for progression.
- Stage 4 : Dates of Portfolio Holder meetings and lead in timescales (fixed by Democratic Services)
- Stage 8: Number, complexity and consideration of any objections that may be received following the statutory 21 day advertising period.

17. Communication

Communication on the progress of TRO's will be undertaken at regular intervals during the process identified in Stage 17.

This will include, but not be limited to:-

- Publication of the annual TRO Forward Programme following approval by the Portfolio Holder
- Monthly TRO programme update to Members
- Early engagement with Ward Councillors / Town / Parish Councils at Stage 1
- Email to Ward Councillors, applicant and Town/ Parish Councils on commencement of each stage of the process.