

Terms & Conditions: Temporary restriction of public roads

1. Background

- 1.1 The public road network is a vital infrastructure enabling 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.
- 1.2 This includes the restriction of traffic in 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
- 1.3 In many cases the level of restriction is limited to part 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 Traffic Authority for the road concerned.

2. Applying to have a restriction imposed

- 2.1 Any individual, business, organisation or authority may apply to the Traffic Authority to have a restriction imposed.
- 2.2 It is for the Traffic Authority to judge whether the restriction is needed in the circumstances, reasonable and practical and, if it is, to impose a restriction by the making of a Temporary Traffic Regulation Order (TTRO) or a Temporary Traffic Regulation Notice (TTRN) as appropriate.

3. Normal situations

- 3.1 A promoter wishing to carry out work described in sub-paragraphs (a) or (c) above may need to restrict the use of the street. An activity that satisfies the definition set out in sub-paragraph (b) may require the urgent procedure outlined under the paragraph entitled "Danger to the Public" below.
- 3.2 **Application**

- i) Application is to be made in writing by submitting Form TTRO-1.
- ii) 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.
- iii) It should be noted that the submission of an application does not guarantee that authority to impose a restriction will be granted.
- iv) It must also be noted that where authority to restrict the street is granted, such restriction will be subject to terms, standard conditions and may be subject to additional non-standard conditions.

3.3 Failure to fulfil all terms and conditions may invalidate the application.

3.4 **Justification**

Granting authority to impose a restriction by making of a TTRO or publication of a TTRN is 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.

3.5 **Duration**

A TTRO on a road may be made for any period of up to a maximum duration of 18 months and in exceptional circumstances even longer if it is stated at the outset that the works will take longer than 18 months. Such an extension is dependant on an application by the Highway Authority to the Secretary of State. TTRO's on footpaths, byways, bridleways and cycle tracks may be made for a maximum duration of 6 months.

- i) Making a TTRO is subject to a statutory advertising process using local newspapers and therefore can take some time to authorise.
- ii) 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.

3.6 In practical terms this leads to the need to submit any application at least 3 months in advance of the proposed dates of restriction, and in any case the full application information will need to have been received at least six weeks prior to the proposed commencement date of any restriction.

3.7 In exceptional circumstances i.e. where the traffic authority is satisfied that it is necessary or expedient that the restriction come into force without delay, a TTRN may be issued for a maximum of 5 days. Unlike the TTRN for emergencies, the 5 day TTRN cannot be extended.

4. **Danger to the public**

4.1 The Traffic Authority 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.

4.2 Application

- i) Contact the Traffic Authority by telephone as soon as practicable and in any case within 2 hours of arrival on site to explain the situation. The Promoter must be prepared to fully justify the use of an immediate restriction.
- ii) Submit application Forms TTRO-1 by end of next working day.

4.3 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 Traffic Authority may issue one (but only one) further TTRN extending the restriction by a further period of up to 21 days.

If it is anticipated that the restriction will be required for more than 42 days, a full Order can be processed and this should be discussed with the Highway Authority.

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 has failed to do so.

5. The Process

5.1 The process consists of 4 parts:

- Application
- Consideration
- Response
- Implementation

5.2 The Application

It is for the applicant to **fully justify** the need for any restriction, that is to say, explain **clearly** why the activity to be carried out is necessary and cannot be carried out without closing the road or imposing a restriction to the extent applied for. The applicant will also be required to:

- i) Detail when and for how long the restriction will be required.
- ii) Provide a plan showing the extent [how much space, etc.] of the restriction.
- iii) If the application is to close any road then the application is to contain a proposed diversion route, in plan form together with complete Traffic Management drawings.

5.3 Consideration

The Traffic Authority will consider the proposal and insofar as it has been demonstrated that:

- i) The activity is necessary; and
- ii) The extent of closure is appropriate; and

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- iii) The timing and duration of the closure is appropriate for the activity

may authorise the restriction by the making of an Order [TTRO] or issuing of a Notice [TTRN] as appropriate.

5.4 The Traffic Authority Response to Application

The Traffic Authority will use its best endeavours to advise the applicant of the outcome of its initial deliberations within 7 days. This communication will be in the form of an acknowledgement letter or email and detail:

- i) Whether the proposed diversion route is acceptable or will specify the route to be used
- ii) 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 the Traffic Authority may respond by stating that:
 - a) A restriction is to be made in line with the application and subject to the standard terms and conditions, or
 - b) A restriction is to be made in line with the application and subject to the standard terms and conditions, and Non-standard Conditions, or
 - c) A restriction is “Agreed in Principle”. This option may be used in 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
 - d) A restriction will not be authorised and why.

5.5 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 the Traffic Authority’s initial response may be less conclusive. Typically it would indicate that:

- i) 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
- ii) 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.
- iii) Once meetings and/or discussions have been held and agreement reached on permitting a restriction to be imposed the Traffic Authority 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.

5.6 Implementation - Terms and Conditions

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

- i) The cost of making the order (£1,610.00) or notice (£175.00)
- ii) The actual cost of advertising a TTRO in local publications or, the placing of TTRN in the street to be closed or have a restriction imposed in accordance with the requirements of the regulations.
- iii) Administrative charges.
- iv) Where the applicant is a statutory undertaker and provides in the application an Invoice Address and Purchase Order, the Authority will submit a single invoice to the applicant to cover all sums.
- v) Where the applicant is not a statutory undertaker or where a statutory undertaker is unable to provide an order number, they are to contact the authority to discuss costs and method of payment prior to the submission of the application.

5.7 **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:

- i) Access must be maintained for Emergency Services at all times.
- ii) If the restriction is not implemented as shown in the Order, the Highway Authority must be notified immediately so that the Emergency Services can be informed.
- iii) The applicant will provide to the authority, within 7 days of receiving the Agreement [or Agreement in Principle] to proceed with a restriction, or immediately if the restriction is to commence within 7 days, 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].
- iv) The applicant will, not less than 14 days prior to the restriction or immediately if less than 14 days, place signs in the street advising road users of the restriction. The sign must be to the specification set by the Traffic Authority but will in any case:
 - a. State the dates and times of the next period of restriction.
 - b. State the reason for the restriction.
 - c. State the name of the Promoter of the works and provide a 24hr contact telephone number.

- 5.8 Where the restriction is a road closure the applicant will, not less than 14 days prior to the restriction or immediately if less than 14 days, advise in writing the owners or occupiers of those properties and businesses whose frontage falls within the extent of any closure. A copy of the letter is to be supplied to the Highway Authority prior to

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commencement of the restriction(s). Such letter is to state:

- i) By whom the restriction has been requested.
- ii) The reason for the closure.
- iii) The periods of closure.
- iv) Set out the access arrangements that are to be made.

5.9 Where the restriction prohibits or restricts any class of traffic:

- i) Immediately before any period of restriction deploy signs defining the extent of the road restricted and the diversion route for traffic in accordance with the schedule of signs and maintain these signs for the duration of the restriction.
- ii) Immediately following any period of restriction recover and remove all signs related to the restriction. [In the event that there are multiple periods of restriction, in between periods signs are to be covered or set aside in order that they do not confuse or mislead road users].
- iii) At the point that the restriction is no longer required and removed from the highway, the Traffic Authority must be notified without delay.
- iv) Throughout any period of restriction maintain clearly marked and protected pedestrian access to all properties whose frontage falls within the extent of the restriction.
- v) Where the restriction applies to motor vehicles only, maintain clearly marked and protected pedestrian access through the area of restriction.
- vi) Where the restriction removes or restricts Resident Parking for Permit Holders:
- vii) The applicant will, not less than 14 days prior to the restriction or immediately if less than 14 days, advise in writing the affected residents. A copy of the letter is to be supplied to the Highway Authority prior to commencement of the restriction(s). Such letter is to state:
 - a) By whom the restriction has been requested.
 - b) The reason for the restriction.
 - c) The periods of restriction.
 - d) Set out any alternative arrangements that have been agreed by the Traffic Authority.

5.10 Non-Standard Conditions

A Traffic Authority may in some circumstances also impose Non-Standard Conditions. The following criteria apply:

- i) Non-standard Conditions will be specific to the particular restriction.

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

6. Advertising and information

- 6.1 Advertising the TTRO or TTRN is the responsibility of the Traffic Authority, but additional publicity for major works, in local press for instance, may be required to be arranged by the applicant.

The Traffic Authority employs two methods:

6.1.1 TTRO When granting a Closure by the making of an Order

- i) Two Notices must be published in local newspaper(s); the first to notify the public of the intention to make an Order and a second to notify the public that the Order has been made.
- ii) Additionally a copy of the Public Notice (as a poster) may be displayed in the street(s) concerned.
- iii) The cost of advertising and displaying such Public Notices forms part of the Terms mentioned above.

6.1.2 TTRN A Public Notice is displayed in the street concerned.

- i) The cost of arranging and displaying such Public Notices forms part of the Terms mentioned above.

6.2 Information

The legislation requires that the Traffic Authority informs the Police and Fire Services of any restriction and will also inform the London Ambulance Service.

There is no legal obligation imposed upon the Traffic Authority to consult on a Temporary Traffic Order or Notice.