



Hampshire
County Council

Economy, Transport and Environment Department

Technical Guidance Note TG21 - Traffic Regulation Orders

Revision	Date of Last Review	Amendment Description	Prepared By	Approved/ owned by
0	3/10/18	Initial Publication for Comment	C S Giles	Marc Samways
1	19/5/19	Links updated	K Murray	Marc Samways

Stuart Jarvis BSc DipTP FCIHT MRTPI

Director of Economy, Transport and Environment, The Castle, Winchester

CONTENTS

1. Introduction	3
2. The Traffic Regulation Order Making Process	4
2.1. IMPLEMENTATION	4
2.2. TIMESCALES	6
2.3. INFORMATION REQUIRED FOR APPLICATIONS	6
2.4. FEES PAYABLE	7
3. Permanent Features Not Requiring a TRO	8
3.1. ROAD HUMP REGULATIONS	8
3.2. CONTROLLED CROSSINGS (ZEBRA / PUFFIN / TOUCAN CROSSINGS)	8
3.3. CONVERSION OF FOOTWAY TO CYCLEWAY	9
3.4. CONVERSION OF A FOOTPATH TO CYCLE TRACK	10
3.5. CREATION OF AN ON-ROAD CYCLE LANE	10
4. Temporary Traffic Regulation Orders	11
4.1. FOR TEMPORARY WORKS	11
4.2. PROCESS	11
5. Construction or Implementation of Works	12
5.1. ROAD SPACE TO BE BOOKED	12
5.2. PROCESS	12
6. Further Support	13
Appendix 1 – Sample Traffic Regulation Order Schedule	14
Appendix 2 – Sample Traffic Regulation Order Drawing	15

1. Introduction

- 1.1 This guidance note sits within the policy background of the Traffic Management Policy as set out on the web page [Making Roads Safer](#) and detailed within the [Traffic Management Policy & Guidance](#).
- 1.2 TG21 aims to assist Developers, Consultants, Hampshire County Council (HCC) Designers & Project Managers in applying for permanent Traffic Regulation Orders (TRO) that are necessary as part of Highway Works schemes by outlining a clear process to be followed in applying for an Order. It also aims to make everyone aware of the Statutory processes, indicative timescales and fees likely to be involved.
- 1.3 A Traffic Regulation Order is a legal instrument by which Highway Authorities control the use of the highway. TROs are made under the provisions of the Road Traffic Regulation Act 1984 and are designed to regulate, restrict or prohibit the use of a highway, or any part of the width of a highway, by vehicular or non-vehicular traffic.
- 1.4 TROs are commonly progressed for the following;
 - Waiting / parking restrictions
 - Speed Limit alterations
 - Restricted turns at junctions
 - Prohibition of driving
 - Weight / width and height restrictions
- 1.5 Some permanent features do not require a TRO but a similar consultation and approval process is required. Refer to Section 3.

2. The Traffic Regulation Order Making Process

2.1. Implementation

2.1.1 Implementing a TRO requires a statutory procedure to be followed. This includes:

- a. **Consultation** – Following the completion of the design, consultation must be undertaken. This will require obtaining the views of the appropriate County Councillor and District / Parish Councils (where appropriate), the Police and the Emergency Services. The proposal may be amended following consultation.
- b. **Advertisement** – This includes the publishing of at least one Notice in the local press. The County Council will usually display notices in any roads that are affected and, if it is deemed appropriate, may deliver Notices to premises likely to be affected. For at least 21 days from the start of the statutory notice period the proposal can be viewed at the appropriate District or Borough Council office, the County Council's main reception in Winchester and at the local library, during normal office hours. Details of the proposals will also be available to view on-line.
- c. The Notices invite the public to comment on the proposals which must be made in writing to the address specified in the Notice during this period. Substantial objections and contentious issues are reported to and considered by either the Director of Economy, Transport and Environment or the Executive Member for Environment and Transport. When considering the objections, it must be decided whether to (a) allow the proposal to proceed as advertised, (b) modify the proposal, or (c) abandon it.
- d. A slightly different process for considering objections may be undertaken by a District or Borough Council if it is progressing the TRO on the County Council's behalf.
- e. **Making the Order** – Once approved, and an implementation date agreed (the installation of signs/line or other associated site works should be co-ordinated with the date the Order comes into force) the TRO can be formally sealed providing all standing objections have been considered. Should substantial changes to the TRO be required following consultation, this may necessitate a new advertisement process. This procedure can take many months to complete and the advertising and legal fees may be substantial.

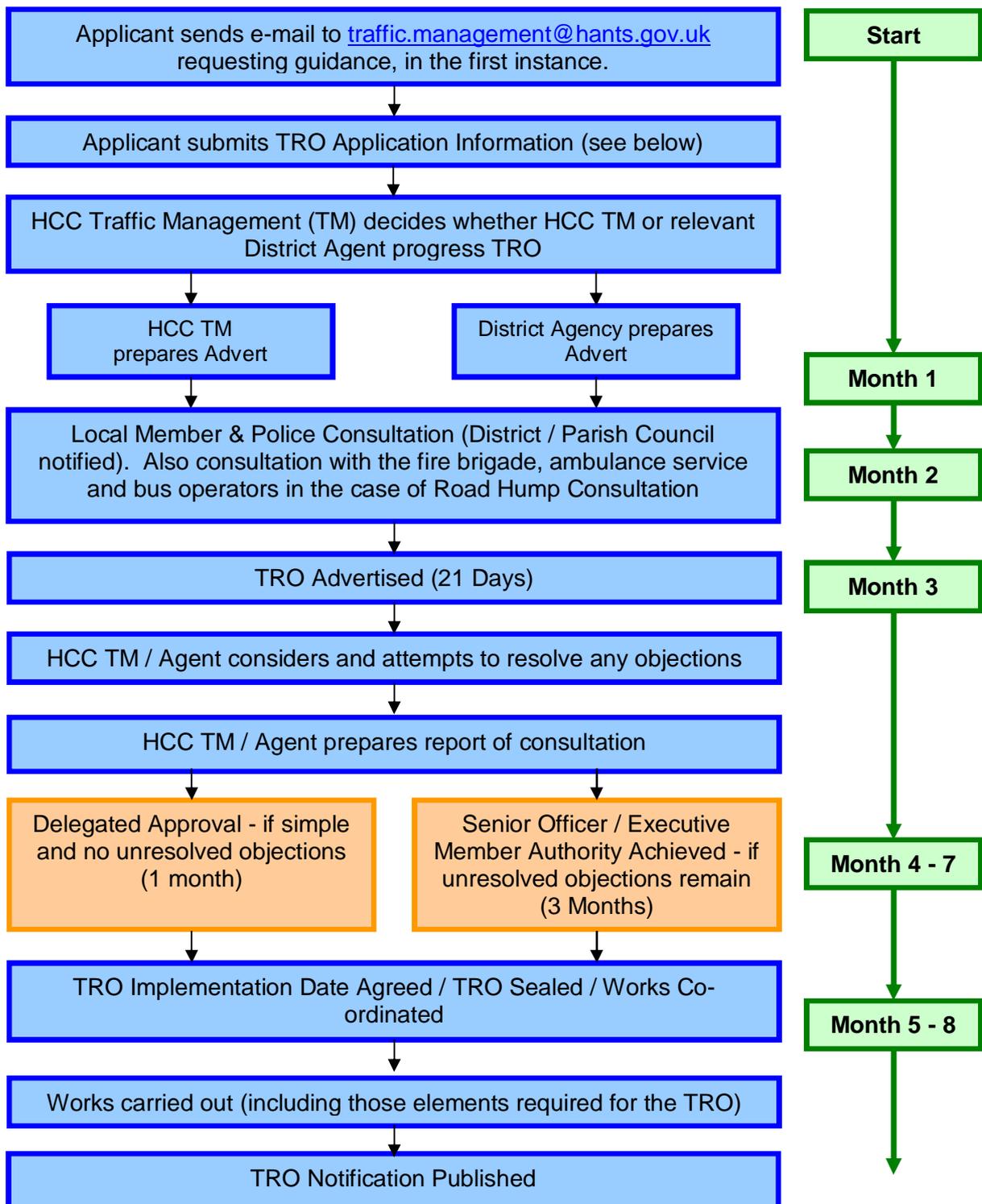


Figure 1: TRO Process Flowchart

2.2. Timescales

- 2.2.1 It is difficult to provide an accurate timescale for the making of a TRO because each Order will be different, and the timescales are inevitably connected to the number and nature of objections received to each proposed TRO. The ability to progress a TRO application swiftly will also be governed by current workloads. The flowchart in Figure 1 provides an indicative timescale.
- 2.2.2 In general terms, and where a TRO is relatively simple and attracts few (if any) objections, the process should normally take approximately 6 months.
- 2.2.3 If the proposals are more complicated, and particularly where the proposed TRO attracts significant objections, the process may take significantly longer, and may also be governed by Committee decision timescales.
- 2.2.4 It should be noted that the construction of schemes within the highway which are reliant upon new permanent Traffic Regulation Orders will not be permitted to commence until the Traffic Management team have risk assessed whether the Order is likely to be viable. If the Order application is likely to be complicated then construction of the highway scheme will not be permitted to start until the Order has been approved.



Construction of schemes within the highway which are reliant upon new permanent Traffic Regulation Orders may not be permitted to start on site until the relevant Order(s) have been 'approved'

- 2.2.5 Once an Order has been advertised and approved, it must become operational (ie any associated signing and road markings must be in place) within 2 years of the Order being advertised.
- 2.2.6 Consultants, Developers, and HCC Designers & Project Managers shall ensure that these timescales are incorporated into the project programme **at an early stage**.

2.3. Information Required for Applications

- 2.3.1 To process a TRO application, the County Council will need to be provided with adequate information to complete the advertisement. Each TRO will require different information, but the following schedule provides guidance on information requirements.

- Scheme drawing showing full scheme of highway works, and clearly identifying the Order sought (including relevant details)
- Clear Traffic Regulation Order Location Plan
- Draft Order Schedule (text format)
- Relevant supporting data (Speed data / accident reports etc)

- 2.3.2 To minimise the risk of changes being needed to the TRO, the TRO application should normally only be made following receipt of Preliminary Design Approval. Should the application be made in advance of preliminary approval, there is a risk that the highway works will change, which may affect the legality of the TRO.
- 2.3.3 Examples of the level of detail required for the scheme plans and the TRO Schedule are provided in **Appendices 1 and 2**.

2.4. Fees Payable

- 2.4.1 Any Developer applying for a TRO will need to ensure that the full costs to the County Council (or its Agents) are paid. Costs for the progression of the TRO constitute Officer time in preparing and progressing the advert, trying to resolve any objections and preparing the report for approval. In addition, there are costs associated with the advertising of the Order in the local press and legal fees.
- 2.4.2 A fixed fee is chargeable for each permanent TRO to be progressed. Please contact traffic.management@hants.gov.uk for the current fee. The fee excludes any works costs, and is payable to the County Council at the point of an accepted application. For Developer led schemes, processing of any Order will not start until the Developer has provided a written undertaking that they will fund the TRO and have issued HCC with a purchase order and/or relevant contact details for invoicing purposes.
- 2.4.3 Where a Developer or Consultant submits an application in advance of design approval being granted, the Developer / Consultant shall acknowledge the risk that if the scheme details change this may impact on the legality of the TRO. Should a further TRO be required as a result of scheme changes the Applicant will be responsible for paying the full costs incurred to the County Council.

3. Permanent Features Not Requiring a TRO

3.1. Road Hump Regulations

- 3.1.1 The Road Hump Regulations apply when a scheme proposes the construction, under the Highways Act 1980, of any vertical feature within the highway in excess of 25mm in height (when considered in relation to the gradient of the road) up to a maximum of 100mm. Whilst not requiring the making of a formal TRO, a similar process must be followed as set out above. The County Council will carry out the same steps as set out in Figure 1 in relation to any application under the Road Hump Regulations, and the works will only be allowed to be constructed once approval is granted either by the Director of Economy, Transport and Environment or the Executive Member for Environment and Transport or by a Senior Officer under Delegated Authority.
- 3.1.2 Please note that HCC only accept cushions and road humps under the strict criteria set out in Technical Guidance Note TG11 – Traffic Calming (<https://www.hants.gov.uk/transport/developers/technical-guidance>). Vertical traffic calming will not be accepted on any Priority 1 salt route.
- 3.1.3 The Applicant will be required to pay the full costs incurred by the County Council in progressing the application, including the costs of both Officer time in progressing the advert and dealing with objections, as well as the advertising costs incurred.

3.2. Controlled Crossings (Zebra / Puffin / Toucan Crossings)

- 3.2.1 Whilst controlled crossings do not require the making of a formal Order, the Road Traffic Regulation Act 1984 requires that before establishing, altering or removing a crossing, a local authority shall consult with the police authority and display a notice at the site informing the public of the proposals.
- 3.2.2 In such cases the County Council will prepare and place a notice on site for a period of 28 days. In the case of Section 278 schemes this shall not allow formal objections to the principle of a crossing to be made. It will allow practical design issues to be raised and where appropriate amendments to be included in the crossing design. For Hampshire County Council schemes the notice process shall allow formal objections to be raised. In both cases where any objections raised from the public can not be resolved within the design, they shall be reported either to the Director of Economy, Transport and Environment or the Executive Member for Environment and Transport for their consideration. For Section 278 schemes the preliminary design approval for a controlled crossing cannot be given until this notice period has been completed, and any objections have been resolved or where they can not be resolved agreed to by the Director or Executive Member.
- 3.2.3 The Consultant / Developer will be responsible for providing an Autocad drawing file of the crossing to allow the County Council to produce a public

notice. The Developer will also be responsible for the payment of any costs to the County Council of carrying out these requirements where a crossing is installed as part of the works.

- 3.2.4 Please note that HCC only accept new controlled crossing once the strict criteria set out in Technical Guidance Note TG4 – Intelligent Transport Systems are met (<https://www.hants.gov.uk/transport/developers/technical-guidance>). See also TG4 for further information on the public notice procedure for pedestrian controlled crossings.

3.3. Conversion of Footway to Cycleway

- 3.3.1. A footway is a pedestrian facility within the boundaries of a highway usually adjacent to the carriageway. As such it can only be used by pedestrians.
- 3.3.2. To convert all, or part of a footway into a cycleway (ie a shared or segregated cycleway) will involve the Highway Authority ‘removing’ the footway under Section 66 (4) of the Highways Act 1980 and then ‘constructing’ a new cycle track under Section 65 (1).
- 3.3.3. The process need not necessarily involve physical construction work, but there needs to be clear evidence that the local Highway Authority has exercised its powers.
- 3.3.4. There is no need to make an accompanying TRO, as driving or parking a vehicle on a cycle track (as defined in the Act) is an offence under Section 21 of the Road Traffic Act 1988.
- 3.3.5. For HCC-led schemes, this is normally undertaken as part of the scheme Project Appraisal Report provided that suitable consultation with the public regarding the scheme proposals (including the provision of the cycleway) has been undertaken.
- 3.3.6. For Developer-led schemes with planning permission, Traffic Management will draft a decision report for approval by the Delegated Officer provided that the planning application process has fully detailed the proposed cycleway.
- 3.3.7. For Developer-led schemes where the proposed cycleway has not been consulted publicly (eg through the planning permission process), then the Traffic Management team arrange for a notice to be displayed notifying the public of the 3 week consultation period similar to the TRO process detailed in Section 2.
- 3.3.8. The Developer is responsible for providing the Traffic Management team with suitable plans detailing the proposals to enable any notice and decision report to be prepared. All fees incurred by Traffic Management during processing of such conversions will be recharged to the Developer.
- 3.3.9. See also Technical Guidance Note TG10 – Footways / Cycleways / Shared Surfaces.

3.4. Conversion of a Footpath to Cycle Track

- 3.4.1. A footpath is a public right of way and isn't normally within the highway boundary.
- 3.4.2. In order to convert all or part of a public footpath to a cycle track, a Cycle Tracks Order must be made under Section 3 of the Cycle Tracks Act 1984 and the Cycle Tracks Regulations 1984.
- 3.4.3. If the footpath crosses agricultural land, the consent of the landowner is required. If no consent is given then an application cannot be made. If the necessary consent is obtained and after having undertaken the required consultation process there are no objections, or the objections are withdrawn, the Order can be confirmed by the local highway authority.
- 3.4.4. However, if there are objections which are not withdrawn, the Cycle Tracks Order has to be confirmed by the Secretary of State, after a public local inquiry.

3.5. Creation of an on-road Cycle Lane

- 3.5.1. A mandatory on-road cycle lane only requires a Traffic Regulation Order to prohibit other vehicles from using the designated part of the carriageway where the cycle lane is contraflow. With-flow mandatory cycle lanes don't require a Traffic Regulation Order.
- 3.5.2. Advisory on-road cycle lanes do not require an Order to be made.

4. Temporary Traffic Regulation Orders

4.1 For Temporary Works

4.1.1 Temporary Traffic Regulation Orders (TTROs) need to be arranged when it is necessary to temporarily control vehicular or pedestrian activities along a length of public highway, typically involving road closures, temporary speed limits or the banning of certain vehicular movements during construction.

4.2 Process

4.2.1 The process and policy of Hampshire County Council regarding TTROs is detailed in the Technical Guidance Note TG22 - Temporary Traffic Management.

5 Construction or Implementation of Works

5.1 Road Space to be Booked

- 5.1.1 Most, if not all, TROs will be accompanied by physical changes within the Highway for which road space will need to be booked. This will apply to all works whether within verge, footway or carriageway.

5.2 Process

- 5.2.1 The process and policy of Hampshire County Council regarding occupation of the highway is detailed in the Technical Guidance Note, Temporary Traffic Management – TG22.

6 Further Support

- 6.1 Should you have a specific query or feedback about any of the content of this Technical Guidance Note, please send an email to Technical.Guidance@hants.gov.uk with the start of the email title as “TG21 – “.
- 6.2 Should you have a query about applying this to your particular project, please contact:
- the Design Audit Engineer dealing with your S278 or S38 application (if you are a Developer or Developer’s Consultant)
 - the Technical Guidance Note Specialist(s) (if you are a working within Hampshire County Council)
- 6.3 Associated Technical Guidance Notes:
- TG4 – Intelligent Transport Systems
- TG10 – Footways / Cycleways / Shared Surfaces
- TG11 – Traffic Calming
- TG22 – Temporary Traffic Management

Appendix 1 – Sample Traffic Regulation Order Schedule

Hampshire County Council

THE HAMPSHIRE (CHURCH LANE, DOGMERSFIELD) (40MPH SPEED LIMIT)
ORDER 2011

The Schedule

Column 1

Column 2

Lengths of Road at Dogmersfield in
the district of Hart 40 M.P.H. Speed
Limit

SCHEDULE 1

C46 Church Lane from a point 742
metres south-west of the junction with
C46 Pilcot Road to the junction with
C46 Chalky Lane and the A287
Farnham Road junction, an
approximate distance of 2,186 metres.

HAMPSHIRE COUNTY COUNCIL

(CHALKY LANE/CHURCH LANE) (40 MILES PER HOUR SPEED LIMIT) ORDER 2011

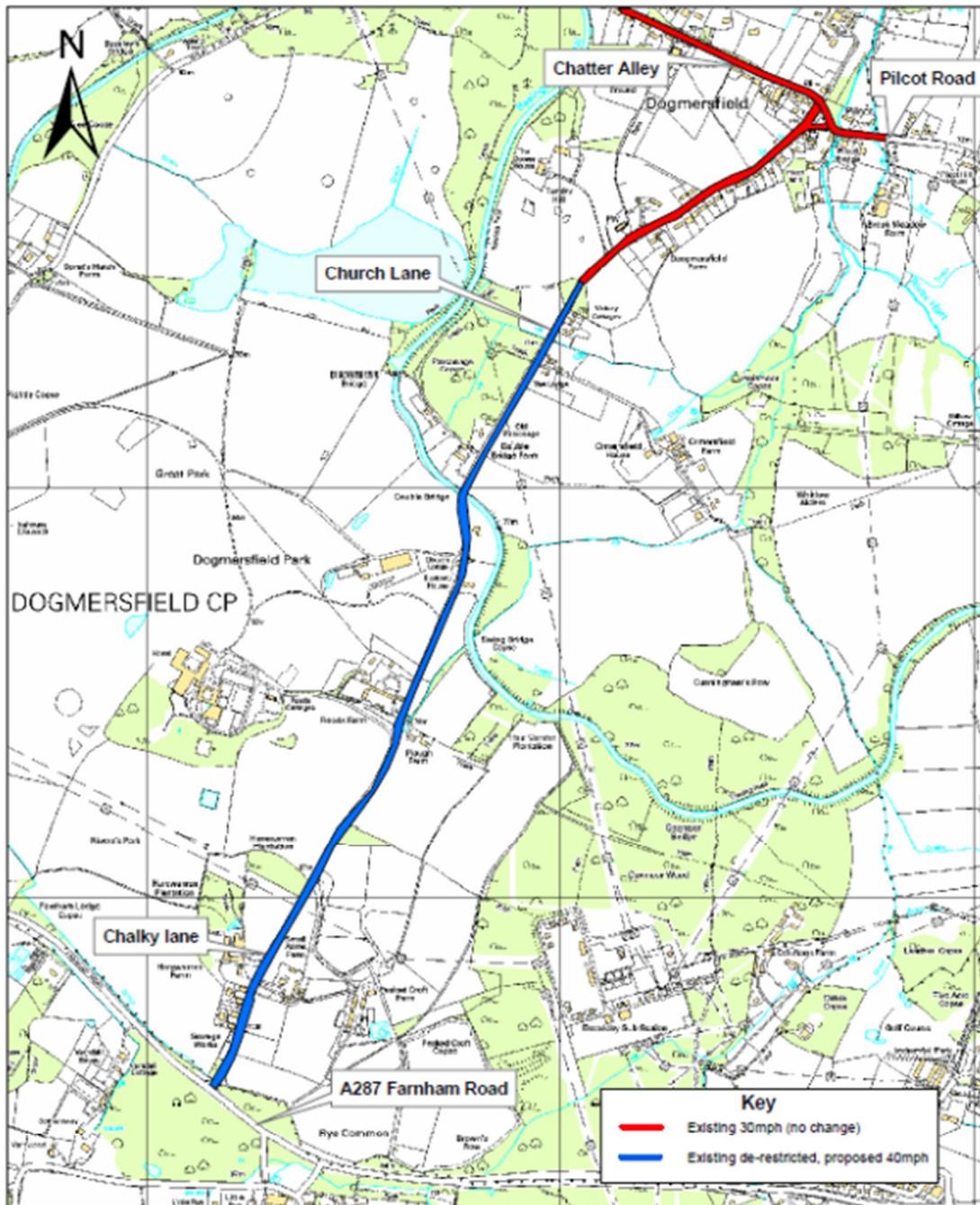
REASONS FOR MAKING THE ORDER

Chalky Lane/Church Lane in Dogmersfield is a long, narrow rural road with several sharp bends where part of the road is currently subject to a national speed limit. The road consists of several residential and farm entrances along the length of the road including an entrance for the Four Seasons Hotel. The northern section of Church Lane is currently subject to a 30mph speed limit due to the area being more built up with residential dwellings and a pub. Many local residents have expressed concern over the existing speed of vehicles in Church Lane and Chalky Lane, and in response to this, traffic surveys were undertaken in June 2011.

The traffic surveys revealed that the mean average speed in Chalky Lane/Church Lane was 38.8mph and due to the nature of the road, it is proposed that the existing national speed limit be reduced to 40mph. It is hoped that this will alleviate any highway safety issues and help to improve the overall safety of the road.

The proposals are shown on dwg. no. BB/CL40MPH.

Appendix 2 – Sample Traffic Regulation Order Drawing



Chalky Lane/Church Lane, Dogmersfield 40mph Speed Limit Extents			
 Hampshire County Council	SCALE: NTS	Drawn: BB	Revision:
	DATE: 26/07/11	Checked: AK	Drg. No.: BB/CL40MPH
<small>This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. HCC 100019180 2009</small>			