

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO CABINET

15 NOVEMBER 2022

### REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

#### CONSULTATION PROCESS FOR TRAFFIC REGULATION ORDERS

#### 1. Purpose of report

- 1.1 The purpose of this report is to seek the approval of Cabinet to adopt a revised procedure when consulting with local members, individuals and organisations and when giving public notice related to permanent Traffic Regulation Orders (TRO's) in order to streamline the process.

#### 2. Connection to corporate well-being objectives / other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objective under the **Well-being of Future Generations (Wales) Act 2015**:-

**Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

#### 3. Background

- 3.1 An important element of traffic management work is to inform and engage the local community when permanent changes to their road network are planned. Publicising permanent orders provides the public with the opportunity to consider proposals, and to make comments or objections, for consideration by the Council.
- 3.2 The manner in which the Council is required to consult formally or give public notice in relation to permanent TRO's is contained within the Road Traffic Regulation Act 1984 and The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 ("the Regulations" and all references to a Regulation in the report are to the Regulations)). This legislation prescribes the statutory process which must be followed before a TRO can be made and implemented. This can include:

- Other Highway authorities (adjacent LA's)
- Crown authorities
- Road concessionaires
- Operators of bus services
- Chief officers of NHS trusts (incl Ambulance)
- Chief officers of Fire authorities
- Freight Haulage association
- Road Haulage Association
- Other organisations representing those likely to be affected as the order making authority deems appropriate to consult

- 3.3 Additionally before an order is made the Council is required to consult with the Chief Officer of Police in accordance with Schedule 9 Part III of the Road Traffic Regulation Act 1984.
- 3.4 A report submitted and approved by Cabinet on 1<sup>st</sup> April 2014 outlined a consultation procedure to be adopted when consulting with individuals, organisations and local members when giving public notice in respect of traffic management and road safety proposals. The introduction of the revised national default speed limit by Welsh Government in built up areas has prompted a review of this procedure, and identified some aspects of the engagement and consultation process requiring amendment to create a more efficient process moving forward. A copy of the procedure adopted by Cabinet in 2014 is attached as **Appendix 1** to this report.

#### **4. Current situation/proposal**

##### **4.1 Consultation**

- 4.1.1 Outlined below is the consultation process generally to be undertaken prior to the statutory public notice stage and before a permanent TRO can be implemented. Dependant upon the size and scale of the TRO process this may result in different engagement methods.
- 4.1.2 Regulation 6 prescribes organisations which must be consulted subject to the type of order which include :
- o Police Service
  - o Freight Transport Association
  - o Road Haulage Association
  - o Appropriate Ambulance / NHS bodies
  - o Fire Service
  - o Appropriate Bus Operators if affected by the scheme
  - o Such other organisations (if any) representing persons likely to be affected by any provision in the order as the order making authority thinks it appropriate to consult.
- 4.1.3 Traffic and Transportation Highways Officers will have the discretion to engage with any additional individuals or organisations as appropriate to the proposed TRO.
- 4.1.4 Traffic and Transport Highways Officers will consider any responses from the consultation, and this may result in the original proposals being amended or withdrawn as appropriate.
- 4.1.5 Following the consultation, delegated powers will then be obtained to progress to the advertisement of proposals stage.
- ##### **4.2 Statutory Public Notice**
- 4.2.1 When delegated approval has been obtained, relevant documentation and instruction is sent to Legal Services to follow the appropriate statutory procedure.
- 4.2.2 In the case of traffic regulation orders, Regulation 7 requires that there is adequate publicity of a proposed TRO so that those affected can give full consideration to the

scheme. It is therefore necessary that a notice is advertised in the press and, if considered appropriate by Highways Officers, the erection and maintenance of street notices for the duration of the advertisement stage, depending upon the type and location of the proposals.

- 4.2.3 From the commencement date of advertisement of a proposed TRO and notification of all relevant persons/bodies as is required by the legislation, a minimum of 21 days must be allowed for the submission of any comments or objections. All objections must be made in writing. This period may be increased as necessary, depending on the scope of the proposal and its anticipated impact on the local community. This objection period must be specified in the notice.
- 4.2.4 Provided that no valid and relevant objections/representations to the advertised proposal are received, a TRO can be made after the 21 day period has expired. A TRO must be made within a maximum of two years of the date that notice of intention to make an order was advertised, and a notice confirming that the TRO has been made must appear in the local press within 14 days of the TRO being made. The making of a TRO should correspond with the modification/introduction of any lining and signing for the new TRO scheme.

### 4.3 **Consideration of Objections**

- 4.3.1 If valid and relevant objections are received to the advertised proposal then the following process outlined below is proposed to be followed.
- 4.3.2 Any valid and relevant objections received must be considered by Traffic and Transport Highways Officers prior to a TRO being made.
- 4.3.3 Objections are submitted to and acknowledged by Legal Services and forwarded to Highways Officers, who will consider objections to determine if they are relevant, valid and duly made to the advertised proposal and not withdrawn following closure of the public notice period. This may result in Highways Officers contacting individuals or groups depending on the nature of the objection, as deemed appropriate by the officer. Highways Officers retain a record of all incoming and outgoing objection correspondence.
- 4.3.4 Upon consideration of comments, and valid and duly made objections received by Highways Officers, it may be appropriate to make modifications to the proposed TRO after it has been advertised.
- 4.3.5 Where Highways Officers consider these modifications do not represent a substantial change to the TRO, further public notice is not required prior to a report being prepared for consideration by the Cabinet Member Communities.
- 4.3.6 Further to 4.3.5, before a TRO is made with modifications which appear to the order making authority to make a substantial change in the order, the Authority shall take such steps as appear to the Authority appropriate for informing persons likely to be affected by the modifications, giving those persons an opportunity of making representations, and ensuring that any such representations are duly considered by the Authority.

4.3.7 The Authority is able to make a TRO in part by making an order giving effect to some of the proposals to which the order relates whilst deferring a decision on the remainder. Where an order has been made in part, the Authority may subsequently deal with the remaining proposals to which the order relates in any, or any combination, of the following ways— (a) abandon them, (b),defer a decision on them (c) make an order or orders giving effect to them in whole or in part. Where an authority has deferred a decision on any proposals under 4.3.6, it may subsequently deal with those proposals in any way permitted by that paragraph.

4.3.8 In some instances, objections must be considered at a Public Inquiry. However, this only applies where loading/unloading is prohibited at all times, or for certain parts of the working day, or prohibits or restricts the passage of public service vehicles along a road. In addition the Authority may hold a Public Inquiry for any other order if it deems appropriate.

#### 4.4 **Progression of Traffic Regulation Orders with duly made Objections**

4.4.1 Upon consideration of valid and duly made objections, if Highways Officers determine that they are not able to be resolved, a report will be prepared and submitted to the Cabinet Member Communities for determination, detailing the nature of the objection(s) and the Highways Officers comments in respect of the objection(s) in compliance with the Council's appeals procedure.

4.4.2 If the Cabinet Member, Communities determines that the order should be progressed, Legal Services will then arrange for the TRO to be made, notice advertised in the press, and also for appropriate bodies/individuals to be notified of the decision.

4.5 The main changes proposed by this report in comparison to the previous consultation procedure approved by Cabinet are as follows:

- Clarification that 'scheme originator' refers to Highways Officers;
- Clarification of the roles of officers who will consider objections to determine if they are relevant, valid and duly made to determine if formal response or resolution required;
- Removal of Appendix A of the 2014 procedure which outlined potential consultees as this list is neither current nor a legal requirement. It is proposed that apart from statutory consultees, Highways Officers can exercise discretion to consult any party they consider may be affected by the proposal both prior to and following amendments/modifications to a scheme;
- Clarification of the position of Highways Officers in the consideration of minor modifications to the TRO.

## 5. **Effect upon policy framework and procedure rules**

- 5.1 The change in the proposed approach will still provide the Cabinet Member Communities with sufficient information to determine any unresolved objections to the order making process.

## **6. Equality Act 2010 implications**

- 6.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh Language have been considered in the preparation of this report. As a public body in Wales the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

## **7. Well-being of Future Generations (Wales) Act 2015 implications**

The Well-being of Future Generations (Wales) Act 2015 Assessment based on the 5 ways of working has been considered, as summarised below, and there are no significant or unacceptable impact upon the achievement of well-being goals/objectives as a result of this report.

### **7.1 Long Term**

The proposed amendment to the consultation procedure for Traffic Regulation Orders, will allow a more efficient process of introducing Traffic Management and Road Safety Measures – meaning that areas of concern can be addressed quicker and more effectively leading to long term road safety improvements within the community.

### **7.2 Prevention**

The proposed amendments are deemed necessary to prevent delays from occurring during the consultation process for Traffic Regulation Order, which can cause unexpected delays which may put communities at risk from safety aspects for longer than necessary.

### **7.3 Integration**

The introduction of traffic management and road safety measures also support all 7 goals of the Well-being of Future Generations (Wales) Act 2015. In the longer term, the swift introduction of highway safety measures reduces communities perception of road danger, encouraging sustainable methods of transport which will improve public health (especially of vulnerable individuals including children and elderly pedestrians and cyclists and those of deprived communities), and support the reduction in collisions and casualties. This perception is also likely to lead to greater social cohesion which brings further societal and health benefits. There can also be knock on effects of environmental benefits associated with reductions in noise and air pollution, reduction in congestion and other associated economic benefits from increased viability of local businesses.

The issue of introducing traffic management and road safety measures cross-cuts all three priorities in the Corporate Improvement Plan and specifically supports the

following aims “To support local people develop skills and take advantage of opportunities to succeed”, ‘To create town centre and communities that improve the quality of life for citizens”, ‘To develop more active healthy and resilient communities by working in partnership with the third sector, Town and community councils and community groups, ‘To Create conditions for growth and enterprise’, ‘To improve the efficiency of, and access to, services by redesigning our systems and processes’ as finally ‘To work collaboratively to make the most of natural and physical assets’.

Road safety also forms part of the aims of the Community Strategy to have safer communities where crime levels decline and fear of crime is tackled so that all local people feel safe and secure.

In addition to the above, the Welsh Government in 2013 published their Road Safety Framework setting targets for Casualty Reduction which all partners have a responsibility to work towards, ultimately to achieve the vision of “A continued reduction in the number of people killed and seriously injured on Welsh roads, with the ultimate aspiration of no fatalities”.

#### 7.4 **Collaboration**

The proposed amendment to the consultation procedure will ensure that all relevant parties are formally consulted to gauge their views on any proposal which will be considered or integrated into the Traffic Regulation Orders.

#### 7.5 **Involvement**

The proposed amendment to the consultation procedure will ensure that all relevant parties are formally consulted to gauge their views on any proposal which will be considered or integrated into the Traffic Regulation Orders.

### 8. **Financial implications**

8.1 Costs for Authority sponsored Traffic Regulation Orders are either funded from within existing budgets or funded from third parties. There are therefore no financial implications arising from this report.

### 9. **Recommendations**

9.1 Cabinet is recommended to approve that:

- a) The Consultation Procedure for Traffic Regulation Orders 2014 as set out in the Cabinet Report attached as **Appendix 1** is amended as outlined at paragraph 4.5 and to delegate authority to the Corporate Director Communities to make the necessary amendments;
- b) All future traffic management and road safety proposals follow the amended procedure as set out in this report.

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**Background documents:** None