

Isle of Wight Council

**Traffic Regulation Orders
Policy**

July 2022

Introduction

This Policy is aiming to balance the need for new traffic regulations on the island's highway to ensure safety for all road users, against the impact on the local communities and amenities.

Scope of the Policy

This Policy applies to all permanent and experimental Traffic Regulation Orders (TROs) made by or on behalf of the Isle of Wight Council (IWC). A separate procedure will be applied to temporary TROs. Though this Policy document applies to the highway network; it does not apply to the Public Rights of Way (PROW) network.

Policy Statement

Where the proposed restrictions may have a significant impact, in addition to the statutory requirement for a formal consultation on a proposed TRO, the IWC will also informally consult the affected Town or Parish Community Councils, and the relevant Ward Councillor/s before the TRO is advertised for formal consultation.

The IWC shall carefully consider the potential impacts to any loss of residential on-street parking, especially in areas of parking stress, against the benefits of the proposed TRO and endeavours will be taken to minimise and mitigate the net loss of parking in the near vicinity where possible.

The IWC will consider TRO proposals associated with changes to the existing infrastructure related to new development schemes. The need for a TRO to facilitate development is a potentially material consideration, but ordinarily little weight will be given to this need, unless it can be clearly evidenced that the benefit of the proposed TRO significantly outweighs the negative impacts on the wider locality.

Background

The IWC as the Local Highway Authority (LHA) is responsible for managing the highway network on the Isle of Wight. This includes maintenance of highway assets, co-ordination of street works and events, road safety, parking enforcement, managing traffic and congestion.

Traffic Management (TM) is the term used to describe how the LHA controls the use of the highway network in order to achieve improvements in road safety and efficient traffic flows. On the island this is usually achieved by using a range of low cost, high impact measures designed to resolve identified safety or traffic flow issues.

TM measures can include on-street parking controls, speed limits, heavy goods vehicles restrictions, directional signage, traffic calming, movement restrictions and pedestrian crossing facilities.

The IWC receives significant volumes of correspondence requesting new traffic management schemes to be implemented, via it's Highways PFI Service Provider Island Roads (IR). Potential TM measures will be considered if they meet at least one of the following criteria, although priority will be given to locations with a history of traffic collisions:

- Improve the safety of all road users – changes that help achieve a reduction in the number of casualties or reduce the potential for injury;
- Keep traffic moving – resolving proven congestion hotspots, parking and obstruction issues;
- Address communities' concerns about traffic-related issues – addressing issues that have an adverse impact on the quality of life for local residents.

Due to the high volume of traffic issues reported to IR it is not possible for every enquiry to be acted upon due to the limitations of resources and finance available. It is not always possible to give an immediate answer to requests due to the volume of enquiries that are submitted, but the person or organisation that has made the enquiry will be given an indication as to when their request or concern will be investigated if this cannot be done within three months.

Therefore the need and priority for TM measures is evidence-led. It is necessary to concentrate resources on locations where a problem has been identified, through assessments such as traffic speed and flow surveys, accident analysis and origin-destination surveys etc. Even a request for a new warning sign, for instance, can require a site assessment and a review of accident data in order to determine if such a sign is needed.

Traffic collisions resulting in injuries are continually monitored by the IR's Road Safety Engineer, who has access to the Hampshire and Isle of Wight Police's statistics of traffic collisions which have resulted in a personal injury for the island. It only includes road traffic collisions which involve personal injury, and that have been reported and validated by the Police.

Requests for traffic controls and measures that require engineering works may need a more detailed investigation and generally can only be dealt with under the annual Capital Programme of highways improvements. Though due to the limited budget of the Capital Programme in any given year only a limited number of these issues can be investigated and appropriate measures can be implemented each year under this programme. A selection of potential investigations and schemes will be put forward to the Full Council and/or Cabinet for their consideration as a part of the annual budget process. The potential schemes will be prioritised, based on criteria including the injury accident history of the location, whether the potential scheme benefits vulnerable road users, and the level of local support. This information aids Members, who will shortlist a selection of these potential investigations/schemes for the following year's Capital Programme. An alternative method of selecting potential investigations/schemes may be used where the funding or a contribution is offered by the requestor.

The majority of traffic controls and restrictions that can be applied to the highway require the making of a Traffic Regulation Order (TRO). This policy sets out when it may be appropriate to use a TRO.

The potential benefits of introducing a TRO, such as improvements to safety and traffic flow, enhancing the environment, reducing the impact of traffic and minimising the need for capital investment, should be weighed against the cost of designing, consulting, implementing and enforcing it.

Before a TRO can be considered in any depth it must be seen to meet the following criteria:

- It will have a defined traffic management function and should preferably have other benefits such as a positive environmental impact or help encourage walking, cycling or the use of public transport;
- It would be expected to be largely self-enforcing and not to rely solely on continuous enforcement for their effectiveness, and ideally should automatically command the respect of the majority of the general public;

The cost of designing, administering and implementing the TRO should not be excessively high in relation to the benefits gained.

The Statutory Authority for Traffic Regulation Orders is contained within the Road Traffic Regulation Act 1984. Orders are progressed in accordance with the Local Authority's Traffic Regulation Order (Procedure) (England and Wales) Regulations 1996. The Statutory Authority for signs and road markings are by virtue of the Traffic Signs Regulations and General Directions 2016.

The IWC may make an order in respect of the road where it appears to the council making the order that it is expedient to make it for one of the reasons below, that being:

- (a) for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or
- (b) for preventing damage to the road or to any building on or near the road, or

(c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or

(d) for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or

(e) (without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, or

(f) for preserving or improving the amenities of the area through which the road runs; or

(g) for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality).

The IWC in determining an application for a TRO will seek to secure (so far as practicable having regard to the matters specified below) the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.

The council recognises that in some cases a balance needs to be made between the requirement for a TRO for the reasons provided above and the need to take account of the impacts to any loss of residential on-street parking, especially in areas of parking stress, against the benefits of the proposed TRO and to ensure endeavours are taken to minimise the net loss of parking where possible by the provision of additional on-road parking spaces, that correspond to the number of lost spaces, in the immediate vicinity.

The matters the council will consider in carrying out the balancing exercise are:

(a) the desirability of securing and maintaining reasonable access to premises;

(b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;

(bb) any IWC strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);

(c) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and

(d) any other matters appearing to the local authority to be relevant.

Procedure for Consulting on Permanent TROs

The [Local Authorities' Traffic Orders \(Procedure\) \(England and Wales\) Regulations](#) sets out how TROs should be advertised, consulted and implemented. Though it does not stipulate how any representations from the public are considered or how a decision is made. In respect of the TROs made by or on behalf of the IWC, a decision is made on a TRO proposal following the Council's published decision-making process.

Where a proposed TRO has a potential for a significant impact on the relevant local community, it will require the support of the Town / Parish Community Councils and the Ward Councillor/s before it can be advertised for public comment. If such support is not available, an approval to progress the proposal from the Cabinet Member responsible for Highways will be sought. In this case the Town / Parish Community Councils and the Ward Councillor/s will be informed before the TRO proposal is advertised.

In the event that no objections are received during the 28 days consultation period following public advertisement, the proposal can be implemented as soon as practically possible.

If a small number of objections are received on similar grounds, a summary of the objections will be reported to a Senior Officer with delegated authority to approve the implementation of the TRO.

If a high number of objections is received, a summary of the objections and Road Safety Engineer's response to these objections will be reported to the IWC Cabinet for a decision.

Procedure for Consulting on Experimental TROs

The procedure to be followed is similar to that which is used for permanent TROs, except that the consultation period is undertaken within the initial six months from the experimental TRO being implemented, during which time comments from the public are invited. Objections are considered and decisions are made in the same way as permanent TROs.

Service Standards

Any person or organisation submitting a comment or objection online or via email, in response to a TRO that has been formally advertised, will be sent an acknowledgement.

Once the closing date for the consultation has passed and a decision has been reached on whether the TRO should be implemented, those who have submitted a comment or objection will be informed in writing to advise them on the outcome. The decision on whether to implement the TRO can sometimes take several months after the consultation's closing date.

It will not always be possible to answer every specific comment made by a person or organisation who has responded to a consultation, particularly when a large number of responses have been received.

The decision of each TRO advertised for consultation will be published on the IWC's website.