



Department  
for Transport

# Reform of Traffic Regulation Orders

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## Foreword



I know how important it is that we do whatever we can to ensure that we make the best use of our transport and road network and that we ensure the way it is managed can meet the needs we have now and will have in the future. We are embarking on a whole series of exciting changes that will decarbonise transport, use technology in new and innovative ways and which will see the advent of more electric and connected vehicles as well as, potentially, new forms of transport.

The traffic regulation orders made by traffic authorities are vital to enabling, delivering and supporting the future of transport. They are needed to make and enforce any change to the way a road is used or how it is designed and thousands of them are needed every year. Yet the legal process for making them was created in an analogue world and this is still in use today. The time is right to bring this process into the digital world so that it can support all the changes we want to deliver in a simpler, quicker and better way and which will also support better engagement and consultation with local residents and businesses.

This consultation is asking for your views on the first reforms that would be made for a generation to how orders are made. They include ambitious proposals that would bring the process into the digital age as well as other changes that would simplify, modernise and de-regulate the legal procedures, make the valuable data set that is contained within orders open and accessible, and would transform communication about proposed changes.

I look forward to seeing your comments on these proposals.

**Baroness Vere of Norbiton**  
**Parliamentary Under Secretary of State**

# Executive summary

## Introduction

Traffic authorities need to make a traffic regulation order (TRO) if they want to introduce a new rule about how a road is used or designed, or to make changes. A TRO is the legal order needed to set and enforce rules.

There are different types of TROs, for instance, they can be permanent, temporary, experimental or for special events. TROs are needed to, for example:

- install a cycle or bus lane and set rules about who can use it
- designate parking bays and set rules about how they operate, including for car sharing or electric vehicle charging
- introduce controlled parking zones or pedestrianised areas
- close a road, either permanently or temporarily, for road works
- widen pavements (as we have seen during the Covid-19 pandemic)
- support the national programme of e-scooter trials by authorising use of cycle lanes

Speed limit orders (SLOs) are made using the same procedures as for TROs so this consultation and the proposals contained in it would also affect those where relevant. This document uses the term 'TROs' to include all types of relevant orders.

TROs are a vital tool for traffic authorities in managing the public road network and traffic, which includes pedestrians and cyclists. We know that many more will be needed in the coming years to enable delivery of a number of key government strategies:

- The roll-out of electric vehicle charging points. TROs are needed to designate the parking bays alongside these and can be needed during the installation works.
- [Gear change: a bold vision for cycling and walking](#). TROs are needed to create cycle lanes, designate pedestrianised areas or widen pavements. Temporary TROs can also be needed for the works needed to install them.
- [Bus back better: a national bus strategy for England](#) envisages more bus lanes. TROs are needed to install these.
- Connected and Autonomous Vehicles: TROs contain vital data, for example, on width and height restrictions, speed limits, one-way systems as well as data on the

other areas already listed. CAVs will need access to TRO data and to any updates and changes that are made.

- The Future of Transport: changing behaviours and technology will drive radical changes in transport in the next ten years, with profound implications for transport users and businesses. We may well see changes as a result in the way our towns and cities are designed and used, for example, dynamic kerbs where rules can change each day or at specific times of day. TROs are needed to make those changes and TRO data, for example, about loading and unloading restrictions or parking spaces, could revolutionise how data is used to support better management of traffic and congestion, just in time deliveries or finding those parking spaces without driving around and adding to congestion.
- Transport data strategy: TRO data could be used to improve the road users' experience and support the technological revolution.
- [Build Back Better: an plan for growth](#): Temporary TROs are needed for works to roll-out infrastructure including broadband and other utility infrastructure such as upgrades to gas, water and electricity equipment, and to support construction sites. This is why our reforms are part of [Project Speed](#).
- Temporary TROs are needed for road works carried out by highway authorities to improve and maintain their road networks, or to designate and control parking.

The following [Manifesto](#) commitments are relevant to this consultation:

- 'We will invest £1 billion in completing a fast-charging network to ensure that everyone is within 30 miles of a rapid electric vehicle charging station.'
- 'We intend to bring full fibre and gigabit capable broadband to every home and business across the UK by 2025.'
- 'We will launch the biggest ever pothole-filling programme as part of our National Infrastructure Strategy – and our major investment in roads will ensure new potholes are much less likely to appear in the future.'
- 'We will support commuter cycling routes, so that more people can cycle safely to work and more families can go out together. We will create a new £350 million Cycling Infrastructure Fund with mandatory design standards for new routes.'
- 'We will support local and regional newspapers, as vital pillars of communities and local democracy.'

The process for making TROs is set out in the Road Traffic Regulation Act 1984 (the 1984 Act) and three sets of regulations made in the 1990s:

- [The Secretary of State's Traffic Orders \(Procedure\) \(England and Wales\) Regulations 1990](#) (SI 1990/1656) (the 1990 Regulations). These regulations set out what is required for permanent and experimental orders, including SLOs, on roads for which the Secretary of State is responsible. In practice, those roads are looked after in England by National Highways (previously known as Highways England).
- [The Road Traffic \(Temporary Restrictions\) Procedure Regulations 1992](#) (SI 1992/1215) (the 1992 Regulations). These regulations apply to temporary orders made by all types of traffic authority for all types of roads in England, Scotland and Wales.
- [The Local Authorities' Traffic Orders \(Procedure\) \(England and Wales\) Regulations 1996](#) (SI 1996/2489) (The 1996 Regulations). These regulations apply to permanent and experimental orders, including SLOs, on roads and other places

(off-street parking places and loading areas) for which local authorities have responsibility.

This process has been in place for a generation and was created in an analogue world before the internet was in wide use, people typically worked in offices on a 9.00am-5.00pm basis, Mondays to Fridays, and people relied on sharing and receiving information on paper and via physical copies of documents. The world has changed considerably since then, yet the process and procedures have stayed the same. Feedback from stakeholders has made it clear that they are no longer fit for purpose, are time consuming and overly bureaucratic, and a source of frustration for many who interact with the system. These include traffic authorities, applicants such as utility and construction companies and special event organisers, road users including bus and freight operators and the emergency services, members of the public and local businesses, and the transport technology sector who want access to the valuable data contained in TROs.

## Proposals for reform

The case for change is strong (see more in chapter 1). This consultation therefore sets out a vision for modernising and reforming the TRO system in a way that meets today's needs but should also meet the needs we foresee over the next 10-20 years. Reforms are long overdue and much needed, and the growing demand for the data TROs contain in a digital and open format needs to be serviced.

Our vision is to:

- **Create digital TROs:** this would mean that applicants could apply for them on-line, TROs would be processed using digital, software systems, and they would be published in an open, digital format so the information they contain can be accessed easily by the range of organisations and people who have an interest, at consultation stage and when they are made.
- **Transform engagement and consultation with local communities:** people want to know about proposed changes to the road network before they happen and to be able to express their views. They also want to know about the rules once they are in place. Creating digital TROs will mean that information can be accessed through the media the vast majority of people use today including websites, social media and emails. Existing publicity requirements will be complemented by making information even more accessible, including being provided in different formats such as those used by people with visual impairments. And changes, as soon as they are made, can be made available in, for example, SATNAVs, apps and other in-vehicle systems.
- **Simplify and speed up the time it takes to make TROs:** we want to amend the legislation and remove current barriers and unnecessary bureaucracy. We also want to simplify what is currently a costly, paper-based and time-consuming process and improve services and transparency for TRO applicants.

Our proposals will mean changes to the 1984 Act through primary legislation and to the three sets of regulations through secondary legislation. They will also involve

enhancement of existing digital services and building new ones. Delivery will depend on finding a suitable parliamentary slot for the primary legislation needed and funding being available for the digital services. But our ambitions are clear – the first reforms to the TRO regime for a generation need to ensure it is fit for purpose for the digital age.

The main proposals are:

### Primary legislation

- We are proposing to add a new requirement for traffic authorities in England to publish standardised, digital and open data on all types of TROs for anyone to access, use and share. Data would be provided in the format specified by DfT via a data model that will be updated from time to time. The DfT would build the publication platform that would be available on [www.gov.uk](http://www.gov.uk). TRO data could be supplied to and from the publication platform through an Advanced Programming Interface (API) from software systems in use by traffic authorities and to data customers.
- We propose to add a regulation making power to any Bill to allow the DfT to specify a set of mandatory information that must be published. We would also make a power to issue statutory guidance to traffic authorities.
- We are consulting on whether traffic authorities should publish on their websites the maximum response time for them to respond to applications from external organisations such as utility and construction companies and special event organisers to improve service levels (and for which applicants are being charged). Response times could be linked to the type and/or complexity of TRO.
- We would like to remove the current requirement to seek approval from the Secretary of State for Transport for special events orders that last more than 3 days or would close the same road for more than one occasion in a calendar year.
- We propose allowing special event orders to be used to close roads for filming.

### Secondary legislation

- We are consulting on an amendment to the current publicity requirement in regulations that requires publication of proposed and made TROs in local newspapers. We are proposing to allow those authorities where a local newspaper is no longer in circulation to use digital forms of publicity.
- Currently, temporary TROs need to be published twice – when they are proposed and when they are made. In reality, most of these orders are made to enable road works to be carried out and there is hardly any change between the first proposed order and the second one that is made. We are therefore consulting on whether or not there is a need for a second order to be published for temporary TROs unless any details have changed from the proposed temporary TRO.



- We propose requiring traffic authorities to publish details of their application fees on their websites, which should be based on cost recovery only to ensure greater transparency over the fees that applicants are charged.
- We would like to review the list of statutory consultees for permanent and temporary TROs.
- We propose to allow copies of proposed and made TROs to be emailed or posted to residents instead of, or as well as, being made available for view in authority offices.

A consultation impact assessment is being published with this consultation and can be found on the website here: <https://www.gov.uk/search/policy-papers-and-consultations>

This consultation relates to England.

Traffic authorities include National Highways that makes TROs on the strategic road network in England and Transport for London on its network in Greater London. The Secretary of State for Transport may make TROs on any roads. Anti-terrorism TROs can be made on the advice of the Chief of Police in an area.<sup>1</sup>

Other authorities such as National Parks can make TROs for public and private roads. This consultation relates to TROs made on the public road network.

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<sup>1</sup> Amendments were made to the 1984 Act in relation to anti-terrorism TROs in 2020: <https://www.gov.uk/government/publications/counter-terrorism-and-border-security-bill-2018-factsheets/traffic-regulation-factsheet-accessible-version>

## How to respond

The consultation period will close on Monday 18<sup>th</sup> April 2022. Please ensure that your response reaches us before the closing date.

If you would like further copies of this consultation document, it can be found at <https://www.gov.uk/dft#consultations> or you can contact [troenquiries@dft.gov.uk](mailto:troenquiries@dft.gov.uk) if you need alternative formats (for example, Braille, audio CD).

**Please complete the online response** form that can be found at <https://www.gov.uk/dft#consultations>

or email your consultation response to [troenquiries@dft.gov.uk](mailto:troenquiries@dft.gov.uk)

When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

Due to remote working for the foreseeable future and health and safety issues with handling physical mail, we strongly encourage responses by the online form or by email. If you are unable to respond by the online form or by email, we would invite you to please let us know by asking someone to email on your behalf. If none of the above is possible, then we invite you to provide responses to:

The street works team  
Department for Transport  
3<sup>rd</sup> Floor Great Minster House  
33 Horseferry Road  
London SW1P 4DR

## Freedom of Information

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004.

If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory code of practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the Data Protection Act (DPA) and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

## **Confidentiality and data protection**

The Department for Transport (DfT) is carrying out this consultation to gather your views on proposals relating to Traffic Regulation Orders and the legislation that sets out the process for making them. This consultation and the processing of personal data that it entails is necessary for the exercise of our functions as a government department. If your answers contain any information that allows you to be identified, DfT will, under data protection law, be the Controller for this information.

As part of this consultation, we're asking for your name and email address. This is in case we need to ask you follow-up questions about any of your responses. You do not have to give us this personal information. If you do provide it, we will use it only for the purpose of asking follow-up questions. Any personal information you provide will be kept securely and destroyed within 2 years of the closing date. The consultation responses will be held within the DfT for 5 years.

DfT's privacy policy has more information about your rights in relation to your personal data, how to complain and how to contact the Data Protection Officer. You can view it at <https://www.gov.uk/government/organisations/department-for-transport/about/personal-information-charter>.

# 1. The case for change

## Current rules

There are 4 main types of TROs:

- **Permanent TROs** made under Section 1 (and Section 6 for Greater London) of the 1984 Act. They are made to introduce, for example, controlled parking zones, permanent traffic management measures, bus and cycle lanes, pedestrianised areas, width and height restrictions.
- **Experimental TROs** made under Section 9 of the 1984 Act. These are intended to be used to trial schemes that a traffic authority is considering introducing permanently. Schemes can be put in place without prior consultation, but the traffic authority must carry out ongoing consultation and monitoring for at least the first six months of the scheme. They may last no longer than 18 months.
- **Temporary TROs** made under Section 14 of the 1984 Act. These can last up to 18 months (6 months if on a footpath, bridleway, cycle track or byway open to all traffic). Around 80% of temporary TROs are made for road works to, for example, close a road, suspend a parking bay or to support traffic management measures. Developers can also request them to close roads around construction sites.
- **Special event orders** made under Section 16A of the 1984 Act. These can be made for 'any sporting event, social event or entertainment which is held on a road'. If an event is going to last for more than 3 days or the same road is being closed for more than once in a calendar year, approval from the Secretary of State for Transport is needed.

There are other types of orders made on the public road network, for example, covering [play streets](#) and speed limit orders (SLOs) made under Sections 29 and 84 of the 1984 Act. The procedures for making SLOs are included in the 1990 and 1996 Regulations.

The procedures for making TROs are set out in a combination of the 1984 Act and the 1990, 1992 and 1996 Regulations. They are summarised in a [best practice guide](#) prepared by the British Parking Association and, for permanent and temporary TROs, in the tables below.

**Sample process diagram for a permanent TRO**

Stage	Procedure			Time	Cost
<b>Inception</b>	Needs identified			Will vary depending on scheme	
	Scoping and options – can include informal consultations on potential design				
	Approval for consultation				Cost to consult on a single TRO <u>£827<sup>2</sup></u>
<b>Design and consultation</b>	Review the design				
	Draft the TRO			Legal team time to review	Cost of making a single TRO <u>£1,021</u>
	Produce a decision report				
	Approval to proceed				
	Notice of Proposals – local newspaper	Notice of Proposals – statutory consultees and others	Documents on deposit	Press can be published daily, weekly, fortnightly or monthly.	
	Minimum 21 days for objection				
<b>Objections</b>	Analyse any objections				
	Determine any objections				
	Revise the design if required				
<b>Making the TRO</b>	Decision to proceed				
	Sealing the TRO			Some TAs will require physical wax seals of orders. Others allow digital sealing.	
	Notice of Making – local newspaper	Notice of Making – statutory consultees and others	Notify objectors		
<b>Implementation</b>	Traffic signs and road markings				
	Make the TRO available				

<sup>2</sup> See accompanying Impact Assessment for more information on the estimated costs set out in these tables. The estimated publicity costs are based on previous research, though this may be an overestimate. We are asking as part of the IA for further data to help us update these figures.

	Scheme evaluation		

\*TAs = traffic authorities

NB:

- This table sets out the procedures in England. They can vary in other parts of the UK.
- In some circumstances, a TA must hold a public inquiry if it receives an objection which is not considered frivolous, irrelevant or withdrawn. In summary, these circumstances are:
  - If... its effect is to prohibit the loading or unloading of vehicles or vehicles of any class in a road on any day of the week: at all times; before 07.00 hours; between 10.00 and 16.00 hours; after 19.00 hours
  - its effect is to prohibit or restrict the passage of public service vehicles along a road
- The Notice of Making must include a statement that anyone wishing to question the validity of the TRO “may, within six weeks from the date on which the order is made, apply for the purpose to the High Court”. Appeals to the High Court only happen on rare occasions in practice.

### Sample process diagram for a temporary TRO

Stage	Procedure	Time	Cost
<b>Inception</b>	Approach from applicant (internal or external including utility and construction companies)	Most TAs* ask for 12 weeks' notice from external applicants to allow for design and consultation	Application fees can vary and be £hundreds or £thousands.  TA will have admin, technical and legal costs.
	Scoping and options		
	Other works in the area?		
	Decision to proceed		
<b>Design and consultation</b>	Draft the TTRO	Press can be published daily, weekly, fortnightly or monthly.	Average cost of £769 for making a temporary TRO of which publicity costs are an estimated 46% <sup>3</sup>
	Publish Notice of Intent – local newspaper		
	Inform statutory consultees		
	Inform others as required		
	Minimum 7 days' notice period		
<b>Making the TTRO</b>	Make the TTRO which can come into effect		
<b>Implementation</b>	Traffic signs and road markings		Depends on scheme
	Publish Notice of Making within 14 days – local newspaper	TTRO can come into effect 7 days after Notice of Intent. Many TAs wait until Notice of Making is published 14 days later before TTRO	

<sup>3</sup> See accompanying Impact Assessment for more information on the estimated costs set out in these tables. The estimated publicity costs are based on previous research, though this may be an overestimate. We are asking as part of the IA for further data to help us update these figures.

		comes into effect. So total of 21 days.	
<b>Post-implementation</b>	Maintain traffic signs	TTRO can remain in place for up to 18 months**	Depends on scheme.
	Remove traffic signs		

\*TAs = traffic authorities

\*\* 6 months if on a footpath, bridleway, cycle track or byway open to all traffic

The regulations require permanent and temporary TROs to be published at proposal stage and at the stage when they are made or signed, ‘in one or more newspapers circulating in the area in which any road to which the order relates is situated.’ The regulations include requirements for other types of notices to be published in newspapers, for example, notices of any public inquiries and if any TROs are being revoked. There are also additional requirements to consult or inform the list of statutory consultees included in the legislation, to make permanent TROs available for public inspection at an authority’s office and, on occasions, notices can be posted on, for example, lampposts. The regulations do not include any alternative arrangements for cases where a local newspaper is no longer in circulation.

The British Parking Association’s guide summarises the arrangements for experimental TROs. Experimental TROs can be made for schemes to trial measures for up to 18 months that the authority might want to introduce on a permanent basis. Informal consultation at the design stage should take place but there is no requirement to publish a formal Notice of Proposals and to invite objections and comments before the scheme is implemented. It is necessary to consult with the police, the Freight Transport Association (now known as Logistics UK), the Road Haulage Association and relevant bodies in accordance with regulation 6 of the 1996 Regulations. Once the experimental TRO is made, a Notice of Making must be published in a local newspaper. The provisions of an experimental TRO cannot come into force until 7 days after the Notice of Making is published. Ongoing consultation and monitoring must be in place for the first six months of the scheme.

Section 16A of the 1984 Act allows roads to be closed or restrictions applied for relevant events – otherwise known as special event orders. Relevant events are ‘any sporting event, social event or entertainment which is held on a road’. These Orders can be in place for up to 3 days. Approval is needed from the Secretary of State for Orders lasting more than 3 days or if the same road is being closed on more than one occasion in a calendar year. Applications to the Secretary of State are dealt with by a DfT casework team based in Newcastle. There are no specific publicity or consultation requirements set out in the 1984 Act.

There is no central data on the numbers of TROs issued and made since data is held locally by each individual traffic authority, often still in paper files.

## Research findings

The DfT has been aware of issues with the legislation for some time, plus there have been growing calls from all those who interact with the TRO regime for reforms including the [Transport Select Committee](#). We have been carrying out a series of research projects into

various aspects of the regime to understand the issues and frustrations and to identify solutions.

This section summarises the most recent research projects and their findings. Their recommendations have fed directly into the proposals for reform included in this consultation. Many of the projects used the agile project management methodology which has involved speaking directly to the people who have to use and deal with the regime as it currently stands and who have recommended many of the solutions they believe will make a real difference on the ground.

In January 2018, we commissioned [North Highland](#) Consulting to undertake a discovery/user research into local transport data. Amongst others, they found that:

- Publishing open transport data offers potential commercial and societal benefits
- Significant amounts of local authority data are currently not available to the public or are not easily accessible
- There is operational value in the data for managing road networks
- Investment is required to improve data quality and standardisation for operational and future commercial exploitation.
- There is significant enthusiasm within local authorities to progress the open data agenda, but guidance and support is needed to realise potential opportunities.
- TROs provide high-value data.

Following on from the North Highland report in 2018/early 2019, we commissioned additional [user research](#) into all aspects of TROs from Geoplace, Ordnance Survey and the British Parking Association. They found a range of pain points and frustrations described by almost all those who interact with the TRO regime, including issues with data availability; timeliness; content; accuracy and quality; digital maturity; open data; legislation; how information is conveyed; and complexity and consistency. They identified un-met user needs and made a series of recommendations for changes needed to simplify the process for making TROs and the need to digitise them from application to publication stage (digital TROs).

This project recommended a strategic vision for how TROs could look, based on what the users who participated in that project told them:

- A world where the process of applying for TROs and temporary TROs is quick, consistent, and avoids any unnecessary costs that may be passed on to taxpayers or billpayers.
- In this world, order-making authorities can make orders for other parties without unnecessary bureaucracy and can manage their own networks more efficiently using TROs.
- Consultees and others who will be affected by changes could be aware in advance of changes that will affect them and know how to contribute to a TRO's design where appropriate.
- Data users could have access to high quality, timely and accurate TRO data so they can apply it for purposes such as reliable navigation and provision of digital services.



In partnership with the British Parking Association, we began work in 2018 on the development of a draft TRO data model to provide standard formats and outputs for the creation of digital TROs. The model was designed to provide as simple a modelling structure as is possible, to model as wide a spectrum of traffic regulation concepts as is practicable and to be as open and accessible as possible. The DfT undertook a validation programme with a number of interested local authorities and software providers.

In 2018, Transport Focus carried out [research](#) with their transport user panel and received more than 3,000 responses. One key finding was that 24% of residents and local businesses hear about proposed changes to roads in their area through their local newspaper (17% from local newspaper reporting and 7% from an official notice in a local newspaper), complementing the 61% who find out from roadside signage.

In 2019, we followed up the [discovery](#) user research project with a policy [alpha design project](#) that was carried out by PA Consulting and which used more user research to design a possible new legislative process. The key pain points repeatedly raised by users as part of this research included:

- Significant variation and poor transparency of temporary TRO fees. Fees for TTROs were found to vary between £600 to £7,000 nationally, with an average fee of £1,021.
- Inconsistent, inflexible and lengthy processing times. The researchers found that there are multiple advertising steps in the process and a need to find efficiencies led to the 'bundling' of adverts by authorities. This increases processing times and granting a temporary TRO can take 6-12 weeks. In extreme cases, 6-12 months lead times were highlighted by users.
- Data provision is inconsistent and non-standardised. The TRO-making process is still managed in some areas through a paper-based approach. The majority of authorities do not generate digital, map-based output as part of the TRO-making process.

The policy alpha project recommended a number of user experience improvements including:

1. Traffic authorities should publish standardised and open TRO data
  - TRO data should be consistent and made available for anyone to access, use and share.
  - Real-time data on when temporary TROs are operational should be made available for anyone to access, use and share.
2. Applicants for temporary TROs should have a minimum standard of service
  - Set out maximum processing times applicants can expect from traffic authorities when seeking a temporary TRO.
  - Enable temporary road closures to be processed in a timely manner by removing the need to publish proposed temporary TROs.
  - Create higher-quality processes by delivering tailored separate legislative solutions for street work and special event temporary TROs.
3. Traffic authorities should operate a more outcome orientated, flexible and proportionate process

- Set out different classifications of permanent TROs based on the proposed type of restriction that simplifies and improves the process.
- Set out different classification of temporary TROs for street works and special events based on their impact that allows removal of burdensome steps and requirements.

#### 4. Traffic authorities should publish clear and transparent information on their charging arrangements

- Fees for permanent TROs and temporary TROs should be publicly available and include a breakdown of fixed charges based on cost recovery.

Most recently, in 2020 we commissioned Valtech to carry out a technical data alpha project that researched a possible technical solution for publishing TRO data and further developed a data model and standards for TRO data. This report is being published alongside this consultation<sup>4</sup>.

After carrying out research with a range of interested users, including current providers of software solutions in use by authorities for making TROs, this project recommended that the DfT should develop a publication platform that would be available on [www.gov.uk](http://www.gov.uk). This would be a place where all forms of TROs could be published in a digital format. Data would be open and available for the technology sector to take and use, for example, map makers, Connected and Autonomous Vehicles, SATNAVs, app developers via an Advanced Programming Interface (API). See chapter 2 of this consultation for more information on the proposed technical solution.

A further iteration of the data model and standards was also produced. This would require TRO data to be published in line with the model and standards, that may be changed from time to time, to ensure that data was standardised and consistent and in a common, modern data format.

The Department for Digital, Culture, Media and Sport (DCMS) commissioned a report in early 2020 on [dynamics of the press sector](#). This report includes an assessment of the very limited number of areas with no local news provision or which fall below the thresholds applied to identify whether a newspaper is local.

## Impact of Covid-19

At the start of the pandemic in March 2020, there was an initial impact on operations and making TROs. Some local print newspapers closed or moved on-line. Authority offices had to be closed so copies of TROs could not be made available for public inspection. There were also some initial safety concerns about posting notices on lampposts. Authorities were concerned that, if the legal procedures were not followed, TROs could be challenged.

At the same time, and as part of the response to Covid-19, many TROs needed to be made to, for example, widen pavements to enable social distancing, or to install active travel measures such as cycle lanes in line with government advice. TROs needed to be

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<sup>4</sup> See the DfT website: [www.gov.uk/dft](http://www.gov.uk/dft)

made quickly to put these measures in place for public health reasons. They were also sometimes needed to close roads urgently or amend parking restrictions to prevent, for example, overcrowding at beaches.

To help address these issues, the government laid [emergency regulations](#) that, temporarily:

- Allowed use of digital media to publicise proposed temporary TROs (Notice of Intent) needed to deal with the impact of coronavirus. The second Notice of Making still had to be published for information in a local newspaper, where there was still one in circulation. If not, digital media could be used. Digital media included websites, social media and emails. Letter drops and other forms of publicity could also be used.
- For other types of TROs, digital media could be used in cases where a local newspaper was no longer available.
- TROs did not need to be made available at authority offices but could be emailed or posted to people instead.

The regulations expired on 30<sup>th</sup> April 2021. Any temporary TROs made using these emergency procedures could remain in place for up to 18 months.

We commissioned IPSOS Mori to evaluate the impact of these emergency regulations. Their report is being published alongside this consultation<sup>5</sup>. Amongst the key findings, IPSOS Mori found that:

- Reactions to emergency measures: Emergency traffic regulation measures to support management of the COVID-19 pandemic attracted some local resistance and complaints. These issues largely related to the measures that had been implemented rather than their communication. In some cases, the measures were developed with urgency and without the level of informal consultation that may have otherwise taken place. This had resulted in design issues that created frictions for some groups of users and a perception amongst some communities that they were not sufficiently consulted.
- Views on business as usual arrangements: Whilst not the main focus of the research, the local authorities surveyed did not consider the business as usual arrangements for notifying road users about traffic regulation measures to be effective.
- Opportunities for digital communication: Digital communication offered opportunities for cost savings and improvements and other benefits – such as the ability to allow traffic restrictions to vary over the duration of the temporary TRO, provide real-time information to users, and offer complementary information to aid communication and accessibility (such as maps of the affected area or summary information in plain English). It was easier to receive feedback through use of consultation hubs/engagement portals. Further improvements could be attained if the publication of temporary TROs could be standardised across local authorities.
- Cost implications of emergency procedure: Measures introduced under the emergency procedure did not always entail cost savings and sometimes involved greater costs.

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<sup>5</sup> See the DfT website: [www.gov.uk/dft](http://www.gov.uk/dft)

This was linked to the complexity of the measures introduced, which required more staff time to develop than simpler non-emergency measures. Savings in publicity costs for temporary TROs were not always realised because some local authorities saw a risk that sole use of digital communications could exclude some groups of (mainly older) residents. These local authorities continued to use local newspapers in addition to other forms of publicity

For groups that represent users at a national level, the benefits of digital communication would be maximised if temporary TROs could be uploaded to a centralised portal.

## The case for reform

All the above research shows an overwhelming need for reform to and modernisation of the TRO process, and support from almost all those who interact with the regime. The benefits of change and wider digitalisation of the TRO regime could be significant and include:

- Better engagement and consultation on proposed changes to the public road network.
- Greater reach of communications so those who will be affected by the proposals can hear about and understand the proposals and the changes when they are made, and can engage with the local traffic authority using quicker and easier methods.
- More accessible information.
- Easier and quicker data and information exchange.
- Time savings – for applicants and authorities leading to administrative benefits and less bureaucracy. Time savings could also lead to cost savings.
- Access to TRO data for road users such as bus and freight operators, map makers and the technology sector who can develop products for road users that could, in turn, reduce congestion and carbon emissions.
- Provide real-time and accurate change data necessary for the safe and efficient operations of future connected and autonomous vehicles.
- Better data management, data storage and archives.
- Real-time updates on changes to the road networks.
- More dynamic regime that can respond to the opportunities presented by new technologies.
- Greater flexibility – future changes can be made quickly and easily to digital systems and TROs.
- Better enforcement of, for example, parking restrictions.
- Enable integration and operability with new and/or other forms of transport data.

The Impact Assessment accompanying this consultation sets out more information on the potential costs and benefits of the proposals we are considering.

## 2. Proposals for modernisation and reforming the TRO regime

### Digital TROs and streamlining the legal procedures

Our key ambition is to create digital TROs and to streamline the legal procedures, removing unnecessary and outdated regulatory requirements. We want to deliver the vision set out in the TRO discovery and the solutions identified in the TRO policy alpha and the TRO data alpha.

The three main aims of the proposals set out in this consultation are to:

- Create digital TROs: Applicants can apply for TROs online and they would be processed and consulted on using digital, software systems. They would be published in an open, digital format when they are proposed and when they are made.
- Transform engagement and communication with local communities: Road users are informed of and engaged in proposed changes to roads. They are informed when rules are in place or when they have changed. Creating digital TROs will mean information can be accessed through a range of media platforms including websites, social media, and emails as well as local newspapers.
- Simplify and speed up the time it takes to make TROs: Legislation is amended to remove barriers and unnecessary bureaucracy. A costly, paper-based and time-consuming process is changed to improve service and transparency for TRO applicants.

This would deliver the vision set out in the TRO discovery which is:

- A world where the process of applying for TROs and temporary TROs is quick, consistent, and avoids any unnecessary costs that may be passed on to taxpayers or billpayers.
- In this world, order-making authorities can make orders for other parties without unnecessary bureaucracy and can manage their own networks more efficiently using TROs.
- Consultees and others who will be affected by changes could be aware in advance of changes that will affect them and know how to contribute to a TRO's design where appropriate.

- Data users could have access to high quality, timely, discoverable and accurate TRO data so they can apply it for purposes such as reliable navigation and provision of digital services.

## The role of local newspapers in publicising TROs

Some authorities have argued that existing statutory publicity requirements are not effective in notifying users about traffic regulation measures, particularly with regard to the use of local newspapers. However, the findings of the Transport Focus research demonstrate that print newspapers still play a role in providing transparent and trusted information about road changes to their local communities. This is backed by independent research commissioned in 2020 by the News Media Association (NMA) on planning notices, which are subject to similar statutory publicity requirements, and found that 9.6m people, primarily aged 55+ or with average or below average digital literacy, would not be able to find them if they did not appear in printed local newspapers.

To complement this existing effect and to help address the desire for more digitalisation and greater audience reach, the NMA has been working with Google to develop an Online Public Notices Portal. The portal is intended to take advantage of print publishers' growing digital audiences, providing a centralised resource for all categories of public notice, including TROs. Alongside the portal, many local newspapers have adopted public notices publishing guidelines designed to better promote public notices through regular editorial coverage and clear signposting in paper and online. The government is monitoring the development of this portal, and the effect that it has alongside the publishing guidelines on the transparency of TROs and other public notices.

The government therefore does not plan to amend existing statutory publicity requirements, except with regard to cases where no local newspaper is in circulation.

## Proposals for change

The solutions identified in our research and on which we are consulting can be summarised in these options:

- **Option 1: Minimal publicity digitalisation where no local newspaper is in circulation:** The primary change in this option is that TAs without access to local newspapers will be able to publish TROs using alternative media such as digital media. There would be no change to the digitalisation of TRO processes, keeping paper-based system and no change to special event TROs.
- **Option 2: Process digitalisation and minimal publicity digitalisation where no local newspaper is in circulation:** The TRO regime is digitalised so that they can be applied for online, processed using digital software and there is an end to more costly, paper-based systems. All special event TROs can be approved by authorities and be used to close roads for filming. The main source of engagement is local newspapers apart from those authorities where a newspaper is no longer in circulation who can use alternative, digital media.

Further details about each change that is being proposed are set out below. They also include proposed changes to service levels, greater transparency of fees for applicants



and other changes to the legislation that would deliver the changes requested by those who engage with the TRO regime.

Delivering the changes would involve amendments to the 1984 Act, to regulations and could involve the development of guidance. Delivery is therefore dependent on the outcome of this consultation, securing time in Parliament to make the changes needed to primary legislation and funding would be needed for the publication platform. The secondary legislation needed to move away from a paper-based application system could be delivered independently of the primary legislation and the digital solution. Delivery would mean action will be needed by traffic authorities. The solutions identified in the data alpha would involve the DfT building a publication platform for TRO data and publishing a data model and standards.

## Proposals to streamline and digitalise: primary legislation

The British Parking Association [guide](#) includes an assessment of current levels of digital maturity amongst traffic authorities. It noted that:

- The degree of digitalisation – and what different authorities mean by ‘digital’ – is variable.
- Map-based schedules are a relatively recent development and are far from universally used. In particular, TROs relating to moving restrictions are almost entirely text-based at present.
- It categorised degrees of maturity as:
  - **Type written (pre word-processor):** It is not uncommon for an authority to have TROs that are typewritten, with no electronic version ever created. In some cases, the TRO may even be handwritten. In particular, TROs for moving restrictions may not have been changed from the original version created many years earlier. Scans of older TROs may be available on-line but, in general, they reside in filing cabinets and are rarely changed – or even accessed. The data contained in these TROs will become crucial to the development of new technologies such as connected and autonomous Vehicles and will need to be digitised at some point.
  - **Text-based:** The traditional method of creating TROs is to use Microsoft Word, or similar, for all parts of the TRO including the schedules. This has a number of advantages including ease of editing, layout opportunities and portability. It is relatively straightforward to publish these TROs. There are, however, issues over version control. It is common for TROs to drift over time, with different authors creating increasingly incompatible versions of orders. Discrepancies can cause problems for both enforcement and future consolidations. There can also be issues with understanding the restrictions. Even for experienced traffic engineers, it is not always easy to interpret text-based schedules to determine what restrictions apply where. Invariably, the traffic engineer will map the proposed restrictions to understand the implications and to communicate with colleagues and consultees. These maps are increasingly being used as schedules to the TROs themselves. Although producing TROs in Word or similar begins to bring a structure, these are not machine-readable in a reliable way and are therefore not going to meet the demands of the future.

- **Partly digital:** In many authorities, a mixed approach is now in place. The main body of the TRO is in Word or similar with some schedules also in Word, for example parking charges. Some schedules are mapped, primarily the extent of restrictions being simply 'drawn' on top of a suitable base-map produced in software such as a CAD system produced in a generic GIS system produced in an integrated TRO management system. In addition to the notices published in newspapers, TROs and schedules can be published as zoom-able maps on the authority's or another provider's website, or as PDFs. In most cases, mapping is based on a grid system. Even if mapping is stored on an authority-wide basis, restrictions will generally be output in a tile-based manner for consultation and for the production of definitive maps that form part of the sealed TRO.
- **Mostly digital:** In a 'mostly digital' system, all parts of the TRO will be produced, stored and published in a digital fashion throughout the process. It is possible that individual parts of the process will be produced by different systems providing they integrate seamlessly. Producing the bodies of TROs using Word is not sufficiently robust to be considered mostly digital. It is overwhelmingly most likely that a mostly digital system will result from the use of an integrated, fully featured TRO management system. Such a system will automatically handle issues such as consistency of definitions and version control. The publishing of TROs for consultation and order-making, public inspection and exporting of data for third-party purposes will also be facilitated.
- **Fully digital:** A fully digital system will require data to be made available using nationally – or internationally – mandated data standards. As there are currently no agreed standards, no authority can be considered to be fully digital. However, a fully digital solution will support use of the yet-to-be-defined data standards for defining the semantic content of TROs in a machine processible form, against user guidance and minimum quality characteristics, and published in a persistent, maintained electronic publication mechanism. The quality characteristics of this digital solution will need to include completeness of the data, minimum semantic content, timeliness, and availability of publication mechanisms. This must cover authentication and security.

From the wider research we have carried out as well as discussions with stakeholders, we estimate that around 18% of authorities still use a type-written approach; 6% text based; 35% are partly digital; 41% mostly digital; and none is fully digital. We also know that some authorities may be partly or mostly digital for some types of TROs, for example, for parking or for temporary TROs but may not be for other types of TROs.

It is clear that, to achieve our ambitions for digital TROs, we need a shift change in how authorities manage the process and that the DfT should support this change through various ways including the development of a data model and standards; a potential digital service solution; and legislation.

### Data model and standards

The DfT has been developing a TRO data model and standards, starting with a discovery user research project in 2019 which produced a draft data model. This model



subsequently underwent a validation exercise with eight traffic authorities and market operators involved in TRO digitalisation. The resulting feedback was used to improve the model and ensure it could capture TRO data.

This was then used as the starting point for the next phase of work, the Valtech alpha design project (see below), which produced an updated TRO Data Model. The DfT tested this version with authorities to see how it performed in real-world situations. We funded four authorities to digitalise a sample of their TROs using the new data model and to provide quantitative and qualitative feedback to the DfT on the process. This work is ongoing and, at the end of the project, we hope to have sufficiently refined the data model so that it is in a position to be used as the starting point for the next phase of the project.

## **A digital service solution?**

As part of our on-going work to consider how we could digitalise TROs and support traffic authorities, we commissioned Valtech<sup>6</sup> in 2020 to consider options as part of an alpha design project for a possible digital service solution for digitalising TROs. Was there a role for the DfT in building something and was there a case for government intervention in this space? There are commercial market providers of a range of TRO solutions, with indications that other companies want to enter the market. The team therefore focused on where there might be gaps and a role for government.

The research Valtech carried out showed that there is an appetite for, and significant benefits from, adopting a digital TRO model and its associated policy changes, and that there is a role for DfT intervention. Benefits include enabling improvement to current traffic authority operations and to enable the DfT's Future of Transport strategy. This is shared across authorities, utility companies who apply for temporary TROs, data aggregators and service providers currently constrained by the lack of a common standard and associated high-quality, single-source data about road closures and restrictions.

Valtech recommended the following five high-level actions:

1. Mandate use of the common data model, with mandated data and making available all TRO data to a central data store as defined by this project. This would include having one single standard digital model that would be updated and reviewed from time to time, that authorities are mandated to use for publication and distribution and which defines the quality and reporting stages of a TRO. This would enable a trusted, consistent, single source of all TROs.
2. Issue a clear statement of DfT's short and long term plans/strategy/approach to supporting authorities to digitalise their TROs. This would include: showing this national initiative should not stop authorities changing to digital TROs in the meantime as their investment will not be wasted; clarify current rules; provide early sight of the data model; provide a clear statement on dealing with backlogs of TROs; publish DfT's intentions to be clear to the market and reduce uncertainty. Stakeholders would then have confidence to invest now in digitising TROs and services.

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<sup>6</sup> See the DfT website: [www.gov.uk/DfT](http://www.gov.uk/DfT)

3. Support stakeholders in understanding and changing to use of a common data model. This will include: validating the model against further, real world TROs; research scope for links between digital TROs and Street Manager street works permits as utility companies would like to match temporary TROs to permits; DfT supporting data quality and service adoption via training and guidance by developing a TRO community.

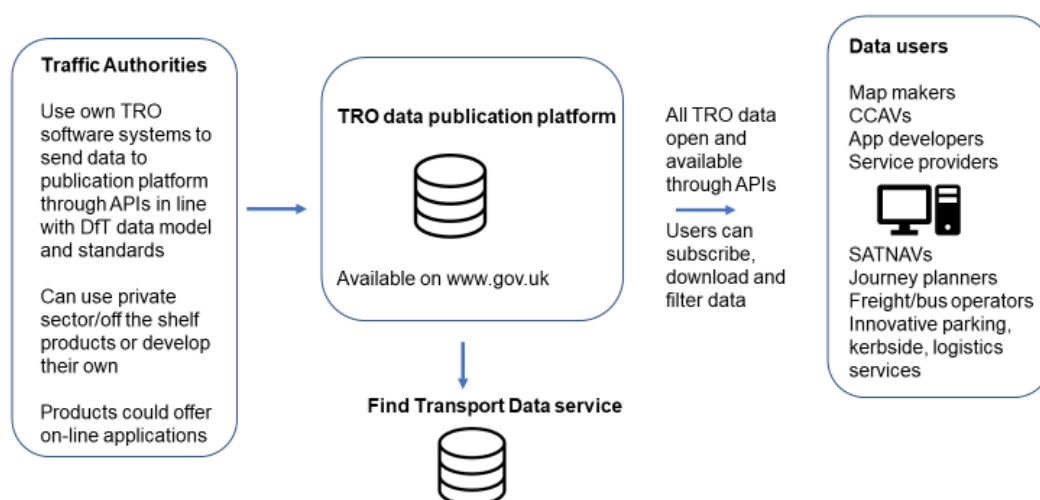
4. DfT to drive data quality. This would include: the data model. Data fields will encourage discrete lists or parameterised templates, with less free text; research, define and mandate better temporal and geographic accuracy; publish location data as coordinates that are agnostic to map type. As an outcome, data quality can improve outcomes for today's services, emerging connected services and future connected and automated vehicles (CCAVs).

5. Use a Beta project phase to drive delivery of the digital service solution and to prove the value to stakeholders. This means that wider stakeholder confidence should emerge, and current inertia be overcome by building trust.

Valtech also recommended some policy changes that would support delivery, including:

- Mandating use of Unique Street Reference Numbers (USRNs) in TROs. USRNs are assigned by authorities as part of the National Street Gazetteer and are in common use in street works, as well as other areas. This is because, for example, if there are several High Streets in an authority area which can be county-wide, it is clear in which High Street the works are going to take place. Using the USRN, in particular for temporary TROs for street and road works, would help match these with the works permit. Use of a USRN would also help to overcome any confusion and issues with any form of TRO referring to the incorrect road with the same name.

After considering a range of technical solutions, the one Valtech recommend is set out below. It envisages that DfT would pay for, build and operate a data publication platform that would be available on [www.gov.uk](http://www.gov.uk). Traffic authorities would send data on all new



TROs they made, amended or proposed in line with the DfT's common data model and standards via Advanced Programming Interfaces (APIs).

Authorities would need to use an existing or buy a commercially available, off-the shelf, software product that would provide the TRO in the correct digital format so that it could be published on the platform. Or they could also develop their own systems. The TRO data stored on the publication platform would be available as open data to data users, who could download it for use in their own products. Data users could choose to receive all the TRO data or they could filter it to receive information about specific areas of interest or particular types of TROs or TROs in a particular geographical area. Data would be provided in real time. We would also ensure the TRO data was accessible from the provisionally titled 'find transport data' service that the DfT is developing which will be a metadata catalogue of all transport data (National Access Point).

The TRO data publication platform would take published TRO information at the stage they are published for either consultation or when they are made. Authorities would use their own systems to process TROs and applications from external organisations. They could add to these systems an ability to do on-line consultations or to offer on-line applications if they wanted to. Authorities would need to ensure that data sent from whichever system they are using to the publication platform was in the required format and included the mandatory fields. Authorities would also need to have regard to any guidance issued by the Secretary of State for Transport when they are exercising functions in connection with the provision of TRO data to the publication platform.

### **Supported by legislation**

The only way to ensure that TRO data is provided to the publication platform from every authority and for every TRO they make would be to require it in legislation. If we did not mandate the provision of the data, then it is likely that only a few authorities would supply it. It is important that we aim for having a complete data set, in particular, for connected and autonomous vehicles that will travel across authority boundaries and on all types of roads. It is also important that data is provided in a common, consistent format.

We therefore propose to seek an amendment to the Road Traffic Regulation Act 1984 that would require traffic authorities to submit TRO data on TROs to the DfT's data publication platform in the format specified by the DfT's data model and to the standards that will change from time to time. We would, alongside this, create a regulation-making provision that would specify a set of data fields that must be provided to ensure completeness and consistency of the data and a provision that allowed the Secretary of State for Transport to issue statutory guidance.

This requirement would mean that all traffic authorities would need to ensure they have a system that could supply the TRO data needed in the required format. It would force those currently in the type-written, text-based and partly digital categories mentioned above to digitalise their systems for processing TROs and accelerate the changes many who interact with the TRO regime have told us they would like to see. Those in the mostly digital category are likely to already have compatible systems or their service providers would be able to adapt the products in use to comply with the data model and standards.

Without legislation, digitalisation would continue to be slow, incomplete and inconsistent. Authorities would receive the benefits of digitalisation and we expect that these benefits would offset any initial transition costs they experience. Authorities would need to buy a compatible software system if they did not already have one – the DfT would pay for the build and service operation of the publication platform. Other reforms included in this consultation should also result in significant net benefits (see the associated Impact Assessment for more information).

We will need to seek a Parliamentary slot to make the necessary changes to the 1984 Act. We will also need to agree the data model and standards and build the data publication platform<sup>7</sup>. The platform could be built in advance of the legislation, subject to funding being available, and could be used voluntarily by authorities and data users. Once any legislation came into force, it would apply to all new or amended TROs (including SLOs and TTRNs) in the first instance.

We know there is an issue with and need for digitalising the archive of TRO data that would need to be considered in due course. A small number of authorities have digitalised and verified their archive by re-capturing all the current, on-street restrictions and making a new, consolidated TRO. This could be done by other authorities, using the updated and streamlined processes included in these reforms, so it would be quicker and easier.

## Benefits

The benefits to be had from digitalisation are wide-ranging and significant. They include:

- Time savings for: authorities in processing TROs; applicants; those wanting to be consulted or informed about new or changed rules.
- Administration savings – digitalisation has been proven to offer significant benefits when it replaces paper-based processes.
- Savings should be passed on as reduced application fees to TRO applicants (utility and construction companies and special event organisers).
- Digital data on the TRO, for example, the location of the parking bay, the road closure, the restrictions on use of that road, the rules around use of bus lanes, the location of the cycle lane, can then be made available to technology and SATNAV companies, and road users.
- Better data management, record keeping and storage practices.
- Better accuracy of records/version control.
- Support for local and national on-line services.
- Greater accessibility and coverage for all those who interact with the TRO regime, including other authorities (neighbouring and higher or lower tiers), bus operators, freight companies, applicants and local residents/business. They could see proposals on-line or via social media or email.
- Greater flexibility – future changes can be made quickly and easily to digital systems.
- Better enforcement, for example, of parking restrictions as data would be more accurate and up-to-date as well as digitally available to enforcement officers.

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<sup>7</sup> The data model and standards would be updated from time to time.

- Management information relating to TROs will be more accessible and allow quicker responses to Freedom of Information requests.

**Question 1: Do you think we should amend the Road Traffic Regulation 1984 to require traffic authorities to share all data from their TROs to a single, centrally government owned digital data publication platform?**

**Yes?**

**No?**

**Please explain why:**

## Proposals to streamline and digitalise: secondary legislation

### Publicity requirements

Both the 1992 and 1996 Regulations require publication of proposed and final permanent and temporary TROs in ‘one or more newspapers circulating in the area in which any road to which the order relates is situated’. Notices also need to be published at other times, for example, if there is going to be a public inquiry

In the case of permanent TROs, authorities also have to ‘take such other steps as it may consider appropriate for ensuring that adequate publicity about the order is given to persons likely to be affected by its provisions and, without prejudice to the generality of this sub-paragraph, such other steps may include:

- (i) publication of a notice in the London Gazette;
- (ii) the display of notices in roads or other places affected by the order; or
- (iii) the delivery of notices or letters to premises, or premises occupied by persons, appearing to the authority to be likely to be affected by any provision in the order.’

As noted above, we know that some stakeholders have raised concerns about the effectiveness of these requirements. However, we are clear that there is still an important role for newspapers in publicising TROs. We are, however, concerned that the decline in newspaper coverage may be leading to some authorities not being able to comply with a regulatory requirement.

We are therefore planning to keep the current regulatory requirements for publicity in local newspapers but propose allowing use of digital or other media in authority areas where there was no longer a newspaper in circulation. This would resolve the current issue where authorities cannot comply with legislation in areas where there is no local newspaper and they would benefit immediately from this change.

We will ensure there is sufficient government oversight to approve any decision by a local authority that there is no longer a local newspaper in circulation in their area and that they are therefore subject to our proposed exemption under the revised legislation. We welcome views on how best to do this since we will want to put appropriate arrangements in place.

To help address some of the issues identified with current publicity arrangements, as part of this option, we could clarify in guidance that, for example, the 7-day or 21-day or other notice periods would begin on the date the proposed TRO first appeared in the newspaper or in alternative media where no local newspaper is in circulation.

It is worth noting that there is nothing to prevent authorities from taking additional, voluntary action to publicise proposed TROs. Newspapers are also taking action to improve their digital offering, for example, through their online portal.

The regulations require publication in the London Gazette for the cases below. We would be grateful for views on whether these legal requirements should be retained:

- Notice of proposed permanent TROs made by a traffic authority in Greater London, Transport for London, by the Secretary of State or National Highways.
- Notice of making of a permanent TRO in London or an experimental traffic order in London.
- Notice of intention to make temporary TROs under Section 14 of the 1984 Act that are expected to last more than 18 months.

**Question 2: Do you agree that we should allow use of digital or other media in authority areas where there was no longer a newspaper in circulation?**

**Yes?**

**No?**

**Please explain why:**

**Question 3: How do you think we should oversee any decision by a local authority that there is no longer a local newspaper in circulation in their area?**

**Comments:**





## Other streamlining proposals: secondary legislation

The TRO policy alpha project suggested other reforms that could streamline and simplify the process for making TROs.

### Inspection and communication arrangements

We would like to make permanent one of the changes made temporarily as part of the emergency 2020 [regulations](#). Regulations require that proposed permanent TROs and made experimental Orders are made available for public inspection at an authority's office. Bearing in mind the difficulties caused by Covid-19 and the need for information to be provided to some people in more accessible formats, we propose to allow copies of proposed permanent TROs and made experimental Orders to also be sent, on request, by post or by email. We would retain the existing inspection requirement but an alternative would be available in case this was needed.

For permanent TROs, Regulations 8, 10, and 17 of the 1996 Regulations require objections to be sent in writing and sent to the address listed in the notice of proposals. We would like to amend regulations to make it clear that objections can also be submitted using electronic means specified by the authority in the notice of proposals, such as via email or via a digital consultation app or website being used by that authority. This would support greater use of on-line consultations which should increase people's ability to engage in and respond to consultations.

### Sealing of TROs

We found during our research that some traffic authorities use digital methods of sealing documents and others still rely on physical seals. Use of physical seals can cause additional time delays and, during Covid-19, was difficult to do. It seems there is some uncertainty about whether or not TROs can be digitally sealed.

Section 234 of the Local Government Act 1972 provides that documents may be signed on behalf of the authority by the Proper Officer. Under subsection (2), any document bearing the signature of the Proper Officer of the authority shall be deemed, until the contrary is proved, to have been duly given, made or issued by the authority of the local authority. It is specifically provided that 'the word "signature" includes a facsimile of a signature by whatever process reproduced.' There are no specific provisions in the 1972 Act therefore that require physical sealing of documents.

Section 7A(1) of the Electronic Communications Act 2000 provides that, in any legal proceedings, a seal can also be executed electronically and shall be admissible in evidence.

We understand that each authority's constitution or standing orders are what governs the rules around sealing. There is no reason why digital sealing or some of the products now available, such as 'DocuSign', cannot be used and so no legislative amendments are



needed. We would simply ask each authority, if they have not already done so, to enable digital sealing of TROs as this would be an additional way of streamlining and improving the process for making them.

**Question 5: Do you agree that we should amend regulations to allow copies of TROs to be emailed or posted to individuals, as well as being made available at an authority's office?**

**Yes?**

**No?**

**Please add any comments here:**

**Question 6: Do you agree that we should amend regulations to allow correspondence including consultation responses or objections to proposed TROs to be sent via email or through apps and websites?**

**Yes?**

**No?**

**Please add any comments here:**

## **Engagement: statutory consultees: secondary legislation**

The regulations include lists of statutory consultees. For permanent TROs, these are:

- Where the order relates to, or appears to the order making authority to be likely to affect traffic on, a road for which another authority is the highway authority or the traffic authority, the other authority.
- Where the order relates to, or appears to the order making authority to be likely to affect traffic on, a Crown road, the appropriate Crown authority.
- Where the order relates to, or appears to the order making authority to be likely to affect traffic on, a road subject to a concession, the concessionaire.
- Where the order relates to, or appears to the order making authority to be likely to affect traffic on, a road on which a tramcar or trolley vehicle service is provided, the operator of the service.
- Where the order relates to, or appears to the order making authority to be likely to affect traffic on:

- In the case of Greater London and a road which is included in the route of a London bus service, the operator of the service and Transport for London,
- In the case of outside Greater London and a road which is included in the route of a local service, the operator of the service.
- Where it appears to the authority that the order is likely to affect the passage on any road of ambulances or fire-fighting vehicles, the chief officer of the appropriate NHS trust or NHS foundation trust and the fire and rescue authority.
- In all cases, the Freight Transport Association (now known as Logistics UK), the Road Haulage Association and 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

For temporary TROs, the traffic authority has to send a notice about the order they are about to make to:

- The chief officer of police of any police area in which any road to which the order relates is situated.
- Where the traffic authority is not the fire authority for the area in which any road to which the order relates is situated, the chief officer of the fire authority for that area.
- Where the order would be likely to have direct effect on traffic or any class of traffic on any road for the maintenance of which another traffic authority is responsible, that other traffic authority.
- Where the order is likely to have a direct effect on traffic or any class of traffic on a road which is subject to a concession, the concessionaire.

The traffic authority has to consult:

- Where it appears to a traffic authority that an order would be likely to affect the operation of any tramcar or trolley vehicle, the operator of that vehicle.
- The National Park authority for any National Park which would be affected by the order.

For temporary TROs, Section 15(2) of the 1984 Act states that the time limit of 18 months does not need to apply if the authority is satisfied the works in question will take longer. In these cases, the temporary TRO needs to be revoked as soon as the works are completed and the following need to be consulted before the temporary TRO is made:

- The chief officer of police of any police area in which any road to which the order relates is situated.
- Where the traffic authority is not the fire authority for the area in which any road to which the order relates is situated, the chief officer of the fire authority for that area.
- Organisations representing persons who use any road to which the order relates or are likely to be otherwise affected by any provisions of the Order.

Not less than 21 days before making the order, the traffic authority shall publish notice of intention to make the order in the London Gazette (if it relates to a road in England or Wales).

As well as updating some of the references to certain organisations who have changed their name or, in the case of London, Transport for London is now the relevant body, we would like to review this list and to clarify or add:

- The chief officers of police, NHS Trusts and fire brigades to both permanent and temporary TROs. Ambulances and fire-fighting vehicles can be just as affected as any others by road works lasting less than 18 months.
- Local bus operators likely to be affected by permanent or temporary TROs, not just the ones in Greater London.
- Relevant town or district councils (as recommended by the TRO policy alpha).
- The freight organisations to the list for temporary TROs.

**Question 7: Do you agree that we should add the following list to the list of statutory consultees for permanent and temporary TROs?**

<b>All emergency services</b>	<b>Yes</b>	<b>No</b>
<b>Local bus operators</b>	<b>Yes</b>	<b>No</b>
<b>Relevant town or district councils</b>	<b>Yes</b>	<b>No</b>
<b>Freight organisations</b>	<b>Yes</b>	<b>No</b>

**Please add any comments to explain why:**

## **Fees for TRO applicants, response times and service levels: primary (service levels) & secondary (fees)**

[The Local Authorities \(Transport Charges\) Regulations 1998](#)<sup>8</sup> allows authorities to impose a charge for, amongst other things, issuing temporary TROs and making special event orders. The amount of the charge is at the authority's discretion and, in determining the amount, the authority must 'have regard to the cost to them of dealing with matters' relating to the issuing or making of the Order.

We know from our research, including the policy alpha [report](#) from PA Consulting which built on the discovery report from Geoplace, Ordnance Survey and the British Parking Association that the average cost of making a permanent TRO is £1,021 and for temporary TROs, the average cost is £769. Costs can, however, vary considerably. Some authorities charge a few hundred pounds for a temporary TRO. Others charge several thousand pounds per order. Costs are passed onto applicants, for example, utility and

<sup>8</sup> See also the Local Government and Housing Act 1989, Sections 150 and 152

construction companies if they are the ones requesting the TRO. An authority can incur administration costs, including legal costs, and will need to pay the costs of publishing in newspapers and any other publicity costs. PA Consulting found, from one user, that newspaper advertising can account for up to 46% of the total cost to make a temporary TRO.

Fees for special event orders also vary considerably. Many authorities do not charge, especially for small, community events and may only charge if the road closure affects a bus route. Some charge a few hundred pounds for larger events. Some authorities state, on their websites, that the charge can be over £1,000, payable in advance. Other authorities say they will let applicants know after their application has been received, we assume so that the application can be assessed.

The information available on authorities' websites about fees is, typically, inconsistent, minimal and provides no breakdown of how these fees are calculated. PA Consulting also found in their research that applicants were frustrated by the variation in fee structure across different authority jurisdictions and that they want greater certainty and clarity of the cost to them right at the beginning of the process.

Most authorities state that they need between 6 and 12 weeks' notice to deal with an application for a temporary TRO. The researchers found examples of them taking up to 6 months. We are not aware of any authority that has linked the payment of a fee to a service standard, for example, promising a response within a certain time in return for the payment. We found one authority website asking applicants for a special event order to submit them 6 months in advance and 12 months if it was for a new event so early discussions and planning could take place.

Greater certainty of time and costs, as well as greater transparency, would help TRO applicants when planning their events or works. It would also create higher-quality processes and services.

We propose therefore to amend the Local Authorities (Transport Charges) Regulations and add a requirement that authorities should:

- Publish their fee rates for different types of TROs on their websites.
- Make it clear that charges for TROs should be on a cost recovery basis.
- Include a breakdown of how the fee is made up to demonstrate the fees are based on cost recovery only.

We propose to amend primary legislation to add a requirement that authorities should:

- Provide a maximum response time for different types of TROs so those paying for them can receive a guaranteed service level. Service levels could cover, for example, the maximum time it will take between receipt of the application to giving the applicant an answer about whether or not their application has been accepted, and then the maximum time it will take to publishing the Notice of Intent (in the case of a temporary TRO) or issuing them with a Special Event Order.

We understand that fees for different types of TROs can vary, and that some will take longer than others to process. For example, a standard temporary TRO for a parking bay suspension will be quicker and easier to do than arranging a full road closure on an A road that will affect bus routes. This is why, for policy reasons, the government would find it

difficult to impose maximum fee rates in legislation. But it should be possible for the authority to provide maximum response times and a breakdown of fees for different examples of TROs.

These changes would ensure applicants will have a clear understanding of fees and how long it will take for the authority to process their application and it will make the authority more accountable for the services it delivers. We would expect, over time, any cost savings from digitalisation to be passed onto applicants through lower fees.

<b>Question 8: Do you agree that we should we add the following requirements to legislation?</b>		
<b>Authorities should publish their fee rates for different types of TROs on their websites</b>	<b>Yes</b>	<b>No</b>
<b>Authorities should include a breakdown of how the fee is made up to demonstrate the fees are based on cost recovery only</b>	<b>Yes</b>	<b>No</b>
<b>Authorities should provide a maximum response time for different types of TROs so those paying for them can receive a guaranteed service level</b>	<b>Yes</b>	<b>No</b>
<b>Regulations should be amended to make it clear the fees should be charged on a cost recovery basis</b>	<b>Yes</b>	<b>No</b>
<b>Please add any comments to explain why:</b>		

## Special event orders: primary legislation

### Filming

The current scope of Section 16A of the 1984 Act defines a relevant event as ‘any sporting event, social event or entertainment which is held on a road’. We would like to amend this definition to add filming.

At present, special event orders cannot be used for filming unless the traffic authority is prepared to apply a loose interpretation of ‘entertainment’. Filming is not covered by the criteria set out in Section 14 of the 1984 Act as one of the reasons for which a temporary

TRO can be made. Organisations wanting to film would also not want to pay the fees for and wait for the time it takes to make a temporary TRO. We believe therefore that there is a gap in the legislation that we would like to take the opportunity to fix.

A small number of authorities have promoted their own private Bills through Parliament to allow filming on roads. For example, Kent County Council took a private Bill through Parliament to give it the power to prohibit or restrict traffic on roads to enable the making of a film to take place. It also allowed roads to be closed to allow members of the public to watch the making of the film. Under the Kent County Council (Filming on Highways) Act 2010, Orders can be granted for film-making purposes for up to 7 days and it allows no more than six film orders to be made in one calendar year without the consent of the Secretary of State. Transport for London, Hertfordshire County Council and Buckinghamshire County Council have promoted similar changes through their own private Bills.

Rather than every other traffic authority having to promote similar legislation through Parliament, which is a lengthy procedure, it would make sense for the 1984 Act to be amended to include filming and apply to all traffic authorities. We propose the same parameter in relation to duration, that is filming orders can last up to 7 days, but we would not require the Secretary of State's consent if there were more than six orders in a calendar year. Traffic authorities should be able to decide themselves how often a road can be closed for this purpose.

**Question 9: Do you agree that we should add filming to the definition of relevant events so that special event orders can be used to close roads or introduce restrictions for up to 7 days for filming?**

**Yes?**

**No?**

**Please explain why:**

### Secretary of State approval

The Secretary of State's approval is needed for any special event orders for closures or restrictions lasting more than 3 days or if it will affect the same road on more than one occasion in a calendar year<sup>9</sup>. In practice, authorities will apply to a DfT casework team based in Newcastle. They deal, on average, with around 800 applications a year.

Since the 1984 Act was passed and the 1994 amendment via primary [legislation](#) that added sections 16A to 16C providing for special event orders, Section 16 of the Traffic

<sup>9</sup> Section 16B also gives Highways England Company Limited the ability to approve an events order lasting more than 3 days and to consent to more than one events order in a calendar year in respect of the same length of road.

Management Act 2004 has given the network management duty to traffic authorities. Section 16 of the 2004 Act states:

**The network management duty**

(1) It is the duty of a local traffic authority or a strategic highways company (“the network management authority”) to manage their road network with a view to achieving, so far as may be reasonably practicable having regard to their other obligations, policies and objectives, the following objectives:

- (a) securing the expeditious movement of traffic on the authority's road network; and
- (b) facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.

(2) The action which the authority may take in performing that duty includes, in particular, any action which they consider will contribute to securing:

- (a) the more efficient use of their road network; or
- (b) the avoidance, elimination or reduction of road congestion or other disruption to the movement of traffic on their road network or a road network for which another authority is the traffic authority.

The traffic authority therefore has a duty to manage their road network and has all the necessary powers to do so. It seems an anomaly that the Secretary of State for Transport is still being asked to agree minor road closures or restrictions on a public road network that is now operated by the authority.

We therefore propose to amend the 1984 Act to remove the need for the Secretary of State’s approval for special event orders that last more than 3 days or that affect the same length of road on more than one occasion in a calendar year. This is a de-regulatory measure and should deliver time and administrative savings to applicants, organisers of special events and authorities.

**Question 10: Do you agree that we should remove the need for Secretary of State approval for special event orders that last more than three days or would affect the same road on more than one occasion in a calendar year?**

**Yes?**

**No?**

**Please explain why:**

## Electric Vehicle Chargepoints

The government’s Electric Vehicle Infrastructure Strategy sets out our bold vision for the deployment of charging infrastructure needed to enable the phase out of petrol and diesel vehicles in 2030. It outlines government’s commitments to support the market and local authorities and accelerate the rollout of charging infrastructure across the whole country.

In 2020, the Government introduced a unified consent for ‘pavement licences’ outside cafes and restaurants – these have been successful in reducing bureaucracy, whilst ensuring local residents are consulted. We would like to explore options for introducing a unified consent process for installing EV chargepoints, including consideration of a streamlined process for obtaining both the planning permission consent and the highways consent for the traffic management works at the same time.

**Question 11: Do you agree we should streamline the process for installing EV chargepoints and introduce a unified consent process?**

**Comments:**

**Question 12: How do you think the process should be streamlined?**

**Comments:**



### 3. Summary

#### Summary of proposed reforms

If all the changes proposed in this consultation were to be adopted, the amended procedures would look like the summary tables below:

#### Sample process diagram for a permanent TRO following reforms proposed in this consultation – changes highlighted in bold

Stage	Procedure			Change
Inception	Needs identified			No change from previous procedures
	Scoping and options – can include informal consultations on potential design			
	Approval for consultation			
Design and consultation	Review the design			Would be drafted and prepared using digital systems which would speed up the time it takes to complete
	Draft the TRO			
	Produce a decision report			
	Approval to proceed			
	Notice of Proposals <b>Published through newspapers or via other media in areas without a newspaper in circulation. Sent via an API to TRO publication platform</b>	Notice of Proposals – <b>updated list of</b> statutory consultees and others	Documents on deposit <b>or can be emailed</b>	Process will be quicker, information could be digital and more accessible, reach of publicity could be greater. Data will be open and available from TRO data publication platform
Minimum 21 days for objection			No change to consultation period. Objections and	

				comments can be sent digitally
<b>Objections</b>	Analyse any objections			Digital systems will be used which would make this easier and for TROs to be amended.  Better version control and document management.
	Determine any objections			
	Revise the design if required			
<b>Making the TRO</b>	Decision to proceed			No change
	Sealing the TRO			Sealing would be digital
	Notice of Making <b>Published through newspapers or via other media in areas without a newspaper in circulation. Sent via an API to TRO publication platform</b>	Notice of Making – <b>updated list of</b> statutory consultees and others	Notify objectors	Process could be quicker, information could be digital and more accessible, reach of information could be greater. Data will be open and available from TRO data publication platform
<b>Implementation</b>	Traffic signs and road markings			No change
	Make the TRO available			Will be available on TRO data publication platform in an open, digital format
	Scheme evaluation			Digital archive will make this easier

\*TAs = traffic authorities

**Sample process diagram for a temporary TRO following reforms proposed in this consultation – changes highlighted in bold**

Stage	Procedure	Change
<b>Inception</b>	Approach from applicant (internal or external including utility and construction companies)	No change to previous procedures.  Applications could be on-line/digital if systems providers or TAs offer this  Receiving applications digitally will help with checking for other works
	Scoping and options	
	Other works in the area?	
	Decision to proceed	
<b>Design and consultation</b>	Draft the TTRO	Process could be quicker, information could be digital and
	Publish Notice of Intent –	

	<b>Published through newspapers or via other media in areas without a newspaper in circulation. Sent via an API to TRO publication platform</b>	more accessible, reach of information could be greater.
	Inform <b>updated list</b> of statutory consultees	Data will be open and available from TRO data publication platform
	Inform others as required	
	Minimum 7 days' notice period	No change to notice period. Objections and comments can be sent digitally
<b>Making the TTRO</b>	Make the TTRO which can come into effect	TTROs can be sealed digitally
<b>Implementation</b>	Traffic signs and road markings	No change
	Publish Notice of Making within 14 days – <b>Published through newspapers or via other media in areas without a newspaper in circulation. Sent via an API to TRO publication platform</b>	Guidance issued to TAs making it clear that TTRO can come into effect 7 days after Notice of Intent.  Will be available on TRO data publication platform in an open, digital format
<b>Post-implementation</b>	Maintain traffic signs	No change
	Remove traffic signs	

\*TAs = traffic authorities

\*\* 6 months if on a footpath, bridleway, cycle track or byway open to all traffic

For special event orders, the traffic authority would be empowered to make decisions about all applications and there would be no need for referral to the Secretary of State for Transport for any cases. Special event orders could be used to close roads for filming for up to 7 days.

## Benefits

The benefits to be had from these reforms are significant. To summarise, these are:

- A valuable transport data set would be open, offering commercial and societal benefits including reductions in congestion and emissions.
- Better, up to date and more accurate TRO data would add significant operational value for authorities in managing their road networks.
- Intervention by the DfT in the TRO data platform will help support authorities in making a consistent change to digital TROs, helping them to ensure they have the data standards and systems in place to deliver the change they have told us they want to see.
- Applying for TROs is quick, consistent, and avoids any unnecessary costs that may be passed on to taxpayers or billpayers. Service levels would be improved and there would be greater transparency of fees.

- Authorities would be able to make TROs without unnecessary bureaucracy, resulting in administrative savings and other benefits, and ensuring that they can deliver the expected increase in the number of TROs needed to deliver a range of government strategies.
- Local residents, businesses and others who will be affected by changes could be much more aware in advance of changes that will affect them and after they have been made, for example, directly via their phones, in-boxes, SATNAVs.
- Bus and freight operators, as well as emergency services and network managers, would have more timely, accurate and up-to-date data that they can integrate into their own systems.
- Other data users would have access to high quality, timely and accurate TRO data so they can apply it for purposes such as map making, reliable navigation systems and the provision of other digital services.
- Information will be in more accessible formats, it will be easier to exchange and there would be better data management, data storage and archives.
- We would have reformed an analogue system and ensured it was fit for purpose for the digital age.
- Better engagement and consultation on proposed changes to the public road network.
- Greater reach of communications so those who will be affected by the proposals can hear about and understand the proposals, and can engage with the local authority using quicker and easier methods.
- More accessible information.
- Easier and quicker data and information exchange.
- Time savings – for applicants and authorities leading to administrative benefits and less bureaucracy. Time savings could also lead to cost savings.
- Access to TRO data for road users such as bus and freight operators, map makers and the technology sector who can develop products for road users that could, in turn, reduce congestion and carbon emissions.
- Real-time updates on changes to the road networks.
- More dynamic regime that can respond to the opportunities presented by new technologies.
- Greater flexibility – future changes can be made quickly and easily to digital systems and TROs.
- Better enforcement of, for example, parking restrictions.

## What will happen next

A summary of responses, including the next steps, will be published within three months of the consultation closing on [www.dft.gov.uk](http://www.dft.gov.uk).

If you have questions about this consultation, please email [troenquiries@dft.gov.uk](mailto:troenquiries@dft.gov.uk)

## Annex A: Impact assessment

We are publishing an Impact Assessment to accompany this consultation. In addition to the questions included in this consultation document, we would also be interested to hear your views about these questions that relate to the Impact Assessment.

It would be helpful if you respond to these questions and complete the table you can find on the consultation page: <https://www.gov.uk/search/policy-papers-and-consultations>

## Annex B: Consultation principles

The consultation is being conducted in line with the government's key consultation principles which are listed below. Further information is available at <https://www.gov.uk/government/publications/consultation-principles-guidance>

If you have any comments about the consultation process please contact:

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London SW1P 4DR  
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