



KENT COUNTY COUNCIL

THIRD PARTY TRAFFIC REGULATION ORDER REQUESTS

Guidance note for applicants



1. PURPOSE OF THIS GUIDANCE NOTE

This note is intended to give guidance to 3rd party applicants on how to deal with applications for changes to the Highway that require Traffic Regulation Orders.

The guidance is aimed at providing uniformity and clarity to the existing systems and processes and provides easy access to questions when they arise.

This guidance note is written and owned by Growth, Enterprise and Highways, Highways Transportation and Waste, Schemes Planning and Delivery Team who also administer this process.

It should also be noted that KCC are legally bound to follow the procedures laid down in the Road Traffic Regulation Act 1984, the KCC's Traffic Regulation Order procedure note and the Data Protection Act 1998.

2. WHO WILL BE MAKING A 3RD PARTY APPLICATION FOR A TRAFFIC REGULATION ORDER?

There will be many different types of organisations, for many reasons, applying for changes to the highway network that require a Traffic Regulation Order (TRO).

Requests could come from :-

- District Councils
- Parish Council
- Conditions of Section 106 Agreements
- Developers under Section 278/38 works
- Other KCC departments (such as Education/Schools Initiatives)

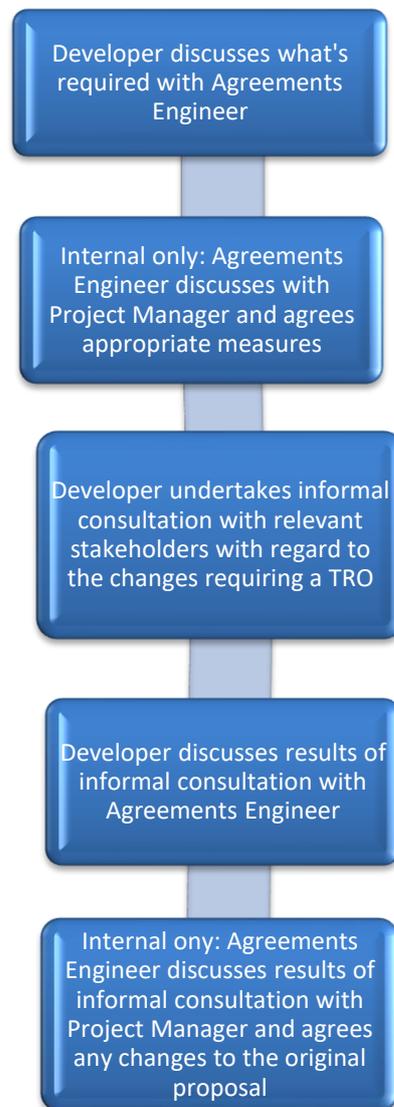
3. WHAT SORT OF TRO MAY BE APPLIED FOR?

Examples of the types of measures requiring a TRO are :-

- Changes to speed limit
- One way working
- Left/Right turn bans
- Parking restrictions – *enquiries should be directed to the relevant District Council in the first instance as they manage on street parking on behalf of KCC*
- Width restrictions
- Bus lane orders
- Revocation of any existing TRO
- A full list can be found in the Road Traffic Regulations Act 1984, however if unsure whether the improvements need a TRO or not, please discuss with the Schemes Planning and Delivery Team. Email tro@kent.gov.uk

4. WHAT HAPPENS FIRST?

It is important, in the first instance, to make sure that it is clear what is being requested. The applicant must be able to demonstrate that prior consultation with all relevant stakeholders has been undertaken **BEFORE** an application is made to the Schemes Planning and Delivery Team at KCC to process a TRO. Stakeholders, even during the informal stage, need to include Statutory Consultees. A list of Statutory Consultees can be found in Appendix A. In the instance of an application from a developer for works under a S278 agreement, the scheme details and benefits of these changes should be discussed with the relevant Agreements Engineer for the area, unless it is part of the planning permission in which case move to box 2 below, and only progress once it has been agreed that it is appropriate for the safe operation of the highway. The process shown below should be undertaken. The same process applies for applications from other KCC departments, Parish Councils etc, however discussions will be held directly with the Area Project Managers in the Schemes Planning and Delivery Team.



5. APPLICATION PROCESS

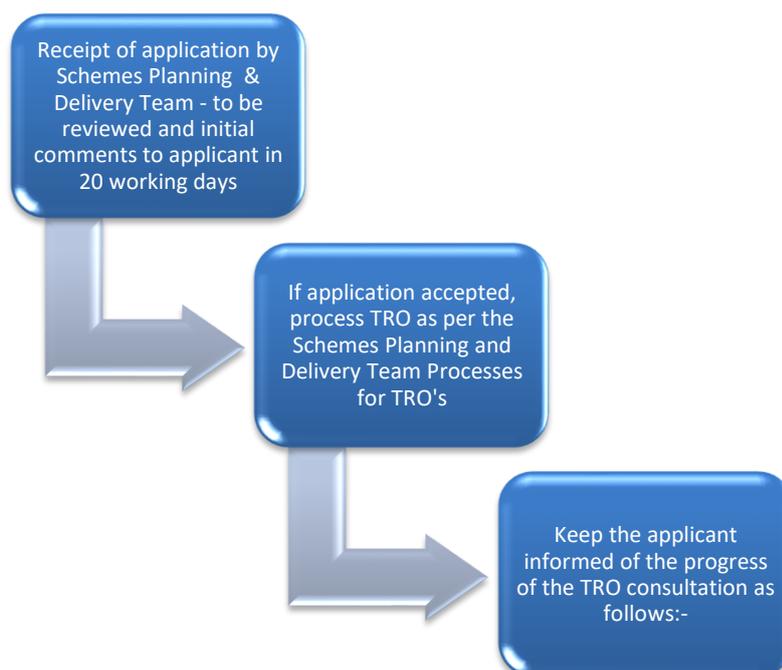
Once stakeholder and community buy in (where relevant) has been proved, an application form should be submitted to KCC, Schemes Planning and Delivery Team (address on application form) for consideration. The application form can be found in Appendix B to this document.

It should be noted that an application for a TRO may not result in its successful implementation. All TRO's are subject to a statutory legal consultation and democratic scrutiny process and should a significant number of valid objections be received, it may be necessary to abandon the proposals.

The application form and other documents should include:-

- All contact details of the applicant
- Application fee – see Appendix C Schedule of Fees (for each traffic order required)
- Purchase order to undertake the work
- Appropriate plans, **to A3 size in colour**, showing proposed measures (suitable for use in formal consultation and including dimensions, building lines and reference points)
- Evidence of informal consultation and any responses received
- Written justification for proposed measures (to use in formal consultation)

The Schemes Planning and Delivery Programme Manager will allocate an officer to deal with the application and they will contact the applicant outlining the expected timescales for progression of the TRO application within 20 working days of receipt. The expected timescales are outlined below and are subject to alteration and amendment due to bank holidays and school holidays etc, during which time it may not be possible to contact particular stakeholders, such as a school, during the formal consultation period.



6. TRO CONSULTATION & DEVELOPMENT

Advertising and consulting on proposed changes

As per KCC's processes for Traffic Regulation Orders, the formal consultation exercise will be undertaken by way of letter and/or email consultation to all relevant stakeholders, notices in local newspaper and notices posted on site. A draft Order will be written, and all documents held on deposit at KCC's County Hall, being available for public inspection during the consultation period. The consultation period is usually 21 days, but may be extended to allow for public holidays and school holidays etc. The initial fee must be paid on application. See Appendix C for the fees matrix.

The initial fee will include tabling all responses received as a result of the consultation to the proposed changes. Appendix C item 1.

Application will be assessed and when approved, and the necessary fee paid, the TRO will be advertised usually within 15 working days. The consultation period will usually run for a period of 21 days. Upon expiration of the consultation period, KCC will provide the applicant with a written report on the findings of the formal consultation within 20 working days, with recommendations, where necessary, on how to proceed.

The results of this consultation will be made available to the applicant and they may need to address the responses with the individuals raising them and/or decide whether or not to progress with the proposals.

If less than 5 objections are received, the objections will be tabled and presented to the County Member and Director of Highways, Transportation & Waste with the officer recommendation whether or not to proceed with the proposals. An additional cost will be incurred to produce a report for the Director of Highways Transportation and Waste. See Appendix C item 3. The Director of Highways Transportation and Waste has the authority to refer the decision to the Joint Transportation Board (JTB) and if the objections are upheld at a JTB the scheme will not progress.

If no objections are received, the TRO can be progressed to the "has made" stage. A further fee is payable (per order) **before** the Order can be advertised as made and sent to legal for sealing. See Appendix C item 2.

If 5 or more objections are received, a report will be written and presented to the relevant District/Borough Council's Joint Transportation Board (JTB) to debate and decide whether or not to proceed with the measures as proposed. An additional cost will be incurred to produce a report for JTB. See Appendix C item 3.

A further cost will be incurred for the attendance of an Officer at the relevant JTB meeting and it may be prudent for the applicant to attend this meeting too, to be able to answer any further questions that may arise. See Appendix C item 4 for further cost information. Please be aware that most JTB's are held quarterly and this may significantly affect the scheme turnaround time.

Once all objections have been overcome or the proposals have been approved by either the JTB, County Councillor and Director of Highways, Transportation & Waste the TRO can be progressed to being advertised as "Made" once KCC's legal department have sealed the Traffic Regulation Order.

Once the TRO proposals have gained the relevant approval, KCC will within 20 working days, arrange for the Order to be sealed by the legal team and advertised in the local newspaper informing members of the public that the Order has been made and a date in which the Traffic Order comes into force. Physical works to implement these changes can then be made on the ground at a time after the Order comes into force.

The applicant may wish KCC to undertake works to design the signing and lining element of the work associated with the Traffic Regulation Order. As such this work could be undertaken by KCC, provided resources are available to do so. If a resource is available, a design fee will be charged and details of these costs can be found in Appendix C item 5.

Unless, by prior arrangement, KCC have been commissioned to design and install the physical element to the proposed TRO changes, **KCC's work will only involve writing and progressing the legal Traffic Regulation Order.**

If KCC do not progress the design of the final scheme, these proposals must be agreed and approved by the relevant officer and permits to work on the highway obtained BEFORE any works are placed on the ground.

NOTE : If any works are undertaken on the highway without the prior approval of the Highway Authority or which do not conform with Statutory Instrument "The Traffic Signs Regulations and General Directions 2016", then the Highway Authority can demand removal of the signs and lines and all associated costs will be the responsibility of the applicant. In applying for any TRO, the applicant is agreeing to this liability.

Statutory Consultees for TRO's

Organisation	Address	Email
Kent Police		Roadspol.td@kent.pnn.police.uk
Kent Fire and Rescue Service		enquiries@kent.fire-uk.org
Ambulance Service		enquiries@secamb.nhs.uk
Road Haulage Association		Southern-eastern@rha.uk.net
Freight Transport Authority		trafficordersgreatersoutheast@fta.co.uk
County Councillor	See KCC website for local County Councillor	
District/Borough	See Local Authority website for District Councillor	
Parish Council if applicable	See local Parish Council website for Clerk address	
Local Bus Operators	See KCC website for local bus operators	
Affected Dwellings	Those immediately affected	

Traffic Regulation Order Request – Application Form

Organisation:	
Contact Name and Number :	
Road(s) Affected :	
Reason for TRO :	
Justification Statement for Formal Consultation :	
Results of Informal Consultation : Consultation : (show communications and responses attached in table format, detail any changes to original plans as result of consultation)	
Plan : The drawing is to be suitable for use in the consultation and legal making of the TRO, scaled @A3in colour and show dimensions, building lines and reference points	
Application fee : Payable to Kent County Council (subject to annual review and for each order required)	£
Additional Info :	

Return completed form to:

Internal use Application (WAMs) Ref :

Schemes Planning and Delivery Team
 KCC Highways Transportation and Waste
 Ashford Highways Depot
 4 Javelin Way
 Ashford TN24 8AD

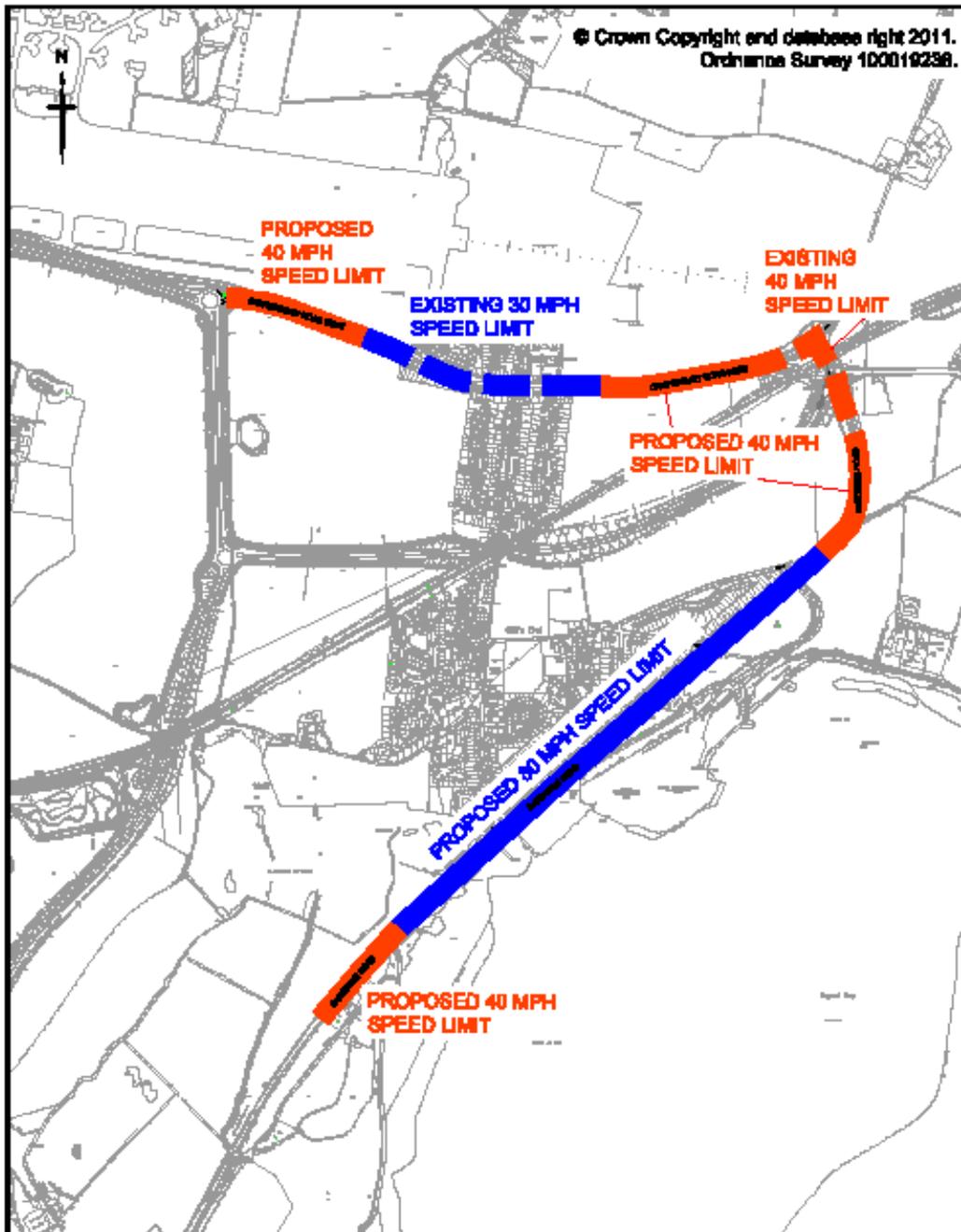
Questions to: tro@kent.gov.uk

Matrix of Fees for each TRO Application

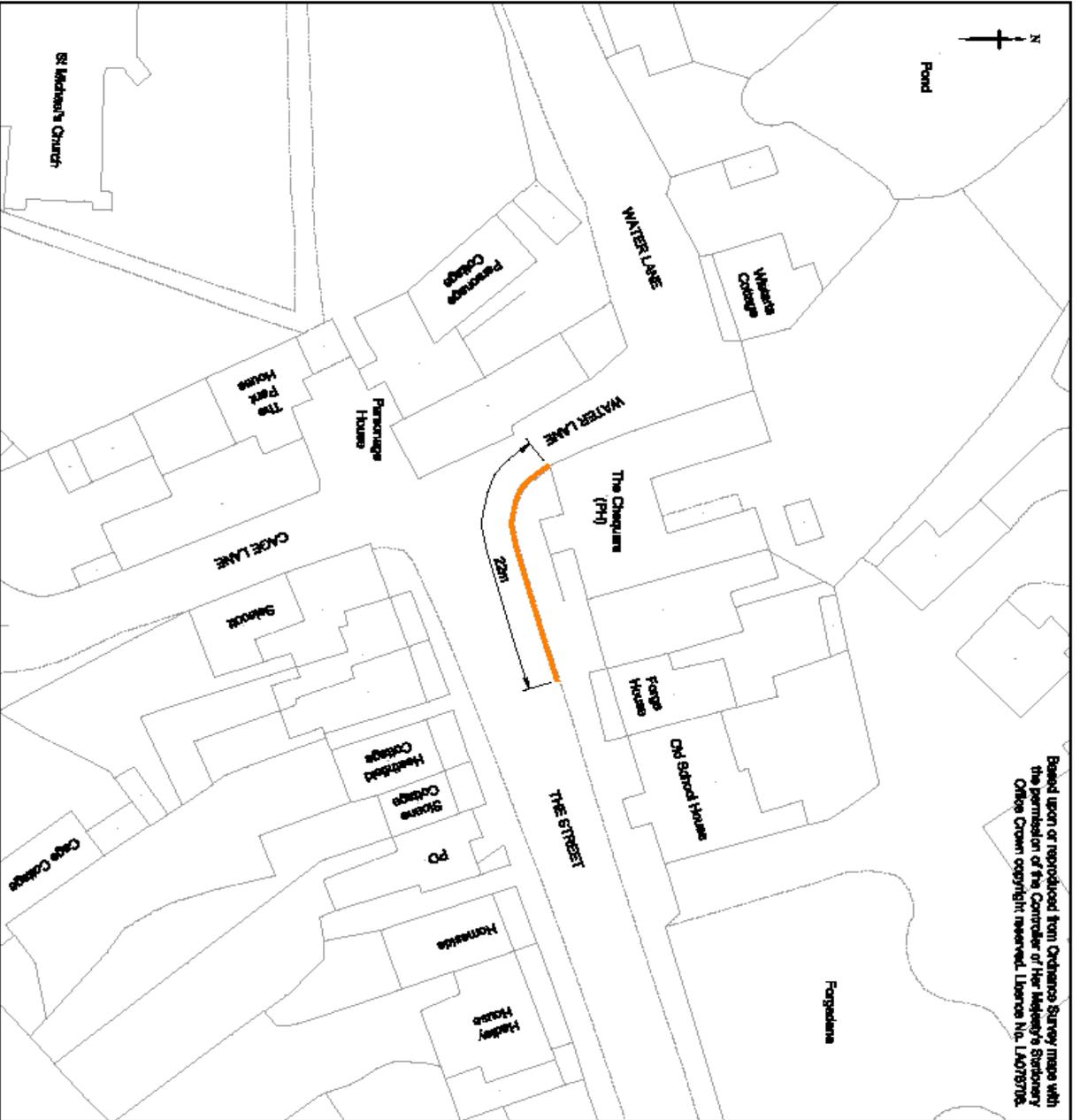
	Consultation size	
	Small 1-30	Large over 31
1. On application (includes review of application, letter consultation to all relevant stakeholders, Notice in the newspaper, Notices on site, drafting of legal Traffic Regulation Order, review and tabling of responses).	£1385*	£1965*
2. No objections received or once objections overcome, progress scheme (this includes responses to objectors, Notice in the newspaper, sending off Order for legal to sign and seal and "Make" Order).	£1000*	£1000*
3. Report to Director of Highways Transportation and Waste or JTB.	£570*	£570*
4. If KCC to design and construct.	Estimate to be provided	Estimate to be provided

*Prices are subject to an annual price review and maybe subject to adjustment when the application is received and that the cost only covers only one type of TRO requested.

Note : All cheques are to be made payable to Kent County Council payment can also be made by BACS please email tro@kent.gov.uk for further information.



<p><small>This drawing is not to be used in whole or part other than for the intended purpose and project as defined on this drawing. Refer to the contract for full terms and conditions.</small></p>	0	07/04/14	TR0 SPEED LIMIT	ISM	MG	KG
	Rev	Revision Date	Purpose of revision	Drawn	Checked	App'd
 <p>Kent County Council <small>Address Highway Dept. Maidstone Kent ME14 3JG Tel 01622 682000</small></p>	<p>CLIFFSEND TRO PLAN</p>					
	<p>Drawing status: FOR CONSULTATION</p>					
<p>CLIFFSEND TRO</p>	Drawn	NTS		Do not scale		Rev
	<p>Drawing number: TH-EXT-0017</p>					<p>Rev 0</p>



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10-MHF-AS-14/1201

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Date		14/12/2011	



East Kent Division
 Ashford Highway, Ashford, Kent, TN25 6AD
 Tel: 01622 297 800

MEMBER HIGHWAY
 FUND

THE STREET / WATER LANE
 SHARDEN
 PROPOSED WAITING RESTRICTIONS
 TRIO PLAN

FOR INFORMATION

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