

Explanation of Conditions set out within The Road Traffic Regulation Act 1984 whereby Councils are enabled to implement Traffic Regulation Orders

Councils are enabled to implement Traffic Regulation Orders for the following reasons:

- a) avoiding danger to persons or traffic
- b) preventing damage to the road or to buildings nearby
- c) facilitating the passage of traffic
- d) preventing use by unsuitable traffic
- e) preserving the character of a road especially suitable for walking and horse riding
- f) preserving or improving amenities of the area through which the road runs
- g) for any of the purposes specified in section 87(1)(a) to (c) of the Environment Act 1995 in relation to air quality.

TROs are designed to regulate, restrict or prohibit the use of a road or any part of the width of a road by vehicular traffic or pedestrians. Permanent TROs remain in force until superseded or revoked. TROs must not have the effect of preventing pedestrian access at any time or preventing vehicular access for more than 8 hours in 24 on premises on or adjacent to the road. This restriction does not apply if the Council states in the order that it requires vehicular access to be limited for more than 8 hours in 24.

In deciding whether or not to make a TRO, the Council is required to have regard to the matters set out in section 122 of the 1984 Act. Section 122(1) requires the Council to exercise the functions conferred on it by the 1984 Act as (so far as practicable having regard to the matters specified in section 122(2)) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians), and the provision of suitable and adequate parking facilities on and off the highway.

The matters to which the Council must have regard are:-

- 1) the desirability of securing and maintaining reasonable access to premises
- 2) the effect on the amenities of any locality affected and the importance of regulating and restricting the use of roads by heavy commercial vehicles so as to preserve or improve the amenities of the areas through which the roads run
- 3) the national air quality strategy prepared under section 80 of the Environmental Protection Act 1995

- 4) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles
- 5) and any other matters appearing to the Council to be relevant Therefore whilst the overall objective of the Council must be to secure the expeditious convenient and safe movement of vehicular traffic this will sometimes need to give way to the objectives in section 122(2) and a balance has to be achieved between the overall objective and the matters set out in section 122(2).