



Department
for Transport

From the Minister of State
Michael Ellis MP

Great Minster House
33 Horseferry Road
London
SW1P 4DR

Tel: 0300 330 3000
E-Mail: michael.ellis@dft.gov.uk

Web site: www.gov.uk/dft

Our Ref:

All local highway authorities in England

For the attention of the Chief Executive Officer

13th June 2019

I am writing to encourage you to consider occasionally closing quiet residential streets in order to facilitate children's play.

Introduction

We all know how important children's play is to their physical and social development. A few generations ago, it was common to see children playing unsupervised in the streets of their local area. Today's traffic conditions mean that often this is no longer practicable.

To address this, there is already a specific power in legislation that allows streets to be closed temporarily to through traffic so that they can be used as children's play areas. However, the requirement to advertise these closures can present a considerable financial barrier to local residents wishing to use their streets for children's play.

Some authorities have used other legislative powers to create play streets, but this has given rise to some confusion over which power to use, with different authorities having differing views. The aim of this letter is to clarify the situation and to offer advice on what is, in the Department's opinion, a suitable approach for all.

Existing powers

The specific power to close roads to create play streets is under section 29 of the Road Traffic Regulation Act 1984 (RTRA). Traffic orders under section 29 are permanent orders that allow a road to be closed for play "*either generally or on particular days or during particular hours*". For example, an order might specify that a particular road is a play street every Saturday and Sunday from 1 pm to 3 pm. This does not mean that the road has to be closed at the times specified in the order, only that it may be closed. Where

the organisers choose not to close the road at a specified time, the order becomes redundant and the road operates as usual.

Current legislation requires that section 29 traffic orders are advertised once before, and once after, they are made. These advertising costs represent a one-off expenditure but they can be significant. To avoid the need to incur advertising costs, other powers have been used to close roads for play, namely section 21 of the Town Police Clauses Act 1847 (TPCA) (which does not apply in London), and special event orders made under Section 16A of the RTRA. A key benefit of these two powers is that neither requires closures to be advertised. However, there are concerns about using the TPCA to facilitate children's play.

Special event orders

Although not originally intended for play streets, the Department's view is that section 16A of the RTRA is actually the most appropriate power to use as an alternative to section 29. I understand that traffic orders under section 16A are already used by some authorities to create play streets temporarily, but the requirement to obtain the Secretary of State's consent for repeat special event closures within a calendar year appears to be discouraging them from applying for multiple closures.

However, obtaining consent for repeat play street closures under section 16A is fairly straightforward. Moreover, a single consent application can cover multiple closures in more than one road. **It is therefore possible to use a single application for consent to close several roads repeatedly for children's play over any 12 month period.** For example, a single consent application could cover:

Closing road A every Saturday and Sunday between 14.00 and 16.00

Closing road B every Saturday between 13.00 and 16.00

Closing road C every Sunday ...

Etc ...

The 12 month period is not restricted to individual calendar years – for example, it could run from 15 September 2019 to 14 September 2020.

Of course, it is important to balance the needs of those benefitting from these closures with appropriate vehicular access for residents and their visitors. This is normally achieved by a responsible adult who temporarily stops play and moves a barrier to allow vehicles to pass. For through traffic, it is of course important that suitable alternative routes are available.

General guidance on applying for the Secretary of State's consent to section 16A orders and an application form can be found at:

<https://www.gov.uk/government/publications/section-16-temporary-traffic->

[regulation-orders-for-special-events](#). For advice on submitting a consent application for multiple orders, contact nationalcasework@dft.gov.uk. Should you require other advice, please email gereint.killa@dft.gov.uk.

Play streets offer wonderful opportunities not merely for children, but for families and communities. It is not difficult in law to create them. I hope this letter will encourage you to consider this and other ways to increase the opportunities for children's play in your area.

A handwritten signature in black ink, appearing to read 'Michael Ellis', written in a cursive style.

MICHAEL ELLIS

MINISTER OF STATE FOR TRANSPORT