

**9. PEAK DISTRICT NATIONAL PARK AUTHORITY CAR PARK BYELAWS 2024**

**1. Purpose of the report**

2. The purpose of the report is to seek approval to make the proposed car park byelaws 2024 and to implement and enforce them.

**3. Key Issues**

- There have been significant delays in progressing the Traffic Regulation Order (TRO) with Derbyshire County Council (DCC), and it is no longer thought that it is feasible to use TROs
- The 2021 proposed byelaws were initially approved in principle by DEFRA. Following consultation and submission to DEFRA for confirmation, the Secretary of State did not confirm the byelaws, raising a concern about including RPI increases in the byelaws.
- Further research into other National Park Authority Car Park Byelaws has revealed that other NPA's do not detail the tariff or fine levels within the byelaws, and therefore do not consult DEFRA on the tariff or fine changes.

**4. Recommendations**

1. To note the revised process being undertaken to increase car park fees and charges, previously agreed by the Authority at the Programmes and Resources meeting on 30 April 2021 and Authority meeting on 3 February 2023, as set out in this report.
2. To delegate authority to the Authority Solicitor to make the proposed amended byelaws, relating to all of the Authority's car parks as detailed in the draft byelaws in Appendix 1, and thereafter to take all necessary steps to finalise the byelaw-making process, by advertising, consulting upon and applying to the Secretary of State for confirmation.
3. To delegate authority to the Authority Solicitor to make any necessary amendments to the draft byelaws following the consultation process.
4. To delegate authority to the Head of Assets and Enterprise and the Authority Solicitor to implement and enforce the byelaws in their entirety once confirmed and in effect.

**How does this contribute to our policies and legal obligations?**

5. The provision of car parking within the National Park for visitors supports the PDNPA in providing a sustainable, welcoming and inspiring place for all. The majority of the car parks are associated with facilities and land that the Authority manages for visitors to use free of charge. This includes the multi-user trails, North Lees Estate and public toilets. Car parks provide a sustainable source of income to offset the management costs of the Authority's assets and an important contribution to achieving income targets.

The car park infrastructure provided by the Authority and others helps to manage traffic flow within the park, reducing the incidence of verge-parking and resultant damage to roadside flora.

The Authority has the power to make byelaws as to the conditions of use and charging for the use of parking places provided by it, pursuant to section 90 National Parks and

Access to the Countryside Act 1949.

### Background Information

6. On 3<sup>rd</sup> February 2023 the Authority approved:
- **That the processes to implement the proposed increase in charges and the introduction of charging to the additional proposed car parks as approved are continued, by requesting DEFRA to confirm the amended byelaws and requesting DCC to make the TRO (subject to its own approval processes).**

### Proposals

7. The proposals are to make, implement and enforce the revised car park byelaws 2024 shown in Appendix 1 in respect of all the Authority's car parks.

It has not proved feasible to pursue the TRO with DCC, an alternative approach has therefore been developed for car park byelaws and enforcement.

The byelaws have been reworked, and are more in line with other National Park Authority car park byelaws. The byelaws do not specify the tariff charges, but now provide that terms and conditions for the time being in force and displayed at the car park must be complied with when parking in the car park. This means they do not need to be changed every time the tariff changes. This will make tariff changes more efficient and enable the Authority to implement as per the Programmes and Resources approval on 30<sup>th</sup> April 2021:

- **To approve the proposed mechanism to regularly increase charges as set out in paragraph 5.2 of the report**  
**The proposed mechanism was that the pay and display tariff would be linked to the annual increases in the Retail Price Index (RPI), and that the tariff should be increased on 1<sup>st</sup> April every three years, starting in 2024.**

The draft byelaws have been approved in principle by Defra. Following approval by the Authority, the byelaws will be made, advertised and consulted on, before being submitted to Defra for confirmation. It is hoped that, given that Defra have accepted similar byelaws for other National Park Authorities, the Secretary of State will confirm these proposed byelaws.

An improved process for enforcement of the car park byelaws has also been developed that will be managed by the Authority, and cover all the Authority car parks identified within the byelaws.

The Authority will remain a member of the Derbyshire Parking Partnership, managed by DCC, although no longer operating the TRO that currently covers some Authority car parks.

### **Are there any corporate implications members should be concerned about?**

#### **Financial:**

8. The Authority's Budget for 2024/25, and the previous budgets following the approval in 2021, are expect that the increased tariffs are already in place. The delay in getting the TRO and byelaws implemented within a reasonable timescale (following approval in April 2021) has meant the Authority has not received the majority of the additional income forecast from car parks. A small amount has begun to be generated with the newly chargeable machines installed in November 2023, although not with an

increased tariff.

The proposed byelaws remove the need for future changes for increases in charges, as the car park tariff and fine levels are not detailed within the byelaws. This means that the Authority can make regular changes to these levels, in line with the approval on 30<sup>th</sup> April 2021.

**Risk Management:**

9. This approach removes the risks of dealing with third parties in the management of the car parks, and the tariff levels, and therefore would remove the external time delays, that have been experienced in trying to get the previous 2021 proposed byelaws made, and the TRO amended.

There are some risks associated with running a new robust inhouse enforcement process, however this mitigated by remaining part of the Derbyshire Parking Partnership, and liaising with other National Park Authority's for best practice.

**Sustainability:**

10. None

**Equality, Diversity and Inclusion:**

11. None

**12. Climate Change**

1. How does this decision contribute to the Authority's role in climate change set out in the UK Government Vision and Circular for National Parks?
  - a) Educators in climate change  
Car parks establish access to the National Park and therefore engages visitors in issues around climate change.
  - b) Exemplars of sustainability  
n/a
  - c) Protecting the National Park  
Car parks provide sustainable formal controlled parking areas for vehicles to use.
  - d) Leading the way in sustainable land management  
The income from car parks contributes to the sustainable management of our estates and the Trails.
  - f) Exemplars in renewable energy  
Most pay and display machines are solar powered.  
EV charging points in some of our car parks
  - g) Working with communities  
n/a
2. How does this decision contribute to the Authority meeting its carbon net zero target?  
n/a
3. How does this decision contribute to the National Park meeting carbon net zero by 2050?  
n/a
4. Are there any other Climate Change related issues that are relevant to this decision that

should be brought to the attention of Members?

n/a

**13. Background papers (not previously published)**

None

**14. Appendices**

Appendix 1 - Revised Car Park Byelaws 2024

**Report Author, Job Title and Publication Date**

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