

PROCESS FOR TRAFFIC REGULATION ORDERS

The process for making permanent Traffic Regulation Orders (TROs) including amendments to proposed orders is explained below.

Policies and legal obligations

The work contributes to:

(i) Corporate Strategy 2016-19

Visitor experiences directional shift with the relevant focus to 'look after the whole Park as a public asset in a way that encourages access and responsible behaviour'. The relevant key activities are:

- Manage the rights of way network and access land to encourage enjoyment of the National Park
- Encourage respect and understanding of the special qualities of the national Park by visitors through positive engagement.

Connecting people directional shift with the relevant focus to 'improve access to the National Park for less represented audiences, in particular people living with health inequality'. The relevant key activity is:

- Deliver a range of funded service interventions to people living with health inequalities.

(ii) National Park Management Plan – Partnership for Progress 2012-17

WI4 under the welcoming and inspiring theme is the relevant outcome: Accessible and diverse recreation opportunities will be available for all, encouraging healthy living, enjoyment of the landscape and a sense of adventure.

The relevant delivery aims are:

- Improve recreation opportunities for all, which encourage a sense of adventure, promote health and well being and are sustainable and appropriate to the National Park landscape
- Have an integrated, well managed and inclusive rights of way and access network, which encourages responsible enjoyment by all
- Work together to minimise damage and disturbance on unsealed routes

(iii) Strategy for the Management of Recreational Motorised Vehicles in their Use of Unsealed Highways and Off-road, and Procedure for Making Traffic Regulation Orders (TROs).

Background

On 1 October 2007, under the terms of Section 72 of The Natural Environment & Rural Communities Act 2006, National Park Authorities (NPAs) were given powers to make Traffic Regulation Orders (TROs). The accompanying guidance for National Park Authorities states that the powers are "part of a package of measures to control excessive or inappropriate use of mechanically propelled vehicles away from the ordinary roads network".

A revised strategy and procedure for the management of recreational vehicular use and for making TROs was adopted in February 2012 (Minute 6/12) and a report on the process for traffic regulation orders was provided in July 2012 (Minute 38/12).

In May 2017, actions for 2016/17 in the key areas of work required to deliver the strategy were approved (Minute 18/17). This includes a consultation on vehicle regulation at one route and concluding the process at another.

Process

The process of making a traffic regulation order (TRO) involves at least two stages of consultation, reporting and decision-making. A flow chart from Defra's Guidance for National Park Authorities, 2007 is provided in Appendix 1 to illustrate these stages. There is also an additional stage where an amendment to the published proposed order is considered and which may result in further notification and comment.

Consultation before Publication of Proposal

Before publishing proposals to make a TRO, consultations are undertaken under Regulation 4 of the National Park Authorities' Traffic Orders (Procedure)(England) Regulations 2007 with the public and representative bodies identified in Schedule 1 of the Regulations and other known interest groups identified by the Authority. These consultees are listed on the website (with contact details provided where possible) to allow for interested individuals to contact their representative organisations with any views they may have. There may also be other organisations which will be consulted on specific routes because of their particular interest. This stage of the process does not provide for individual comments to be made and landowners are not part of this formal consultation.

The Authority aims to provide a 28 day consultation period. Typically the consultation letter sets out the reasons for considering a TRO and the options available. It asks whether vehicular use of the route should or should not be restricted and the nature, extent and duration of any restriction or any alternative means of management.

The responses are reported to the Audit Resources and Performance Committee (ARP). The Committee considers the representations received, the grounds for making a TRO, the form that such a TRO could take and has regard to its duty under section 122 of the Road Traffic Regulation Act 1984. A site inspection is held prior to the meeting.

Publication of Proposal

If there is a formal decision to pursue a TRO option, work will begin on preparing a statement of reasons and drafting the order. In accordance with Regulation 5 of the 2007 Regulations, notices will be published in the local press, at the National Park Office, on site and at www.peakdistrict.gov.uk/troconsultations and served on consultees and landowners. Usually a six week public consultation period is provided by the Authority. Comments must be made in accordance with the requirements of Regulation 7 of the 2007 Regulations and state the grounds on which they are made.

The responses to the proposal are reported to the Committee to consider whether to proceed to make a TRO on the basis proposed, to make amendments to the proposed order, to defer making a decision on any or all of the provisions, or to seek an alternative management option. There is also the option to hold a public inquiry.

If there is a formal decision to proceed to make an order, this will be prepared and published and notice will be formally served on all consultees and objectors within 14 days of making an order with all others receiving notification of the decision. A copy of the notice of making, the order, and the decision notice are available at www.peakdistrict.gov.uk/tros. Implementation of a TRO will also include signage and barriers where appropriate and in consultation with the Highway Authority.

Amendment of Proposal

Where a substantive amendment to the terms set out in the proposed order is proposed, a period of 21 days will be provided for further comments to be made on the proposed amendment and for their consideration.

Timeframe

There is no target for making TROs. The timescale for the process is anticipated to take 9-12 months but will take longer if a public inquiry is pursued or an amendment is notified.

APPENDIX 1

Procedure for making a Permanent Traffic Regulation Order

