

# PEAK DISTRICT NATIONAL PARK AUTHORITY

## PROCEDURE FOR MAKING TRAFFIC REGULATION ORDERS

### Introduction

This document sets out the procedure which the Peak District National Park Authority will use to make a Traffic Regulation Order (TRO) under the Road Traffic Regulation Act 1984 Sections 22BB and 22BC, and The National Park Authorities' Traffic Orders (procedure) (England) Regulations 2007. It should be read in conjunction with:

- The Peak District National Park Authority's Strategy for the Management of Recreational Motorised Vehicles in their Use of Un-surfaced Highways and Off-road, which sets out our vision and the principles we will adopt for this area of work and will guide any decisions in respect of when Traffic Regulation Orders will be made, and;
- The Department for Food and Rural Affairs' 'Guidance for National Park Authorities making Traffic Regulation Orders' (2007).

This document outlines the procedure of making an Order when it has been identified as a possible management option.

### Grounds for making a TRO

Traffic Regulation Orders can restrict all or certain specified types of users. They can restrict use to certain times or certain seasons or even ban use altogether in areas where there is a serious problem. This includes the making of Orders for preventing problems from happening, not just where damage has already occurred, provided the order making authority can demonstrate a reasonable risk that the situation it was intended to prevent would arise.

A National Park Authority has the power to make a TRO for any relevant road or part of a road where it appears to the Authority making the order expedient to make it:

1. For avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or
2. For preventing damage to the road or to any building on or near the road, or
3. For facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or
4. For preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or
5. (without prejudice to the generality of paragraph 4 above) For preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, or
6. For preserving or improving the amenities of the area through which the road runs, or
7. For any of the purposes specified in paragraphs (a) to (c) of sub-section (1) of section 87 of the Environment Act 1995 (air quality), or
8. For the purpose of conserving or enhancing the natural beauty of the area, or of affording better opportunities for the public to enjoy the amenities of the area, or recreation or the study of nature in the area. This includes conserving its flora, fauna and geological and physiographical features.

A "relevant road" is any road which is within the National Park which is shown on a definitive map and statement as a byway open to all traffic (BOAT), a restricted byway, a bridleway or a footpath, or a carriageway whose surface, or most of whose surface, does not consist of concrete, tarmacadam, coated roadstone or other prescribed material.

## **Types of TRO**

There are three types of TRO which a National Park Authority can make:

- *A permanent TRO*;- an order without limit on its duration
- *A temporary TRO*;- an order for up to 6 months for a footpath, bridleway, restricted byway, cycle track or BOAT and up to 18 months for any other carriageway
- *An experimental TRO*;- an experimental scheme of traffic control which can be made on any ground for which a permanent order may be made, but can only be made for up to 18 months (although there are provisions for extending an experimental traffic order or for converting it into a permanent TRO).

The grounds on which a National Park Authority can make a *temporary TRO* are set out in the Defra Guidance (2007), Section 3 and include, for example, orders to facilitate the carrying out of works on or near to the road, or because there is likelihood of danger to the public or of serious damage to the road.

For an *experimental TRO*, the Authority must be able to demonstrate that there is a genuine experiment and a plan to measure the effectiveness of any such Order.

There is considerable flexibility in the nature of the restrictions which can be imposed by a TRO. These include:

- all vehicles
- all mechanically propelled vehicles
- all mechanically propelled vehicles except motorbikes
- width limit
- weight limit
- height limit
- length limit
- horse riders
- carriage drivers
- pedal cyclists
- pedestrians
- seasonal restrictions
- days of the week/weekend
- hours of the day
- one way restrictions

## **Procedural considerations which will be made**

Each route where the Authority believes there is a problem to be addressed will be treated individually on a case by case basis.

In line with our Strategy and Defra Guidance, we will explore alternative measures before making any Order. However, in circumstances where a TRO appears from an early stage to be the only effective means of dealing with a threat to the special characteristics of the National Park, the exploration of alternatives will not be pursued to such a degree that unacceptable damage takes place.

Any consultation on a proposed Order would be genuine, without an unduly fixed mind, in accordance with the regulations. In all cases consultees would include the Police, local councils, including the Parish Councils, the relevant Highways Authority, the Local Access Forum, Friends of the Peak District, the Council for National Parks, Natural England where the order relates to a road which is within or partly within a Site of Special Scientific Interest, and any statutory consultees or known interest

groups. For the avoidance of doubt, the consultation letter will make it clear that the consultation is being carried out in accordance with the Regulations.

Where the Authority is contemplating making a TRO, the following issues will be taken into account:

- The desired outcome of any Order
- Can this objective be achieved in any other viable way?
- The amenity or conservation value of the route in respect of our statutory purposes and the special qualities of the National Park.
- The enforcement implications of any proposed Order.
- What are the private access needs and how can they be protected?
- The expeditious, convenient and safe movement of vehicular and other traffic including pedestrians.
- Can appropriate public rights be maintained?
- What conservation or heritage issues are there?
- Will the character of the route be affected by continued use?
- Will the character of the route be adversely affected by the TRO and associated furniture?
- Are there concerns as to the displacement or knock-on effects of the closure of a route?
- Are the necessary resources available?

NPAs are required to install and maintain sufficient traffic signs to bring the TRO to the attention of users. Dispensation can be sought from the Secretary of State for the Environment, for a non-standard sign where standard signs are thought to be too intrusive in a sensitive landscape.

### **Process flowcharts for making TROs**

Attached to this procedural document are three process flowcharts for making each of the three different types of TRO.

### **Authority to make a TRO**

The Authority has delegated to the Director of Operations the authority to make experimental, temporary or permanent TROs together with the Head of Law in accordance with its Strategy and this Procedure. In cases of unresolved objections to a proposed TRO, a report will be made to the Audit, Resources and Performance Committee (or the Authority). As part of the preparation of any report or decision in respect of any TRO, the Director of Operations will consult with the Local Access Forum.