
STATUTORY INSTRUMENTS

2007 No. 2542

COUNTRYSIDE, ENGLAND

The National Park Authorities' Traffic Orders
(Procedure) (England) Regulations 2007

Made - - - - - *27th August 2007*
Laid before Parliament *5th September 2007*
Coming into force - - - *1st October 2007*

The Secretary of State has consulted with representative organisations in accordance with section 134(2) of the Road Traffic Regulation Act 1984⁽¹⁾.

He makes the following Regulations in exercise of the powers conferred on him by sections 16(2) and (2A) and 124(1) of that Act, and paragraphs 21, 22 and 25 of Schedule 9 to that Act⁽²⁾, as those provisions are applied by section 22BB(3) of that Act:

PART 1

Preliminary

Citation, commencement and application

1.—(1) These Regulations may be cited as the National Park Authorities' Traffic Orders (Procedure) (England) Regulations 2007 and come into force on 1st October 2007.

(2) These Regulations apply in relation to—

- (a) traffic regulation orders,
- (b) experimental traffic orders, and
- (c) temporary orders,

made or proposed to be made by a National Park authority in England in relation to a road of a kind referred to in section 22BB(1) of the 1984 Act.

⁽¹⁾ 1984 c.27.

⁽²⁾ Subsections (2) and (2A) of section 16 were substituted by section 1(2) of the Road Traffic (Temporary Restrictions) Act 1991 (c.26), and paragraphs 21 and 25 of Schedule 9 were amended by section 168(1) of and Schedule 8 to the New Roads and Street Works Act 1991 (c.22). By virtue of section 22BB(3) of the 1984 Act, as inserted by section 72 of the National Environment and Rural Communities Act 2006 (c.16), provisions of the 1984 Act have effect in relation to an order by a National Park authority under subsection (2)(a), (b) or (c) of 22BB as they have effect in relation to an order by a local traffic authority under section 1, 9 or 14(1).

Interpretation

2. In these Regulations—

- “the 1984 Act” means the Road Traffic Regulation Act 1984;
- “Crown road” and “appropriate Crown authority” have the meanings given by section 131(7) of the 1984 Act;
- “experimental traffic order” means an order under section 22BB(2)(b) of the 1984 Act;
- “highway authority” has the same meaning as in the Highways Act 1980(3);
- “local access forum” means a forum established under section 94 of the Countryside and Rights of Way Act 2000(4);
- “National Park authority” means an authority established under section 63 of the Environment Act 1995(5);
- “notice of proposals” means a notice referred to in regulation 5(1);
- “SSSI” means a site of special scientific interest notified under section 28 of the Wildlife and Countryside Act 1981(6);
- “temporary order” means an order under section 22BB(2)(c) of the 1984 Act; and
- “traffic regulation order” means an order under section 22BB(2)(a) of the 1984 Act.

PART 2

Traffic Regulation Orders

Scope of this Part

3. This Part applies in relation to traffic regulation orders.

Consultation before publication of proposals

4. Where a National Park authority proposes to make a traffic regulation order it must, before publishing a notice of proposals pursuant to regulation 5(1)(a), consult the persons specified in the second column of the table in Schedule 1 in the cases specified in the third column of that table.

Publication of proposals

5.—(1) A National Park authority must, not less than one month before it proposes to make a traffic regulation order—

- (a) publish a notice—
 - (i) in a newspaper circulating in the area in which the road to which the order relates is situated; and
 - (ii) on its website; and
- (b) take such other steps (if any) as it considers appropriate for ensuring that adequate publicity about the order is given to persons likely to be affected by its provisions, which may include—

(3) 1980 c.66.

(4) 2000 c.37.

(5) 1995 c.25.

(6) 1981 c.69. Section 28 was substituted by the Countryside and Rights of Way Act 2000 (c.37), section 75(1) and Schedule 9, and amended by the Natural Environment and Rural Communities Act 2006 (c.16), section 105(1) and Schedule 11.

- (i) displaying a notice in roads or other places affected by the order; or
- (ii) delivering a notice to premises occupied by persons appearing to the authority to be likely to be affected by any provision in the order.

(2) Not later than the date on which the National Park authority complies with paragraph (1), it must send a copy of the notice of proposals to each person consulted under regulation 4.

(3) A notice of proposals published, displayed or delivered pursuant to paragraph (1) must contain the details specified in Part 1 of Schedule 2.

Inspection of documents

6.—(1) The National Park authority must make the documents specified in paragraph (2) available for public inspection—

- (a) at the principal offices of the National Park authority during normal office hours, and
- (b) at such other places within the National Park, if any, as the National Park authority may think fit, during such hours as it may determine for each place,

from the date on which the notice of proposals is published until six weeks after the date on which the order is made or, as the case may be, the National Park authority decides not to make the order.

(2) The documents to be made available for inspection are—

- (a) a copy of the notice of proposals;
- (b) a copy of the order as proposed to be made;
- (c) a map which clearly shows the location of the roads affected by the proposed order and, if appropriate, the alternative routes available for diverted traffic;
- (d) a statement setting out the reasons why the authority proposes to make the order; and
- (e) if the proposed order revokes or amends another traffic regulation order, a copy of that other order.

Representations

7.—(1) Any person may make representations to the National Park authority about the making of a proposed order by the later of—

- (a) the date specified in the notice of proposals; or
- (b) 21 days after the date on which documents are made available for inspection in accordance with regulation 6.

(2) Representations under paragraph (1) must—

- (a) be made in writing;
- (b) state the grounds on which they are made; and
- (c) be sent to the address specified in the notice of proposals.

Holding a public inquiry

8.—(1) The National Park authority may cause a public inquiry to be held before making an order.

(2) If the National Park authority causes a public inquiry to be held, it must appoint an inspector to hold it.

(3) Following an inquiry the inspector must provide a report and a recommendation to the National Park authority.

Notice of public inquiry

9.—(1) If the National Park authority decides, before publishing a notice of proposals, that a public inquiry is to be held in connection with a proposed order, it must include in that notice, in addition to the details specified in Part 1 of Schedule 2—

- (a) a statement that a public inquiry is to be held; and
- (b) the date, time and place of the inquiry and the name of the inspector.

(2) An inquiry to which paragraph (1) applies must begin not less than 42 days after the publication of the notice of proposals.

(3) In any other case where a public inquiry is to be held in connection with a proposed order, the National Park authority must—

- (a) publish a notice containing the details specified in Part 2 of Schedule 2—
 - (i) in a newspaper circulating in the area in which the road to which the order relates is situated; and
 - (ii) on its website;
- (b) send such a notice to each person who has made representations under regulation 7;
- (c) display such a notice in each road affected by the order; and
- (d) deliver such a notice to any premises occupied by persons appearing to the authority to be likely to be affected by any provision in the order.

(4) An inquiry to which paragraph (3) applies must begin not less than 21 days after—

- (a) the expiry of the period for making representations in accordance with regulation 7; or
- (b) if later, the date on which paragraph (3) is complied with.

Procedure at a public inquiry

10.—(1) Subject to paragraphs (2) to (4), the procedure at a public inquiry shall be determined by the inspector.

(2) Any person interested in the subject-matter of a public inquiry may appear at the inquiry in person or by a representative.

(3) Any person so interested may, whether or not he proposes to appear at the inquiry, send written representations for the consideration of the inspector to the address given in the notice of the inquiry.

(4) The inspector may refuse to hear any person, or to consider written representations from any person, if he considers that the views of that person are irrelevant or have already been adequately stated at the inquiry.

Making the order

11.—(1) Before deciding whether to make an order, the National Park authority must consider—

- (a) all representations made by persons consulted under regulation 4, or made by other persons in accordance with regulation 7; and
- (b) if a public inquiry is held, the inspector's report and recommendation.

(2) An order must not be made—

- (a) before the expiry of the period for making representations about the proposed order under regulation 7; or
- (b) more than two years after the notice of proposals relating to the order was published.

(3) An order—

- (a) must specify the date on which it comes into force; and
- (b) must not come into force before the National Park authority publishes a notice in accordance with regulation 14(1)(a).

Orders containing modifications to the proposed order

12.—(1) Subject to paragraph (2), a National Park authority may, whether in consequence of any representations or otherwise, make an order in different terms to the proposed order which it made available for inspection under regulation 6(1).

(2) Before making an order in terms which appear to the National Park authority to be substantially different from the terms of the proposed order, the National Park authority must take such steps as appear to it appropriate for—

- (a) informing persons likely to be affected by the modifications, and
- (b) giving those persons an opportunity of making written representations,

and must duly consider any such representations.

Orders implementing the proposed order in part

13.—(1) A National Park authority may make an order giving effect to some of the provisions contained in a proposed order whilst deferring a decision on the remainder.

(2) Where a National Park authority has made an order as described in paragraph (1), it may subsequently deal with the remaining provisions in any one or more of the following ways—

- (a) by abandoning them;
- (b) by continuing to defer a decision on them; or
- (c) by making an order or orders giving effect to them in whole or in part.

(3) Where, pursuant to paragraph (2) or this paragraph, an authority has continued to defer a decision on any provisions, it may subsequently deal with those provisions in any way permitted by paragraph (2).

(4) Where an authority makes an order giving effect to some of the provisions contained in the originally proposed order, the notice published under regulation 14(1)(a) and any notice given under regulation 14(1)(b) must—

- (a) indicate the provisions (if any) in the originally proposed order which have been abandoned or in relation to which a decision has been deferred; and
- (b) state the title and date of any order which has been previously made to give effect to other provisions in the originally proposed order.

Action after making

14.—(1) The National Park authority must, within 14 days after making an order—

- (a) publish a notice containing the details specified in Part 3 of Schedule 2—
 - (i) in a newspaper circulating in the area in which the road to which the order relates is situated; and
 - (ii) on its website; and
- (b) give notice in writing that the order has been made to any person who made representations under regulation 7.

(2) Where—

- (a) any person made representations under regulation 7 objecting to the making of the proposed order, and
- (b) the National Park authority did not accede to those objections,

the National Park authority must give its reasons for not so acceding in the notice given to that person under paragraph (1)(b).

(3) The National Park authority must take such other steps (which may include steps corresponding to those mentioned in regulation 5(1)(b)) as it considers appropriate for the purpose of ensuring that adequate publicity is given to the making of the order.

(4) The National Park authority must, as soon as practicable after making the order, add to the documents made available for inspection pursuant to regulation 6—

- (a) a copy of the order; and
- (b) if the order has been made after the holding of a public inquiry, a copy of the report and recommendation of the inspector.

(5) The National Park authority must, as soon as practicable after publishing a notice in accordance with paragraph (1)(a), add a copy of that notice to the documents made available for inspection pursuant to regulation 6.

Traffic signs

15.—(1) Where a National Park authority has made an order relating to any road, the authority must take such steps as are necessary to secure—

- (a) before the order comes into force, the placing on or near the road of such traffic signs in such positions as the National Park authority may consider necessary for securing that adequate information as to the effect of the order is made available to persons using the road;
- (b) the maintenance of such signs for so long as the order remains in force; and
- (c) in a case where the order revokes or amends another traffic regulation order, the removal or replacement of such existing traffic signs as the authority considers requisite in consequence of that revocation or amendment.

(2) The National Park authority must consult the appropriate Crown authority before carrying out the requirements of sub-paragraphs (a) and (c) of paragraph (1) in relation to a Crown road.

Orders continuing the effect of experimental traffic orders

16.—(1) This regulation applies in relation to a proposed traffic regulation order (a “continuation order”), the sole effect of which is to reproduce and continue in force indefinitely the provisions of any experimental traffic order that is in force.

(2) Paragraphs (3) to (5) apply if, in relation to that experimental traffic order—

- (a) documents have been made available for inspection in accordance with—
 - (i) regulation 18(2) and (3);
 - (ii) regulation 14(4) and (5); and
 - (iii) if applicable, regulation 18(8);
- (b) notices have been published and given in accordance with regulation 14(1); and
- (c) no amendment of the order has been made more than 12 months after the date on which the order was originally made.

(3) Regulations 4, 5, 7, 9(1), (2) and (4), 11(1)(a) and (2) and 14(1)(b) and (2) do not apply in relation to the continuation order.

(4) Regulation 9(3) applies in relation to the continuation order subject to the modification that, in sub-paragraph (b), the references to each person who has made representations in accordance with regulation 7 is to be treated as a reference to each person who was consulted about the experimental traffic order under regulation 18(1) and made representations.

(5) Any public inquiry in relation to the continuation order must begin not less than 21 days after the date on which regulation 9(3) is complied with.

(6) For the purposes of paragraph (1), it is immaterial whether the experimental traffic order has been modified or suspended under section 10(2) of the 1984 Act⁽⁷⁾.

PART 3

Experimental Traffic Orders

Scope of this Part

17. This Part applies in relation to experimental traffic orders.

Experimental traffic orders

18.—(1) Where a National Park authority proposes to make an experimental traffic order it must, not less than one month before it proposes to make the order, consult the persons specified in the second column of the table in Schedule 1 in the cases specified in third column of that table.

(2) The National Park authority must make the documents specified in paragraph (3) available for public inspection—

- (a) at the principal offices of the National Park authority during normal office hours, and
- (b) at such other places within the National Park, if any, as the National Park authority may think fit, during such hours as it may determine for each place,

from the date on which the National Park authority begins consultation under paragraph (1) until the last day of the experimental scheme of traffic control (if the National Park authority makes the order) or until six weeks after the National Park authority decides not to make the order.

(3) The documents to be made available for inspection are—

- (a) a copy of the order as proposed to be made;
- (b) a map which clearly shows the location of the roads affected by the proposed order and, if appropriate, the alternative routes available for diverted traffic;
- (c) a statement setting out the reasons why the authority proposes to make the order, including its reasons for proceeding by way of experiment;
- (d) a statement as to whether the authority intends to consider making a traffic regulation order having the same effect as the experimental traffic order; and
- (e) if the proposed order revokes or amends another experimental traffic order, a copy of that other order.

(4) Before deciding whether to make an experimental traffic order, the National Park authority must take account of any representations received from persons consulted under paragraph (1).

(5) Regulation 14 (notice of making) applies in relation to an experimental traffic order, with the modifications that—

(7) Section 10(2) of the 1984 Act was substituted by section 168(1) of and Schedule 8 to the New Roads and Street Works Act 1991 (c.22). It has effect in relation to an experimental traffic order made by a National Park authority by virtue of section 22BB(3) of the 1984 Act, as inserted by section 72 of the Natural Environment and Rural Communities Act 2006 (c.16).

- (a) in paragraphs (1)(b) and (2), the references to any person who made representations under regulation 7 are to be treated as references to any person consulted under regulation 18(1) who made representations; and
 - (b) in paragraphs (4) and (5), the references to regulation 6 are to be treated as references to regulation 18(2) and (3).
- (6) No provision of an experimental traffic order shall come into force until the expiry of seven days after a notice under regulation 14(1)(a) is published in relation to the order.
- (7) Regulation 15 (traffic signs) applies in relation to an experimental traffic order.
- (8) Where an experimental traffic order is modified in accordance with section 10(2) of the 1984 Act, a statement of the effect of each such modification must, as soon as practicable after the modification is made, be included with the documents available for inspection in accordance with regulation 6.

PART 4

Temporary Orders

Scope of this Part

19. This Part applies in relation to temporary orders.

Consultation

20. A National Park authority must, before making a temporary order in relation to a road, consult —

- (a) any authority which is the highway authority for the road;
- (b) the parish or town council (if any) for the area in which the road is situated;
- (c) any local access forum for the area in which the road is situated;
- (d) Natural England, if the road is within or partly within an SSSI; and
- (e) such other organisations (if any) representing persons likely to be affected by any provision in the order as the National Park authority thinks it appropriate to consult.

Notice of making temporary order

- 21.—(1) Not less than 7 days before making a temporary order the National Park authority must publish notice of its intention to make the order—

- (a) in a newspaper circulating in the area in which the road to which the order relates is situated; and
 - (b) on its website.
- (2) The notice must state—
- (a) the details specified in paragraphs 1 to 4 of Part 1 of Schedule 2;
 - (b) the reason or purpose for making the order;
 - (c) where applicable, the alternative routes available for diverted traffic;
 - (d) the date on which the National Park authority proposes to bring the order into force; and
 - (e) the duration of the order.

(3) The National Park authority must, on or before the day on which the order is made, give notice of the order to the chief officer of police for the area in which the road to which the order relates is situated.

(4) Within 14 days of making an order, the National Park authority must publish a notice—

- (a) in a newspaper circulating in the area in which the road to which the order relates is situated; and
- (b) on its website.

(5) The notice under paragraph (4) must state—

- (a) the details specified in paragraphs 1 to 4 of Part 3 of Schedule 2;
- (b) the date on which the order came into force; and
- (c) the matters set out in paragraph (2)(b), (c) and (e).

(6) No provision of a temporary order may come into force before the date on which the National Park authority publishes a notice in accordance with paragraphs (4) and (5).

Notices to be displayed on road

22.—(1) This regulation applies where a National Park authority has made a temporary order.

(2) The authority must, before the order comes into force, display a notice stating the effect of the order in a prominent position at each end of the length of road to which the order relates.

(3) If the effect of the order is to require vehicles or persons, or any class of vehicles or persons, to divert from the road—

- (a) the authority must also display such a notice at all the points at which such diversion is required; and
- (b) the notice must also state, or include a map showing, the alternative routes available.

(4) Each such notice must be displayed throughout the period during which the order is in force.

(5) The National Park authority must take all reasonable steps during that period to ensure that the notices remain displayed and in a legible condition, or are promptly replaced as often as necessary.

Continuation of order by direction of the Secretary of State

23.—(1) This regulation has effect where the Secretary of State gives a direction under section 15(3) or (5) of the 1984 Act⁽⁸⁾ in relation to a temporary order.

(2) The National Park authority must, within 14 days after receiving the direction, publish notice of the direction—

- (a) in a newspaper circulating in the area in which the road to which the order relates is situated; and
- (b) on its website.

(3) The notice must state—

- (a) the reason or purpose for the making of the order;
- (b) where applicable, the alternative routes available for diverted traffic; and
- (c) the date on which the order would expire if no further direction were to be given under section 15(3) or (5) of the 1984 Act and the order were neither revoked or amended.

⁽⁸⁾ Paragraphs (3) and (5) of section 15 of the 1984 Act have effect in relation to a temporary order made by a National Park authority by virtue of section 22BB(3) of the 1984 Act, as inserted by section 72 of the Natural Environment and Rural Communities Act 2006 (c.16).

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(4) In the case of a direction given under section 15(3) of the 1984 Act, the National Park authority must, within 7 days after receiving the direction, give notice of the direction to the chief officer of police for the area in which any road to which the order relates is situated.

Phil Woolas
Minister of State
Department for Environment, Food and Rural
Affairs

27th August 2007

SCHEDULE 1

Regulations 4 and 18

Persons to be consulted before publishing a notice of proposals in relation to a traffic regulation order, or before making an experimental traffic order

	<i>Person</i>	<i>Cases in which consultation is required</i>
1	The highway authority for the area in which the road is situated.	In all cases
2	The appropriate Crown authority	Where the proposed order relates to or appears to the National Park authority to be likely to affect traffic on a Crown road.
3	The fire and rescue authority for the area in which the road is situated.	Where it appears to the National Park authority that the order is likely to affect the passage on any road of fire-fighting vehicles.
4	The NHS trust or NHS foundation trust providing an emergency ambulance service for the area in which the road is situated.	Where it appears to the National Park authority that the order is likely to affect the passage on any road of ambulances.
5	The chief officer of police for the area in which the road is situated.	In all cases
6	The parish or town council for the area in which the road is situated.	In all cases
7	Any local access forum for the area in which the road is situated.	In all cases
8	Auto Cycle Union	In all cases
9	British Driving Society	In all cases
10	British Horse Society	In all cases
11	Byways and Bridleways Trust	In all cases
12	Open Spaces Society	In all cases
13	Ramblers' Association	In all cases
14	Cyclists' Touring club	In all cases
15	Land Access and Recreation Association	In all cases
16	Natural England	Where the order relates to a road which is within or partly within an SSSI.
17	Campaign to Protect Rural England	In all cases
18	National Farmers Union	In all cases
19	Country Land and Business Association	In all cases

In the above table—

“fire and rescue authority” means a fire and rescue authority under the Fire and Rescue Services Act 2004(9);

“NHS trust” and “NHS foundation trust” have the same meanings as in the National Health Service Act 2006(10); and

“the road” means the road to which the proposed order relates.

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	<i>Person</i>	<i>Cases in which consultation is required</i>
20	Council for National Parks	In all cases
21	Any other body representing persons whom the National Park authority considers are likely to be affected by any provision in the order.	In all cases which the National Park authority considers appropriate.

In the above table—

“fire and rescue authority” means a fire and rescue authority under the Fire and Rescue Services Act 2004(9);

“NHS trust” and “NHS foundation trust” have the same meanings as in the National Health Service Act 2006(10); and

“the road” means the road to which the proposed order relates.

SCHEDULE 2

Regulations 5, 9, 14 and 21

Details to be included in notices

PART 1

Details to be included in a notice of proposals

1. The name of the National Park authority.
2. The title of the proposed order.
3. A brief statement of the general nature and effect of the order.
4. The name or a brief description of the road to which the order relates and, where appropriate, identification of the length of the road to which the order relates.
5. A statement that documents giving further details of the proposed order are available for inspection and a statement of the places at which they are so available and of the times when they may be inspected at each place.
6. A statement that all representations relating to the order must be made in writing and that all representations objecting to the making of the order must specify the grounds on which they are made.
7. The date by which representations must be made and the address to which they must be sent.

PART 2

Details to be included in a notice of a public inquiry

1. The name of the National Park authority.
2. The title of the proposed order.
3. A brief statement of the general nature and effect of the order.
4. The name or a brief description of the road to which the order relates and, where appropriate, identification of the length of the road to which the order relates.

5. A statement which refers to the notice of proposals for the order and which indicates that a public inquiry will be held in connection with the order.

6. The date, time and place of the inquiry and the name of the inspector.

7. A statement that documents giving further details of the proposed order are available for inspection and a statement of the places at which they are so available and of the times when they may be inspected at each place.

8. The address to which any written representations for consideration by the inspector must be sent.

PART 3

Details to be included in a notice of making

1. The name of the National Park authority.

2. The title of the order.

3. A brief statement of the general nature and effect of the order.

4. The name or a brief description of the road and, where appropriate, identification of the length of the road to which the order relates.

5. A statement that documents giving further details of the order are available for inspection and a statement of the places at which they are so available and of the times when they may be inspected at each place.

6. The date on which the order is to come into force.

7. Where the notice relates to an experimental traffic order, statements—

(a) that the National Park authority will be considering in due course whether to make a further order continuing in force indefinitely the provisions of the experimental traffic order;

(b) that within a period of six months—

(i) beginning with the day on which the order comes into force, or

(ii) if that order is amended by another order or modified pursuant to section 10(2) of the 1984 Act, beginning with the day on which the amendment or modification or the last amendment or modification comes into force,

any person may object to the making of a further order as mentioned in sub-paragraph (a); and

(c) that any such objection must—

(i) be in writing;

(ii) state the grounds on which it is made; and

(iii) be sent to an address specified in the notice for that purpose.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 72 of the Natural Environment and Rural Communities Act 2006 amends the Road Traffic Regulation Act 1984 by inserting sections 22BB and 22BC, which enable National Park authorities to make orders regulating traffic on byways open to all traffic, restricted byways, bridleways, footpaths and certain unsurfaced carriageways. These Regulations specify the procedures which National Park authorities in England must follow in order to make such orders.

Part 2 sets out the procedures involved in making traffic regulation orders, Part 3 sets out the procedures for experimental traffic orders, and Part 4 deals with temporary orders. Regulation 2 includes definitions of “traffic regulation order”, “experimental traffic order” and “temporary order” for the purposes of these Regulations.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available on www.defra.gov.uk and is annexed to the explanatory memorandum which is available alongside the instrument on the OPSI website.