

---

STATUTORY INSTRUMENTS

---

**2007 No. 2542**

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

**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—
  - (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<sup>(1)</sup>.

---

(1) 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).

---

**Status:** *This is the original version (as it was originally made).*

---