



## **THE CUMBRIA COUNTRYSIDE ACCESS PARTNERSHIP BOARD**

*{the partnership between Cumbria County Council and the Cumbria Local Access Forum}*

### **Consultation on the power for National Park Authorities to make Traffic Regulation Orders**

**Section 72 of the Natural Environment and Rural Communities Act 2006**

**January 2007**

**This document constitutes formal advice from the Cumbria Local Access Forum.**

**DEFRA is required, in accordance with section 94(5) of the Countryside and Rights of Way Act 2000, to have regard to relevant advice from this forum in carrying out its functions.**

#### Overview

1: This consultation seeks views on the Government's proposed approach to implementing powers to enable National Park Authorities (NPAs) to make traffic regulation orders (TROs). These new powers are set out in Section 72 of the Natural Environment and Rural Communities Act 2006, which will amend the Road Traffic Regulation Act 1984. The powers are part of a package of measures introduced to control excessive or inappropriate use of mechanically propelled vehicles away from the ordinary road network.

NPAs will be able to make TROs within a National Park on roads (or ways) which are shown on a definitive map and statement as Public Footpaths, Public Bridleways, Restricted Byways and Byways Open to All Traffic and other carriageways with a predominantly unsealed surface. The TROs may be of unlimited duration, experimental or temporary.

2: In Cumbria three guiding principles have been adopted:-

*We are in favour of access as far as it is legally provided for and practicably sensible to provide it:*

*We believe that access should be available (within the bounds of reasonableness) to all existing and potential future users; and*

*We believe that access should be exercised in an informed and responsible manner.*

3: These guidelines, which incorporate a principled approach to access, have guided the LAF, the County Council, and the Partnership Board, in all their subsequent work.

*Specific document questions and answers*

**Q1: Do you agree that NPAs should follow broadly similar procedures to those currently followed by LAs in making TROs?**

Yes. In order to ensure clarity and transparency NPAs should follow broadly similar procedures as LAs in making TROs.

**Q2: Do you agree that providing a single new set of regulations targeted at NPAs is the correct way to implement the new powers?**

Yes. As long as the new regulations would reflect those parts of existing relevant regulations.

**Q3: Are there any other surface materials that you consider should be added to the list of prescribed materials?**

No.

**Q4: Do you agree with the inclusion of the organisations listed in Table1? Are there any other organisations that you feel should also be included?**

Yes. We agree with the inclusion of those organisations listed.

However we strongly suggest that Local Access Forums should be included in the consultation process for Temporary TRO cases. Temporary TROs can run for 6 month periods and be renewed on three consecutive occasions – this quickly becomes a substantial timeframe which should therefore be considered by Local Access Forums.

**Q5: Is a requirement to give notice of the proposal in a newspaper appropriate or could it be replaced by a requirement to publish such a notice on the web site of the NPA?**

Yes. Any publishing medium used should consider best value. There is too often an assumption that all members of the public are web literate and have access to the web, this is not always the case so a combination of traditional newspaper and web publishing would cover all eventualities. Perhaps there is scope to have a mini advert (subject to legal provisions) in newspapers with direction to web sites where full TRO details can be obtained.

**Q6: Do you agree that there should be a requirement to place a notice on site publicising an intention to make a Permanent, Experimental or Temporary TRO?**

Yes. Appropriate, clear mapping would also be useful especially if diversionary routes are required.

**Q7: Are there other topics or areas that you believe should be covered in Guidance to National Park Authorities?**

Yes. Arrangements for enforcement appear to be missing and should be included. Will it be the case that the civil enforcers will be the Local Authority even if the TRO has been made by a National Park Authority. Arrangements with Police forces should also be included so that agreed levels of enforcement are readily in place. This might reduce the frequency of TROs being brought into disrepute.

**Q8: Are there any other considerations which you think it is important for the Secretary of State to take into account in deciding how or when to introduce the new rights?**

No.

**Q9: Do you agree that the RIA accurately describes the possible impacts and likely costs and benefits of the proposals contained in this consultation paper?**

Yes.

The Cumbria Countryside Access Partnership hopes that these observations are fully considered during the consultation on the power for National Park Authorities to make Traffic Regulation Orders and would welcome further correspondence should it be required.

Duncan Graham

*Chairman of the Cumbria Countryside Access Partnership Board*

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