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**Agenda Item 12g**

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If calling ask for

Our reference

Your reference

Fiona MacLeod

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Sponsorship, Landscape & Recreation Division,  
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**Re Consultation on the power for National Park Authorities to make Traffic Regulation Orders (Section 72 of the Natural Environment & Rural Communities Act 2006)**

I am writing on behalf of the Countryside Access Forum for West Sussex, (CAFWS) the statutory Local Access Forum established in 1993 by West Sussex County Council, regarding the above consultation.

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 function. Please can you ensure that CAFWS is included on Defra's consultee list for all consultations affecting public access.

Members of the Forum and its Sub Forums are keen to be involved in such consultations from Defra and other bodies. Due to the nature of the consultation, the majority of the comments have been received from the South Downs Access Forum (a sub forum of CAFWS) and endorsed by CAFWS members. The comments are detailed below: -

**1. Do you agree that NPAs should follow broadly similar procedures to those currently followed by LAs in making TROs? (page 8)**

The South Downs Access Forum (SDAF) believed that NPAs should follow similar procedures to those currently used by Local Authorities (LA) in making TRO's. Members of the SDAF felt that the regulations should take care to ensure that the unique and invaluable character of the NPs is conserved.

Horse drawn and motorised traffic should remain as separate items.

**2. Do you agree that providing a single new set of regulations targeted at NPAs is the correct way to implement the new powers? (page 8)**

The SDAF agreed with the conclusions of the Initial Public Sector Regulatory Impact Assessment. If a large number of the regulations that are in place for LAs are not applicable for NPAs, it makes sense to draw up new regulations. Combining LA and NPA regulations could make the document misleading and unnecessarily overcomplicated. This may lead to mistakes being made in implementing TROs or make NPAs reluctant in implementing complicated TROs.

**3. Are there any other surface materials that you consider should be added to the list of prescribed materials? (page 8)**

No.

**4. Do you agree with the inclusion of the organisations listed in Table 1? Are there any other organisations that you feel should also be included? (page 9)**

The SDAF could not understand why LAFs and many other organisations had not been made consultees for temporary TROs. Members felt that with the involvement of the organisations in Table 1, it may be possible to arrange alternatives to TROs, such as refraining from use on a voluntary basis. If temporary TROs were chosen, the groups may be able to suggest what type of temporary closures may be most appropriate so that the excluded user group could still use the route at times that would not compromise the integrity of the surface.

Members of the SDAF were aware that the Trail Riders Fellowship may be made a limited company shortly. If this does happen, the TRF should be also be made a statutory consultee for all TRO notifications.

Both CAFWS and SDAF were disappointed to see that landowners had not been fully acknowledged in Table 1. It may be assumed that the individual landowner who's land is subject to a TRO would be alerted, however members also felt that it would be necessary to consult/alert the NFU and CLA as well.

**5. 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 website of the NPA? (page 10)**

Proposed TROs should be advertised through both local newspapers and the NPA website. It was seen as a good idea to advertise on NPA websites, however it seems logical to assume the local population is far less likely to visit the NPA's website than read the local newspaper. Giving notice in both formats would ensure more people knew.

**6. 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? (page 10)**

Yes, on site announcements are the best way to alert regular users of possible changes to the use of a specific route. It is essential that the regular users know that a TRO may be implemented because regardless of whether it be a permanent, experimental or temporary TRO, it will almost certainly impact on their use of the route.

**7. Are there other topics or areas that you believe should be covered in Guidance to National Park Authorities? (page 10)**

Members of the SDAF agreed that the protected landscape of National parks may, in some circumstances, make it inappropriate to use standard traffic signs. The Forum fully endorsed plans to use more sensitive signage to ensure it is more compatible towards the landscape.

Whilst the Forum understood that a general dispensation of S64 was not possible, the Forum did question whether a standardised sensitive area sign (perhaps simply printed in a smaller font) could be agreed upon by the Secretary of State beforehand. The Forum believed that obtaining the authorisation of smaller, pre-designated signage would be less time consuming and easier to obtain than asking the Secretary of State for consent on each individual case.

The SDAF did question whether the Regulations and Guidance to National Parks Authorities would advise on how to rapidly implement TROs if needed. Not responding promptly to the basis of a TRO claim could lead to continued and possible heightened damage of a route. A Temporary Closure Order may be a possible solution to this. Will these be recommended in the guidance or will the regulations allow for rapid implementation of TROs?

The SDAF felt that the guidance notes should emphasise how voluntary agreements can help to stop or at least reduce the negative use of a route. It is more than likely that the local user groups can limit/'police' inappropriate or illegal use on routes. These agreements should be sought before the process of TRO implementation is initiated. With the full co-operation of the appropriate user groups and Local Access Forums there is a good chance that the problems can be resolved or alleviated to manageable levels without the use of TROs.

Forum members also wanted to stress that the use of barriers to enforce TROs should not prevent the legal use of the route by other user groups. The Forum hoped that the guidance notes show what types of barriers are best and highlight examples of good practise.

**8. 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 powers? (*page 11*)**

**9. Do you agree that the RIA accurately describes the possible impacts and likely costs and benefits of the proposals contained in this consultation paper? (*page 11*)**

Yes

CAFWS looks forward to receiving the outcome of the consultation process.

Yours Sincerely

Fiona MacLeod  
Secretary  
Countryside Access Forum for West Sussex