

CONSULTATION ON THE POWER FOR NATIONAL PARK AUTHORITIES TO MAKE TRAFFIC REGULATION ORDERS

Section 72 of the Natural Environment and Rural communities Act 2006

RESPONSE OF WEST SUSSEX COUNTY COUNCIL

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

It is extremely important that the procedures for NPAs mirror those parts of the existing regulations that apply to Local Authorities in order to provide a consistent approach in the application of the Regulations that apply between the 'sealed' and 'unsealed' highway network, both inside and outside NPA boundaries.

This would ensure that the public bodies, members of the public, developers and those carrying out work or repairs on or close to the highway, have a single and consistent framework for TROs, whether on 'sealed' or 'unsealed' sections of the highway network or whether inside or outside an NPA boundary.

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

It is understood that many of the existing regulations that apply to Local Authorities for making TROs will not be relevant to the type of routes that NPAs may make TROs over. It would therefore seem sensible for DEFRA to develop a single set of Regulations covering Permanent, Temporary and Experimental Orders that would be applicable only to NPAs, PROVIDING that these mirror the regulations that apply to Local Authorities.

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

The practice in West Sussex for rights of way is to use a stone of local provenance.

Q4. Do you agree with the inclusion of the organisations listed in table 1? Are there any other organisations that you feel should be included?

Presumably, as the NPA is the Planning Authority it will, under such powers, deal with the amenity, landscape and built environment issues. As a result, the Local Authority is excluded from consultation, except in so far as its responsibilities as the Local Highway Authority. There would therefore be concern that a proposed order might have an impact of which the County Council or the District Council should be made aware and upon which they should be consulted, particularly as the powers to make such an Order had previously been vested in the Local Authority.

Although it is unlikely that public transport operators would be directly affected by proposals by NPAs to introduce Permanent TROs on the 'unsealed' road network, there may be an effect upon public access to transport services. In such circumstances, the relevant public transport operator(s) should be consulted.

It is surprising that the Chief Officer of the Police has not been included in Table 1 as a consultee for Temporary orders, given that there may be road safety implications arising from such a proposal, for which the Police have an interest, or an enforcement requirement arising from it.

In addition to being consulted on permanent and experimental TROs, it would be helpful for the Local Access Forum also to be consulted on temporary orders

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 website of the NPA?

The requirement to give notice of a proposal in a newspaper remains appropriate for NPAs and should continue, in order to ensure consistency with Local Authorities procedures and to ensure the widest dissemination of information.

Whilst proposals might also be advertised on the website of the NPA, it should be accepted that not everyone affected by a TRO may have access to the internet or may not refer to the website with a frequency that would ensure that the information is accessed at an appropriate time.

The use of a NPA website should therefore complement and not replace the requirement for advertising in a newspaper.

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?

Absolutely. The placing of a notice on site is the most effective method of notifying regular users of a route of a proposed restriction and this requirement should be maintained in addition to the requirement for the placing an advert in the local newspaper and on the NPA's website.

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

The consultative document refers to the inappropriate size of traffic signs for use on unsealed roads and states that Guidance will be provided to NPAs on this issue.

DEFRA should also consider the illumination requirements, the need for repeater signs and the lining requirements that are contained within Traffic Signs Regulations and General Directions 2002, many of which may also be inappropriate for use on the unsealed road network, detrimental to the character of the surroundings and impractical given the nature of the road surface and the likely lack of access to an electrical power supply.

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 powers?

Enforcement of the restrictions will be an issue that DEFRA should consider where physical restraints (bollards, barriers, etc.) are not sufficient to prevent contravention of a TRO.

A NPA may fall within a Special Parking Area where decriminalised parking enforcement is in operation. However, it is possible that NPAs may straddle one or more administrative boundary, where decriminalised parking enforcement may not extend across the entire NPA area and consequently enforcement may be provided by a combination of different Parking Authorities and/or Police Authorities.

Highway Authorities are currently waiting on the Department for Transport to issue Statutory Guidance on the civil enforcement of moving traffic offences outside London and for such powers to be made available to them. DEFRA should therefore consult with DfT to ensure that the Statutory Guidance extends to include civil enforcement of decriminalised moving traffic offences in a rural environment, particularly in the absence of CCTV remote monitoring capability and where regular 'Parking Attendant' patrols would not be appropriate. It may be appropriate for the Parking Authority to be able to empower NPA staff to issue Penalty Charge Notices (PCN) for some decriminalised contraventions. However, as previously stated, this may be complicated by the existence of more than one enforcement regime operating in the locale.

Q9. Do you agree that the Regulatory Impact Assessment accurately describes the possible impacts and likely costs and benefits of the proposals contained in the consultation paper?

The RIA does not adequately consider the suitability of the different enforcement regimes that are currently in operation (decriminalised and criminal), the responsibilities for enforcing the TROs introduced by NPAs or the resultant cost of such enforcement, which may fall to the Local Authority (the Parking Authority) or to the Police Authority and not necessarily be borne by the NPA.

Nigel Bird
Team Leader - Parking Strategy and Traffic Regulation Order Teams
West Sussex County Council
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