

North Yorkshire County Council

Business and Environmental Services

Executive Members

26 July 2019

Review of Traffic Regulation Orders (Area 6) 2019: Consideration of Objections to proposed waiting restrictions

Report of the Assistant Director – Highways and Transportation

1.0 Purpose of Report

- 1.1 The purpose of this report is to advise the Corporate Director (BES) and the BES Executive Members of the outcome of the public consultation and for a decision to be taken on whether the following proposals be introduced or set aside in light of the objections received to a number of traffic regulation order proposals advertised for public comment in May 2019.

2.0 Background

- 2.1 All the general traffic management measures in this report seek to improve traffic movement/ flows, promote road safety, enhance the environment or address inconsistencies with existing parking arrangements. Most of the problems that the measures seek to address have been identified by persons who have experienced difficulties arising from traffic management issues, these include local members, NYCC officers or by the North Yorkshire Police.
- 2.2 A package of general traffic management measures, comprising of selective lengths of yellow line waiting restrictions, aimed at improving and regulating traffic movement/ flows, improving road safety, enhancing the environment or addressing inconsistencies with existing parking arrangements was brought forward after a contribution was secured by the County Council during the retrospective planning application submitted by Harrogate Town Football Club to undertake ground improvements at the Wetherby Road stadium in Harrogate.
- 2.3 The proposals were developed following extensive consultation with residents of each of the affected roads between December and February 2019. Further local consultation had already been undertaken within St Nicholas Road by a local 'champion' who sought to ensure there was initially enough local support to introduce a number of measures following the planning approval.
- 2.4 Additional proposals were also brought forward to amend a length of TRO at Swan Road, Harrogate following works undertaken by Harrogate Borough Council to an area designated as Stray land, removing an area of on street disc parking and the creation of a new verge area and new kerb line against the existing carriageway.
- 2.5 Local members, the North Yorkshire Police and other statutory bodies' comments were sought on the proposed measures In May 2019. The enabling Traffic Regulation Orders (TROs) were advertised for public comment in the local press on the 16th May 2019 and notices placed on site in accordance with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 between the 20th and 21st May 2019, allowing 21 days for formal objections to the proposed restrictions to be lodged with the Area 6 Highways office.

- 2.6 The last date for receipt of objections was Monday 10 June 2019.
- 2.7 A new process for the consideration of objections to traffic regulation orders was approved by the Executive on 29 April 2014 and County Council on 21 May 2014. The consideration of objections to Traffic Regulation Orders (TROs) is now a matter for the Executive and the role of the Area Constituency Committee is changed to a consultative role on 'wide area impact TROs'. The consideration of objections has been delegated by the Executive to the Corporate Director of Business and Environmental Services (BES) in consultation with BES Executive Members. The new decision making process relates to the provision and regulation of parking places both off and on the highway where an objection is received from any person or body entitled under the relevant statute. A 'wide area impact TRO' is classed as a proposal satisfying all of the three criteria set out below;
- The proposal affects more than one street or road and;
 - The proposal affects more than one community and;
 - The proposal is located within the ward of more than one County Councillor.
- 2.8 The proposed TROs have not been defined as a 'wide area impact TRO' and therefore the Area Constituency Committee's views have not been sought.

3.0 Officer Comment and Conclusion

- 3.1 Officers consider that the proposed measures set out in this report will assist in addressing the problems identified and thereby enable the County Council to comply with its duty under Section 122(1) of the Road Traffic Regulation Act 1984 to exercise their functions as road traffic authority so as to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway, as set out in the Statement of Reasons for proposing to make the Order attached to this report in Appendix A.
- 3.2 Appendix B lists the locations where measures have been considered as part of this review and for which no objections have been received. These proposals will therefore be implemented under the delegated authority of the Corporate Director - Business and Environmental Services.
- 3.3 Appendix C lists the objections/representations that have been received to the proposals and includes a detailed report in respect of each objection together with officer's comments and recommendations.
- 3.4 Any comments received from the relevant Local Members are included in the appropriate detailed report. Local Members have been provided with a copy of this report and have been invited to the meeting on 26 July 2019.

4.0 Financial Implications

- 4.1 Funding is available from funding secured through a Section 106 agreement associated with the planning approval for the Harrogate Town AFC, Wetherby Road stadium improvements to support the installation of these measures which are estimated to be in the region of £10,000 (including the TROs, officer time and signs and road markings which give effect to the restrictions).

5.0 Equalities Implications

5.1 Consideration has been given to the potential for any equality impacts arising from the recommendation. It is the view of officers that the recommendation does not have an adverse impact on any of the protected characteristics identified in the Equalities Act 2010. A copy of the 'decision not to carry out an EIA' form is attached in Appendix E.

6.0 Legal Implications

6.1 In the event that the BES Executive Members and BES Corporate Director resolves to follow the recommendations contained in this report, then in accordance with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996, the County Council will be required to make the relevant Traffic Regulation Orders (with or without modifications) and publish a notice of making the Orders in the local press. The County Council will also be required to notify the objectors of its decision and the reasons for making that decision within 14 days of the Order being made.

6.2 Where an Order has been made (i.e. sealed), if any person wishes to question the validity of the Order or any of its provisions on the grounds that it or they are not within the powers conferred by the Road Traffic Regulation Act 1984, or that any requirement of the 1984 Act or of any instrument made under the 1984 Act has not been complied with, they may apply to the High Court within six weeks from the date on which the Order is made.

6.3 In recommending the implementation of the proposed TRO, officers consider that it will enable the County Council to comply with its duty under Section 122 of the Road Traffic Regulation Act 1984 to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.

7.0 Recommendations

7.1 It is recommended that:-

- i) the intention to implement the proposals contained in Appendix B under the delegated authority of the Corporate Director, BES is noted.
- ii) the Assistant Chief Executive (Legal and Democratic Services) be authorised to make and seal the relevant Traffic Regulation Orders to give effect to the various locations identified in Appendix C, subject to the amendments and recommendations approved by the Corporate Director (BES) in consultation with the Executive Members (BES) in light of the objections received.
- iii) Officers' ensure that the objector is notified of the decision and the reasons for making that decision within 14 days of the Traffic Regulation Order being made as set out in Section 6.1 of this report.

BARRIE MASON

Assistant Director – Highways & Transportation, Business and Environmental Services

Author of Report: Paul Ryan

Background Documents: Letters/Emails objecting to the proposals, as outlined in this report are held in the scheme files held by the Boroughbridge Area 6 Highways Office.

**North Yorkshire County Council (Harrogate, Knaresborough, Pannal and Burn Bridge)
(Parking and Waiting) (No.36) Order 2019**

Statement of the Councils reasons for proposing to make the order

Legal Powers and Duties

Under Section 1(1) of the Road Traffic Regulation Act 1984 the County Council, as traffic authority for North Yorkshire, has powers to make a Traffic Regulation Order (TRO) where it appears expedient to make it on one or more of the following grounds:-

- (a) for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or
- (b) for preventing damage to the road or to any building on or near the road, or
- (c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or
- (d) for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or
- (e) (without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, or
- (f) for preserving or improving the amenities of the area through which the road runs; or
- (g) for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of Section 87 of the Environment Act 1995 (air quality).

Section 122(1) of the Road Traffic Regulation Act 1984 also provides that it shall be the duty of every local authority upon whom functions are conferred by or under the 1984 Act so to exercise those functions as to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.

Reasons for making the Order

The County Council considers that it is expedient to make this TRO on grounds (a), (c) and (f) above, having taken into account its duty under Section 122(1) of the 1984 Act, for the following reasons:-

Location(s) of Proposed Order:**Proposal location: St Nicholas Road, Harrogate**

Introduction of waiting restrictions to regulate parking arrangements, deter indiscriminate parking (including parking astride the footway), maintain through traffic and reduce accident potential.

Proposal location: St Andrew's Avenue, Harrogate

Introduction of waiting restrictions to regulate parking arrangements, deter indiscriminate parking (including parking astride the footway), maintain through traffic and reduce accident potential.

Proposal location: St Clement's Road/ St Clement's Road South, Harrogate

Introduction of/ alteration to existing waiting restrictions to regulate parking arrangements, deter indiscriminate parking (including parking astride the footway), maintain through traffic and reduce accident potential.

Proposal location: Wayside Crescent/ Wayside Avenue, Harrogate

Introduction of waiting restrictions to regulate parking arrangements, deter indiscriminate parking (including parking astride the footway), maintain through traffic and reduce accident potential.

Proposal location: Wetherby Road, Harrogate

Introduction of waiting restrictions to regulate parking arrangements, deter indiscriminate parking (including parking astride the footway), maintain through traffic and reduce accident potential.

Proposal location: Swan Road, Harrogate

Alteration to disc parking/ waiting restriction arrangement following works by Borough Council to redevelopment Stray land fronting Swan Hotel. Extension of waiting restrictions to improve visibility at junctions and reduce accident potential for road users.

Consideration of Objections

Under the County Council's Constitution, the consideration of objections to a proposed TRO is delegated to the Corporate Director - Business and Environmental Services (BES) in consultation with the BES Executive Members. For each TRO where there are objections, it will be necessary to bring a report to the Corporate Director - BES and the BES Executive Members seeking a decision on the consideration of the objections. The report will include the views of the relevant local member who will also be invited to the meeting that considers the report. The Corporate Director - BES may wish to refer the matter to the Council's Executive for a final decision.

A report to the relevant Area Committee will only be necessary when there are objections to a wide area impact TRO.

A wide area impact TRO is defined as a proposal satisfying all of the three criteria set out below:

- The proposal affects more than one street or road and,
- The proposal affects more than one community and,
- The proposal is located within the ward of more than one County Councillor

APPENDIX A

The report will seek the views of the Area Committee and these views will then be included in a report to the Corporate Director - BES and the BES Executive Members seeking a decision on the consideration of the objections. The Corporate Director - BES may wish to refer the matter to the Executive for a final decision.

The existing arrangements for members of the public wishing to attend or speak at committee meetings will apply and it may be appropriate for the Corporate Director - BES to have his decision making meetings open to the public, so that the public and in particular those with objections, have the opportunity to put their views across directly.

N.B. The Corporate Director - BES has delegated powers to make decisions on TROs where there are no objections.

**LIST OF LOCATIONS AND TRAFFIC MANAGEMENT ISSUES WHERE OBJECTIONS
HAVE NOT BEEN RECEIVED;**

(For information only as measures will be implemented under powers delegated to the
Corporate Director, BES)

Harrogate

St Nicholas Road, St Andrew's Avenue, St Clement's Road/ St Clement's Road South,
Wetherby Road, Swan Road

SCHEDULE OF REPRESENTATIONS WHERE OBJECTIONS HAVE BEEN RECEIVED AND SUBSEQUENT OFFICER RECOMMENDATIONS

1 Wayside Crescent/ Wayside Avenue, Harrogate (Harrogate Outlands Division)

Background:

Introduction of waiting restrictions to regulate parking arrangements, deter indiscriminate parking (including parking astride the footway), maintain through traffic and reduce accident potential.

Objector(s): Resident of Wayside Avenue, Harrogate

Opposed to the introduction of short, specific lengths of waiting restrictions in Wayside Crescent/ Wayside Avenue and requests that a more strategic review of parking covering the area be considered, comprising of more effective proposals. Considers that the current proposals will only lead to further displacement of parking to unrestricted areas and roads.

Suggests that traffic is heavily influenced in this area through use of local roads as short cuts by motorists seeking to avoid congestion on Wetherby Road/ Hookstone Road, particularly at peak hours Mondays-Fridays, particularly in school term dates.

Believes that parking problems arise from educational institutions and the Harrogate District Hospitals Trust with pupils, staff, visitors and patients, staff and visitors with local roads effectively being the parking provision for hospital staff.

Suggests that planning policies have allowed the development/extension of schools and hospitals without full consideration of the increased traffic arising. Considers that the County Council has allowed this to be developed as a parking area for education and health for a very wide area of North Yorkshire and sections of West Yorkshire. Considers that the area is the largest "surface car park within central Harrogate, the funding of by local County Tax payers". Questions whether it is reasonable that local residents should pay for this danger, irritation, frustration, loss of convenience and disfigurement which arise.

Suggests that the current process of proposing lengths of waiting restrictions at specific locations has proved worthless leading to a displacement of the parking problem to adjacent roads/ locations. Believes current proposals will have the same effect (accepting that there are benefits associated with yellow line 'protection' at junctions and corners).

Suggests that improved proposals should be brought forward in terms of traffic management by Highways Engineers and Planners working together. Considers that whilst the objection and conversation may be specific in this respect to the installation of short lengths of yellow line waiting restriction, the issues which actually confront have to do with local/sub-regional planning and traffic management considerations. Believes it is simply not sensible for the County Council to allow Council Tax paying residents to take the brunt, reverting to 'local budget constraints', when it faces this reality.

References the current 'Harrogate congestion' consultation and suggests that the number of institutional users located within this essentially 'residential' area will always mean excessive and dangerous trafficking of local/estate roads unless Park and Ride or so similar managed schemes are introduced for health and education premises. Further suggests that the proposed developments off Knaresborough Road (new water main installation) will also exacerbate things.

Believes that the time and effort associated with a constant return to the 'Saints'/ Wayside area with applications of a modest amount of yellow line restrictions is not good stewardship of officer/ member time or funding. Believes that are clear traffic management concerns in the area requiring full professional engagement by the County Council/ Highways.

Suggests that there is no doubt the dialogue in relation to the Nidd Gorge scheme is significantly related too. Believes that Planners/ Highway Engineers have gone along with institutional development in this south east corner of Harrogate without full consideration of its consequences. Further suggests that it is NYCC/HBC who together have permitted education and health use to increase by steady accretion giving rise to a small number of residential (Local Tax Payer) roads taking the burden of what are truly sub-regional facilities attracting passenger and goods vehicles from a wide area. Believes that there can be no doubt that concerns have a bearing on the major proposals the County Council have under consideration. Suggests that this area of Harrogate has seen sub-regional institutional development and resultant traffic demands superimposed on an essentially residential road structure. Many road widths barely permit on-street parking and sustained traffic flows and hence the concern in some parts over 'two wheel on' pavement parking.

Considers that there is still 'green' land available in the greater south east Harrogate area which could be utilised for surface/green faced parking (or Park and Ride) by Schools/ Colleges/ Health and that the County Council should consider these urgently before these sites are lost to other development. Suggests that such use could be funded by the 'users' not from County/ Borough Council limited resources. Believes that all further planning requests from these institutional users should also be considered on this basis as 'transport plans' are submitted.

Suggests that North Yorkshire County Council should seize the opportunity, through a consideration Park and Ride and other supportive traffic management solutions whilst 'green land' opportunities still exist a little further out from the centre.

Officers comments and recommendations:

Similar objections were lodged against proposals on Wayside Crescent by the objector in 2015 and considered by the Corporate Director and BES Executive members on the 5th June 2015. Those proposals sought to deter parking which obstructed the flow of vehicular traffic and in particular larger vehicles along the length of road, regulating parking along a narrow length of road to one side of the road only.

The current proposals around the locality of the Saints/ Wayside area were promoted after funding was secured during the Harrogate Town Wetherby Road stadium development planning application and followed extensive consultation with residents and Councillors on a range of proposals in the area where specific problems were being experienced, primarily at locations where residents had expressed concerns about parking across driveways and across junctions. Additionally proposals were promoted in roads such as St Nicholas Road where parking on both sides of the road presently obstructs pedestrian access, significantly increasing accident potential for vulnerable road users.

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Most of the proposals regulate parking behaviour and ensure vehicles do not park across individual vehicular accesses and it is not envisaged that the displacement of that parking would place any significant pressure or parking problems to adjacent areas, although measures have been promoted in some locations to ensure that displacement does not present any immediate road safety concerns. As an example, additional restrictions are being promoted at the Wayside Avenue junction to ensure vehicles do not simply park around the junction increasing accident potential. The objector has identified in the objection that such a proposal has benefits.

Officers are aware of the concerns of residents in the local area but there are presently no funding streams available to undertake the necessary feasibility studies to implement selective waiting restrictions over a much wider geographic area (which would include roads to the north of Knaresborough Road, roads between Knaresborough Road and Wetherby Road and also the Saints area which extends from Wetherby Road through to Oatlands Drive).

Where road safety problems are identified, such as parking around junctions, the County Council may consider additional restrictions and this has been the case in recent years. Similarly, where parking occurs across accesses, residents can generally fund advisory or regulatory restrictions to deter indiscriminate parking behaviour.

Regrettably the funding made available from the football stadium planning approval does not extend to cover traffic orders and the associated works across all the saints areas so other sources of funding would need to be identified for further restrictions in this way, if not by individual residents/ collective of residents themselves.

Officers do not envisage that the proposals (to introduce waiting restrictions across individual vehicular accesses on Wayside Avenue) would lead to any significant displacement of parking to neighbouring roads or result in any specific road safety concern given the proposal also includes a length of restriction at the Wayside Avenue junction, although as with any traffic regulation order introduced, officers would always monitor the impact of the implementation of the measures and consider additional restrictions if considered appropriate (road safety/ congestion concerns etc.).

In the main, the proposals at Wayside Crescent seek to deter a small number of motorists who park obstructing vehicular accesses or too close to a junction. Building works at a property on Wayside Avenue exacerbated the parking problems for a considerable length of time although which appears to have ceased in recent months. However the proposed restriction on the junction aims to ensure that should a small amount of displacement occur, this is not to the detriment of road safety around the junction with vehicles forced to overtake onto the wrong side of Wayside Avenue approaching the Wayside Crescent junction and pedestrian refuge island.

Similarly, the proposals in other areas promoted within this traffic regulation order (St Clement's Road, St Nicholas Road, St Andrew's Avenue and Wetherby Road cul-de-sac - locations identified as the locations experiencing specific problems relating to visitors attending events/ matches at the Harrogate Town stadium and for which the limited private funding would cover) are unlikely to result in any significant displacement of parking problems to Wayside Avenue since they regulate parking and ensure a small number of motorists do not park obstructing pedestrian and vehicular traffic at select locations.

Site observations have been undertaken since the objection was lodged to ascertain the current parking demand on Wayside Avenue and photo's identifying a typical day can be seen below.

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Officers do recognise however that various future changes could arise (increase in demand for the stadium/ hospital/ school parking) and for that reason, the introduction of selective waiting restrictions is a 'fluid' exercise that constantly requires investigation and measures to address specific localised problems (i.e. to deter parking on junctions or narrow lengths of road to aid traffic movement). The County Council has a modest budget to allow for such an exercise and the area highways office seeks to ensure best value from that budget by collating requests/ proposals over a period of 6 months to a year and consulting upon/ advertising proposals together to reduce advertising, legal and staff costs.

The objectors' comments about the importance of a strategic consideration of future development, transport and highway improvements are noted. There are dedicated teams within the County Council that continue to liaise and engage with stakeholders on these issues. The objectors' comments have been made available to the team that is leading on the Harrogate Congestion Study engagement exercise.

Officers do not however consider that these minor proposals link into those major projects. The proposals brought forward are aimed at addressing local issues for which the Area highways office receive multiple requests for at locations across the district which are investigated and promoted if considered necessary utilising local 'signs, lines and TROs' budgets.



Photo 1 – Wayside Avenue 17.6.2019



Photo 2 – Wayside Avenue 17.6.2019



Photo 3 – Wayside Avenue 21.6.2019



Photo 4 – Wayside Avenue 21.6.2019

Councillor Ennis' comments have been sought on the proposals/ objection and any comments will be reported verbally to the meeting.

RECOMMENDATION;

That in light of the results of the extensive consultation with residents of the affected area, the improved benefits for residents and general road users and the mitigation measures proposed for the Wayside Crescent/ Avenue junction that the restrictions be implemented as proposed and that officers continue to monitor the situation following installation of the new measures.

Initial equality impact assessment screening form			
This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
Directorate	Business and Environmental Services		
Service area	Highways and Transportation		
Proposal being screened	Review of Traffic Regulation Orders (Area 6) 2019: Consideration of Objections to proposed waiting restrictions		
Officer(s) carrying out screening	Paul Ryan, Project Engineer (ext. 7491)		
What are you proposing to do?	Introduction of waiting restrictions prohibiting waiting at any time to deter indiscriminate parking and obstructions to through traffic.		
Why are you proposing this? What are the desired outcomes?	<p>Traffic management and road safety reasons; to prevent obstruction to vehicular and pedestrian traffic and improve safety for road users and to enable the County Council to comply with its duty under Section 122 of the Road Traffic Regulation Act 1984.</p> <p>In general, the proposals seek to regulate parking where yellow line waiting restrictions are proposed. The proposals do not introduce extensive restrictions which would impact significantly on parking opportunity for customers, visitors or business staff with alternative on street or off-street car parking facilities generally located in close proximity.</p>		
Does the proposal involve a significant commitment or removal of resources? Please give details.	No		
<p>Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristics</p> <p>As part of this assessment, please consider the following questions:</p> <ul style="list-style-type: none"> To what extent is this service used by particular groups of people with protected characteristics? Does the proposal relate to functions that previous consultation has identified as important? Do different groups have different needs or experiences in the area the proposal relates to? <p>If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your Equality rep for advice if you are in any doubt.</p>			
Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age		√	
Disability		√	
Sex		√	

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Race		√	
Sexual orientation		√	
Gender reassignment		√	
Religion or belief		√	
Pregnancy or maternity		√	
Marriage or civil partnership		√	
NYCC additional characteristics			
People in rural areas		√	
People on a low income		√	
Carer (unpaid family or friend)		√	
Does the proposal relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.	Proposals to introduce waiting restrictions and regulate parking in some areas will improve access for disabled persons and other road users by virtue of ensuring motor vehicles are not parked astride the footway which often results in an obstruction for pedestrians and wheelchair users.		
Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	No		
Decision (Please tick one option)	EIA not relevant or proportionate:	√	Continue to full EIA:
Reason for decision	It is not considered that any individual or group with protected characteristics would be affected by the proposal. Disabled badge holders will be able to park on single yellow or double yellow line restrictions for up to 3 hours as prescribed by the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.		
Signed (Assistant Director or equivalent)	<i>Barrie Mason</i>		
Date	11/07/19		