

**North Yorkshire County Council**  
**Business and Environmental Services**

**Executive Members**

**26 July 2019**

**Southdene and South Crescent Road, Filey – Proposed Changes to Traffic Regulation Orders**

**Report of the Assistant Director – Highways and Transportation**

**1.0 Purpose Of Report**

- 1.1 To enable the Corporate Director - Business and Environmental Services (BES) and the BES Executive Members to consider objections and comments received following public consultation and statutory advertisement carried out in October 2018 for proposed changes to traffic regulation orders at Southdene and South Crescent Road Filey.

**2.0 Background**

- 2.1 Both sides of Southdene and the east side of South Crescent Road are currently subject to a Road Traffic Regulation Order that prohibits waiting from 10am to 6pm between 21 March and 30 September. This is a restriction that is prevalent in Filey and reflects the need to control parking due to its status as a visitor destination, particularly during the warmer months. However, the on street lining does not correspond to the Order, as there are no markings on the north side of Southdene at present.
- 2.2 There is a high demand for parking from visitors given the location which is close to the sea front, but also from residents from adjacent high density housing (including flats). More recently however there has been further housing constructed to the immediate south which will have an influence on parking habits in the locality together with the potential for inconsiderate parking practices to increase. It has been noted that parking habits on Southdene have evolved whereby parking is taking place on the north side year-round, despite the existing TRO that prohibits parking in the summer, likely because there are no road markings to inform drivers. This situation has been monitored and it appears not to cause any specific issues.

**3.0 Proposals**

Southdene;

- 3.1 It is proposed to allow parking by removing the current summertime restriction on the north side. The restriction on Southdene south side currently permits parking before 10am and after 6pm and at any time 'off-season' as mentioned in 2.1 previously. Such parking would severely restrict the two-way traffic flow if parking is permitted on the north side and therefore it is now proposed to prohibit waiting at any time on the south side to maintain two-way traffic flow. Residents on the south side have private, designated parking within the new development.

### South Crescent Road;

- 3.1 The same new housing development mentioned previously accesses onto South Crescent Road. It was proposed to prohibit parking at any time on the west side to preserve visibility and maintain traffic flow. Parking is restricted due to the numerous accesses and two-way traffic flow is expected to be maintained.

## **4.0 Consultation**

- 4.1 The proposals have been the subject of consultation and public advertisement in accordance with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. The attached drawing indicates the extent of the proposals as advertised Please refer to Appendix A. The Traffic Regulation Order was advertised on 4 October 2018 and any person could make objections and representations until 28 October 2018

- 4.2 At the conclusion of the advertising stage approximately 85 letters were delivered and 10 responses were received. There are 4 in support of the proposals, 3 objections, and 3 responses made comments. 1 response regarding the lack of lining to the north of Southdene and 2 responses regarding the parking of motorhomes. The respondent's comments are summarised in Appendix B, together with Officers comments.

### **4.3 Local County Councillor comments**

The local County Councillor supports the proposed changes as it will clarify where people are allowed to park.

## **5.0 Equalities**

- 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 a significant adverse impact on any of the protected characteristics identified in the Equalities Act 2010 and a copy of the Equalities Impact Assessment screening form is attached as Appendix C.

## **6.0 Finance**

- 6.1 On the basis of the recommendations, the financial implications are in the region of £2,500 including consultation, legal advertising, and the necessary lining and signing which will be funded from the local highways Area 3 (Signs, Lines and TROs) budget.

## **7.0 Legal**

- 7.1 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.

As the proposal is wholly within the County Council ward of Filey, this would not be classed as a wide area impact TRO.

- 7.2 Officers consider that, should it be resolved that some or all of the proposed amendments are to be made, the changes will enable the County Council to comply with its duty under Section 122(1) of the Road Traffic Regulation Act 1984, which 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.
- 7.3 In the event that the changes to the traffic regulation orders described in this report are approved, then to accord with the relevant statutory regulations, the County Council will be required to make and advertise the traffic regulation order concerned before it comes into operation. The County Council will also be required to notify the objectors of its decision.
- 7.4 Where an Order has been made (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 6 weeks from the date on which the Order is made.

## **8.0 Recommendations**

- 8.1 On the basis of the consultation responses, it is recommended that the Corporate Director - BES, in consultation with the BES Executive Members, approves:
- To revoke the waiting restriction on the north side of Southdene to allow unrestricted parking at all times, and
  - To introduction of a No Waiting at Any Time restriction the full length of the south side of Southdene in order to maintain traffic flow.
  - The introduction of two lengths of No Waiting At Any Time restrictions on South Crescent Road, west side, at its junction with Southdene and its junction with (new development road name) to accommodate turning vehicles whilst allowing the parking of approximately 6 cars on the west side
- 8.2 The objectors are notified of the decision within 14 days of the Order being made.

**BARRIE MASON**  
Assistant Director - Highways and Transportation

Author of Report: David Pringle

Background Documents: None



Area 3 Highways  
North Yorkshire County Council  
Discovery Way  
Whitby  
North Yorkshire  
YO22 4PZ  
Tel: 01609 780780  
Email: [area3.whitby@northyorks.com](mailto:area3.whitby@northyorks.com)

Your Ref:  
Our Ref:  
Contact: David Hird (WSP)

4 October 2018

Dear Sir/Madam

**Southdene / South Crescent Road, Filey - Proposed Waiting Restrictions and Amendment to Existing Waiting Restrictions.**

We are proposing to modify the waiting restrictions at the above locations to reflect current practices and maintain traffic flow.

Both sides of Southdene are currently subject to a Road Traffic Order which prohibits waiting from 10am to 6pm between 21 March and 30 September. Residential parking is taking place on the North side however and the view now is to formalise this parking. However, to prevent parking on the south side, it is proposed to prohibit waiting at all times, all year round, to maintain two-way traffic flow.

To make this change it is necessary to introduce a Road Traffic Regulation Order. This letter is part of the statutory consultation process required to make the lines recognised and enforceable.

The Council is required to consult those either directly affected by the proposals or who may have an interest, and the purpose of this letter is to provide you with details of those proposals. I would ask that you provide any views you may wish to make by Friday 26 October 2018.

If there are significant objections to the proposals during this period that are not resolved or withdrawn, it will be necessary to report them to the Business and Executive Members meeting for a decision by the Corporate Director of Business and Environmental Services in consultation with the Executive Members. The date and venue of any future meeting will be advised as necessary in due course. I trust this is satisfactory and look forward to receiving your comments.

Yours Sincerely

David Hird  
Engineer (WSP)

Revised plan

The file name is 01HW1406-01-SDP-CONSENT-LAYOUT-PLANNING.dwg, printed on 21 June 2019 15:57:26, by Pugh, David

**SOUTH DENE FILEY PROPOSALS**

Allow parking by removing current restriction (No Waiting 21 March to 30 September; 10am to 6pm)

Change to No Waiting at Any Time from Existing restriction - No Waiting 21 March to 30 September; 10am to 6pm

--- (Blue line)

--- (Green line)

--- (Red line)

NOT TO SCALE

DATE:	NO.:	REVISED:	BY:
02/2014/06	01	02	WSP

62240814-006-NCRP-001-SDP

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**North Yorkshire County Council**

TRO - Area 3  
South Dene, Filey  
Proposed Waiting Restrictions

Consultation Layout Plan (amended)

**WSP**  
WSP  
WSP

01 - WORK IN PROGRESS

01 HW 14 06 01 SDP CONSENT LAYOUT PLANNING DWG

DATE: 21 JUN 2019 15:57:26

BY: PUGH, DAVID

FILE: 01 HW 14 06 01 SDP CONSENT LAYOUT PLANNING.DWG

Statement of Reasons

**PROPOSED AMENDMENT OF WAITING RESTRICTIONS IN SOUTHdene  
AND SOUTH CRESCENT ROAD, FILEY**

**STATEMENT OF THE COUNCIL'S 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), or

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 (c, f,) above, having taken into account its duty under Section 122(1) of the 1984 Act, for the following reasons:

- Both sides of Southdene are currently subject to a Road Traffic Order prohibits waiting from 10am to 6pm between 21 March and 30 September. Vehicles are being parked on the north side however, as the adjacent residents have limited access to private parking facilities. It is considered that this parking arrangement could now be formalised as the road is lightly trafficked and reasonable two-way traffic flow can be maintained. However to prevent parking on the south side outside those times previously mentioned, it is proposed to prohibit waiting at all times in order to maintain two-way traffic flow.

**Revoke Existing Order - SCHEDULE**

<b>Location</b>	<b>Road</b>	<b>Side</b>	<b>From</b>	<b>To</b>	<b>Restriction</b>
Filey	Southdene	North	The junction with West Avenue	A point 15 metres east	No waiting 21 March to 30 September 10 am to 6 pm

## Appendix A

Filey	Southdene	North	The junction with South Crescent Road	A point 15 metres west	No waiting 21 March to 30 September 10 am to 6 pm
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### **Location of Proposed Order - SCHEDULE**

<b>Location</b>	<b>Road</b>	<b>Side</b>	<b>From</b>	<b>To</b>	<b>Restriction</b>
Filey	Southdene	South	The junction with West Avenue	The junction with South Crescent Road	No waiting at any time
Filey	South Crescent Road	West	The junction with Southdene	A point 28 metres north of the junction with South Crescent Close	No waiting at any time
Filey	West Avenue	East	The junction of Southdene	A point 18 metres south	No waiting at any time

### **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

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.

## Objection and considerations

Comments and Objections	Officer Comments
<b>Comment;</b> The north side of Southdene has never had waiting restrictions as shown on the consultation plan.	Southdene has had an issue with the lines on the ground not reflecting the wording in the legal Traffic Order. The current Order describes lines on the north side. However it is apparent they have not been marked on the ground for some considerable time. This undertaking aims to clarify the discrepancy and reflect current use.
Two residents <b>welcome</b> the proposals	Noted accordingly.
<b>Object;</b> The residents of a flat on Southdene have several mobility issues and strongly object to the proposals. It is difficult to find a space near their residence.	The majority of the properties on Southdene do not have access to designated off-street parking facilities and as such on-street parking is on a first come first serve basis. If they are 'blue badge' holders then they may apply for a residential disabled bay through the Council's application process.
<b>Agree</b> with the proposals but has concerns over vehicles potentially blocking his private access.	Private drives will be highlighted by being marked with the prescribed white 'H' bar marking.
<b>Object;</b> South Crescent Road is an overflow for Southdene. Southdene has three campervans which take up too much space and can anything be done. Why make South Crescent Road no parking?	The advertised changes on South Crescent Road were to prevent parking on the west side to prevent vehicles parking at inappropriate locations i.e. junctions and where the carriage would be narrowed. Nearby streets have similar treatments. However, in view of demand, it is considered that some parking can be permitted without unduly compromising road safety or overly restricting traffic flow for through vehicles. Therefore it is proposed to relax the original advertised proposals to allow the parking of approximately 6 cars on the west side. Junctions will be protected by waiting restrictions to accommodate turning vehicles. As this proposal is less restrictive than that advertised for South Crescent Road, if approved, it may be introduced without re-advertising the amended proposals.
<b>Object;</b> Resident of South Crescent Road objects as it will remove too many spaces that are needed. Does not believe there is an issue because of sufficient width. Will affect residents too much.	See above.
<b>Two Commented;</b> They feel that traffic flows much better when parking is restricted to one side. Two further residents feel that motorhome parking is a problem. There used to be a sign prohibiting it.	There is no record of NYCC providing signs prohibiting campervan parking and a campervan parking ban has not been imposed by NYCC. The issue of campervan parking is outside the scope of this undertaking. They appear uninhabited and, assuming they have valid paperwork, are parked legally.
<b>Agree;</b> to the formalising of the parking arrangements. Would support the introduction of residents' permit parking and ban on motorhomes.	Filey does not currently have a residents' permit scheme (Disc Parking Zone) and at present there are no plans to introduce one. Additionally, there are no plans to extend the campervan ban to the side streets within Filey. The campervans here are parked long term and as such it would suggest that they belong to local residents.



Initial equality impact assessment screening form			
<b>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.</b>			
<b>Directorate</b>	Business and Environmental Services		
<b>Service area</b>	Highways and Transportation		
<b>Proposal being screened</b>	the introduction of Road Traffic Regulation Order		
<b>Officer(s) carrying out screening</b>	David Pringle		
<b>What are you proposing to do?</b>	Introduce a No Waiting at Any Time restriction on the south side of Southdene and the west side of South Crescent Road and the revocation of the waiting restriction on the north side of Southdene.		
<b>Why are you proposing this? What are the desired outcomes?</b>	To better manage and control parking practices on Southdene and South Crescent Road for safety and the expeditious movement of traffic.		
<b>Does the proposal involve a significant commitment or removal of resources? Please give details.</b>	On the basis of the recommendations, the financial implications are in the region of £2,500 including consultation, legal advertising, and the necessary lining and signing which will be funded from the local highways Area 3 (Signs, Lines and TROs) budget.		
<b>Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristics</b>			
As part of this assessment, please consider the following questions:			
<ul style="list-style-type: none"> <li>To what extent is this service used by particular groups of people with protected characteristics?</li> <li>Does the proposal relate to functions that previous consultation has identified as important?</li> <li>Do different groups have different needs or experiences in the area the proposal relates to?</li> </ul>			
<b>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 <a href="#">Equality rep</a> for advice if you are in any doubt.</b>			
Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age		X	
Disability		X	
Sex		X	
Race		X	
Sexual orientation		X	
Gender reassignment		X	
Religion or belief		X	
Pregnancy or maternity		X	
Marriage or civil partnership		X	
<b>NYCC additional characteristics</b>			
People in rural areas		X	
People on a low income		X	

## Appendix C

Carer (unpaid family or friend)		x	
<b>Does the proposal relate to an area where there are known inequalities/probable impacts</b> (e.g. disabled people's access to public transport)? Please give details.	No		
<b>Will the proposal have a significant effect on how other organisations operate?</b> (e.g. partners, funding criteria, etc.). <b>Do any of these organisations support people with protected characteristics?</b> Please explain why you have reached this conclusion.	No		
<b>Decision (Please tick one option)</b>	<b>EIA not relevant or proportionate:</b>	Yes	<b>Continue to full EIA?;</b>
<b>Reason for decision</b>	Minor impact that will not differentiate or discriminate. Any 'blue badge' holders may apply for a residential disabled bay through the Council's application process		
<b>Signed (Assistant Director or Equivalent)</b>	<i>Barrie Mason</i>		
<b>Date</b>	<i>15/07/19</i>		