

North Yorkshire County Council
Business and Environmental Services

Executive Members

22 May 2020

High Street, South Street, Tibby Butts and Hall Park Close, Scalby - Traffic Regulation Order.

Report of the Assistant Director – Highways and Transportation

1.0 Purpose of Report

- 1.1 The purpose of the report is to advise Corporate Director - Business and Environmental Services (BES) and the BES Executive Members of objections and comments received following public consultation and statutory advertisement carried out to introduce waiting restrictions; and to seek approval to proceed with the making of the Order with some minor modifications that are less restrictive than the original, advertised proposals.

2.0 Background

- 2.1 The narrower sections of carriageway along South Street and Tibby Butts are difficult to negotiate for drivers of larger vehicles. They are regularly encountering instances of obstruction as a result of indiscriminate parking. Particular access difficulties have been experienced by bus operators that use these routes on a regular basis. It has been necessary to make a temporary traffic order and place 'no waiting' traffic cones to prevent parking and maintain an adequate bus service.
- 2.2 On High Street there is a small convenience store that serves the local community and is typically patronised for relatively short periods. Many arrive by private motor vehicle but struggle to park as there is high demand for parking from a number of other, sometimes conflicting sources. These include parking longer-term for leisure purposes by visitors and by the adjacent residents who do not have private, off-street facilities.

3.0 Proposals

- 3.1 South Street, Tibby Butts and Hall Park Close – Proposed No Waiting at Any Time

It is proposed to prohibit vehicles from parking or waiting on the east side between High Street and Hall Park Close, at any time. This would allow a passable route for all traffic, particularly local buses and other large vehicles.

- 3.2 High Street – Proposed No Waiting at Any Time and Limited Waiting

The proposal for the High Street is to reduce obstructive parking and encourage a turnover of vehicles and thus the availability of parking spaces. The proposals would designate a section of highway on the south side adjacent to a convenience store to 30 minutes (and no return within 3 hours) fronting numbers 9 to 11. This would increase the chance of a space being available for short-term waiting. It is proposed to apply the restrictions from 9am to 6pm, 7 days per week.

3.3 The proposed restrictions are shown on the scheme proposals plan and the reasons for making the Order in Appendix A. It is considered that the introduction of waiting restrictions at specific locations will improve traffic management and benefit road safety.

4.0 Officer Comments

4.1 See Appendix B – Summary of comments received.

5.0 Consultation

5.1 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. Please refer to Appendix A. The Traffic Regulation Order was advertised in the local press and notices posted on site on 4th October 2018 and any person could make objections and representations until 26th October 2018. The consultation was highly fruitful, resulting in suggested alternatives from local residents.

5.2 At the conclusion of the advertising stage there was some support but also a number of objections to the proposal were received. All comments are summarised in Appendix B, together with Officers' remarks. A summary is shown below.

	High Street, Scalby.			South Street, Tibby Butts and Hall Park Close.		
	Support	Observations (neither object nor support)	Object	Support	Observations (neither object nor support)	Object
Resident	7	6	5	9	4	2
Business	0	1	2	1	2	1
Other (not specified)	0	2	0	0	1	0
TOTAL	7	9	7	10	7	3

5.3 As a result of some comments, it is suggested that the length of proposed waiting restriction on the east side of South Street could be shortened. Officers agree with this suggestion, and a plan showing the South Street restriction shortened by 25 metres is shown coloured green in Appendix D.

5.4 The local county councillor, Cllr Derek Bastiman fully supported the proposals as advertised. He has been contacted with the revised proposals and made the following comment; 'I am 100% in support of the amended proposals. They will make moving around the village easier and safer, whether residents, businesses or visitors are using their vehicles, the local bus service or walking. These new restrictions have gone through the consultation proper process and the suggestions of those responding to the consultation have been listened to'.

5.5 An amendment to the proposals to make them less restrictive does not require re-advertising and re-consultation.

6.0 Equalities

- 6.1 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 and a copy of the Equalities Impact Assessment screening form is attached as Appendix C.

7.0 Finance

- 7.1 The cost of advertising the Traffic Regulation Order and providing the necessary signs and road markings is estimated at approximately £1,900 which will be funded from the local highways Area 3 (Signs, Lines and TROs) budget.

8.0 Legal

- 8.1 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.
- These proposals do not meet the area-wide TRO criteria.
- 8.2 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.
- 8.3 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.
- 8.4 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.

9.0 Recommendation(s)

9.1 On the basis of the consultation responses, it is recommended that:

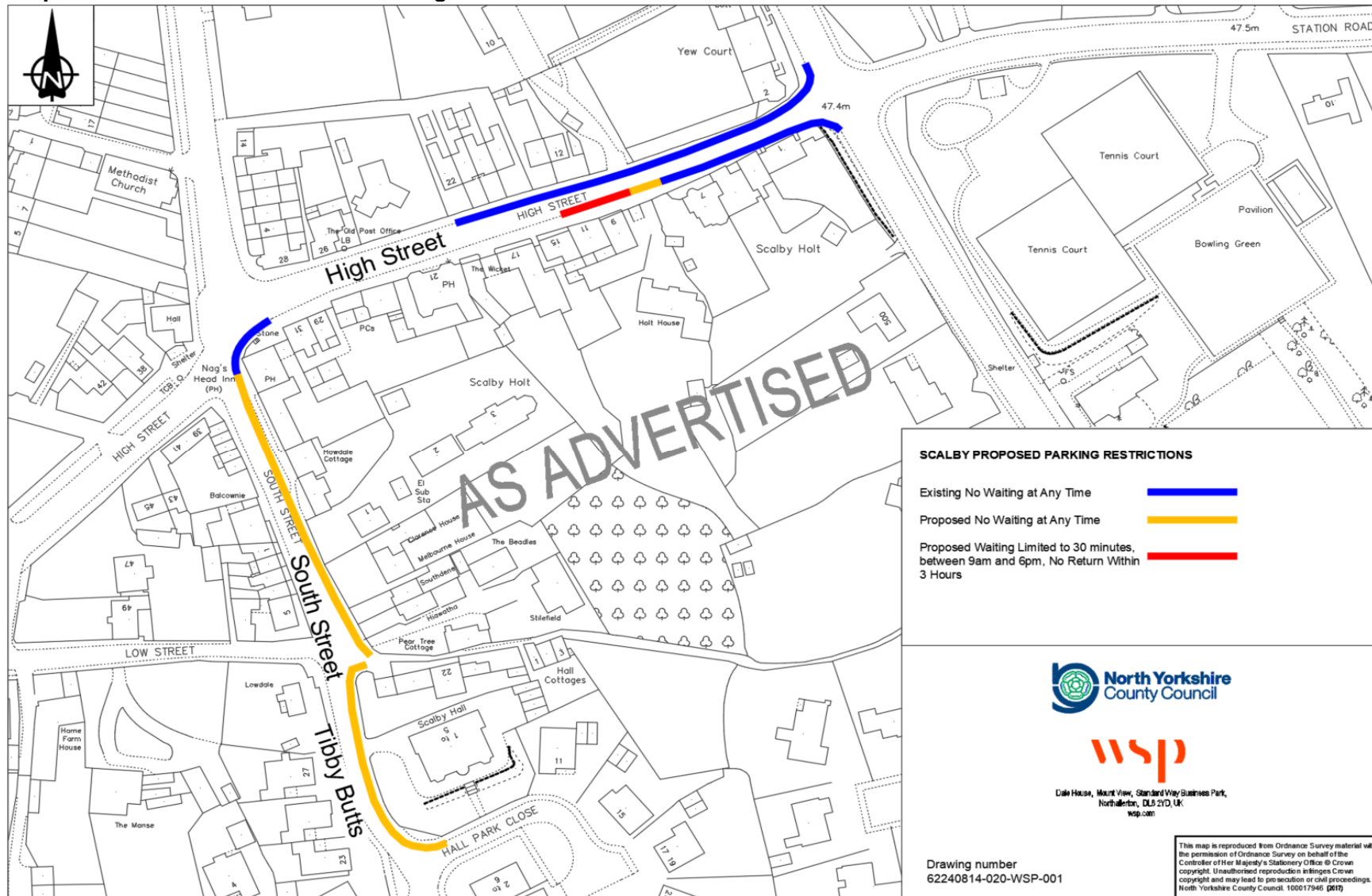
- a) The amended proposals for High Street, South Street, Tibby Butts and Hall Park Close be introduced as shown in Appendix D.
- b) That the Assistant Chief Executive (Legal and Democratic Services) be authorised to make and seal the relevant Traffic Regulation Orders.
- c) All respondents, including 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

Proposals Plan and Reasons for Making the Order.



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 facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or
- (b) for the allocation of highway space or section of highway for a specific use, purpose, class of vehicle or user.

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 the above grounds (a and b) having taken into account its duty under Section 122(1) of the 1984 Act, for the following reasons:-

- to maintain traffic flow for all vehicles on South Street, Tibby Butts and the junction of Hall Park Close by restricting waiting on one side
- to promote a turn-over of vehicles on High Street and protect an adjacent access from obstructive parking.

Location(s) of Proposed Order

Settlement	Road	Side	From	To	Restriction
Scalby	South Street	East	A point 4m south of the junction with High Street.	Tibby Butts	No waiting at any time.
Scalby	Tibby Butts	East	The junction with South Street	The junction with Hall Park Close.	No waiting at any time.
Scalby	Hall Park Close	North	The junction with Tibby Butts.	A point 7m east of the junction with Tibby Butts.	No waiting at any time.
Scalby	High Street	South	A point 53m west of the junction with Scalby Road.	A Point 62m west of the junction with Scalby Road.	No waiting at any time.
Scalby	High Street	South	A point 62m west of the junction with Scalby Road.	A point 82m west of the junction with Scalby Road	Limited Waiting 9.00am to 6.00pm 30 minutes No Return within 1 Hour.

Objection and considerations

Responder	Comments and Objections	Officer Comments
1. Local Member (supports).	Supports the proposals in full.	Noted. Recommend proceeding.
2. Resident of High Street (objects to proposals on High Street but supports proposals on South Street and Tibby Butts).	Proposals are aimed at alleviating issues for businesses but will make matters worse for residents. Requests a one-off parking permit.	Currently there are no waiting restrictions on High Street and any vehicle can park for an unlimited period whether residential or accessing the businesses. This short section of waiting restriction of approximately 3 car spaces will benefit the adjacent business and reduce the amount of obstructions caused by vehicles parking to access the business. Shortening or repositioning the length will not have the desired effect that these proposals are hoping to create, and alternative parking space is available nearby. Exemption for individuals could only be introduced unless it formed part of a permit parking scheme. This does not form part of these proposals. Note objection but recommend proceeding.
3. Resident of South Street (supports).	Supports proposals.	Noted. Recommend proceeding.
4. Owner of business on High Street (objects).	Proposals will not benefit our business (which requires a longer stay than 30 minutes)) and day tourists park here.	The waiting restriction proposal on High Street is to provide a turn-over of vehicles creating greater short-term access to businesses. The restrictions on South Street is to stop the road being obstructed by vehicles parking on both sides of the road. Vehicles wanting to park all day can do so nearby. Note objection but recommend proceeding.
5. Resident of South Street (supports South Street / Tibby Butts proposals but objects to High Street Proposals).	Does not think people should be encouraged to use a car to shop at the village store. Does not see the point in the limited waiting. It will not suit people visiting any of the other shops / pubs who would stop for longer.	The proposals on the High Street are to provide a turn-over of vehicles and greater short-term access to businesses. Vehicles requiring all day parking can park nearby. Note objection but recommend proceeding.
6. Business owner on High Street (supports South Street / Tibby Butts proposals but objects to High Street Proposals).	Understands there are problems with bus access but to restrict the parking on High Street will make it very difficult for patrons attending not only my business but all the businesses in Scalby. We have a busy high street, don't restrict it.	The proposals on the High Street are to provide a turn-over of vehicles and greater short-term access to businesses. Vehicles requiring parking all day can park nearby. Note objection but recommend proceeding.
7. Resident of High Street (objects).	The village has no more business now than it has had for years. A lot of fitness bikers and walker use the	The proposal on High Street is to provide a turn-over of vehicles creating greater short-term access to businesses. The restrictions on South Street is

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	roads to park on and no other villages have restrictions so why concentrate on ours?	to stop the road being obstructed by vehicles parking on both sides of the road. Vehicles requiring parking all day can do so nearby. Note objection but recommend proceeding.
8. Resident of High Street (supports).	The village shop is essential for most residents. The increased parking pressure due to the (name - nearby) hotel has caused problems for the shopkeepers. This will help.	Noted. Recommend proceeding.
9. Resident of Tibby Butts (supports).	'Fully supports both proposals, especially South Street and Tibby Butts.	Noted. Recommend proceeding.
10. Resident of South Street (supports).	(None supplied).	Noted. Recommend proceeding.
11. Resident of Tibby Butts (supports).	'Best available options for an increasing parking problem.'	Noted. Recommend proceeding.
12. Address supplied (tentative support).	Supports proposals and queries the future enforcement.	Address is some 750m from proposals. Once the restrictions have been agreed to after due process and sealed, with lines and signs in place then Scarborough Borough Council (SBC) parking services will enforce the restrictions on a regular basis. Note and recommend proceeding.
13. Resident of South Street (recognises need for some restrictions – tentative support).	South Street The vast majority of homes on the west side of South Street do not have the luxury of off-street parking so have to rely on street only. The introduction of the bus route some years ago meant that parking on both sides of South Street became impractical and led to buses being blocked and to resolve the issue, temporary cones were introduced, and this immediately resolved the issue and has worked well ever since. Supports the proposals. I consider that the length of proposed restriction on South Street could be reduced to allow more parking to remain.	The comment regarding retaining as much on-street parking as possible and leaving a length of parking on the east side of South Street is valid if full width parking space can be accommodated. A survey has been carried out on South Street to see if there is sufficient room to allow parking in front of Melbourne House. Following the survey the proposed restrictions should now be stopped close to the northern boundary Melbourne / Clarence House as any parking south of this point will allow sufficient room for a bus to pass even with a car parked on the western side. Note and recommend shortening the length of proposed restriction on South Street to make less restrictive.
14. Resident of Hall Park Close (supports).	Supports.	Noted. Recommend proceeding.
15. Resident of High Street (objects to proposals on High Street	Businesses and residents compete for limited parking space. A residents' parking scheme would be more appropriate.	'The proposals on the High Street are to provide a turn-over of vehicles creating increased short-term access to businesses and to protect an adjacent access. The restrictions on South Street is to stop the road being obstructed by vehicles parking on

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but supports proposals on South Street / Tibby Butts).		both sides of the road. Vehicles requiring parking all day can park nearby. Note objection but recommend proceeding.
16. Resident of Tibby Butts (supports).	Supports.	Noted Recommend proceeding.
17. Scalby and Newby Village Trust (support with amendments).	'The village trust feels the limited waiting should be from the hours of 6am to 6pm but otherwise welcome the proposal. These times are the shop opening times. Please remember this is in the conservation area and yellow lines should be narrower and primrose coloured variant.'	Restrictions that commence at 6am will effectively prevent residents from using the spaces overnight. It is considered that 9am to 6pm restrictions are a good balance providing a benefit to the store whilst allowing residents to park overnight. The conservation status is noted. Recommend proceeding.
18. Resident of High Street (tentatively supports the proposals for High Street but opposes proposals for South Street / Tibby Butts).	Supports the proposal for limited waiting on High Street and requests that regular enforcement is carried out. Does not support the proposed no waiting on South Street, Tibby Butts and Hall Park Close. Believes such restrictions will add further to the parking pressure and parking abuses on High Street. Believes that new restrictions could lead to greater abuse of the yellow lines.	The restriction on South Street is to stop the road being obstructed by vehicles parking on both sides of the road and affecting the local bus service on this route. Vehicles require parking all day can park nearby. The 'no waiting' restrictions proposed for South Street and Tibby Butts are a necessary solution to a specific localised issue. Displaced vehicles will need to park elsewhere; however it is recommended that the original proposals as advertised on the east side are relaxed with a reduction in the proposed length of restriction. The restrictions should now be stopped close to the northern boundary Melbourne / Clarence House as any parking south of this point will allow sufficient room for a bus to pass should a car also be parked on the western (opposite) side. Noted. Recommend shortening the length of proposed restriction on South Street to make less restrictive.
19. Resident of High Street (supports with reservations).	Believes the new proposals will only be of benefit if they are monitored by CCTV cameras or traffic wardens. The double yellow lines on the High Street in Scalby at present do not act as a deterrent.	Once the restrictions have been agreed to after due process and sealed, with lines and signs in place then Scarborough Borough Council (SBC) parking services will enforce the restrictions on a regular basis. Note reservations but recommend proceeding.
20. Resident of South Street (opposes but with some reservations).	Agrees with the proposed waiting restrictions on South Street. However, plans eliminate a parking space opposite number 5 South Street that is extremely useful. So would like this space to remain. It's not a block to buses or traffic. Limited waiting on the High Street will increase pressure elsewhere.	The comment regarding retaining as much on street parking as possible and leaving length of parking on the east side of South Street is valid and can be accommodated. The proposals on the High Street are to provide a turn-over of vehicles creating greater short-term access to businesses, vehicles requiring parking all day can park nearby.

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		Note reservations. Propose shortening the length of restriction on South Street to make less it restrictive and to proceed with the proposals on High Street.
21. Business owner on High Street (supports with reservations).	'Parking restrictions are long overdue along High Street. Broadly agrees with the proposals. Questions the time of limited waiting 9am to 6pm.	Restrictions that apply for longer periods will effectively prevent residents from using the spaces overnight. It is considered that 9am to 6pm restrictions are a good balance providing a benefit to the store whilst allowing residents to park overnight. Note reservations but recommend proceeding.
22. Resident of High Street (observations on proposals).	Should the proposal go ahead on High Street, it is understandable that the vehicles currently parked on the High Street and surrounding areas will either remain in the available bays for a longer duration, move to other areas in the immediate vicinity. The knock on may be felt in business whose customer base requires a stay longer than the proposed 30 minutes finding their customers go elsewhere. For myself I will find another place to park or use the area in front of the other shops. Keep the status quo or increase the parking available.'	The proposed restrictions are intended to strike a balance for varied and often conflicting parking needs and to maintain access for the local bus service that is used by residents that do not have access to private motorised transport. Note observations but recommend proceeding.

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	the introduction of Road Traffic Regulation Order		
Officer(s) carrying out screening	David Pringle		
What are you proposing to do?	Introduce a No Waiting at Any Time restriction on the east side of South Street and Tibby Butts between High Street and Hall Park Close and a short section on the south side of High Street. Introduce a length of limited waiting on the south side of High Street fronting No's 9 to 11.		
Why are you proposing this? What are the desired outcomes?	To better manage and control parking practices for safety and the expeditious movement of traffic. To create a greater turnover of vehicles outside the shop and to protect a bus service route from obstructions.		
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		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	

NYCC additional characteristics			
People in rural areas		X	
People on a low income		X	
Carer (unpaid family or friend)		X	
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.	Yes. It assists the local bus service by preventing the route being obstructed by parked vehicles.		
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:	Yes	Continue to full EIA?;
Reason for decision	Minor impact that will not differentiate or discriminate.		
Signed (Assistant Director or Equivalent)	Barrie Mason		
Date	13/05/20		

Proposals as recommended to committee for implementation. All as advertised, except for the omission of a short section of proposed 'no waiting at any time' restriction on South Street (shown in green on the plan).

