

North Yorkshire County Council
Business and Environmental Services

Executive Members

23 October 2020

Blue badge parking bay, Oxcliff, Scarborough – 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 July/August 2020 for proposed changes to traffic regulation orders at Oxcliff, Scarborough.

2.0 Background

- 2.1 Oxcliff is a residential street at the northern end of the central part of Scarborough. It has junctions with Wreyfield Drive at its northern end and Barrowcliffe Road at its southern end. The proposal is located in the section between Wreyfield Drive and Bracken Hill. There are no parking restrictions and no existing blue badge parking bays on the street.
- 2.2 In total approximately 59 properties have a frontage on Oxcliff but there are 34 frontages in this section. On-street parking is primarily residential.

3.0 Proposals

- 3.1 The resident of No. 52 Oxcliff has submitted an application for an on-street blue badge parking bay outside the property.

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 site and in the press on 31 July 2020. Any person could make objections and representations until 24 August 2020.
- 4.2 At the conclusion of the advertising stage approximately 34 letters were delivered and seven responses were received. Six responses were objections to the proposal and one was in support. No comment was given with the supporting response and all of the objections were accompanied by comments. The respondent's comments are summarised in Appendix B, together with Officers comments.
- 4.3 Local County Councillor comments:
This proposal has the support of the local County Councillor.

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 £2000 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.
- 7.2 As the proposal is wholly within the County Council Electoral Division of Woodlands, this would not be classed as a wide area impact TRO.
- 7.3 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.
- 7.4 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.
- 7.5 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 six weeks from the date on which the Order is made.

8.0 Climate Change Assessment

- 8.1 Consideration has been given to any potential Climate Change impacts arising from the recommendation. A copy of the Climate Change Impact Assessment is attached as Appendix D.

9.0 Recommendations

- 9.1 On the basis of the consultation responses, it is recommended that the Corporate Director, BES, in consultation with the BES Executive Members, over-rule the objections to the proposed blue badge parking bay and approve the changes and
- 9.2 That the Assistant Chief Executive (Legal and Democratic Services) be authorised to make and seal the relevant Traffic Regulation Orders.
- 9.3 That the respondents are notified of the decision within 14 days of the Order being made.

BARRIE MASON
Assistant Director Highways and Transportation

Author of Report: John Hough

Background Documents: None



Our Ref: A3.0905

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27 July 2020

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Dear Sir / Madam

CONSULTATION – Installation of an on street blue badge parking bay on Oxcliff, Scarborough.

The County Council, as Highway Authority for the area, has been asked to implement the following traffic control measures at the above location:-

Proposed measures	To install an on street blue badge parking bay adjacent to 52 Oxcliff, Scarborough.
Reasons	To facilitate available parking for blue badge holders.

The Council is required to consult those directly affected by the proposal or who may have an interest. The purpose of this letter is to provide you with details of the proposal and allow you the opportunity to express your views.

Attached is a plan showing the location of the section of Oxcliff where we are proposing to install a designated blue badge parking space. This will increase the availability of a parking space for blue badge holders. There is a simple questionnaire for you to indicate your views regarding the proposal. **Please return questionnaires by 24th August 2020.** You can also email your comments to area3.whitby@northyorks.gov.uk

If there are no significant objections to the proposals, it is anticipated that the scheme would be implemented within six months from the end of the consultation period. However, if objections are raised which are not resolved or withdrawn, it will be necessary to report them to a meeting of the County Council's Business and Environmental Services (BES) Executive Members overseeing the responsibilities of Corporate Director, BES, David Bowe, to decide whether the objections should be upheld or overruled.

The date and venue of any meeting together with conditions regarding public access will be advised if applicable.

I trust this is satisfactory and look forward to receiving your comments.

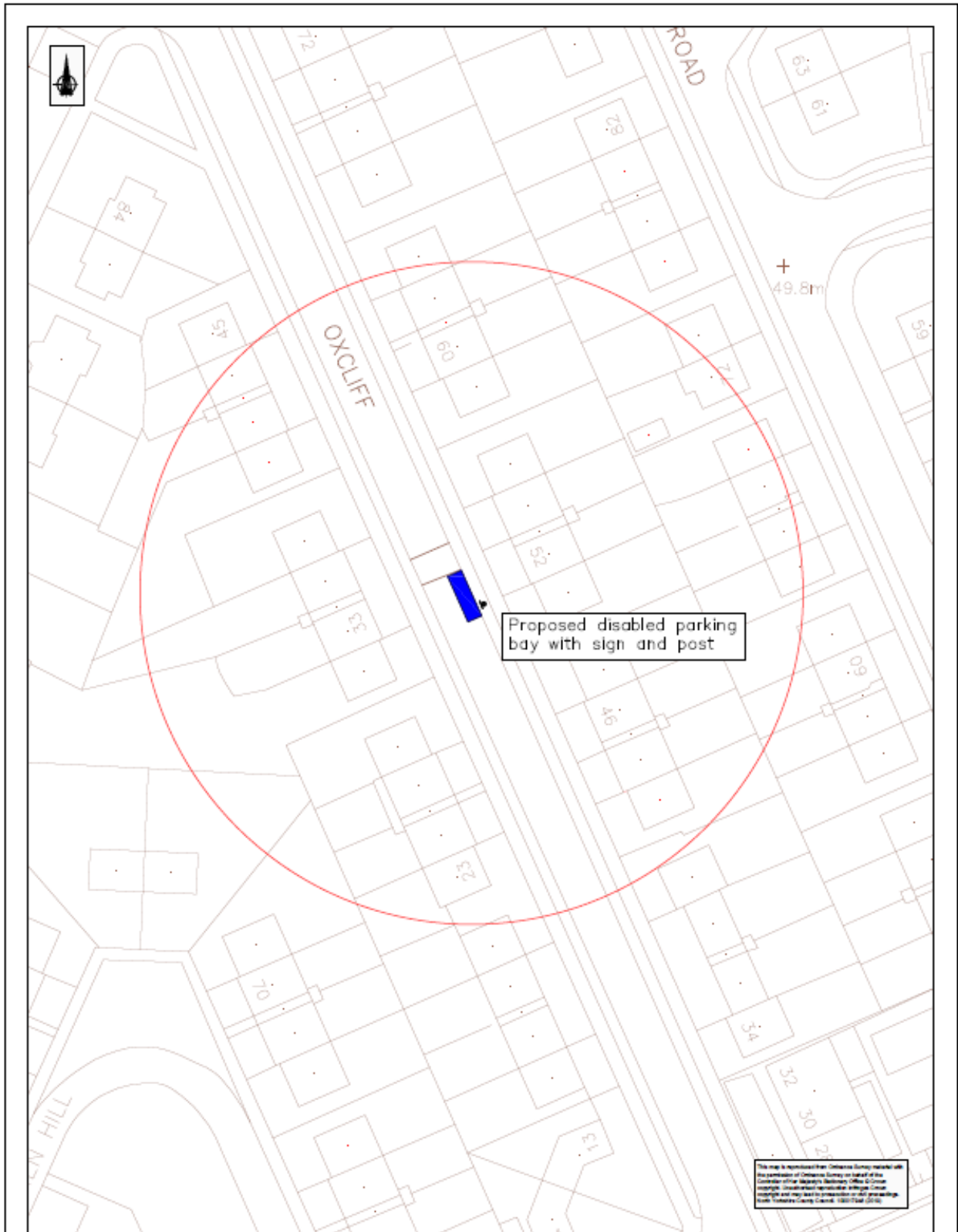
Yours faithfully

Helen Watson

Helen Watson
Improvement Manager

Business and Environmental Services ■

Location Plan



Area Office 3
Discovery Way
Whitby
North Yorkshire
YO22 4PZ
Tel: 01800 780780

Project	PROPOSED ON STREET DISABLED PARKING BAY OXCLIFF, SCARBOROUGH		
Drawing title	LOCATION PLAN		
Drawing number	001	Rev	**
Scale	1 to 10000	Drawn by	JH
		Checked by	**

Rev	Date	By	Check	Reason

Statement of Reasons

**PROPOSED AMENDMENTS TO WAITING RESTRICTIONS
IN SCARBOROUGH**

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).

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) and (f) above, having taken into account its duty under Section 122(1) of the 1984 Act.

Location(s) of Proposed Orders

Street	Side	From	To	Restriction	Hours	Zone
Oxcliff	east	A point 92 metres south of its junction with Wreyfield Drive	A point 99 metres south of its junction with Wreyfield Drive	Disabled Parking Bay	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 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

Support, Objections and Comments	Officer Comments
Objection: Still will not help with the amount of cars (2 cars per household most). I've 3 babies and cannot get near my front door, single parent.	Parking problems noted.
Support: No comment given.	
Objection: 52/54/37/39/41 All have blue badges. Is it going to help us all or just 52 as his disabled car is 2 ½ x car size van. I'm 37 disabled have a drive but need a drop curb which you could do at same time to get my car safe and near for me as cannot walk far. Think you need to look at more than just one blue badge space as most households on Oxcliff have two cars. Most nights you can not even get up the road exs (Police, Ambulance ect.) park always on the grass outside 37 all the time (have lots of photos) so I can't even get out the house. Ex:- my dad passed away and I got blocked in and could not even go say goodbye. As well with the new electric plug in cars becoming more popular how with roads like this can people plug in their cars if cannot even park sometimes on the same street. If your going ahead with this I would like a drop curb to my property at 37 as blue badge holder also.	<p>The proposed parking bay would be available for use by any blue badge holder. Any further requests for blue badge parking bays would be judged on their own merits.</p> <p>Respondent is at liberty to apply for permission to install a dropped kerb at his own expense however, the driveway in its current form does not meet the required criteria because it has steps and a brick wall / pedestrian gate instead of a driveway gate.</p> <p>Parking problems noted.</p> <p>Potential for problems with electric car plug in is a valid point but irrelevant for this consultation.</p>
Objection: Hasn't got a car. Wouldn't say he is disabled. Heard he wants a 1 bedroom flat as he's in a 3 bedroom house on his own.	This information is not verifiable.
Objection: He doesn't have a car. Not disabled. In a 3 bedroom house on his own, told me he wants a 1 bedroom flat.	This information is not verifiable.
Objection: I would like to state my objection to the above parking bay application. The road width on Oxcliff is approximately 5 metres which would make it impossible for people on the opposite side of the road to park anywhere near their homes and make it impossible for traffic in transit to pass. It may also be noted that there are 2 residents on the opposite side of the road which are blue badge holders and	<p>It is noted that the road is narrow. The width of a blue badge parking bay can be reduced to a minimum of 1.8m.</p> <p>This information is not verifiable.</p>

APPENDIX B

have declined to apply due to neighbourly considerations.	
Objection: It is hard enough to get a parking space on the street as it is for residents without putting a disability bay in.	Parking problems noted.

Initial equality impact assessment screening form			
<p>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.</p>			
Directorate	Business and Environmental Services		
Service area	Highways and Transportation		
Proposal being screened	The introduction of an on street residential blue badge parking bay and associated Traffic Regulation Order		
Officer(s) carrying out screening	John Hough		
What are you proposing to do?	Install a residential on street blue badge parking bay on the east side of Oxcliff, Scarborough adjacent to No. 52.		
Why are you proposing this? What are the desired outcomes?	In response to an application submitted by a resident. The desired outcome is to facilitate accessible parking for a blue badge holder.		
Does the proposal involve a significant commitment or removal of resources? Please give details.	On the basis of the recommendations, the financial implications are in the region of £2000 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. The only removal of resources would be a very slight reduction in parking availability for non blue badge holders.		
<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			

APPENDIX C

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 The proposal relates to the availability of a residential parking space for a blue badge holder.		
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	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. This would be adjacent to an existing blue badge bay but would not exceed the stage 2 criteria relating to the number of properties on the street.		
Signed (Assistant Director or Equivalent)	Barrie Mason		
Date	06/10/20		



Climate change impact assessment

The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance please email climatechange@northyorks.gov.uk

Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:

Planning Permission
Environmental Impact Assessment
Strategic Environmental Assessment

However, you will still need to summarise your findings in in the summary section of the form below.

Please contact climatechange@northyorks.gov.uk for advice.

Title of proposal	Residential Blue Badge Parking Bay at 52 Oxcliff, Scarborough
Brief description of proposal	Installation of residential on-street blue badge parking bay
Directorate	BES
Service area	Highways & Transportation
Lead officer	John Hough
Names and roles of other people involved in carrying out the impact assessment	None
Date impact assessment started	06/10/2020

Options appraisal

Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.

None

What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Please explain briefly why this will be the result, detailing estimated savings or costs where this is possible.

There will be a cost to implementing this proposal. It is a small scheme incurring costs associated with consultation, changes to Traffic Regulation Orders and construction involving the erection of a small traffic sign and road markings. Ball park estimate £2000.

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where relevant)</p>	<p>No impact (Place a X in the box below where relevant)</p>	<p>Negative impact (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>	
<p>Minimise greenhouse gas emissions e.g. reducing emissions from travel, increasing energy efficiencies etc.</p>	Emissions from travel	x			<p>The end user (applicant) will no longer need to drive around searching for a parking space near to their home.</p>		<p>No further improvements can be made.</p>
	Emissions from construction		x				
	Emissions from running of buildings		x				
	Other		x				
<p>Minimise waste: Reduce, reuse, recycle and compost e.g. reducing use of single use plastic</p>			x				
<p>Reduce water consumption</p>			x				

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where relevant)</p>	<p>No impact (Place a X in the box below where relevant)</p>	<p>Negative impact (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> Changes over and above business as usual Evidence or measurement of effect Figures for CO₂e Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Minimise pollution (including air, land, water, light and noise)</p>		X				
<p>Ensure resilience to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers</p>		X				
<p>Enhance conservation and wildlife</p>		X				
<p>Safeguard the distinctive characteristics, features and special qualities of North Yorkshire's landscape</p>		X				

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where relevant)</p>	<p>No impact (Place a X in the box below where relevant)</p>	<p>Negative impact (Place a X in the box below where relevant)</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> Changes over and above business as usual Evidence or measurement of effect Figures for CO₂e Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Other (please state below)</p>		<p>X</p>				

Are there any recognised good practice environmental standards in relation to this proposal? If so, please detail how this proposal meets those standards.

Proposal would be constructed by NYCC in-house contractors who are covered by approved good practice standards for environmental and safety issues.


Summary Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

Small traffic improvement scheme to address disability equality issues with minimal impact on the environment.

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Sign off section

This climate change impact assessment was completed by:

Name	John Hough
Job title	Project Engineer
Service area	Highways & Transportation
Directorate	BES
Signature	
Completion date	06/10/2020

Authorised by relevant Assistant Director (signature):Barrie Mason

Date:13/10/20

DRAFT