

North Yorkshire County Council
Business and Environmental Services

Executive Members

17 December 2021

Proposed Introduction of 'Disabled' Parking Bay
Spenceley Place - Aldbrough St John

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 Business and Environmental Services (BES) and the BES Executive Members of the outcome of the public consultation and statutory advertisement which took place with regard to this proposal and to ask for a decision to be made as to whether or not the proposed 'Disabled' Parking Bay should be introduced.
- 1.2 A decision from the Corporate Director BES and the BES Executive Member for Access is sought regarding the proposed Recommendation outlined in this report.

2.0 Background

- 2.1 The County Council promotes a scheme whereby residents in possession of a disabled persons parking permit (commonly referred to as a 'Blue Badge') can apply for a formal 'Disabled' parking bay to be provided adjacent to their property. Such bays have appropriate road markings and an accompanying information sign.
- 2.2 As part of the application process certain qualifying criteria need to be met. Once the application has been validated then an appropriate Traffic Regulation Order needs to be promoted which involves the usual process of consultation and advertising of the details.
- 2.3 In this particular instance a request for a 'Disabled' Parking Bay has been received and validated from a resident of a property in Spenceley Place in Aldbrough St John. The proposed location for the bay is as shown on the map provided as Appendix A.

3.0 Consultation

- 3.1 The proposal has been the subject of consultation and public advertisement in accordance with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. The enabling Traffic Regulation Order (TRO) was advertised for public comment in the local press, published on North Yorkshire County Council's website and by means of a Legal Notice placed on street in accordance with the requirements of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations
- 3.2 A copy of the accompanying 'Statement Of Reasons' which outlines the details of the proposal and was used in conjunction with the consultation and advertising is provided with this report as Appendix B.

- 3.3 At the conclusion of the consultation and public advertising stages, a number of comments which objected to the proposal had been received.

4.0 Officer Comments

- 4.1 Officers have considered each of the responses received and have summarised these responses along with a corresponding officer comment in Appendix C. Two residents of Spenceley Place have objected along with the local Parish Council.
- 4.2 With regard to these comments Members will note that these all follow the same theme in suggesting that the provision of the formal 'Disabled' Parking Bay will have a knock on effect in reducing the availability of on-street parking for other residents. The housing development in question is 'mature' with limited off-street parking and many residents do rely on being able to park vehicles on the carriageway with such space being at a premium.
- 4.3 Whilst the comments received are understood, it is considered that the effect of the introduction of the proposed 'Disabled' Parking Bay will be negligible in reducing the opportunity for on-street parking. If introduced the bay in question would be 6.6 metres in length and marked parallel to the carriageway. A car parked informally at the same location would take up a space of approximately 6 metres so the actual effect on parking by providing the new bay would be very limited with care being taken when marking it out to ensure that sufficient space remained between it and the end of the cul-de-sac to still allow a car to be parked.
- 4.4 The proposed measures will enable the County Council to comply with its duty under Section 122(1) of the Road Traffic Regulation Act 1984 to exercise its functions as road traffic authority to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) as well as its network management duty under Section 16 of the Traffic Management Act 2004 to secure the expeditious movement of traffic on the authority's road network.

5.0 Financial Implications

- 5.1 If the proposed 'Disabled' Parking Bay was to be introduced then the provision of associated road markings and signing would be funded from the Area Office 'Signs, Lines and Traffic Regulation Orders' budget.
- 5.2 The approximate cost involved would be £ 250.

6.0 Equalities Implications

- 6.1 An initial equality and impact assessment screening form has been completed for the proposed waiting restrictions and a copy is provided with this report as Appendix D.

7.0 Legal Implications

- 7.1 The 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.
- 7.2 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.
- 7.3 The 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.
- 7.4 The proposed TRO for this proposal has not been classed as a 'wide area impact TRO' and therefore the Area Constituency Committee's views have not been sought.
- 7.5 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 before the Order comes into operation. 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.
- 7.6 In accordance with the protocol for BES Executive Member reports, the Local Member will be provided with a copy of this report and be invited to the meeting on 17 December 2021. The Local Elected Member for the area is in support of the proposals.
- 7.7 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.
- 7.8 In recommending the implementation of the proposed TRO, officers consider that it will enable the County Council to comply with its duties under Section 122 of the Road Traffic Regulation Act 1984 and Section 16 of the Traffic Management Act 2004, as detailed in Paragraph 4.2 to 4.4 of this report.

8.0 Climate Change

- 8.1 A climate change impact assessment has been carried out, see Appendix E. The impact of any changes to the waiting restrictions will be negligible as parking is available on the adjacent highway

9.0 Recommendations

9.1 It is recommended that:

- i. The intention to introduce a 'Disabled' Parking Bay as outlined in this report under the delegated authority of the Corporate Director BES is noted.
- ii. That the Assistant Chief Executive (Legal and Democratic Services) be authorised to seal the relevant Traffic Regulation Order to give effect to the proposed 'Disabled' Parking Bay (subject to the amendments and recommendations approved by the Corporate Director (BES) in consultation with the BES Executive Member for Access in light of the objections received) and that the objectors are notified within 14 days of the Order being made.

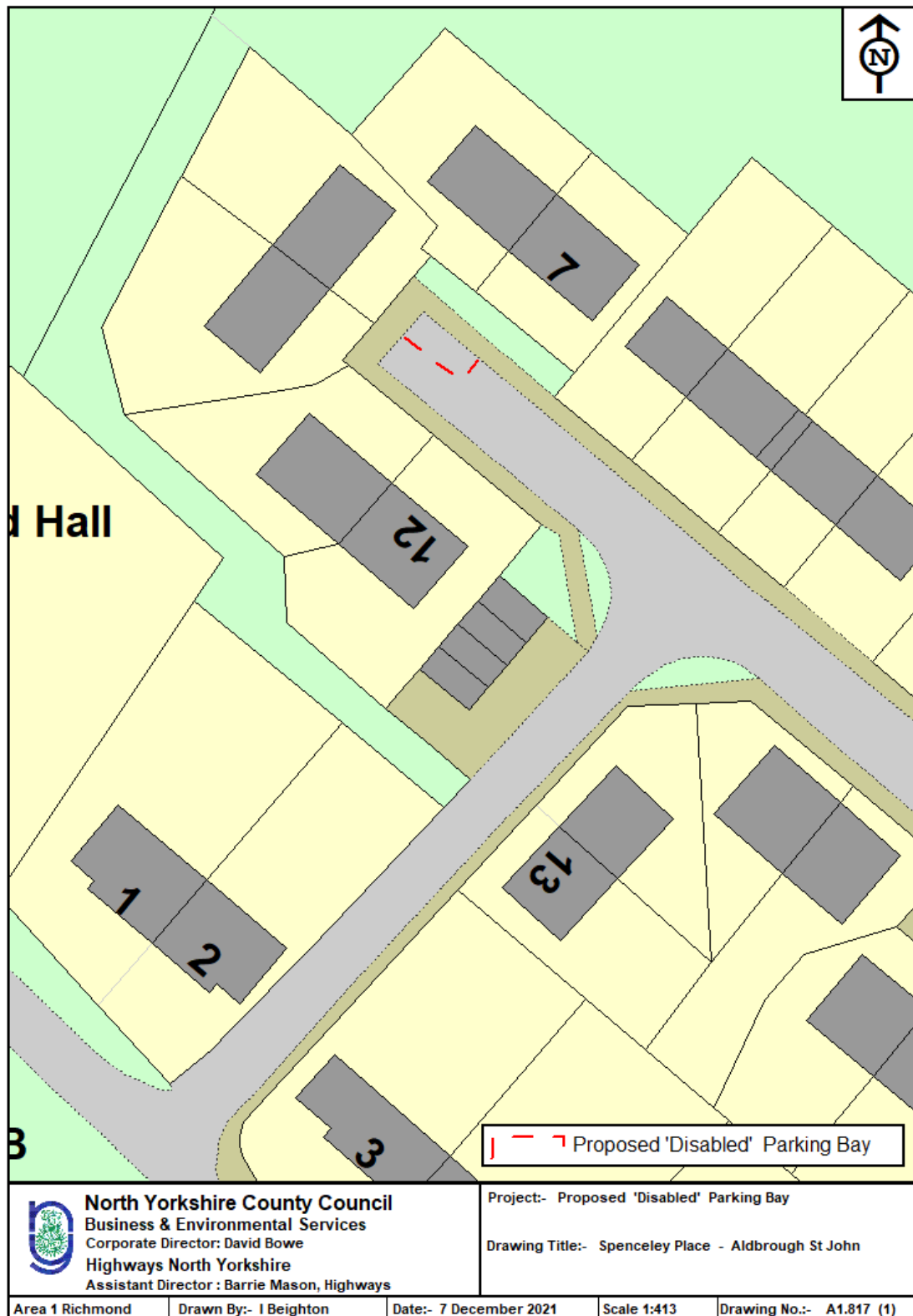
BARRIE MASON

Assistant Director – Highways & Transportation, Business and Environmental Services

Author of Report: Ian Beighton

Background Documents: None

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PROPOSED 'DISABLED' PARKING BAY - SPENCELEY PLACE, ALDBROUGH ST JOHN

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 (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

A request has been made for the introduction of a 'Disabled' Parking Bay adjacent to properties at the western end of Spenceley Place.

The application has been made by a local resident under the terms of the County Council's procedure for the provision of 'Disabled' Parking Bays and having given consideration to the request it is considered that the provision of a 'Disabled' Parking Bay would be appropriate in this instance.

If the 'Disabled' Parking Bay is introduced then it would be available for use by any vehicle displaying an appropriate and valid blue badge parking permit.

The extent of the proposal is as illustrated on Drawing A1.817 (a)

Traffic Officer - Ian Beighton (Area 1 Highways)

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.

Proposed 'Disabled' Parking Bay - Spenceley Place, Aldbrough St John**Schedule Of Responses Not In Support Of Proposal**

<u>Consultee</u>	<u>Consultee Comment</u>	<u>Officer Comment</u>
Parish Council and two Residents of Spenceley Place	The proposal would decrease the amount of on-street parking available for other residents.	The bay that would be formally marked out would have a length of 6.6 metres which is not significantly longer than the section of unmarked road which would be taken up by a car parked in a line of other cars parallel to the kerb which would be approximately 6 metres.

Initial equality impact assessment screening form

(As of October 2015 this form replaces 'Record of decision not to carry out an EIA')

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	BES		
Service area	H&T		
Proposal being screened	Proposed introduction of Disabled Parking Bay, Spencely Place, Aldbrough St John		
Officer(s) carrying out screening	Neil Linfoot		
What are you proposing to do?	Introduce Disabled Parking Bay		
Why are you proposing this? What are the desired outcomes?	Residents has requested the installation of the bay outside their property to secure parking outside their property		
Does the proposal involve a significant commitment or removal of resources? Please give details.	No		
<p>Is there likely to be an adverse 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 a significant 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	Yes	No	Don't know/No info available
Age		✓	
Disability		✓	
Sex (Gender)		✓	
Race		✓	
Sexual orientation		✓	
Gender reassignment		✓	
Religion or belief		✓	
Pregnancy or maternity		✓	
Marriage or civil partnership		✓	

NYCC additional characteristic				
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.	No.			
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 impact			
Decision (Please tick one option)	EIA not relevant or proportionate:	✓	Continue to full EIA:	
Reason for decision	The proposed disabled parking bay will have no negative impact on people with protected characteristics (or NYCCs additional characteristics) and will enable the County Council to comply with its duties under Section 122 of the Road Traffic Regulation Act 1984 and Section 16 of the Traffic Management Act 2004			
Signed (Assistant Director or equivalent)	Barrie Mason			
Date	06/12/21			



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.

Title of proposal	Proposed Introduction of Disabled Parking Bay, Spencely Place Aldbrough St John
Brief description of proposal	Introduction of Disabled Parking Bay
Directorate	Business and Environmental Services
Service area	Highways and Transportation
Lead officer	Neil Linfoot
Names and roles of other people involved in carrying out the impact assessment	Ian Beighton
Date impact assessment started	20/11/2021

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.

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.

The implementation costs are to be met from the local team 'Sign Lines and TROs budget', the long term impact is that the road markings will need to be refreshed at certain points throughout the lifetime of the Order. This will be undertaken within current programmes and the overall impact will be minimal

APPENDIX E

How will this proposal impact on the environment?		Positive impact (Place a X in the box below where)	No impact (Place a X in the box below where)	Negative impact (Place a X in the box below where)	Explain why will it have this effect and over what timescale? Where possible/relevant please include: <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 	Explain how you plan to mitigate any negative impacts.	Explain how you plan to improve any positive outcomes as far as possible.
Minimise greenhouse gas emissions e.g. reducing emissions from travel, increasing energy efficiencies etc.	Emissions from travel		X				
	Emissions from construction		X				
	Emissions from running of buildings		X				
	Other		X				
Minimise waste : Reduce, reuse, recycle and compost e.g. reducing use of single use plastic			X				
Reduce water consumption			X				

APPENDIX E

<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</p>	<p>No impact (Place a X in the box below where</p>	<p>Negative impact (Place a X in the box below where</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				

APPENDIX E

<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</p>	<p>No impact (Place a X in the box below where</p>	<p>Negative impact (Place a X in the box below where</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>
Other (please state below)		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.</p>
<p>The works will comply with the Traffic Signs Regulations and General Directions 2016</p>

<p>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.</p> <p>The impact of the introduction of the Disabled Bay has no impact as parking is already utilised by the resident in the local and this proposal will just ensure that they can park near their property</p>

Sign off section

This climate change impact assessment was completed by:

Name	Neil Linfoot
Job title	Improvement Manager
Service area	Highways and Transportation
Directorate	Business and Environmental Services
Signature	<i>N Linfoot</i>
Completion date	20/11/2021

Authorised by relevant Assistant Director (signature): Barrie Mason

Date: 10/12/2021