

North Yorkshire County Council
Business and Environmental Services

Executive Members

25 November 2022

**Proposed Introduction of Residential Disabled Parking Bay
Lang Kirk Close, Farnhill**

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 Executive Member for Highways and Transportation of the outcome of the public consultation and statutory advertisement which took place with regard to this proposal and ask for a decision to be made on whether or not the proposal for a residential disabled parking bay on Lang Kirk Close, Farnhill be introduced or set aside in light of the objection received.

2.0 Background

- 2.1 Resident's Disabled Parking Bays (RDPB) can be introduced to provide on-street parking in residential areas for 'blue badge' holders. The County Council's policy states that provision of these bays should only be considered when an individual does not have access to off-street parking such as a drive or garage. Where a RDPB is provided it is not for the exclusive use of one resident but is available for use by any 'blue badge' holder.
- 2.2 Disabled parking bays require a Traffic Regulation Order (TRO) to be in place in order to be enforceable. Historically some advisory and therefore unenforceable residential disabled parking bays were introduced without a Traffic Regulation Order. The Traffic Signs Regulations and General Directions 2016 (as amended) do not permit the use of disabled parking bay road markings without a Traffic Regulation Order and, as a consequence, enforcement action cannot be taken against those that misuse the advisory bays.
- 2.3 The Residential Disabled Parking Bay Policy was approved in August 2011 which determined that only enforceable bays would be provided. In line with this decision, a two-stage assessment process was put in place against which applications are assessed. The assessment criteria for both stages are outlined in Appendix A.
- 2.4 The first stage of the assessment is undertaken by Customer Resolution Centre officers and assesses whether the applicant meets the Stage 1 criteria. This application was assessed and met the criteria and was processed to Stage 2 of the process.
- 2.5 Stage 2 of the process requires that the Local Area Highways Office assesses the application against the relevant highway and site assessment criteria. The assessment criteria were deemed to have been satisfied. The proposal then proceeded to consultation and the proposed TRO was also advertised.

3.0 Consultation

- 3.1 The proposal has been 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 the relevant street in accordance with the requirements of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations.
- 3.2 The TRO was advertised for public comment on 28 July 2022 as follows:
(PROHIBITION OF WAITING AND LOADING AND PROVISION OF PARKING)
(DISTRICT OF CRAVEN)(AMENDMENT No 43) ORDER 2022
The last date for receipt of objections was 22 August 2022.
- 3.3 Appendix B contains a location plan of the proposed RDPB. Appendix C contains the Statement for Reasons and schedule. Appendix D contains a summary of the objections received following consultation, together with officer comment.
- 3.4 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. 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 the Executive Member for Highways and Transportation. 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.
- 3.5 Since the objection received only relates to an individual proposed RDPB contained within one street, one community and one County Council Ward, this does not have a 'wide area impact TRO' and therefore the Area Constituency Committee's views have not been sought.
- 3.6 The Local Members for Farnhill and Farnhill Parish Council were both consulted with no comments received.

4.0 Officer Comment and Conclusion

- 4.1 Officers have considered the objection received and have summarised the response along with officer comment In Appendix D.
- 4.2 With regard to the objection, it is suggesting that the provision of the disabled parking bay will have a knock on effect in reducing the availability of on-street parking for other residents. Whilst the comment received is understood, it is considered that the effect of the introduction of the bay will be negligible in reducing the opportunity for on street parking for residents. If introduced the bay in question would be 6.6 metres in length and adjacent to the already existing disabled bay. Properties at the top of Lang Kirk Close have off street parking in the form of driveways and garages so they are

unaffected. It should be noted that if introduced, there would be two disabled bays on Lang Kirk Close and in line with NYCC Policy for RDPB, no more bays would be permitted to be installed on this street.

- 4.3 Officers consider that the proposed measures set out in this report will assist in addressing the problems identified and thereby enable the County Council to comply with its duty under Section 122(1) of the Road Traffic Regulation Act 1984 to exercise its functions as road traffic authority so as to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway, as set out in the Statement of Reasons for proposing to make the Order attached to this report in Appendix C. The proposed measures will also enable the County Council to carry out 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 and both the more efficient use and the avoidance, elimination or reduction of road congestion or other disruption to the movement of traffic on their road network.
- 4.4 In accordance with the protocol for BES Executive Member reports, the Local Elected Member will be provided with a copy of this report and be invited to the meeting on the 25 November 2022.

5.0 Financial Implications

- 5.1 Funding is available from the existing Area 5 'Signs, Lines and TRO' budget to install the bay and associated signage which is estimated to cost in the region of £300.

6.0 Equalities Implications

- 6.1 An Equality Impact Assessment has been completed for the Residential Disabled Parking Bay Protocol and it is published on the County Council website. The Physical and Sensory Impairment Partnership Board were consulted on and supported the Policy and Eligibility. A screening form has been included in Appendix E.
- 6.2 The provision of RDPB enhances accessibility for mobility impaired residents enabling them to participate positively in community life.

7.0 Legal Implications

- 7.1 In the event that the BES Executive Member – Highways and Transportation and Corporate Director - BES 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 Order (with or without modifications) and publish a notice of making the Order 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.
- 7.2 Where an Order has been made (ie 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.

7.3 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.

8.0 Climate Change Impact Assessment

8.1 Consideration has also been given to the potential for any adverse Climate Change impacts arising from the recommendation. It is the view of officers that the recommendation does not have an adverse impact on Climate Change and a copy of the Climate Change Impact Assessment decision form is attached as Appendix F.

9.0 Recommendations

9.1 It is recommended (having taken into account of all the duly made representations and objections) that the:

- i) results of the consultation exercise are noted;
- ii) Corporate Director - BES, in consultation with the Executive Member for Highways and Transportation, approves the introduction of the disabled bay as advertised and as shown in the schedule contained in Appendix C
- iii) Assistant Chief Executive (Legal and Democratic Services) be authorised to seal the relevant Traffic Regulation Order 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

Author of Report: David Cairns

Background Documents: Letters/ Emails objecting to the proposals, as outlined in this report are held in the scheme files held by the Skipton Area 5 Highways Office

North Yorkshire County Council

Assessment/Eligibility Criteria

Stage one - applicant conditions

The applicant must be:

- The blue badge holder
- The driver of the vehicle (evidence of driver's licence and vehicle ownership will be required)
- Requesting a disabled parking bay for the same address as their blue badge has been issued
- Unable or virtually unable to walk or propel a wheelchair for a comfortable distance outside the home - estimation of comfortable walking distance required
- Unable to access suitable off-street parking, for example a driveway, garage or parking place provided by a housing association or social landlord
- Unable to regularly park their vehicle on the public highway within a comfortable distance of their household

If you do not meet all of these criteria, but feel that your case is exceptional, please [contact us](#). We will be able to assess your eligibility and advise you on whether to proceed with an application.

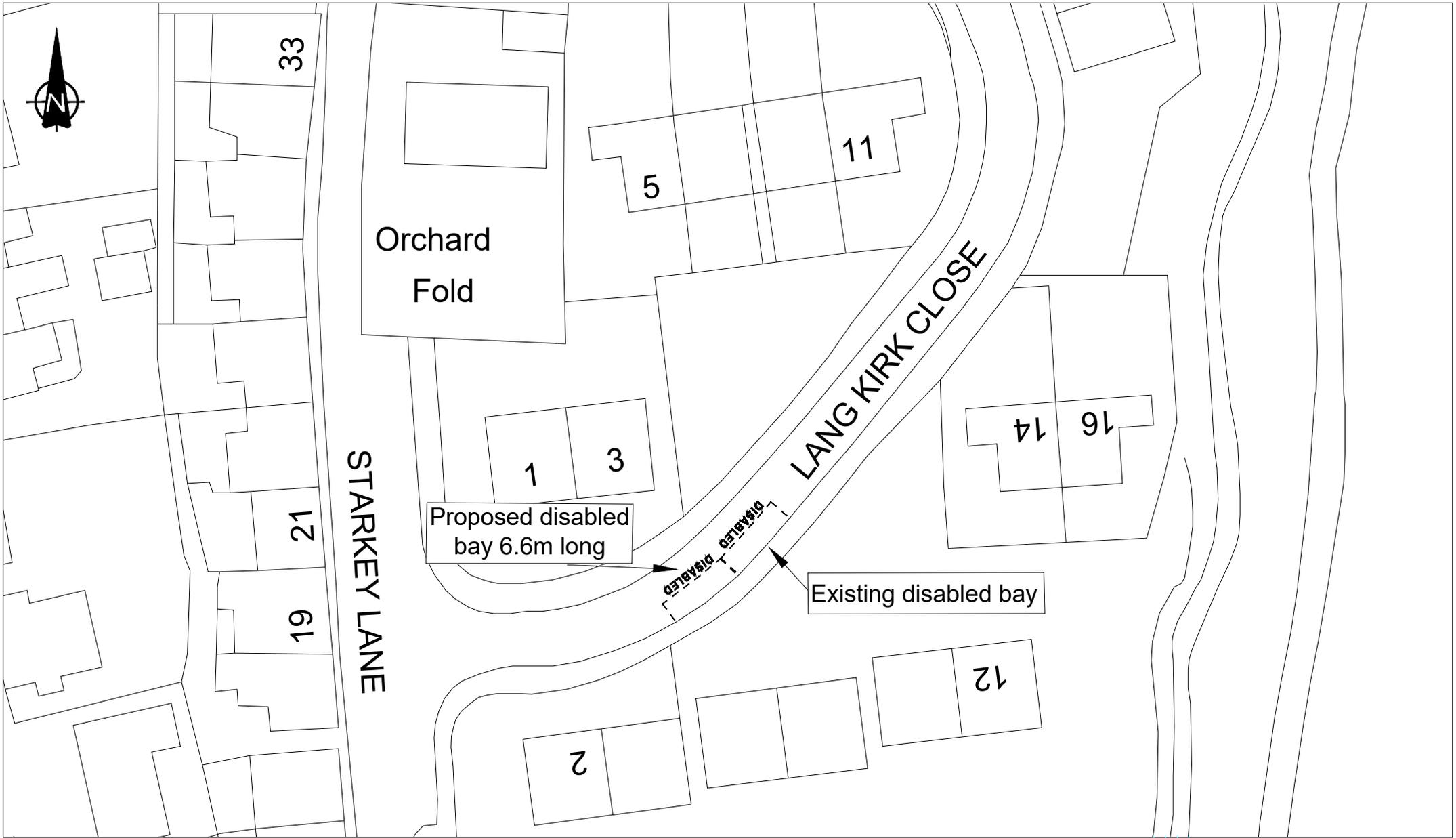
Stage two - highways specific conditions

We will make our decision on the following highway specific conditions. The application may be denied if one or more of the following exist:

- We believe that there is reasonable evidence to suggest that the driver can regularly park their vehicle within a comfortable distance of their household either off-street or on-street
- The request is for a highway that is not maintainable at public expense
- The driver has access to suitable off-street parking, for example a driveway or garage. The suitability of the off-street parking facility will be considered in line with government guidance, specifically:
 - whether it is located on firm and level ground
 - whether the gradient is reasonable
 - whether there is space to enable the disabled driver to get into the car easily and safely
- Waiting restrictions (for example double/single yellow lines, clearways / bus stop clearways and school keep clear road markings) are already in place or have been proposed in the requested location
- The request is within a Controlled Parking Zone
- Access or visibility would be impaired by the parking bay
- The road is not wide enough to allow the free flow of traffic when a vehicle is parked in the bay
- The location is listed in the Highway Code as a place where vehicles should not be parked
- The road has a speed limit over 30mph
- The current number of disabled parking bays installed is higher than 10% of the total number of residential properties or 10% of the number of parking spaces in the street, whichever is higher ie 40 houses = maximum number of 4 Disabled Bays in that street.

If either the stage one or stage two criteria are not satisfied then the request will be declined.

The process includes the assessments above, and the preparation of a traffic regulation order.



Notes:

Drawn: DC	Date: June 2022	Project: PROPOSED RESIDENTIAL DISABLED PARKING BAY LANG KIRK CLOSE, FARNHILL	
Checked:	Date:	Title: CONSULTATION DRAWING	
Approved:	Date:	Scale: N.T.S	Drawing No: A5/2022/Langkirk

AREA NO.
5



Rev.
Area 5 Skipton

This drawing is based upon Ordnance Survey map information with the permission of the controller, H.M. Stationary Office.
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**PROPOSED INTRODUCTION OF DISABLED PERSONS' ON-STREET PARKING PLACE
LANG KIRK CLOSE, FARNHILL – CRAVEN DISTRICT**

STATEMENT OF THE COUNCIL'S REASONS FOR PROPOSING TO MAKE THE ORDER

LEGAL POWERS

Under Section 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).

REASONS FOR MAKING THE ORDER

The County Council considers that it is expedient to make this Order on grounds (a), (c) and (f) above for the following reasons:-

The Resident at the location described in the Schedule has requested a residential disabled parking bay outside or near to their property. The resident has been assessed under the eligibility and highway criteria set out by NYCC and is deemed to meet the requirements for a residential disabled parking bay.

It is proposed to install a disabled persons bay road marking and associated signage at the location outlined below and shown on the relevant schedule and plans.

Location of Proposed Order

Settlement	Road	Side	From	To	Restriction
Farnhill	Lang Kirk Close	South	A point 22.4 metres east from the east channel line of Starkey Lane	A point 29.0 metres east from the east channel line of Starkey Lane	Disabled Bay

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 Executive Member for Highways and Transportation. For each TRO where there are objections, it will be necessary to bring a report to the Corporate Director - BES and the Executive Member for Highways and Transportation 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 Executive Member for Highways and Transportation 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/her 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.

<u>LANG KIRK CLOSE, FARNHILL</u>		
Responder	Issue raised (against)	Officer comments
Resident.	I object to your proposal for a disabled parking space. This is not fair on the people who live on the other side of the road, numbers 5 7 9 11 Lang Kirk Close Farnhill. We need parking space ourselves so why don't you take into consideration parking space for us on the other side of the road. Do something with the grass for parking space for us and make them private. I have a mortgage on this house with no parking space. This needs to be addressed also, so can you consider what I have said. Just to clarify, I object to your proposal.	Lang Kirk Close and other streets in the vicinity experience high demand for parking. Parking on Lang Kirk Close is available for all residents. The grassed area referred to is not part of the publicly maintained highway and any request for parking spaces should be made through the housing association or District Council. Properties at the top of Lang Kirk Close have off street parking available in the form of garages and driveways. The applicant meets all the stage 1 and stage 2 assessment criteria for the introduction of a residential disabled parking bay and officers therefore consider that there is no valid reason why the bay could not be provided.

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	Business and Environmental Services		
Service area	Highways and Transportation		
Proposal being screened	Traffic Regulation Order – Proposed Residential Disabled Parking Bay. Lang Kirk Close, Farnhill		
Officer(s) carrying out screening	David Cairns		
What are you proposing to do?	Installation of residential disabled parking bay (RDPB)		
Why are you proposing this? What are the desired outcomes?	Eligible resident has applied for a RDPB outside or near their property going through the application process set out by NYCC.		
Does the proposal involve a significant commitment or removal of resources? Please give details.	No		
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?			
As part of this assessment, please consider the following questions:			
<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? 			
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.			
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. Blue badge holders will be able to park in the proposed bays therefore improving access for disabled people.		
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 RDPB 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, as well as enabling formal enforcement action to be taken against misuse of the disabled bays.		
Signed (Assistant Director or equivalent)	Barrie Mason		
Date	14/11/2022		



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	Lang Kirk Close, Farnhill. Proposed disabled bay
Brief description of proposal	To introduce a disabled bay at the above location
Directorate	BES
Service area	Highways & Transportation
Lead officer	David Cairns
Names and roles of other people involved in carrying out the impact assessment	David Cairns – Project Engineer Area 5 Skipton Highways Office
Date impact assessment started	3 November 2022

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.

No other options were considered

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

Impact will be cost neutral. Disabled bay will be enforced by Harrogate BC parking enforcement as part of their daily duties.

How will this proposal impact on the environment? 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.		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		n/a		
	Emissions from running of buildings		X		n/a		
	Other						
Minimise waste : Reduce, reuse, recycle and compost e.g. reducing use of single use plastic		X					
Reduce water consumption		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>	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	<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>
Minimise pollution (including air, land, water, light and noise)		x				
Ensure resilience to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers		X				
Enhance conservation and wildlife		X				
Safeguard the distinctive characteristics, features and special qualities of North Yorkshire's landscape		X				
Other (please state below)		x				

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

The works will comply with the Traffic Signs Regulations and General Directions 2016.

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.

This will be a positive impact for the applicant of the disabled bay.

Sign off section

This climate change impact assessment was completed by:

Name	David Cairns
Job title	Project Engineer
Service area	H&T
Directorate	BES
Signature	<i>D. Cairns</i>
Completion date	03/11/2022

Authorised by relevant Assistant Director (signature): Barrie Mason

Date: 14/11/2022