

North Yorkshire Council

Environment Executive Members

26 January 2024

Proposed Residential Disabled Parking Bay - Ash Street, Cross Hills

Report of the Assistant Director, Highways & Transportation, Parking Services, Street Scene, Parks and Grounds

1.0 PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise the Corporate Director of Environment in consultation with 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 is to 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 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.

3.0 DETAILED PRESENTATION OF THE SUBSTANTIVE ISSUE

- 3.1 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.
- 3.2 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 with the local member, residents and statutory consultees and the proposed TRO was also advertised.

3.3 Stage 1 and 2 of North Yorkshire Council Residential Disabled Parking Bay Policy has been met. North Yorkshire Council is complying with its duty under Section 122 of the Road Traffic Regulation Act 1984 to exercise their 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 by introducing the proposed Traffic Regulation Order.

4.0 CONSULTATION AND RESPONSES

4.1 The local member was consulted on the proposed RDPB and no comments were received.

4.2 The TRO was advertised on the 01 June 2023 and the last date for receipt of objections was the 13 July 2023. The statement for reasons, location plan and schedule are laid out in Appendix B. An objection was received, and this is set out in Appendix C along with the Officers comments in response.

5.0 ALTERNATIVE OPTIONS CONSIDERED

5.1 There are no known practical alternatives that would meet the requirements of the applicant.

6.0 FINANCIAL IMPLICATIONS

6.1 Funding is available from the existing Highways Area 5 Signs, Lines and TRO budget to support the installation of these measures for the proposed bay and associated signage which is estimated to be in the region of £500.

7.0 LEGAL IMPLICATIONS

7.1 The process for the consideration of objections to TROs was approved by the Executive on 29 April 2014 and County Council on 21 May 2014. The consideration of objections to 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.

7.2 The consideration of objections has been delegated by the Executive to the Corporate Director of Environment 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
- The proposal affects more than one community
- The proposal is located within the ward of more than one Councillor.

7.3 The proposed TRO has not been classed as a wide area impact TRO as the proposal does not affect more than one street or road and hence the Area Constituency Committee's views have not been sought.

7.4 In the event that the Executive Member and Corporate Director of Environment resolve to follow the recommendations contained in this report, then in accordance with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996, the Council will be required to make a Traffic Regulation Order (with or without modifications) and publish a notice of making the Order in the local press. The 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.

- 7.5 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.
- 7.6 In recommending the implementation of the proposed TRO as advertised for the reasons set out in this Report, Officers consider that the Council is complying with its duty under Section 122 of the Road Traffic Regulation Act 1984 and has carried out the required balancing exercise in coming to that decision.
- 7.7 All other main legal aspects are covered in Section 3 to this report. Beyond that, it is the view of officers that the proposals do not have any legal implications for the Council.
- 7.8 In accordance with the protocol for Executive Member reports, the Local Elected Member will be provided with a copy of this report and be invited to the meeting on the 26 January 2024.

8.0 EQUALITIES IMPLICATIONS

- 8.1 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.
- 8.2 A screening form has been included in Appendix D.

9.0 CLIMATE CHANGE IMPLICATIONS

- 9.1 Consideration has 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. A copy of the Initial Climate Change Impact Assessment decision form is attached as Appendix E

10.0 REASONS FOR RECOMMENDATIONS

- 10.1 The objection received centres mainly around the impact on parking.
- 10.2 Impact on parking - Ash Street and other streets in the vicinity experience high demand for parking as a result of the high density of terraced housing. The applicant currently parks on the street and, whilst a disabled space does occupy more kerbside space than a vehicle, the impact on parking is considered to be minimal. However, it must be noted that there will be some impact on parking locally. There is already a RDPB on Ash Street outside No 10 which is still required by the occupant. Due to its position, the proposed RDPB will be installed in such a way that a space will be lost between these bays, however this cannot be avoided as the only alternative would result in having to position the bay outside the neighbouring property. It should be noted that in NYC Policy Appendix A, only 2 RDPB's will be permitted to be installed on this street. Any further requests for RDPB's on this street will be declined. The relevant criteria is that if 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, then the request would be declined.
- 10.3 Eligibility of the applicant – the applicant is a Blue Badge holder and has met the Stage 1 criteria. As the application meets all the stage 1 and stage 2 assessment criteria for the introduction of a residential disabled parking bay officers consider that there is no valid reason why the bay should not be provided at this time.

10.4 Officers recommend the implementation of the proposed TRO as advertised for the reasons set out in this Report. Officers consider that the Council is complying with its duty under Section 122 of the Road Traffic Regulation Act 1984 to exercise their 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 and has carried out the required balancing exercise in coming to that decision.

11.0 RECOMMENDATIONS

- 11.1 It is recommended (having taken into account all of the duly made representations and objections) that:
- i. The results of the consultation are noted
 - ii. The Corporate Director of Environment in consultation with the Executive Member for Highways and Transportation, approves the introduction of the disabled bay as advertised
 - iii. the Assistant Chief Executive (Legal and Democratic Services) be authorised to seal the relevant Traffic Regulation Order in light of the objection received and that the objector is notified within 14 days of the order being made.

APPENDICES:

Appendix A – Assessment/Eligibility Criteria

Appendix B – Statement for reasons, location plan and schedule

Appendix C – Consultation responses

Appendix D – Initial equality impact assessment screening form

Appendix E – Initial Climate Change Impact Assessment

Background Documents: Letter of objection received are held in the scheme file held by the Skipton Area 5 Highways Office

Barrie Mason

Assistant Director – Highways & Transportation, Parking Services, Street Scene, Parks & Grounds
County Hall

Northallerton

26 January 2024

Report Author – David Cairns

Presenter of Report – David Cairns

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

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 i.e., 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.

**PROPOSED INTRODUCTION OF DISABLED PERSONS' ON-STREET PARKING PLACE
ASH STREET, CROSS HILLS**

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 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).

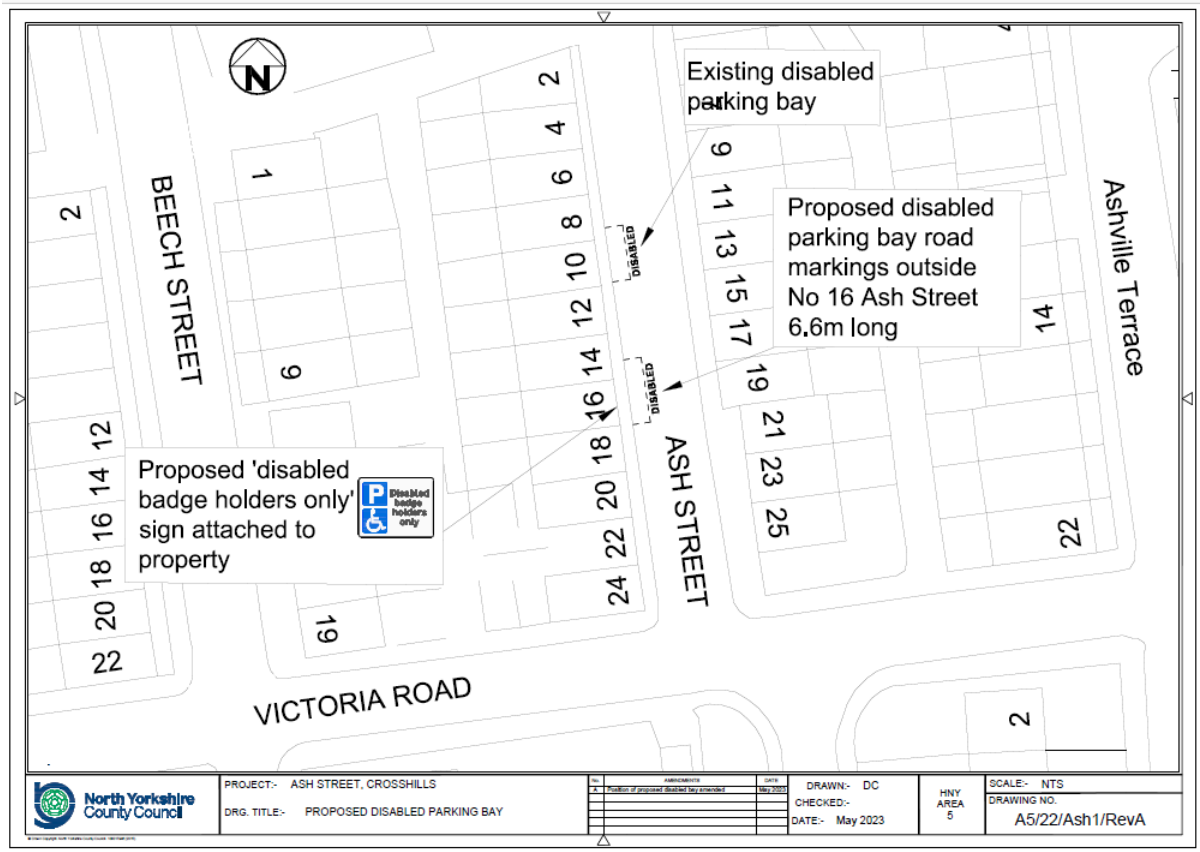
REASONS FOR MAKING THE ORDER

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

The resident at No 16 Ash Street, Crosshills 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 NYC and was 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.

Note: The disabled bay must be a minimum of 6.6 metres in length to conform with The Department for Transport regulations.



Location of Proposed Order

Settlement	Road	Side	From	To	Restriction
Cross hills	Ash Street	west	A point opposite the boundary of properties No16 and No 18 Ash Street.	A point 6.6 metres north	Disabled Bay

CONSIDERATION OF OBJECTIONS

Under the Council's Constitution, the consideration of objections to a proposed TRO is delegated to the Corporate Director of Environment 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 of Environment and 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 of Environment 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 Councillor

The report will seek the views of the Area Constituency Committee and these views will then be included in a report to the Corporate Director of Environment and the Executive Member for Highways and Transportation seeking a decision on the consideration of the objections. The Corporate Director of Environment 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 of Environment 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 of Environment has delegated powers to make decisions on TROs where there are no objections.

ASH STREET, CROSSHILLS		
Responder	Issue raised (against)	Officer comments
Resident.	<p>1) Parking is already difficult enough on the street for residents, this in effect takes away realistically 2 more spaces, there is already a disabled zone virtually next to where this one is proposed, taking away another 2 spaces, so the residents are losing the possibility of 4 spaces being available.</p> <p>2) The lack of parking will affect the sale of our houses and in all likely hood lower the value we can sell our houses for.</p> <p>3) I recently intended buying an electric car as the government wants us all to do, however as I can't park outside my own house due to the already limited number of spaces, how could I charge my electric car using my own power point? I am sure this will affect other people's decision to not buy electric cars, and now you are proposing to remove more available spaces.</p> <p>4) The houses on that side of Ash Street are able to park around the back of their houses and some have already opened up the backyards to have off road parking.</p> <p>The residents of this area of Crosshills already have to contend with people working in the village parking on the street, the parents of the children attending the dance school, employees and attendees of South Craven School and the customers of 22 the Square also.</p> <p>Maybe instead of giving disabled spaces out, then the whole community able bodied included should be thought about, how about resident parking permits for the areas that are affected being brought in to give us all a chance, after all we all have to work hard just to pay our bills, mortgages and council tax just to survive.</p>	<p>Ash Street and other streets in the vicinity experience high demand for parking as a result of high-density terraced housing.</p> <p>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 at this time. Officer recommendation is that the disabled bay at Ash Street, Crosshills be introduced as proposed and that the Director and Members note that this may impact upon parking opportunity for neighbouring residents.</p> <p>Electric car charging points are not permitted at present where a cable will be located across or above a footpath.</p> <p>Any residents parking would have to be considered for a large area and not just a single street. Disabled bays would still have to be included in any such proposal.</p>

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	Environment		
Service area	Highways & Transportation		
Proposal being screened	TRO – Proposed Residential Disabled Bay Ash Street, Cross Hills		
Officer(s) carrying out screening	David Cairns		
What are you proposing to do?	Installation of a residential disabled parking bay (RDPB) at Ash Street, Crosshills.		
Why are you proposing this? What are the desired outcomes?	An eligible resident has applied for a RDPB outside or near their property going through the application process set out by NYC.		
Does the proposal involve a significant commitment or removal of resources? Please give details.	No		
Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYC'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? <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 directorate representative for advice if you are in any doubt.</p>			
Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age		No	
Disability		No	
Sex		No	
Race		No	
Sexual orientation		No	
Gender reassignment		No	
Religion or belief		No	
Pregnancy or maternity		No	
Marriage or civil partnership		No	
People in rural areas		No	
People on a low income		No	
Carer (unpaid family or friend)		No	
Are from the armed forces community		No	
Does the proposal relate to an area where there are known inequalities/probable impacts (for example, disabled people's access to public transport)? Please give details.	None known.		

Appendix D

<p>Will the proposal have a significant effect on how other organisations operate? (for example, partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.</p>	No			
<p>Decision (Please tick one option)</p>	<p>EIA not relevant or proportionate:</p>	✓	<p>Continue to full EIA:</p>	
<p>Reason for decision</p>	<p>The implementation of the disabled parking bay will be a benefit to those with blue badges at the location. The loss of the space may have a negative impact on the nearby residents some of whom may have protected characteristic such as older people and families with young children.</p> <p>However the applicant has met all the criteria for a disabled bay. NYC have a specific duty to have due regard to the needs of disabled people and hence not implementing the bay would appear to go against this duty.</p> <p>Whilst it is recognised that drivers will generally prefer to park outside their own home, it is important to recognise that this is not an automatic 'right'. It is not always possible and, in addition to local residents, other road users also have the right to park on any section of unrestricted public highway, providing they are not contravening the Highway Code.</p> <p>On balance, the proposed RDPB will have no negative impact on people with protected characteristics (or NYCs additional characteristics) and will enable the 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</p>			
<p>Signed (Assistant Director or equivalent)</p>	Barrie Mason			
<p>Date</p>	15/01/24			

Initial Climate Change Impact Assessment (Form created August 2021)

The intention of this document is to help the council to gain an initial understanding of the impact of a project or decision on the environment. This document should be completed in consultation with the supporting guidance. Dependent on this initial assessment you may need to go on to complete a full Climate Change Impact Assessment. The final document will be published as part of the decision-making process.

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

Title of proposal	Ash Street, Cross Hills disabled bay
Brief description of proposal	To introduce a disabled bay at the above location which will involve road markings and associated signage
Directorate	Environment
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

Appendix E

Environmental factor to consider	For the council	For the county	Overall
Greenhouse gas emissions	No effect on emissions	No Effect on emissions	No effect on emissions
Waste	No effect on waste	No effect on waste	No effect on waste
Water use	No effect on water usage	No effect on water usage	No effect on water usage
Pollution (air, land, water, noise, light)	No effect on pollution	No effect on pollution	No effect on pollution
Resilience to adverse weather/climate events (flooding, drought etc)	No effect on resilience	No effect on resilience	No effect on resilience
Ecological effects (biodiversity, loss of habitat etc)	No effect on ecology	No effect on ecology	No effect on ecology
Heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape

If any of these factors are likely to result in a negative or positive environmental impact then a full climate change impact assessment will be required. It is important that we capture information about both positive and negative impacts to aid the council in calculating its carbon footprint and environmental impact.

Decision (Please tick one option)	Full CCIA not relevant or proportionate:	x	Continue to full CCIA:	
Reason for decision	All the above factors are likely to have no impact from the installation of the residential disabled parking bay. There will be a positive impact for the applicant of the disabled bay and other blue badge holders who could use the bay.			
Signed (Assistant Director or equivalent)	Barrie Mason			
Date	15/01/24			