

North Yorkshire County Council
Business and Environmental Services

Executive Members

14 June 2021

Proposed Introduction of Waiting Restrictions - Middleton Tyas Lane, Middleton Tyas

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 Access 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 Waiting Restrictions should be introduced.
- 1.2 A decision from the Corporate Director – BES in consultation with the Executive Member for Access is sought regarding the proposed recommendation outlined in this report.

2.0 Background

- 2.1 Officers have been made aware of an ongoing issue with the parking of vehicles at the western end of Middleton Tyas Lane at Middleton Tyas, in the vicinity of the entrance to 'Scotch Corner Services'. It is believed that certain of the vehicles which can be parked for an extended length of time belong to drivers who are then picked up by other drivers operating a car share arrangement when travelling onwards.
- 2.2 The parking of vehicles at the location in question has been observed to cause problems for the free flow of traffic and the operation of an adjacent side road junction and causes drivers travelling into the village to have to cross the centre line of the carriageway on a bend. On occasions inappropriately parked vehicles have created problems with access to adjacent residential properties and past interventions with the provision of 'H' bar keep clear markings across driveways have met with limited success.
- 2.3 In an attempt to alleviate the various problems on a more permanent basis it was therefore considered appropriate to propose the introduction of a formal system of 'No Waiting At Any Time' restrictions. These would be placed on each side of the section of Middleton Tyas Lane where the parking problem has been identified and other sections of road where it is anticipated that the inappropriate parking could transfer to.
- 2.4 A site meeting was held with the local County Councillor and representatives of Middleton Tyas Parish Council at the outset in order to agree the limits of the proposal which 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 accompanied the details of the proposal is provided with this report as Appendix B.
- 3.3 County Councillor Angus Thompson who is the local member representing Richmondshire North was contacted during the consultation and is supportive of the proposals.
- 3.4 At the conclusion of the consultation and public advertisement stages, a number of comments both in support of the proposal and objecting to the proposal had been received. These are summarised in Appendix C along with officer comments.

4.0 Officer Comments

- 4.1 It is considered that the introduction of the proposed waiting restrictions will assist in addressing the road safety concerns observed at the location in question.
- 4.2 The proposed measures will also 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.
- 4.3 Officers have considered each of the responses received and have summarised those responses along with an officer comment as Appendix C for consideration

5.0 Financial Implications

- 5.1 If the proposed waiting restrictions were to be introduced then the provision of associated yellow lines would be funded from the Area Office 'Signs, Lines and Traffic Regulation Orders' budget. No signing would be required.

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 – BES in consultation with the Executive Member for Access.
- 7.3 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.
- 7.4 The proposed TRO for Middleton Tyas Lane 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 Corporate Director – BES and Executive Member for Access 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 14 June 2021.
- 7.7 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.
- 7.8 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 Section 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 mom-existent as parking is available on the adjacent highway

9.0 Recommendations

9.1 It is recommended that:

- i) the proposal to implement 'No Waiting At Any Time' restrictions as outlined in appendix A under the delegated authority of the Corporate Director - BES, is approved

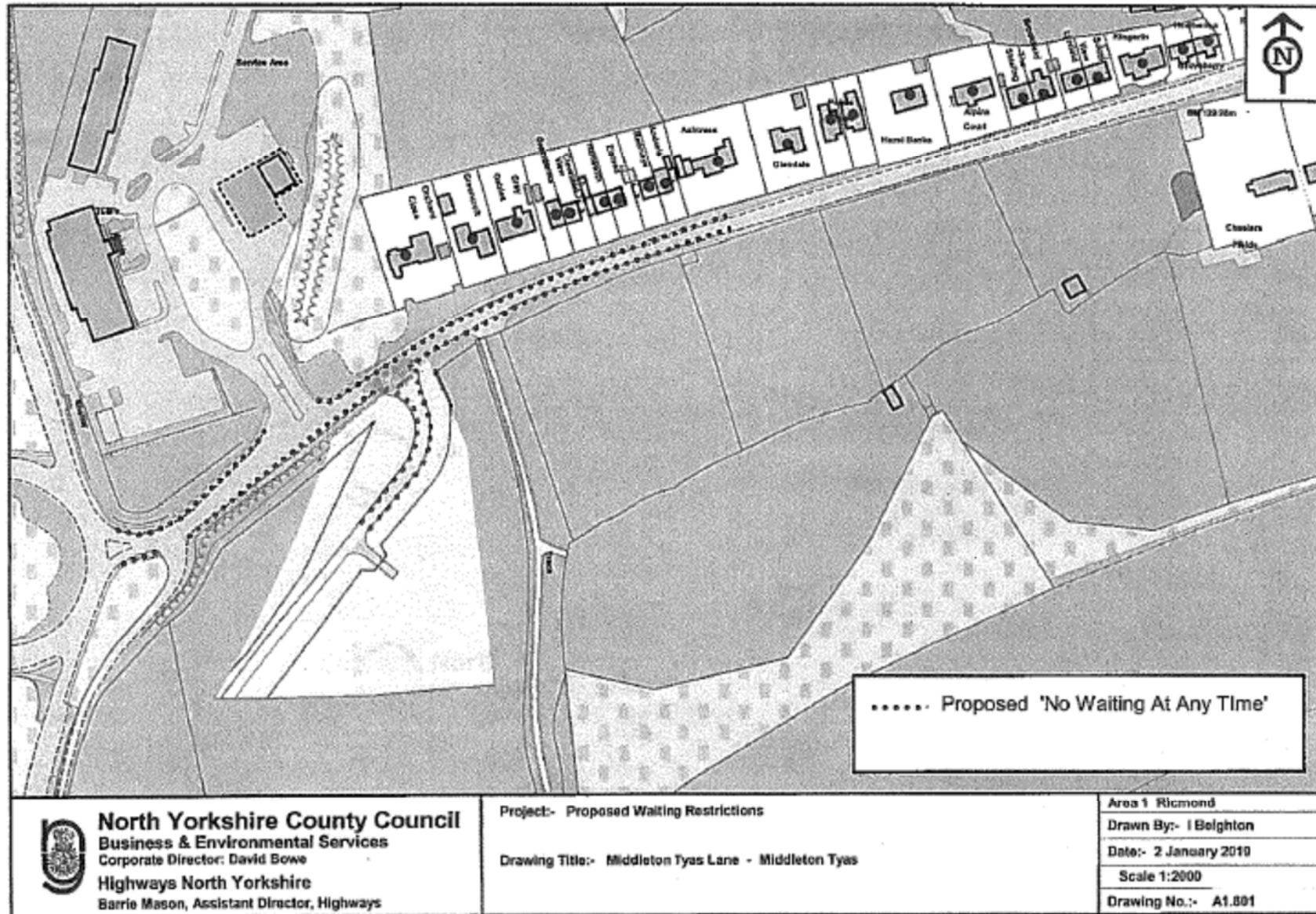
- ii) the Assistant Chief Executive (Legal and Democratic Services) be authorised to seal the relevant Traffic Regulation Order to give effect to the proposed 'No Waiting At Any Time' restrictions as identified in Appendix A (subject to the amendments and recommendations approved by the Corporate Director – BES in consultation with the 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

Author of Report: Ian Beighton

Background Documents: None



PROPOSED INTRODUCTION OF WAITING RESTRICTIONS

MIDDLETON TYAS LANE - MIDDLETON TYAS

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 (a) (c) and (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

The proposal seeks to introduce 'No Waiting At Any Time' restrictions on both sides of the carriageway at the western end of Middleton Tyas Lane.

The proposed restrictions are believed necessary in order to discourage indiscriminate parking at the location which is adjacent to the Motorway Services and a road junction. This parking causes problems for the free flow of traffic and forces drivers onto the off-side of the carriageway at a bend with limited forward visibility.

The proposal is as illustrated on Plan A1.801 (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.



Results Of Consultation On Proposed Waiting Restrictions - Middleton Tyas Lane, Middleton Tyas
Schedule Of Responses In Support Of Proposal

Consultee	Consultee Comment	Officer Notes
1	Cars are parked close to driveway causing a hazard when leaving in a car and the proposed restrictions will prevent this.	Noted
	Cars are parked for long periods of time by car sharers and the proposed restrictions will prevent this and prevent noise late at night when the drivers return.	Noted
	Cars are parked partly obstructing the footway and the proposed restrictions will prevent this.	Noted
	HGVs are also parking at the location	The restrictions will apply to these vehicles also
2	Supports but would wish to see the restrictions extended past the second access to their property	This could be accommodated but may draw an objection from the resident at the next property towards the village who is now the first house with no waiting restrictions
3	There are hazards caused by parked vehicles at the location in question	Noted
	Unsure as to whether visitors to properties adjacent to the restrictions will be able to park	The proposed waiting restrictions would apply to visitors to local residents who would need to park within the curtilage of a property or on a section of road not subject to restrictions
	Unsure as to whether the parking problem will simply migrate nearer to the centre of the village.	This may happen but the parking of vehicles is more appropriate on the straight section of road where forward visibility for drivers passing a parked car is better than at the bend.
	Some of the parking is believed to be caused by drivers stopping to exercise dogs. Suggest that an appropriate area is created at the nearby Services.	An approach can be made to the proprietors of the Services to advise of this.
4	Long overdue as parked cars at the location in question are a hazard	Noted
5	Fully supports this much overdue action	Noted
	Parking adjacent to properties creates other problems with litter	Litter Picking is a District Council function. The District can be made aware of the issue and asked to provide additional litter bins if thought appropriate.
6	In support	Noted

Appendix C

7	Cars are parked close to driveway causing a hazard when leaving in a car and the proposed restrictions will prevent this.	Noted
	Cars are parked partly obstructing the footway and the proposed restrictions will prevent this.	Noted
8	The proposed restrictions would be an advantage	Noted
9	Agree in principle with proposal but any restrictions placed will need to be enforced.	Enforcement will be undertaken by the local Parking Enforcement Officers commensurate with their other duties. A request can however be made for any restrictions placed to receive intensive enforcement during the first few weeks to get the message across to drivers.
	When any restrictions are placed, the parking problem will simply migrate nearer to the centre of the village.	This may happen but the parking of vehicles is more appropriate on the straight section of road where forward visibility for drivers passing a parked car is better than at the bend.
10	The existing parking situation is very inconsiderate	Noted
11	Accesses nearer to the centre of the village past the end of the proposed restrictions should have appropriate 'Keep Clear' markings.	This can be reviewed at an appropriate time if difficulties become apparent.
	The existing 'Bus Stop' should be more clearly defined	Formal 'Bus Stop' roadmarkings can be considered if thought necessary in order to define the area more clearly
12	Proposal is welcomed but parking on the side of the road adjacent to properties should be restricted to residential parking'.	It is not County Council Policy to provide the opportunity for a Residents Parking Scheme at a location such as this where all adjacent residents presently have access to private off-street parking facilities.

Results Of Consultation On Proposed Waiting Restrictions - Middleton Tyas

Schedule Of Responses Not In Support Of Proposal

Consultee	Consultee Comment	Officer Comment
1	Drivers seeking to park a vehicle would be forced to park further along the road	This may happen but the parking of vehicles is more appropriate on the straight section of road where forward visibility for drivers passing a parked car is better than at the bend.
	Such parking would obstruct the bus stop	Formal 'BUS STOP' road markings can be considered if thought necessary in order to define the area more clearly.
	Such parking would obstruct the view of drivers emerging from adjacent driveways	The provision of 'Keep Clear' Bar Markings can be reviewed at an appropriate time if difficulties become apparent.
2	Drivers seeking to park a vehicle would be forced to park further along the road	This may happen but the parking of vehicles is more appropriate on the straight section of road where forward visibility for drivers passing a parked car is better than at the bend.
	Such parking will lead to an increase in rubbish being dropped	Litter Picking is a District Council function. The District can be made aware of the issue and asked to provide additional litter bins if thought appropriate.
3	Drivers seeking to park a vehicle would be forced to park further along the road	This may happen but the parking of vehicles is more appropriate on the straight section of road where forward visibility for drivers passing a parked car is better than at the bend.
	Cars would be turned round outside houses in the area with waiting restrictions	This is achievable without a car needing to enter private property and cannot really be guarded against.
	The speed of traffic may increase as drivers search for a place to park	Drivers will still be bound by the prevailing Speed Limit.
	The Waiting Restrictions should be extended towards the village to discourage drivers seeking to park	Waiting Restrictions can only be proposed for installation at locations where there is a clear reason for this. Extending the restrictions past the bend where drivers passing parked vehicles have poor forward visibility of oncoming traffic along a section of road with good forward visibility would not be appropriate.

4	Drivers seeking to park a vehicle would be forced to park further along the road	This may happen but the parking of vehicles is more appropriate on the straight section of road where forward visibility for drivers passing a parked car is better than at the bend.
	Waiting Restrictions with a limited period for parking may work better and discourage the 'all day parkers' believed to be causing the parking problem	The sections of road where the restrictions are proposed for are not considered appropriate even for limited parking.
5	Drivers seeking to park a vehicle would be forced to park further along the road	This may happen but the parking of vehicles is more appropriate on the straight section of road where forward visibility for drivers passing a parked car is better than at the bend.
	Such parking would obstruct the view of drivers emerging from adjacent driveways	The provision of 'Keep Clear' Bar Markings can be reviewed at an appropriate time if difficulties become apparent.
	The 40 Mph Speed Limit should be reduced as parked cars obstruct the view of driveways	The prevailing Speed Limit is considered appropriate.

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	Waiting restrictions, Middleton Tyas Lane, Middleton Tyas		
Officer(s) carrying out screening	Neil Linfoot		
What are you proposing to do?	Introduce waiting restrictions along the above named road to address parking concerns		
Why are you proposing this? What are the desired outcomes?	Residents and 3 rd parties have requested waiting restrictions to address the parking concerns		
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.		
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 waiting restrictions 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	03/06/21		



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.

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

Title of proposal	Proposed Introduction of Waiting Restrictions – Middleton Tyas Lane, Middleton Tyas
Brief description of proposal	Introduction of waiting restrictions
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	19/04/21

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, if approved, will be met from the Area Office Signs, Lines and TROs budget. This will be undertaken within current programmes and the overall impact will be minimal

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 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					
	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>Minimise pollution (including air, land, water, light and noise)</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 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>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>Other (please state below)</p>		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 and in addition will utilise

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.

The proposals will be utilised to address a safety concern raised by residents and highway users raised in relation to the operation of the highway including forward visibility and visibility from the services access road

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
Signature	<i>N Linfoot</i>
Completion date	19/05/21

Authorised by relevant Assistant Director (signature): Barrie Mason

Date: 03/06/21c