

North Yorkshire Council

Environment Executive Members

22 April 2026

Review of Traffic Regulation Order – Proposed Residential Disabled Parking Bay - 25 Gatesgarth Close, Newby

Report of the Assistant Director – Highways and Infrastructure

1.0 PURPOSE OF REPORT

1.1 The purpose of the report is:

- i) to advise the Corporate Director for Environment in consultation with the Environment Executive Member for Highways and Transportation of the outcome of the public consultation, and
- ii) for a decision to be made on whether to implement the changes, in view of the comments received.

2.0 SUMMARY

2.1 This report details the comments received during a public consultation exercise regarding an application made to North Yorkshire Council for the installation of a disabled parking bay outside 25 Gatesgarth Close, Newby, as shown (Appendix A).

2.2 The details of this case are outlined in this report.

3.0 BACKGROUND

3.1 Residential Disabled Parking Bays 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 driveway or a 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.

3.2 Disabled parking bays on the public highway 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 (TSRGD) 2016 (as amended) do not permit the use of disabled parking bay road markings without a TRO and, as a consequence, enforcement action cannot be taken against those that misuse the advisory bays.

3.3 The Residential 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 (Appendix B).

3.4 Applications for RDPB's are made using the North Yorkshire Council public website. Once an application is received an assessment is made of whether the applicant meets the Stage One criteria. This is undertaken by Customer Resolution Centre officers.

3.5 The next part of the process requires the local Area Highways Office to assess the application against the Stage Two, highway and site assessment criteria.

4.0 PROPOSALS

4.1 North Yorkshire Council Customer Resolution Centre received an application from a resident for a disabled parking bay to be installed within a comfortable walking distance of their home.

4.2 The Customer Resolution Centre carried out the Stage One assessment for this application and the criteria were met. The local Area Highways Office then carried out the Stage Two assessment and the criteria for this proposal were also deemed to be met.

5.0 CONSULTATION UNDERTAKEN AND RESPONSES

5.1 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. A letter, copy of a plan showing the proposal and questionnaire were hand delivered to residents on 21 January 2026. The proposal was advertised on 21 January 2026. The last date for receipt of comments was 12th February 2026. (Appendix).

5.2 The consultation material was hand delivered to 31 properties.

5.3 Responses received.

5.3.1 Six responses were received in support of the proposal and there was one response against the proposal. The single objection received from this consultation was submitted anonymously. It was badly handwritten and almost unintelligible.

5.4 Further details of the objections/comments received from residents are summarised, along with officer comments (Appendix C).

6.0 ALTERNATIVE OPTIONS

6.1 There are no alternative options.

7.0 FINANCIAL IMPLICATIONS

7.1 Funding is available from the existing Highways Area 3 Signs, Lines and TRO budget to support the installation of these measures for the proposed parking bays. The current estimate for installing a RDPB is £2000.

8.0 LEGAL IMPLICATIONS

8.1 Consideration has been given to the potential for any legal implications arising from the recommendations.

8.2 The process for the consideration of objections to Traffic Regulation Orders was approved by the Executive on 29 April 2014 and Council on 21 May 2014. The consideration of objections to TRO's is now a matter for the Environment Executive Members 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 for Environment in consultation with the Environment Executive Member for Highways & Transport. 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.

8.2.1 This proposed TRO change is wholly within the council division of one member; therefore, this would not be classed as a wide area impact TRO.

8.3 In the event that the Executive Member for Highways & Transportation and the Corporate Director – 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.

8.4 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.

8.5 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. Beyond that, it is the view of officers that the proposals do not have any legal implications for the Council.

8.6 In accordance with the protocol for Environment Executive Member reports, the local Elected Members will be provided with a copy of this report and be invited to the meeting on 22 April 2026.

9.0 EQUALITIES IMPLICATIONS

9.1 An Equality Impact Assessment has been completed for the Residential Disabled Parking Bay Protocol, and it is published on the North Yorkshire Council website. The provision of RDPB's will enhance accessibility for mobility impaired residents enabling them to participate positively in community life.

9.2 A screening form has been included (Appendix D).

10.0 CLIMATE CHANGE IMPLICATIONS

10.1 Consideration has also been given to the potential for any adverse climate change impacts arising from the recommendations. It is the view of officers that the recommendations do not have any adverse impact on climate change. A copy of the Climate Change Impact Assessment decision form is attached (Appendix E).

11.0 REASONS FOR RECOMMENDATIONS

11.1 The resident wants to be provided with a disabled parking space within walking distance of their home. The eligibility criteria for this application have been met after undergoing the Stage One and Stage Two assessments.

- 11.2 The Guidance on Local Transport Plans published in 2009 imparts on local highway authorities a specific duty to “have regard to the needs of disabled people”. This resulted in the consultation exercise carried out last year. As previously mentioned, six responses were received in support of the proposal. The single handwritten objection was submitted anonymously, at the very last minute and the reasons given were unclear. The respondent appears to be referring to some yellow markings already in place. The photo below shows that these markings consist of three yellow painted dropped pedestrian kerbs just south of the proposed RDPB location. It isn't known who carried out the kerb painting, but they are not something that would be authorised by NYC. The markings have no bearing on the RDPB application.



- 11.2.1 The officer recommendations made in this report result from careful scrutiny of the responses received from the consultation exercise. The assessment criteria have been met so no practical reasons were found to refuse the application.
- 11.3 Consultation has also taken place with the local elected member for the ward where the application is located. The local member has expressed they have no objection to locating a disabled bay in this location and added that there are many persons of advanced age and disability for whom it will be an asset.

12.0 RECOMMENDATIONS

- 12.1 It is recommended that the results of the consultation exercise are noted.
- 12.2 The Corporate Director, Environment, in consultation with the Environment Executive Member for Highways and Transport, approves the introduction of a new residential disabled parking bay at 25 Gatesgarth Close as shown in the Plan contained (Appendix A).
- 12.3 The Assistant Chief Executive (Legal and Democratic Services) be authorised to seal the relevant Traffic Regulation Order by the Corporate Director, Environment and Environment Executive Member in light of the objections received and that the objectors are notified of the making of the Order within 14 days of it being made.

APPENDICES:

- Appendix A Consultation Location Plans
- Appendix B Assessment / Eligibility Criteria
- Appendix C Summary of Objections
- Appendix D Equalities Screening Form
- Appendix E Climate Change Impact Assessment

BACKGROUND DOCUMENTS:

None

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