

# North Yorkshire Council

## Environment Executive Members

22 April 2026

### Review of Traffic Regulation Order – Proposed Residential Disabled Parking Bay - High Street, Scalby

#### 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 on High Street, Scalby, as shown (Appendix A).
- 2.2 The details of this case are outlined in this report.

#### 3.0 BACKGROUND

- 3.1 Disabled Parking Bays (DPB) can be introduced to provide on-street parking in residential areas for 'blue badge' holders. They can also be provided in the street for use by blue badge holders of the general public. In the case of a residential disabled parking bay (RDPB), the Council's policy states that provision of these bays should only be considered when an individual applicant does not have access to off-street parking such as a driveway or a garage. In the case of a non-residential disabled parking bay (DPB) these conditions do not apply. All disabled parking bays on the public highway are 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 RDPBs and DPBs are made using the North Yorkshire Council public website. In the case of a RDPB, once an application is received an assessment is made of whether the applicant meets the Stage 1 criteria. This is undertaken by Customer Resolution Centre officers. No Stage 1 assessment is required for disabled parking bays on public streets.
- 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 the offices of St. Laurence's Church in collaboration with Scalby & Newby Parish Council for a disabled parking bay to be installed in Scalby High Street to help blue badge holders to access church services. The car park for St. Laurence's Church is located at the foot of the hill below the church and non-vehicular access to the church is via a steep pathway. The proposed location for the DPB has a level gradient for access to the church via the lych gate.
- 4.2 Since this application is not residential there was no requirement for the Customer Resolution Centre to carry out a Stage 1 assessment. The Stage 2 assessment criteria for this proposal were checked by the Area 3 Highways Office and were deemed to be met.

#### **5.0 CONSULTATION UNDERTAKEN AND RESPONSES**

- 5.1 This proposal has been the subject of two consultations and public advertisements in accordance with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. The original TRO change consultation was in May 2024 and involved the provision of a new disabled parking bay on the High Street adjacent to the water fountain. This consultation raised four responses in favour and one against the proposal. After much consideration an amendment was made to the original proposal. The amendment involved a slight relocation of the proposed DPB, the addition of a 3-hour waiting limit and a small amount of extra white lining (H bar) at the access to the Old Vicarage. A reconsultation exercise was carried out for this amended proposal in February 2026. The last date for receipt of comments was 26 February 2026.
- 5.2 The consultation material was hand delivered to 20 properties.
- 5.3 Responses received.
- 5.3.1 One response was received in support of the proposal and there was also one response against the proposal.
- 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 applicants want a disabled parking space to be provided within walking distance of the church. The eligibility criteria for this application have been met after undergoing the Stage 2 assessment. There is no Stage 1 assessment required since this proposed disabled bay would be for public use.

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 exercises carried out this year and previously in 2024.

11.2.1 The officer recommendations made in this report result from careful scrutiny of the responses received from the reconsultation exercise. The reasons stated in the single response indicating an objection to the proposal have been fact checked and are not considered strong enough to uphold. More detailed explanations are given. The assessment criteria have been met so no practical reasons were found to refuse the application (Appendix C).

11.3 Consultation has also taken place with the local elected member for the ward where the application is located. The local member is pleased to support the application, commenting: ‘At various times I have noted that disabled persons often struggle to park near the Church and having this area marked out will in future allow a level access into the Church grounds

## **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 High Street, Scalby 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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31 March 2026

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