

North Yorkshire Council

Environment Executive Members

27 May 2026

Review of Traffic Regulation Order – Proposed Residential Disabled Parking Bay 10 Overgreen View, Burniston

Report of the Assistant Director – Highways and Infrastructure

1.0 PURPOSE OF REPORT

- 1.1 The purpose of the report is to advise the Corporate Director - Environment in consultation with the Executive Member for Highways and Transportation of the outcome of the public consultation and
- 1.2 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 10 Overgreen View, Burniston, as shown in Appendix A. The details of this case are outlined in this report.

3.0 BACKGROUND

- 3.1 Residential 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 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 in 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 1 criteria. This is undertaken by Customer Service Centre officers.

3.5 The next part of the process requires the local Area Highways Office to assess the application against the Stage 2, highway and site assessment criteria.

4.0 PROPOSALS

4.1 North Yorkshire Council Customer Service 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 Service Centre carried out the Stage 1 assessment for this application and the criteria were met. The local Area Highways Office then carried out the Stage 2 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 (shown at Appendix A) and questionnaire were hand delivered to residents on 12 March 2026. The proposal was advertised on 12 March 2026. The last date for receipt of comments was 02 April 2026.

5.2 The consultation material was hand delivered to all properties on the relevant part of Overgreen View and The Orchard opposite, 18 properties in total.

5.3 Responses received.

5.4 Two responses were received in support of the proposal and there was one response against the proposal.

5.5 Further details of the objections/comments received from residents are summarised in Appendix C, along with officer comments.

6.0 FINANCIAL IMPLICATIONS

6.1 Funding is available from the existing Whitby Highways Area 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.

7.0 LEGAL IMPLICATIONS

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

7.2 The consideration of objections to Traffic Regulation Orders has been delegated by the Executive to the Corporate Director - 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 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.

- 7.4 In the event that the Executive Member – Highways & Transportation and 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.
- 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, officers consider that it 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. Regulation 9 of the Local Authorities' Traffic Orders (Procedures) (England and Wales) Regulations 1996 outlines the circumstances in which the Council would be required to hold a Public Inquiry. In light of the objection being received it has been considered whether it would be appropriate to hold a Public Inquiry. As there is just a specific objection to be considered it would not be proportionate in terms of both time and costs to hold an Inquiry. The objection can be given proper regard in the report and decision-making process.
- 7.7 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.
- 7.8 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 27 May 2026.

8.0 EQUALITIES IMPLICATIONS

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

9.0 CLIMATE CHANGE IMPLICATIONS

- 9.1 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 as Appendix E.

10.0 REASONS FOR RECOMMENDATIONS

- 10.1 The resident has requested 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 1 and Stage 2 assessments.

- 10.2 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 recently.
- 10.3 The officer recommendations made in this report result from careful scrutiny of the responses received from the consultation exercise. One response indicated an objection to the proposal. After scrutiny the reasons stated in the objection are considered not strong enough to uphold against supporting the needs of the applicant. More detailed explanations are given in Appendix C.
- 10.4 The assessment criteria have been met so no practical reasons were found to refuse the application.
- 10.5 Consultation has also taken place with the local elected member for the ward where the application is located. The local member offered the following comment:
- 10.6 I can fully support this as in my opinion it does not affect access or egress from any “A road or constitute a nuisance or danger to any other persons.’

11.0 RECOMMENDATIONS

- 11.1 It is recommended that the results of the consultation exercise are noted.
- 11.2 The Corporate Director – Environment, in consultation with the Executive Member for Highways and Transportation, approves the introduction of a new residential disabled parking bay at 10 Overgreen View, Burniston as shown in the plan contained in Appendix A.
- 11.3 That the Assistant Chief Executive (Legal and Democratic Services) be authorised to seal the relevant Traffic Regulation Order by the Corporate Director – Environment and Executive Member for Highways and Transportation 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

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