

**North Yorkshire County Council**  
**Business and Environmental Services**

**Executive Members**

**24 September 2021**

**Common Lane and Oakwood Close Church Fenton - Proposed Waiting Restrictions**

**Report of the Assistant Director – Highways and Transportation**

**1.0 Purpose of report**

- 1.1 The purpose of the report is to advise the Corporate Director, Business and Environmental Services (BES) and the BES Executive Members of the outcome of public consultation and advertisement in regard to this proposal and seek a decision on whether or not proposed waiting restrictions should be introduced on Common Lane and Oakwood Close, Church Fenton.

**2.0 Background**

- 2.1 Common lane is a link between Church Fenton and the village of Barkston Ash and serves the local train station that has parking provisions for approximately 15 vehicles. Oakwood Close is a residential street and is located near to the local community shop, which has no parking provisions. Residential properties have the benefit of off-street parking which are accessed from Oakwood Close, none rely on on-street parking.
- 2.2 The proposals, which comprise introducing no waiting at any time restrictions are in response to a request made by the local member, parish council and local residents concerned about kerbside parking on the west side of Common Lane and on both sides of Oakwood Close, at the locations shown on Plan 1 and Plan 2 attached. Parking in these locations can cause problems of obstruction, restricted visibility and hindering the passage of vehicles, in particular for large agricultural vehicles. Parking at or near the junction creates further problems with, access and egress for both pedestrians and drivers.
- 2.3 Photographs are attached showing the parking problems that occur, highlighting the concerns raised by residents.

**3.0 Consultation**

- 3.1 The proposals have been the subject of consultation and public advertisement in accordance with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. The proposals as advertised are shown on Plan 1 and Plan 2 attached.
- 3.2 By the conclusion of the advertising stage, seven letters had been received, two letters in support of the proposals and five against. The objector's comments are summarised in Appendix A, together with your Officers comments.
- 3.3 The local Member County Councillor Andrew Lee (the ward member representing Church Fenton and the Executive Member for Open for Business) was contacted during and after the consultation for his views on the proposals. Cllr Lee is fully supportive of the proposals.

#### **4.0 Officer comments**

- 4.1 The site was investigated and it was considered that the most appropriate option was to introduce a length of No Waiting at Any Time restriction by means of a Traffic Regulation Order. Your officers consider that the proposed restrictions will assist in addressing the road safety problems which have been observed to occur on site and thereby enable the County Council to comply with its duty under Section 122(1) 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 attached which formed part of the public consultation as required by the relevant procedural regulations. The introduction of waiting restrictions would also enable Civil Enforcement Officers to issue Penalty Charge Notices where vehicles park in contravention of the provisions of the proposed Traffic Regulation Order. On-street parking would continue to be permitted in some areas on Common Lane and Oakwood Close in the unrestricted sections of those streets.
- 4.2 Your officers consider it expedient that the proposed waiting restrictions on Common Lane and Oakwood Close, Church Fenton be implemented as advertised.
- 4.3 In the event an order is made the County Council is required to notify objectors within 14 days of it being made.

#### **5.0 Equalities Implications**

- 5.1 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. See Appendix B

#### **6.0 Climate Change Impact**

- 6.1 A climate change impact assessment has been carried out, see Appendix C. Steps will be taken during scheme delivery construction to reduce emissions as far as possible.

#### **7.0 Financial Implications**

- 7.1 The cost of advertising the Traffic Regulation Order and installing the road markings is estimated at approximately £1,500 which will be funded from the local highways (Signs Lines and TROs) budget.

#### **8.0 Legal**

- 8.1 Under the Officers Delegation Scheme which forms part of the County Council's Constitution the Corporate Director BES may authorise the making of Traffic Regulation Orders in accordance with the Road Traffic Regulation Act 1984 provided that where objection has been raised that decision is made in consultation with the relevant Executive Members and after consultation with the local Member. The matter is to be referred to the Executive where any outstanding objection is supported by a local Member.
- 8.2 Where it is considered by the Corporate Director BES in consultation with the Executive Member(s) that a proposed order meets the criteria for having a wide area impact the Director is required to consult the relevant Area Committee.

- 8.3 It is not considered that the proposed TRO has a wide area impact therefore it is not necessary for such consultation with the local Area Committee.
- 8.4 The relevant local member has been provided with a copy of this report and has been invited to the meeting on 20 August 2021.

## **9.0 Recommendation**

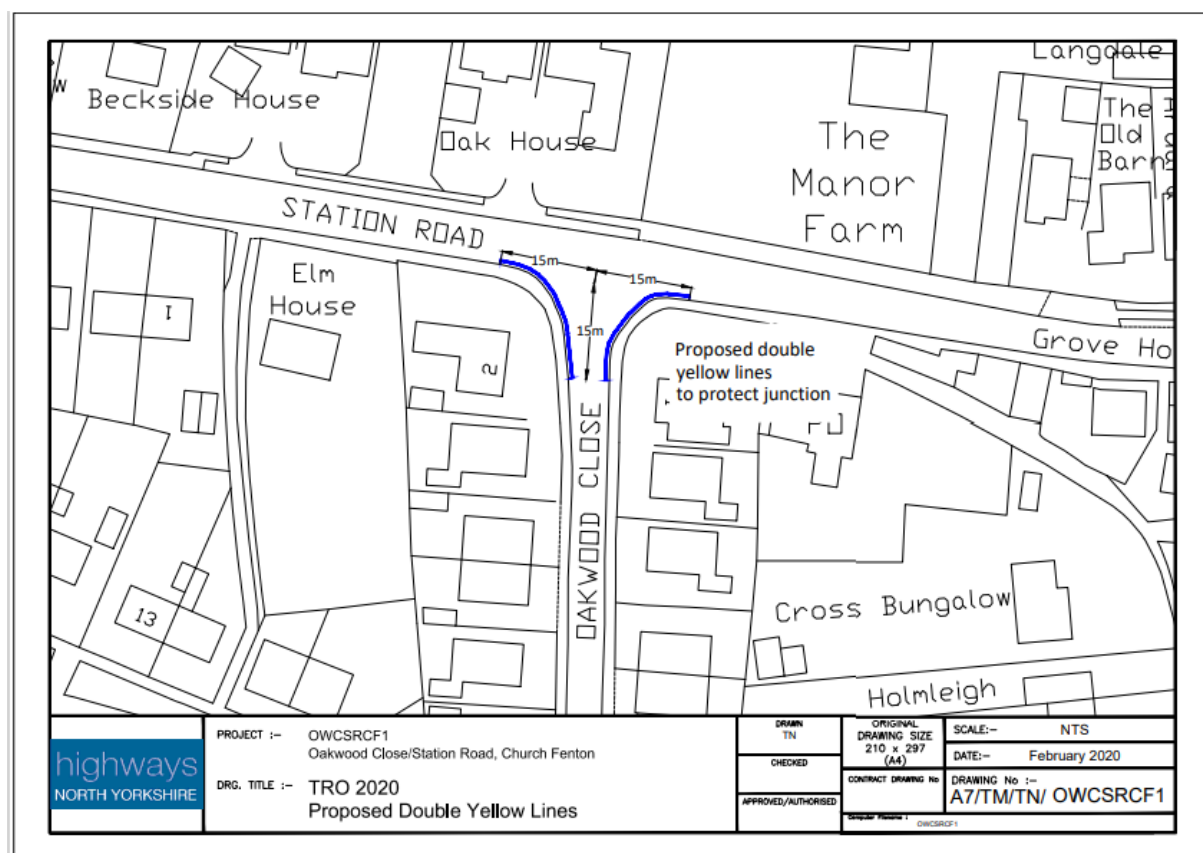
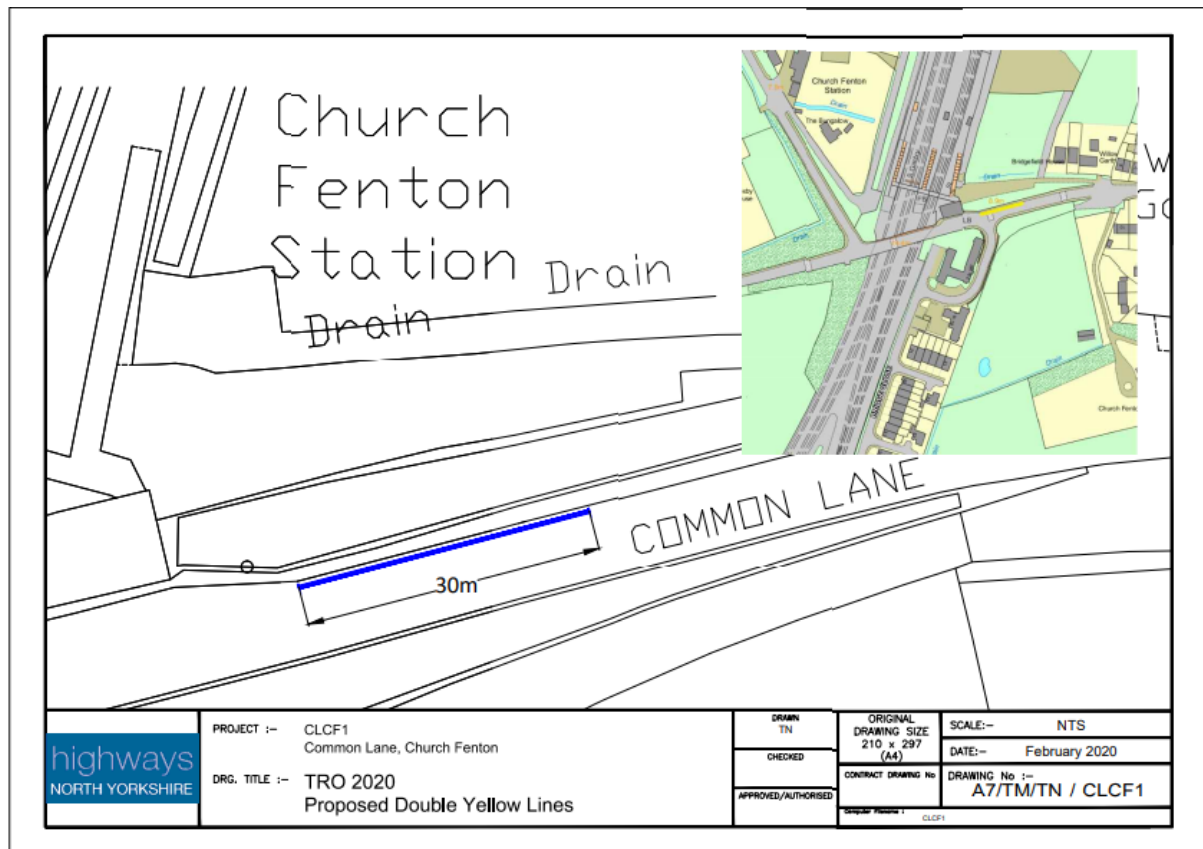
9.1 It is recommended that: -

- The proposed waiting restrictions on Common Lane and Oakwood Close, Church Fenton shown on Plan 1 and Plan 2 as advertised are implemented by making a Traffic Regulation Order under the Road Traffic Regulation Act 1984.
- That the Assistant Chief Executive (Legal and Democratic Services) be authorised to seal the relevant Traffic regulation Order to give effect to the proposed waiting restrictions as identified in this report (subject to the amendments and recommendations approved by the Corporate Director (BES) in consultation with Cllr Don Mackenzie, 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 and Transportation

Author of Report: Gary Lumb

Background Documents: Letters of objection received are held in the scheme file held by the Selby Area 7 Highways Office.



Summary of Objections	Officer Comments
Residents of Oakwood Close.	
By putting restrictions in place, you would only be exporting the problems at peak times leading to blocked driveways and further nuisances.	If the parking were to move further down Common Lane, the road width would cater for the provisions of on-street parking.
The railway station car park is wholly inadequate and commuters need to park somewhere. Where will we now park?	You officer is satisfied that the proposals are complicit with the section 122 duty. However, drivers will have the opportunity to park in the unrestricted section where parking is available.
Having painted the lines – who would enforce any infringement? We have no traffic warden and I cannot imagine that the police would have the capacity to respond to any requests to attend. It is already against the highway code to park on a junction and there is no enforcement apparent at the moment.	The Highway Code (Rule 243) is DO NOT park opposite or with 10 Metres of a junction, therefore, as stated in the highway code, failure to comply with this rule will not cause a person to be prosecuted. The introduction of double yellow lines will allow for enforcement under the Traffic Regulation Order
The main issue we have as residents in Main Street is the speed at which vehicles travel and this order does not address that issue.	Your officers are satisfied 30mph is the correct speed limit and that if there are issues of speeding traffic they will be investigated as a separate matter

COMMON LANE





OAKWOOD CLOSE



## **PROPOSED INTRODUCTION OF WAITING RESTRICTIONS AT COMMON LANE AND OAKWOOD CLOSE, CHURCH FENTON**

### **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 especially 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) and (c) above, having taken into account its duty under Section 122(1) of the 1984 Act, for the following reasons: -

#### **Location(s) of Proposed Order**

##### **Common Lane, Church Fenton [Plan CLCF1]**

Introduction of 'No Waiting' at any time restrictions to remove indiscriminate parking close to the junction of Station Road. It is considered that the proposals will generally assist to secure the safer movement of vehicular and pedestrian traffic.



## **Oakwood Close, Church Fenton [Plan OWCSRCCF1]**

Introduction of 'No Waiting' at any time restrictions to remove indiscriminate parking close to the junction of Station Road. It is considered that the proposals will generally assist to secure the safer movement of vehicular and pedestrian traffic.

Traffic Officer: Tessa Nielson (Area 7 Highways, Selby)

### **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.

<b>Initial equality impact assessment screening form</b> (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.			
<b>Directorate</b>	Business and Environmental Services		
<b>Service area</b>	Highways & Transportation		
<b>Proposal being screened</b>	Proposed waiting restrictions		
<b>Officer(s) carrying out screening</b>	Gary Lumb		
<b>What are you proposing to do?</b>	Introduce no waiting at any time restrictions on Common Lane and Oakwood Close, Church Fenton.		
<b>Why are you proposing this? What are the desired outcomes?</b>	To prevent obstruction and to allow safe passage for all motor vehicles travelling along Common Lane and Oakwood Close, thus addressing the road safety problems which have been observed to occur on site and to comply with the County Council's duties under Section 122(1) of the Road Traffic Regulation Act 1984 and Section 16 of the Traffic Management Act 2004		
<b>Does the proposal involve a significant commitment or removal of resources? Please give details.</b>	NO		
<b>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?</b> As part of this assessment, please consider the following questions: <ul style="list-style-type: none"> <li>To what extent is this service used by particular groups of people with protected characteristics?</li> <li>Does the proposal relate to functions that previous consultation has identified as important?</li> <li>Do different groups have different needs or experiences in the area the proposal relates to?</li> </ul> <p>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 <a href="#">Equality rep</a> for advice if you are in any doubt.</p>			
<b>Protected characteristic</b>	<b>Yes</b>	<b>No</b>	<b>Don't know/No info available</b>
Age		√	
Disability		√	
Sex (Gender)		√	
Race		√	
Sexual orientation		√	
Gender reassignment		√	
Religion or belief		√	

Pregnancy or maternity		√	
Marriage or civil partnership		√	
<b>NYCC additional characteristic</b>			
People in rural areas		√	
People on a low income		√	
Carer (unpaid family or friend)		√	
<b>Does the proposal relate to an area where there are known inequalities/probable impacts</b> (e.g. disabled people's access to public transport)? Please give details.	NO		
<b>Will the proposal have a significant effect on how other organisations operate?</b> (e.g. partners, funding criteria, etc.). <b>Do any of these organisations support people with protected characteristics?</b> Please explain why you have reached this conclusion.	NO		
<b>Decision (Please tick one option)</b>	EIA not relevant or proportionate:	√	Continue to full EIA:
<b>Reason for decision</b>	The proposed waiting restrictions Order will require the installation of new road markings (Double yellow lines), but will not otherwise have an effect on those with Protected characteristics. Blue Badge Holders will be able to park for up to 3 hours on double yellow lines (and for the entirety of any shorter period of restrictions) in accordance with the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000. Parking will be permitted in other areas on Main Street and School Road.		
<b>Signed (Assistant Director or equivalent)</b>			
<b>Date</b>			



## 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](mailto: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](mailto:climatechange@northyorks.gov.uk) for advice.

<b>Title of proposal</b>	<b>Proposed waiting restrictions</b>
<b>Brief description of proposal</b>	<b>Introduce no waiting at any time restrictions on Common Lane and Oakwood Close, Church Fenton.</b>
<b>Directorate</b>	<b>BES</b>
<b>Service area</b>	<b>Highways and Transportation</b>
<b>Lead officer</b>	<b>Gary Lumb</b>
<b>Names and roles of other people involved in carrying out the impact assessment</b>	<b>None</b>
<b>Date impact assessment started</b>	<b>20/07/2021</b>

**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.

None. It is considered that the proposed restrictions will assist in addressing the road safety problems which have been observed to occur on site and thereby enable the County Council to comply with its duty under Section 122(1) 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.

**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 cost of advertising the Traffic Regulation Order and installing the road markings will be funded from the local highways (Signs Lines and TROs) budget.



How will this proposal impact on the environment?		Positive impact (Place a X in the box below where)	No impact (Place a X in the box below where)	Negative impact (Place a X in the box below where)	Explain why will it have this effect and over what timescale?  Where possible/relevant please include: <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	Explain how you plan to mitigate any negative impacts.	Explain how you plan to improve any positive outcomes as far as possible.
Minimise <b>greenhouse gas emissions</b> e.g. reducing emissions from travel, increasing energy efficiencies etc.	Emissions from travel		x				
	Emissions from construction		x				
	Emissions from running of buildings		x				
	Other		x				
Minimise <b>waste</b> : Reduce, reuse, recycle and compost e.g. reducing use of single use plastic			x				
Reduce <b>water</b> consumption			x				

How will this proposal impact on the environment?  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.	Positive impact (Place a X in the box below where)	No impact (Place a X in the box below where)	Negative impact (Place a X in the box below where)	Explain why will it have this effect and over what timescale?  Where possible/relevant please include: <ul style="list-style-type: none"> <li>• Changes over and above business as usual</li> <li>• Evidence or measurement of effect</li> <li>• Figures for CO<sub>2</sub>e</li> <li>• Links to relevant documents</li> </ul>	Explain how you plan to mitigate any negative impacts.	Explain how you plan to improve any positive outcomes as far as possible.
Minimise <b>pollution</b> (including air, land, water, light and noise)		<b>x</b>				
Ensure <b>resilience</b> to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers		<b>x</b>				
Enhance <b>conservation</b> and wildlife		<b>x</b>				
Safeguard the distinctive characteristics, features and special qualities of <b>North Yorkshire's landscape</b>		<b>x</b>				
Other (please state below)		<b>x</b>				

**Are there any recognised good practice environmental standards in relation to this proposal?** If so, please detail how this proposal meets those standards.

N/A

**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 proposed waiting restrictions order will require the installation of new road markings (Double yellow lines), but will not otherwise have an impact on the Environment. However, steps will be taken to ensure that construction emissions are reduced as far as possible.

#### Sign off section

This climate change impact assessment was completed by:

<b>Name</b>	<b>Gary Lumb</b>
<b>Job title</b>	<b>Improvement Manager</b>
<b>Service area</b>	<b>Highways and Transportation</b>
<b>Directorate</b>	<b>BES</b>
<b>Signature</b>	<b>Gary Lumb</b>
<b>Completion date</b>	<b>20/07/2021</b>

**Authorised by relevant Assistant Director (signature):** Barrie Mason

**Date:**