

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

**Executive Members**

**26 January 2018**

**Review of Traffic Regulation Orders – Residential Disabled Parking Bay Objections -  
Area 6 Boroughbridge**

**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 BES Executive Members of the outcome of the public consultation and for a decision to be taken on whether the following proposals be introduced or set aside in light of the objections received to a number of traffic regulation order proposals advertised for public comment in November 2017.

**2.0 Background**

- 2.1 Disabled parking bays can be introduced to provide on street parking in residential areas for 'blue badge' holders. The County Council's policy states that bays should only be considered when an individual does not have access to off-street parking such as a drive or garage. RDPB's are not for the exclusive use of one resident but can be used by any 'blue badge' holder.
- 2.2 Disabled parking bays require a Traffic Regulation Order to be in place for them to be enforceable. Historically, some advisory and therefore unenforceable, residential disabled parking bays were introduced with no Traffic Regulation Order. The Traffic Signs Regulations and General Directions 2016 (as amended) do not however permit the use of disabled parking bay road markings without a Traffic Regulation Order and as a consequence enforcement action cannot be taken against those that misuse the bays.
- 2.3 Under Sections 32 and 35 of the Road Traffic Regulation Act 1984, a local authority may by order authorise the use as a parking place of any part of a road within their area for the purpose of relieving or preventing congestion of traffic and make provision as to the use of the parking place, and in particular the vehicles or class of vehicles which may be entitled to use it and the conditions on which it may be used.
- 2.4 The Residential Disabled Parking Bay Policy was approved by the Corporate Director in consultation with the BES Executive Members on 18 August 2011 which determined that only enforceable bays would be provided. In line with this decision, a new two-stage assessment criterion was developed to consider applications.
- 2.5 The first stage of the assessment is undertaken by Customer Resolution Centre officers and if all criteria are met, the application is forwarded to the local Area Highways Office to undertake the Stage Two highway / site assessment. If all criteria are met, highways officers progress a Traffic Regulation Order. The assessment criteria for both stages are outlined in Appendix A.

- 2.6 Since the approval of the new policy, sixty (60) applications have been approved in the Harrogate district through the TRO process. Twelve (12) of those applications and TROs have since been revoked after the applicants have either moved away or have deceased.
- 2.7 Local Members' comments were sought initially on the proposed measures in November 2017 at the time of advertising the Traffic Regulation Order (TRO) on the 2 November 2017. The TRO process allows 21 days for formal objections to the proposed restrictions to be lodged with the local Highways office following public advertisement in the local press, as prescribed by the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.
- 2.8 The enabling TRO was advertised for public comment on Thursday 2 November 2017 as the North Yorkshire County Council (Various Roads, Borough of Harrogate) (Disabled Persons' Parking Bays) (No.6) Order 2017 in both the local press and by means of a notice erected on street. The last date for receipt of objections was Friday 24 November 2017.
- 2.9 In total three new RDPB's were advertised within the TRO which also sought to remove one RDPB which had been introduced in a previous TRO and which was no longer required as the resident had moved property.
- 2.10 Authorisations have been sought for the majority of RDPB's previously installed since parking is generally at a premium in residential areas and officers considered that the introduction of 6.6m length disabled bays would result in a greater number of objections to the proposals by neighbouring residents opposed to the loss of further on street parking space. In the majority of cases, RDPB applicants have vehicles which can be safely accommodated within a 5-5.5m length bay. Following lengthy discussions, the Department for Transport have confirmed that they will no longer issue special authorisations for reduced length parking bays, which means that all future RDPB's need to be implemented at the statutory 6.6m length.
- 2.11 Two of the proposed RDPB's received no objections and therefore will be implemented under the powers delegated to the Corporate Director - Business and Environmental Services under the Council's Constitution. These sites are detailed below;
- 191 Chatsworth Grove, Harrogate
  - 68 Magdalen's Road, Ripon

In addition, no objections were received to the proposed RDPB revocation at 29 Westcliffe Grove, Harrogate.

- 2.12 Appendix C lists the objections/representations that have been received to the remaining RDPB at Grange Close, Shaw Mills and includes a detailed report in respect of each objection together with officer's comments and recommendations.
- 2.13 A new 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. The consideration of objections to Traffic Regulation Orders (TROs) is now a matter for the Executive and the role of the Area 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 of Business and Environmental Services (BES) in consultation with BES Executive Members. 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.

2.14 Since the objections received only relate to one of the proposed RDPB's this is not considered to qualify as having a 'wide area impact TRO' and therefore the Area Committee's views have not been sought.

### **3.0 Officer Comment and Conclusion**

3.1 Officers consider that the proposed measures set out in this report will assist in addressing the problems identified 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 for proposing to make the Order attached to this report in Appendix A. The proposed measures will also enable the County Council to carry out their 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 and both the more efficient use and the avoidance, elimination or reduction of road congestion or other disruption to the movement of traffic on their road network.

3.2 Appendix B details the two stage assessment criteria for the introduction of RDPB's.

3.3 Appendix C lists the objections/representations that have been received to the proposals and includes a detailed report in respect of each objection together with officer's comments and recommendations.

3.4 Any comments received from the relevant Local Members are included in the appropriate detailed report. In accordance with the protocol for BES Executive Member reports, the Local Members will be provided with a copy of this report and be invited to the meeting on the 26 January 2018.

### **4.0 Financial Implications**

4.1 Funding is available from existing Area 6 'Signs, Lines and TRO' budgets to support the installation of these measures which are estimated to be in the region of £1500.

### **5.0 Equalities Implications**

5.1 An Equality Impact Assessment has been completed for the Residential Disabled Parking Bay Protocol and it is published on the County Council website. The Physical and Sensory Impairment Partnership Board were consulted on, and supported the Policy and Eligibility.

5.2 The provision of RDPB's will enhance accessibility for mobility impaired residents enabling them to participate positively in community life.

### **6.0 Legal Implications**

6.1 In the event that the BES Executive Members and BES Corporate Director 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.

- 6.2 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.
- 6.3 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 Paragraph 3.1 above.

## **7.0 Recommendations**

7.1 It is recommended that:

- i) The intention to implement the proposals contained in 2.9 under the delegated authority of the Corporate Director, BES, is noted.
- ii) That the Assistant Chief Executive (Legal and Democratic Services) be authorised to seal the relevant Traffic Regulation Orders to give effect to the proposed Residential Disabled Parking Bay at the location identified in Appendix B, subject to the amendments and recommendations approved by the Corporate Director (BES) in consultation with the BES Executive Members in light of the objections received.

**BARRIE MASON**

Assistant Director – Highways & Transportation, Business and Environmental Services

Author of Report: Paul Ryan

Background Documents: Letters/ Emails objecting to the proposals, as outlined in this report are held in the scheme files held by the Boroughbridge Area 6 Highways Office.

Report to Executive Members, Residential Disabled Parking Bays Policy, dated 18 August 2011.

**North Yorkshire County Council (Various roads, Borough of Harrogate) (Disabled Person's Parking Bay) (No.6) Order 2017**

**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 (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:**

North Yorkshire County Council introduced a new protocol for the introduction of designated disabled parking bays in residential areas in November 2011.

In certain circumstances, 'on-street' parking bays can be implemented in residential areas for the use of disabled people who are Blue Badge holders. These bays provide on street parking for Blue Badge holders who do not have access to off street parking facilities such as a drive or garage outside or near to their home.

Residential disabled parking bays:

- Are provided solely to address access issues;
- Provide on-street parking for eligible disabled people near to their home subject to meeting specific highway conditions;
- Are not person specific and may be used by any blue badge holder regardless of where they live;
- Require a Traffic Regulation Order to be created before they can be installed;
- Are outlined on the road with white lines and a traffic sign.

A number of applications have been received from residents across the Harrogate District at the following locations:-

10 Grange Close, Shaw Mills  
191 Chatsworth Road, Harrogate  
19 Albany Avenue, Harrogate

A number of bays previously provided under the aforementioned protocol are no longer required and therefore disabled parking bays are being revoked at the following locations:-

29 West Cliffe Grove, Harrogate

**North Yorkshire County Council**

**County Area Committee for the Harrogate District**

**21 March 2013**

**Disabled Parking Bay Traffic Regulation Order**

**Appendix A – Assessment/ Eligibility Criteria**

**Stage 1 - eligibility criteria (managed by the Customer Services Centre or self-served through website and requiring the applicant to complete an application form)**

The eligibility criteria used for assessment are set out below:

1. The request is on the grounds of disability for access and not for reasons of vandalism or solely for reasons that (without a bay) a car has to be parked in a dangerous place or at distance

**and**

2. The driver must be unable or virtually unable to walk or propel a wheelchair further than 50 metres (70 yards) outside the home.

**and**

3. The driver must be:
  - the Blue Badge holder **and**
  - Requesting a disabled parking bay for the same address as their Blue Badge has been issued **and**
  - owner of the vehicle (evidence of vehicle ownership will be required)

It is expected that a non-disabled driver would drop the disabled person off and then park the vehicle. Exceptions to this are where the disabled person is a passenger and not safe to be left alone, e.g. Huntington's, children/adults with severe behavioural problems. Where there is such an exception advice is available by following this link <http://www.northyorks.gov.uk/index.aspx?articleid=3197> and completing a request to Health and Adult Services.

4. The driver must not have access to suitable off-street parking, for example a driveway or garage. If the person already has suitable off-street parking, an additional parking bay cannot be provided as the disabled person should be the primary user of an existing off-street facility (this will also be assessed at stage 2).
5. The driver should not be able to regularly park their vehicle on the public highway within 50m (70 yards) of the household

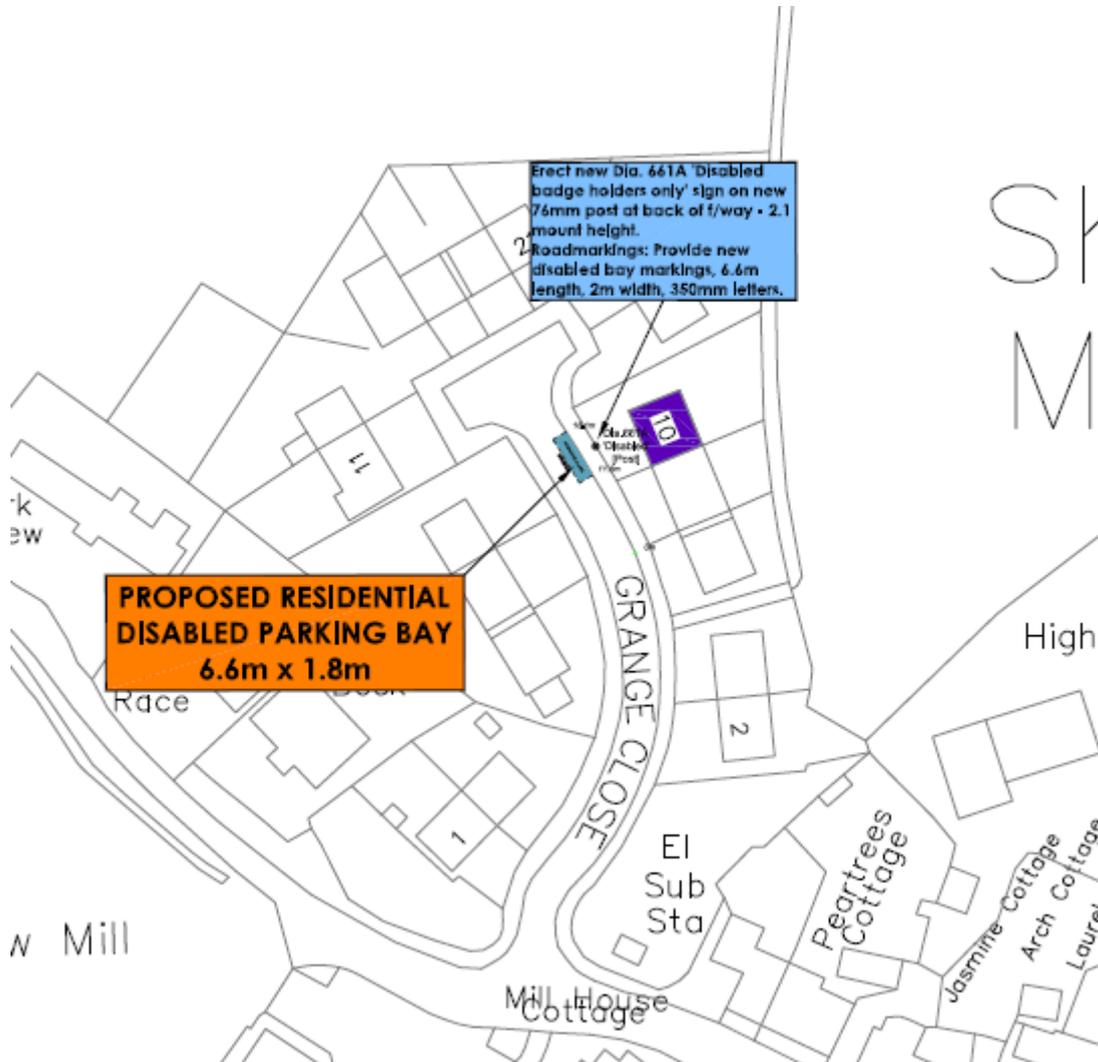
### Stage 2 – highway conditions (assessed by the Highways Area Office on receipt of a completed application form)

The application may be declined if one or more of the following exist:

- The request is for highway that is not maintainable at public expense.
- The driver has access to suitable off-street parking, for example a driveway or garage. If the person already has suitable off-street parking, an additional parking bay cannot be provided as the disabled person should be the primary user of an existing off-street facility. The suitability of the off-street parking facility should be considered in line with DfT guidance. Specifically:
  - whether it is located on firm and level ground
  - whether the gradient is reasonably level e.g. 1:50
  - whether there is space to enable the disabled driver to get into the car easily and safely
- Waiting restrictions (for example double/single yellow lines, clearways / bus stop clearways and school keep clear road markings) are already in place or have been proposed in the requested location.
- Access or visibility would be impaired by the parking bay.
- The road is not wide enough to allow the free flow of traffic when a vehicle is parked in the bay.
- The location is listed in the Highway Code as a place where vehicles should not be parked.
- The road has a speed limit over 30mph.
- The current number of disabled parking bays installed is higher than 10% of the total number of residential properties or 10% of the number of parking spaces in the street, whichever is higher i.e. 40 houses = maximum number of 4 Disabled Bays in that street.

**SCHEDULE OF REPRESENTATIONS WHERE OBJECTIONS  
HAVE BEEN RECEIVED AND SUBSEQUENT OFFICER RECOMMENDATIONS**

**1 10 GRANGE CLOSE, SHAW MILLS  
[LOWER NIDDERLDALE & BISHOP  
MONKTON DIVISION]**



**Objector 1:** Resident, Grange Close, Shaw Mills, HG3 3HX

“Parking on the street is already a problem and cars are parked all the way down the hill. I think that if the applicants are given a disabled space on the road, others on the street with difficulties may follow suit in order to ensure that they also have their own space guaranteed on the street which will only lead to more problems and possibly other residents moving away from the unwritten agreement we have to only park on one side of the road in order to allow access and movement of all vehicles including emergency vehicles and we will end up all having to zig zag up the curved road which would not allow access to any large emergency vehicle to the top of the road where several occupants have health problems and have had to have emergency vehicles called out in the recent past”.

**Objector 2:** Resident, Grange Close, Shaw Mills, HG3 3HX

“At current parking is at a premium on the street due to new families with multiple vehicles moving in, as well as other housing having more vehicles than their driveways will hold all parking on the street.

Objections not based not against the fact the applicant is disabled, but rather on the following three points;

1. At no time has the area in front of the applicants gate and pathway to the house been blocked by other residents or their visitors parking there. In fact, if anything the applicant parks so that another vehicle cannot park behind him due to the driveway at the end of the road.
2. The applicant is not the driver of the vehicle and has no problem getting from her house to the edge of the road unaided by her husband and this even if the need arose that the applicants partner had to double park in order to allow the applicant entrance to their vehicle the time that this took would not be of any inconvenience to other road users and I would be surprised if anyone did take offence should this occur, which they have not had the need to do so in the 10 years in which I have lived on the street.
3. If this parking area is installed on the street, it will push the space available to other road users to a minimum and I could very easily find myself having to park at the bottom of the road which is extremely steep. This is not ideal for me as I would have to carry shopping etc. up the hill and as I suffer from chronic arthritis and am myself over 70 years old would put a great strain on me, but in inclement weather I would probably not even be able to make it up or down the hill using the pathway as it is not cleared or gritted by the council”.

**Objector 3:** Clerk to Bishop Thornton and Warsill Parish Council

“Bishop Thornton and Warsill Parish Council have received a number of objections regarding the proposed installation of a Residential Disabled Parking Bay on the road adjacent to 10, Grange Close, Shaw Mills and is in agreement with these objections.

Previously, NYCC has installed similar bays on Grange Close that have, due to the topography of the road (it being on a steep narrow hill) and the objections raised at the time, had to be removed by burning the surface of the road leaving an unsightly and rough surface. This in turn resulted in NYCC being called back to fix the surface on a number of occasions and ultimately led in the installation of driveways at a number of properties to avoid the need for further designated parking areas on the road.

The residents have an unwritten rule regarding parking on one side of the road which seems to work well for most people living on Grange Close as it allows for emergency vehicles etc. to pass when required.

In other words, setting a parking area aside for residents of a specific property will only add to the existing parking problems on Grange Close as has been found to be the case in the past.

Councillors feel, therefore that any such proposal should be refused unless, that is the proposed bay can be used by any disabled person wishing to park on Grange Close and not purely restricted to the residents of No 10. Even then the problems caused will only exacerbate the parking and access problems already encountered by those living on the Close and will not necessarily solve parking issues for those living at No 10.

## APPENDIX C

Perhaps it would be better if a section of the garden in front of No 10 could be made into a drive as has been done on the opposite side of the road. This would not only do away with the need for the proposed disabled parking bay but would provide both the current and future residents with a more suitable parking place with access to the bungalow”.

**Objector 4:** Resident, Grange Close, Shaw Mills, HG3 3HX

“As residents of Grange Close we are all too aware of the dire parking problems that we, and all our neighbours, face on a daily basis. From the map provided we can see the rather generously sized proposed parking space is positioned centrally to the boundaries of both neighbouring properties. In effect, this will prohibit 2 further cars from parking on the same stretch of the road.

We request that the actual positioning of the proposed parking space be studied carefully before a decision is made. We strongly recommend, if permission is granted, the designated space is positioned right up to the boundary with Number 12, where there is a dropped kerb. Access to the disabled space will therefore be unobstructed and accessible at all times.

If the Disabled Parking Space is positioned as near to the boundary of Number 12 as possible:

The residents at Number 10 will have clear access to the proposed parking space due to the dropped kerb in front of Number 12 and other residents of Grange Close will have access to more vital space on Grange Close to park their cars.

We would appreciate your contemplation and understanding of the situation before making your final decision for the proposed disabled parking space”.

### **Officer comments and recommendations:**

Officers are aware of the concerns and parking impact of the introduction of a 6.6m bay and hence in previous reviews have sought to reduce the length of the bays through special authorisations from the Department for Transport (DfT). As detailed previously, the DfT have advised that they will no longer issue special authorisations for reduced length disabled bays following advice sought from the disabled advisory team in the Department during the consultation over the revised Traffic Signs Regulations and General Directions.

The proposed bay has been promoted at a position where a vehicle parked would not restrict or obstruct turning manoeuvres for vehicles either turning around in the Grange Close turning head, or from either of the two vehicular accesses which exist at the commencement of the turning head. It would not be considered appropriate to promote the bay further north of its current position since this could obstruct those residents from accessing or exiting their driveways.

In response to concerns over vehicles parking both sides of the road, there is no intention to alter or promote measures that change the current parking situation on Grange Close, where residents park on the east side of the street only. Even if a disabled parking bay application were to be received from a resident who resides on the west side of the cul-de-sac, the bay would be promoted on the east side.

The current protocol prescribes that no more than 10% of kerbside road space in any given street can be occupied by residential disabled parking bays and therefore if further application were to be received from other residents of Grange Close, any applications which exceed that 10% occupancy level would be rejected (effectively on a first serve basis).

## APPENDIX C

Whilst RDPB's are provided for specific applicants, the regulations do not prohibit other disabled badge holders from parking in those bays. However, clearly when one has been provided for a specific applicant, we would anticipate that in general, local residents respect that to be the case and enable it to be used by the applicant when that need arises.

The County Council have no jurisdiction over the creation of private off street parking facilities and this would have to be arranged by the property owner.

The applicant meets all the stage 1 and stage 2 assessment criteria for the introduction of a residential disabled parking bay and officers therefore consider that there is no valid reason why a bay could not be provided at this time.

**RECOMMENDATION:** that the disabled parking bay at 10 Grange Close, Shaw Mills be introduced as proposed and that the Director and Members note that this may impact upon parking opportunity for neighbouring residents.