

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

**20 April 2018**

**Main Street and School Lane, Hemingbrough - 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 following public consultation and advertisement in regard to these proposals and for a decision to be made whether or not any waiting restrictions should be introduced in Main Street and School Lane, Hemingbrough in view of the objections received.

**2.0 Background**

- 2.1 The advertised Traffic Regulation Order contained 2 separate parking restriction schemes in Hemingbrough. The background of each is outlined below.
- a) Main Street  
Main Street serves several local businesses, one of which is the local village store. The majority of residential properties have the benefit of off-street parking that are accessed off narrow driveways, but some residents rely on on-street parking.

The proposals, which comprise introducing no waiting restrictions between 8am – 4pm Mon – Fri, are in response to a request made by the Parish Council and the local bus company Arriva in relation to parking on both sides of Main street, at the location as shown on Plan 1. Parking in this location can cause problems of obstruction, restricted visibility and hindering the passage of vehicles, in particular for the local bus service, which is under threat of being withdrawn if the parking arrangements do not improve.

Photographs are attached in Appendix A showing the parking problems that occur, highlighting the concerns raised by Arriva.

- b) School Lane  
School Lane serves the local primary school and playing field. Residential properties have the benefit of off-street parking which are accessed from School Lane, none rely on on-street parking.

The proposals, which comprise introducing no waiting at any time restrictions and restrictions between 8am – 9am and 3pm – 4pm Monday to Friday, are in response to a request made by the Parish Council in relation to parking on both sides of School Lane, at the location as shown on Plan 2. Parking in this location can cause problems of obstruction and restricted visibility by inconsiderate parking during school pickup and drop off times and during weekends when events take place on the local playing field.

### **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 At the conclusion of the advertising stage, 17 letters were received, 10 letters are in support of the proposals and 7 against. The objector's comments are summarised in Appendix A, together with your Officers comments.
- 3.3 County Councillor Mike Jordan (the ward member representing Hemingbrough) was contacted during and after the consultation on his views to the proposals. Cllr Jordan is fully supportive of the proposals and confirms that the present parking arrangements do cause obstruction and visibility issues.

### **4.0 Officer Comments**

- 4.1 Both sites were investigated and it was considered that the most appropriate option was to introduce a length of No Waiting restrictions referred to in Paragraph 2.1 by means of a Traffic Regulation Order (TRO) made under the Road Traffic Regulation Act 1984. The introduction of waiting restrictions will also enable Civil Enforcement Officers to issue Penalty Charge Notices where vehicles park in contravention of the provisions of the Traffic Regulation Order. On-street parking will be permitted in some areas on Main Street and School Lane, thus providing associated traffic calming benefits that will contribute to keeping vehicle speeds commensurate with the 30mph speed limit along this road.
- 4.2 Your Officers therefore consider it expedient that the proposed waiting restrictions on Main Street and School Lane, Hemingbrough be implemented as advertised.

### **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.
- 5.2 As part of the consultation exercise Selby and District Dial, who provide help and advice for disabled people, were consulted and found no grounds for objecting to the proposals going ahead.

### **6.0 Financial Implications**

- 6.1 The cost of advertising the Traffic Regulation Order and installing the signs is estimated at approximately £1.800 which will be funded from the local highways (Signs Lines and TROs) budget.

### **7.0 Legal**

- 7.1 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.

- 7.2 The proposed TRO has not been classed as a wide area impact TRO and therefore the Area Committee's views have not been sought.
- 7.3 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 for proposing to make the Order attached to this Report. The proposed restrictions will also enable the County Council to comply with the network management duty under Section 16 of the Traffic Management Act 2004, i.e. managing the road network with a view to achieving (inter alia) the expeditious movement of traffic on that network.
- 7.4 Where an Order has been made (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.
- 7.5 The relevant local member has been provided with a copy of this report and has been invited to the meeting on 20 April 2018.

## **8.0 Recommendations**

- 8.1 It is recommended that: -
- a) The proposed waiting restrictions on Main Street and School Lane, Hemingbrough shown on Plan 1 and Plan 2 as advertised are implemented by making a Traffic Regulation Order under the Road Traffic Regulation Act 1984.
  - b) The Objectors are advised accordingly and notified of the making of the Order within 14 days of it being made.

**BARRIE MASON**  
Assistant Director – Highways and Transportation

Author of Report: Gary Lumb

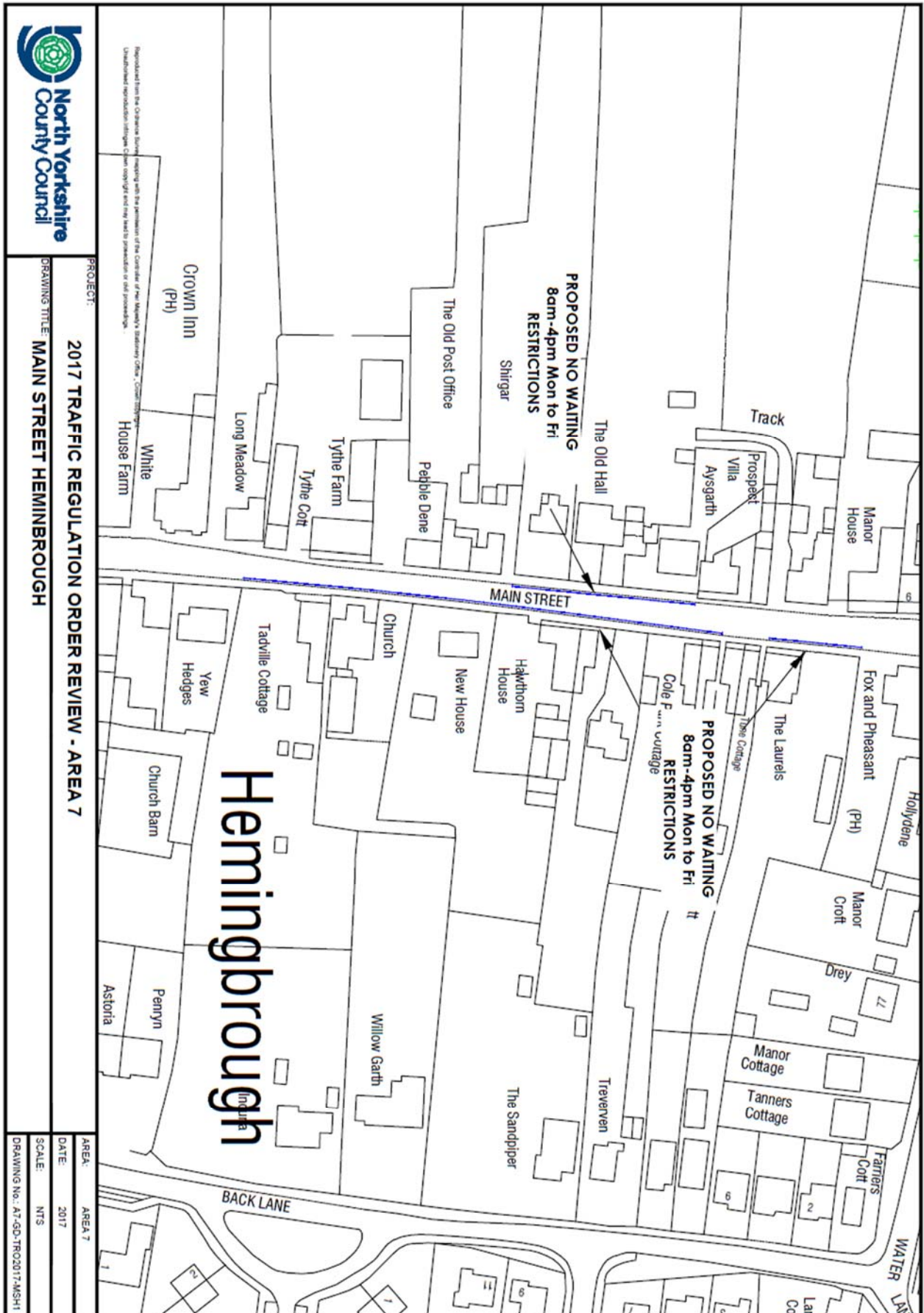
Background Documents: Letter of objection received are held in the scheme file held by the Selby Area 7 Highways Office.

**Summary of Comments**

**Officer Comments**

Residents, Main Street, Hemingbrough

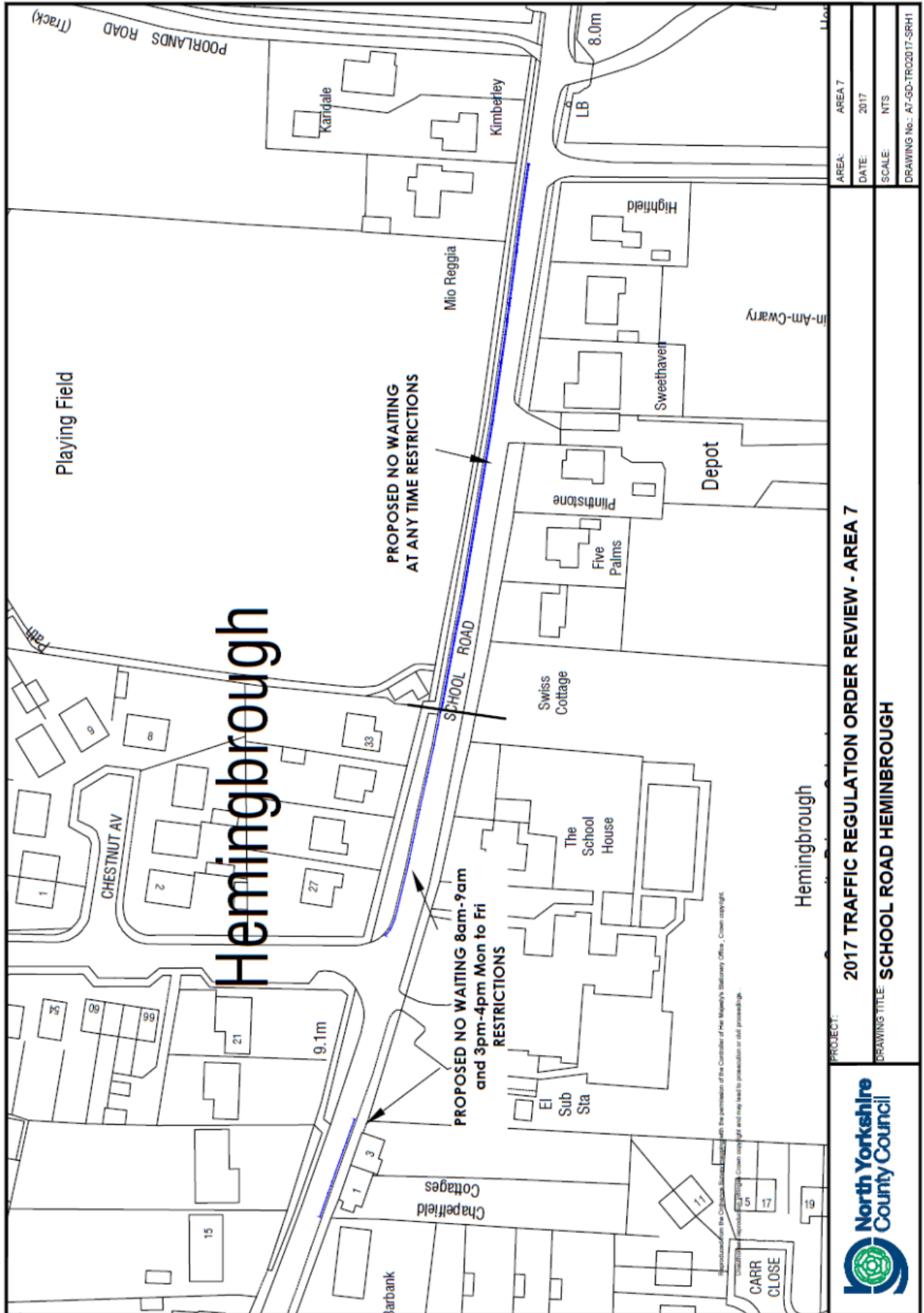
- |  |   |
|--|---|
| <ol style="list-style-type: none"><li>1. The new timed restrictions, only affect businesses on Main Street. Does the village really want to lose these businesses? Because they will.</li><br/><li>2. Both Jasmine Cottage and Tune Cottage do not have off – Street parking. The restrictions will make it more difficult to park outside or near our house. One of the attractions of the property was the convenience of being able to park outside and taking away the privilege is likely to affect the future saleability and value.</li><br/><li>3. 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.</li><br/><li>4. Deliveries to small businesses, if they can't park to deliver, they won't deliver again – another nail in a small business coffin.</li></ol> | <ol style="list-style-type: none"><li>1. There are no parking restrictions outside the local business. Further On-street parking will be permitted in some areas on Main Street close to the local business.</li><br/><li>2. The highway authority has no responsibility to provide on-street parking. However on-street parking will be permitted in areas opposite Jasmine Cottage and Tune Cottage and parking will be permitted after 4pm Mon – Fri and during weekends.</li><br/><li>3. On-street parking will be permitted in some areas on Main Street and School Lane, thus providing associated traffic calming benefits that will contribute to keeping vehicle speeds commensurate with the 30mph speed limit.</li><br/><li>4. Although the proposed restrictions prevent waiting, the restrictions do not prevent you from loading and offloading goods from the vehicle.</li></ol> |
|--|---|



PROJECT: 2017 TRAFFIC REGULATION ORDER REVIEW - AREA 7  
 DRAWING TITLE: MAIN STREET HEMINGBROUGH

AREA: AREA 7  
 DATE: 2017  
 SCALE: NTS  
 DRAWING No.: AT-GO-TRO2017-MSH1

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office. Copyright Ordnance Survey. All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage or retrieval system, without the prior written permission of Ordnance Survey.





**PROPOSED INTRODUCTION OF WAITING RESTRICTIONS AT MAIN STREET AND SCHOOL LANE, HEMINGBROUGH**

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

**Location(s) of Proposed Order**

**Main Street, Hemingbrough** [Plan MSH1]

Introduction of 'No Waiting' 8am - 4pm Mon – Fri restrictions to remove indiscriminate parking on Main Street to allow safe passage for all motor vehicles.

**School Lane, Hemingbrough** [Plan SLH1]

Introduction of no waiting at any time restrictions and between 8am – 9am and 3pm – 4pm to remove indiscriminate parking on School Lane to allow safe passage for all motor vehicles.

**Traffic Officer:** Vickie Day (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')			
<b>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>			
<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>	<ol style="list-style-type: none"> <li>1. Introduce no waiting 8am – 4pm Mon – Fri restrictions on Main Street, Hemingbrough.</li> <li>2. Introduce no waiting at any time and between 8am – 9am and 3pm – 4pm on School Lane, Hemingbrough.</li> </ol>		
<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 Main Street and School Lane, 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?</b> Please give details.	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><b>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.</b></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>			

## Appendix 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 and Single yellow lines with timed restrictions), 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>	<i>Barrie Mason</i>		
<b>Date</b>	09/04/17		