## CLARENCE DRIVE – FILEY- PROPOSED DISABLED PARKING BAY

## STATEMENT OF THE COUNCIL'S REASONS FOR PROPOSING TO MAKE THE ORDER AND SCHEDULE OF RESTRICTIONS

### LEGAL POWERS AND DUTIES

Under Section 1(1) of the Road Traffic Regulation Act 1984 the 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 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:-

Resident at the location described in the Schedule have requested a residential disabled parking bay outside or near to their property. All residents have been assessed under the eligibility and highway criteria set out by NYC, and were deemed to meet the requirements for a residential disabled parking bay.

It is proposed to install a disabled persons bay, road marking and associated signage at the location outlined below and shown on the relevant schedule and plans.

### Location(s) of Proposed Order

| Location | Road / Street | Side | From | To | Restriction |
|---|---|---|---|---|---|
| FILEY | Clarence Drive | Southeast | A point 15 metres southeast of its junction with U388 Grange Avenue | A point 22 metres southeast of its junction with U388 Grange Avenue | Disabled parking bay |

## CONSIDERATION OF OBJECTIONS

Under the Council's Constitution, the consideration of objections to a proposed TRO is delegated to the Corporate Director for Environment in consultation with Environment Executive Members. For each TRO where there are objections, it will be necessary to bring a report to the Corporate Director for Environment and Environment 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 for Environment 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 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 for Environment and Environment Executive Members seeking a decision on the consideration of the objections. The Corporate Director for Environment 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 for Environment 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 for Environment has delegated powers to make decisions on TROs where there are no objections.