

**Decision Session – Executive Member for
Transport**

21st February 2023

Report of the Director of Environment, Transport & Planning

Parking on the riverside at West Esplanade Traffic Regulation Order

Summary

1. The Report considers the objections raised to the proposed ‘No Waiting at any time’ restrictions for West Esplanade and offers an Officer Recommendation for the outcome.

Recommendations

2. The Executive is asked to:
 - 1) Approve the proposal for ‘No Waiting at any time’ restrictions on West Esplanade as proposed.

Reason: The introduction of the restrictions will remove on street parking that has been occurring at this location and help to remove the conflict of movements between vehicles and pedestrian/cyclist which will increase safety for all users at this location.

Background

3. The stretch of riverside path in question does have a ‘No Waiting 8am-6pm’ restriction all the way to Scarborough Bridge, these have historically only been implemented for 110 metres north west of Lendal Bridge. This is the location of a gate across the riverside path, which was used to stop vehicles from driving towards Scarborough Bridge. The gate has been opened in recent years as all users were funnelled through a small gap (1.7metres wide) between the gate and a lamppost.

4. This has led to vehicles travelling along the path to access Leeman Road via the Car Park by removing the bollards at the car park edge. The bollards have been replaced to stop vehicles from making that manoeuvre. The riverside path has also been used for parking of vehicles in the unrestricted lengths of the path, which has narrowed the path and increased the potential conflict of movements between cars, bicycles and pedestrians, as the vehicles have to turn in the path to be able to exit the area.
5. These issues were raised with the council by residents and Ward Councillors, who were concerned about the safety of users of the riverside path and requested that restrictions were put in place to remove the current use.

Consultation

6. A proposal (Annex A) was created to introduce 'No Waiting at any time' restrictions along the riverside path to remove the obstructive parking from the path. The Council posted the statutory consultation documents (Annex B) to all affected properties on the 21st October 2022, to make residents aware of the proposal and provide them with an opportunity to comment on the proposal. A copy of the letter was sent to the local Ward Councillors for Micklegate and Holgate wards. Although the area is not in the Holgate Ward, the issue has been raised with their Ward Councillors, and they had asked to be kept up dated on any proposals for the area. The Notice of Proposal was posted in the York Press and on street.
7. The Consultation received two representations during the consultation period, which were in objection to the proposal (Annex C).
8. The first objection was in relation to the lack of enforcement that is currently occurring of the single yellow line (8am to 6pm), they do not feel the proposed restrictions would make a difference as they would still need to be enforced. The Council enforcement officers when in the area are only witnessing vehicles parked on the area that does not currently have the restrictions marked on ground but would take enforcement action if vehicles were witnessed parking on the restricted area.
9. The objection also raised concerns about how the rowing club will manage their events with the restrictions, as boat trailers do park in the area to the west of the old white gate during their events. If the trailers

are detached from the vehicles used to tow, they would be able to be in the area as long they were not causing an obstruction of the path.

10. The second objection is on the basis that the speed of cyclists using the area is the biggest danger and they have already had reports from their customers that they have been hit by cyclists speeding through the area. The objection does also state that the activities of the rowing club do help to slow traffic down.
11. The objection was also concerned that the proposal will not allow for the business to load and unload goods/materials, which would have a detrimental effect on the business. This would not be the case as loading activities can occur from 'no Waiting' restrictions if the loading activity is continuous. The area already has a restriction so it should not change their current working activity.

Options

12. **Option 1: Implement the restrictions as proposed.**
This is the recommended option as the introduction of the restrictions will remove on street parking that has been occurring at this location and help to remove the conflict of movements between vehicles and pedestrian/cyclist which will increase safety for all users at this location.
13. **Option 2: No further action**
This is not the recommended option as it will leave the area open to obstructive parking and the continued occurrence of conflict of movement between vehicles and pedestrian/cyclist, which would therefore not address the safety concerns raised by residents and Ward Councillors.
14. **Option 3: Implement the approved restriction stated in the Traffic Regulation order**
This is not the recommended option as it will address the safety concerns raised by residents and Ward Councillors between 8am and 6pm, leaving the area available for parking outside of those hours.

Council Plan

15. The Council Plan has Eight Key Outcomes:

- Well-paid jobs and an inclusive economy
- A greener and cleaner city
- Getting around sustainably
- Good health and wellbeing
- Safe communities and culture for all
- Creating homes and world-class infrastructure
- A better start for children and young people
- An open and effective council

The recommended proposal contributes to the Council being an open and effective Council as it responds to the request from the residents in a positive way.

Implications

16. This report has the following implications:

Financial – The implementation of any approved restriction will be covered by the signs and lines budget.

Human Resources – If implemented, enforcement will fall to the Civil Enforcement Officers necessitating an extra area onto their work load, although they are already receiving reports of vehicles parked in the area and not currently able to enforce, which is creating work.

Equalities – The Council recognises its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions). The impact of the recommendation on protected characteristics has been considered as follows:

- Age – Positive, the introduction of parking restrictions will remove obstructive parking and conflict of movement, which will make a safer environment for walking and cycling along the riverside path for all age groups;
- Disability – Positive, the introduction of parking restrictions will remove obstructive parking and increase the available area for use by all user, whilst the introduction of 'No Waiting at any time' restrictions would allow for vehicles displaying a Blue Badge to park to park for 3 hours;

- Gender – Neutral;
- Gender reassignment – Neutral;
- Marriage and civil partnership– Neutral;
- Pregnancy and maternity - Neutral;
- Race – Neutral;
- Religion and belief – Neutral;
- Sexual orientation – Neutral;
- Other socio-economic groups including :
 - Carer - Neutral;
 - Low income groups – Neutral;
 - Veterans, Armed Forces Community– Neutral.

Legal – The Traffic Management Act 2004 places a duty on local traffic authorities to manage the road network with a view to securing, as far as reasonably practicable, the expeditious, convenient, and safe movement of all types of traffic. The Council regulates traffic by means of traffic regulation orders (TROs) made under the Road Traffic Regulation Act 1984 which can prohibit, restrict, or regulate the use of a road, or any part of the width of a road, by vehicular traffic. After the public notice of proposals for a TRO has been advertised, any person can object to the making of the TRO. The recommendation in this report requires the decision maker to consider all objections received during the statutory consultation period before deciding whether to make the TRO unchanged/without modifications or to make it with modifications that reduce the restrictions or not to proceed with it. This will enable the Council to comply with the requirements of both the Road Traffic Act 1984 and the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996.

Crime and Disorder – None

Information Technology – None

Land – None

Other – No other implications identified.

Risk Management – there is an acceptable level of risk associated with the recommended option.

Contact Details

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Report **Date** [13/02/2023]
Approved

Specialist Implications Officer(s) List information for all

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All

For further information please contact the author of the report

Annexes

Annex A – West Esplanade Proposed Restrictions
Annex B – Residents Letter West Esplanade
Annex C – Objections to Parking Restrictions