

## **NORTH YORKSHIRE COUNTY COUNCIL**

### **PROPOSED PROHIBITION OF OVERNIGHT PARKING FOR MOTOR CARAVANS**

#### **BETWEEN 11.00 PM AND 7.00 AM –**

### **STATEMENT OF REASONS FOR MAKING PERMANENT TRAFFIC REGULATION ORDER**

#### **Introduction**

There are a number of attractive sea-front streets within the sea side towns in Scarborough Borough, which in recent years, with the increase in the interest in motor-caravanning, have seen a proliferation in the amount of motor caravans parking and being occupied for a number of nights on the highway. It is considered that the volume of motor caravans seeking access to these streets for this purpose detracts from the amenities of the streets for their residents and other highway users. It is reported that heavily affected sea-side streets often experience one motor caravan being replaced by another.. The County Council is proposing to introduce the proposed Traffic Regulation Order to permanently preserve and address the consequent loss of amenities and to supercede the existing temporary overnight parking restrictions for motor caravans on the roads affected, with the addition of a section of road in Sandsend, which has not been previously covered by a temporary order.

#### **Legal Powers**

The County Council are seeking to make the Order pursuant to Section 1(1)(f) of the Road Traffic Regulation Act 1984, which allows a traffic authority to make a Traffic Regulation Order where it appears expedient to make it *“for preserving or improving the amenities of the area through which the road runs”*.

Section 122 of the 1984 Act also confers a duty on local authorities to exercise the functions contained on them by the Act 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, having regard to (inter alia) the effect on the amenities of any locality affected and, specifically, the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run.

#### **Loss of Amenities**

The order refers to motor caravans and no other vehicle type as the above losses of amenity are most associated with this category of vehicle and whilst it is appreciated that overnight camping may be undertaken in another category of vehicle, the combination of the amenity issues detailed below are significantly likely to be associated with motor-caravans and therefore it is considered that the overnight prohibition of this category of vehicle will improve the amenity of the affected streets.

The specific amenities that the Council considers are impacted upon by the overnight camping of motor caravans are the change in character of a street (from a public highway for all to enjoy, to a camping site), loss of view/sea view for other highway users and particularly for neighbouring properties, noise, litter, extraneous light, and the depositing of waste into highway gullies.

The amenities of the area at the various locations will be improved by the proposed Order because during the evenings and into the night it is felt that residents and business owners should reasonably expect some respite from the parking of motor caravans, for sometimes long durations, in these popular affected sea side streets. Residents should have the reasonable right to enjoy the aspect of their properties and the amenities of the area without large vehicles inhabiting the street adjacent to and in close proximity to their homes, (which in the locations includes, as an amenity, a sea-side aspect).

The amenities are further detracted from through over-night parking of such vehicles due to the impact upon some public services (including road sweeping and waste emptying that overnight camping brings

with it). Further to this, by restricting access at night it ensures that there is a turnover in the spaces taken by such vehicles and ensures they do not park, for sometimes more than a week, outside individual properties. There are many other locations in Scarborough Borough where motor caravans may continue to park unrestricted on the publicly maintainable highway.

The proposed prohibition would cover locations which, prior to the introduction of the temporary orders referred to above, tended to attract motor caravans plus a further section of road in Sandsend that has not been previously covered by a temporary order, yet reportedly experiences similar problems with amenities being affected by motor-caravans. Overnight occupancy of motor caravans on the highway fundamentally alters the nature of the highway in these locations, with negative consequences.

The overnight occupancy of motor caravans means that the individuals residing in the vehicle are temporarily dwelling in the location, and in close proximity to the curtilage of properties that adjoin the highway. This can impact upon the rights of the permanent residents to enjoyment of their property, and their privacy.

The overnight occupancy of motor caravans generates noise, sometimes within close proximity to residential properties which can be anti-social for permanent residents.

The overnight occupancy of motor vehicles on the highway, in locations which do not include appropriate facilities for camping, can lead to inappropriate use of highway gullies and drains for the depositing of waste. The effective "camping" on the highway also generates larger volumes of refuse, beyond the normal amounts of litter generated by those visiting the location for a short-stay. This refuse can be deposited in public litter bins, a purpose for which they are not designed, and a seasonal high volume of waste has historically been experienced in the various locations, which can cause spillages onto the highway and may necessitate the Borough Council increasing its cleansing schedule, to allow the for the bins to be used by day trippers as intended.

Overnight occupancy of motor caravans can increase the level of lighting on the highway during the hours of darkness. This is undesirable because it can be distracting for highway users and anti-social in locations which are in close proximity to nearby residential properties.

It is acknowledged that a 24 hour prohibition of motor caravans would be needed to ensure the amenities referred to above remain completely unaffected, however the Authority does not wish to completely remove the opportunity for those with motor-caravans to access these locations.

## **Conclusion**

The 1984 Act makes it clear that the "amenities" to be preserved or improved are those of the area through which the road(s) run(s) and the County Council acknowledges that there is a balance to be struck between the interests of any class of road users, the interests of other classes of road users and the interests of streetward residents. Not all amenities of the area would be preserved, as one of the amenities is the 24 hour use of the affected streets by motor caravans, which would be prevented by the Order. The County Council also acknowledges that the current temporary overnight parking restrictions were introduced for environmental reasons to aid in the prevention of occupants of motor caravans depositing waste onto the highway and that there are other legal remedies available to tackle this specific issue, but that there are nonetheless additional factors (specified above) which all combine to affect the amenities of the area affected. As stated above, there are many other locations in Scarborough Borough where motor caravans may continue to park unrestricted on the publicly maintainable highway and the Council do not consider it necessary to provide additional dedicated parking places for motor caravans. It is the amenities of the area which on balance are required to be considered as preserved or improved and the County Council takes the view that the proposed Order would be expedient in achieving the purpose of "*preserving or improving the amenities of the area through which the road runs*" in line with the provisions of the 1984 Act.