

Barnsley Metropolitan Borough Council

This matter is not a Key Decision within the Council's definition and has not been included in the relevant Forward Plan

Report of the Executive Director, Place

Pontefract Road & Grove Street, Barnsley – Proposed amendment to existing waiting restrictions and introduction of new loading and waiting restrictions

Objection Report

1. Purpose of Report

- 1.1** The purpose of this report is to consider the objections to introduce a prohibition of waiting at any time restriction on part of the eastern side of Grove Street.
- 1.2** To request permission to omit the proposals for part of the eastern side of Grove Street originally advertised, as shown in Appendix 1.
- 1.3** To seek approval to introduce new waiting and loading restrictions on Pontefract Road and part of the western side of Grove Street as shown in Appendix 2.

2. Recommendation

It is recommended that:

- 2.1** The proposals for 'no waiting at any time' restrictions on a section of the eastern side of Grove Street be omitted from this scheme, and dealt with as a separate, traffic regulation order at a later date to allow the shared cycle/footway scheme to be completed on schedule.
- 2.2** The Interim Head of Highways, Engineering and Transportation and The Director of Legal and Governance be authorised to make and implement part of the Traffic Regulation Order relating to the restrictions on Pontefract Road as shown in Appendix 2.

3. Introduction/Background

- 3.1** The Trans Pennine Trail (TPT) is a well-used route into Barnsley for both leisure users and people walking or cycling to work. At present the TPT terminates when it meets the A628 Pontefract Road and users have to make their way into the town centre along the busy highway.
- 3.2** A new scheme proposes to create a shared use footway/cycleway by reducing the carriageway width to 7.3m which in turn will increase the footway width to between 2.5m and 3.0m from the TPT into the town centre. The proposed scheme is designed to create a safe walking/cycling link from the existing point where the Trans Pennine Trail joins the A628 Pontefract Road into the town centre. New street lighting and improved signing will also be provided to enhance the scheme and encourage usage and modal shift from motorised vehicles to walking or cycling by giving them a safe route to the town centre

- 3.3 To ensure the proposed shared use footway/cycleway scheme is effective and safe for all users, it was proposed to upgrade and extend the existing waiting restrictions on Pontefract Road. In addition the opportunity was also taken to review indiscriminate parking that takes place on the eastern side of Grove Street, through the introduction of new waiting restrictions.
- 3.4 A Traffic Regulation Order (TRO) to introduce the proposed waiting restrictions received officer delegated approval on 26th September 2016 and was advertised between 21st of October 2016 and 14th November 2016.
- 3.5 During the consultation period, 2 objections were received, in relation to the Grove Street element of the proposals. No objections were received to the Pontefract Road element.
- 3.6 The proposed scheme to create a new shared use footway/cycleway is programmed for construction in the final quarter of the 2016/17 financial year. It is considered essential that the proposed new restrictions for Pontefract Road be introduced to coincide with the completion of the scheme.

4. Consideration of Alternative Proposals

- 4.1 Option 1 – Overrule the objections and proceed with the proposals as shown in Appendix 1.
- 4.2 Option 2 – Omit the proposals for the eastern side of Grove Street from this Traffic Regulation Order, and reconsider them separately in conjunction with any future developments in the area. Implement the proposals for Pontefract Road and the western side of Grove Street as advertised and as shown in Appendix 2. **This is the preferred option.**

5. Proposal and Justification

- 5.1 The revised proposal is to omit the restrictions for 'no waiting at any time' on part of the eastern side of Grove Street from the advertised TRO, after concerns were raised by residents that they would substantially reduce on-highway parking. It is proposed to continue to implement the Pontefract Road proposals, to which no objections were received.
- 5.2 The Local Ward Members, Area Council Manager and Emergency Services have been consulted and no formal objections have been received to the original proposals.
- 5.3 Dealing with the proposals for Grove Street as a separate TRO at a later date will enable the proposals for Pontefract Road to be sealed and introduced to coincide with the completion of the shared footway/cycleway scheme.

6.0 Objections

- 6.1 No objections have been received to the proposed restrictions for Pontefract Road. 2 objections have been received relating to the proposed restrictions on the eastern side of Grove Street. The main concerns raised in the objections were that the restrictions would significantly reduce on-highway parking for residents and their visitors. In addition, concerns were raised that motorists currently drive in excess of the posted speed limit and reducing parked cars would increase vehicle speeds.

- 6.2 As a result of omitting the proposed restrictions for the eastern side of Grove Street, it is not necessary to consider the 2 objections received for this section.

7.0 **Impact on Local People**

- 7.1 Omitting the proposals for the no waiting at any time proposals on part of the eastern side of Grove Street will allow residents and their visitors to continue to utilise the highway to park.

8.0 **Compatibility with European Convention on Human Rights**

- 8.1 There is not considered to be any potential interference with European Convention on Human Rights as the proposals aim to create a safer environment and prevent indiscriminate parking.

9.0 **Promoting Equality, Diversity and Social Inclusion**

- 9.1 There are no equality, diversity or social inclusion issues associated with the proposals.

10.0 **Reduction of Crime and Disorder**

- 10.1 In investigating the options set out in this report, the Council's duties under Section 17 of the Crime and Disorder Act have been considered.

- 10.2 There are no crime and disorder implications associated with the proposals.

Road Traffic Regulation Act 1984

- 11.0 Due regard has been given to the duty imposed on the Council to exercise the functions conferred on it by the Road Traffic Regulation Act 1984 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 (section 122 Road Traffic Regulation Act 1984).

12.0 **Conservation of Biodiversity**

- 12.1 There are no conservation of biodiversity issues associated with the proposals.

13.0 **Risk Management Issues including Health and Safety**

13.1

Risk	Mitigation/Outcome	Assessment
1. Challenge to the proposals because they infringe the Human Rights Act	Issues relating to potential interference with the Human Rights Act are fully explained and dealt with in Section 8 of this report. Any considerations of impacts have to be balanced with the rights that the Council has to provide a safe highway for people to use. The Director of Legal and Governance has developed a sequential test to consider the effects of the Human Rights Act which are followed.	Medium

Risk	Mitigation/Outcome	Assessment
2. Legal challenge to the decision to make the TRO.	The procedure to be followed in the publication and making of TROs are set down in statute, which provides a 6 week period following the making of an order in which a challenge can be made in the High Court on the grounds that the order is not within the statutory powers or that the prescribed procedures have not been correctly followed. Given that the procedures are set down and the Council follows the prescribed procedures the risk is minimal.	Medium
3. Deterioration of health and safety	Health and Safety is considered throughout the design/installation and maintenance process to minimise any potential occurrence. The proposals have been designed to create a safe walking/cycle link from the existing point where the Trans Pennine Trail joins the A628 Pontefract Road into the town centre.	Low

14.0 Financial Implications

- 14.1** There are no new financial implications as a result of omitting the proposed restrictions on Grove Street.

15.0 Employee Implications

- 15.1** Existing employees in the Highways, Engineering and Transportation Service will undertake all design, consultation and implementation work. The Director of Legal and Governance will undertake all legal work associated with the advertising and making of the TRO.

16.0 Glossary

- TRO – Traffic Regulation Order
- TPT- Trans Pennine Trail

17.0 List of Appendices

- Appendix 1 – Plan showing the original proposals
- Appendix 2 – Plan showing revised proposals

18.0 Background Papers

- 18.1** None

Officer Contact: Orla O'Carroll

Telephone No: 772028

Date: Nov 28th 2016

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Objection Report

a. Financial Implications

The financial Implications for the proposals are detailed in Paragraph 14.

b. Employee Implications

Employees in the Highways, Engineering and Transportation Service will undertake all design, consultation and implementation work. The Director of Legal and Governance will undertake all legal work associated with the advertising and making of the TRO.

c. Legal Implications

The proposal does not require the re-advertisement of the TRO, as no objections were received to the Pontefract Road proposals.

d. Policy Implications

The proposal promotes the Council's policies in respect of road safety and danger reduction.

e. ICT Implications

There are no ICT implications associated with the proposals.

f. Local Members

Local ward members have been informed of the proposals to omit the restrictions on the eastern side of Grove Street.

g. Health and Safety Considerations

The proposal is designed to promote road safety.

h. Property Implications

There are no property implication issues associated with the proposals.

i. Implications for Other Services

There are no significant implications for other BMBC services arising from the recommendations in the report. The Director of Legal and Governance will undertake all legal work associated with the advertisement and making of the TRO.

j. Implications for Service Users

There are no service user implication issues associated with the proposals.

k. Communications Implications

There are no communications implication issues associated with the proposals.