

## **Record of Decision of the 'Head of Highways and Engineering' for:**

### **ARMROYD LANE, Elsecar, Barnsley.**

#### **Prohibition Of Waiting At Any Time.**

##### **Subject**

In recent years, the popularity of Elsecar Park has increased significantly, with a high volume of those visiting the park arriving by car. This has led to a significant increase in the number of vehicles parking inconsiderately and obstructively along Armroyd Lane.

Armroyd Lane is predominantly a residential road, with the vast majority of residential properties being located on the north-west side of the road.

There is an unnamed access lane to Elsecar Park on the south-eastern side of Armroyd Lane which is gated and closed to vehicles but does allow pedestrian and cyclist access.

Currently, there is a prohibition of no waiting restriction (Double Yellow Line) on the south-eastern side of Armroyd Lane for a distance of 172 meters between the Sports Hall to a point just beyond the unnamed access lane to Elsecar Park.

There are no restrictions on the north-west side of Armroyd Lane.

Visitors to Elsecar Park have increasingly been parking their vehicles along the north-western side of Armroyd Lane in an inconsiderate and obstructive manner, to such a degree that residents are prevented from accessing their properties or exiting safely on to the road.

It is proposed to remove the Double Yellow Line restriction from the south-eastern side of the road, and to install a new Double Yellow Line restriction on the north-western side of the road. The new restriction will start at the junction of Fitzwilliam Street and run for 472 meters in a south westerly direction.

##### **Authority**

*Part 3 Paragraph 20(b) Delegations to Officers: After consultation with Local Members and the relevant Parish Council, to arrange for the publication of Traffic Regulation Orders requiring the enforcement of traffic control measures and, subject to no objections being received, to make the Orders and implement the restrictions.*

##### **Decision Taken**

The proposals to be advertised and any objections to be the subject of a report to Cabinet. If there are no objections the Head of Highways & Engineering and the Head of Legal Services be authorised to make and implement the Order.

**Financial Consultation/  
Consideration)**

**Ashley Gray -  
Strategic Finance Business Partner, on behalf  
of Service Director (S151) Officer:**

Signature: \_\_\_\_\_

Date: 30/08/2022\_\_\_\_\_

**Date of Decision:**

**Damon Brown – Network Manager:**

Signature: \_\_\_\_\_

Date: 19/08/2022\_\_\_\_\_

**Date Approved:**

**Ian Wilson - Head of Highways & Engineering:**

Signature: \_\_\_\_\_

Date: 22/08/2022\_\_\_\_\_

## **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

### **ARMROYD LANE, Elsecar, Barnsley.**

#### **Prohibition Of Waiting At Any Time.**

#### **1. Purpose of Report**

- 1.1 The purpose of this report is to seek approval to advertise and implement a Traffic Regulation Order (TRO) necessary to introduce new 'No Waiting At Any Time' restrictions on Armroyd Lane, Elsecar.
- 1.2 The purpose of the proposed TRO is to revoke the existing waiting restrictions and install new restrictions on the opposite side of the road. The junction with the unnamed access lane to Elsecar Park will remain protected and be governed by the new TRO.

#### **2. Recommendation**

It is recommended that:

- 2.1 **The Head of Legal Services be authorised to publish the proposed restriction on the Armroyd Lane, as described in this report and shown on the plan at Appendix 1.**
- 2.2 **Any objections be subject of a further report to Cabinet.**
- 2.3 **If there are no objections, the Head of Highways & Engineering and the Head of Legal Services be authorised to make and implement the Traffic Regulation Order.**

#### **3. Introduction**

- 3.1 In recent years, the popularity of Elsecar Park has increased significantly, with a high volume of those visiting the park arriving by car. This has led to a significant increase in the number of vehicles parking inconsiderately and obstructively along Armroyd Lane.
- 3.2 Armroyd Lane is predominantly a residential road, with the vast majority of residential properties being located on the north-west side of the road.
- 3.3 There is an unnamed access lane to Elsecar Park on the south-eastern side of Armroyd Lane which is gated and closed to vehicles but does allow pedestrian and cyclist access.

- 3.4 Currently, there is a prohibition of no waiting restriction (Double Yellow Line) on the south-eastern side of Armroyd Lane for a distance of 172 meters between the Sports Hall to a point just beyond the unnamed access lane to Elsecar Park.
- 3.5 There are no restrictions on the north-west side of Armroyd Lane.
- 3.6 Visitors to Elsecar Park have increasingly been parking their vehicles along the north-western side of Armroyd Lane in an inconsiderate and obstructive manner, to such a degree that residents are prevented from accessing their properties or exiting safely on to the road.

#### **4. Proposal and Justification**

- 4.1 To remove the prohibition of no waiting restriction from the south-eastern side of the road and install a new prohibition of no waiting restriction on the north-western side of the road.
- 4.2 This new restriction will start at the junction of Fitzwilliam Street and run for 472 meters in a south westerly direction.
- 4.3 To retain a short section of prohibition of no waiting at the junction with the unnamed access lane to Elsecar Park on the south-eastern side of Armroyd Lane to protect the junction and access.

#### **5. Consideration of Alternative Proposals**

- 5.1 Other measures, both engineering and regulatory, were considered. These included barriers, bollards, kerb buildouts, restricted vehicle access, timed no waiting and full prohibition of now waiting for both sides of the road.
- 5.2 However, these measures are all considered to be both too impactful on other road users and residents and cost prohibitive in the circumstances.

#### **6. Impact on Local People**

- 6.1 The proposal is regarded as the best and most appropriate option to address both the inconsiderate and obstructive parking of visitors, ensuring that residents have free and unobstructed access to their properties on the north-eastern side of Armroyd Lane, and still allowing some space to be made available for parking.

#### **7. Financial Implications**

- 7.1 The costs of advertising and legal fees associated with the TRO are estimated at £7,500 and is to be paid out of the 'Road Safety Budget'. A budget of £5,950 is available for the TRO, and the rest is to be funded via an underspend elsewhere in the service. The ongoing maintenance costs and or impact on income is likely to be minimal.

## 8. Legal Implications

8.1 The Road Traffic Regulation Act 1984 provides the appropriate powers for the Council to make the proposed TRO and the Council is satisfied it is expedient to make the Order for avoiding danger to persons or other traffic using the roads and for preventing the likelihood of any such danger arising, and for facilitating the passage of traffic on the roads.

- Currently, residents experience obstructed driveway entrances and very restricted views when exiting their driveways. In some instances, residents are physically prevented from either entering or exiting their driveways.

- There is a significant risk of conflict/contact between both vehicle-to-vehicle and vehicle-to-pedestrian/cyclist at this time because of the presence of inconsiderately parked vehicles and a lack of visibility for residents entering and exiting their driveways.

8.2 In determining the extents of the proposed restrictions, the Council has had due regard to the duty imposed on it 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) and is satisfied the traffic restrictions proposed will achieve those objectives.

- The space available for parking will also increase due to vehicles being able to park in a continuous line and not have gaps previously caused by resident driveways.

- Road safety would improve with residents driveway entrances being kept clear of parked vehicles and allowing both unobstructed access and unbroken views.

## 9. Consultations

The Local Ward Members, Area Manager, Emergency services, BMBC Parking Enforcement, SYPTE have been consulted and no objections have been received.

## 10. Risk Management Issues

Risk	Mitigation/Outcome	Assessment
<b>1. Challenge to the proposals because they infringe the Human Rights Act</b>	It is not considered the proposals have any interference with convention rights. Any potential interference must be balanced with the duty of the Council to provide a safe highway for people to use. The Head of Legal Services has developed a sequential test to consider the effects of the Human Rights Act which are followed.	Low

<p><b>2. Legal challenge to the decision to make the TRO.</b></p>	<p>The procedure to be followed in the making of TROs is prescribed by legislation which provides an opportunity to object to proposals which must be reported for consideration by Cabinet and there is an opportunity to challenge an order once it is made by way of application to 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.</p>	<p>Low</p>
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**11. Compatibility with European Convention on Human Rights**

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

**12. List of Appendices**

- Appendix 1 – Plan showing the proposal.

**13. Background Papers**

- 13.1 Project file – 4226

**Officer Contact:** Traffic Unit.

**Date:** August 2022