

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

### **MAPPLEWELL DRIVE and CARR GREEN LANE, Mapplewell, Barnsley.**

#### **Proposed waiting and loading restrictions.**

#### **Subject**

Mapplewell Drive, Mapplewell is predominantly a commercial/industrial area made up of small to medium sized food retail, automotive salvage and servicing, metal supplier businesses.

Complaints have been received regarding inconsiderate and obstructive parking, and blocked accesses to business units on Mapplewell Drive.

A survey of the area and communications with businesses and Local Ward Councillors have confirmed that Mapplewell Drive is suffering daily congestion, illegal footway parking, large vehicles not gaining access to premises and the likelihood of emergency service vehicles not being able to reach the premises further into Mapplewell Drive.

Having investigated the issues and the potential for any displacement of staff and work vehicles into the nearby residential estate on Carr Green Lane, it is proposed to introduce waiting restrictions to both Mapplewell Drive and Carr Green Lane.

#### **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)**

**Maqbool Ahamed -  
Acting Strategic Finance Manager, on behalf  
of Service Director (S151) Officer:**

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

Date: 31/08/2022\_\_\_\_\_

**Date of Decision:**

**Damon Brown – Network Manager:**

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

Date: 31/08/2022\_\_\_\_\_

**Date Approved:**

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

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

Date: 21/09/2022\_\_\_\_\_

## **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

### **MAPPLEWELL DRIVE and CARR GREEN LANE, Mapplewell, Barnsley.**

#### **Proposed waiting and loading restrictions.**

#### **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 no waiting and loading restrictions on Mapplewell Drive and Carr Green Lane, Mapplewell.
- 1.2 The purpose of the proposed TRO is to prevent and deter inconsiderate, obstructive, and illegal parking, reduce overall congestion, and allow full access to premises.

#### **2. Recommendation**

It is recommended that:

- 2.1 **The Head of Legal Services be authorised to publish the proposed restriction on Mapplewell Drive and Carr Green 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 Mapplewell Drive, Mapplewell is predominantly a commercial/industrial area made up of small to medium sized food retail, automotive salvage and servicing, metal supplier businesses.
- 3.2 Complaints have been received regarding inconsiderate and obstructive parking, and blocked accesses to business units on Mapplewell Drive.
- 3.3 A survey of the area and communications with businesses and Local Ward Councillors have confirmed that Mapplewell Drive is suffering daily congestion, illegal footway parking, large vehicles not gaining access to

premises and the likelihood of emergency service vehicles not being able to reach the premises further into Mapplewell Drive.

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

- 4.1 To introduce no waiting at any time restrictions for the whole of Mapplewell Drive.
- 4.2 To introduce no waiting and no loading at any time restrictions on parts of Mapplewell Drive.
- 4.3 To introduce timed no waiting restrictions; 'Mon – Fri – 8am – 5pm', on parts of Carr Green Lane.
- 4.4 The proposals consider the potential for the displacement of vehicles from Mapplewell Drive to Carr Green Lane by staff and works vehicles.
- 4.5 The proposals also take into account the right for all businesses to have full and unobstructed access to their premises, the need for emergency services to reach all the properties on Mapplewell Drive.
- 4.6 The proposals support and underline the premise that private businesses must fully operate within their business footprint and should not use the public highway as an overflow car park or vehicle storage facility.
- 4.7 The proposals are regarded as the best and most appropriate options to meet all the reported issues and address the complaints received.
- 4.8 The proposals also address the potential need for emergency service vehicles to be able to reach all the premises on Mapplewell Drive.

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

- 5.1 Due to the high volume of inconsiderate, obstructive, and illegal parking taking place on Mapplewell Drive, advisory signage is not considered proportionate in the circumstances.
- 5.2 Physical and other Engineering measures, such as bollards, are considered both financially prohibitive and too impactful on the movements of other road users and footway users.
- 5.3 Any proposed solution must take account of the prevailing issues on Mapplewell Drive, but also the potential for displacement of vehicles on to the adjacent residential estate road – Carr Green Lane.

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

- 6.1 The proposals will have little or no effect on local residents. The timed parking proposal for Carr Green Lane will allow for overnight resident parking to take place.

- 6.2 The businesses on Mapplewell Drive will have unobstructed access to their premises, including for larger vehicles and in an emergency, emergency service vehicles.
- 6.3 Those businesses operating and using the public highway as an overflow car park and/or vehicle storage facility, will see that facility removed. Businesses will have to take responsibility for their businesses within the footprint of their premises. This includes parking provision for staff and visitors.

## 7. **Financial Implications**

- 7.1 The costs of advertising and legal fees associated with the TRO are estimated at £7,500 and are being funded by the Highway Authority's additional Highways Investment 22/23 - Road Safety Budget.

## 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.

*- Mapplewell Drive currently suffers from high volumes of inconsiderate, obstructive, and illegal parking. The proposals will illuminate and prevent further poor parking and obstruction issues.*

*- The proposals also help to prevent displacement of vehicles to the adjacent Carr Green Lane.*

- 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.

*- Traffic flow and access to premises on Mapplewell Drive is obstructed on a daily basis. It is necessary to introduce the proposals to allow the free flow of traffic and allow for lawful access to premises, and by the public.*

*- Public parking will only be affected if customers are visiting a business on Mapplewell Drive. Businesses premises must be appropriate for the business and if customers are required to visit the premises, businesses must make on-site provision.*

## 9. **Consultations**

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

## 10. Risk Management Issues

<b>Risk</b>	<b>Mitigation/Outcome</b>	<b>Assessment</b>
<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
<b>2. Legal challenge to the decision to make the TRO.</b>	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.	Low

## 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 area.

## 13. Background Papers

- 13.1 Project file – 4186