

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

### **Unnamed Access Road to Darton Primary School - Darton.**

**Proposed peak period 'Monday to Friday 8:00 am to 9:30 am and 2:30 pm to 5:00 pm' parking restrictions.**

#### **Subject**

The Unnamed Access Road to Darton Primary School is located to the south of Station Road, Sackup Lane and Darton Lane crossroads junction in Darton. It is an Access road to the rear of properties on Darton Lane as well as Darton Primary School. Station Road and Darton Lane are residential streets with predominantly terraced houses which do not benefit from private off-street parking.

Currently, the Unnamed Access Road to Darton Primary School has restrictions prohibiting parking on Mondays to Fridays between '8:00 am to 9:30 am and 2:30 pm to 5:00 pm' and a 'No Waiting at Any Time' as shown on the plan attached at appendix 1.

Since parking restrictions were installed on the Unnamed Access Road to Darton Primary School in 2022, concerns have been raised by residents and councillors in relation to lack of parking opportunities.

#### **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 are 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 Director of Finance (S151) Officer:**

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

13/06/23

Date: \_\_\_\_\_

**Date of Decision:**

**Damon Brown – Network Manager:**

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

08/06/2023

Date: \_\_\_\_\_

**Date Approved:**

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

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

15/06/2023

Date: \_\_\_\_\_

## **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,  
Growth and Sustainability.

### **Unnamed Access Road to Darton Primary School - Darton, Barnsley.**

**Proposed peak period 'Monday to Friday 8:00 am to 9:30 am and 2:30 pm to 5:00 pm' parking restrictions.**

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

- 1.1 The purpose of this report is to seek approval to advertise and implement an Experimental Traffic Regulation Order (ETRO) to make some changes to the existing waiting restrictions on the Unnamed Access Road to Darton Primary School to facilitate and improve parking opportunities for residents and visitors.
- 1.2 The use of an ETRO is considered to be the most effective way to achieve delivery of the restrictions with the flexibility to make any changes necessary before the restrictions are made permanent.

#### **2. Recommendation**

**It is recommended that:**

- 2.1 **Authorise the Head of Highways & Engineering to arrange with the Head of Legal to make and publish an ETRO to introduce the changes to parking restrictions on the Unnamed Access Road to Darton Primary School as described in this report and shown on the plan attached at Appendix 2.**
- 2.2 **Authorise the Head of Highways and Engineering to implement the changes, to carry out public consultations and to monitor the operation and effectiveness of the restrictions throughout the experimental period.**
- 2.3 **Authorise the Head of Highways and Engineering to make any changes to the restrictions that is considered necessary to overcome any operational difficulties or satisfy any objections or representations that might be received during that time subject to consultation with the Chief Officer of Police and giving further public notice of the changes.**

- 2.4 Any objections and representations received during the public consultation period, be fully considered and reported to a future meeting of Cabinet, together with a full assessment of the effectiveness of the restrictions and whether it has achieved its desired objectives, in order to determine whether the restrictions should be made permanent.**

### **3. Introduction**

- 3.1** The Unnamed Access Road to Darton Primary School is located to the south of Station Road, Sackup Lane and Darton Lane crossroads junction in Darton. It is an access road to the rear of properties on Darton Lane as well as Darton Primary School. Station Road and Darton Lane are residential streets with predominantly terraced houses which do not benefit from private off-street parking.
- 3.2** Currently, the Unnamed Access Road to Darton Primary School has restrictions prohibiting parking on Mondays to Fridays between '8:00 am to 9:30 am and 2:30 pm to 5:00 pm' and a 'No Waiting at Any Time' as shown on the plan attached at Appendix 1.
- 3.3** Since parking restrictions were installed on the Unnamed Access Road to Darton Primary School in 2022, concerns have been raised by residents and councillors in relation to lack of parking opportunities.

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

- 4.1** It is proposed to remove sections of the existing 'No Waiting at Any Time' restrictions on the access of the road and replace them with peak period waiting restrictions 'Mondays to Fridays 8:00 am to 9:30 am and 2:30 pm to 5:00 pm' as shown on the plan attached at Appendix 2.
- 4.2** An Experimental Traffic Regulation Order (ETRO) is considered to be the most efficient method to properly assess the changes in parking patterns which are difficult to predict and their impact on road safety. An ETRO can be introduced for a maximum duration of up to six months and provide a degree of flexibility for restrictions to be introduced on a trial basis with the Facility to make changes during the trial period to satisfy the operational needs of users while balancing the need maintain safe movement of traffic.
- 4.3** Throughout the trial period the Head of Highways and Engineering will monitor the effectiveness of the restrictions, considering any objections or representation received. Once the optimum restrictions have been in place for a minimum period of 6 months, they can then be made permanent subject to Cabinet approval.
- 4.4** The flexibility offered by an ETRO allows the public to make representations and offer comments or objections to the restrictions while they are in operation so that, where appropriate, the restrictions can be changed to meet local demands. Any objections which are unable to be resolved in this way will form part of the ETRO assessment to be reported to Cabinet for consideration.

- 4.5 The effectiveness of the ETRO will be reported to Cabinet no less than eighteen months before its expiry to allow, or otherwise, its permanent introduction.
- 4.6 The proposed restrictions are considered as the current best option to facilitate and improve parking opportunities for residents and visitors. The proposed Experimental Traffic Regulation Order will provide an opportunity to monitor and assess the changes in parking patterns which are difficult to predict and their impact on road safety.

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

- 5.1 If a permanent Traffic Regulation Order was implemented and further changes were required once the restrictions are introduced, it is a lengthy process to change them again should that prove necessary.
- 5.2 The use of an experimental order is considered to be the most effective way to achieve delivery of the restrictions with the flexibility to make any changes necessary before the restrictions are made permanent.

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

- 6.1 The proposed restrictions will prevent parking of vehicles during peak period along the school access road allowing unobstructed access to the school.
- 6.2 The proposal will facilitate and improve parking opportunities for residents and visitors.
- 6.3 Visibility for motorists, pedestrians, and other road users and overall road safety for children and parents attending the school will be maintained.

## **7. Financial Implications**

The costs of advertising and legal fees associated with the ETRO are estimated at £7,500 is to be paid out of the 'Road Safety Budget'. 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.
- 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.

**9. Consultations**

Informal consultation with The Local Ward Members, Area Manager, Emergency services, BMBC Parking Enforcement, SYMCA and Darton Primary School was carried out between the 27<sup>th</sup> of February and the 24<sup>th</sup> of March 2023 and no objections were 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 Service 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**

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 2 – Plan (Existing restrictions).  
Appendix 3 – Plan (Proposed restrictions)

**13. Background Papers**

Project file – 4281

**Officer Contact:** Nothando Mthunzi (Traffic and Highways Engineer).

**Email:** [nothandomthunzi@barnsley.gov.uk](mailto:nothandomthunzi@barnsley.gov.uk)

**Date:** August 2023