

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

STRAIGHT LANE, GOLDTHORPE **INTRODUCTION OF PROHIBITION OF MOTOR VEHICLES**

Objection Report

1. Purpose of Report

- 1.1** The purpose of this report is to consider the objections received to the proposal to introduce a prohibition of motor vehicles as described in this report and shown in Appendix 1.
- 1.2** To seek approval to overrule the objections and implement the restrictions as originally advertised.

2. Recommendation

It is recommended that:

- 2.1** **The objections received are overruled for the reasons set out in this report and the objectors are informed accordingly.**
- 2.2** **The Head of Highways and Engineering and The Executive Director of Core Services and Solicitor to the Council be authorised to make and implement the Traffic Regulation Order (TRO) as originally published.**

3. Introduction/Background

- 3.1** On 16th May 2018 approval was given to publish a prohibition of motor vehicles and the revocation of the existing one way order at Straight Lane, Goldthorpe to protect the weak bridge structure and allow access for Waste Management Services and deliveries. An assessment by Network Rail concluded the bridge is weak and not capable of carrying vehicles over 7.5 tonnes. Whilst they have carried out strengthening works on High Street and Barnsley Road bridges, they have no funds to undertake works at Straight Lane at present.

A meeting with the Dearne North and Dearne South members took place on the 22nd January and all the councillors present agreed Straight Lane should be closed to motorised vehicles. In addition to the aforementioned weak bridge, it was felt such a move would limit anti-social behaviour such as fly tipping.

Waste Management Services were consulted immediately after Traffic Group were commissioned to undertake the TRO. As an interim measure, a smaller vehicle was utilised for collections on Straight Lane. However, it was made very clear that such a measure was only temporary and that larger vehicles would need access in the future as it was no economic to use the smaller vehicle regularly.

Straight Lane is a minor road, the main route for traffic being the B6098 High Street. As detailed above, the High Street bridge has been strengthened to cope with the increased traffic in the area.

3.2 See officer delegated report attached at Appendix 1.

3.3 The proposals were published in June 2018 and 9 objections were received.

4. **Consideration of Objections**

As a result of advertising the proposals there are 9 outstanding objections to consider. The main concerns raised are listed below along with the Head of Highways & Engineering's comments in response in **bold**.

- *(Location of objector: Dearne View)* The restriction will lead to motorists using Dearne View and Railway View as a 'rat run' or shortcut.

Response: The proposals were drawn up in response to an assessment by Network Rail that concluded the bridge is weak and not capable of carrying vehicles over 7.5 tonnes. The main route for traffic is the B6098 High Street – it is therefore likely that the only motorists using this route would be residents.

- *(Location of objector: Rowan Close)* The restrictions will increase traffic on High Street, which will be exacerbated by the redevelopment of the former school site.

The objector believes Automatic Number Plate Recognition (ANPR) cameras should be installed to pursue any vehicle over 7.5 tonnes that uses the bridge, thus allowing the bridge to remain open.

The objector also believes it is unfair to punish all motorists when the limit of the bridge is 7.5 tonnes.

Response: Whilst inconvenient, additional traffic on High Street does not constitute a public safety issue. As such, the prohibition of motor vehicles is being promoted.

The installation of ANPR cameras will only record the vehicles contravening the restriction – as such the risk of collapse will remain. The only way to guarantee public safety is to implement a prohibition of motor vehicles.

It is impossible to prevent any Heavy Goods Vehicle (HGV) from contravening the weak bridge limit without a constant police presence. The existing steel structure at Straight Lane will only get worse until Network Rail can replace it, therefore a prohibition of motor vehicles is the safest route.

- *(Location of objector: Barnburgh Lane)* The restriction will increase traffic on High Street, causing traffic queues to Dearne ALC and Carrfield Primary. Objection on public safety grounds.

Response: Whilst inconvenient, additional traffic on High Street does not constitute a public safety issue. As such, the prohibition of motor vehicles is being promoted.

Local members expressed concerns over public safety were the bridge to remain open to vehicular traffic. Waste Management Services will be unable to use the bridge should a weak bridge limit be introduced as all their regular vehicles exceed 7.5 tonnes.

- *(Location of objector: Straight Lane)* The objector uses the former railway bridge to access his property with a towed caravan. The proposals will prevent the objector from accessing his property, as he will be unable to turn it around. The objector would also like to know why other 7.5 tonne bridges are not closed to the public. He also quoted the council's website and claimed our scheme was a direct contradiction of our statement online.

Response: The proposals have taken into account access by Waste Management Services, who will have to reverse into the street. The caravan could be manoeuvred by utilising either Dearne Street or Railway View.

In response to the 7.5 tonne limits used elsewhere in the borough, many of them were introduced for environmental reasons. As such, it is desirable that heavy vehicles use an alternate route, but access is still possible for larger vehicles which require it. A weak bridge limit is more severe, and seeks to prevent larger vehicles due to the limits of the structure, but a factor of safety is usually available. In the case of Straight Lane, the bridge is on the limit which means any infraction of the restriction is likely to weaken the structure.

The online statement to which the objector refers fully explains the council's position in relation to weight and width limits. The contradiction referred to centres on the statement 'The police are responsible for enforcing weight and width limits.' The initial response to the objector stated that the prohibition of motor vehicles was necessary as we couldn't guarantee a constant police presence. There is no contradiction in these statements – if a constant police presence could be assured a weak bridge limit would suffice. However, given the weak nature of the bridge and the strains on police resources, the only way to guarantee public safety is to introduce a prohibition of motor vehicles.

- *(Location of objector: Unknown, objection made by telephone)* The restriction will increase traffic on High Street. Objector suggested the implementation of cameras on the bridge to enforce the weak bridge limit rather than a prohibition of motor vehicles.

Response: Whilst inconvenient, additional traffic on High Street does not constitute a public safety issue. As such, the prohibition of motor vehicles is being promoted.

The installation of cameras will only record the vehicles contravening the restriction – as such the risk of collapse will remain. The only way to guarantee public safety is to implement a prohibition of motor vehicles.

- *(Location of objector: Unknown)* The restriction will increase traffic on High Street. Objector asked what will happen to bin collections and deliveries. The objector believes the bridge is not weak because it is the same age as the one at High Street.

Response: Whilst inconvenient, additional traffic on High Street does not constitute a public safety issue. As such, the prohibition of motor vehicles is being promoted.

Should the bridge not be subject to a prohibition of motor vehicles, a weak bridge limit will be made permanent. This will force residents of Straight Lane, Railway View and Dearne View to place their bins on Barnsley Road for collection. These properties will also not be able to receive deliveries from any vehicle exceeding 7.5 tonnes as the existing one way system must remain in place.

An assessment by Network Rail concluded the bridge is weak and not capable of carrying vehicles over 7.5 tonnes. Whilst they have carried out strengthening works on High Street and Barnsley Road bridges, they have no funds to undertake works at Straight Lane at present.

- *(Location of objector: South Yorkshire Fire and Rescue, Station 04, White Watch)* There is no objection to the scheme, provided the fire engine can still use the bridge.

Response: A response was sent on the 19th June 2018 to which no reply was received. Ultimately, any fire engine weighing more than 7.5 tonnes will be unable to use the bridge in the event a weak bridge limit is introduced instead of a prohibition of motor vehicles. The appliance will be forced to contravene a one way system.

Conversely, if the prohibition of motor vehicles is approved, the one way system will be revoked and the fire engine will have access to the properties on Straight Lane without contravening a one way system.

- *(Location of objector: Melton Avenue)* The restriction will increase traffic on High Street. Objector would like to know how weight limits are enforced and why Straight Lane has not been strengthened like the bridge on High Street. Objector would like to know if any assessments on potential traffic increases have been undertaken.

Whilst inconvenient, additional traffic on High Street does not constitute a public safety issue. As such, the prohibition of motor vehicles is being promoted.

Weight limits are enforced by South Yorkshire Police, not local authorities. A constant police presence would be required to guarantee no HGVs use Straight Lane, which is why the prohibition of motor vehicles has been proposed.

An assessment by Network Rail concluded the bridge is weak and not capable of carrying vehicles over 7.5 tonnes. Whilst they have carried out strengthening works on High Street and Barnsley Road bridges, they have no funds to undertake works at Straight Lane at present.

This scheme is being promoted based on public safety. Access for emergency vehicles on Straight Lane has been considered, as have waste collection routes, as detailed previously in this report.

5. Proposal and Justification

It is proposed to implement the TRO as originally advertised as shown on the Plan at Appendix 1 :-

- Introducing a 'prohibition of motor vehicles' restriction on Straight Lane from its junction with Dearne View / Railway View for a distance of 48 metres in a southerly direction. This will prevent any HGVs from attempting to use the weak bridge and potentially causing a collapse.
- Revoking the existing one way order on Straight Lane to allow access for residents and Waste Management Services to the northern leg of Straight Lane.

6. Consideration of Alternative Proposals

6.1 Option 1 – Overrule the objections and proceed with the proposals as shown in Appendix 1. **This is the preferred option.**

6.2 Option 2 – Decline to introduce the proposals advertised and implement a weak bridge order only. This option is not recommended for the following reasons:

- It will not ensure the bridge is not used by HGVs and will need a police presence to ensure compliance.
- Residents of Dearne View, Railway View and Straight Lane will be forced to move their bins to Barnsley Road for collection. They will also be prevented from receiving deliveries from any vehicle over 7.5 tonne – any delivery will have to be transported from Barnsley Road.

7. Impact on Local People

7.1 The proposals will affect commuters who will be unable to use Straight Lane to connect with Barnsley Road. However, public safety is paramount and this proposal will protect the former railway bridge. Whilst residents will face some disruption for the aforementioned reason, the closure of the bridge to motorised traffic may reduce fly tipping in the area and reduce through traffic.

7.2 The proposals are likely to have a positive impact on residents by allowing Waste Management Services to continue collection from their street – without revoking the one way order there is no way this would be possible.

8. Financial Implications

8.1 The financial implications remain the same as previously reported.

9. Legal Implications

9.1 The Road Traffic Regulation Act 1984 provides the appropriate powers for the Council to make the proposed TRO.

9.2 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.

10. Consultations

10.1 No additional consultations are required, these having already been carried out at the publication stage.

11. Risk Management Issues

Risk	Mitigation/Outcome	Assessment
1. Challenge to the proposals because they infringe the Human Rights Act	It is not considered the proposals have any interference with convention rights. Any potential interference has to be balanced with the duty of the Council to provide a safe highway for people to use. The Executive Director of Core Services has developed a sequential test to consider the effects of the Human Rights Act which are followed.	Low
2. Legal challenge to the decision to make the TRO.	The procedure to be followed in the making of TRO's 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

12. Compatibility with European Convention on Human Rights

12. It is not considered the proposals have any potential interference with convention rights.

13. List of Appendices

- Appendix 1 – Officer Delegated report dated 16 May 2018

14. Background Papers

14.1 Traffic Team file

Officer Contact: Traffic Team

Telephone No: 773555

Date: August 2018