

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

WINDMILL ROAD, WOMBWELL **INTRODUCTION OF NEW WAITING RESTRICTIONS** **OBJECTION REPORT**

Objection Report

1. Purpose of Report

- 1.1 The purpose of this report is to consider the objections received to the proposal to introduce new waiting restrictions and make amendments to the existing waiting restrictions 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 **This is a Ward Alliance promoted scheme. Local Ward Members have approved 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 3rd April 2018 approval was given to publish a range of traffic restrictions on parts of Windmill Road, Sokell Avenue, and Bird Avenue, and to amend the existing orders for Barnsley Road, Littlefield Lane, Cemetery Road, Main Street, Victoria Road, Bond Street, York Street and School Street to prevent obstructive parking caused by patrons of the cricket club on Windmill Road and inconsiderate parking from visitors to Wombwell town centre respectively. See officer delegated report attached at Appendix 1.
- 3.2 The proposals were published in April 2018 and 2 objections were received.

4. Consideration of Objections

As a result of advertising the proposals there are 2 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: Windmill Road) The restrictions will not solve the problem and will simply displace parking.

Response: The proposals were drawn up in response to site visits and meetings with the local Councillors. Clearly, the restrictions will remove some parking, but the aim is to ensure the free flow of traffic on Windmill Road and that the vulnerable are able to use the footways, which is not possible unless the prohibition of waiting is extended to ensure the bay is only applicable to the area designed for pavement parking. .

- (Location of objector: Sokell Avenue) The restrictions will prevent the objector from parking at the side of their property. However, they support the restrictions on Windmill Road.

Response: The extension of the 'prohibition of waiting' on Sokell Avenue was a Ward Alliance request – as other residents were struggling to access the rear of their properties. Bollards have been erected in this area in the past which suggests previous attempts have been made. No one has the right to park on the public highway.

5. Proposal and Justification

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

- Introducing a 'prohibition of waiting at any time' restriction on parts of Windmill Road, Sokell Avenue, Bird Avenue, School Street and Cemetery Road to ensure the junctions are kept clear of parked vehicles and Windmill Road is not obstructed by patrons of the cricket club.
- Amending the existing waiting restrictions on Littleworth Lane, Barnsley Road, Main Street, Victoria Road, Bond Street, York Street and School Street. This will not change any lining on site, but will tidy up the legal orders and make enforcement of the restrictions easier.
- Introduce a new 'prohibition of waiting at any time' restriction to Cemetery Road to replace the currently unenforceable restriction which is without an order.

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. This option is not recommended for the following reasons:
- It will not improve access at School Street and the rear entrance to Windmill Road which are regularly obstructed by parked vehicles.
 - It will not prevent indiscriminate parking from occurring, which may affect the free flow of traffic on Windmill Road and obscure visibility at junctions

7. Impact on Local People

7.1 The proposals may affect a number of residents, mainly on Windmill Road who will have reduced on street parking. However, there is no right to be able to park on the public highway. Conversely, they will benefit those residents on Windmill Road who use Sokell Avenue to access the rear of the properties. They will also prevent patrons of the cricket club from parking outside the signed footway parking on Windmill Road, however, alternative off street parking is available and it is necessary to prevent such activity to ensure the free flow of traffic, especially around junctions and visibility splays.

7.2 The proposals are likely to have a positive impact on commuters and visitors to the Wombwell IKIC centre as they will ensure the free flow of traffic on School Street and prevent obstructive parking around the access to the premises.

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

<p>2. Legal challenge to the decision to make the TRO.</p>	<p>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.</p>	<p>Low</p>
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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 17 April 2018

14. Background Papers

14.1 Traffic Team file

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