

Record of Decision of the Head of Highways & Engineering for;

Cundy Cross - Pontefract Road

Proposed amendment to existing waiting restrictions

Subject

Planning permission has been granted, and development is underway of the erection of 192 residential dwellings on the former Priory School site, at Littleworth Lane, Lundwood. To facilitate the new development, a new link road is being constructed connecting Littleworth Lane and Rotherham Road. The roundabout at Cundy Cross is to be removed and replaced with a 4-arm traffic signal controlled junction. The traffic signals at Littleworth Lane junction are to be upgraded and new signals are to be installed at the junction of the new link road and Rotherham Road.

The original 'no waiting/loading' proposals to accommodate the scheme were advertised on site from 3rd March 2017- 27th March 2017. These proposals related to Pontefract Road (Cundy Cross and Lundwood), Grange Lane, Littleworth Lane, Meadow View, Hawthorne Avenue, Moorland Court and Hazelwood Drive. Objections were received to the proposals concerning Meadow View and a section of Pontefract Road in Lundwood. These objections will be dealt with in a separate objection report.

Part of Pontefract Road Cundy Cross is subject to a double white line system, to prohibit overtaking. The original proposals included 'no waiting at any time' and 'no loading Monday-Saturday 8.00-9.30am and 4.30-6.00pm on the same length of road as the double white line system. The revised proposals reduce both restrictions to accommodate one another. No objections were received to the proposals for this section of Pontefract Road Cundy Cross during the advertising period. This report requests permission to remove part of the proposals relating to Pontefract Road Cundy Cross only and the remainder of the proposals to progress as advertised.

Authority

Part C Paragraph 19 (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 Executive Director of Core Services be authorised to make and implement the Order.

Financial Implications:

Signature (Budget Holder):

Date:

[Signature]
3rd April 2018

Date of Decision:

Signature (Group Manager, Highways & Engineering):

Date:

[Signature]
17/4/18

Date Approved:

Signature (Head of Highways & Engineering):

Date:

AP *[Signature]*
17/4/18

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 Directorate

Cundy Cross - Pontefract Road

Proposed amendment to existing waiting restrictions

1. Purpose of Report

- 1.1 The purpose of this report is to seek approval to reduce a length of 'no waiting at any time' and 'no loading Monday-Saturday 8-9.30am & 4.30-6pm' restriction (relating to a part of Pontefract Road) that has been proposed in a previous report. The original proposals were considered and approved in December 2016 and subsequently publically advertised in March 2017. The previous report considered restrictions for the Cundy Cross scheme in its entirety comprising of Pontefract Road (Cundy Cross and Lundwood), Grange Lane, Littleworth Lane, Meadow View, Hawthorne Avenue, Moorland Court and Hazelwood Drive. This report requests permission to remove part of the proposals relating to Pontefract Road Cundy Cross only and the remainder of the proposals to progress as advertised.

2. Recommendation

It is recommended that:

- 2.1 **The proposed restrictions; 'no waiting at any time', 'no loading Monday-Saturday 8-9.30am & 4.30-6pm' relating to a section of Pontefract Road be removed.**
- 2.2 **Any objections be subject of a further report to Cabinet;**
- 2.3 **If there are no objections, the remainder of the proposals progress through the TRO process.**

3. Introduction/Background

- 3.1 Planning permission has been granted, and development is currently underway to construct 192 residential dwellings on the former Priory School site, at Littleworth Lane, Lundwood.
- 3.2 To facilitate the new development, a new link road is being constructed connecting Littleworth Lane and Rotherham Road. The roundabout at Cundy Cross is to be removed and replaced with a 4-arm traffic signal controlled junction. The traffic signals at Littleworth Lane junction are to be upgraded and new signals are to be installed at the junction of the new link road and Rotherham Road. New road signs are also being provided.

- 3.3 The new highway layout will effectively form a gyratory system with the new link road (Meadow View) and part of Littleworth Lane. Prohibited turns, no entries and a one way direction of travel will be introduced to ensure the layout is negotiated effectively and safely.
- 3.4 The new traffic signals at Cundy Cross and the existing signals at Littleworth Lane have been designed to be adaptive to the prevailing traffic conditions and are coordinated with each other to maintain the flow of traffic, particularly at peak times.
- 3.5 The original 'no waiting/loading' proposals to accommodate the scheme were advertised on site from 3rd March 2017- 27th March 2017. These proposals related to Pontefract Road (Cundy Cross and Lundwood), Grange Lane, Littleworth Lane, Meadow View, Hawthorne Avenue, Moorland Court and Hazelwood Drive. Objections were received to the proposals concerning Meadow View and a section of Pontefract Road in Lundwood. These objections will be dealt with in a separate objection report.
- 3.6 Part of Pontefract Road Cundy Cross is subject to a double white line system, to prohibit overtaking. The original proposals included 'no waiting at any time' and 'no loading Monday-Saturday 8.00-9.30am and 4.30-6.00pm on the same length of road as the double white line system. The revised proposals reduce both restrictions to accommodate one another. No objections were received to the proposals for this section of Pontefract Road Cundy Cross during the advertising period.

4. Consideration of Alternative Proposals

- 4.1 The alternative proposal is to not reduce the length of 'no waiting/no loading on Pontefract Road, as originally advertised. This isn't considered a viable alternative option as having both a double white line system and double yellow lines/kerb blips in place causes a contradiction in restrictions.

5. Proposal and Justification

- 5.1 The proposal is to reduce a section of 'no waiting at any time' and 'no loading Monday-Saturday 8.00-9.30am and 4.30-6.00pm' on Pontefract Road (Cundy Cross) that was previously advertised in March 2017.
- 5.2 After discussions with South Yorkshire Police it has become apparent the proposed restrictions on the section of Pontefract Road are not required. This is due to the double white line system that is currently in place, and will remain in place.

6. Impact on Local People

- 6.1 Removing the proposed section of 'no waiting /no loading' is unlikely to impact local people as the road will remain in its current state.

7. Compatibility with European Convention on Human Rights

- 7.1** There is a potential interference with the Convention on Human Rights in that it is proposed to implement measures, which may be perceived to be detrimental to the interests of private individuals, for the benefit of the public in general. Possible interference might arise under Article 8 – Right to respect for private and family life, or Article 1 of the First Protocol – Protection of Property.
- 7.2** However, before the TRO is made permanent the proposals will have to be advertised in accordance with Road Traffic Regulation procedures. Anyone can formally object to the proposals. Any objections will receive full consideration before a final decision is made.

8. Promoting Equality, Diversity and Social Inclusion

- 8.1** There are no equality, diversity or social inclusion issues associated with the proposals.

9. Reduction of Crime and Disorder

- 9.1** In investigating the options set out in this report, the Council's duties under Section 17 of the Crime and Disorder Act have been considered.
- 9.2** There are no crime and disorder implications associated with the proposals.

10. Conservation of Biodiversity

- 10.1** There are no conservation of biodiversity issues associated with the proposals.

11. Road Traffic Regulation Act 1984

- 11.1** Due regard has been given to the duty imposed on the Council 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).

12. Risk Management Issues including Health and Safety

12.1 The assessment of the risks involved in this report are set out in the table below:

Risk	Mitigation/Outcome	Assessment
1. Challenge to the proposals because they infringe the Human Rights Act	Issues relating to potential interference with the Human Rights Act are fully explained and dealt with in Section 7 of this report. Any considerations of impacts have to be balanced with the rights that the Council has 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 publication and making of TROs are set down in statute, which provides a 6 week period following the making of an order in which a challenge can be made in 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
3. Deterioration of health and safety	Health and Safety is considered throughout the design/installation and maintenance process to minimise any potential occurrence.	Very Low

13. Financial Implications

13.1 The costs of advertising and legal fees associated with the TRO for the entire scheme are estimated at £5000, and are being funded from the 2016/17 Integrated Transport fund.

14. Employee Implications

14.1 Existing employees in the Highways and Engineering Service will undertake all design, consultation and implementation work. The Executive Director of

Core Services will undertake all legal work associated with the advertisement and making of the TRO.

15. Glossary

- TRO - Traffic Regulation Order

16. List of Appendices.

- Appendix 1 – Plan showing the revised and original proposals for Pontefract Road

17. Background Papers

16.1 None

Officer Contact: Orla O'Carroll **Telephone No:** 772028 **Date:** 3rd April 2018

Annex A

Cundy Cross - Pontefract Road

Proposed amendment to existing waiting restrictions

a. Financial Implications

See paragraph 13 of the report for financial implications.

b. Employee Implications

Existing employees in the Highways and Engineering Service will undertake all design, and consultation work. The Executive Director of Core Services will undertake all legal work associated with the advertisement and making of the TRO.

c. Legal Implications

The proposal requires the advertisement of the TRO, which can be objected to and challenged if procedures are not adhered to as detailed in Paragraph 12.

d. Policy Implications

The proposal promotes the Council's policies in respect of road safety and danger reduction.

e. ICT Implications

There are no ICT implications associated with the proposals.

f. Local Members

The Monk Bretton Ward Members have been consulted no formal objections were made. There is no Town/Parish Council to consult.

g. Health and Safety Considerations

The proposal is designed to promote road safety.

h. Property Implications

There are no property implication issues associated with the proposals.

i. Implications for Other Services

The Executive Director of Core Services will undertake all legal work associated with the advertisement and making of the TRO.

j. Implications for Service Users

There are no service user implication issues associated with the proposals.

k. Communications Implications

There are no communications implication issues associated with the proposals.

