

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

STAINBOROUGH ROAD, DODWORTH – PROPOSED WAITING RESTRICTIONS

Objection Report

1. Purpose of Report

- 1.1** The purpose of this report is to consider the objections which have been received in respect of previously published proposals to implement a Traffic Regulation Order (TRO) to introduce new restrictions on parts of Stainborough Road and Keresforth Road, Dodworth.
- 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** In December 2018 approval was given to publish traffic restrictions on parts of Stainborough Road and Keresforth Road, Dodworth. See officer delegated report attached at Appendix 1 and associated plan attached at Appendix 2.
- 3.2** The proposals were published in January 2019 and 2 objections were received. Neither of the objections has been withdrawn.
- 3.3** The objectors oppose the proposed TRO as they argue that it will prevent them from parking outside their property and one of the objectors also alleges that consultation was not carried out correctly.,

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: Stainborough Road) The restrictions affect their property on both sides. Alleges that the Council have failed to properly consult those affected; lack of notices in the press and on the Council's own website and failure to notify affected properties by letter. Also alleges that there is not sufficient evidence and the Council has failed to meet the legal requirements to proceed with making the TRO.

Response: Explained the Council's minimum standards for statutory consultation on TROs and attached evidence that notices had been published in the local press and on the Council's own website. No individual has any legal right to park on the public highway outside their property and it cannot be considered as a facility, nor is there any onus on the Council to provide parking space on the highway. The only way any individual can guarantee parking space for their vehicle(s) is to accommodate them within the curtilage of their property. The proposed restrictions are for clear road safety reasons to prevent inconsiderate parking around the junction which obstructs visibility for drivers exiting and turning into Stainborough Road, to provide sufficient space for buses to pull completely into Stainborough Road, wait and check for oncoming traffic and to protect the western side from parked vehicles ensuring it remains clear at all times to maintain the free flow of traffic.

- (Location of objector: Holdroyd's Yard) The objector agrees with the restrictions on the junction and the western side of Stainborough Road but is worried they will be extended further along the road than shown on the plan. The objector states that they are disabled, have no access to off-road parking in Holdroyd's Yard so require parking space on the highway as close as possible to their home.

Response: The objector has been advised that there is no proposal to extend the restrictions further on the eastern side of Stainborough Road than is shown on the plan. The proposals are to protect visibility requirements at the junction and to provide an area where buses can fully pull into Stainborough Road and wait at the top of the hill until oncoming traffic has passed. The objector should still be able to park their vehicle(s) on the carriageway

5. Proposal and Justification

It is proposed to implement the TRO as originally advertised as shown on the Plan at Appendix 2, comprising:-

- Introducing 'No Waiting At Any Time' restrictions on the eastern and western sides of Stainborough Road and on the south western side of Keresforth Road. This will ensure the area is kept free from parked vehicles, to protect sightlines for drivers exiting Stainborough Road, to maintain the free flow of traffic along Keresforth Road and Stainborough Road and to provide an area near the junction where buses can pull in completely from High Street / Keresforth Road and wait safely for oncoming traffic to pass. Loading and unloading is permitted at any time;

6. Consideration of Alternative Proposals

- 6.1** Option 1 – Overrule the objections and proceed with the proposals as shown in Appendix 2. **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 prevent indiscriminate parking from occurring, which will continue to obstruct sightlines, affect road safety at the junction and may affect the free flow of traffic along Stainborough Road and Keresforth Road.

7. Impact on Local People

- 7.1** The proposals may affect a small number of residents on Stainborough Road, who do not have off-street parking. Parking space is available further along Stainborough Road on the eastern side and further along the south western side of Keresforth Road where the highway remains unrestricted.

8. Financial Implications

- 8.1** The financial implications remain the same as previously reported (identified in Appendix 1).

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 and Solicitor to the Council 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 20 December 2019
- Appendix 2 - Plan showing proposals for report dated 20 December 2019

14. Background Papers

14.1 Highway Design file

Officer Contact: Liz Campbell

Telephone No: 772091

Date: 12th March 2019