

**Record of Decision of the Head of Highways and Engineering for:**

**A6133 PARK ROAD, BARNSELY – PROPOSED TRAFFIC REGULATION ORDERS**

**Subject**

It is proposed to introduce a prohibition of waiting and loading / unloading on the south / south eastern side of Park Road, between Highstone Avenue and Keresforth Hall Road, and waiting restrictions on the north / north western side at the junctions of Park Road with Castle Street, St. John's Road, Park Grove, Locke Avenue and Blenheim Road for the purposes of preventing indiscriminate parking to improve the free flow of traffic and to protect visibility requirements at these junctions.

**Authority**

*Part 3 Paragraph 21(b) Delegations to Officers: After consultation with Local Members, 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 and Engineering and the Executive Director of Core Services and Solicitor to the Council be authorised to make and implement the Orders.

**Financial Consultation/Consideration:**

On behalf of the Service Director (S151) Officer  
Signature:

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Date:

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**Date of Decision:**

Signature (Group Manager – Highways & Engineering):

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Date:

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**Date Approved:**

Signature (Head of Highways & Engineering):

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Date:

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## **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

### **PARK ROAD, BARNSELEY - PROPOSED WAITING /LOADING RESTRICTIONS**

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

- 1.1 The purpose of this report is to seek approval to introduce new Traffic Regulation Orders (TROs) necessary to implement waiting and loading restrictions on Park Road, Barnsley.

#### **2. Recommendation**

**It is recommended that:**

- 2.1 **The Executive Director of Core Services and Solicitor to the Council be authorised to publish the proposed waiting and loading restrictions on Park Road, Barnsley as described in this report and shown on the plan at Appendix 1;**
- 2.2 **Any objections be the subject of a further report to Cabinet;**
- 2.3 **If there are no objections 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.**

#### **3. Introduction/Background**

- 3.1 The A6133 forms part of a main east-west route through Barnsley between the A635 and the A628, connecting with the M1 at Junction 37, via the A628. It forms part of a circular route for bus services running through Worsbrough Common, Kingstone and Pogmoor to and from Barnsley District General Hospital (BDGH).
- 3.2 Park Road is bounded to the north by residential streets, allotments and a church and, to the south, by a small number of residential streets and Locke Park. Residential properties comprise of mainly terraced housing interspersed with a number of Victorian / Edwardian villas, 30s semi-detached properties and a few commercial premises. Residents / occupiers and visitors tend to park vehicles in front of premises, often partially or almost wholly on the footway, although many also have garages / parking space to the rear, accessible via service roads. This leads to a significant length of Park Road being narrowed due to parked vehicles, which obstructs the free flow of traffic, prevents buses from pulling up at stops, compromises visibility at junctions, and obstructs significant lengths of footway for pedestrians / disabled persons, etc.

- 3.3** Locke Park is held in trust by the Council which carries out maintenance and is also looked after by the Friends of Locke Park (FOLP), a registered charity, which works to preserve the park's heritage and also organises events and activities, fundraises and carries out voluntary work within the park.
- 3.4** Since FOLP was founded (early 2000s) the number of events held at the park has gradually increased. As well as the summer gala and bonfire events there are fairs and seasonal events at Easter / Christmas, Classic Car Show, regular car boot sales, fundraising events for other charities and Parkrun events most weekends. These events generate large amounts of traffic with attendant parking problems and the existing car park, off Keresforth Hall Road, can only accommodate around 60 cars. As a consequence, indiscriminate parking on both sides of Park Road obstructs the free flow of traffic and impairs visibility at junctions.
- 3.5** Complaints have been raised at the Council's regular meetings with SYPTE and bus operators regarding indiscriminate parking along this road causing problems with bus services.
- 3.6** Of greater concern is that Park Road is one of the main routes used by emergency vehicles for South Yorkshire Fire & Rescue (SYFR) and for ambulances travelling to BDGH. Although not designated, it is also often used as an emergency diversion route when major incidents occur on the nearby M1.

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

- 4.1** The proposal is to introduce waiting and loading restrictions on the south/south eastern side of Park Road and waiting restrictions on the north/north western side at junctions with Castle Street, St. John's Road, Park Grove, Locke Avenue and Blenheim Road. The proposals are shown on the plan at Appendix 1.
- 4.2** The aim of the proposals is to prevent indiscriminate parking, maintain the free flow of traffic and protect visibility requirements at the junctions. The proposals are considered necessary for avoiding danger to persons or other traffic using the roads and for preventing the likelihood of any such danger arising and facilitating the passage of traffic on the roads.

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

- 5.1** Traffic restrictions are considered to be the most effective way of controlling parking. There are no other practical means of achieving the desired outcome.

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

- 6.1** There are a number of drivers who currently park on Park Road and affected side streets who may be affected by the proposed waiting and loading restrictions. However, on-street parking is available on other sections of Park Road and further along nearby side streets.

#### **7. Financial Implications**

7.1 The Service Director Finance (S151 Officer) has been consulted on this proposal.

7.2 The costs of works, advertising and legal fees associated with the TRO are **estimated** to be £11850. This comprises of the following:

Works	£5250
Professional legal fees	£300
Legal advertising	£400
Professional fees	£4900

7.3 The above costs are estimated and that the professional fees include an allowance to deal with objections as part of the process, although it is not possible to determine the actual number of objections. These estimated costs are fully funded by the South Yorkshire Passenger Transport Executive (SYPTTE) from their allocation of LTP funding or charged to the requestors budget accordingly (e.g Area Council's).

## 8. Legal Implications

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

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 Act 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

9.1 Consultations have taken place with Central ward members and no objections or adverse comments have been received. The emergency services have been consulted and no objections or adverse comments have been received

## 10. Risk Management Issues

Risk	Mitigation/Outcome	Assessment
1. Challenge to the proposals because they infringe the Human Rights Act	It is not considered that 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	Low

	consider the effects of the Human Rights Act which are followed.	
<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**

**11.1** 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.

**12 List of Appendices**

- Appendix 1 – Plan showing the proposals.

**13 Background Papers**

**13.1** Project file.

**Officer Contact:** Liz Campbell      **Date:** 21<sup>st</sup> November, 2018

Financial Implications/Consultation

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 (To be signed by senior Financial Services officer where no financial implications)