

BARNSELY 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
TO CABINET ON 3 NOVEMBER 2021**

Public or private: Public

EVERILL GATE LANE, Wombwell, Barnsley.

Proposed, 'No Right Turn' and 'No Waiting at Any Time' restrictions.

1. PURPOSE OF REPORT

- 1.1 To seek Cabinet approval to enact a Traffic Regulation Order (TRO) necessary to introduce restrictions on Everill Gate Lane, Wombwell.

2. RECOMMENDATIONS

- 2.1 To approve the proposal as described in this report and to authorise the Head of Highways and Engineering and the Legal Service Director and Solicitor to the Council make and implement the Traffic Regulation Order.

3. INTRODUCTION

- 3.1 A new commercial development was given planning consent on the 28th August 2019 on land south of Everill Gate Lane, Wombwell. Access to the development will be via Everill Gate Lane.
- 3.2 As part of the planning consent, conditions were imposed to protect visibility and improve safety at the junction of the A633 Valley Way and Everill Gate Lane, as well as considering measures to maintain the free flow of traffic along Everill Gate Lane around the area of the new access road into the new development.
- 3.3 It is proposed to introduce a, 'No Right Turn' restriction at the junction of the A633 Valley Way and Everill Gate Lane and no waiting at any time restrictions on parts of both sides of Everill Gate Lane.
- 3.4 These restrictions will improve safety at the junction and make all traffic turn left and travel via the nearby A633 Valley Way roundabout. The restrictions are also necessary to protect visibility for motorists and other road users, including pedestrians and wheelchair/pushchair users, maintain the free flow of traffic and protect footways.

4. PROPOSAL AND JUSTIFICATION

- 4.1 To introduce a, 'No Right Turn' restriction at the junction of Everill Gate Lane and the A633 Valley Way.
- 4.2 To introduce, 'No Waiting at Any Time' restrictions on parts of both sides of Everill Gate Lane.
- 4.3 The, 'No Right Turn' restriction will prevent right-turning traffic from queuing back along Everill Gate Lane, thereby reducing the likelihood of congestion and maintaining visibility and improving the flow of traffic out of Everill Gate Lane.
- 4.4 The, 'No Waiting at Any Time' restrictions will prevent inconsiderate and obstructive parking in and around the junction of the A633 Valley Way and Everill Gate Lane and along Everill Gate Lane to a point passed the nearby railway bridge.
- 4.5 These restrictions are necessary to protect visibility for motorists and other road users, including pedestrians and wheelchair/pushchair users, maintain the free flow of traffic and protect a new proposed footway.
- 4.6 The measures are regarded as the best option to prevent obstructive parking and provide a safer road environment for all road users whilst keeping the free flow of traffic.

5. CONSIDERATION OF ALTERNATIVE APPROACHES

- 5.1 Other options considered, such as bollards, barriers and road engineering were deemed too intrusive and would prevent parts of the highway from being accessed or used by pedestrians and wheelchair/pushchair users.
- 5.2 A, 'do nothing' option was also considered but this would expose motorists to an increased level of risk from right-turning traffic on to the A633 Valley Way due to the anticipated increased volume of traffic exiting from Everill Gate Lane.

6. IMPLICATIONS FOR LOCAL PEOPLE/SERVICE USERS

- 6.1 The, 'No Right Turn' restriction will require all traffic exiting Everill Gate Lane to turn left. Those motorists wanting to turn right will now need to travel to the nearby (130m) A633 Wath Road roundabout and perform a full turn around to access Valley Way.
- 6.2 The, 'No Waiting at Any Time' restrictions will prevent inconsiderate and obstructive parking in and around the junction of the A633 Valley Way and Everill Gate Lane and along Everill Gate Lane to a point passed the nearby railway bridge which is narrow and restrictive for passing vehicles. Some on-street parking will be lost on parts of both sides Everill Gate Lane, but there are no dwellings affected by the restrictions and the new commercial development provides ample parking for staff and customers.

7. FINANCIAL IMPLICATIONS

- 7.1 The costs of advertising and legal fees associated with the TRO are estimated at £7,500 and are being funded by the developer – Benell Ltd.

8. EMPLOYEE IMPLICATIONS

n/a

9. LEGAL IMPLICATIONS

9.1 The Road Traffic Regulation Act 1984 provides the appropriate powers for the Council to make the proposed TRO and the Council is satisfied it is expedient to make the Order for avoiding danger to persons or other traffic using the roads and for preventing the likelihood of any such danger arising, and for facilitating the passage of traffic on the roads.

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. CUSTOMER AND DIGITAL IMPLICATIONS

n/a

11. COMMUNICATIONS IMPLICATIONS

n/a

12. CONSULTATIONS

12.1 The Local Ward Members, Area Manager, Emergency Services, Parking Enforcement and the SYPTE have been consulted and no objections have been received.

13. EQUALITY IMPACT

13.1 Not applicable - not relevant to the TRO process.

14. RISK MANAGEMENT ISSUES

14.1

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 must be balanced with the duty of the Council to provide a safe highway for people to use. The Legal Service Director and Solicitor to the Council has developed a sequential test to consider the effects of the Human Rights Act which are followed.	Low

Risk	Mitigation/Outcome	Assessment
2. Legal challenge to the decision to make the TRO.	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

15. COMPATIBILITY WITH THE EUROPEAN CONVENTION ON HUMAN RIGHTS

15.1 It is not considered to be any potential interference with European Convention on Human Rights as the proposals aims to create a safer environment and prevent indiscriminate parking.

16. LIST OF APPENDICES

Appendix 1 – Plan showing, ‘No Right Turn’ proposal.
Appendix 2 – Plan showing waiting restrictions.

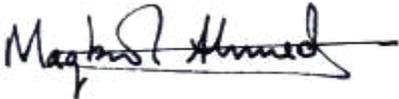
17. BACKGROUND PAPERS

- Project file – Traffic/TRO’s/Permanent/4184.
- TRO & Delegated Powers Report.

If you would like to inspect background papers for this report, please email governance@barnsley.gov.uk so that appropriate arrangements can be made

Report author: Darren Storr. Traffic Engineer.

Financial Implications/Consultation



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Maqbool Ahmed.
Acting Strategic Finance Manager

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