

## **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**

**HILL STREET and HILL CREST, Elsecar, Barnsley.**

**Proposed, '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 Hill Street and Hill Crest, Elsecar.

### **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 residential development was given planning consent on the 22nd May 2018 on land south west of Hill Street in Elsecar.
- 3.2 As part of the planning consent, conditions were imposed to protect the visibility at the new access road junction (Hill Crest) and Hill Street.
- 3.3 It was determined to introduce no waiting at any time restrictions on part of Hill Street and both sides of Hill Crest at the junction into the development.
- 3.4 These restrictions are necessary to protect the visibility for motorists and other road users, pedestrians, and wheelchair/pushchair users.
- 3.5 The restrictions are necessary to prevent obstructions at the junction, protect visibility and provide a safer road environment for all road users whilst keeping the free flow of traffic.

### **4. PROPOSAL AND JUSTIFICATION**

- 4.1 To introduce no waiting at any time restrictions on part of Hill Street and both sides of Hill Crest at the junction into the development.
- 4.2 These restrictions are necessary to protect the visibility for motorists and other road users, pedestrians, and wheelchair/pushchair users.

- 4.3 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 access or used by pedestrians and wheelchair/pushchair users.

## **6. IMPLICATIONS FOR LOCAL PEOPLE/SERVICE USERS**

- 6.1 The proposed restrictions will prevent inconsiderate and obstructive parking of vehicles near to the new road junction and allow for full views of approaching traffic and footway users.
- 6.2 Some on-street parking will be lost on the south western side of Hill Street. The residential properties on this side of the road all have vehicular access to the rear of their properties via the new Hill Crest access road.
- 6.3 There are only 5 properties on the north eastern side of Hill Street, but on-street parking will still be unaffected on that side of the road by the proposals.

## **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 - Monfred Builders 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 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
<b>1. Challenge to the proposals because they infringe the Human Rights Act</b>	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
<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

## 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 the proposals.

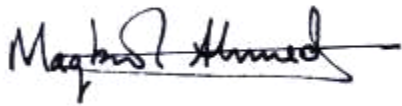
## 17. BACKGROUND PAPERS

- Project file – Traffic/TRO's/Permanent/4157;
- TRO & Delegated Powers Report;

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

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Financial Implications/Consultation



.....  
*Maqbool Ahmed.*  
*Acting Strategic Finance Manager*

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