

Record of Decision of the 'Head of Highways and Engineering' for;

**DEARNE HALL LANE, DEARNE HALL ROAD, MILLER'S VIEW,
MILLER'S GROVE and DEARNE HALL PARK, Barugh Green, Barnsley**

Proposed Waiting restrictions.

Subject

Residential planning consent was granted for a housing development on 25th February 2016 on land south of Dearne Hall Road, Barugh Green, Barnsley.

A main through road, Dearne Hall Lane, has been constructed which links Dearne Hall Road and the roundabout at the Barnsley Road/Claycliffe Road junction.

Planning consent conditions included measures to protect visibility and the free flow of traffic along Dearne Hall lane.

It is proposed to introduce a, 'No Waiting at Any Time' restriction along the full length of Dearne Hall lane and at each of the side road junctions.

The restriction has been designed to best manage and govern the road, thereby providing a safer and more enjoyable environment whilst protecting the free flow of traffic and unobstructed use of the road. The overall safety of road users has been considered and these restrictions are regarded as the best measures to protect all road users.

Authority

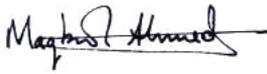
Part 3 Paragraph 20(b) Delegations to Officers: After consultation with Local Members and the relevant Parish Council, to arrange for the publication of Traffic Regulation Orders requiring the enforcement of traffic control measures and, subject to no objections being received, to make the Orders and implement the restrictions.

Decision Taken

The proposals are 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 Legal Service Director and Solicitor to the Council be authorised to make and implement the Order.

**Financial Consultation/
Consideration)**

**Maqbool Ahamed -
Acting Strategic Finance Manager, on behalf
of Service Director (S151) Officer:**

Signature:  _____

Date: 27/07/2021_____

Date of Decision:

Damon Brown – Principle Engineer:

Signature:  _____

Date: 17/06/2021_____

Date Approved:

Ian Wilson - Head of Highways & Engineering:

Signature:  _____

Date: 27/07/2021_____

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

DEARNE HALL LANE, DEARNE HALL ROAD, MILLER'S VIEW, MILLER'S GROVE and DEARNE HALL PARK, Barugh Green, Barnsley

Proposed Waiting restrictions.

1. Purpose of Report

- 1.1 The purpose of this report is to seek approval to advertise and implement a Traffic Regulation Order (TRO) necessary to introduce no waiting at any time restrictions in relation to the construction of a residential development and through-road at Dearne Hall lane, Barugh Green, Barnsley;
- 1.2 The purpose of the proposed TRO is to ensure vehicles are not parked indiscriminately or inconsiderately along the roadway or verges or on the junctions with side roads, thereby causing obstruction or impacting the free flow of traffic.

2. Recommendation

It is recommended that:

- 2.1 **The Legal Service Director and Solicitor to the Council be authorised to publish the proposed restrictions on Dearne Hall Lane, Dearne Hall Road, Miller's View, Miller's Grove and Dearne Hall Park, as described in this report and shown on the plan at Appendixes 1;**
- 2.2 **Any objections be subject of a further report to Cabinet;**
- 2.3 **If there are no objections, the Head of Highways & Engineering and the Legal Service Director and Solicitor to the Council be authorised to make and implement the Traffic Regulation Order.**

3. Introduction

- 3.1 Residential planning consent was granted for a housing development on 25th February 2016 on land south of Dearne Hall Road, Barugh Green, Barnsley;
- 3.2 Dearne Hall Lane, has been constructed as the main road through the new development and links Dearne Hall Road and the roundabout at the Barnsley Road/Claycliffe Road junction;
- 3.3 Planning consent conditions requires measures to protect the road from obstructions and maintain the free flow of traffic along Dearne Hall lane.

4. Proposal and Justification

- 4.1 It is proposed to introduce a, 'No Waiting at Any Time' restriction along almost the full length of Dearne Hall Lane, extending 6m into each of its side roads through the estate and a small section of Dearne Hall Road;
- 4.2 The restrictions have been designed to best manage and govern the road, thereby providing a safer and more enjoyable environment whilst protecting the free flow of traffic and unobstructed use of the road.
- 4.3 The overall safety of road users has been considered and these restrictions are regarded as the best measures to protect all road users.

5. Consideration of Alternative Proposals

- 5.1 Other alternatives include road or verge engineering with additional signage which have been determined to be too intrusive, restrict the free flow of traffic and would restrict full access to the highway by all road and footway users;
- 5.2 Alternate proposals would also be cost prohibitive to the developer and require a future maintenance commitment by the authority.

6. Impact on Local People

- 6.1 This is a new residential development and the proposed restrictions will not affect current local residents in Barugh Green;
- 6.2 Residents on the new development all have off-street private parking.

7. Financial Implications

- 7.1 The costs of advertising and legal fees associated with the TRO are estimated at £5,500 and are being funded by the developer – BDW Homes Ltd.

8. Legal Implications

- 8.1 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.
- 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 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.

9. Consultations

The Local Ward Members, Area Manager and emergency services have been consulted and no objections 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 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
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

11. Compatibility with European Convention on Human Rights

- 11.1 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.

12. List of Appendices

- Appendix 1 – Plan showing the area.

13. Background Papers

- 13.1 Project file – 4120

Officer Contact: Darren Storr. Traffic Engineer. Highways.
Email: darrenstorr@barnsley.gov.uk

Date: 20/07/2021