

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.

1st December 2021.

MANOR ROAD / BARNSELEY ROAD junction, Cudworth, BARNSELEY.

'NO WAITING AT ANY TIME RESTRICTIONS'

OBJECTION REPORT.

Objection Report

1. Purpose of Report

- 1.1 The purpose of this report is to consider the 1 objection received to the proposal to introduce new no waiting at any time and restrictions on junction of Manor Road and Barnsley Road, Cudworth, as shown on Appendix 1;
- 1.2 To seek approval to reconsider the proposals in light of the objection and implement the restrictions as originally advertised.

2. Recommendation

It is recommended that:

- 2.1 **The objections received are rejected for the reasons set out in this report and the objectors are informed accordingly.**
- 2.2 **The Head of Highways and Engineering and the Legal Service Director and Solicitor to the Council be authorised to make and implement the Traffic Regulation Order.**

3. Introduction/Background

- 3.1 A planning application was granted on 10th May 2017 for the development of 278 dwellings with associated roads, public open space and landscaping on land off Newland Avenue and Carrs Lane, Cudworth.
- 3.2 As part of a traffic impact assessment, it was determined that the junction of Manor Road and Barnsley Road, Cudworth, would see an increase in traffic movements emanating from the new housing development. As such, the visibility splays at the junction should be protected such that there is no obstruction to visibility.

3.3 This scheme was advertised publicly on 23rd July 2021 and 1 objection was received and recorded.

4. **Consideration of Objections**

The 1 objection below were recorded during the public consultation period.

The objection is summarised along with the location of the respondent.

(The Head of Highways & Engineering's comments in response follow the objections.)

1. ***(Location of objector: Resident – Barnsley Road, Cudworth).***

- Proposal has no merit because no parking takes place on the junction.
- "Stop wasting 'our money' on pointless schemes".

5. **Head of Highways and Engineering Response**

"This scheme has been developed to address the potential for the junction to experience an increase in traffic movements due to the development of a large housing estate nearby.

The visibility splays at the junction need to be protected and enhanced such that there is no potential for inconsiderate and obstructive parking which would impact safety to all road users.

The restrictions are seen as necessary and are the most cost-effective and viable option to achieve the above result.

The restrictions are being fully funded by the developer – Barratt Homes Ltd.

6. **Proposal and Justification**

It is proposed to implement the TRO as advertised and as shown on the plan at Appendix 1.

7. **Consideration of Alternative Proposals**

7.1 Option 1 – Overrule the objections and proceed with the restrictions as advertised and in Appendix 1; **This is the preferred option.**

7.2 Option 2 – Revise the restrictions to reduce the lengths of restriction. This option is not recommended for the following reasons:

- It will not fully maintain safety at the junction.
- It will not fully prevent visibility issues at the junction.
- It will not fully ensure the free flow of traffic.
- It will not fully prevent inconsiderate and obstructive on-street parking.

7.3 Option 3 – Decline to introduce the restrictions. This option is not recommended for the following reasons:

- It will not maintain and improve safety at the junction.
- It will not prevent visibility issues at the junction.
- It will not ensure the free flow of traffic.
- It will not prevent inconsiderate and obstructive on-street parking.

Impact on Local People

8.1 The restrictions will address the concerns identified by BMBC Highways regarding the increase in traffic volume and manoeuvres at the junction.

8.2 The restrictions will improve and maintain the free flow of traffic in the area by preventing inconsiderate and obstructive parking at the junction.

8.3 There will be minimal loss of on-street parking space and will directly affect only 1 house on Barnsley Road. There is ample on-street parking still available on Barnsley Road.

Financial Implications

9.1 The financial implications remain the same as previously reported.

Legal Implications

10.1 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.

10.2 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.

Consultations

11.1 No additional consultations are required; these having already been carried out, pre-report stage.

Risk Management Issues

Risk	Mitigation/Outcome	Assessment
1. Challenge to the proposals because they	It is not considered the proposals have any interference with convention rights. Any potential interference has to be	Low

infringe the Human Rights Act	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.	
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

13. Compatibility with European Convention on Human Rights

13.1 It is not considered the proposals have any potential interference with convention rights.

14. List of Appendices

- Appendix 1 – Plan of the proposed restrictions.
- Appendix 2 - TRO and Delegated Powers' Report dated 2nd July 2021.

15. Background Papers

15.1 Traffic Team file – 4156.

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Date: September 2021