

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
Cabinet, 26 January 2022**

HIGH STREET (and its side road junctions of Towngate, Martin Croft, Silkstone Lane, and Barnsley Road), Silkstone, Barnsley

'NO WAITING AT ANY TIME' restrictions

Objection Report

1. Purpose of Report

- 1.1 To consider 45 objections received to the original proposals which began in 2020 to introduce new no waiting at any time restrictions on parts of both sides of High Street (and its side road junctions of Towngate, Martin Croft, Silkstone Lane, and Barnsley Road), as shown on Appendix 1 & 2.
- 1.2 To seek approval to reconsider the proposals in light of the objections and implement the restrictions as originally advertised.

2. Recommendation

It is recommended that the Cabinet:

- 2.1 **Agrees that the objections received be rejected for the reasons set out in the report and the objectors informed accordingly.**
- 2.2 **Approves the proposal to enact a Traffic Regulation Order (TRO) to introduce 'No Waiting at Any Time' restrictions on parts of both sides of HIGH STREET (and its side road junctions of Towngate, Martin Croft, Silkstone Lane, and Barnsley Road), as shown on Appendix 1 & 2 of the report submitted.**
- 2.3 **Authorises the Head of Highways and Engineering and the Legal Service Director and Solicitor to the Council to make and implement the Traffic Regulation Order.**

3. Introduction/Background

- 3.1 A complaint was received from the SYPTE (South Yorkshire Passenger Transport Executive) regarding traffic congestion and inconsiderate and obstructive parking on High Street and its side road junctions with Towngate, Martin Croft, Silkstone Lane, and Barnsley Road.
- 3.2 Inconsiderate and careless parking was causing significant access problems to Bus Stops, impacting the free flow of traffic, particularly for buses and

larger vehicles such as those used by the emergency services and reducing visibility.

- 3.3** Preventing buses accessing Bus Stops increases the risks to passengers of trips, falls, entering the carriageway and coming into conflict with other road users. These increased risks can significantly impact on the provision of a safe and sustainable public transport service and may result in the removal of an individual bus stop or the service itself.
- 3.4** Visibility and manoeuvring are hindered by resident's and visitor's vehicles being parked carelessly along High Street. This also impacts on pedestrian and road user safety and the quality of bus service provided.
- 3.5** This scheme was advertised publicly between the 16th July and 13th August 2021 - 45 objections, 7 support and 5 neutrals (asking for further information) were received and recorded.

4. Consideration of Objections

The 45 objections below were recorded during the above public consultation period. Each objection is summarised along with the name of the respondent. The Head of Highways & Engineering's comments in response follow the objections.

(Location of objector 1: High Street, Silkstone)

- *As a resident I need to park outside my house.*
- *Children need to be able to be dropped off close to nursery and school especially in the dark months.*
- *Many residents have nowhere to park for example the cottage terraces close to the red lion.*
- *Many attending Church require to park close by to access services.*
- *Parked cars act as a natural calming to speeding vehicles. Vehicles already pass (house number) at a rate of knots.*
- *It's an old B-road. The bypass A628 was built to take traffic out of the village.*
- *Therefore, why by removing primarily residents vehicles do you want to encourage more traffic flow through the village with likely increased speed.*
- *The speed is then a danger to school and nursery children.*
- *The village public house would lose business if customers cannot park outside/nearby.*
- *As an alternative, would suggest the traffic passing through the village be restricted to a one-way system, which could be achieved very simply without the need to restrict parking.*

(Location of objector 2: Silkstone)

- *Area considered is too extensive.*
- *Will increase congestion.*
- *Concerns over parents dropping of children at Nursery and the School. Complains of speeding on High Street and A628.*

- *Effect on local business who need on-street parking.*

(Location of objector 3: location unknown)

- *Worried about the knock-on effect of restrictions.*
- *Creates issues for parents dropping off at the Nursery and School.*
- *Vehicles currently stick to speed limit due to current parked vehicles.*
- *Worried parents will just park further away leading to more pedestrian activity.*

(Location of objector 4: local restaurant business owner)

- *The Bells Restaurant is a 'destination restaurant' depending on customers using on-street parking.*
- *Business would be significantly effected if patrons cannot park outside or near the business.*
- *C/way wide enough at their point for one-sided kerb parking.*

(Location of objector 5: Manor Park, Silkstone)

- *Believes will exacerbate an already serious problem of parents parking in Manor park to drop of children at school.*
- *Concerned about High Street residents being able to park their vehicles on the road.*
- *States the PCSO recommends 'traffic calming' if double yellow lines were ever placed along High Street.*
- *Suggests parking bays with bollards and a 20mph limit for High Street due to speeding vehicles.*
- *Suggests widening footways to encourage walking (to school).*

(Location of objector 6: High Street, Silkstone)

- *Concerns over parking both their vehicles due to not having any vehicle access.*
- *Agrees the road is bad with parking but wants another solution.*

(Location of objector 7: High Street, Silkstone)

- *Not enough resident parking already, this scheme will make that worse.*
- *Displacement of vehicles to adjoining roads.*
- *Suggests best solution is a One-Way system.*

(Location of objector 8: Silkstone)

- *Parking is already a problem on the lower section of High Street. This will be made worse by the proposals.*
- *Has not seen any access problems for larger vehicles or congestion caused by larger vehicles, so proposals not needed.*
- *States speeding vehicles a problem and will be made worse by removing parking.*

(Location of objector 9: High Street, Silkstone)

- *Parking is already 'challenging' and the proposals will make it worse for residents.*
- *I'm a Nurse and after a 12hr shift wants to not have to search for a parking space.*
- *Suggests One-Way as an alternative.*

(Location of objector 10: High Street, Silkstone)

- *Works 12hr shifts and parking is already a problem for residents.*
- *Concerned over competing with neighbours for parking places.*
- *Concerned over impact on Red Lion PH and The Bells restaurant - patron parking?*
- *Suggests One-Way system may be better solution and won't penalise residents.*

(Location of objector 11: High Street, Silkstone)

- *Believes preventing parking will allow vehicle speeds to increase on High Street.*
- *Issue is not with residents, but with impatient drivers failing to give way.*
- *Concerns over some residents ability to park/mobility?*
- *Suggests One Way system and/or 20mph limit.*

(Location of objector 12: High Street, Silkstone)

- *Believes there is no parking or free flow of traffic issues on High Street.*
- *Concerned over negative impact on pub, nursery, school, and restaurant.*
- *Believes BMBC failing in duty to provide off-street parking for residents without private off-street parking.*
- *Believes proposal will create more problems than it doesn't solve!*

(Location of objector 13: High Street, Silkstone)

- *Identical to objector 12 above.*

(Location of objector 14: High Street, Silkstone)

- *Identical to objector 12 above.*

(Location of objector 15: Silkstone)

- *Safety - will be used more as a cut through route with less parked cars.*
- *Environment - increased traffic use increases noise and pollution.*
- *Economic - village struggling due to Covid, business will struggle more without parking.*
- *Impact on Residents - Will push traffic on to Manor Park.*
- *Reduced residents parking.*
- *Road surface quality on Manor Park?*
- *Have disabled/mobility residents been considered?*

(Location of objector 16: Silkstone)

- *Agrees that something needs to be done but does not agree with his scheme.*
- *Suggests a One-Way system instead.*

(Location of objector 17: High Street, Silkstone)

- *Parking outside the property is already an issue. The proposals will only make it worse.*

(Location of objector 18: Manor Park, Silkstone)

- *Concerns over parking for residents on High Street.*
- *Proposals will make the parking on Manor Road worse for school times.*
- *Concerns over parking for The Bell patrons.*
- *Proposals will cause extreme difficulties for residents.*

(Location of objector 19: Broad Gates, Silkstone)

- *Displacement to side roads.*
- *Both the Red Lion & The Bells Bar would lose custom.*
- *Suggests a One-Way system.*

(Location of objector 20: Fall View, Silkstone)

- *Acknowledges serious parking and traffic flow issues on High Street.*
- *Displacement of resident parking to side roads.*
- *Concerns for local business and customer parking.*
- *Proposal is disproportionate to the impact on residents.*
- *Suggests One Way system & creation of a 'village car park' somewhere.*

(Location of objector 21: Silkstone Parish Council)

- *In your 'Statement of Reasons' document you say that parking "makes access for larger vehicles difficult" you then go on to describe these as "...Fire & Rescue, Ambulances, Buses (sic), Refuse vehicles etc." – we have not seen any evidence disclosed or provided into the public domain of representations from any agency or organisation that there is a factual basis to your statement and therefore would welcome sight of such evidence please.*
- *You further go on to say that you wish to "...prohibit vehicles waiting at any time..... to ensure the free flow of traffic" – we have seen no evidence of any data to support your contention that traffic does not flow freely or that the amount of traffic flow at various times is such to warrant a total prohibition of parking. What evidence has been collected please? What traffic flow is there during the period between 10.30PM and 6.30AM for example?*

- Your “Statement of Reasons” explains the powers available to Barnsley MBC by Act of Parliament; you further say “.....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 road.” – we would like to see what evidence has been collected to bring you to make the decision that there is an “expedient danger” (‘expedient’ being an action that achieves a particular purpose, but may not be morally right). Are you able to disclose evidence into the public domain showing the number of road traffic collisions and pedestrian personal injury cases at this location?
- In your final paragraph you say “.....secure..... the provision of suitable and adequate parking facilities on and off the highway...” – by permanently prohibiting all vehicle waiting on High Street for residents and business you are not providing any alternative parking and are in essence creating a negative consequence by displacing vehicles to other parts of the Highway and therefore arguably not complying with your duty under Section 122 of the Road Traffic Act Regulation Act (1984). What evidence do you have, described in your statement as “...due regard” that a Traffic Regulation Order is required and in plain English terms, not quoting directly from the above Act, what are your “...objectives....” in proposing this scheme?
- More specifically in listening to a large number of residents in High Street; where are they expected to park their cars when they have no off-street parking facilities? Has any impact analysis been done to consider how this affects people’s lives? Is the proposal proportionate to the massive impact upon residents, including those who have recently purchased houses on High Street?
- In relation to High Street at the point after the Red Lion Public House going past ‘The Bells Bar & Kitchen’ (a business not identified on your plan) the road is 28 feet wide, so therefore even when cars are parked on both sides of the street there is at least 15’ space, sufficient for two vehicles to pass safely; this is not uncommon to any village or town in the Borough. What evidence is there that by prohibiting vehicle waiting at this point you are solving a problem that does not exist?
- Additionally, at the same part of High Street as described in 6) there is a primary school and pre-school (a private business) catering for babies and children up to 12 years of age. During term time parents and carers drop off their children; a 20-minute window twice a day, 5 days a week – by making this section of High Street a permanent no waiting area there will be a massive negative impact upon surrounding smaller side roads, creating by design arguably a greater hazard to pedestrians. What evidence do you have that the proposed restriction will improve Highway safety?
- Local businesses trade on High Street and Martin Croft including a restaurant, pharmacy, hair salon and pre-school. The proposals may have a potentially damaging effect upon their ability to trade. Most notably the ‘Bells Bar & Grill’ relies almost entirely upon customers having the ability to park outside their premises on High Street – this

business has made representations to the Parish Council to the effect that if the proposals go ahead their business will in all probability go bankrupt. What analysis has been done to consider the impact upon local businesses along High Street?

- *What evidence has been collated to consider the impact of the proposals upon users of the children's play area and those wishing to pay their respects to the fallen at the War Memorial, both on Martin Croft? Has consideration been given to worshipers at All Saints Church, visitors to Heritage Silkstone, weddings, funerals, christenings etc.?*
- *Anecdotal evidence collected by the Parish Council following residents' concerns is that there is an issue of speeding vehicles along High Street. The Parish Council has purchased 'Speed Indicator Devices' (SID) and would welcome working with Highways Traffic management in looking at initiatives to reduce speeding – we are of the strong opinion that if there were no cars parked on High Street by prohibition this would increase speed massively and create by design arguably a greater danger to road users and pedestrians.*

(Location of objector 22: Pack Horse Green, Silkstone)

- *Concerns regarding narrow road adjacent to Towngate and gap in proposed lining outside No 39 HS.*
- *Concerned over parking for residents further downhill who have no off-street facility.*
- *Parking area on Bull How Lane does not impeded anyone and allows parking for the Pharmacy and visitors to the village.*
- *Displacement on to Pack Horse Green.*

(Location of objector 23: Silkstone)

- *Parked cars on High Street act as traffic calming against speeding drivers.*

(Location of objector 24: Towngate, Silkstone)

- *Does not experience any traffic or congestion issues on High Street.*
- *Drivers should be considerate on High Street.*
- *No, 'change for change's sake'!*

(Location of objector 25: High Street, Silkstone)

- *Disagrees with the council's comments on congestion and traffic flow.*
- *Does not believe entry/egress to estates is a problem.*
- *Residents will have problems parking outside their homes, especially the elderly.*

(Location of objector 26: Black Horse Drive, Silkstone)

- *No consultations with the Parish or residents over proposals!*

- *Problems on High Street are an 'inconvenience' rather than something that needs restrictions.*
- *Alternatives should be sought and presented to the residents.*
- *Proposals are excessive.*
- *Impact on residents has not been assessed.*
- *Displacement!*
- *Removing parking will cause an increase in speeds along High Street.*

(Location of objector 27: Silkstone)

- *Lack of consultation with residents.*
- *Impact of scheme on residents and displacement.*
- *Impact on local business who rely on street parking.*
- *Increase in vehicle speeds along High Street.*
- *Requests extension of consultation period for further dialogue with residents.*

(Location of objector 28: Silkstone)

- *Proposals will exacerbate the problem, not correct it.*
- *Displacement on to side roads, in particular Manor park.*
- *Where will residents park?*
- *Concerned for local businesses that rely on street parking.*
- *Suggests One Way system.*
- *DYL's just on the junctions.*

(Location of objector 29: Visitor from Huddersfield)

- *Regularly visits partners house on High Street.*
- *Parking for residents, local businesses, and school.*
- *Displacement of cars to side roads, especially Manor Park.*
- *Not needed.*

(Location of objector 30: Unknown)

- *Displacement on to side roads where children play.*
- *Some residents have nowhere else to park.*
- *Restaurant relies on street parking for patrons.*
- *Manor Park already a problem with school parking.*
- *Suggests One Way system.*

(Location of objector 31: High Street, Silkstone)

- *Displacement on to side road/estates.*
- *(Sent video of a Bus/Coach obstructed by head-on car blocking road)*

(Location of objector 32: Unknown)

- *Agree that something needs to be done but proposals do not deal with some areas and over does others - High Street/A628 junction.*
- *Why did the council sell the car park on Martin Croft only to introduce these proposals?*

- *Any future development on this land will only add traffic to this situation!*

(Location of objector 33: Unknown)

- *Supports the Parish Council letter and objections.*

(Location of objector 34: Silkstone)

- *Residents will be worst affected and have nowhere to park.*
- *Displace cars on to side roads where children play.*
- *Restaurant would suffer as patrons rely on street parking.*
- *School time is the worst and parents cars will 'swarm' on to the side estates.*
- *Suggests High Street become a One-Way system.*

(Location of objector 35: Falls Head Lane, Silkstone)

- *Concerned over lack of parking in centre of village.*
- *Parking outside school for dropping off/picking up will be displaced to other roads.*
- *Local businesses rely on street parking.*
- *Parked cars are a traffic calming aid, vehicle speeds will increase.*
- *Agrees with other residents – One-Way system.*
- *Overall negative impact on residents on High Street.*

(Location of objector 36: Penistone)

- *Has children at Nursery and school and is concerned about parking.*
- *Public transport is not an option.*

(Location of objector 37: Miriam Cates MP)

- *Visited High Street with Parish Council representatives.*
- *Concerns over resident parking for those without off-street facility.*
- *Impact on local businesses who's patrons rely on on-street parking (Bell & PH).*
- *Displacement of school drop-off and pick-up to side roads.*
- *Accepts High Street does have traffic and parking issues but believes that this proposal is too heavy-handed.*

(Location of objector 38: High Street, Silkstone)

- *Negative impact on parking outside homes requiring longer walks to private vehicles.*
- *Negative impact on house prices.*
- *Removing 45 car park spaces - where do these people go?*
- *Where will charging points go to support Gov zero emission plan?*
- *Commuter' village with little public transport provision - popular school/nursery.*

- *Concerns over speeding vehicles after monitoring the 'speed reactive sign' in village.*

(Location of objector 39: High Street, Silkstone)

- *Upset to residents.*
- *Vehicles being able to travel faster than they do now.*
- *Displaced vehicles will park outside our house so I cannot.*
- *Some residents have no off-street parking - where do they park?*
- *Impact on local businesses.*

(Location of objector 40: Silkstone)

- *Opening up the road will increase vehicle speeds.*
- *Particular danger points outside the Red Lion.*
- *Very narrow pavement outside PH and walks pushchair and 3yr old.*
- *Suggests speed humps.*
- *Some properties don't have off-street parking - where will they park?*
- *Bill Haw Lane should not go ahead as measures not required.*

(Location of objector 41: Silkstone)

- *Parents not being able to drop-off/pick-up from school/nursery.*
- *Displacement of vehicles from High Street into side roads.*
- *Businesses that rely on street parking for their patrons.*
- *Suggests One-Way system instead.*

(Location of objector 42: Towngate, Silkstone)

- *Displacement of High Street resident parking in to Towngate.*
- *Suggests One Way system.*

(Location of objector 43: Martin Croft, Silkstone)

- *Partially allow DYL's on lower east side only of High Street.*
- *Wants additional DYL's for Martin Croft on sharp bend.*
- *Allow Bull Haw Lane, Silkstone Lane, and Martin Croft to go ahead.*
- *Suggests High Street becomes a One-Way street.*

(Location of objector 44: Towngate, Silkstone)

- *States the scheme is 'overkill'.*
- *Only 2 'pinch points' need attention - Red Lion and Towngate junction.*
- *School times are congested.*
- *Parked cars slow vehicles down.*
- *Displacement in to Towngate.*

(Location of objector 45: Moorend Lane, Silkstone)

- *Displacement on to side roads.*
- *Suggests a One-Way system would be better idea.*

- *Narrow footways increase risk to pedestrians.*

Head of Highways & Engineering's response:

"This scheme has been developed to address inconsiderate and obstructive parking along High Street, Silkstone.

The other purpose of the scheme is to ensure all junctions are kept clear, provide clear visibility, and also keep the footway clear of parked vehicles.

The clear footways would improve accessibility for pedestrians especially wheelchair users, carers with prams/pushchairs and children going to schools.

The complaint from the SYPTC has reported access issues to the Bus Stops along High Street. Observations have also shown that frontages on both sides of High Street between Towngate and The Red Lion PH are suffering from footway parking restricting access for pedestrians and wheelchair/pushchair users.

Due to inconsiderate parking the free flow of traffic along High Street is significantly impacted, resulting in congestion and conflicts between head-on traffic.

The residents are concerned that the proposed restriction will cause the problem of on-street parking problems to the neighbouring roads of Towngate and Manor Park. Residents have also expressed concern over the availability of on-street parking for local hospitality businesses.

No individual or business has a legal right to park on the public highway outside their property, nor should they have the expectation to do so. The Local Authority does not have a duty to provide off-street private car parking for residents or commercial premises. Businesses should operate their commercial operations within the boundary of their commercial premises.

Essentially, the purpose of the 'public highway' is to facilitate the free passage of traffic and should not be relied on as a parking area.

Residents and parents have expressed concern over the availability of on-street car parking outside of the school.

Both sides of the road north of the school entrance up to The Red Lion PH has been left un-restricted to allow for parent parking if available.

The road opposite the primary school entrance has a proposal to introduce timed (Single Yellow Line) restrictions between 8am to 5pm Monday to Friday to allow for more resident parking opportunity. It should be left free of parked vehicles during the weekday to allow for the free flow of traffic and Bus Stop access.

No waiting at any time (Double Yellow Line) restrictions have only been proposed to be introduced at locations where there are known pinch points because of a narrow road width. This includes between The Falls and No 24 High Street, at the side road junctions and along the western kerb line due to the topography of the road and difficulty in seeing traffic through the bend.

Residents have expressed concern over vehicle speeds increasing if vehicle parking is restricted.

There is still sufficient on-street parking to act as unofficial traffic calming but will create a lot less congestion or incidents where traffic is baulked. Vehicle speeds will not increase significantly due to the remaining parked vehicles.

5. Proposal and Justification

It is proposed to implement the TRO as advertised (July/August 2021) and as shown on the plan at Appendix 1 & 2.

6. Consideration of Alternative Proposals

6.1 The proposal as per the plan at Appendix 1 & 2 is considered the minimum and best solution to the issues raised and observed.

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

6.3 Option 2 – Revise the restrictions to reduce the lengths and/or location of the restrictions. This option is not recommended for the following reasons:

- Large vehicle manoeuvres will still be obstructed.
- It will not fully prevent the obstruction of residential driveways/accesses.
- It will not fully improve safety at the junctions.
- It will not fully prevent visibility issues at the junctions.
- It will not fully ensure the free flow of traffic.
- It will not fully prevent obstructive on-street parking.
- It will not fully prevent footway parking.

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

- Large vehicle manoeuvres will still be obstructed.
- It will not prevent the obstruction of residential driveways/accesses.
- It will not improve safety at the junctions.
- It will not prevent visibility issues at the junctions.
- It will not ensure the free flow of traffic.
- It will not prevent obstructive on-street parking.
- It will not prevent footway parking.

7. Impact on Local People

7.1 The restrictions will address the concerns of the SYPTE who raised issues regarding traffic congestion and uncontrolled parking along High Street and the side road junctions.

7.2 The restrictions will improve and maintain the free flow of traffic in the area by preventing inconsiderate and obstructive parking on High Street and its side road junctions.

- 7.3 The restrictions will improve the overall safety of road users. Especially, pedestrians and pushchair/wheelchair users who regularly have to deal with vehicles parked on the narrow footways.
- 7.4 There will be some loss of on-street parking space. High Street residences are an equal mix of residencies with off-street parking available and those without off-street parking facility. There will still be adequate on-street parking space available for residents, outside or very near their residencies. Some inconvenience will be caused.

8. Financial Implications

- 8.1 The financial implications remain the same as previously reported.

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. Consultations

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

11. 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 has to 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	Low

	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.	
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12. Compatibility with European Convention on Human Rights

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

13. List of Appendices

- Appendix 1 – Plan of the proposed restrictions (south side).
- Appendix 2 – Plan of the proposed restrictions (north side)
- Appendix 3 – Traffic Regulation Order and Delegated Powers Report (DPR) - Signed

14. Background Papers

14.1 Traffic Team file – 4177

Officer Contact: Darren Storr, Traffic Engineer.

Date: November 2021