

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

**TIVY DALE, THE PARK, TIVY DALE DRIVE, TIVY DALE CLOSE,
DARTON ROAD, MALKILN ROW and CHURCH STREET, Cawthorne, Barnsley.**

Proposed Waiting restrictions.

Subject

Cawthorne village is near Cannon Hall Country Park, Cannon Hall Museum, Parks and Gardens and Cannon Hall Garden Centre and Thyme Bistro facilities.

The increased popularity of the Cannon Hall Country Park area has resulted in Cawthorne village being swamped by members of the public parking indiscriminately and carelessly along Tivy Dale and into the village centre, mostly at weekends.

Currently, unrestricted parking takes place on both sides of Tivy Dale, The Park, Tivy Dale Drive, Tivy Dale Close, Darton Road, Malkiln Row and Church Street and in these junction mouths which narrows the carriageway and makes access difficult for larger vehicles such as emergency services vehicles and refuse vehicles etc. Access to a local bus stop is also obstructed.

Visibility is severely restricted for motorists manoeuvring through these roads and junctions as well as for other footway and road users.

It is proposed to prohibit vehicles waiting at any time on parts of both sides of Tivy Dale, The Park, Tivy Dale Drive, Tivy Dale Close and parts of Darton Road, Malkiln Row and Church Street, to ensure the free flow of traffic and maintain visibility at these junctions.

Due to the nature of historic tree lines, shrub planting and the angle and approach of some private driveways to the above roads, the new restrictions will be further enhanced with non-regulatory 'H' bar markings outside residential vehicle entrances to protect access and egress. This will improve safety of pedestrians and other footway users by preventing accesses being blocked or encroachment on to dropped kerb areas. A small number of 'H' marking renewals will be undertaken to refresh old and worn-out markings.

As well as the impact on access issues for residents, public safety is being put at risk due to the severely narrowed carriageway, making access for larger vehicles difficult. Half-on/half-off parking also creates significant risks to pedestrians, especially a parent with a pushchair or a wheelchair/mobility scooter user.

Authority

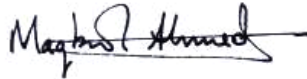
Part 3 Paragraph 20(b) Delegations to Officers: After consultation with Local Members and the relevant Parish Council, to arrange for the publication of Traffic Regulation Orders requiring the enforcement of traffic control measures and, subject to no objections being received, to make the Orders and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

Decision Taken

The proposals to be advertised and any objections to be the subject of a report to Cabinet. If there are no objections the Head of Highways and Engineering and the Legal Service Director and Solicitor to the Council be authorised to make and implement the Order.

**Financial Consultation/
Consideration:**

**Maq Ahmed - Strategic Finance Manager, on
behalf of Service Director (S151) Officer:**

Signature: _____  _____

Date: _____ 08/10/2021 _____

Date of Decision:


Damon Brown – Network Manager:

Signature: _____  _____

Date: _____ 08/10/2021 _____

Date Approved:

Ian Wilson - Head of Highways & Engineering:

Signature: _____  _____

Date: _____ 08/10/2021 _____

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

TIVY DALE, THE PARK, TIVY DALE DRIVE, TIVY DALE CLOSE DARTON ROAD, MALTKILN ROW and CHURCH STREET, Cawthorne, 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 restrictions on parts of Tivy Dale, The Park, Tivy Dale Drive, Tivy Dale Close, Darton Road, Maltkiln Row, and parts of Church Street.
- 1.2 The purpose of the TRO is to prevent indiscriminate and careless parking from occurring allowing the free flow of traffic whilst maintaining visibility, prevent half-on/half-off footway parking and secure access to private properties, side roads and a local bus stop.

2. Recommendation

It is recommended that:

The Legal Service Director and Solicitor to the Council be authorised to publish the proposed waiting restrictions on sections of Tivy Dale, The Park, Tivy Dale Drive, Tivy Dale Close, Darton Road, Maltkiln Row and parts of Church Street as described in this report and shown on the plan at Appendix 1 to 1F.

- 2.1 **Any objections be subject of a further report to Cabinet.**
- 2.2 **If there are no objections, 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

- 3.1 Cawthorne village is in close proximity to Cannon Hall Country Park, Cannon Hall Museum, Parks and Gardens and Cannon Hall Garden Centre and Thyme Bistro facilities.
- 3.2 The increased popularity of the Cannon Hall Country Park area has resulted in Cawthorne village being swamped by members of the public parking indiscriminately and carelessly along Tivy Dale, through the village centre and on to Church Street.

- 3.3 Currently, parking takes place on both sides of Tivy Dale, The Park, Tivy Dale Drive, Tivy Dale Close, Darton Road, Maltkiln Row, and parts of Church Street and in their junction mouths. This narrows the carriageway and makes access difficult for larger vehicles such as emergency services vehicles, public service vehicles and refuse vehicles etc. Access to local bus stops is also obstructed.
- 3.4 Visibility is severely restricted for motorists manoeuvring through these roads and junctions as well as for other footway and road users.
- 3.5 It is proposed prohibit vehicles waiting at any time on parts of both sides of Tivy Dale, The Park, Tivy Dale Drive, Tivy Dale Close, Darton Road, Maltkiln Row, and parts of Church Street to ensure the free flow of traffic and maintain visibility at the junctions.
- 3.6 Due to the nature of historic tree lines, shrub planting and the angle and approach of some private driveways, the new restrictions will be further enhanced with non-regulatory 'H' bar white lining outside property entrances to protect access and egress. This will improve safety of pedestrians and other footway users by preventing accesses being blocked or encroachment on to dropped curb areas.
- 3.7 As well as the impact on access issues for residents, public safety is being put at risk due to the severely narrowed carriageway, making access for larger vehicles difficult. Half-on/half-off parking also creates significant risks to pedestrians, especially a parent with a pushchair or wheelchair/mobility scooter users.

4. Proposal and Justification

- 4.1 To prohibit waiting at any time along parts of both sides of Tivy Dale, The Park, Tivy Dale Drive, Tivy Dale Close, Darton Road, Maltkiln Row and Church Street.
- 4.2 These measures will prevent inconsiderate and careless parking which obstructs access to properties and side roads and will maintain visibility for motorists.
- 4.3 These measures will prevent half-on/half-off footway parking which obstructs pedestrian access and impedes pushchair and wheelchair/mobility scooter use.

5. Consideration of Alternative Proposals

- 5.1 To leave the stretches of road unrestricted will not resolve the current difficulties experienced with the indiscriminate and careless parking, obstructed access and footways and an obstructed local bus stop.
- 5.2 Alternatives would include road engineering, bollards and barriers which would reduce the available width of the carriageway and prevent/hinder access for all road users.

6. Impact on Local People

- 6.1 The proposed restrictions will prevent indiscriminate and careless parking, half-on/half-off footway parking and improve the free flow of vehicles and access to properties and side roads.
- 6.2 Access for larger vehicles, including the emergency services and public service vehicles will also improve.

- 6.3 Usage and access to local bus stops will also improve.
- 6.2 The opportunity for residents to park outside their residences on the public highway will be reduced. Most residences have off-street private parking.

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 Parish.

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, emergency services and the SYPTE have been consulted and no adverse comments 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

<p>2. Legal challenge to the decision to make the TRO.</p>	<p>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.</p>	<p>Low</p>
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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

- Appendices 1 to 1F – Plans showing the proposals.

13. Background Papers

- 13.1 Project file - 4179

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Date: July 2021.