

## **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.

23 March 2022

### **A635 DONCASTER ROAD (and the side road junctions of Old Oaks View, Oaks Crescent, Redhill Avenue and Lambert Road, Kendray, Barnsley.**

#### **Proposed waiting restrictions**

#### **Objection Report**

#### **1. Purpose of Report**

- 1.1 The purpose of this report is to consider the 4 objections received during the Public Consultation stage of the proposal to introduce new no waiting at any time restrictions along the A635 Doncaster Road in Kendray.
- 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 the A635 Doncaster Road and its side road junctions with Old Oaks View, Oaks Crescent, Redhill Avenue and Lambert Road, as shown on Appendix 1 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 Reports of undue traffic congestion, obstruction caused by the loading/unloading of vehicles in the carriageway and footway parking were received relating to the section of the A635 Doncaster Road in Kendray between Heathfields and Ashleigh Vale.

- 3.2 Barnsley MBC Traffic Unit undertook a site visit, and an appraisal of the road was carried out.
- 3.3 Illegal and dangerous unloading of large goods vehicles as well as inconsiderate and obstructive car parking was witnessed which resulted in the road being excessively congested and, on some occasions, blocked. These actions by drivers were preventing the free flow of traffic and full and safe use of the footways.
- 3.4 As a response to this situation, it is proposed to prohibit vehicles from waiting at any time on parts of both sides of the A635 Doncaster Road between Heathfields and Ashleigh Vale, along with the side road junctions. Parts of the road will also be prohibited from loading/unloading at any time.
- 3.5 The proposals also include parking protection for the side road junctions of Old Oaks View, Oaks Crescent, Redhill Avenue and Lambert Road.
- 3.6 This scheme was advertised publicly between the 12<sup>th</sup> December 2021 and the 14<sup>th</sup> January 2022, and 5 responses were received and recorded: 1 of support and 4 objections.

#### 4. **Consideration of Objections**

The 4 objections received were recorded, and each objection is summarised below along with the location of the respondent. Some direct speech is also included.

(The Head of Highways & Engineering's comments in response to these objections follow in Section 5).

##### 1. ***(Location of objector: Doncaster Road).***

- Operates a business.
- Will potentially have a significant impact on the Business.
- Will potentially result in a reduction of employees and customers.

##### 2. ***(Location of objector: Doncaster Road).***

- Operates a business.
- May have a significant impact on the business.
- May jeopardise jobs.
- Most of the employees are not within walking or cycling distance to the site.
- Suggests there could be a compromise as to what restrictions are put in place which can still accommodate the flow of traffic on Doncaster Road and still allow parking on either side of the road.
- Business has already made changes with suppliers that make deliveries.

##### 3. ***(Location of objector: Resident – Doncaster Road).***

- Believes the road is very busy and living on it is very difficult.

##### 4. ***(Location of objector: Resident – Oaks Crescent).***

- Concerned over displacement of resident's and visitor's vehicles.

## 5. Head of Highways and Engineering Response

*"This scheme has been developed to address the illegal and dangerous unloading practices observed and reported to the Council, along with the inconsiderate and obstructive parking which obstructs the highway, causes unnecessary congestion and obstructing footways along Doncaster Road.*

*The original observations have also shown that Bus Stops were obstructed, and the side road junctions also suffered from inconsiderate and obstructive parking by car drivers, restricting visibility and preventing full and safe access/use of the footways.*

*The operators of a business were visited by a Traffic Engineer prior to designs being created and the situation discussed at length. It was highlighted to the business that their entire outside/open space was filled with stock for sale (both in front of and at the rear of the premises) with no consideration for their obligations to provide staff parking within their premises. Staff have no other option but to rely on the public highway for their (work) parking. It is predominantly the vehicles owned by the business staff that has been witnessed parking on the footways of both sides of Doncaster Road.*

*The receiving of goods deliveries is also facilitated by the sole use of the public highway with no space allocated on-site to accommodate their deliveries. Large goods vehicles have been witnessed double parked and blocking one full side of the carriageway. Whilst this practice may now have been prevented by the business reorganising its deliveries, Barnsley Highways cannot rely on 'good will' and 'promises' to control the public highway and maintain the free flow of traffic and improve safety.*

*Essentially, the purpose of the 'public highway' is to facilitate the passage of traffic and should not be relied on as a parking area. No individual has a legal right to park on the public highway outside their property, nor should they have the expectation to do so. Businesses should primarily operate their commercial activities within their premise boundary and not rely on the public highway as an overflow car park or loading/unloading area, especially for large vehicle operations which need to be located close to the business."*

*'No Waiting at Any Time' (Double Yellow Lines) restrictions have an exemption which allows for the immediate loading/unloading of goods and the picking-up and setting-down of passengers. As long as the delivery vehicles can be safely parked at the side of the road, deliveries can still take place.*

*The vast majority of residents on this section of Doncaster Road, and around the side road junctions of Oaks Crescent, Old Oaks View, Redhill Road and Lambert Avenue have off-street private parking available. These side road junctions are also only being restricted to the minimum junction protection length of 10/15 meters for safety and to protect visibility.*

*The numbers of residents without off-street parking provision are very limited and these will still have access to on-street parking very close by their homes.*

## **6. Proposal and Justification**

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

## **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/types of restrictions. This option is not recommended for the following reasons:

- Large vehicle manoeuvres and the free flow of traffic will still be obstructed.
- It will not 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 improve access to public Bus services.
- 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:

- Large vehicle manoeuvres and the free flow of traffic will still be obstructed.
- 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 improve access to public Bus services.
- It will not prevent obstructive on-street parking.

## **8. Impact on Local People**

**8.1** The restrictions will address the illegal and dangerous loading/unloading practices which obstruct and block this section of Doncaster Road.

**8.2** The restrictions will deter and will help prevent the parking on the public footways along this section of Doncaster Road.

**8.3** The restrictions will allow improved access to Bus Stops along Doncaster Road and allow for busses to clear the running lane, thereby maintaining the flow of traffic when Bus Stops are in use.

**8.4** The restrictions will improve and maintain the free flow of all traffic by maintaining a road width sufficient for large vehicles to be able to pass each other freely.

- 8.5 The restrictions will improve and maintain access to the side roads by all traffic, including emergency service, commercial and public service vehicles.
- 8.6 There will be a loss of on-street parking space available for public use, which is necessary to free-up the carriageway, maintain the road width and clear the footways of vehicles. The vast majority of residents have off-street private parking available and those residents without off-street parking will still have access to on-street parking space close by their homes.

**9. Financial Implications**

- 9.1 The financial implications remain the same as previously reported and signed in the TRO and Delegated Powers Report (TDPR) at Appendix 2 of the report submitted.

**10. 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.

**11. Consultations**

- 11.1 Internal Consultation took place between the 20<sup>th</sup> September and 19<sup>th</sup> October 2021 – No objections were received.
- 11.2 Public Consultation took place between the 17<sup>th</sup> December 2021 and the 14<sup>th</sup> January 2022 – 4 objections were received.
- 11.3 No additional consultations are required.

**12. Risk Management Issues**

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 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	Low

Risk	Mitigation/Outcome	Assessment
	followed.	
<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

**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 - TDPR – Signed ‘Traffic Regulation Order and Delegated Powers Report’, dated the 29<sup>th</sup> November 2021.

**15. Background Papers**

15.1 Traffic Team file – 4175

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**Date:** March 2022.