

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

Pontefract Road, Cudworth - Introduction of Prohibition of Waiting at Any Time

Objection Report

1. Purpose of Report

- 1.1 The purpose of this report is to consider the objections received to the proposal to introduce a Traffic Regulation Order (TRO) necessary to create a prohibition of waiting at any time at Pontefract Road, from south of Montague Street, to its junction with Crosby Street, Cudworth.
- 1.2 To seek approval to implement the proposals originally advertised, as shown in Appendix 1.

2. Recommendation

It is recommended that:

- 2.1 **The objections received to the proposals are overruled and the objectors are informed accordingly.**
- 2.2 **The Head of Highways, Engineering and Transport and The Director of Legal and Governance be authorised to make and implement the Traffic Regulation Order.**

3. Introduction/Background

- 3.1 A development was completed in September 2008 to construct houses on the former Cudworth Primary School site.
- 3.2 Since the opening of the development, there have been two (slight) personal injury collisions and a number of complaints from the residents. Concerns have also been raised on a number of occasions by South Yorkshire Police over the number of 'damage only' collisions occurring at the exit to this development. The main contributory factor relating to the collisions is the restricted visibility due to residents parking their vehicles close to the access road leading to an off road parking area provided by the developer as part of the development.
- 3.3 The close proximity of the development access to two junctions and a bus stop opposite, with a signalised pedestrian crossing to the north, means there are a large number of vehicular movements over a short length of road. Whilst there are areas where vehicles are not permitted to stop (such as the bus stop and pedestrian crossing zone), vehicles parked in other unrestricted areas are causing visibility issues leading to an ongoing issue of damage only collisions.

- 3.4** In order to address the concerns a detailed investigation was carried out and it was identified that the area between Montague Street and Crosby Street should have its current waiting restrictions assessed and to identify any amendments required or areas where new restrictions would be beneficial to reduce the number of collisions occurring.
- 3.5** In addition, a short length of no waiting at any time restriction on Pontefract Road to the south of Crosby Street does not have an associated Traffic Regulation Order. This is to be rectified as part of these proposals. This short section of waiting restriction provides visibility for vehicles exiting Crosby Street.

4. Consideration of Alternative Proposals

- 4.1** Option 1 – Overrule the objections and proceed with the proposals as shown in Appendix 1 (**recommended option**).
- 4.2** Option 2 – Decline to introduce the proposals. This option is not recommended as it does not address the potential pedestrian/vehicular conflicts identified in the report which the proposals aim to reduce.

5. Proposal and Justification

- 5.1** The proposal is to introduce a no waiting at any time restriction to Pontefract Road, from Montague Street to Crosby Street, with sufficient junction protection on Montague Street and George Street to ensure that vehicles can safely negotiate the junctions.
- 5.2** It is proposed to reduce the length of the no waiting at any time restriction (which does not currently have a TRO) to the south of Crosby Street. The remaining length will also be added to the Order to allow enforcement to take place.
- 5.3** Consultations have taken place with the Cudworth Ward Members, Area Council Manager, and the Emergency Services. No objections or adverse comments have been received. Parking Services have also been consulted over the enforcement of the restrictions.

6.0 Objections

- 6.1** As a result of advertising the proposals, 6 objections were received. The main issues raised in the objections have been categorised and are shown, along with BMBC comments, in Appendix 2. The majority of the objections concerned parking being displaced, or residents losing on-street parking, which is currently indiscriminate.

7.0 Impact on Local People

- 7.1** Some residents and businesses may be affected by not being able to park directly outside their property.

8.0 Compatibility with European Convention on Human Rights

8.1 There is not considered to be any potential interference with European Convention on Human Rights as the proposals aim to create a safer environment and prevent indiscriminate parking.

9.0 Promoting Equality, Diversity and Social Inclusion

9.1 There are no equality, diversity or social inclusion issues associated with the proposals.

10.0 Reduction of Crime and Disorder

10.1 In investigating the options set out in this report, the Council's duties under Section 17 of the Crime and Disorder Act have been considered.

10.2 There are no crime and disorder implications associated with the proposals.

11.0 Conservation of Biodiversity

11.1 There are no conservation of biodiversity issues associated with the proposals.

12.0 Risk Management Issues including Health and Safety

12.1

Risk	Mitigation/Outcome	Assessment
1. Challenge to the proposals because they infringe the Human Rights Act	Issues relating to potential interference with the Human Rights Act are fully explained and dealt with in Section 7 of this report. Any considerations of impacts have to be balanced with the rights that the Council has to provide a safe highway for people to use. The Director of Legal and Governance has developed a sequential test to consider the effects of the Human Rights Act which are followed.	Medium
2. Legal challenge to the decision to make the TRO.	The procedure to be followed in the publication and making of TRO's are set down in statute, which provides a 6 weeks period following the making of an order in which a challenge can be made in 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.	Medium

Risk	Mitigation/Outcome	Assessment
3. Deterioration of health and safety	Health and Safety is considered throughout the design/installation and maintenance process to minimise any potential occurrence. The proposals have been designed to improve road safety by protecting junction visibility sight lines for traffic emerging from side roads and improve visibility for and of pedestrians crossing Racecommon Road.	Low

13.0 Financial Implications

13.1 The costs of advertising, legal fees, road markings and signs in connection with the TRO are estimated at £3000 and are being funded from the 2016/2017 Capital Programme Integrated Transport Block Road Safety Danger Reduction Budget.

14.0 Employee Implications

14.1 Existing employees in the Highways, Engineering and Transport Service will undertake all design, consultation and implementation work. The Director of Legal and Governance will undertake all legal work associated with the advertising and making of the TRO.

15.0 Glossary

- TRO – Traffic Regulation Order

16.0 List of Appendices

- Appendix 1 – Plan showing the proposals - TR/3790/Appendix 1
- Appendix 2 – Summary of Objections to the Proposals

17.0 Background Papers

17.1 Report from SY Police concerning junction visibility.

17.2 6 Letters of objection

Officer Contact: Adam Davis

Telephone No: 787635

Date: April 2016

Annex A

Pontefract Road, Cudworth – Introduction of No Waiting at Any Time Restrictions

Objection Report

a. Financial Implications

The financial Implications for the proposals are detailed in Paragraph 13.

b. Employee Implications

Employees in the Highways, Engineering and Transport Service will undertake all design, consultation and implementation work. The Director of Legal and Governance will undertake all legal work associated with the advertising and making of the TRO.

c. Legal Implications

The proposal requires the advertisement of the TRO, which can be objected to and challenged if procedures are not adhered to, as detailed in Paragraph 12.

d. Policy Implications

The proposal promotes the Council's policies in respect of road safety and danger reduction.

e. ICT Implications

There are no ICT implications associated with the proposals.

f. Local Members

Consultations took place with the Cudworth Ward Members and no adverse comments were received. There is no Parish Council to consult.

g. Health and Safety Considerations

The proposal is designed to promote road safety.

h. Property Implications

There are no property implication issues associated with the proposals.

i. Implications for Other Services

There are no significant implications for other BMBC services arising from the recommendations in the report. The Director of Legal and Governance will undertake all legal work associated with the advertisement and making of the TRO.

j. Implications for Service Users

There are no service user implication issues associated with the proposals.

k. Communications Implications

There are no communications implication issues associated with the proposals.

Pontefract Road, Cudworth - Introduction of Prohibition of Waiting at Any Time

Objection Report

Appendix 2 Summary of Objections

Nature of Objection
6 number residents believed they would be adversely affected by not being able to park outside their properties.
BMBC Response: <ol style="list-style-type: none">1. A number of off street parking spaces are available as part of the development.2. Parking has been removed from areas where vehicles are likely to cause a road safety hazard.3. The residents along the affected route will still benefit from areas of unrestricted on street parking, which will accommodate displaced vehicles.4. The public highway is a conduit for the free flow of vehicles and should not be seen as a parking area specifically for residents vehicles.

Nature of Objection
2 number residents raised concerns about displaced parking
BMBC Response: <ol style="list-style-type: none">1. Parking has been removed from areas where vehicles are likely to cause a road safety hazard.2. The residents along the affected route will still benefit from areas of unrestricted on street parking, which will accommodate displaced vehicles.

Nature of Objection
1 number resident questioned the necessity/validity of the scheme
BMBC Response: <ol style="list-style-type: none">1. The scheme is being implemented following road safety concerns expressed by the residents, and as detailed in the South Yorkshire Police report.