

ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS

1.	Meeting:	Economic Development Planning and Transportation Matters.
2.	Date:	21st September 2009
3.	Title:	Objections to the Proposed Traffic Regulation Order to Correct the Clerical Error in the One-Way TRO for Main Street, Bramley.
4.	Directorate:	Environment and Development Services

5. Summary

To report on the objections to and comments on the proposed South Yorkshire County Council (Various Roads Bramley and Wickersley) (Traffic Measures Consolidation) (Amendment) Order 2009 (“the 2009 TRO”), the purpose of which is to correct the clerical error in the South Yorkshire County Council (Various Roads Bramley and Wickersley) (Traffic Measures Consolidation) Order 1980 (as amended) (“the 1980 TRO”).

6. Recommendations

It is recommended that:

i) the objections relating to the proposal to correct the clerical error in the South Yorkshire County Council (Various Roads Bramley and Wickersley) (Traffic Measures Consolidation) Order 1980 (as amended) be not acceded to;

ii) the Assistant Chief Executive (Legal and Democratic Services) be authorised to make The South Yorkshire County Council (Various Roads Bramley and Wickersley) (Traffic Measures Consolidation) (Amendment) Order 2009 and that the 2009 Order be implemented; and

iii) the objectors and lead petitioner be informed of the decision and the reasons for it.

7. Proposals and Details

7.1 Background

In June 2008 a clerical error was discovered in the 1980 TRO. In column 2 of Schedule 3A, the traffic flow along the one-way system on Main Street, Bramley, from its junction with Church Lane to its junction with Cross Street, is described as from east to west whereas traffic actually flows from west to east. The flow of traffic from west to east was consistent with the design of the Bramley Traffic Management Scheme ("the Scheme"), the plan annexed to the 1980 TRO and the consultations that took place prior to its making. Unfortunately, due to a clerical error this was not reflected in the 1980 TRO. Consequently, as the 1980 TRO is a legal instrument, an amending TRO is required to correct the error.

A temporary TRO was immediately made to legitimise the position on the ground. However, before proceeding to make the 2009 TRO, the public was invited to consider and comment on two options for amending the 1980 TRO.

On 30 March 2009 the Cabinet Member for Regeneration and Development Services and his advisors considered the two options in a report that outlined the results of the public consultation. Option 1 advocated retaining the existing one-way system on Main Street coupled with minor amendments to the Scheme; option 2 advocated reintroducing two-way traffic on Main Street, though prohibiting traffic from turning left from Cross Street into Main Street, coupled with other minor amendments to the Scheme. The Cabinet member and his advisors also considered the results of the consultation undertaken in November 2008. After due consideration of the two options, the Cabinet member adopted option 1 (minute 216 of 30 March 2009 refers, attached as Appendix A).

This decision was the subject of call-in and was considered by the Performance and Scrutiny Overview Committee on 28 April 2009 (minute 223 of 28 April 2009 refers, attached as Appendix B). The Committee decided not to refer the decision back for reconsideration by the Cabinet member and option 1 therefore became council policy.

The statutory process for correcting the error in the 1980 TRO commenced on the 6 July 2009 when letters were sent to statutory consultees and local ward members. On 10 July 2009 notice of the proposed making of the 2009 TRO was published in the Rotherham Advertiser, a copy of the notice and a letter explaining the reason for making it was sent to the occupiers of premises along the one way section of Main Street and similar notices placed on site.

Copies of the 2009 TRO, a plan relating to it, a statement of the reason for making it, the 1980 TRO and other amending TROs were made available for public inspection at specified locations. The period for receipt of objections ended on 7 August.

A small number of individual responses were received together with a petition containing 335 signatures objecting to the Scheme as a whole. A 38 signature petition in support of making the 2009 TRO was also received.

The Assistant Chief Executive (Legal and Democratic Services) advises that the Cabinet member has the following options:

- firstly, to make the 2009 TRO and thereby correct the clerical error in the 1980 TRO;
- secondly, not to make the 2009 TRO in which event changes would have to be made on the ground to reflect the reversal of the flow of traffic from west to east to east to west and consideration given to any knock-on effects of the change for the Scheme as a whole;
- thirdly, it is possible to modify a TRO before it is made in consequence of receipt of objections or other representations. For this purpose “modifications” includes “additions, exceptions or other modifications of any description”. In this regard, it is worth noting: (i) the objectors do not object to the amendment proposed by the 2009 TRO but to the Scheme as a whole; (ii) these objections have been considered previously; and (iii) in determining the public interest, due consideration should be given to the interests of any community or communities affected by a TRO but the overriding public interest is the right of the public at large to pass and repass in safety and with minimum inconvenience along the Queen’s highways.

7.2 Responses to 2009 TRO

South Yorkshire Police, South Yorkshire Fire and Rescue, Yorkshire Ambulance Service, and Barnsley and Rotherham Chamber of Commerce had no objections to the making of the 2009 TRO. South Yorkshire Passenger Transport Executive confirmed that First South Yorkshire, MASS Transit, Powells Bus Company and Veolia transport had no objections to the 2009 TRO.

The Council’s Legal Services department received 8 letters and e-mails of objection, including one from Bramley Parish Council, and a petition consisting of 335 signatures of objection. A summary of all of the objections is attached as Appendix C and a copy of the first page of the petition is attached as Appendix D.

A copy of the first page of the 38 signature petition in support of making the 2009 TRO is attached as Appendix E.

Receipt of the two petitions was noted at the Economic Development, Planning and Transportation Cabinet Member meeting on 14 August 2009 (minute number 39 of 14 August 2009 refers).

7.3 Reasons for objections

The 343 objections relate to the Scheme as a whole and not to the 2009 TRO. Although the objections have previously been considered by the Cabinet member and his advisors, in view of the high number received, it was felt appropriate to bring these once more to his and their attention. Accordingly, they have been broken into 5 themes or categories which are considered below.

Objection Category 1.

Two-way traffic flows and parking arrangements within Bramley have always served the village as the community requires without major problems. Allow traffic to flow in both directions on Main Street.

This option was the second of the two options considered by the Cabinet member in March 2009 but discounted in favour of option 1 for the reasons outlined in minute 216 of 30 March 2009.

The effect of making the 2009 TRO would be the correction of the clerical error in the 1980 TRO. It is therefore recommended that this objection be not acceded to.

Objection Category 2.

The one-way traffic arrangement does not serve the vitality, viability and regeneration of the village centre for businesses, residents and shoppers.

In March 2009 the Cabinet member resolved to adopt option 1, which retains the one-way system, in preference to the second option. His decision was subsequently called-in but not referred back to him for reconsideration by the Performance and Scrutiny Overview Committee. It is therefore recommended that this objection be not acceded to.

Objection Category 3.

Rotherham Council has ignored all previous consultations which clearly demonstrated the communities wish to retain two-way traffic and parking within the village centre.

The consultation results from the exhibition held in November 2008 were considered by the Cabinet member and his advisors in March 2009 when they considered the two options (the report to the meeting acknowledges that the majority of respondents to the consultation (425 out of 464 responses) were in favour of option 2). It is therefore recommended that this objection be not acceded to.

Objection Category 4.

The one way system creates problems when hold-ups occur on Bawtry Road because this creates a gridlock on Main Street. This makes it impossible for the emergency services to access Howard Road and Grange Estate areas.

Gridlock on Main Street could occur irrespective of whether it was a one-way or two-way road. South Yorkshire Police, South Yorkshire Fire and Rescue and Yorkshire Ambulance Service did not raise this as a potential problem when responding to the 1980 TRO or the 2009 TRO. It is therefore recommended that this objection be not acceded to.

Objection Category 5.

The Council should take into account the future planned development off Moor Lane South, Ravenfield and Lidget Lane, Bramley. If this development was to go ahead it could be chaos trying to get out of Bramley and Ravenfield with more than 1200 houses being planned.

There is no commitment for further development near Bramley and Ravenfield at present. However if development were to be proposed for this area, traffic management measures to mitigate any effects on the surrounding road network would be considered as an integral part of any planning application. It is therefore recommended that this objection be not acceded to.

7.4 Other Comments Received

Objections in the nature of comments are also listed in Appendix C.

- A number of objectors believe the Council has intentionally limited opportunities to register objections by not providing an e-mail response facility, and also by not making the 2009 TRO, map and statement of the Council's reasons for making it available for inspection on the internet.

The statutory procedures for publicising TROs were followed. In addition, as the purpose of the 2009 TRO is simply to correct the clerical error in the 1980 TRO, the notice publicising the proposal to make it comprehensively described the proposed amendment.

At present no details of any of the TROs that the Council promotes are provided on the RMBC website. The Planning and Regeneration Service will however consider if it is feasible to place TRO information on the Council's website and provide an e-mail response facility to further improve customer access to this information.

- An objector demanded a public inquiry if his objections are not met. There are two instances in which the Council is required to hold a public inquiry into the making of a TRO. These are where:

- the proposed TRO would have the effect of prohibiting the loading or unloading of vehicles of any class in a road at all times or at certain times and an objection is received that is not frivolous or irrelevant; or
- the proposed TRO would prohibit or restrict the passage of public service vehicles along a road and an objection has been received from a bus company that operates a bus service along the road.

Neither of these instances applies to the 2009 TRO.

- An objector expresses concerns about the effect the one-way system has had upon her business and questions whether the money spent on consultants could not have been better spent restoring Main Street to two-way traffic. Owners whose properties have been affected in value by public works including highway works may apply for compensation for the depreciation in value of the property that is attributable to the works. Business rates are calculated on rateable value so depreciation in the value of the property could affect the rates levied. But there is no power to compensate businesses for loss of trade as the public interest in carrying out highway works for the common good outweighs individual interests.

8. Finance

The cost to correct the 1980 TRO is estimated at £6,500, which will be funded from the Local Transport Plan Integrated Transport programme for 2009/10.

9. Risks and Uncertainties

Failure to correct the error in the 1980 TRO would result in drivers breaching the 1980 TRO by driving along Main Street from west to east after the temporary TRO has expired.

10. Policy and Performance Agenda Implications

Correcting the error in the 1980 TRO would not have any policy or performance implications but would bring the 1980 TRO in line with the position on the ground.

11. Background Papers and Consultation

Post Implementation Review of the Bramley Traffic Management Scheme reported to Cabinet Member for Regeneration and Development Services on 10 December 2007 (minute 162 of 10 December 2007 refers).

Proposed Bramley Traffic Management Scheme Consultation reported to Cabinet member for Regeneration and Development Services on 29 September 2008 (minute 93 of 29 September 2008 refers).

Results of the Bramley Traffic Management Scheme Consultation reported to Cabinet Member for Regeneration and Development Services on 30 March 2009 (minute 216 of 30 March 2009 refers).

Results of the Bramley Traffic Management Scheme Consultation considered by the Performance and Scrutiny Overview Committee on 28 April 2009 (minute 223 of 28 April 2009 refers)

South Yorkshire Second Local Transport Plan (2006 – 2011)

Responses to Statutory consultation

Original copies of letters, e-mails and petition of objection

Original copy of petition in support

Contact Name: *Andrew Shearer, Transportation Planner, ext 2380,*
andrew.shearer@rotherham.gov.uk
Richard Waller, Non-Contentious Team Manager, ext 7423553
richard.waller@rotherham.gov.uk