

Appendix 4

Summary of Appropriation Notice Consultation Responses

Generic Points Raised

1. There are comments that “there is no evidence” that the gyratory will achieve its objective of remedying the congestion on Dodworth Road.

The contention that there is no evidence that the gyratory will achieve its objective is incorrect. The assessment of the proposal, alternative solutions which included alternative Junction Layouts was presented in the report fully considered by Planning Regulatory Board on 18th December 2018. Each scheme was properly modelled by experienced highway consultants using industry standard software and compared on the basis of relevant criteria including congestion alleviation and cost. The other schemes considered and rejected are also summarised in section 5, consideration of alternative approaches section of this cabinet report.

2. That the highway scheme will have a harmful effect on air quality.

This issue was a relevant matter in the decision whether or not to grant planning permission. The issue of air quality was fully assessed in the report considered by Planning Regulatory Board on 18th December 2018 which advised that the scheme would in some parts give rise to a “slight adverse” impact and in others “negligible” or a “slight to substantial” beneficial” impact.

3. That the highway scheme will have a harmful effect on neighbouring occupants from traffic noise.

The issue of noise was fully assessed in the report considered by Planning Regulatory Board on 18th December 2018 and advised that with the introduction of noise mitigations on the west and north boundary adjacent Pogmoor Road and the boundary with the railway line/Pogmoor Recreation Ground in the form of 1.5m high gabion basket wall; to the east in the form of 3m acoustic fence which would sit alongside the existing vegetation on that boundary to limit noise affecting the houses beyond this boundary located on Grosvenor Walk and Dodworth Road; a similar 2.4m high fence built in the grass verge further to the south on the other side of Dodworth Road for the purposes of reducing sound levels at Firs Care Home at the side of the existing entrance to Horizon, the vast majority of properties within the noise calculation area will not experience significant adverse impacts. Some properties stand to benefit from the scheme if they accept a Noise Insulation Regulation package of measures which will be made available to the eligible residents. Nine properties were identified as likely to experience significant adverse impacts and this negative consequence was fully considered and balanced against the advantages that the scheme would give rise to in relation to congestion alleviation.

4. Loss of Mature trees

Impact of tree loss was fully assessed in the report fully considered by Planning Regulatory Board on 18th December 2018. Given the arboricultural implications of the proposal are naturally something that the Tree Officer is not supportive of, however he recognises that the scheme has been designed to limit the impacts on trees as far as possible and welcomes the most up to date mitigation plans which include substantial amount of replacement tree planting by way of compensation, which at least equals the number of trees that are to be removed. The loss of trees is recognised in the report and

is properly balanced against the advantages of the scheme referred to above. One correspondent referred to the “fact” that the existing mature trees would be replaced by small saplings. This is not the case as extra heavy standard trees are proposed to be planted.

5. Highway Safety

This representation is confined to the possibility of safety issues arising from the highway development itself and ignores the wider concern, which BMBC must take account of as highway authority of risks to safety arising from congestion and queuing of traffic on Dodworth road. In particular reference is made to the risk in the future that queuing traffic will back onto the carriageway of the M1 itself during rush hour periods. As to safety on and around the new gyratory highway this has been the subject of a stage 1 safety audit and will be subject to further staged audits of safety. The issue of safety was fully assessed the report fully considered by Planning Regulatory Board on 18th December 2018 and the conclusion reached was following completion of the detailed design an independent Stage 2 Road Safety Audit will be commissioned to identify any safety concerns which will be addressed prior to the construction phase. In addition, following the Stage 3 Road Safety Audit, which will be carried out on completion of the project, any recommendations will be considered and resolved and where appropriate implemented.

6. Habitat Loss

A number of correspondents referred to habitat loss as a result of the development and loss of trees. This issue was fully assessed in the report to Planning Regulatory Board on 18th December 2018 under the heading *Biodiversity*, The report said Overall the value of the existing habitat on the site and likelihood of significant numbers of protected species is sufficiently low that the significant impacts are not envisaged. The site is not designated for its ecological value. In addition the impacts can be reduced via mitigation including carrying out tree removal works outside of bird nesting season, ensuring that no bat roosts are present prior to felling works, replacement tree planting and the provision of new habitat to encourage protected species to nest and roost at the site.

7. Most correspondents refer to the loss of the green space. Epithets such as “destruction” “the park being taken away” and “vandalism” are used

The factual position is that a significant portion of the park will be lost to the new gyratory highway but 77.3% of the park will remain. Other correspondents refer to the harm to the character and tranquillity of the Park which will result from the development.

The Council accept that there will be an impact on the character of the park. Part of the area will be lost to the development and its character will be affected adversely by the new road. However the Council are required as the authority for both recreational land and highways to look at wider issues than the preservation of the park in its existing form. The Council were required to address the highway issue and looked at a range of solutions to the problem (See section 5 of this report). The comparative merits of the solutions were fully assessed prior to the making of a planning application and the reasons for choosing this particular scheme over rival schemes was fully detailed and explained and considered by Planning Regulatory Board on 18th December 2018. Once this scheme was judged to be the best and most effective approach the Council was left in the difficult position of balancing the benefits of the highway scheme against the harm that would be caused to the amenity of the park and local residents. In undertaking that balance the Council

came to the conclusion that the case for approving and implementing the gyratory highway scheme was more compelling than maintaining the park in its current form. The park will not be completely lost 22.7% will be given over to the highway scheme. In assessing overall public interest and the competing interests of open space and highway improvement the Council conclude that, in this case, the need for the highway works must prevail and as such the use of that part of Penny Pie Park proposed to be appropriated to Highway use is no longer required to be held by the Council for its existing purpose as public open space. In reaching this conclusion account was also taken of the works designed to improve that part of the park that will be retained following the implementation of the highway scheme. These improvements are detailed in section 4, the proposed scheme and its objectives of the cabinet report.

Specific Points Raised

8. That the highway scheme would attract more traffic which would rapidly remove any benefit.

The independent consultant that was commissioned to provide the Traffic Assessment, submitted in support of the Planning Application, has taken into account future traffic growth up to 2033.

9. That the highway scheme would facilitate the development at Capitol Park (MU1) which would have the effect described in 8 above

Evidence shows that there are compelling reasons to increase the capacity of the Dodworth Road/Broadway/Pogmoor Road junction based on existing congestion and committed development. However, to inform the amount of additional capacity that needs to be provided it is necessary to consider likely levels of future growth. The Council's Core Strategy, the current policy in place when the scheme was presented for consideration by Planning Regulatory Board on 18th December 2018, proposed to deliver 21,000 homes and 17,500 jobs on top of base development, and formed part of the current development plan for the borough until 2026, identifying Urban Barnsley as the area where the most development should take place in order to enhance Barnsley's role as a sub-regional town.

Future growth aspirations of the borough are also identified in the Economic and Housing Strategies and the Local Plan, which has now been adopted (Jan 2019) superseding the Core Strategy. This aims to significantly increase the local business base and number of new jobs in an attempt to close a substantial gap between the borough's job density and the regional and national averages. This is considered essential for the wellbeing and prosperity of the borough and its residents. The Core Strategy was not a spatial plan, so traffic modelling such a strategy presents a challenge. However Aecom have concluded that "it seems very reasonable to expect that the Core Strategy development would have a similar spatial distribution to the development of the emerging local plan, given the development levels in the emerging local plan and Core Strategy are broadly similar, the difference being that the Core Strategy would be delivered a few years earlier (2026 as opposed to 2033). Therefore the results of the local plan traffic modelling assessment for the junction/corridor can be used as a reasonable proxy for the purposes of understanding the potential impact of the Core Strategy".

10 . Adverse effect on emergency services and impact on use of the park as a landing pad for the air ambulance.

Reduction of congestion will benefit emergency service vehicles along with other users of the highway. The landing area is used by the Embrace Yorkshire and Humber Helicopter Service. Liaison is on-going with Embrace and it was confirmed in the Planning Report that this service would still continue to be permitted to land in the park after the development was completed. However the Council are aware that this service has been seeking alternatives.

11. It was suggested that the congestion problem could be solved by creating a 3rd lane to the slip road at junction 37 or allow use of the hard shoulder

The impact of the proposed highway scheme was fully considered by Highways England as a statutory consultee of Planning Process, and they have provided a formal response in favour of the planning application.

12. Particular concern about the safety of Horizon students leaving the school.

Reference is made to the answer given in response to objection no.5 above. Horizon were consulted as part of the planning application process and did not object to the proposed development. Safety on and around the new gyratory highway has been the subject of a stage 1 safety audit and will be subject to further staged audits of safety. The issue of safety was fully assessed the report fully considered by Planning Regulatory Board on 18th December 2018 and the conclusion reached was following completion of the detailed design an independent Stage 2 Road Safety Audit will be commissioned to identify any safety concerns which will be addressed prior to the construction phase. In addition, following the Stage 3 Road Safety Audit, which will be carried out on completion of the project, any recommendations will be considered and resolved and where appropriate implemented.

In addition, the scheme introduces a significant number of signalised toucan (pedestrian / cycle) crossing points.

13. A particular highway issue was raised about the gyratory leading to traffic hurtling down Shaw Lane onto Racecommon Road and hence to Townend Roundabout

A major highway improvement scheme will lead to redistribution of traffic around the network. This is true for the construction work phase and following completion of the project. However, with respect to Shaw Lane traffic calming measures are already in place to reduce traffic speed.

14. Many correspondents complained that this proposal runs contrary to National policy and the approach being taken in a number of Cities (including Leeds and Sheffield) that congestion in future would be addressed by restricting access by vehicles to urban areas/town centres.

The West Yorkshire Combined Authority (WYCA) Transport Strategy (August 2017) makes a very brief reference to "*balancing the needs for traffic access with creating spaces that people can live in and enjoy*". The Strategy however doesn't provide any specifics of how this would be achieved and the Leeds Transport Strategy is silent on this matter.

The approach taken by Sheffield in their Transport Strategy (June 2018), is to give certain roads different designations, and dependant on the designation, vehicle

access can be restricted. However the Sheffield Transport Strategy is clear this does not apply to roads designed to handle large volumes of traffic or to key public transport corridors. This approach would therefore not be appropriate for Dodworth Road.

There is also no contradiction with national policy as the National Planning Policy Framework (NPPF) – February 2019, is silent on restricting vehicle access to urban/town areas.

The NPPF does in section 102 encourage Local Authorities to identify and pursue opportunities to promote walking, cycling and public transport use. Improving bus journey times and punctuality of services along Dodworth Road will help achieve this and align with the Barnsley Transport Strategy's approach to promoting better connectivity. BMBC also in February 2019 adopted an Active Travel Strategy and is currently working on developing an Implementation Plan which will promote walking and cycling in Barnsley Town Centre and surrounding areas.

15. A number of correspondents referred to the high likelihood that the scheme would fail like other highway schemes; Birdwell, Lundwood/Cundy Cross.

The Council was required to address the highway congestions issues and looked at a range of solutions to the problem (See section 5 of this report). The comparative merits of the solutions were fully assessed prior to the making of a planning application and the reasons for choosing this particular scheme over rival schemes was fully detailed and explained and considered by Planning Regulatory Board on 18th December 2018. The independent consultant that was commissioned to provide the Traffic Assessment, submitted in support of the Planning Application, has taken into account future traffic growth up to 2033. Similar congestion schemes that have been implemented at Birdwell has proved successful.

16. A specific respondent draws attention to a Freedom of Information response received in relation to the scheme.

No further comment to the response provided in the Freedom of Information reply.

17. A correspondent suggests that much of the congestion could be resolved from providing a one way traffic system for Horizon which would entail vehicles exiting the School on Broadway.

The Council was required to address the highway congestions issues and looked at a range of solutions to the problem (see section 5 of this report). The comparative merits of the solutions were fully assessed prior to the making of a planning application and the reasons for choosing this particular scheme over rival schemes was fully detailed and explained and considered by Planning Regulatory Board on 18th December 2018. The independent consultant that was commissioned to provide the Traffic Assessment, submitted in support of the Planning Application, has taken into account future traffic growth up to 2033.

18. That there is already insufficient open space with in the local area. That Dodworth has the least provision of open space compared with other wards. That there is no alternative park within reasonable distance. That 90% of the park would be lost as a result of the development?

The Council was required to address the highway issue and looked at a range of solutions to the problem (see section 5 of this report). The comparative merits of the solutions were fully assessed prior to the making of a planning application and the reasons for choosing this particular scheme over rival schemes was fully detailed and explained and considered by Planning Regulatory Board on 18th December 2018. Once this scheme was judged to be the best and most effective approach the Council was left in the difficult position of balancing the benefits of the highway scheme against the harm that would be caused to the amenity of the park and local residents. In undertaking that balance the Council came to the conclusion that the case for approving and implementing the gyratory highway scheme was more compelling than maintaining the park in its current form. The park will not be completely lost, 22.7% will be given over to the highway scheme. In assessing overall public interest and the competing interests of open space and highway improvement the Council conclude that, in this case, the need for the highway works must prevail and as such the use of that part of Penny Pie Park proposed to be appropriated to Highway use is no longer required to be held by the Council for its existing purpose as public open space. In reaching this conclusion account was also taken of the works designed to improve that part of the park that will be retained following the implementation of the highway scheme. These improvements are detailed in section 4, the proposed scheme and its objectives of the cabinet report.

19. That the use would prejudice the use of the park for fairs and galas.

The council would not be opposed to the use of the site for fairs, Galas etc and these would be considered upon their merits as per elsewhere within the borough.

20. The park has had a lot of investment recently which would be wasted if the scheme went ahead.

The park will not be completely lost, 22.7% will be given over to the highway scheme. In assessing overall public interest and the competing interests of open space and highway improvement the Council conclude that, in this case, the need for the highway works must prevail and as such the use of that part of Penny Pie Park proposed to be appropriated to Highway use is no longer required to be held by the Council for its existing purpose as public open space. In reaching this conclusion account was also taken of the works designed to improve that part of the park that will be retained following the implementation of the highway scheme. These improvements are detailed in section 4, the proposed scheme and its objectives of the cabinet report.

Assets invested in the park will be retained where possible e.g. nature trail carvings and park equipment.

21. The Park is designated in the Local Plan as Green Space.

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residents. In undertaking that balance the Council came to the conclusion that the case for approving and implementing the gyratory highway scheme was more compelling than maintaining the park in its current form. The park will not be completely lost 22.7% will be given over to the highway scheme.

In reaching this conclusion account was also taken of the works designed to improve that part of the park that will be retained following the implementation of the highway scheme. These improvements are detailed in section 4 (The proposed scheme and its objectives) of the cabinet report.

Many of the issues raised by correspondents are not properly concerned with the question of whether the land is no longer required to be held by the Council for its existing purpose as public open space. The majority of the points relate to asserted harm that will arise from the loss of the existing use and its supplanting with the proposed use. These issues are proper considerations for the determination of the planning application and were fully assessed in reaching the conclusion that planning permission should be granted.