

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
Cabinet, 9 March 2022

A628 DODWORTH ROAD/A6133 BROADWAY/POGMOOR ROAD JUNCTION IMPROVEMENT PROPOSED TRAFFIC REGULATION ORDERS

Objection Report

1. Purpose of Report

- 1.1 The purpose of this report is to consider the 1 objection received to the proposal to amend existing waiting and loading restrictions and to introduce new waiting and loading restrictions, one-way restrictions, prohibition of driving and other restricted or prescribed manoeuvres on the newly-constructed Dodworth Road Gyratory system and surrounding roads.
- 1.2 To seek approval to overrule the objection and implement the restrictions as originally advertised.

2. Recommendation

It is recommended that the Cabinet:

- 2.1 **Agrees that the objection received be rejected for the reasons set out in the report and the objector informed accordingly.**
- 2.2 **Approves the proposal to enact a Traffic Regulation Order (TRO) to amend existing waiting and loading restrictions and to introduce new waiting/loading restrictions, one-way restrictions, prohibition of driving and other restricted or prescribed manoeuvres on the newly constructed Dodworth Road Gyratory system and surrounding roads as shown on Appendix 3 of the report submitted.s**
- 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 The A628 Dodworth Road/A6133 Broadway Junction Improvement is currently under construction and nearing completion (estimated mid to late March 2022). It is imperative that the necessary Traffic Regulation Orders

are implemented and enforceable before the new gyratory system opens fully to traffic.

- 3.2** This is to ensure that the main routes (A628/A6133 and Pogmoor Road) are kept free of extraneous parking, allowing the new signals on the gyratory to function correctly at all times and that optimum flows through the improved junction are maintained.
- 3.3** Currently, full-time waiting and loading restrictions do not permit parking / loading / unloading on the approaches to the signalised crossroads junction formed by the A628/A6133/Pogmoor Road for between 65m – 300m approximately back from the crossroads on individual legs (dependent on traffic management requirements). These then reduce to part time waiting restrictions combined with either full-time or part-time loading restrictions. There are 'School Keep Clear' markings and signing adjacent the existing access to Horizon School. Junctions off all legs are protected by at least the minimum of part-time waiting restrictions, with the majority having full-time waiting restrictions, combined with either part-time or full-time loading restrictions to maintain visibility requirements at those junctions. The junctions of Moorland Avenue and Crown Hill Road with the A628 Dodworth Road were closed some years ago and a controlled pedestrian crossing provided at the site.
- 3.4** It is proposed to prohibit waiting and loading at any time on the gyratory and its approaches on both sides of the road including Dodworth Road in both directions, Broadway and Pogmoor Road and the access to / egress from Horizon School to ensure the free flow of traffic and maintain visibility at the junctions.
- 3.5** It is proposed to prohibit driving at two points on the existing Pogmoor Road layout to form a cul-de-sac access to properties numbered 133-149 Pogmoor Road, Garden Court Apartments, White Hill Avenue and connecting roads off This will allow current full-time loading restrictions to be removed and provide some on-street parking space adjacent No. 149, although waiting restrictions will remain to protect turning heads, access to the Garden Court apartments and visibility requirements at the junctions with the access from the new Pogmoor Road alignment and White Hill Avenue. This will also improve safety for pedestrians and other footway users by preventing accesses being obstructed or encroachment on to dropped kerb areas.
- 3.6** It is proposed to extend full-time waiting restrictions along the A628 Dodworth Road up to the current termination point on the approach to the M1 Junction 37 roundabout to ensure the free flow of traffic and maintain visibility at junctions. This will also improve safety for pedestrians and other footway users by preventing accesses being obstructed or encroachment on to dropped kerb areas.
- 3.7** It is proposed to implement a clockwise one-way traffic flow system for the whole of the gyratory from its entry points at Dodworth Road, east and west approaches, Broadway to the south and Pogmoor Road north of White Hill Avenue.

3.8 These proposals were subject to statutory consultation and were advertised publicly between the 26th November and the 20th December 2021, and 1 objection was received and recorded.

4. **Consideration of Objections**

The single objection below was recorded during the public consultation period.

The objection is summarised below along with the location of the respondent.

(The Head of Highways & Engineering's comments in response follow the objections).

1. ***(Location of objector: Resident – Dodworth Road)***

- When returning to their home, the resident has to park on Dodworth Road, open the drive gates then return to their vehicle and, when traffic allows, manoeuvre to reverse onto their driveway and vice versa on leaving their home. The resident was worried they would no longer be able to do this under the proposed restrictions.

5. **Head of Highways and Engineering Response**

“The proposals have been developed to address changes required to existing Traffic Regulation Orders after the completion of the junction improvement works to prevent inconsiderate and obstructive parking, provide clear visibility at junctions with the A628 Dodworth Road Gyratory, including the A6133 Broadway and Pogmoor Road and maintain the free flow of traffic through the improved junction.

The resident will still be able to stop momentarily on the carriageway to open their gates then manoeuvre to reverse onto their driveway as the no waiting (Double Yellow Line) restriction has an exemption which allows for immediate loading/unloading of goods and services and the picking-up and setting-down of passengers. The process of manoeuvring onto the driveway, allowing for traffic movement, is also accounted for under these restrictions.

The proposed restrictions will prevent residents parking outside their homes on the affected roads but will only directly affect residents without off-street parking provision. These numbers are very limited, and on-street parking is still available nearby.

No individual has a legal right to park on the public highway outside their property, nor should they have the expectation to do so. Essentially, the purpose of the ‘public highway’ is to facilitate the passage of traffic and should not be relied on as a parking area.”

6. **Proposal and Justification**

It is proposed to implement the TRO as advertised and as discussed in the previous report submitted at Appendix 1 and the plan at Appendix 3.

7. Consideration of Alternative Proposals

- 7.1** Option 1 – Overrule the objection and proceed with the restrictions as advertised and in Appendices; **This is the preferred option.**
- 7.2** Option 2 – Decline to introduce the restrictions. This option is not recommended for the following reasons:
- It will not ensure the free flow of traffic.
 - It will not prevent visibility issues or improve visibility and safety at the junctions.
 - It will not prevent obstructive on-street parking or the blocking of residents' accesses.

8. Impact on Local People

- 8.1** The restrictions will address the issues arising from the junction improvement works and bring the existing TROs up to date with the requirements to prevent traffic congestion and uncontrolled parking along A628 Dodworth Road, A6133 Broadway and Pogmoor Road.
- 8.2** The restrictions will improve and maintain the free flow of traffic through the improved junction by preventing inconsiderate and obstructive parking.
- 8.3** The restrictions will improve and maintain access to all main and side roads by larger vehicles requiring access for both emergency service, commercial and public service reasons.
- 8.4** There may be some very minor loss of on-street parking space, but some will also be provided as part of the new road layout and the majority of residents have off-street private parking available.

9. Financial Implications

- 9.1** The financial implications remain the same as previously reported.

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 No additional consultations are required; these having already been carried out, pre-report stage.

12. 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 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 followed.	Low
2. Legal challenge to the decision to make the TRO.	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 – Traffic Regulation Order and Delegated powers Report dated 13th October 2021

- Appendix 2 – Plan - A628 Dodworth Road – Existing TROs (previously Appendix 1 to Delegated Report above)
- Appendix 3 – Plan – A628 Dodworth Road – Proposed TROs (previously Appendix 2 to Delegated Report above).

15. Background Papers

15.1 Highway Design team file – A628 Dodworth Road/A6133 Broadway/Pogmoor Road Junction Improvement

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Date: 18th January, 2022