

Record of Decision of the Head of Highways and Engineering for:

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

Subject

It is proposed to amend some of the existing waiting and loading restrictions, introduce a number of 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 for the purposes of preventing indiscriminate parking, to maintain the free flow of traffic around the newly-constructed gyratory and to protect visibility requirements at junctions.

Authority

Part 3 Paragraph 20(b) Delegations to Officers: After consultation with Local Members, to arrange for the publication of Traffic Regulation Orders requiring the enforcement of traffic control measures and, subject to no objections being received, to make the Orders and implement the restrictions.

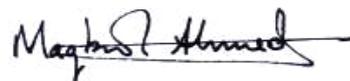
Decision Taken

The proposals to be advertised and any objections to be the subject of a report to Cabinet. If there are no objections the Head of Highways and Engineering and the Legal Service Director and Solicitor to the Council be authorised to make and implement the Orders.

Financial Consultation/Consideration:

Maqbool Ahmed – Acting Strategic Finance Manager, on behalf of Service Director (151) Officer

Signature:



Date:

03/08/2021

Date of Decision:

Damon Brown – Network Manager

Signature:



Date:

23/09/2021

Date Approved:

**Ian Wilson – Service Manager Highway
Delivery, on behalf of the Head of Highways &
Engineering**

Signature:



Date:

13/10/2021

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

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

1. Purpose of Report

- 1.1 The purpose of this report is to seek approval to advertise and implement amendments to some of the existing Traffic Regulation Orders and introduce new Traffic Regulation Orders (TROs) necessary to implement waiting and loading restrictions, one-way restrictions, prohibition of driving and other prohibited / prescribed manoeuvres on the newly constructed Dodworth Road Gyratory and existing surrounding roads.

2. Recommendation

It is recommended that:

- 2.1 **The Legal Service Director and Solicitor to the Council be authorised to publish the proposed waiting, loading and one-way restrictions, prohibition of driving and other prohibited / prescribed manoeuvres on the newly-constructed Dodworth Road Gyratory and surrounding roads, Barnsley as described in this report and shown on the plan at Appendix 2;**
- 2.2 **Any objections be the subject of a further report to Cabinet;**
- 2.3 **If there are no objections the Head of Highways and Engineering and the Legal Service Director and Solicitor to the Council be authorised to make and implement the Traffic Regulation Order.**

3. Introduction/Background

- 3.1 The A628 Dodworth Road / Broadway Junction Improvement scheme was granted Cabinet approval in July 2018 (Cab.25.7.2018/14) and received full planning approval on 18th February 2018. The scheme is currently under construction and is due to be completed by January 2022. It is imperative that the necessary traffic regulation orders are implemented and enforceable before the scheme opens fully to traffic.
- 3.2 The A628 Dodworth Road forms part of one of the main east-west routes through the Barnsley borough, being a key radial route between Barnsley town centre and Junction 37 of the M1 motorway. The A6133 provides a connecting route, via

Broadway, Park Road and Cemetery Road, between the A635 Doncaster Road to the east of Barnsley and the A628 at Dodworth Road / Pogmoor Road. Both the A6133 and Pogmoor Road form part of a circular bus route for regular services running through Worsbrough Common, Kingstone and Pogmoor between Barnsley town centre and Barnsley District General Hospital (BDGH). Dodworth Road also forms the main bus route for services from Barnsley town centre to Penistone and outlying villages in the west / south west of the borough.

- 3.3** It is essential, therefore, that these routes are kept clear of extraneous parking, allowing traffic signals to function correctly at all times and maintaining optimum traffic flows through the improved junction.
- 3.4** The scheme links in with the aims of the Council's Core Strategy (delivery of 21,000 homes and 17,500 jobs on top of base development), which forms part of the current development plan to 2026, and the Barnsley Transport Strategy 2014-2033 (better connectivity, cleaner environment, healthier population, access to work for local people, addressing social exclusion). Other issues pertaining to future growth (employment sites), traffic management around Horizon School (staggered start/finish times) bus services (service reliability and journey times) and modal shift from private cars to public transport and active travel (walking and cycling) are being investigated in conjunction with this and other key highway improvement schemes. The Council is involved in several initiatives in these areas and aims to develop an Active Travel Strategy to ensure that walking and cycling routes are promoted as part of the design of future highway projects.

4. Proposal and Justification

- 4.1** The proposal is to amend some of the existing waiting and loading restrictions in the area, introduce new waiting and loading restrictions on the newly constructed Dodworth Road Gyratory, prohibition of driving, one-way restrictions and prohibited / prescribed manoeuvres on the gyratory and surrounding roads. The proposals are shown on the plan at Appendix 2.
- 4.2** The aim of the proposals is to prevent indiscriminate parking, maintain the free flow of traffic and protect visibility requirements at junctions. The proposals are considered necessary for avoiding danger to persons or other traffic using the roads and for preventing the likelihood of any such danger arising and facilitating the passage of traffic on the roads.

5. Consideration of Alternative Proposals

- 5.1** The alternative proposal is not to amend existing restrictions nor introduce any of the proposed new restrictions. However, this is not recommended as it will mean the new traffic signals will not be able to operate effectively, appropriately and to full capacity.
- 5.1.1** Not implementing waiting and loading restrictions on the new gyratory and approaches would allow parking on the road which needs to be kept

clear of indiscriminate parking to ensure the free flow of traffic.

5.1.2 Not introducing the prohibition of driving, one-way restrictions and prohibited / prescribed manoeuvres may lead to drivers making dangerous manoeuvres and not negotiating the gyratory system effectively and safely.

5.2 Traffic restrictions are considered to be the most effective way of controlling parking. There are no other practical means of achieving the desired outcome.

6. Impact on Local People

6.1 There are a number of properties on Dodworth Road and Pogmoor Road which may be affected by the proposed changes to waiting and loading restrictions. However, the majority of affected properties appear able to accommodate two or more vehicles within their curtilages and on-street parking is available on nearby side streets.

6.2 The newly constructed gyratory and approaches will have full-time waiting and loading restrictions from opening, therefore drivers will be aware of these restrictions from first use. It is intended to reduce the extents of full-time waiting restrictions and remove loading restrictions altogether on what will become the former alignment of Pogmoor Road limiting them to the approaches to White Hill Avenue and Garden Court, the junction of White Hill Avenue with Pogmoor Road and in the turning heads. Therefore, a short length of on-street parking space will be available to residents and visitors on the previously restricted road outside Nos 147-149 Pogmoor Road. There is no intention to amend any existing restrictions on the surrounding side streets, except for White Hill Avenue, the length of which will be reduced slightly.

7. Financial Implications

7.1 The Service Director Finance (S151 Officer) has been consulted on this proposal.

7.2 The cost of works, advertising and legal fees associated with the TRO are **estimated** at £64,914.00. This comprises of the following:

Works	£57,414
Traffic Regulation Order (incl. Professional legal fees, legal advertising & professional fees)	£ 7,500

7.3 The above costs are estimated and the professional fees include an allowance to deal with objections as part of the process, although it is not possible to determine the actual number of objections. The scheme is fully funded by the Sheffield City Region Local Growth Fund and Barnsley Council and the above costs are included in the Appendix A for the overall scheme approved by Cabinet. At 27 May 2021, £883k is available from the approved amount to fund this TRO and other outstanding works. No Appendix A is therefore included with this report.

8. Legal Implications

- 8.1 The Road Traffic Regulation Act 1984 provides the appropriate powers for the Council to make the proposed Traffic Regulation Orders
- 8.2 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 Act 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.

9. Consultations

- 9.1 Consultations have taken place with Dodworth ward members. An objection has been received from one member to the proposed removal of full-time loading restrictions from the section of Pogmoor Road which will form a cul-de-sac to the front of Nos. 133–149, concerned that the area will be used for parking/waiting by parents dropping off/picking up their children during the school day. It was explained that, since that section would no longer form part of the main traffic route, it did not require such severe restrictions which would be reduced / removed to suit the new layout. No other objections or adverse comments have been received. The emergency services have been consulted and no objections or adverse comments have been received.

10. Risk Management Issues

Risk	Mitigation/Outcome	Assessment
1. Challenge to the proposals because they infringe the Human Rights Act	It is not considered that 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 Executive Director of Core Services 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	Low

	down and the Council follows the prescribed procedures the risk is minimal	
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11 Compatibility with European Convention on Human Rights

11.1 There is a potential interference with the Convention on Human Rights in that it is proposed to implement measures, which may be perceived to be detrimental to the interests of private individuals, for the benefit of the public in general. Possible interference might arise under Article 8 – Right to respect for private and family life, or Article 1 of the First Protocol – Protection of Property.

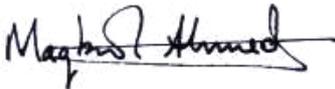
12 List of Appendices

- Appendix 1 – Plan showing existing traffic regulation orders.
- Appendix 2 – Plan showing proposed traffic regulation orders.

13 Background Papers

13.1 Project file.

Officer Contact: Liz Campbell **Telephone No:** 772091 **Date:** 14th July, 2021

Financial Implications/Consultation.... 03/08/2021.....
 (To be signed by senior Financial Services officer where no financial implications)