



Report to the Secretary of State for Transport

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an Inspector appointed by the Secretary of State for Transport

Date: 24 October 2011

HIGHWAYS ACT 1980

ACQUISITION OF LAND ACT 1981

THE ROTHERHAM BOROUGH COUNCIL

**(A57 WORKSOP ROAD-SHEFFIELD ROAD IMPROVEMENT M1 JUNCTION 31
TO TODWICK CROSSROADS)**

(CLASSIFIED ROAD) (SIDE ROADS) ORDER 2009

THE ROTHERHAM BOROUGH COUNCIL

**(A57 WORKSOP ROAD-SHEFFIELD ROAD IMPROVEMENT M1 JUNCTION 31
TO TODWICK CROSSROADS)**

COMPULSORY PURCHASE ORDER 2009

AND

THE ROTHERHAM BOROUGH COUNCIL

**(A57 WORKSOP ROAD-SHEFFIELD ROAD IMPROVEMENT M1 JUNCTION 31
TO TODWICK CROSSROADS)**

SUPPLEMENTARY COMPULSORY PURCHASE ORDER 2009

Dates of Inquiry: 4 October 2011 to 6 October 2011

File Refs: DN5037/55/7/32, DN5037/60/1/46 and DN5037/60/1/47

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Case Details

- The Side Roads Order (SRO) is made under sections 14 and 125 of the Highways Act 1980 by Rotherham Metropolitan Borough Council and is dated 15 October 2009.
- The Compulsory Purchase Order (CPO) is made under sections 239, 240, 246 and 260 of the Highways Act 1980 and the Acquisition of Land Act 1981 by Rotherham Metropolitan Borough Council and is dated 15 October 2009.
- The Supplementary Compulsory Purchase Order (CPO) is made under sections 239, 240, 246 and 260 of the Highways Act 1980 and the Acquisition of Land Act 1981 by Rotherham Metropolitan Borough Council and is dated 17 December 2009.
- Rotherham Metropolitan Borough Council (referred to as 'the authority') submitted the Orders for confirmation to the Secretary of State for Transport.
- If confirmed, the SRO would authorise the authority to improve, stop-up and construct new highways and stop-up and provide new means of access to premises.
- If confirmed, the CPO and Supplementary CPO would authorise the authority to compulsorily purchase land and the rights over land for the purposes of the improvement of part of the classified road, the A57; the construction of new highways; the improvement of existing highways; the provision of new means of access to premises and land; use by the authority in connection with the improvement and construction of highways and the provision of new means of access; and the mitigation of any adverse effects which the existence or use of the highways proposed to be constructed or improved will have on their surroundings.
- When the inquiry opened there were 11 statutory objections and 4 non-statutory objections to the SRO and 10 statutory and 5 non-statutory objections to the CPO outstanding. No objections were withdrawn. One letter of support was lodged at the inquiry.

Summary of Recommendations: I recommend that the Orders be confirmed subject, in the case of the SRO and CPO, to the modifications proposed.

1. Preamble

- 1.1 I held an inquiry at the Matrix Business Centre, Nobel Way, Dinnington Business Park, Dinnington, Sheffield on 4 October 2011 to 6 October 2011 to hear representations and objections concerning applications made by Rotherham Metropolitan Borough Council (RMBC), as the promoting/acquiring authority for confirmation of the above-mentioned Orders.
- 1.2 The purposes of 'the Scheme' are to promote and improve safety for all road users by reducing the number of fatal and serious injury accidents within the section of the A57; reduce levels of delay and congestion, particularly at the A57/B6463 Todwick crossroads junction; provide support to economic regeneration, in particular the Dinnington regeneration area; improve access to employment in the area; and provide environmental improvements in terms of reduced carbon emissions, enhanced accessibility and improved facilities for pedestrians, cyclists and equestrians¹.
- 1.3 I was appointed to conduct the inquiry in accordance with section 13(2) of the Acquisition of Land Act 1981 and paragraph 7 of Schedule 1 of the Highways Act 1980.
- 1.4 I carried out an accompanied site inspection of the route of the Scheme and surrounding land, including the A57/B6463 Todwick crossroads junction,

¹ Statement of Reasons Section 2.3- Document ID1 Section F

Kiveton Lane, Goosecarr Lane, the access to Burne Farm and the accesses to Grange Farm, on 6 October 2010 following the close of the inquiry. I also completed an unaccompanied site visit of the junction, the A57, Goosecarr Lane and Kiveton Lane between the hours of 15:45 and 16:45 on 3 October, prior to opening the inquiry.

- 1.5 I prepared and circulated a note² at the opening of the inquiry setting out the tests that must be addressed in the CPO, having regard to the provisions of ODPM Circular 06/2004, and the SRO, with regard to the extinguishment of a right of way.
- 1.6 By the close of the inquiry, none of the objectors had withdrawn their objections. The 3 statutory objectors to appear at the inquiry were Mr D Teasdale of Burne Farm (represented by Mr Longden of LDA), JL & PS Hartley of Grange Farm (represented by Mr P Hartley) and Todwick Parish Council (represented by Mr S Hill). The non-statutory objector who appeared at the inquiry was Todwick Residents Group (represented by Dr Downs, Councillor Palmer and Sir J Cloke).
- 1.7 The main grounds for objection to the Orders were regarding the need for the Scheme, the level of public consultation, the loss of the right turn facility into Goosecarr Lane and the effect of any resulting additional traffic on Kiveton Lane, noise, carbon, air pollution and alternative means of access. Objections on the grounds of a proposed underpass and the speed of traffic on the proposed dual carriageway were made before the Scheme was revised to replace the underpass with an at-grade crossing and reduce the speed limit to 50mph.
- 1.8 One letter of support was received at the inquiry³.
- 1.9 The authority confirmed that it had complied with all necessary statutory formalities.
- 1.10 Prior to the inquiry the authority referred to an error in the SRO Schedule, which has also been modified to take account of changes to the Scheme⁴. At the inquiry, the authority provided details of the correction and modifications to the SRO Schedule⁵. Also, the authority referred to the CPO Schedule Plot 7 which is given as 'Owner Unknown'. It confirmed that the correct statutory procedure had been followed and that the reputed lessee of the land, Hutchison 3G, had paid rent to Mr Ryles as the owner of the land. Hutchison 3G are no longer a lessee of that land or the land in Plot 8 of the Schedule, as its mast has been removed. Mr Ryles, who is given in the Schedule as the owner of the land in Plot 8, is bankrupt and the land is in the hands of the trustees. The authority has amended the CPO Schedule accordingly and to take account of the reduction in land required as a result of the modifications to the SRO⁶.

² Document ID3

³ Document SD1.

⁴ Document CD11.

⁵ Documents ID7 and ID8.

⁶ Document ID10.

- 1.11 This report contains a brief description of the site and surroundings, the gist of the cases presented together with my conclusions and recommendations. Lists of inquiry documents are attached, including proofs of evidence.

2. Description of the Site and Surroundings

- 2.1 The site includes part of the A57 Worksop Road - Sheffield Road that is single carriageway, between the termination of the existing dual carriageway about 400 metres east of the M1 Junction 31 and its signalised crossroads junction with the B6463 Todwick Road and Kiveton Lane. It also includes part of Todwick Road to the north of the junction and some 200 metres of the A57 to the east of the junction. The surrounding land is mainly arable with some relatively small areas of woodland, including between the A57 and Todwick Grange to the north. In the area of Todwick Grange, mature stone walls line both sides of the A57 and there is access to public footpaths from the A57. The site and surrounding area are within the Green Belt.
- 2.2 The B6463 Todwick Road provides a main route to Dinnington, including the regeneration area, and has recently been improved with a replacement bridge over a railway. Kiveton Lane provides access to Kiveton and Kiveton Park, via Todwick Village and past a Primary School. Goosecarr Lane forms a T junction with the A57 between the M1 Junction 31 and its junction with the B6463 Todwick Road and provides a route into Todwick. It links with The Pastures, which forms a T junction with Kiveton Lane to the south of the School.
- 2.3 The A57 is generally about 7.3 metres wide with about a 2 metre wide footway on its northern side between the dual carriageway section from the M1 junction and the signalised crossroads junction, where it widens to provide 2 approach lanes. Street lighting is provided along this stretch of the A57. Todwick Road is relatively narrow with no footway and an up hill gradient from its junction with the A57 to an access to Grange Farm to the west. Adjacent to the north side of this access is Leadhill Lodge, and north of that is a line of mature lime trees parallel to Todwick Road. To the east of the crossroads is an access to Burne Farm from the north side of the A57.
- 2.4 To the north of the A57, between the junction with Goosecarr Lane and the M1 junction, are a private means of access to Orchard House, which also forms part of a bridleway, and a private means of access to Conduit House, which has a public footpath leading from it.

3. The Case for Rotherham Metropolitan Borough Council (RMBC)

The Scheme Background

- 3.1 RMBC seeks confirmation of the Orders with modifications to the SRO⁷ and CPO⁸. The supplementary CPO remains unchanged.
- 3.2 The SRO and CPOs are required to implement a scheme ('the Revised Scheme'), which is a variation of that proposed in 2009. The Revised Scheme followed the Comprehensive Spending Review whereby RMBC was required to explore all opportunities for cost saving and submit its Best and Final Funding Bid⁹. Discussions were held with the DfT and it was agreed that modifications

⁷ Documents DD4, DD8a, ID7 and ID8.

⁸ Appendix A3 to Document CD5, Document DD20a and Document ID10.

⁹ Document DD14a.

to the Scheme would be made in order to reduce costs¹⁰, with an estimated saving of about £750,000¹¹. The principal changes are:

- a. Deletion of the proposed underpass;
 - b. Replacement of the underpass with a TOUCAN and a PEGASUS crossing;
 - c. The consequential imposition of a 50mph speed limit.
- 3.3 An earlier scheme, granted planning permission in December 2004, is now of historic interest, but the fact the three schemes each of which was granted planning permission, without call in, and each of which was to be largely funded by the DfT indicates the continued requirement for a substantial and considered improvement to the current road.
- 3.4 The Revised Scheme would widen the existing single carriageway to a dual two lane carriageway between the termination of the existing dual carriageway of the Worksop Road - Sheffield Road 400 metres east of the M1 Junction 31 to the junction of the A57 and the B6463 Todwick Road. From the west, the first 400 metres or so would be online, then largely north of the current road alignment, with a short section south of the current road (south of Todwick Grange). The junction of the A57 and the B6463, currently a signalised crossroads, would be replaced by a five arm roundabout with a 70 metre diameter. The additional 5th arm would serve the Red Lion and adjacent land.
- 3.5 The Revised Scheme would also incorporate junction improvements at existing side roads and accesses. A TOUCAN crossing would be included on the western approach to the roundabout to give access to pedestrians and cyclists and improve safety, and new and improved footways would be provided in the vicinity of the new roundabout junction and on the south side of the A57. Additional new pedestrian, cyclist and equestrian facilities would be provided to the west of a left-in/left-out arrangement at the junction of Goosecarr Lane, which would be about 80 metres north of the current junction. These facilities would include a TOUCAN and a PEGASUS crossing. A 50mph speed limit would be introduced due to this at-grade crossing. There would be improved bus stops and linkages incorporated on the A57 to the west of Goosecarr Lane.
- 3.6 Following confirmation of the Orders, RMBC proposes to make an order restricting speed on the A57 east of Todwick crossroads to 50mph.

Chronology

- 3.7 June 1999: UDP adopted. The A57 was at this time a trunk road. It is not listed as a major highway scheme in the UDP, as the UDP makes clear¹² that it was then the responsibility of the DETR and therefore outwith the UDP.
- 3.8 July 2001: The A57 was de-trunked and inherited by RMBC. In 2001 an Annex E submission was made to the DETR¹³; modifications and consultations were made; and DETR approval was given.

¹⁰ Document CD3 paras 4.15 and 4.16.

¹¹ Document DD3a page 1 para 3 and oral evidence given at inquiry by Mr Oldham.

¹² Document DD33 para 6.5.14.

¹³ Document DD72.

- 3.9 2003: The Scheme was submitted for planning permission, including consultation on the amendments proposed by residents leading to planning permission being granted on 21 December 2004¹⁴, with no call in by the SofS, who was notified as a departure.
- 3.10 4 June 2009: Planning permission was granted for a new scheme¹⁵, following a Value Engineering exercise which identified improvements to the previous scheme. There was no call in by the SofS.
- 3.11 27 July 2009: RMBC resolves to make the SRO and CPO¹⁶ and on 15 October 2009 makes the SRO and CPO. It submits them to the SofS and advertises them.
- 3.12 15 December 2009: The Council resolves to make a Supplementary CPO as a small piece of land had been omitted from the CPO (Plot S1)¹⁷. This is submitted to the SofS and advertised.
- 3.13 15 February 2010: Original Statement of Case, followed in June 2010 by a Government moratorium on major highways schemes. The September 2010 First Inquiry date was postponed as a result.
- 3.14 December 2010: Council's Best and Final Bid¹⁸ to DfT on the Revised Scheme was successful, as one of eight following a comprehensive spending review.
- 3.15 21 July 2011: RMBC resolved that it was minded to grant planning permission for the Revised Scheme. On 25 August 2011 the SofS notified that there would be no call in, and on 30 August 2011 planning permission was granted for the Revised Scheme¹⁹.
- 3.16 26 August 2011: Revised Statement of Case²⁰.
- 3.17 1 August 2012: Proposed start date, if the Orders are confirmed within 3 months of the inquiry date²¹, with a proposed completion date of 1 December 2013.

The Case for the Acquisition in the Public Interest- 'Need'

Safety

- 3.18 The stretch of road has a very poor accident record²². In 10 years there have been 100 accidents, resulting in 10 fatal casualties, 26 seriously injured and 144 slight injuries. Even excluding the accident in 2000, in which 6 were killed and 7 seriously injured, there has been a continuing pattern of serious and fatal injuries since that time with 4 killed and 19 seriously injured. This year to August there have been 2 further accidents²³.

¹⁴ Document DD21.

¹⁵ Document DD22.

¹⁶ Document DD10.

¹⁷ Document DD11.

¹⁸ Document DD14a.

¹⁹ Document DD24a.

²⁰ Document DD3a.

²¹ Oral evidence given at the inquiry by Mr Ashmore.

²² Document CD8 para 5.7.

²³ Oral evidence given at the inquiry by Mr Ashmore.

- 3.19 A plan of these accidents²⁴ shows clusters, including fatal and serious injuries, near Poplar Cottages and Four Winds where there are severe bends and 8 of the serious accidents have been head on collisions. These are accidents where loss of control rather than pure speed has been the major factor.
- 3.20 Small scale or piecemeal approaches do not address this problem or do not address it satisfactorily:
- a. On-line improvement, including widening: Todwick Residents Group generally make it clear that they support the new road. It is also addressed by the Annex E submission²⁵. Further widening, particularly if significant, would be bound to lead to the demolition of some homes and impinge markedly on others.
 - b. Alternative measures: Measures were implemented in 2003 to address safety, including an advisory 40mph limit, high visibility double bend warning signs, SLOW road markings and hazard marker posts²⁶. The accident problems continued. It is wholly unrealistic to suggest that the addition of further signage, even if permitted, would deal with this problem.
- 3.21 The police view is that the scheme represents '*a significant improvement to the risk within that locality*'²⁷. In this respect, the Police are responsible for co-ordinating a response from all the emergency services in South Yorkshire²⁸.

Policy

- 3.22 Policy has changed over the lifetime of the schemes. Nearly all relevant policy has contained the objectives of reduction of death and injury and of congestion²⁹.
- 3.23 Particularly relevant policies are contained in:
- a. Sheffield City Region Transport Strategy (2011 – 2026)³⁰. Its aims are given as economic growth, environmental quality, quality of life and safety and security. It includes the A57 scheme³¹, stating that it '*will provide access to the M1 junction 31*', and '*It is important for safety reasons and for the continued regeneration of the former Dinnington Colliery Site*'.
 - b. South Yorkshire LTP3 Implementation Plan 2011 – 2015³². It regards the A57 as an important strategic route. A scheme for improvements on the A57 east of M1 Junction 31 is one of 9 major schemes promoted, and it indicates that it is to reduce congestion; increase safety and

²⁴ Document CD8 Appendix E.1.

²⁵ Document DD72 para 3.1.6, page 7.

²⁶ Document CD3 para 4.27.

²⁷ Document CD15

²⁸ Oral evidence given at inquiry by Mr Oldham.

²⁹ Documents DD52 and DD60a.

³⁰ Document DD17a.

³¹ Document DD17a page 55.

³² Document DD18a.

improve access to local communities, including the Dinnington regeneration area³³.

- c. Dinnington MasterPlan (English Partnership's Appraisal)³⁴. It gives an area available for regeneration at Dinnington of 85 hectares. Phase 1 of the regeneration, including Pithead Baths & Pithead Area is 29 hectares³⁵. 237,000m² has been built³⁶ with 80% occupation. Infrastructure for phase 2 is in place but no building. The position is little different from that in 2007 due to the recession and road infrastructure restraints³⁷. Of these restraints, the M1 junction 31/32 widening has taken place, as have improvements to the B6463 including a new bridge over the railway. Other M1 improvements are now part of the Highway Agency managed highways programme, which include the feasibility of the use of hard shoulders as part of the more efficient uses of resources. The Revised Scheme is the necessary final piece in the jigsaw to ensure that the much needed highway improvements are in place to enable the regeneration of Dinnington. The requirement for such improvements is emphasised by e-mails from the two major employers in the Dinnington regeneration area³⁸.

Capacity and Congestion

- 3.24 In 1996 it was appreciated that flows on this stretch of the A57 were such that dualling might well be required. The Annex E Submission indicates that the 2005 annual average daily traffic on it is about 35,000 vehicles³⁹, based on traffic survey data⁴⁰. There is now significant congestion at Todwick crossroads and the modelling shows that it is at or over capacity in several movements at AM and PM peaks and on the link itself⁴¹. Witnesses for the objectors (professional and lay) refer to this⁴².
- 3.25 Piecemeal solutions will not suffice. RMBC has already done all it could to facilitate movements within the geometry of the existing junction. A MOVA control system was installed some 5/6 years ago. Merely improving the left in from the A57 west (assuming further land could be acquired) would do little to help. Traffic, particularly HGVs, would drive into a pinch point and back up⁴³.
- 3.26 The only viable solution is a radical re-working of the link road and junction such as that proposed. With the junction further north, the arm leading to Dinnington would tie in with the improvements to the B6463 including the new railway bridge.

³³ Document DD18a paras 6.1 to 6.4.

³⁴ Document DD77.

³⁵ Document DD77 page 1.

³⁶ Document CD3 para 3.28, amended in oral evidence at the inquiry.

³⁷ Document DD77 page 4.

³⁸ Documents CD12 and CD13.

³⁹ Document DD72 Figure 7.4 page 35.

⁴⁰ Document DD74 Section 2 pages 4 to 6.

⁴¹ Document CD8 para 5.1 and table 5.1.

⁴² Evidence given by Mr Longden at the inquiry of standing traffic outside Burne Farm at various times of day and Document ID1 Section H Objectors' letter Ref 6 (Mr McWilliam) and Ref 8 (Mr Sissons).

⁴³ Oral evidence given at the inquiry by Mr Ashmore and Mr Oldham.

- 3.27 Concerns that the new roundabout would not work are misconceived. Analysis using ARCADY on the proposed roundabout shows that it would all be within capacity⁴⁴. It would be a large roundabout with 3 lanes⁴⁵. Traffic exiting Kiveton Lane in the AM peak would be aided by those turning right from the A57 west and those driving straight on from the B6463. These would have priority over westbound traffic from the A57 east. Growth has been inbuilt into this scheme based on national guidelines. LDF proposals are not included as it is not appropriate to do so.

COBA & the DfT

- 3.28 The results of the COBA analysis are impressive⁴⁶. Even with changes which are bound to lower the BCR (the proposed TOUCAN and PEGASUS crossings and a lower speed limit) the scores are 8.76 and 10.62 (15% optimism bias) and 7.34 and 8.93 if 44% optimism is applied. The equivalent figures for the 2009 scheme are in the Best and Final Funding Bid document Dec 2010⁴⁷. Such high returns (4 being regarded as a very high rate of return) are strong indications that this is not only a good and suitable scheme but that it is needed to solve significant problems.
- 3.29 Further, DfT placed the Revised Scheme into its top and very limited pool of supported schemes and, in straightened times, is prepared to fund (by payment of a fixed rather than a capped sum) to a substantial extent.
- 3.30 RMBC has shown a compelling case for land acquisition in the public interest and it has a clear idea of how the land is to be used in implementing the Revised Scheme.

Costs and Funding

- 3.31 The current costs for the Revised Scheme are estimated at £14.7 million, including land acquisition, with £11.8 million from DfT and £2.9 million from RMBC. The DfT has confirmed that, following receipt of the Best and Final Funding Bid for the Revised Scheme, Ministers have agreed to provide RMBC the funding requested, subject to conditions, and reconfirms Programme Entry for the Revised Scheme⁴⁸.
- 3.32 A summary of the history of the 'Best and Final Offer' process is given in the minute, dated 24 January 2011⁴⁹, and the minute confirms that RMBC is committed to funding the Revised Scheme to £2.9 million. All funding is thus in place.
- 3.33 RMBC submits that it has shown that all necessary resources to implement the Revised Scheme are available.

⁴⁴ Document CD8 para 5.5

⁴⁵ Evidence given by Mr Longden at the inquiry included his professional opinion that a large roundabout was the appropriate way to deal with the current congestion.

⁴⁶ Summary given in Document CD8 paras 4.8 to 4.19.

⁴⁷ Document DD14a para 3.2.

⁴⁸ Document DD2a

⁴⁹ Document DD16a

Human Rights⁵⁰

- 3.34 In making the Orders and in deciding upon the extent of land to be comprised in them, RMBC has carefully considered the balance to be struck between individual human rights of those with an interest in the land, namely their rights under Article 8 of the European Convention on Human Rights and Article 1 of the First Protocol to the Convention. Such interference is considered to be proportionate and justified in order to secure for the wider community the benefits associated with the Scheme, including improvements in road safety, regeneration benefits, reduced congestion, improved accessibility and environmental benefits. Appropriate compensation would be available to those entitled to claim it under the relevant statutory provisions.

4 The Case for the Objectors

The material points are:

Statutory Objectors

*Mr D Teasdale, Burne Farm*⁵¹

- 4.1 The CPO seeks to acquire Plots 19, 19A, 19B, 19C, 19D, 19E, 19F, 19G and 24 on the CPO map, consisting of land owned and/or occupied by the objector⁵². The previous 2003 scheme included the closure of the existing access to Burne Farm from the A57 and a new access to the farm from Todwick Road⁵³, which are no longer included in the current Scheme.
- 4.2 The grounds of objection are that the decision not to incorporate an alternative vehicular access to Burne Farm in the Scheme would result in a deterioration of the access provision for the Farm and would create an increased risk of accidents at the location of the existing access from the A57. The objector acknowledges that the most significant problems on the A57 traffic corridor occur at its crossroads junction with Todwick Road/Kiveton Lane, particularly on the A57 east approach. This junction operates at or near capacity in both morning and evening peak periods and, given the continued growth and the on-going regeneration of Dinnington, this situation is forecast to deteriorate. The traffic flows on the A57 corridor have increased in line with National Road Traffic Forecasts high growth figures and this trend is expected to continue.
- 4.3 RMBC has clearly demonstrated that the Scheme would provide an improvement to, and increase the capacity of, Todwick crossroads junction; reduce through traffic journey times; reduce junction delay, particularly at the crossroads junction; and provide the infrastructure necessary to accommodate the committed development and regeneration in the Dinnington area. As a consequence of this, there would be a significant change in the intensity of vehicles along the A57 that would seriously impact upon the opportunities to undertake any manoeuvre at the Burne Farm vehicular access. Without the provision of an alternative access, the daily operational requirements of Burne

⁵⁰ Document ID1 Section F Statement of Reasons for CPO page 16.

⁵¹ Oral evidence given by Mr Longden at the inquiry, Document ID1 Section H Objection 4 and Documents OD1 and OD2.

⁵² Document ID1 Section C Schedule and Plan.

⁵³ Document OD1 Fig 1 Page 5.

Farm would be significantly affected by this continued increase in traffic volume.

- 4.4 The termination of the Scheme from 2 lanes to a single carriageway close to the access would seriously affect the safety of slow moving agricultural vehicles and other large service vehicles accessing and egressing Burne Farm. The Farm access road is about 3.5 metres wide and does not provide sufficient width for vehicles to pass at its junction with the A57. There are mature hedgerows on both sides of the access and a bus stop is adjacent to it. There is no illumination at this location. The swept path of a FTA Articulated Vehicle⁵⁴ illustrates the difficulty of manoeuvring large farm vehicles into or out of the access. At the location of the access, sufficient visibility for a 60mph speed limit is available only at an 'x' distance of 4.5 metres back from the edge of carriageway. This causes a direct impact on the ability of emerging vehicles to safely access the available opportunities and gaps to merge with the A57 traffic.
- 4.5 It is not considered a significant departure to the planning permission for the Scheme to incorporate an alternative farm access to Burne Farm. It could be sympathetically designed with minimal environmental impact and very little intrusion on the Green Belt amenity.
- 4.6 The decision not to remove the Burne Farm access from the A57 and provide an alternative access onto Todwick Road is unsatisfactory and the SRO should not be confirmed without further consideration of this matter.

JL & PS Hartley, Grange Farm⁵⁵ (The Hartleys)

- 4.7 The CPO seeks to acquire Plots 12, 12A, 13, 13A, 13B, 13D, 13E, 13F, 13H, 14, 14A, 14B, 14C, 14D, 14E, 15, 15A, 15B, 15C, 15D, 17, 17A, 17B and 17C on the CPO map, consisting of land owned and/or occupied by the objector⁵⁶, which represents about 60% of the overall land take for the Scheme. The SRO seeks to stop-up a track from the A57 leading to Grange Farm adjoining Poplar Cottages and provide a new replacement access, and stop-up an access to Grange Farm, Todwick Grange and Leadhill Lodge from Todwick Road and provide a new replacement access.
- 4.8 The main grounds of objection are to minimise the land take and thereby the impact that the Scheme would have on the objector's business. The width of the footway/cycleway either side of the proposed dual carriageway could be 2 metres wide in accordance with paragraph 7.16 of DMRB TA 90/05⁵⁷. Relocating the new access to Grange Farm from Todwick Road about 5 metres to the south would reduce the amount of arable land that would be taken⁵⁸. It would also prevent the loss of 3 lime trees which have high landscape value⁵⁹ and, by moving it closer to the roundabout where vehicles would be travelling slower, it would be safer⁶⁰.

⁵⁴ Document OD1 Fig 2.2 Page 17.

⁵⁵ Oral evidence given by Mr P Hartley at the inquiry, Document ID1 Section H Objection 3 and Documents OD3, OD19, OD20, OD21 and OD22.

⁵⁶ Document ID1 Section C Schedule and Plan.

⁵⁷ Document CD17.

⁵⁸ Document OD3 letter, dated 26 August 2011, and attached plan.

⁵⁹ Document OD21 photographs.

⁶⁰ Document OD22.

- 4.9 The 2003 planning application originally placed the driveway within the garden boundary of Leadhill Lodge. Subsequent re-alignments have included a design that minimised the need to remove lime trees⁶¹. The current alignment includes an area for landscaping between the driveway and Leadhill Lodge which is unnecessary as Leadhill Lodge does not have any windows that would face the access and there is planting within its garden. Also, this landscape area would reduce the area of land that would be available adjacent to the driveway to clear any snow away from it⁶².
- 4.10 Other concerns include the ownership of the driveway near Leadhill Lodge and protecting the rights of way along the re-aligned access from the A57 adjacent to Todwick Grange, together with the use of that access by farm vehicles⁶³. Also, concerns about the loss of an old stone boundary wall at Castle Field and access to a field from Kiveton Lane.

*Todwick Parish Council*⁶⁴

- 4.11 The objections regarding the underpass and the 70mph speed limit have been resolved by the Revised Scheme. The remaining ground for objection is the loss of the right turn into Goosecarr Lane. The vertical alignment and nature of Goosecarr Lane is more suitable for use by vehicles, and in particular HGVs, than the alternative of Kiveton Lane, which has narrow footways and elevated properties, including a school, along it. The School and Village Hall entrances, a bus stop and a pedestrian crossing are clustered adjacent to one another and on a slope, followed immediately by the T junction with The Pastures. These are hazards that need to be assessed by drivers using Kiveton Lane. There is currently no crossing patrol for the School.
- 4.12 Kiveton Lane gives access to Todwick, Kiveton Park, Harthill, Kiveton Park Station and Thorpe Salvin, which altogether accommodated 10,798 people in 2001. The UDP proposes an extension of Kiveton Park of some 300 further dwellings with mixed commercial and retail use. RMBC has not considered the impact of the Scheme on those to the south of it. The people of Todwick have not been consulted and at a planning meeting on 21 May 2009 were only given 3 minutes for each speaker.
- 4.13 A proposal for a signal controlled right turn into Goosecarr Lane with a filter lane could be combined with the proposed pedestrian crossing on the Revised Scheme. The current proposed location of the crossing would be too close to the M1 junction such that traffic flow after leaving the roundabout would be seriously impeded. It could be sited at the Goosecarr Lane junction to enhance the free flow and speed reduction of traffic. Similar right turns have recently been installed at East and West Bawtry Road in Rotherham.
- 4.14 If the right turn into Goosecarr Lane is closed, traffic on Kiveton Lane would be likely to grow to such an extent that a by-pass of the village from the A57 would be needed. At the inquiry, a petition raised by Todwick Parish Council and signed by local people was submitted in support of the retention of a right

⁶¹ Documents OD18, OD19 plan, OD20 plan and OD3 letter, dated 26 September 2011, and attached plans.

⁶² Oral evidence given at inquiry by Mr Hartley.

⁶³ Document ID1 Section H Objection 3.

⁶⁴ Document ID1 Section H Objection 12 and Document OD4.

turn from the A57 into Goosecarr Lane in the form of a traffic controlled filter from the direction of the M1⁶⁵.

- 4.15 The Orders should be modified to retain the right turn access into Goosecarr Lane.

Non-Statutory Objectors

*Todwick Residents Group*⁶⁶

- 4.16 The latest modifications to the Scheme are welcomed, but the grounds on which the Scheme does not incorporate a right turn into Goosecarr Lane are questioned. Uncontrolled right turns have been allowed by RMBC across dual carriageways at other locations. A right turn in facility has been included on the A57 to Aston. The proposed surface level crossing could be incorporated into a right turn junction at Goosecarr Lane, minimising disruption to traffic. The Scheme would prevent Goosecarr Lane from being used to take the increased traffic from the regeneration of Kiveton more directly from the A57 and M1 rather than using Kiveton Lane.
- 4.17 The Scheme would deliver better access to Dinnington, but would decrease access to Kiveton and Kiveton Park. Although the proposed roundabout should ease general traffic congestion at Todwick crossroads, during the morning and evening peaks the volume of traffic on the A57 would be likely to increase waiting time for vehicles leaving Todwick and Dinnington unless signals are installed at the roundabout⁶⁷.
- 4.18 By stopping the right turn into Goosecarr Lane, the Scheme would close the more carbon efficient route, as the alternative route along Kiveton Lane involves a hill. Also, Kiveton Lane is more built-up, including a school, and pollution levels would be greater along it due to the difference in road conditions. No evidence has been submitted to give projections for expected future increases in traffic flows due to the substantial expansion of Kiveton and Kiveton Park.
- 4.19 An estimate based on surveys of traffic using Goosecarr Lane⁶⁸ is that about an additional 2000 vehicles per day would use Kiveton Lane as a result of closing the right turn into Goosecarr Lane. Other traffic counts taken during the hours of 17:00 to 18:00 indicate that more vehicles use Goosecarr Lane than Kiveton Lane when travelling south⁶⁹. The additional traffic on Kiveton Lane would increase the risk to road safety as pedestrians using the crossing are not noticed by drivers. The worst times for the capacity of Kiveton Lane are during the peak school times, which are between the hours of 08:30 to 08:45 and 15:00 to 15:15⁷⁰. Speed humps have been provided along Kiveton Lane to reduce speed and encourage drivers to choose alternative routes⁷¹.

⁶⁵ Document OD24.

⁶⁶ Document ID1 Section H Objection 15 and Documents OD5, OD6, OD7, OD8a, OD9, OD13, OD14, OD15, OD16, OD17 and OD23

⁶⁷ Document OD6.

⁶⁸ Document OD23.

⁶⁹ Oral evidence given at inquiry by Sir Jack Cloke.

⁷⁰ Given in oral evidence at the inquiry.

⁷¹ Document OD15 page 3 2nd para.

- 4.20 The resulting reduction in traffic that would use Goosecarr Lane would harm the businesses in Todwick along that route into the Village, due to loss of passing trade. Up to about a third of the business at the newsagent and post office was estimated as passing trade. Although the post office has closed, the restrictions affecting the traffic on Goosecarr Lane could have a serious effect on the viability and retention of local shops in Todwick⁷².
- 4.21 Goosecarr Lane has 25 properties that are accessed towards its northern end. The alternative route to these properties would be via the proposed roundabout and using the left turn into Goosecarr Lane, which would add about 1.4 miles onto the journey and could result in an additional 23,520 vehicle miles per year⁷³. This increase would involve a great cost, inconvenience, and additional time and carbon emissions.
- 4.22 Goosecarr Lane provides a diversion route in the event of the A57 being blocked, which has happened on numerous occasions. Fire and medical services based at Aston Park have been able to use the diversion, which takes about an additional 2 minutes. The removal of the right turn would put an additional 6 or 7 minutes onto this journey time⁷⁴.
- 4.23 The stretch of the A57 is sub-standard and needs improvement, but since it was de-trunked RMBC has failed to take relatively simple and inexpensive measures to straighten it and remove impediments to lorries turning left to Dinnington at the crossroads. This would not necessitate a dual carriageway. Since the original Annex E Submission in 2001, residents have not been given the option of any other scheme than that proposed and its estimated cost has risen from £6.2 million in 2001 to the current £14.7 million. A realistic low cost alternative to the Scheme should be provided that retains the right turn into Goosecarr Lane. This could be achieved either by a roundabout junction⁷⁵ or a signal controlled junction⁷⁶.
- 4.24 The suggested traffic signal controlled junction at Goosecarr Lane would cost less than the underpass that has been removed on the Revised Scheme. To eliminate the right turn facility would cause unnecessary danger to school children and hardship and inconvenience to local residents.
- 4.25 Reference has been made to a complaint that had been made to the Local Government Ombudsman against RMBC about the level of consultation that had taken place in 2003⁷⁷.

Written Representations of Objection

Statutory Objectors

*Mr and Mrs Sales, Side Farm Nursery*⁷⁸

- 4.26 The CPO seeks to acquire Plot 23 on the CPO map, consisting of part of the existing highway of which its ownership, as a result of the SRO, would revert

⁷² Document OD8a.

⁷³ Document OD9 page 1.

⁷⁴ Document OD9 page 3.

⁷⁵ Document OD15 page 3 5th para and Document OD16 penultimate para on 2nd page.

⁷⁶ Document OD9 and attached plan.

⁷⁷ Documents OD14 and OD15.

⁷⁸ Document ID1 Section H Objections 10 and 11.

to the objector⁷⁹. Access to Sales Farm is from the south side of the A57, to the east of the Todwick Road junction.

- 4.27 The grounds of objection are based on the 2003 scheme, which sought to remove the access to Side Farm from the realigned A57 and retain access along the redundant section of the A57. The current Scheme ties into the existing A57 alignment immediately to the east of the Side Farm access and does not include the alternative access. As a result, a safe access to Side Farm cannot be ensured in the future. Future turning manoeuvres would have to be undertaken with increased traffic lanes, vehicle numbers and speeds on the A57 and at a point where the A57 changes from 2 lane single to 4 to 5 lane carriageway. Therefore, it is inappropriate and contrary to prior agreements with RMBC for the SRO not to include the provision of an alternative access to Side Farm, and the goals and aspirations set out for the Scheme would not be achieved, particularly in respect of road safety, reliability and accessibility.

Mr M Sissons, Mr I Tait and Mr P A McWilliam, Grange Gardens⁸⁰

- 4.28 The CPO seeks to acquire Plot 13C on the CPO map, consisting of part of an access road, of which the objectors are occupiers⁸¹. The SRO seeks to stop-up the access from the A57 to Grange Gardens and provide a replacement access from the A57.
- 4.29 The main grounds of objection are regarding the noise levels from the A57 at Grange Gardens, the safety of the new access from the A57 to Grange Gardens and the need to maintain vehicular access to Grange Gardens during construction. The objections also include concerns about the need for the Scheme, no right turn into Goosecarr Lane, and the underpass and the speed of traffic on the A57 (prior to the modifications).

Mr S C Marshall, Conduit House Farm⁸²

- 4.30 The CPO seeks to acquire Plots 2, 2A, 2B, 2C, 2D and 2E on the CPO map, consisting of land owned and occupied by the objector⁸³. The SRO seeks to stop-up the access from the A57 to Conduit House Farm and provide a replacement access from Hardwick Lane.
- 4.31 The main grounds of objection are regarding continuity of access during the construction of the Scheme, access to Hardwick Lane, noise, and the specification of the new driveway and bridleway. The objections also include concerns about domestic waste disposal and the cess pit, future ownership of the land, fencing and stockproofing, and the underpass on the Scheme (prior to the modifications).

Messrs Waller, Hardwick Grange Farm⁸⁴

- 4.32 The CPO seeks to acquire Plots 11, 11A, 11B and 11C on the CPO map, consisting of land owned and occupied by the objector⁸⁵. The SRO seeks to

⁷⁹ Document ID1 Section C Schedule and Plan.

⁸⁰ Document ID1 Section H Objections 6, 8 and 14.

⁸¹ Document ID1 Section C Schedule and Plan.

⁸² Document ID1 Section H Objections 9 and 16.

⁸³ Document ID1 Section C Schedule and Plan.

⁸⁴ Document ID1 Section H Objections 13 and 16.

stop-up the access from the A57 to Orchard House and provide a replacement access from Hardwick Lane.

- 4.33 The main grounds of objection are regarding the ownership and maintenance responsibilities of the new driveway that would give access to Conduit House and Orchard House, gating of the access and a continuation of the right turn filter to Side Farm to include access to an adjacent field to the east.

*Lizan Investments Ltd, The Grange, Todwick Grange*⁸⁶

- 4.34 The CPO seeks to acquire Plot 13C on the CPO map, consisting of part of an access road, of which the objector is an occupier⁸⁷. The SRO seeks to stop-up the accesses to Leadhill Lodge from Todwick Road and The Grange from the A57 and provide replacement accesses. The objector is the owner of Leadhill Lodge.

- 4.35 The main grounds of objection are regarding the increased traffic noise that would be suffered by the occupants of Leadhill Lodge, the landscaping to the north of Leadhill Lodge and its ownership, and the treatment of the old access to the south of Leadhill Lodge.

*Mr and Mrs Dashper, The Grange, Todwick Grange*⁸⁸

- 4.36 The CPO seeks to acquire Plots 13, 13A, 13B, 13C, 13D, 13E, 13F, 13G, 13H, 13J, 13K, 15, 15A, 15B, 15C and 15D on the CPO map, consisting of land owned and/or occupied by the objector⁸⁹. The SRO seeks to stop-up the access to Todwick Grange from the A57 and provide a replacement access.

- 4.37 The main grounds of objection are regarding the need for Plots 13A and 13B, the possible loss of the boundary wall on Plot 13G, the ownership of the re-aligned driveway to the north of Leadhill Lodge, the reinstatement of stone pillars to the entrances to the driveways at Leadhill Lodge and from the A57 to Todwick Grange, noise at Todwick Grange, works on land edged red on a plan⁹⁰ and gating of a field to the north of Four Winds.

Non-Statutory Objectors

*Campaign to Protect Rural England South Yorkshire (CPRE)*⁹¹

- 4.38 The grounds of objection are that a robust case of need for the Scheme has not been made and alternative solutions have not been appraised, in accordance with Transport Analysis Guidance⁹². The objector has also stated that the Scheme has not been subject to full public scrutiny through the development plan process and is inconsistent with UDP policies⁹³.

- 4.39 To address the accidents on the A57, carriageway alignment should be used to force drivers to travel at appropriate vehicle speeds and the full range of local

⁸⁵ Document ID1 Section C Schedule and Plan.

⁸⁶ Document ID1 Section H Objection 2.

⁸⁷ Document ID1 Section C Schedule and Plan.

⁸⁸ Document ID1 Section H Objection 5.

⁸⁹ Document ID1 Section C Schedule and Plan.

⁹⁰ Document ID5.

⁹¹ Document ID1 Section H Objections 1 and 17 and Document OD10.

⁹² Document DD58

⁹³ Document ID1 Section H Objection 17.

road safety interventions, including speed cameras, junction improvements and driver education, should be implemented. Although dual carriageways have better safety records than single carriageways, dualling would increase average speed and reduce driver anticipation of hazards, including residents accessing their properties and slow moving agricultural vehicles joining, using and leaving the A57.

- 4.40 With regard to the capacity and journey times, there has been no assessment of the potential for managing traffic levels within both highway and environmental capacity, for modal transfer of local and through freight routes or modes. The effectiveness of small scale 'soft' measures, such as smarter travel choices, at achieving the same outcomes as the Scheme with better value for money has not been tested.
- 4.41 Detailed up-to-date evidence has not been provided to demonstrate that the Scheme is required to support the regeneration of Dinnington or the wider Borough. Transport infrastructure may have a two-way effect and suck resources out of an area or open it up to new competition which could have a negative impact on the local economy.
- 4.42 It is an accepted edict that new road capacity generates traffic⁹⁴. By law, greenhouse gas emissions in the UK must be reduced by 80% of their 1990 baseline by 2050⁹⁵. Road transport accounts for 20% of these emissions and must contribute to reducing them by reducing car trips shorter than 10 miles⁹⁶. Accommodating present and future traffic growth on the A57 conflicts with this aim. The Scheme would still make cycling on, and walking beside or crossing, the A57 an unpleasant environment and increase the likelihood of local people using their cars for short journeys.
- 4.43 Very Special Circumstances for the proposed development in the Green Belt have not been shown to exist, as the case for need has not been made.
- 4.44 The objector's proposed solution is to manage travel demand and reduce present traffic using individual comprehensive destination based travel planning, smarter travel choices, flexible on demand public transport and safety measures. Future development at Dinnington should be conditional upon the provision of cycle and pedestrian routes. Freight traffic should be managed through the South Yorkshire Freight Quality Partnership. This solution would make best use of highway capacity, increase opportunities for cycling, reduce accidents, enhance safety, improve air quality and enhance the environment. New road building should only be considered as a last resort if sustainable solutions fail.

*Miss G Keeton and 6 other Objectors*⁹⁷

- 4.45 The grounds for objection are that the Scheme would not cut accidents but would change their nature to high speed and shunting accidents at the new roundabout. It would not change the capacity of the road, due to queuing at the roundabout. The benefits of the Scheme to the regeneration of the Dinnington area are unproven and it would destroy existing rural businesses,

⁹⁴ Document CD18.

⁹⁵ Document DD59a.

⁹⁶ Document CD19.

⁹⁷ Document ID1 Section H Objection 7.

such as the Livery, due to loss of land. Making the road faster and wider would not make access to vulnerable road users, such as horse riders, any easier.

*Todwick WI*⁹⁸

- 4.46 The objection to the Scheme is that it does not include a right turn into Goosecarr Lane.

*Todwick Primary School*⁹⁹

- 4.47 The grounds for objection are regarding the effect of heavy traffic, particularly HGVs, on the safety of children crossing the road outside Todwick Primary School and staff and parents parking on the road near to the School.

5 Rebuttal of Rotherham Metropolitan Borough Council (RMBC)

The material points are:

Mr D Teasdale

- 5.1 The access is outside the red line. Traffic volumes and the configuration of the access (visibility & swept paths) remain the same and are unaffected by the Revised Scheme. The only possible change would be the promotion of an Order for a reduced speed limit on the rest of the A57 up to Anston crossroads, which would help with safety¹⁰⁰.
- 5.2 DMRB TD 42/95¹⁰¹ does not apply, as it is concerned with the construction of new road junctions and should not be applied retrospectively. The access is not a new road, but a private driveway. Even for a new road junction a 9 metre 'x' distance back from the carriageway is generous. In practical terms the RMBC standard is 4.5 metres for a new development and may be less. It is accepted that an 'x' distance of 4.5m is achieved.
- 5.3 The flow of traffic leaving the roundabout at Todwick crossroads would be interrupted by right turning vehicles from the A57 east and vehicles travelling straight ahead from Kiveton Lane. Additionally, agricultural vehicle drivers sit high, having good visibility, and are experienced. The LDA report does not attempt to provide figures for or analyse movements in and out of the access.
- 5.4 It would be difficult to justify the required land from the Green Belt for the alternative access on the basis of Very Special Circumstances. Furthermore, the objector could improve the access himself as he owns the driveway and land either side.

The Hartleys

- 5.5 There are 24 owners affected by the CPOs. It is notable, and RMBC relies on the fact, that not one so affected challenges the need for the Revised Scheme. The Hartleys are the most affected, and RMBC has been 'extremely frugal'¹⁰² in terms of land take. The 2009 & Revised Schemes substantially reduce land

⁹⁸ Document OD11.

⁹⁹ Document OD12.

¹⁰⁰ Oral evidence given at inquiry by Mr Oldham.

¹⁰¹ Document CD16.

¹⁰² Oral evidence given at inquiry by Mr Oldham.

take. The 'red line' has been drawn tightly with other ramifications, such as accommodating a new junction at Gooscarr Lane. A 3 metre footway (joint cycle and pedestrian) is incorporated when the preferred minimum in DMRB TA 90/05 is 5 metres¹⁰³.

- 5.6 In terms of the new access to Grange Farm off Todwick Road, if land is to be returned after works have taken place it will be returned to the current owner. The area to the south of the access is for essential landscaping, as included in planning permission condition 7¹⁰⁴. There are a number of lime trees both sides of the access. To move the access may involve other trees. None of the trees are the subject of a TPO. Although 3 trees are expected to be involved all may not be lost¹⁰⁵. The horizontal and vertical alignments determine where the access is to be. The current alignment is the most efficient for the range of vehicles it needs to accommodate. If moved 5 metres south then there would be problems with the horizontal and vertical alignments which are already at the minimum¹⁰⁶. With regard to snow clearance, the matter had not been previously raised before the inquiry opened, which should affect the weight to be attached to it, and other areas of land would be available under the ownership of the Hartleys to enable it to be moved¹⁰⁷.
- 5.7 The closure of the access onto the A57 at Todwick Grange and its replacement with a new shared access is necessary. Both the lane and road are much narrower than proposed and there are double white lines on the road. It is difficult to see how the current manoeuvres can be made from the access without breaking the law. It has a high accident potential. The new access would be design standard compliant and would have good visibility. The speed limit on the A57 would be reduced to 50mph. Swept paths show that the access would be able to accommodate sizeable agricultural vehicles¹⁰⁸. If needed, the central island could be reduced in size by about 0.5 metres¹⁰⁹.
- 5.8 With regard to the loss of a stone boundary wall, the wall cannot be retained in its current location¹¹⁰. Boundary treatment is covered by a condition of the planning permission¹¹¹. The stone from the wall would be given back, and the Revised Scheme would include a stone wall to the south of the A57 at Castle Field, on which it is proposed to use existing stone, if possible, to so build¹¹².

Loss of Right Turn at Goosecarr Lane (Todwick Residents Group, Todwick Parish Council, Mr I Tait, Mr P A McWilliam, Todwick WI)

- 5.9 RMBC has tried to compile the optimum scheme to address the issues of safety, capacity and regeneration referred to above. Such a scheme will concentrate upon safety, cost and economic return. Closing the right turn in and requiring vehicles to drive to the roundabout and U turn or turn down

¹⁰³ Document CD17 Table 7.3.

¹⁰⁴ Document DD24a and oral evidence given at inquiry by Mr Turvey.

¹⁰⁵ Oral evidence given at inquiry by Mr Turvey.

¹⁰⁶ Oral evidence given at inquiry by Mr Oldham.

¹⁰⁷ Oral evidence given at inquiry.

¹⁰⁸ Document CD21.

¹⁰⁹ Oral evidence given at inquiry by Mr Oldham.

¹¹⁰ Document CD6 paras 84 and 88.

¹¹¹ Document DD24a.

¹¹² Document DD3a page 52.

Kiverton Lane is a safer solution. It also improves the flow on the A57 and is less costly than maintaining the right turn.

- 5.10 Whilst the BCR was higher with an underpass, the crossing proposed by RMBC would make a relatively small impact as it would be little used. That proposed by residents would make a heavy impact to the extent that funding would be unlikely to continue¹¹³. The right turn or a roundabout would make an extremely significant difference to the economic return due to traffic delays on the A57. The DfT asked for the best and final offer in terms of cost and economic return and knows what the options are.
- 5.11 The right turn signal junction put forward by the objectors¹¹⁴ would not be viable. It is unlikely that it could be built within the red line. The crossing would require changes to the bridleway and footpath links and the PEGASUS crossing has not been allowed for. More land would be required and widening the road is not a realistic option to take the minimum amount of land¹¹⁵. It would add physical cost of about £150,000 plus £150,000 for maintenance. Additional conflicting movements on the increased width of carriageway would introduce more risk of accidents¹¹⁶.
- 5.12 The pedestrian crossing facilities on the Revised Scheme would only be activated when someone needs to cross. Traffic would not be interrupted frequently because there is very modest pedestrian activity in this location. If there were to be a crossing east of the junction of Goosecarr Lane, there would have to be a constant cycle for the signals which would cause continuing delay to A57 traffic.
- 5.13 RMBC has provided its best and final offer to the DfT and cannot go back. The effect on the economic appraisal of the Scheme of a right turn into Goosecarr Lane would significantly reduce the economic benefit by up to 50% from the COBA analysis. This could not be taken back to the DfT as it is a lesser scheme. The best scheme is the left in/left out because it reduces turning manoeuvres at that location and therefore vehicle conflicts, and there would be an alternative route along the A57 to the proposed roundabout designed to accommodate that level of flow.
- 5.14 The at-grade crossing on the Revised Scheme would be located at the confluence of bridleways and footpaths and the pedestrian desire line means that the crossing would be in the optimal location. Moving it to the other side of Goosecarr Lane would lose the link with the bridleways and footpaths¹¹⁷.
- 5.15 With regard to traffic flows, RMBC has surveyed 18 hour flows for 2007/2011¹¹⁸. Goosecarr Lane has a total of 3338/3588 vehicles and with the Scheme it drops to 1960/2095. Assuming that the balance would be picked up by Kiverton Lane, an additional flow of 1378/1473 would occur. The AM Peak for 2013 gives a right turn of $66 + 3 = 1$ a minute, and the PM Peak for 2013

¹¹³ Oral evidence given at inquiry by Mr Oldham.

¹¹⁴ Document OD9 and attached plan.

¹¹⁵ Oral evidence given at inquiry by Mr Oldham.

¹¹⁶ Oral evidence given at inquiry by Mr Oldham.

¹¹⁷ Oral evidence given at inquiry by Mr Oldham.

¹¹⁸ Document DD74 appendices B17 and B18.

gives a right turn of 159 = 2 ½ a minute¹¹⁹. These are not significant additions whether from the point of view of safety, noise or air quality.

- 5.16 In terms of extra mileage, most of the homes accessed from Goosecarr Lane are in The Pastures. Those few who live near the junction are more likely to return home from the west via the new roundabout than via Todwick village centre, which has not been allowed for in the calculations of additional traffic on Kiveton Lane. Other aspects of the calculation by Todwick Residents Group that are also contentious include the assumption that all residents travel 'all the way round', that all the assumed 35 cars travel from the M1 10 times a week, and no allowance has been made for the distance that they would have travelled prior to the Scheme. The effect on the vast majority of residents would be minimal.
- 5.17 The School on Kiveton Lane is very near the junction with The Pastures. A school crossing patrol is used for children crossing at the pedestrian crossing on Kiveton Lane and crossing The Pastures. There will be the same volume of traffic at the junction of The Pastures with Kiveton Lane with or without the Revised Scheme. It is likely that a primary school will have closed before the peak traffic flows. A pedestrian survey shows that the majority of pedestrians (71% in each peak) cross at The Pastures¹²⁰. If so, reducing flow on Goosecarr Lane and putting it on Kiveton Lane should help with any highway safety issue.
- 5.18 Noise levels on Kiveton Lane, including at the School, are predicted to have a very modest increase as a result of the Scheme¹²¹. Any small amount of additional noise in one area is balanced by its decrease in another¹²². With regard to the loss of business, personal hardship does not weigh heavily in the balance of the Scheme and the businesses are close to the School and Village Hall with a large proportion of their trade likely to be from local residents, which would be retained¹²³.
- 5.19 In relation to the other right turns that have been referred to by objectors, RMBC concedes that there are existing right turns but new junctions must be designed to the latest guidance and modern standards. On West Bawtry Road, the turning to stables in Howarth Lane has minimal usage, and the turning to Treeton via Long Lane has a flow of about 20% of that at Goosecarr Lane with no realistic alternative¹²⁴. The right turn to Aston from the A57 was installed about 20 years ago and, after an accident study over 2004 to 2006, right turns out of the junction were prohibited. The right turns at this junction are about 300 vehicles per day, which is light compared to Goosecarr Lane¹²⁵.
- 5.20 The evidence by objectors of potential new development at Kiveton/Kiveton Park is inaccurate as it is not committed development. There is no certainty which sites will be the final preferred sites for inclusion in the LDF let alone built, particularly when there are sites for some 250 homes already allocated

¹¹⁹ Document CD8 Appendix D.1.

¹²⁰ Document DD76 paras 1.2, 2.4; 2.6, 3.2 and 3.4.

¹²¹ Document CD6 paras 101, 102 and 103 and oral evidence given at inquiry by Mr Turvey.

¹²² Document CD6 paras 104 and 106.

¹²³ Oral evidence given at inquiry.

¹²⁴ Oral evidence given at inquiry by Mr Oldham.

¹²⁵ Oral evidence given at inquiry by Mr Ashmore.

where planning permissions have not been applied for¹²⁶. Given the need for Inquiries into the LDF, which would take at least 2 years, and possibly also into any planning application, development is at least 5 or 6 years away from allocation¹²⁷. To take account of this would not be in accordance with the established procedure for highway schemes or with planning policy in the UK. Developers could be asked to mitigate but RMBC cannot take account of that now. Additionally, there is no idea of the likely traffic flows from and to any new sites or how they would affect the Scheme.

CPRE

- 5.21 CPRE acknowledges the poor safety record of the A57 and that dual carriageways are safer than single, but asserts that more could have been done to correct the problem. Its solutions fail to acknowledge the steps RMBC has taken and that the problem is essentially one of alignment rather than speed. Certain of the suggested solutions, in particular carriageway alignment being used to slow speed further, seem either impractical or dangerous and driver education cannot be a local initiative.
- 5.22 With regard to the capacity and journey time benefits, the A57 carries longer distance traffic, HGVs and local commuter traffic. There is little prospect of a modal shift along this corridor for the HGVs and longer distance traffic. A lot of this traffic is coming to the M1 and wider north. The DfT agrees with RMBC on this because they acknowledge that this is a road based solution to a road based scheme¹²⁸.
- 5.23 In terms of the benefits of the Scheme, the evidence indicates that it would benefit the regeneration at Dinnington. CPRE does not suggest that it would cause any breach of air quality standards and its assertion that it is accepted that new road capacity generates traffic is disputed. Chapter 1 of 'New Deal for Transport'¹²⁹ does not state this, and the Scheme is essentially a re-alignment. It is unlikely to affect choices or influence patterns.
- 5.24 The quotations from 'Creating Growth and Cutting Carbon'¹³⁰ are essentially statements of intent. There is little opportunity with the Scheme to influence car journeys of less than 10 miles. CPRE's Proposed Solution is impractical in this environment where there is a mix of traffic, which includes some commuter, some car and some freight from a variety of sources to a variety of destinations. In the Revised Scheme, RMBC has encouraged walking and cycling. Destination travel planning is entirely appropriate in inner urban areas but not to deal with freight traffic, HGVs and local commuter traffic in a rural context¹³¹.

Accesses to Properties (Mr and Mrs Sales, Messrs Waller, Mr M Sissons, Mr I Tait, Mr P A McWilliam and Mr S C Marshall)

- 5.25 With regard to the access to Side Farm, the Scheme design was amended to take into account changes in the latest design guidelines and to ensure the

¹²⁶ Oral evidence given at inquiry by Mr Temple.

¹²⁷ Oral evidence given at inquiry by Mr Oldham.

¹²⁸ Oral evidence given at inquiry by Mr Oldham.

¹²⁹ Document CD18.

¹³⁰ Document CD19.

¹³¹ Oral evidence given at inquiry by Mr Oldham.

delivery of the most appropriate and cost-effective design. The new Scheme is a significant improvement on the current layout as it would provide a dedicated right turn in. The right turn out would remain and there would be the option for traffic travelling east to U turn at the roundabout. There is good visibility at this point¹³².

- 5.26 An extension to the right turn lane provided for Side Farm to accommodate access into an adjacent field would be outside the red line¹³³. The existing right turn into Hardwick Lane would be retained¹³⁴.
- 5.27 Appropriate access to residential properties would be maintained throughout the construction period. Grange Gardens would have an improved junction to design standards with left in/left out access. Visibility would be improved¹³⁵. The bridleway to be diverted alongside the new driveway serving Conduit House Farm would be separated from the driveway by a fence. The bridleway would be 3 metres wide and the farm access would be 4 metres wide.

Consultation (Todwick Parish Council, Todwick Residents Group and CPRE)

- 5.28 At the planning stage, the Scheme has been through full statutory consultation procedures. Public meetings were held in 2003 and again in April 2004 at Todwick Parish Hall, where the Scheme was explained in detail¹³⁶. RMBC considers that the public were properly consulted in relation to the 2003 Application and is aware of the complaint through the Council's Customer Complaints Procedure. The penultimate paragraph in the objection from the Todwick Residents Group¹³⁷ confirms that the residents were properly consulted in relation to the (relevant) 2009 Application.

Accidents (Todwick Residents Group, Todwick Parish Council, Mr I Tait, Mr P A McWilliam, Todwick Primary School, Miss G Keeton)¹³⁸

- 5.29 The layout of the road is a factor in the number of accidents. The section between Goosecarr Lane and Todwick crossroads has poor horizontal and vertical alignments. The radii of the bends between the end of the dual carriageway and the Todwick Grange entrance are significantly below the desirable minimum and the bendiness of the road between the M1 Junction 31 and Todwick crossroads is of the order of 90° per kilometre. Allowing for the usual peaks and troughs in accident statistics over the last 10 years, there remains a substantial personal injury accident problem on this substandard road.
- 5.30 RMBC has demonstrated that the new road layout would improve safety levels. Alternatives have been tried with limited success. A low cost scheme (2003) included an advisory 40 mph speed limit, signage on the bends, road studs and renewal of road markings. There was no evidence of a significant

¹³² Document CD8 Section 6 page 21.

¹³³ Oral evidence given at inquiry by Mr Ashmore.

¹³⁴ Oral evidence given at inquiry by Mr Ashmore.

¹³⁵ Document CD8 Section 6 page 23.

¹³⁶ Document CD1 Section 8 page 17.

¹³⁷ Document ID1 Section H Objection 15 page 3.

¹³⁸ Document CD8 pages 24 and 25.

improvement in safety levels. The Scheme is the most effective way of dealing with the poor accident record on this stretch of the A57.

- 5.31 It is not accepted that the accident problem would be moved rather than improved. A more extensive by-pass for Todwick, which would be extremely costly and visually intrusive in the Green Belt, is not required to address the aims and objectives of the Scheme.
- 5.32 A TOUCAN crossing is proposed to serve cyclists as well as pedestrians. Such a crossing would operate safely and effectively as vehicle speeds would be much reduced on the approach to the roundabout. A TOUCAN at this point is in accordance with design guidance for the location of crossings. The Revised Scheme would provide at-grade TOUCAN and PEGASUS crossing facilities at the 'desire line' for pedestrians using the footpath and equestrians using the bridleway¹³⁹.

Capacity/Congestion (Mr I Tait, Mr P A McWilliam, Miss G Keeton)¹⁴⁰

- 5.33 The Scheme was designed before the most recent recession in response to significant congestion and overcapacity problems, particularly near the signalised junction. Overcapacity has been evident for well over a decade and flows were already well in excess of those recommended for a single carriageway at the time of the Stage 1 Report in 1996. Capacity would be significantly improved by the Scheme but it is not accepted that improved journey times would induce more traffic because the Scheme is a realignment and improvement of an existing principal road, which is currently sub-standard.

Regeneration/Economic Benefits (Todwick Parish Council, Mr I Tait, Mr P A McWilliam, Miss G Keeton)¹⁴¹

- 5.34 The regeneration benefits of the Scheme are outlined in the planning documentation and in the Yorkshire Forward Masterplan for Dinnington¹⁴². The impact on rural businesses is not expected to be significant. The Scheme would be the main link road from the east to all of Rotherham's significant regeneration areas and to the M1 rather than of direct benefit to Waverley Advanced Manufacturing Park or the Airport Business Park specifically.

Noise (Lizan Investments Ltd, Mr and Mrs Dashper, Mr S C Marshall, Mr M Sissons, Mr I Tait and Mr P A McWilliam)

- 5.35 The Environmental Appraisal included assessments of increased road noise at a number of potentially sensitive properties. The details of the assessment have been provided by RMBC but no properties covered by the Scheme are expected to experience increases in excess of 3 dB(A)¹⁴³. The calculated change in noise levels at the property in Grange Gardens that would be closest to the A57 is an increase of 1.46 dB(A) with a level of about 60 dB(A), which is relatively quiet¹⁴⁴. The Revised Scheme would include all necessary

¹³⁹ Document CD8 page 29.

¹⁴⁰ Document CD8 pages 25 and 26.

¹⁴¹ Document CD8 pages 26 and 27.

¹⁴² Document DD77.

¹⁴³ Document CD6 para 107.

¹⁴⁴ Oral evidence given by Mr Turvey in reply to a question by the Inspector at inquiry.

mitigation, including acoustic barriers along the A57 near Conduit House Farm and Orchard House¹⁴⁵, which would reduce the predicted increase in noise levels to 1.86 dB(A) at Orchard House¹⁴⁶.

Land Take (Mr and Mrs Dashper)

- 5.36 Plots 13A and 13B are required for essential landscaping. Plot 13A is needed to screen the Grange properties and, as the road is in a cutting, to allow access for maintenance of the landscaping. Plot 13B is required for the provision of screening to Poplar Cottages and Four Winds. Both plots would be retained by RMBC. Plots 13C, 13J and 13K and the small section of Plot 13 at the junction with the A57 are all required for essential accommodation works but can be transferred back to the owner on completion, subject to certain rights¹⁴⁷.

Landscaping (Lizan Investments Ltd)

- 5.37 A landscaping scheme has been created based on the visual landscaping report prepared as part of the Environmental Appraisal. It has been costed and is deliverable. The scheme will be submitted to RMBC, as the local planning authority, pursuant to a condition in the planning permission¹⁴⁸. In total some 175 trees would be affected and these would be replaced by 176 trees of improved quality¹⁴⁹.

Air Quality and Carbon (Todwick Residents Group, CPRE, Todwick Parish Council, Mr I Tait)

- 5.38 Pollution levels are relatively low in the A57 corridor. NO₂ and PM₁₀ levels are predicted to generally decrease due to such things as new engine technology¹⁵⁰. The current road layout causes congestion, requiring vehicles to brake and accelerate frequently, which increases the level of pollutants. The COBA analysis indicates that the Scheme would result in annual savings of 150 to 152 tonnes of carbon¹⁵¹. RMBC has demonstrated how it would contribute to overall reductions in pollution and improvements in air quality generally¹⁵². The calculated concentrations are shown to be slightly higher for the Scheme than for the existing road at Orchard House, Leadhill Lodge and Todwick Primary School. None of the calculated concentrations exceed the air quality standards¹⁵³ and overall levels are lower than the current ones¹⁵⁴.

Green Belt (CPRE)

- 5.39 The Scheme is in the Green Belt. Both the 2003 and the 2009 applications made the case that there were very special circumstances to justify the development; namely: that any adverse effects on the openness of the Green Belt or other harm caused by the inappropriate development were clearly

¹⁴⁵ Oral evidence given at inquiry by Mr Turvey and Document ID6.

¹⁴⁶ Document CD6 table in para 101 and oral evidence given at inquiry by Mr Turvey.

¹⁴⁷ Document CD6 para 85.

¹⁴⁸ Document CD6 para 95.

¹⁴⁹ Document CD6 para 34.

¹⁵⁰ Document CD6 para 123.

¹⁵¹ Oral evidence given at inquiry by Mr Turvey and Document CD10 pages 73 to 74.

¹⁵² Document CD6 para 127.

¹⁵³ Document CD6 para 123 and table.

¹⁵⁴ Document CD6 table at para 120.

outweighed by the significant benefits of the road improvement scheme in terms of highway safety, improved traffic flows and improved access to the local regional and national road network, thereby facilitating the regeneration of Dinnington and the area as a whole. Both Applications were referred to the Secretary of State, on the first occasion as a departure from the UDP and in relation to development within the Green Belt and on the second occasion, in relation to the effect of the development on the openness of the Green Belt¹⁵⁵.

Other Objections (Mr and Mrs Dashper, Lizan Investments Ltd and Mr S C Marshall)

- 5.40 Ownership of the new private driveway to Conduit House Farm and Orchard House would revert to the original land owners but with access rights and maintenance liabilities to be shared between the owners of Conduit House and Orchard House. The cess pit to Conduit House Farm would be relocated and waste disposal facilities would not be affected. A stock-proof fence and hedgerow along the northern boundary of Plot 2C would be provided. A requirement for electric gates to the driveway to Conduit House and Orchard House is not justified¹⁵⁶.
- 5.41 The stone pillars at the entrance to the driveway at Leadhill Lodge could be re-instated at the location immediately adjacent to the Hartley's land (just south of his boundary). The pillars on the western drive to Todwick Grange would be re-instated on Mr and Mrs Dashper's land, taking account of visibility¹⁵⁷.

¹⁵⁵ Document CD1 Section 7.

¹⁵⁶ Document CD6 paras 90, 91, 92, 93 and 94.

¹⁵⁷ Document CD6 para 87.

6 Conclusions

6.1 Bearing in mind the submissions and representations I have reported, I have reached the following conclusions, reference being given in square brackets^[1] to earlier paragraphs where appropriate.

6.2 There are a number of considerations¹⁵⁸ to be addressed in reaching my recommendations, namely:

In respect of Compulsory Purchase Powers there should be:

- A compelling case for acquisition in the public interest, and
- evidence that this justifies interfering with the human rights of those with an interest in the land, and
- evidence that the acquiring authority has a clear idea of how the land is to be used, and
- evidence that the acquiring authority can show that all necessary resources to carry out its plans are likely to be available in a reasonable time scale, and
- evidence that the scheme is unlikely to be blocked by any impediment to implementation.

In the case of the permanent extinguishment of a right of way, an alternative reasonably convenient right of way should be provided or the right of way should not be needed.

The Revised Scheme

6.3 There is evident need for the A57 Worksop Road-Sheffield Road Improvement M1 Junction 31 to Todwick Crossroads^[3.18 -3.30]. Whilst alternative ways of addressing this need have been put forward by objectors, no substantive evidence has been provided to show that the need does not exist^[5.5].

6.4 Following the Comprehensive Spending Review, changes were made to the 2009 Scheme in order to reduce costs^{[3.14] [3.2]}. Although these have resulted in a slightly lower BCR, the Revised Scheme has remained in the 'Supported Pool' of schemes^[3.28-3.29]. The changes to reduce the cost by the replacement of an underpass by TOUCAN and PEGASUS crossings, and the subsequent need to implement a 50mph speed limit, have addressed some of the objections to the Scheme^[3.2, 4.11, 4.16, 4.29 and 4.31]. Without these changes, the evidence indicates that the Scheme would not receive the necessary funding^[3.31].

6.5 The Revised Scheme complies with all adopted policies^[3.22-3.23]. The authority has given sufficient reasons to explain why it has not been included in the UDP, due to it being a trunk road at the time that the UDP was adopted^[3.7 and 4.38]. The grant of planning permission with conditions is conclusive evidence that the local planning authority has accepted that it accords with UDP Policy

¹⁵⁸ Inspector's Note: At the inquiry I set out [1.5] these considerations or tests for the parties (see Document ID3).

regarding the Green Belt^[3.15, 4.38 and 5.39]. It has been approved in principle for funding by the DfT; and planning permission is in place^{[3.31-3.33] [3.15]}.

- 6.6 There is compelling evidence that the Revised Scheme would adequately and safely accommodate predicted traffic^[3.18-3.21 and 3.24-3.27]. I am satisfied that it would meet its objectives and the delivery of these objectives would amount to considerable public benefit^[1.2 and 3.28-3.30].

Objections

Mr D Teasdale, Burne Farm^[4.1-4.6]

- 6.7 The existing access from the A57 to Burne Farm is outside the red line for the Revised Scheme. I am satisfied that the increase in traffic at that point on the A57 would not be significantly affected by the Revised Scheme. There is insufficient evidence to demonstrate that the gaps in the traffic would not be sufficient with the Revised Scheme to allow farm vehicles to enter and exit the access safely with adequate visibility. On this basis, I find that there is insufficient justification for the stopping-up of the existing access to Burne Farm and the provision of a new access that would include a significant area of additional land take in the Green Belt^[5.1-5.4].

The Hartleys^[4.7-4.10]

- 6.8 In terms of land take, I am satisfied that there is a need for 3 metre wide footways either side for pedestrian and cycle use, in accordance with the preferred minimum width given in DMRB TA90/05 paragraph 7.16 and Table 7.3. A 2 metre width would be likely to discourage walking and cycling, given the high volume of vehicular traffic on the A57, which would be against one of the purposes of the Scheme^{[3.5] [5.5] [1.2]}. The land take to the south of the new driveway from Todwick Road has been identified as being for essential landscaping and formed part of the Revised Scheme that was granted planning permission with a condition to implement the landscaping^[5.6].
- 6.9 Given the evidence provided, the location of the driveway from Todwick Road would provide the optimum horizontal and vertical alignment, and moving it to the south would create difficulties with compliance with the relevant design standards. The 3 lime trees that have been identified as being lost due to this access may not all be lost and would be replaced by other planting. They are not subject to a TPO and moving the access could result in the loss of other trees. There would be sufficient adjoining land under the control of the objector to ensure that snow clearance should not be a problem^[5.6].
- 6.10 The replacement access from the A57 would be a significant improvement on the existing access and concerns about rights of way and ownership should be able to be resolved^[5.7]. Other concerns, including the loss of the stone wall, appear to me to have been addressed by the authority^[5.8].

Loss of Right Turn at Goosecarr Lane^[4.11-4.24, 4.29, 4.46 and 4.47]

- 6.11 I am satisfied that the removal of the right turn facility at Goosecarr Lane is necessary to prevent vehicle conflict between the number of vehicles that have been shown to make this manoeuvre and the high volume of traffic travelling east on the A57, which is greatest during peak flows^{[5.11 and 5.13] [5.15] [3.24]}.

Whilst the accident records¹⁵⁹ do not show that any accidents have occurred due to vehicles crossing the path of other vehicles when turning right at the junction, the increase in the width of the carriageway due to dualling would be likely to increase the risk of this happening, particularly with regard to HGVs making this manoeuvre^[5.11].

- 6.12 Most of the objections to the loss of the right turn, including those that signed the petition, are suggesting that a right turn facility should be included with some form of traffic control, either by signals or roundabout^[4.14 and 4.23]. A signalised junction would add to the cost of the Revised Scheme due to the likely need for additional land take, and its physical cost^{[4.16] [5.11]}. It would also significantly increase delays to traffic on the A57 beyond those that would occur due to the TOUCAN and PEGASUS crossings^[5.12]. As such, its economic benefit would be reduced to such an extent that the COBA analysis would be unlikely to be good enough to qualify for DfT funding^[5.13]. Furthermore, the TOUCAN and PEGASUS crossings would be moved away from the 'desire lines' in relation to the location of footpaths and bridleways^[5.14]. A roundabout would be likely to have a similar effect on delays and hence the COBA analysis.
- 6.13 A right turn facility has not been included in any of the schemes that have been developed since 2001^[3.7-3.16]. Alternative routes would be available by either making a U turn at the roundabout and turning left into Goosecarr Lane or turning right into Kiveton Lane at the roundabout. I am satisfied that these would be reasonably convenient, given the predicted queue lengths at the proposed roundabout^[3.27].
- 6.14 The evidence suggests that the additional traffic on Kiveton Lane would not represent a sufficient increase to harm the safety of children accessing the school, due to the crossing facilities, traffic calming and the surveyed number of pedestrians that cross Kiveton Lane^{[4.19 and 5.15] [4.47] [5.17]}. Also, the traffic would not cause any significant increase in pollution or noise on that part of Kiveton Lane^{[4.18 and 5.38] [5.18 and 5.35]}. I have not been given any substantive evidence, such as accident records on Kiveton Lane, or alternative noise or pollutant calculations to indicate otherwise. The traffic counts that have been undertaken by an objector do not give volumes that are materially greater than those used by the authority^{[4.19] [5.15]}.
- 6.15 Whilst using the roundabout to make a U turn would be most attractive to those residents living towards the northern end of Goosecarr Lane, this is relatively few compared to those living near to the southern end, at The Pastures. As such, any increase in journey times to those residents would be insufficient to outweigh the economic and safety benefits that have been shown by the authority to be achieved by the closure of the right turn into Goosecarr Lane^[4.21 and 5.16].
- 6.16 The case for keeping the right turn at Goosecarr Lane as a diversion in case of the closure of that part of the A57 is not supported by the response from the Police on behalf of all the emergency services^[3.21 and 4.22]. The concerns regarding loss of passing trade to local businesses are not supported by any substantive evidence regarding the likely effect on businesses, given that they are near to the centre of Todwick Village, and carry limited weight with regard to the confirmation of these Orders^[4.20 and 5.18].

¹⁵⁹ Document CD22

6.17 With regard to other right turn facilities at junctions in the area, the authority has been able to explain the differences between them and the Goosecarr Lane junction and, in many of these cases, using the Officer that had been involved with these junctions¹⁶⁰. On this basis, I am satisfied that those that have been referred to either involve significantly fewer right turning vehicles, have been installed a sufficient time to not be consistent with the current guidance used by RMBC, or are at locations where there are no other suitable alternative routes^[5.19]. Therefore, no direct comparisons can be made and I am satisfied that sufficient evidence has been provided to demonstrate that a right turn at Goosecarr Lane cannot be justified in terms of extra cost, delay and risk to highway safety on the A57.

Alternative Proposals^[4.23, 4.40 and 4.44]

6.18 I am satisfied that the Scheme has been developed over a sufficient period of time to ensure that an optimum solution has been arrived at to address the identified needs of reducing accidents and delays and supporting new development^[3.7-3.15, 5.9 and 5.21]. The measures that have been put in place on the existing A57 do not appear to have had any significant effect on addressing these needs^[3.20 and 3.25]. Other measures that have been suggested by objectors have been shown by the authority to be impractical, unproven or unlikely to address all these needs^[3.20, 5.21-5.24]. Therefore, I conclude that no viable alternative proposals have been put forward that would provide the same level of public benefit that would be provided by the Revised Scheme.

Consultation^[4.12, 4.25 and 4.38]

6.19 Although objectors have provided evidence of a complaint to the Local Government Ombudsman regarding the level of consultation in 2003, there is very little evidence to show that consultation regarding the current Scheme has not been in accordance with the statutory and RMBC requirements. I am satisfied that local residents have been given sufficient opportunity to be heard during the consideration of the planning application and at this inquiry to ensure that an appropriate level of consultation has taken place. The authority has confirmed at the inquiry that it has complied with all necessary statutory formalities and this has not been contested^[1.9]. Therefore, I conclude that an appropriate level of consultation has taken place at all stages in the development of the Revised Scheme.

Noise and Air Quality^[4.29, 4.31, 4.35 and 4.37]

6.20 Predicted levels of noise and air quality for the Revised Scheme show that there would be an increase in noise and a reduction in air quality at some properties, mainly those that would be closer to the A57 following its realignment. However, other properties are shown to benefit from significant reductions in noise levels and improvements in air quality^[5.18 and 5.38].

6.21 Mitigation measures, including acoustic barriers near to Conduit House Farm and Orchard House and a speed limit of 50mph, would ensure that increases in the level of noise would be below the levels that are likely to lead to audible impacts. None of the calculated concentrations of pollutants exceed the air

¹⁶⁰ At the inquiry Mr Ashmore indicated that he had been involved in the Aston and West Bawtry Road junctions.

quality standards, and improved efficiency of engines is predicted to result in an improvement in air quality over time^[5.23, 5.35 and 5.38].

- 6.22 Overall, I am satisfied that the Revised Scheme would result in an improvement in the noise climate within the A57 corridor for most properties. Also, air quality would not be compromised by the Revised Scheme and there would be a reduction in carbon generally, which is consistent with national objectives.

Development^[4.12, 4.18, 4.41]

- 6.23 There is conclusive evidence to show that the Revised Scheme would be important to the regeneration of Dinnington^[3.23, 5.23 and 5.34]. The authority has given sufficient justification to not consider the impact of potential new development at Kiveton and Kiveton Park, as this has not progressed enough to be able to predict what that impact would be on the A57 corridor^[5.20]. Therefore, I am satisfied that the authority has taken the appropriate level of consideration of new development and redevelopment in the design and justification of the Revised Scheme.

Other Objections^[4.31, 4.33, 4.35, 4.37 and 4.45]

- 6.24 The predicted increase in traffic as a result of the Revised Scheme would be insufficient to cause any significant adverse effect on the operation of the access to Side Farm. Concerns about its location in relation to the carriageway widening on the approach and exit to the proposed roundabout would be satisfactorily addressed by the inclusion of a right turn filter lane at that point. The accesses to fields that are referred to by objectors would either not be significantly affected by the Revised Scheme or the objections would be able to be overcome during the detailed design without affecting the Orders. Access during the construction should be maintained as part of the method of working to be agreed at that stage^[5.25-5.27].
- 6.25 All the land take for the Revised Scheme has been considered at the planning stage to be necessary to the grant of planning permission, and I am satisfied that the authority has given sufficient justification for the inclusion in the CPO of the land that has been queried by objectors^[5.36].
- 6.26 With regard to objections about the effect of the Revised Scheme on vulnerable road users, I am satisfied that the provision of wider footways for combined use with cyclists and TOUCAN crossings would improve access for pedestrians and cyclists, and the provision of bridleways and a PEGASUS crossing would ensure that the equestrian activities in the area would not be compromised by the Revised Scheme^[3.5 and 5.32].
- 6.27 Ownership and maintenance liabilities over land, and the re-use of stone from walls and pillars have been adequately addressed by the evidence given^[5.40-5.41]. In the light of the above, I consider that the other objections should carry limited weight.

The Orders

Side Roads Order

- 6.28 All reasonable efforts have been made to address the objections regarding the loss of a right turn facility into Goosecarr Lane and stopping-up private means of access. The other private means of access referred to above are outside

the scope of the Revised Scheme and the evidence indicates that they would not be significantly affected.

- 6.29 I am satisfied that the Revised Scheme for improving or stopping-up the highways in question and for the stopping-up of private means of access in the modified Order are necessary to meet the Scheme's objectives. With regard to the highways, other reasonably convenient routes would be available before the highways are stopped-up¹⁶¹, and with regard to the private means of access, those replacement means of access still required would be reasonable and would become available before each stopping-up takes place¹⁶². I can see no reason why the Side Roads Order should not be confirmed following completion of the corrections and modifications highlighted in paragraph 1.10 above and set out in Inquiry Documents ID7 and ID8 to take account of the Revised Scheme^[1.10 and 3.1].

Compulsory Purchase Order and Supplementary Compulsory Purchase Order

- 6.30 The objections to the Compulsory Purchase Order have been adequately addressed. Consequently, I conclude that little weight may be assigned to these objections in the balance against public benefit.
- 6.31 I find no evidence of any proposal to purchase land or rights other than those necessary to implement the Revised Scheme, and there have been no assertions to the contrary other than those that I have considered and reported above. I am therefore satisfied that the Orders, when modified to take account of the Revised Scheme, address no more land than is necessary, and the authority has a clear idea of how it intends to use the land. Budgetary provision has been announced by the DfT and, if the Orders are confirmed, work would start in 2012, for which reason I am satisfied that no land is proposed to be acquired ahead of time^{[3.31-3.32] [3.17]}. The Revised Scheme is unlikely to be blocked by any impediment to implementation^[3.28-3.33].
- 6.32 I am satisfied that there is a compelling case for the Revised Scheme to be implemented in order to support economic regeneration, promote and improve safety for all road users and reduce levels of delay and congestion. For these reasons, and having regard to ODPM Circular 06/2004, I find that there is a compelling case in the public interest for the land's compulsory purchase, which justifies interfering with the human rights of those with an interest in the land. Loss of any interest could be met by compensation^[3.34]. Therefore, I conclude that the Compulsory Purchase Order and Supplementary Compulsory Purchase Order should be confirmed with the modifications set out in Inquiry Document ID10 and Deposit Document DD20a^[3.1], to take account of up-dated information and the Revised Scheme^[1.10].

¹⁶¹ Highways Act 1980 Section 14 (6).

¹⁶² Highways Act 1980 Section 125(3).

7 Recommendations

I recommend that:

- 7.1 The Rotherham Borough Council (A57 Worksop Road-Sheffield Road Improvement M1 Junction 31 to Todwick Crossroads) (Classified Road) (Side Roads) Order 2009 be modified as set out in Inquiry Documents ID7 (Amended Schedule) and ID8 (Amendments to Dwg No 122/A57.51/2009SR01) and that the Order so modified be confirmed.
- 7.2 The Rotherham Borough Council (A57 Worksop Road-Sheffield Road Improvement M1 Junction 31 to Todwick Crossroads) (Classified Road) Compulsory Purchase Order 2009 be modified as set out in Inquiry Document ID10 (Amended Schedule) and Deposit Document DD20a (Composite CPO Plan Dwg No 122/A57.51/2011CPO1) and that the Order so modified be confirmed.
- 7.3 The Rotherham Borough Council (A57 Worksop Road-Sheffield Road Improvement M1 Junction 31 to Todwick Crossroads) (Classified Road) Supplementary Compulsory Purchase Order 2009 be confirmed.

M J Whitehead

INSPECTOR

APPENDICES

A APPEARANCES

FOR ROTHERHAM METROPOLITAN BOROUGH COUNCIL:

Mr Patrick Hamlin	Of Counsel, instructed by Mrs Ruth Hobson, Solicitor, RMBC
He called	
David Temple DipTP	Development Managing Officer, RMBC
Ian C Ashmore BSc MSc CEng MCIHT	Transportation and Traffic Manager, Planning and Regeneration Directorate, RMBC
Ian Turvey BSc MSc CMILT MIEnvSc	Director, JMP Consultants
Darren Oldham MSc BSc MCIHT CMILT	Consultant Director, JMP Consultants

FOR STATUTORY OBJECTORS TO THE ORDERS:

Mr D Teasdale

Mr M Longden MIHT FIHE LDA Consultants

JL & PS Hartley

Mr Patrick Hartley

Todwick Parish Council

Mr Stephen Hill Parish Councillor

FOR NON STATUTORY OBJECTORS TO THE ORDERS:

Todwick Residents Group

Dr Geoffrey Downs

Sir Jack Cloke (read statements Chairman Todwick Residents Group
from Mr Stuart Godfrey and Mrs
Lynn Robins and own
statement)

Councillor John Palmer

B DOCUMENTS

Deposit Documents

Scheme Documents

- DD1 Scheme General Arrangement Plan – ref 122/A57(T).51A/PA1.
- DD2a DfT Letter confirming Programme entry for the Revised Scheme
4 February 2011.
- DD3a RMBC Revised Statement of Case.
- DD4 Rotherham Borough Council (A57 Worksop Road- Sheffield road
Improvement M1 Junction 31 to Todwick Crossroads) (Classified Road)
(Side Roads) Order 2009 – 15 October 2009.
- DD5 Rotherham Borough Council (A57 Worksop road- Sheffield road
Improvement M1 Junction 31 to Todwick Crossroads) Compulsory
Purchase Order 2009 - 15 October 2009.
- DD6 Rotherham Borough Council (A57 Worksop Road- Sheffield Road
Improvement M1 Junction 31 to Todwick Crossroads) Supplementary
Compulsory Purchase Order 2009 – 17 December 2009.
- DD7 A57 Classification of Highways Form Roads 353 – 1 October 2009.
- DD8a SRO plan and schedule – draft amendments.
- DD9 Not used.
- DD10 RMBC Cabinet Resolution minute CPO/SRO – 27 July 2009.
- DD11 RMBC Cabinet Resolution minute Supplementary CPO – 15 December
2009.
- DD12 DfT Letter confirming Programme Entry – 9 August 2006.
- DD13a RMBC Cabinet Member Minute 18 April 2011 – Amendment to SRO.
- DD14a RMBC Best and Final Funding Bid – December 2010.
- DD15a Revised Scheme General Arrangement plan– ref 122/A57(T).51A/PA1001.
- DD16a RMBC Cabinet Member Minute 24 January 2011 – Increased contribution.
- DD17a Sheffield City Region Transport strategy 2011 – 2026.
- DD18a South Yorkshire LTP Implementation Plan 2011 – 2015.
- DD19a LDF Core strategy (Extract).
- DD20a CPO plan and schedule – composite, 2011.

Documents related to the Planning Application

- DD21 RMBC Planning Permission Decision - 21 December 2004.
- DD22 RMBC Planning Permission Decision – 4 June 2009.
- DD23a RMBC Planning Board Minute 21 July 2011.
- DD24a CLG Letter 25 August 2011 re Call-in of application and RMBC Planning
Permission Decision – 30 August 2011.
- DD25 – Not Used.
- DD30

Local and Regional Policy Documents

- DD31 South Yorkshire Second Local Transport Plan 2006-2011.
- DD32 The Regional Spatial Strategy – May 2008 (Regional Transport Strategy).
- DD33 RMBC UDP – Sections 6.4 and 6.5 and plan extract.
- DD34 RMBC LDF – Core Strategy.
- DD35 Not Used.
- DD36 Regional Economic Strategy.
- DD37 - Not Used.
- DD40

National Policy and Guidance Documents

- DD41 Planning Policy Guidance Note 13: Transport, 2011 (not provided).
- DD42 Planning Policy Guidance Note 24: Planning and Noise, 1994 (not
provided).

- DD43 Planning Policy Statement 1: Delivering Sustainable Development, 2005 (not provided).
 - DD44 The Highways Act 1980 (not provided).
 - DD45 The Acquisition of Land Act 1981 (not provided).
 - DD46 ODPM Circular 06/2004 Compulsory Purchase (not provided).
 - DD47 Land Compensation Act 1973 (not provided).
 - DD48 The Environment Act 1995 (not provided).
 - DD49 The Noise Insulation Regulations, 1988 (not provided).
 - DD50 DMRB volume 6, 10, 11 and 13 (not provided) - relevant extracts provided as Council Documents CD16 and CD17.
 - DD51 New Deal for Transport (not provided) - relevant extract provided as Council Document CD18.
 - DD52 Transport 2010: The 10 year Plan July 2000 (not provided).
 - DD53 Managing our Roads 2003 (not provided).
 - DD54 The Future of Transport: A network for 2030, July 2004 (not provided).
 - DD55 Eddington Transport Study (not provided).
 - DD56 Delivering a Sustainable Transport System (not provided).
 - DD57 Road Transport Forecasts for England 2008 (not provided).
 - DD58 Transport Analysis Guidance website (DfT) (not provided).
 - DD59a Creating Growth Cutting Carbon (DfT 2011) (not provided) - relevant extracts provided as Council Document CD19.
 - DD60a Strategic Framework for Road Safety, May 2011.
 - DD61 Guidelines for Ecological Impact Assessment in the UK, 2006 (not provided).
 - DD62 Planning Policy Guidance 2: Green Belts (not provided).
 - DD63 Air Quality Standards Regulations 2007 (not provided).
 - DD64 - Not Used.
 - DD70
- Background Documents and Reports***
- DD71 Not Used.
 - DD72 A57 Improvements Annex E submission to the DfT, RMBC (2001).
 - DD73 JMP A57 Improvements M1 Junction 31 to B6463 Volume 1 Planning.
 - DD74 JMP A57 Improvements M1 Junction 31 to B6463 Volume 2 Traffic Assessment.
 - DD75 JMP A57 Improvements M1 Junction 31 to B6463 Volume 3 Environmental Appraisal.
 - DD76 JMP Todwick Village Pedestrian Survey Note 2010.
 - DD77 Dinnington Economic Appraisal Summary 2002.

Inquiry Documents

- ID1 Inspector's Dossier from DfT National Transport Casework Team.
- ID2 Attendance Lists for Days 1, 2 and 3.
- ID3 Inspector's Note of Statutory Tests.
- ID4 RMBC's Probity in Planning: Code of Practice.
- ID5 Copy of Plan referred to in letter from Merryweathers, dated 17 March 2009 regarding J Dashper- The Grange.
- ID6 Plan of Proposed Layout, Drawing No 122/A57(T).51A/PA1002
- ID7 The authority's modifications and corrections to the SRO Schedule.
- ID8 Plan showing the authority's modifications to the SRO Plan.
- ID9 Copy of letter from DfT National Transport Casework Team regarding the authority's modifications to the SRO.
- ID10 Modifications to the CPO Schedule.

Rotherham Metropolitan Borough Council Documents

- CD1 Proof of Evidence and appendices of David Temple.
- CD2 Summary of Proof of Evidence of David Temple.
- CD3 Proof of Evidence of Ian C Ashmore.
- CD4 Summary of Proof of Evidence of Ian C Ashmore.
- CD5 Appendices to Proof of Evidence of Ian C Ashmore.
- CD6 Proof of Evidence and appendices of Ian Turvey.
- CD7 Summary of Proof of Evidence of Ian Turvey.
- CD8 Proof of Evidence and appendices of Darren Oldham.
- CD9 Summary of Proof of Evidence of Darren Oldham.
- CD10 Technical Annex to Proof of Evidence of Darren Oldham.
- CD11 Copy of e-mail, dated 30 September 2011, from Ruth Hobson of RMBC regarding an error in the SRO.
- CD12 Copy of e-mail, dated 26 September 2011 from Macalloy Ltd.
- CD13 Copy of e-mail, dated 3 October 2011 from Johnston Press.
- CD14 RMBC Report to Strategic Director, dated 17 August 2011 regarding modifications to the CPO.
- CD15 Copy of letter from South Yorkshire Police, dated 22 September 2011.
- CD16 Extract from DMRB Volume 6 TD 42/95 (Deposit Document DD50).
- CD17 Extract from DMRB Volume 6 TA 90/05 (Deposit Document DD50).
- CD18 Extract from 'New Deal for Transport' (Deposit Document DD51).
- CD19 Extracts from 'Creating Growth Cutting Carbon' (DfT 2011) (Deposit Document DD59a).
- CD20 Extract from JMP Report to Regional Transport Board, dated 8 December 2005.
- CD21 Plan showing the swept path analysis for a 'Close Coupled Drawbar Vehicle' at the proposed access to the Grange and Grange Farm.
- CD22 Details of recorded accidents at the junction of Goosecarr Lane.

Objector's Documents

- OD1 Proof of Evidence of LDA on behalf of Mr D Teasdale, Burne Farm.
- OD2 Summary of Proof of Evidence of LDA on behalf of Mr D Teasdale, Burne Farm.
- OD3 Proof of Evidence and plans of JL & PS Hartley, Grange Farm.
- OD4 Proof of Evidence of Stephen Hill for Todwick Parish Council.
- OD5 Proof of Evidence of Dr Geoffrey Downs, Todwick Residents Group.
- OD6 Proof of Evidence of Mr Stuart Godfrey, Todwick Residents Group.
- OD7 Proof of Evidence of Mrs Lynn Robins, Todwick Residents Group.
- OD8 Proof of Evidence of Mr John Palmer, Todwick Residents Group.
- OD8a Amended Proof of Evidence of Mr John Palmer, Todwick Residents Group.
- OD9 Proof of Evidence of Sir Jack Cloke, Todwick Residents Group.
- OD10 Statement of Anne Robinson, Transport Campaigner for Campaign to Protect Rural England South Yorkshire.
- OD11 Letter from Todwick WI, dated 27 September 2011.
- OD12 Letter from Todwick Primary School, dated 9 September 2011.
- OD13 Copy of e-mail from Jack Cloke, dated 29 September 2011, regarding public consultation.
- OD14 Copy of letter from the Local Government Ombudsman, dated 31 May 2006 regarding a complaint against RMBC.
- OD15 Copy of letter, dated 20 February 2006, from N P Smith regarding a complaint against RMBC by members of Todwick Action Group.
- OD16 Copy of letter, dated 9 September 2004, from N P Smith to RMBC regarding the Planning Application proposal RB2003/1056.

- OD17 Addition to Proof of Evidence of Sir Jack Cloke, Todwick Residents Group.
- OD18 Letter to Mr Hartley from Mark Fisher, undated, regarding the A57 Improvement Scheme.
- OD19 Copy of letter, dated 10 December 2008, and accompanying Drawing No 122/A57(T).51A/DM1, from RMBC to J A and P S Hartley.
- OD20 Copy of letter, dated 19 January 2009, and accompanying Drawing No 122/A57(T).51A/DM1, from RMBC to J A and P S Hartley.
- OD21 Aerial photograph and 2 other photographs of the access to Grange Farm.
- OD22 Letter from D P Hartley to the Inspector, dated 6 October 2011, regarding the driveway access at Leadhill Lodge.
- OD23 Summary of Traffic Count undertaken on behalf of Todwick Residents Group.
- OD24 Petition from Todwick Parish Council regarding the right turn into Goosecarr Lane.

Supporter's Document

- SD1 Letter, dated 4 October 2011, from Neil Callen.

C GLOSSARY

ARCADY	Computer software used for the modelling of capacities, queues and accidents at isolated roundabouts
BCR	Benefit Cost Ratio
COBA	Computer Programme for the assessment of costs and benefits
CPO	Compulsory Purchase Order
CPRE	Campaign to Protect Rural England South Yorkshire
DETR	Department of the Environment, Transport and the Regions
DfT	Department for Transport
DMRB	Design Manual for Roads and Bridgeworks
HGV	Heavy Goods Vehicle
LDF	Local Development Framework
MOVA	Microprocessor Optimised Vehicle Actuation for the control of traffic light signals
NO ₂	Nitrogen Dioxide
PM ₁₀	Suspended particulate matter in the atmosphere
RMBC	Rotherham Metropolitan Borough Council
SofS	The Secretary of State
SRO	Side Roads Order
TPO	Tree Preservation Order
UDP	Unitary Development Plan