



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Regeneration & Development Services

Date: 1 April 2014

Subject: PROPOSED CONVERSION OF EXISTING FOOTPATH LINKING EARL MARSHAL ROAD AND RUSHBY STREET INTO SHARED FOOTPATH/CYCLE TRACK

Author of Report: Richard Day 0114 273 6301

Summary: To seek authority to process the Cycle Track Order required to convert the existing footpath linking Earl Marshal Road to Rushby Street into a shared footpath/cycle track.

Reasons for Recommendations: It is necessary to obtain a Cycle Track Order to legally allow the subject footpath to be converted to shared use, so that it can form part of the new cycle route required as a Planning Condition on the new Fir Vale Primary School.

Recommendations: 1. Raise no objections to the proposal to convert the existing footpath between Earl Marshal Road and Rushby Street (as shown on the plan in Appendix A) to a shared footpath/cycle track, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.

2. Authorise the Director of Legal Services, to:
 - a. take all necessary action under the powers contained within Section 3 of the Cycle Tracks Act 1984;
 - b. confirm the Order as an Unopposed Order, in the event of no objections being received or any objections received being resolved.
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Background Papers: None

Category of Report: *Open/~~Closed~~ *(delete as appropriate)

PROPOSED CONVERSION OF EXISTING FOOTPATH LINKING EARL MARSHAL
ROAD AND RUSHBY STREET INTO SHARED FOOTPATH/CYCLE TRACK

1.0 PURPOSE

- 1.1 To seek authority to process the Cycle Track Order required to convert the existing footpath linking Earl Marshal Road to Rushby Street into a shared footpath/cycle track.

2.0 BACKGROUND

- 2.1 An application has been received from the Council's Capital Delivery Service, on behalf of the Council's Children, Young People and Families service, to convert an existing footpath linking Earl Marshal Road and Rushby Street at Fir Vale into a shared footpath/cycle track. The path is shown in detail in Appendix A, and its general location in the local area in Appendix B.
- 2.2 The proposed shared facility will form part of a new signed cycle route avoiding the busy Fir Vale road junction, which replaces an existing advisory cycle route which has been lost as a result of permanent highway closures in connection with the new Fir Vale Primary School. (The provision of a suitable new route was made a Condition on the Planning Consent for the new school).
- 2.3 To legally convert the status of an existing footpath into a shared cycle and pedestrian facility, it is necessary to make an order under Section 3 of the Cycle Tracks Act 1984. This report seeks authority to carry out that process and, provided there are no unresolved objections, to confirm the order.

3.0 PROPOSALS

- 3.1 The subject footpath runs along the western edge of the public open space between Earl Marshal Road and Rushby Street and has street lighting throughout its length. It is bounded on the west side by the site of the Fir Vale secondary school. No properties take any access from it.
- 3.2 The path is 4m wide, with the exception of the zig-zag ramp section at the top (Earl Marshal Road) end, which is 3m wide. The scheme designers confirm that the proposal is in accordance with relevant national guidance, and experience elsewhere in Sheffield suggests that these are adequate widths for shared use, therefore no new physical construction is proposed, only the legal order to convert the status.

- 3.3 Appropriate signage will be installed, indicating the shared status.
- 3.4 For the avoidance of any doubt, the straight, stepped section between the ends of the zig-zag is to remain unchanged as a pedestrian-only route, so will not form part of the Order.

4.0 CONSULTATIONS

- 4.1 Initial consultations have been carried out with the Police, 'Statutory Undertakers' (utility companies), and other relevant bodies, as prescribed by the Cycle Tracks Regulations 1984.
- 4.2 Objections have been received from utility companies Atkins Global (acting for Vodafone) and National Grid Gas, on the grounds that their equipment is affected by the proposal.
- 4.3 After careful study of Atkins' detailed plans sent with their objection, Officers can see that their equipment, whilst certainly nearby, is actually not affected by the proposal, and have written back accordingly asking for the objection to be withdrawn.
- 4.4 National Grid's gas pipe serving Fir Vale Secondary School does pass under the subject path, but use of the path by cyclists in addition to pedestrians would have absolutely no detrimental effect on that pipe. So Officers believe that National Grid have misunderstood the nature of the proposal, and have written to them with further explanation of the proposal and a request to withdraw the objection.
- 4.5 The meeting will be updated verbally on progress with these two matters, but Members are asked to note that the authority sought in Section 10 of this report is, in any case, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.
- 4.6 Not all of the people and bodies consulted had responded at the time of writing this report, but of those who have replied, including the Council's Access Officer, none have objected to the proposal.
- 4.7 If any further negative comments are received before the Committee meeting, they will be reported verbally.

5.0 LEGAL IMPLICATIONS

- 5.1 Legal Services has been consulted and advised that an Order under Section 3 of the Cycle Tracks Act 1984 shall be required to convert the footpath to a shared footpath/cycle track.

- 5.2 A local highway authority may in the case of any footpath for which they are the highway authority, by order made by them and confirmed by them as an unopposed order, designate a footpath, or any part of it, as a cycle track. This order may be confirmed by the authority as an unopposed order only in the form in which it was made.
- 5.3 In the event that objections are received which cannot be resolved and therefore the order cannot be confirmed as an unopposed order, the local highway authority shall re-evaluate whether the order should be made. Should the decision be made to proceed, approval will be sought via a subsequent Committee report making clear the difference in approach – namely, the local highway authority shall ask that the order be confirmed by the Secretary of State either in the form in which it was made or subject to such modifications as he thinks fit.
- 5.4 Once the order has been confirmed, the footpath to which the order relates shall continue to be a highway which for the purposes of the Highways Act 1980 is a highway maintainable at the public expense, but shall become one over which the public have a right of way on pedal cycles (other than pedal cycles which are motor vehicles) as well as on foot.

6 EQUAL OPPORTUNITY IMPLICATIONS

- 6.1 Clearly, the concept of opening up a footpath to cycle use does have implications for pedestrian users of the path and, in particular, disabled people. Width and visibility are key issues.
- 6.2 The scheme designers have confirmed that the path is in accordance with the relevant guidance on width given in the Department for Transport Local Transport Note 2/04. Furthermore, and despite being alongside the fence of Fir Vale Secondary School on one side, the path has good visibility throughout, and it has a very open ambience and ‘feel’ as it runs along the edge of the public open space between Earl Marshal Road and Rushby Street.
- 6.3 In view of this, the Council’s Access Officer is in agreement with the proposal.

7 ENVIRONMENTAL IMPLICATIONS

- 7.1 In general, cycling is clearly an environmentally friendly form of transport. Whilst this proposal, on its own, is unlikely to achieve any significant shift of journeys to cycle use, the bigger issue is the provision of a widespread network of cycle facilities around the city. Noting that this proposal is for a facility which forms part of the replacement for a low-traffic cycling route lost as a result of development, it is hoped that it will form a small but useful part of that bigger cycle network which, overall, certainly can encourage and increase cycle use.

8 FINANCIAL IMPLICATIONS

- 8.1 All costs associated with this proposal, forming part of the Planning Conditions imposed on the new Fir Vale Primary School, have been budgeted for as part of the school project, and will be fully funded by the Council's Children, Young People and Families portfolio from their Basic Need Funding allocation.

9 CONCLUSION

- 9.1 Formal conversion of the existing adopted public footpath between Earl Marshal Road and Rushby Street into a shared footpath and cycle track will allow a signed cycle route to be provided which avoids the busy Fir Vale junction. This route will form a replacement for the previous advisory route via Skinnerthorpe Road and Bagley Road which has been lost as a result of the construction of the new primary school on that site.
- 9.2 Officers believe that it will not adversely affect the public's enjoyment of the area and will have no detrimental effect on the surrounding highway network and its users.
- 9.3 Members are asked to note that, should they approve this report and an Order be made, all persons and bodies already consulted will be served formal notice of the proposal (to which they can then formally object if they so choose). It will also be advertised by public notices on the path itself for at least 28 days, and in the local press. Any objections received in response, and which are not then resolved by negotiation, must be reported back to this Committee for a decision on the way forwards.

10 RECOMMENDATIONS

- 10.1 Raise no objections to the proposal to convert the existing footpath between Earl Marshal Road and Rushby Street (as shown on the plan in Appendix A) to a shared footpath/cycle track. This would be subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.
- 10.2 Authorise Legal Services, to
- a. take all necessary action under the powers contained within Section 3 of the Cycle Tracks Act 1984.
 - b. confirm the Order as an Unopposed Order, in the event of no objections being received or any objections received being resolved.

Steve Robinson
Head of Highway Maintenance

1 April 2014

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