



## SHEFFIELD CITY COUNCIL Individual Cabinet Member Report

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**Report of:** Countryside and Environment

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**Report to:** Cabinet Member for Environment, Re-cycling and Streetscene

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**Date:** 8<sup>th</sup> January 2015

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**Subject:** Cat Lane / Carfield Lane – Proposed Prohibition of Driving Order

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**Author of Report:** Dave Aspinall (Woodlands Manager)

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**Key Decision:** NO

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**Summary:** Regular issues with large scale fly-tipping on and either side of Cat Lane and PROW – SHE\336.

Traffic regulation order applied for Proposed Prohibition of Driving Order - Cat Lane / Carfield Lane.

One objection received.

All points answered, but objection not retracted.

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**Reasons for Recommendations:**

Broad political and local support for taking action to restrict the ability of fly-tippers to move around this area.

One objection received, to which all points have been reasonably taken into consideration and answered in writing.

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**Recommendations:**

**Progress the traffic regulation order.**

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**Background Papers:**

**turner - cat lane carfield lane objection.pdf**

**Turner cat lane objection reply.doc**

**Appendix 1 – Map showing location of the Lane and Gate**

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**Category of Report:        OPEN**

## Statutory and Council Policy Checklist

<b>Financial Implications</b>
YES Cleared by: Janine Scarborough
<b>Legal Implications</b>
YES Cleared by: Paul Bellingham
<b>Equality of Opportunity Implications</b>
NO Cleared by:
<b>Tackling Health Inequalities Implications</b>
NO
<b>Human Rights Implications</b>
NO
<b>Environmental and Sustainability implications</b>
YES
<b>Economic Impact</b>
NO
<b>Community Safety Implications</b>
YES
<b>Human Resources Implications</b>
NO
<b>Property Implications</b>
NO
<b>Area(s) Affected</b>
Gleadless Valley Ward
<b>Relevant Cabinet Portfolio Lead</b>
Cllr Jane Dunn
<b>Relevant Scrutiny Committee</b>
<b>Is the item a matter which is reserved for approval by the City Council?</b>
YES
<b>Press Release</b>
NO

## **Report to the Cabinet Member for Environment, Recycling and Streetscene**

### **Cat Lane / Carfield Lane – Proposed Prohibition of Driving Order**

#### **1.0 SUMMARY**

- 1.1 Sheffield City Council (SCC) want to restrict vehicular access to Cat Lane to help reduce incidences of fly-tipping and burnt out vehicles, which are currently common at this location.
- 1.2 A Traffic Regulation Order (TRO) is the legal process allowing the use of a road, or any part of it, by vehicular traffic to be prohibited. Where a TRO has been made in such circumstances the Council are permitted to place, at or near that point, bollards, or other obstructions as they consider appropriate to prevent the passage of vehicles.
- 1.3 It is proposed that a gate shall be closed at this location but this is currently stalled due to one objection to the TRO, to which all points have been answered in writing.

#### **2.0 WHAT DOES THIS MEAN FOR SHEFFIELD PEOPLE**

- 2.1 Members of the general public will no longer have the right to take motorised vehicles along a section of Cat Lane and Carfield Lane as per attached map attached as Appendix A.
- 2.2 The preventative fly tipping measures (gate) being put in place affect one residence of Rose Cottage and this resident will be permitted rights of access to their property via a set of keys. The emergency services are also supplied keys and will be equipped to cut the lock in place if required.

#### **3.0 OUTCOME AND SUSTAINABILITY**

- 3.1 Reduced instances of Anti-social behaviour (ASB) including burnt out vehicles on the Public Right Of Way (PROW) track and fly-tipping on the PROW and either side of it on The Countryside and Environment teams land.
- 3.2 Funding has been secured for the Traffic Regulation Order and the gate is already in place (locked open) ready for this being progressed. This gate will block the through route from Cat Lane via Carfield Lane, which is that preferred by fly tippers in particular. It is broadly believed that just one gate will have the desired effect of reducing fly-tipping at this location. The site will be monitored for instances of fly tipping and burnt out vehicles after this intervention to ascertain if further action is required. This was the actions agreed at a site visit between local members, local interest groups and some local residents in 2013.

#### **4.0 Background**

- 4.1 The Friends of Cat Lane Woods contacted Gleadless Valley Ward

members in September 2013, complaining of large scale fly-tipping on and around Cat Lane, both on the highway and Public Right of Way sections and on the surrounding wood land. Shortly after this contact was made, there was a site meeting, involving several members of The Friends of Cat Lane Woods, representatives from The Countryside and Environment team and an elected Member. At which gating options were discussed and the best course of action was agreed that the best course of action would be to put a prohibition of traffic regulation in place to restrict vehicular access along a section of Cat Lane and Carfield Lane. With 1 gate in place on Cat Lane to stop there being a through route for fly-tippers in the hope that this alone rectifies the problem. If it does not, there is scope within this traffic regulation order (TRO) to put a further gate on Carfield Lane to stop all vehicular access into this area. The TRO and gate has been funded by Gleadless Valley Ward members and the gate is physically in place awaiting the formal TRO to be processed. The gate has been fitted by the Countryside and Environment team.

4.2 The Countryside and Environment team concur that this is a significant problem for them to clean on a regular bases. The PROW team, state that there have been issues with burnt out vehicles in the same location.

4.3 One objection has been made. With four major points:

- Access for the emergency services.
- Leaving the resident of Rose Cottage stranded.
- SCC using the TRO as an excuse to no longer properly maintain the public rights of way and woodlands in within this area.
- Fly-tipping will not be irradiated by only one gate, as there will still be access to the area.

Three points raised have been answered, in writing:

- Use of such gates is common practice city wide, the fire brigade are furnished with keys, but in practice will cut their way in, in emergencies.
- The resident of Rose Cottage is aware and their access will be maintained.
- The Countryside and Environment team complete annual maintenance in the area and the gate will not change this, indeed the standards in the area were subsequently checked on the back of the letter received as part of the objection.

The fourth point has been covered from the outset as it is broadly agreed that two gates would be overkill in the first instance and that most fly-tippers prefer a through route and so will no longer fly-tip due to this one gate.

But the objection has not been removed.

## **5.0 ALTERNATIVE OPTIONS CONSIDERED**

5.1 Apply for TRO and fit 2 gates to completely restrict vehicular access from the outset. It was preference of all in attendance at the meeting to have a TRO that allows for this, but to only put one physical gate in place in the first instance, to ease access to Rose Cottage, whilst restricting the through route that fly-tippers currently enjoy. This was discussed and agreed as the best course of action at the site visit in September 2013.

5.2 Monitor the area and continue to remove fly-tipping.

Fly-tipping is removed from the public right of way itself by Amey under the streets ahead contract.

Fly-tipping is removed from the adjacent lands by the Countryside and Environment team.

This is not sustainable for Countryside and Environment team in particular who struggle to keep on top of the issue in this area. The local public including The Friends of Cat Lane Woods are calling for more robust and sustained action by Sheffield City Council.

## **6.0 REASONS FOR RECOMMENDATIONS**

6.1 Fly tipping is a problem in this area and current measures are not sufficient for the local users of the area. This TRO and gate will remove the through route, which are known to be preferred by fly-tippers, therefore reducing the incidences of fly-tipping at this location and increasing the amenity of this area for the local users of the area.

6.2 Agreement from PROW, The Countryside and Environment team , Highways Maintenance including Amey, local members and The Friends of Cat Lane Woods that this is the best course of action.

6.3 Whilst the issues raised by the objector are noted it is felt that these issues have all been considered and addressed and that the benefits of proceeding with the TRO outweigh the outstanding objection.

## **7.0 LEGAL IMPLICATIONS**

7.1 The Council has power to make a Traffic Regulation Order under Section 1 of the Road Traffic Regulation Act 1984 ("the 1984 Act") including those having the effect of prohibiting the use of a road, or any part of it. In exercising that power it shall be the duty of the Council, in accordance with Section 122 of the 1984 Act, and so far as is practicable and whilst having regard to the matters set out in subsection (2), to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians).

7.2 Before the Council can make a TRO it must follow prescribed procedures in accordance with the Local Authorities' Traffic Orders (Procedure)

(England and Wales) Regulations 1996. This includes publishing notice of its intention in a local newspaper and allowing any person to object to the proposals. Where objections are received Regulation 13 places a duty on the Council to ensure that these objections are considered.

7.3 So long as the Council are satisfied that the requirements set out in the previous two paragraphs are satisfied then it is acting lawfully and within its powers.

7.4 Section 92 of the 1984 Act permits the Council, where the passage, or the passage in any direction, of vehicles is prohibited at any point of a road by an order made under Section 1 of the Act to place, or authorise or require to be placed, at or near that point such bollards or other obstructions as they consider appropriate for preventing their passage.

## **8.0 FINANCIAL IMPLICATIONS**

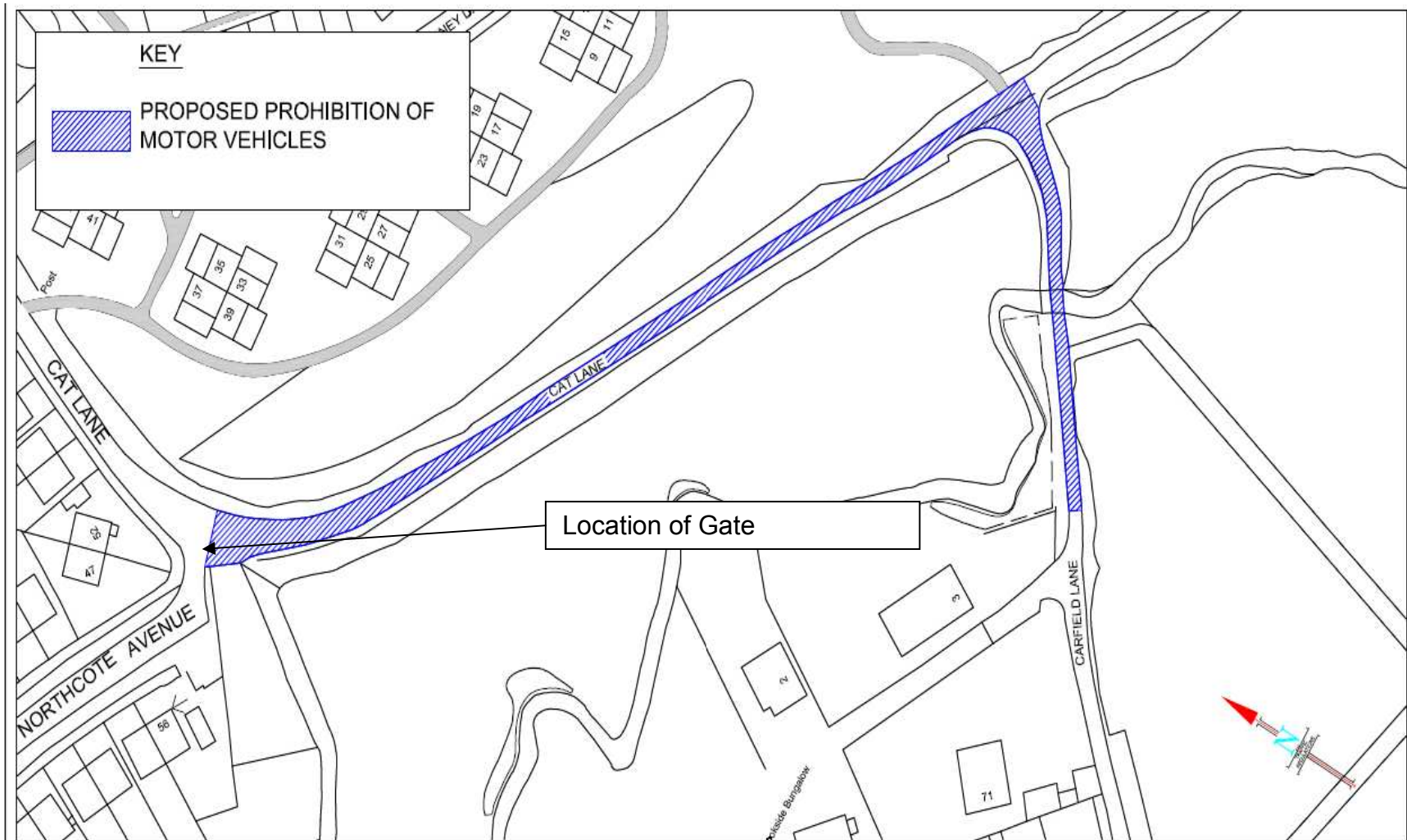
8.1 The cost of producing and processing the order and the first gate were £4,500 and £1000 respectively. Funding was secured from the Gleadless Valley Ward pot reflecting the support from ward councillors. It currently costs up to £6000/ annum to clear the litter and fly-tipping from the Lane which would be a saving to the Council.

## **9.0 RECOMMENDATIONS**

9.1 Having considered the objection(s) to the proposed Traffic Regulation Order it is recommended for the reasons set out in this report that :-

- (i) The objection should be overruled,
- (ii) The Traffic Regulation Order should be made in accordance with the Road Traffic Regulation Act 1984
- (iii) The objector be informed accordingly, and
- (iv) The necessary work to implement the closure of Cat Lane be carried out
- (v) Authorise the gate to be locked shut to prevent the passage of vehicles.

Author Dave Aspinall (Woodlands Manager)  
Department Culture and Environment  
Date 13<sup>th</sup> November 2014



<b>DEVELOPMENT SERVICES</b> <b>TRANSPORT &amp; HIGHWAYS DIVISION</b> <b>TRAFFIC SECTION</b> 2-10 CARBROOK HALL ROAD SHEFFIELD S9 2DB  E-mail: Traffic.Reg@Sheffield.gov.uk <b>Regeneration and Development Services</b> Director: David Caulfield, RTF	<ul style="list-style-type: none"> <li>• Do not scale from this drawing</li> <li>• Any errors/omissions to be reported immediately</li> <li>• If in doubt, ask</li> <li>• © Crown copyright. All rights reserved. 10018816, 2010</li> </ul>	Client	SHEFFIELD CITY COUNCIL		Drawing No.	TR/36/01/ENV1/CL	
		Scheme	CAT LANE		Scale	NTS	
A Service Area of the Directorate Place Sheffield City Council	DRAWN NC APRIL 2014	CHECKED	Drawing Title <b>PROPOSED PROHIBITION OF DRIVING</b> <b>Traffic Regulations Drawing</b>		0 30 Millimetres 	Date APRIL 2014	TRAFFIC REGULATIONS