



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Culture and Environment

Date: 24th October 2017

Subject:

CYCLE TRACKS ACT 1984 CONVERSION OF PARTS OF TWO PUBLIC FOOTPATHS TO SHARED FOOTPATH/CYCLE TRACK AT HUTCLIFFE WOOD, SHEFFIELD.

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Summary:

To seek authority to refer the City of Sheffield (Hutcliffe Wood Road to Abbey Lane) Cycle Track Conversion Order 2017 (“the Order”) to the Secretary of State for Environment, Food and Rural Affairs for confirmation in the light of an objection received.

Recommendations:

The Director of Legal Services refers the City of Sheffield (Hutcliffe Wood Road to Abbey Lane) Cycle Track Conversion Order 2017 to the Secretary of State for confirmation.

Background Papers:

Category of Report: OPEN

CYCLE TRACKS ACT 1984 CONVERSION OF PARTS OF TWO PUBLIC
FOOTPATHS TO SHARED FOOTPATH/CYCLE TRACK AT HUTCLIFFE WOOD,
SHEFFIELD 8.

1. PURPOSE

- 1.1 To seek authority to refer the City of Sheffield (Hutcliffe Wood Road to Abbey Lane) Cycle Track Conversion Order 2017 (“the Order”) to the Secretary of State for Environment, Food and Rural Affairs for confirmation in the light of an objection received.

2. BACKGROUND

- 2.1 Following authority obtained at this Committee on 7th March 2017, the City Council made the Order on 27th April 2017, under Regulation 3 of the Cycle Tracks Act 1984 (“the 1984 Act”), for the conversion of parts of footpaths SHE/270 and SHE/271 to a shared use footpath/cycle track. A copy of the Order and plan are attached as Appendix A.
- 2.2 Following the publication of the 7th March 2017 Committee Report, and the subsequent publication of the Order, including the posting of relevant Notices and Plans at both ends, and along the route, of the footpath in question, the Director of Legal Services received one objection. The content of this is summarised in Appendix B to this Report, along with the Officer responses.

3. LEGAL IMPLICATIONS

- 3.1 The 1984 Act states that if objections are made to a Cycle Track Conversion Order, said order then needs to be referred to the relevant Secretary of State if it is to be confirmed. An order cannot come into effect until it is confirmed. Referral of the order will result in consideration of the objections by an Inspector appointed by the Planning Inspectorate’s Rights of Way team.
- 3.2 There is no requirement that an order which is opposed (as in the present case) must be referred to the Secretary of State. Therefore, if an authority feels it can no longer support an order then a formal resolution, by that authority, not to proceed, is all that is required to bring the procedure to an end. The City Council

has taken similar action to this in the past. This would be the outcome here if Committee chooses not to approve this Report.

- 3.3 If the Order is referred to the Secretary of State for confirmation and subsequently confirmed, it will take effect on the date which notice of confirmation is publicised.

4 HIGHWAY IMPLICATIONS

- 4.1 The highway implications of the proposed Cycle Track Conversion Order were described in the Report approved by this Committee on the 7th March 2017. The proposal has not altered since that date; hence it is still recommended that the footpaths should be converted.

5 CONSULTATIONS

- 5.1 Officers have written to the objector, to try to ensure that they had a full understanding of the proposal and to see if negotiated solution could be reached in order to resolve the objection. Unfortunately no response was received.

6. EQUAL OPPORTUNITY IMPLICATIONS

- 6.1 No particular equal opportunity implications arise from the proposals in this report.

7. ENVIRONMENTAL IMPLICATIONS

- 7.1 No particular environmental implications arise from the proposals in this report.

8. FINANCIAL IMPLICATIONS

- 8.1 All the costs of the Cycle Track Conversion Order process, and any other associated costs will be met by the applicant, which is the Council's Transport Planning Team.

9. CONCLUSION

- 9.1 In considering whether to proceed further with the proposed Cycle Track conversion, it is necessary to balance the objection received against the justifications for supporting the proposal in the first place. Therefore, as this Board has previously approved the Conversion, and the situation on the ground

has not materially altered from when the Order was made, it is proposed that the Order be submitted to the Secretary of State for confirmation.

10. RECOMMENDATION

- 10.1 The Director of Legal Services refers the City of Sheffield (Hutcliffe Wood Road to Abbey Lane) Cycle Track Conversion Order 2017 to the Secretary of State for confirmation.

Steve Robinson
Head of Highway Maintenance

20th September 2017