

CYCLE TRACKS ACT 1984 CONVERSION OF PARTS OF A PUBLIC FOOTPATH TO  
SHARED FOOTPATH/CYCLE TRACK AT HALFWAY, SHEFFIELD.

1. PURPOSE

- 1.1 To seek authority to refer the City of Sheffield (Rotherham Road to Deepwell Drive) Cycle Track Conversion Order 2018 (“the Order”) to the Secretary of State for Environment, Food and Rural Affairs for confirmation in the light of objections received.

2. BACKGROUND

- 2.1 Following authority obtained at this Committee on 27th November 2018, the City Council notified interested parties that an Order had been made on 13<sup>th</sup> December 2018, under Regulation 3 (1) of the Cycle Tracks Act 1984 (“the 1984 Act”), for the conversion of a public path linking Rotherham Road, Middle Ox Gardens and Deepwell Drive, Halfway to a shared use footpath/cycle track.
- 2.2 The notification procedure included 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 two objections. The content of these is summarised in Appendix B to this Report, along with the Officer responses.
- 2.3 Unfortunately, due to an administrative error, the Order was not made on 13th December 2018, nor was it advertised in the local press as is required by law.
- 2.4 On the 28th February 2019 the City Council made the Order under Regulation 3 (1) of the Cycle Tracks Act 1984 (“the 1984 Act”), for the conversion of a public path linking Rotherham Road, Middle Ox Gardens and Deepwell Drive, Halfway to a shared use footpath/cycle track. A copy of the Order and plan are attached as Appendix A.
- 2.5 Letters were hand delivered to those that had raised objections to the previous Order, informing them that their objections are still valid, and also to residents whose property adjoins the path. Notices were placed along the proposed route and also in the local press and London Gazette. At the time of writing this report no further objections have been received. In the event that further objections are received prior to this meeting they will be reported verbally.

### 3. LEGAL IMPLICATIONS

- 3.1 The 1984 Act states that if objections are made to a Cycle Track Conversion Order, the 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 27th November 2018. 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 and spoken to both objectors and also (at the objector's request) met one at the site, to try to ensure that they had a full understanding of the proposal, and to see if a negotiated solution could be reached in order to resolve the objection. Unfortunately, despite responding to their concerns, no further responses were received from the objectors. Therefore, both objections are considered to remain unresolved.

### 6. EQUAL OPPORTUNITY IMPLICATIONS

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

## 7. ENVIRONMENTAL IMPLICATIONS

- 7.1 To provide the shared use path it will be necessary to tarmac a 1 metre strip of grass along the full length of the current footpath. Overall the green space in the vicinity of the path is approximately 20,000 square metres. The widening of the footpath will reduce this space by around 500 square metres.
- 7.2 There is no plan to remove any trees as a result of providing this facility. However, it will be necessary to trim the bough of one tree at a point shown as 'B' on the Order and Plan included as Appendix A. The width at two points, where widening would compromise trees, will remain at 2 metres. Given the expected level of usage and open nature of this route it is considered acceptable to have these short pinch-point sections. A plan showing the scheme proposals is included as Appendix C.

## 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 developer Taylor Wimpey.

## 9. CONCLUSION

- 9.1 In considering whether to proceed further with the proposed Cycle Track conversion, it is necessary to balance the objections 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 (Rotherham Road to Deepwell Drive) Cycle Track Conversion Order 2018 to the Secretary of State for confirmation.

Philip Beecroft

Head of Highway Maintenance

20<sup>th</sup> March 2019

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