

ASSISTANT HEAD OF HIGHWAY MAINTENANCE
HIGHWAY MAINTENANCE DIVISION

TO HEAD OF STRATEGIC TRANSPORT AND INFRASTRUCTURE 14 MARCH 2018

HIGHWAYS ACT 1980 – SECTION 116
PROPOSED PERMANENT CLOSURE OF PART OF BUTTERTHWAITE LANE,
ECCLESFIELD, SHEFFIELD, S35, BUT RESERVING A PUBLIC BRIDLEWAY ON THE
SAME ROUTE

1.0 PURPOSE

- 1.1 To seek authority to apply for the Stopping-Up Order required for the permanent closure as all-purpose public highway of part of Butterthwaite Lane, Ecclesfield, Sheffield, S35, as shown hatched on the plan included at Appendix A, but reserving a public bridleway on the same route, as shown stippled on the same plan.

2.0 BACKGROUND

- 2.1 In 1992, inspections of the Butterthwaite Lane bridge over the Sheffield-Barnsley railway line revealed that it had become too weak to carry heavy traffic. As a result, a 3 ton weight limit was introduced on the bridge.
- 2.2 In 2010, as a result of concern that some heavy vehicles were ignoring the weight limit (despite it being signed), a new Traffic Regulation Order (TRO) was made, prohibiting the driving of any motor vehicles on the same section of the lane now hatched on the plan in Appendix A. The TRO is enforced by lockable removable bollards placed across the road at both ends of the subject section, and it includes an exemption for vehicles engaged in railway maintenance.
- 2.3 In 2015, consultants acting for Network Rail (the owner of the bridge) contacted Sheffield City Council with a proposal to replace the existing bridge with a brand new one of much lower carrying capacity, which would not be suitable for any motor vehicles.
- 2.4 Initially, Network Rail assumed that, because this would not change the usage of the subject part of the lane from that which had persisted since 2010 as a result of the TRO, the TRO would remain adequate to legally enforce and regularise the situation. However, Council Officers pointed out, and it was accepted by Network Rail, that the replacement of the bridge in this manner would irrevocably reduce the capacity of the subject part of the lane, therefore the TRO would no longer be adequate or acceptable, and formal legal downgrading to public bridleway status was necessary.

3.0 CONSULTATIONS

- 3.1 Consultations have been carried out with the Statutory Undertakers, the Emergency Services, Ward Councillors, and other relevant bodies.

- 3.2 Not all consultees had responded at the time of writing this report, but of those who have replied, none have objected.
- 3.3 BOC, although not objecting to the proposal, responded that they have an underground high-pressure oxygen pipeline very nearby (under the trackbed of the adjacent former Great Central railway line). They sent through instructions and procedures which Network Rail must follow for any works in the vicinity of the pipeline. These have been forwarded to Network Rail, with clear confirmation that it is their responsibility to check this and satisfy themselves that they are acting in accordance.
- 3.4 Ecclesfield Parish Council confirmed that they have no objection to the proposal, after considering it at their Planning Committee in response to our consultation.

4.0 LEGAL IMPLICATIONS

- 4.1 Legal Services have been consulted and have confirmed that, in the particular circumstances of this case, it will be possible to apply to Sheffield Magistrates' Court for an Order using the powers contained within Section 116 of the Highways Act 1980.

5.0 HIGHWAY IMPLICATIONS

- 5.1 The subject section of Butterthwaite Lane is unclassified all-purpose unadopted public highway, albeit subject to a TRO prohibiting motor vehicles.
- 5.2 Although it will make the situation irrevocable, in practice the proposed Order will not change the situation for usage by the public which has persisted since the current TRO was made in 2010, namely that the subject part of the lane can only be used by pedestrians, cyclists and horseriders. The Council as Local Highway Authority is not aware of any complaints or problems arising from this situation during that timeframe.
- 5.3 Network Rail have written to all residents, landowners and businesses along Butterthwaite Lane, explaining their proposals and inviting comments, but received no objections in response.
- 5.4 Therefore, Officers accept that the subject part of the lane is not necessary as all-purpose public highway (subject to the reservation of public bridleway rights), and so consider that the proposal will not have a detrimental effect on users of the surrounding highway network, or affect the public's enjoyment of the area.

6.0 EQUAL OPPORTUNITY IMPLICATIONS

- 6.1 There are no particular equal opportunities implications arising from the proposals in this report.

7.0 ENVIRONMENTAL IMPLICATIONS

7.1 There are no particular environmental implications arising from the proposals in this report.

8.0 FINANCIAL IMPLICATIONS

8.1 There will be no increase in financial liability on the Council as a result of this highway legal order.

8.2 All costs relating to the bridge replacement and Highway Stopping Up proposal will be paid by the applicant.

9.0 CONCLUSION

9.1 Based on the above information, I have no objections to the proposed Order, as shown on the plan included at Appendix A.

10.0 RECOMMENDATIONS

10.1 Raise no objections to the proposed Stopping Up Order, as shown on the plan included at Appendix A, subject to satisfactory arrangements being made with Statutory Undertakers with regards to any of their mains and services that may be affected.

10.2 Authorise the Director of Legal & Governance to take all necessary action on the matter under the powers contained within Section 116 of the Highways Act 1980, and to apply to the Magistrates' Court for the Order.

Richard Day
Principal Engineer
Highway Records
Highway Maintenance Division

14 March 2018

REPORT APPROVED BY
HEAD OF STRATEGIC TRANSPORT AND INFRASTRUCTURE

Signed.....

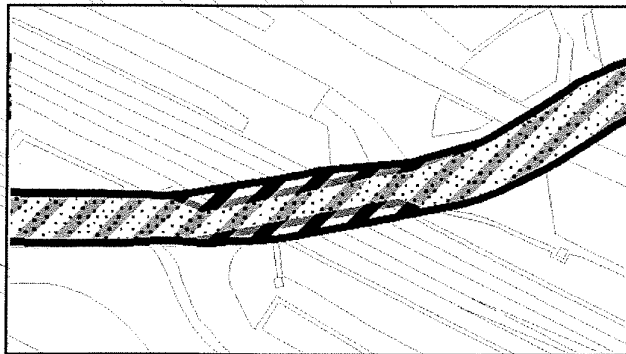
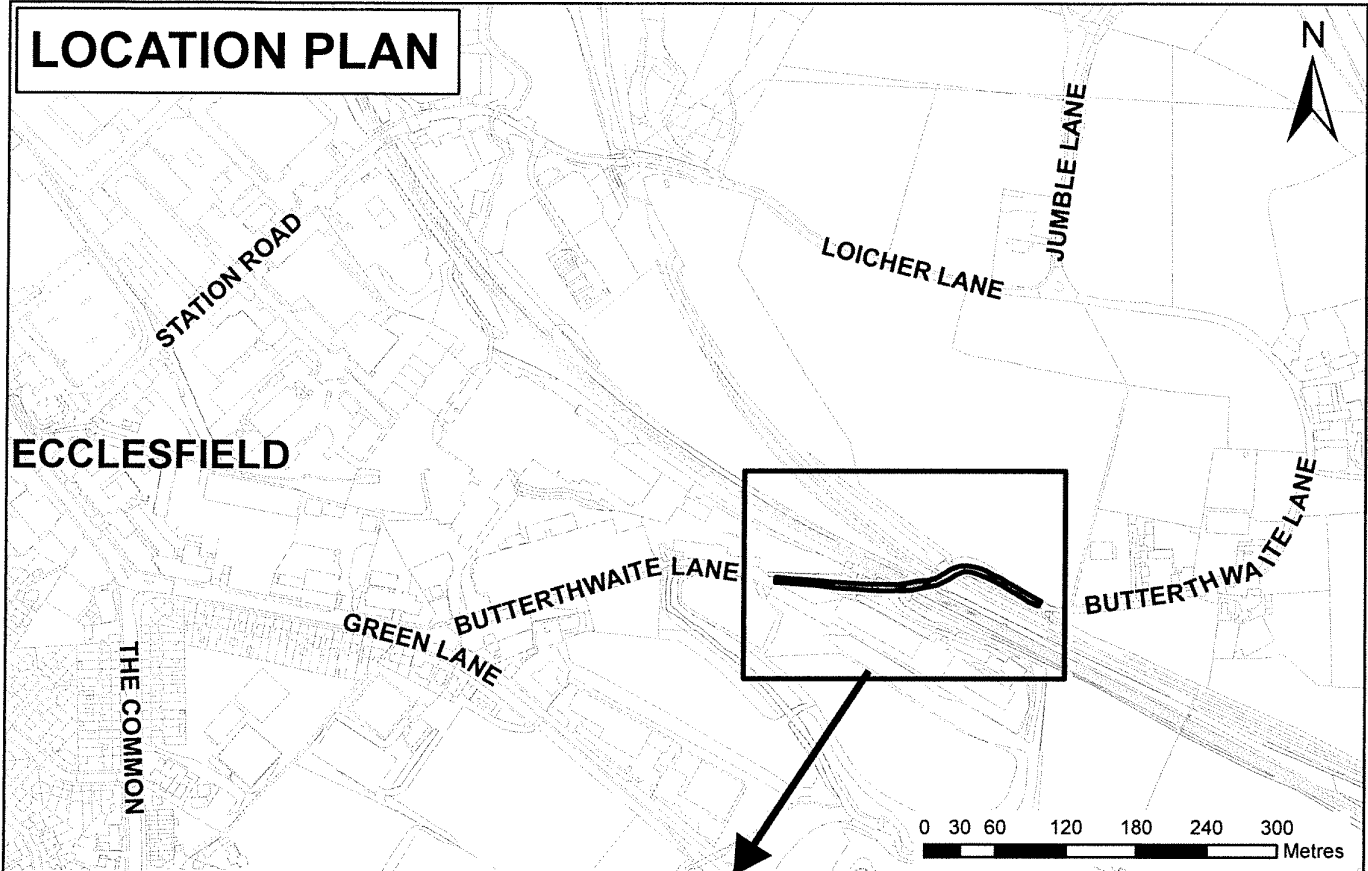
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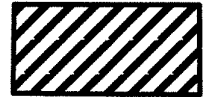


LOCATION PLAN

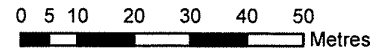
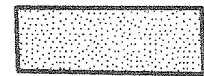


Key

All-purpose Highway
to be Stopped Up



Public Brideway
to be reserved



Scale 1:1250

