

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
PLANNING COURT

Claim No: CO/679/2021

BETWEEN:-



THE QUEEN
(on the application of CYCLING UK)

Claimant

- and -

WEST SUSSEX COUNTY COUNCIL

Defendant

ORDER

UPON the Defendant having considered the Claimant's pleadings and skeleton argument
AND UPON the parties having agreed to settle this claim for the reasons set out in the
appended Statement of Reasons

BY CONSENT IT IS ORDERED THAT:

1. The Claimant's claim is upheld on Ground 1.
2. The substantive hearing listed for 25 and 26 January 2022 is hereby vacated.
3. It is hereby declared that the Defendant acted unlawfully in removing the cycle lane on the A270 Upper Shoreham Road (by decisions dated 3 and 25 November 2020), because the Defendant failed to take into account relevant statutory guidance made under section 18 of the Traffic Management Act 2004.
4. The Defendant shall pay the Claimant's costs of the claim, in the amount of £25,000.

Signed:

Dated: 19 January 2022

Leigh Day Solicitors

Solicitors for the Claimant

DX 53326 Clerkenwell

Ref: JBB/RWS/00323388/1

Signed: *Jonathan Brown*

Dated: 20 January 2022

West Sussex County Council Legal Services

Solicitors for the Defendant

Service of documents accepted by email at legal.services@westsussex.gov.uk

Ref: CC803.16225



Mr Justice Choudhury
20 January 2022

STATEMENT OF REASONS

On 25 November 2020, the Council decided to remove a temporary cycle lane on the A270 Upper Shoreham Road ("**the Cycle Lane**"), which had been implemented via a temporary traffic regulation order following a decision by the Council on 21 July 2020. The Network Management Duty in section 16 of the Traffic Management Act 2004 ("**the 2004 Act**") applied to the Council's decision to remove the Cycle Lane, as did the statutory guidance issued under section 18(1) of the 2004 Act ("**the Statutory Guidance**"). The Council was obliged to have regard to the Statutory Guidance and act in accordance with it, or give clear and cogent reasons for departing from the Statutory Guidance.

In making the decision to remove the Cycle Lane, the Council unlawfully failed to take the Statutory Guidance into account. The Statutory Guidance applied equally to the decisions to implement and to remove the Cycle Lane. The Statutory Guidance indicated that there was a need for active travel measures, even with the pressures of Covid-19 on public transport reducing, because the active travel measures helped to maintain a green recovery and there is a need for people to carry on cycling. The Statutory Guidance also required the collection of data and evidence to assist with the long-term embedding of a change in travel habits. The Council ought to have taken all these matters into account.

