



## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** Director of Culture and Environment

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**Date:** 5<sup>th</sup> December 2017

**Subject:**

HIGHWAYS ACT 1980 SECTION 118. PROPOSED CLOSURE OF PART OF PUBLIC FOOTPATH ECC\16B AT CHAPELTOWN, SHEFFIELD S35

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**Author of Report:** Mark Reeder 0114 2736125

**Summary:**

To seek authority to process the Public Path Closure Order required for closing part of the definitive public footpath ECC\16B between Stanley Road and footpath ECC\32B in the Chapeltown area of Sheffield

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**Reasons for Recommendations**

Based on the above information, the proposed closure of part of definitive public footpath ECC\16B, as shown on the plan included as Appendix A, is supported by Officers.

**Recommendations:**

Raise no objections to the proposed closure of definitive public footpath ECC\16B, as shown on the plan included as Appendix A, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.

Authority be given to the Director of Legal and Governance to

- a. take all necessary action to close the footpath under the powers contained within Section 118 of the Highways Act 1980;
- b. confirm the Order as an Unopposed Order, in the event of no objections being received, or any objections received being resolved.

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**Background Papers:**

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**Category of Report:** OPEN

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HIGHWAYS ACT 1980 SECTION 118. PROPOSED CLOSURE OF PART OF  
PUBLIC FOOTPATH ECC\16B AT CHAPELTOWN, SHEFFIELD S35

1.0 PURPOSE

- 1.1 To seek authority to process the Public Path Closure Order required for closing part of the definitive public footpath ECC\16B between Stanley Road and footpath ECC\32B in the Chapeltown area of Sheffield shown as a solid black-line on the plan included as Appendix A.

2.0 BACKGROUND

- 2.1 The City Council is making an application to close the footpath ECC\16B between Stanley Road and footpath ECC\32B in the Chapeltown area of Sheffield, as shown on the plan included as Appendix A.
- 2.2 This application is on behalf of the City Council's Principal Public Rights of Way Officer who contends that it is no longer required for public use and can be considered surplus to the requirements of the Highway Authority.
- 2.3 Footpath ECC\16B has a recorded width of 3 feet and is approximately 169 metres between Stanley Road and its junction with footpath ECC\32B.
- 2.4 This narrow route is enclosed by high fences and garden boundaries, e.g. *Leylandii* hedging, on both sides creating a very claustrophobic environment. Photographs showing this and the general condition of the route are included as Appendix B.
- 2.5 On site there is little evidence of pedestrian use and several parts of the path are blocked by damaged fencing and overgrown vegetation. No complaints have been received regarding these obstructions, adding weight to the view that there is minimal public demand for this path. Evidence of these obstructions can be seen on the photographs included as Appendix B.
- 2.6 Two alternative routes are available to pedestrians. These are along the footways of either Charlton Brook Crescent or Livingstone Road. Though they are longer at 240m and 245m respectively (cf. 169 metres length of the current route), they are well-lit and are generally more pleasant to walk than the subject footpath. These alternative routes are shown on the plan included as Appendix C.

2.7 The ownership of the subsoil, that carries footpath ECC\16B, is divided between the owners of 29 to 71 Charlton Brook Crescent and 30 Stanley Road. Once closed the owners of these properties will be at liberty, should they wish, to extend their gardens within the boundaries of their registered titles, to include the land currently in use for the path. The PROW Group will fence off the route at either end once it is legally closed.

### 3.0 CONSULTATIONS

3.1 Consultations have been carried out with Statutory Undertakers (i.e. utility companies), the Emergency Services, and other relevant bodies, including footpath societies.

3.2 Not all the consultees had responded at the time of writing this report. But of those that have responded, no objections have been received.

3.3 The Ramblers' Association and Peak and Northern Footpath Society have not objected to the proposal.

3.4 If any negative comments relating to the application are received before the Planning and Highways Committee meeting, they will be reported verbally.

### 4.0 LEGAL IMPLICATIONS

4.1 The Director of Legal & Governance has been consulted and has advised that if the Council was minded to agree to this application it would be appropriate to process the closure using the powers contained within Section 118 of the Highways Act 1980. These powers provide for a public footpath to be closed on the grounds that it is not needed for public use.

### 5.0 HIGHWAY IMPLICATIONS

5.1 The subject path ECC\16B is part of the definitive Public Rights of Way network in the Chapeltown area of Sheffield.

5.2 The proposed closure should not adversely affect the public's enjoyment of the area and will have no detrimental effect on the surrounding highway network and its users.

### 6.0 EQUAL OPPORTUNITY IMPLICATIONS

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

## 7.0 ENVIRONMENTAL IMPLICATIONS

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

## 8.0 FINANCIAL IMPLICATIONS

8.1 All the costs of the Closure Order application (in this case £3,150), and any other associated costs will be met from the Public Rights of Way budget.

8.2 Once closed there will be no future maintenance liability to the PROW group.

## 9.0 CONCLUSION

9.1 Based on the above information, the proposed closure of part of definitive public footpath ECC\16B, as shown on the plan included as Appendix A, is supported by Officers.

## 10.0 RECOMMENDATIONS

10.1 Raise no objections to the proposed closure of definitive public footpath ECC\16B, as shown on the plan included as Appendix A, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.

10.2 Authority be given to the Director of Legal & Governance to

- c. take all necessary action to close the footpath under the powers contained within Section 118 of the Highways Act 1980;
- d. confirm the Order as an Unopposed Order, in the event of no objections being received, or any objections received being resolved.



Philip Beecroft  
Head of Highway Maintenance

23rd November 2017