

PROPOSED CHANGES TO THE PUBLIC PATH NETWORK AT HUNSHELF BANK,
STOCKSBRIDGE, SHEFFIELD S36

1.0 PURPOSE

- 1.1 To seek authority to process the Highways Act 1980 Section 119 Public Path Diversion Order required to alter the course of definitive public footpaths STO\2A and STO\3 at Hunshelf Bank, Stocksbridge, Sheffield S36.
- 1.2 To seek authority to process the Highways Act 1980 Section 26 Creation Order required to convert public footpaths STO\2A, STO\3 and part of STO\1B, at Hunshelf Bank, Stocksbridge, to bridleways, conditional on successful completion of the Public Path Diversion Order.

2.0 BACKGROUND

- 2.1 The City Council has received a request from Liberty Steels to divert the length of definitive public footpath STO\3 that passes through their facility at Stocksbridge, shown on the plan included as appendix A (hereafter referred to as 'the plan') as a solid black line and heading in a generally westerly direction for 840 metres between points A to C. In addition it is also considered necessary to close a short length of definitive footpath STO\2A, which links to footpath STO\3, shown as a solid black line between points B and D on the plan.
- 2.2 The affected part of footpath STO\3 commences at the Hunshelf Road entrance to the Liberty Steels site, shown in the photograph below and as point A on the plan.



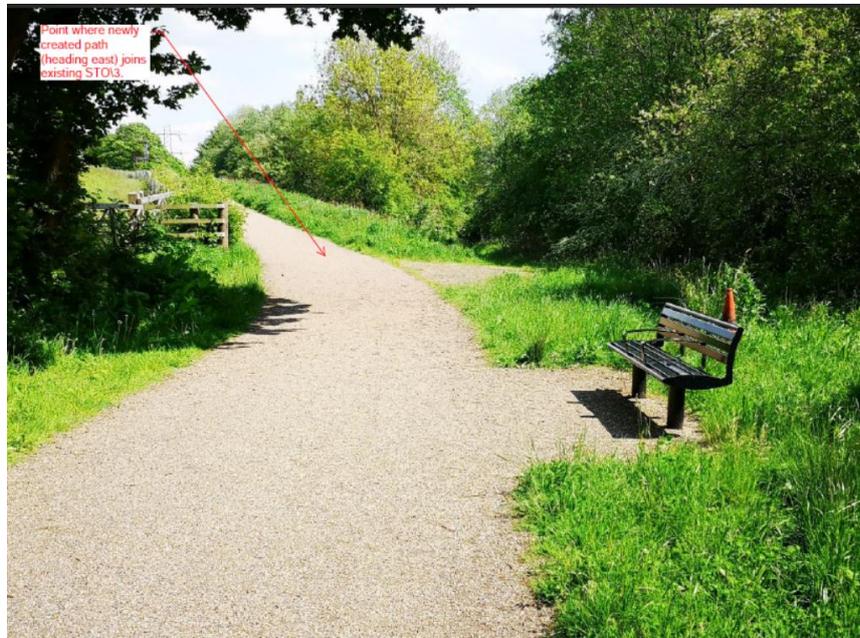
- 2.3 Footpath STO\3 continues along the private industrial road, which offers little in the way of refuge from vehicle movements for pedestrians, as can be seen in the photos below.



- 2.4 The affected part of footpath STO\2A provides a link between the points shown on the plan as B and D. Closure of the subject part of footpath STO\3 will render this section of footpath STO\2A redundant and it is therefore appropriate to include it within this proposal.

- 2.5 New sections of permissive footpath have been constructed on land owned by the City Council, shown between points C to D on the plan, and land owned by Liberty Steels, shown between points E to F. These two permissive sections, along with part of STO\1B between points A & F and the unaffected parts of STO\2A and STO\3 form part of the Little Don Link, though currently bridleway permissions (for horse riders and cyclists) are at the discretion of the land owners.





2.6 The current arrangement, along the permissive sections, does not protect the public from closure (without notice) by the landowners. This diversion proposal will enable the creation of a definitive public footpath route along the currently permissive parts, which will legally protect public walkers' pedestrian rights in perpetuity.

2.7 In addition to the provision of new path sections, parts of STO\1B, STO\2A and STO\3 (that create this part of the Little Don Valley Link) have been improved, in the manner of a multi-user bridleway route. These improvements include:

- widening the path, where necessary, to a minimum of 3.0m
- providing a 2m soft verge (for horses) where possible.
- resurfacing of the full length from Hunshelf Bank to Underbank Lane
- providing benches at several locations along the route.
- wooden safety fencing alongside parts where necessary

- 2.8 Following successful completion of the proposed legal diversion process, the permissive bridleway rights will remain at the discretion of the landowners.
- 2.9 On completion of the Footpath Diversion Order the Council will make a Creation Order, which, if successful, will provide a public bridleway path between Underbank Lane and Hunshef Road. This combined with other such routes along the Little Don Valley will provide an almost continuous off road route from Underbank to Deepcar, to be enjoyed by walkers, cyclists and horse riders.
- 2.10 These proposals have the full support of all affected landowners.

3.0 CONSULTATIONS

- 3.1 Consultations have been carried out with Statutory Undertakers (i.e. utility companies), the Emergency Services, and other relevant bodies.
- 3.2 Ward Councillors have been consulted and have raised no objections.
- 3.3 In February Councillor Julie Grocutt raised the proposal at a meeting of the Stocksbridge Town Council. Town Councillors had some concerns regarding the gradient that the diversion would create, though it was appreciated that this is the topography of Stocksbridge and considered that particular stretch to be manageable. Town Councillors welcomed the proposal for a safer pedestrian route.
- 3.4 The Peak and Northern Footpath Society are in agreement with the proposal and made the following comment:

The section of footpath STO\3 along a tarmac access road has little to commend it in terms of views or interest, unless one is an aficionado of corrugated iron buildings and other industrial paraphernalia. It would certainly be in the landowner's interests to see it removed from the proximity of these buildings as well as improving the safety of walkers. The new proposed route has much superior views, being at a higher level above the industrial buildings.

- 3.5 Not all the consultees had responded at the time of writing this report. But of those that have responded no objections have been received.
- 3.6 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 diversion using the powers contained within Section 119 of the Highways Act 1980. These powers provide for a public footpath to be diverted if it is expedient in the interests of the landowner, and if the

Council believes that the proposed alternative will be substantially as convenient to the public as the existing path.

- process the Creation Order using the powers contained within Section 26 of the Highways Act 1980, following confirmation of the Footpath Diversion Order. These powers allow for the creation of a new right of way, in this case a bridleway, to be created where it can be shown that there is a need for it.

5.0 HIGHWAY IMPLICATIONS

- 5.1 The subject paths STO\3 and STO\2a are part of the definitive public footpath network in the Stocksbridge area.
- 5.2 Though the closure will remove one opportunity for a 'round walk' on the valley side, the proposed new public footpath will be safer, wider and generally more pleasant than the existing one.
- 5.3 The proposed diversion should therefore not adversely affect the public's enjoyment of the area and will have no detrimental effect on the surrounding highway network and its users.
- 5.4 The proposed bridleway will provide a multi-user route for the enjoyment of walkers, cyclists and horse riders.

6.0 EQUAL OPPORTUNITY IMPLICATIONS

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

7.0 ENVIRONMENTAL IMPLICATIONS

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

8.0 FINANCIAL IMPLICATIONS

- 8.1 All the costs of the Diversion Order process and the provision and future maintenance of the new path will be met by the applicant from funds reserved in the Local Transport Plan.
- 8.2 The bridleway route (albeit at this stage permissive) has already been constructed/improved with funding from the Cycle Ambition Grant awarded to Derbyshire County Council in order to improve links in to the Peak District and the Sheffield Local Transport Plan (LTP) at a cost of approximately £320,000. However, as construction was carried out several years ago, it is now necessary to undertake some minor additional works to bring the path up to current adoptable standards, at a cost of £6610. In order to cover maintenance costs for the next 25 years a commuted sum of £95688 will be paid to the Council from the LTP.

9.0 CONCLUSION

9.1 Based on the above information, Officers support:

- the proposed diversion of parts of definitive public footpaths STO\2a and STO\3, as shown on the plan included as Appendix A; and
- the proposal to make a Bridleway Creation Order, following conditional on confirmation of the Footpath Diversion Order, as shown on the plan included as Appendix B.

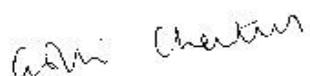
10.0 RECOMMENDATIONS

10.1 Raise no objections to:

- the proposed diversion of parts of definitive public footpaths STO\2a and STO\3, 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; and
- the proposal to make a Creation Order required to convert the existing footpaths, and those created following completion of the Diversion Order, into a bridleway, under the powers contained within Section 26 of the Highways Act 1980, as shown on the plan included as Appendix B.

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

- a. take all necessary action to divert the footpaths under the powers contained within Section 119 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;
- c. then take all necessary action to make the Creation Order required to convert the existing footpaths, and those created following completion of the Diversion Order, into a bridleway, under the powers contained within Section 26 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.



Gillian Charters
Head of Highway Maintenance

25th August 2020

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