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Our Ref: RNC/DWh/123538-1-0

Your Ref: JB/061633

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BY DX, HAND DELIVERY AND EMAIL –
Joanne.Biott@sheffield.gov.uk

29 October 2012

2102 2012

Dear Sir/Madam

RE: Public Path Creation Order - Highways Act 1980
Sheffield City Council - Blackburn Valley (Butterthwaite Lane to Loicher Lane) Public Bridleway
Creation Order 2012

We act for and on behalf of MHH Contracting Limited. We are in receipt of the Notice of making an Order dated 25 September 2012. This stated that any representations or objections to the Order are to be sent to Sheffield City Council no later than 29 October 2012.

We enclose by way of service Notice of Objection of MHH Contracting Limited. Please acknowledge safe receipt.

Please make sure that all future communication is directed through us. We require confirmation that your Public Path Creation Order will now be referred to the Secretary of State and directions will be given for the public enquiry.

We look forward to hearing from you.

Yours faithfully

T & E

Taylor & Emmet LLP

Enclosures

Public Path Creation Order

Highways Act 1980

Sheffield City Council

City of Sheffield

Blackburn Valley

(Butterthwaite Lane to Loicher Lane)
Public Bridleway Creation Order 2012

To: Sheffield City Council
Town Hall
Sheffield
S1 2HH

Notice of Objection of MHH Contracting Limited

MHH Contracting Limited is the freehold owner of the freehold land to the east of Loicher Lane, Ecclesfield Sheffield under Land Registry title number SYK360869. This is a notice of objection to the Public Bridleway Creation Order 2012 dated 20 September 2012. MHH Contracting Limited note that the Order has been made under section 26 of the Highways Act 1980.

MHH do not object to the making of a Public Footpath Order. MHH have never objected to the creation of a public footpath on the disused railway line passing through MHH Contracting Limited's property. MHH Contracting Limited do however object to the width of the sought footpath. Pursuant to the Public Path Creation Order Sheffield City Council propose to create a public bridleway having a total width of 5.5 metres. It is intended the bridleway is split between a 3 metre wide surface track for pedestrians and cyclists and a 2 metre softer track for horses. The bridleway is to be accompanied by a 0.5 metre wide verge on the north east side of the surfaced track.

MHH Contracting Limited submit that a width of 5.5 metres is excessive, unnecessary and fails to take into account the interest of MHH Contracting Limited as the freehold owners of the land.

In making the Public Footpath Order the authority must determine that there is a need for a new path and the authority must be satisfied that it is expedient to create it having regard to:-

1. The extent to which it would add to the convenience or enjoyment of a substantial section of the public or of local residents;
2. The effect that the creation would have on the rights of those with an interest in the land, taking into account the provisions for compensation.

MHH Contracting Limited do not believe that Sheffield City Council have demonstrated that the creation of a public bridleway with a total width of 5.5 metres would substantially convenience a substantial section of the public or of local residents. As stated, MHH Contracting Limited do not object to the creation of a public footpath. MHH Contracting Limited will agree and consent to the creation of a public footpath following the Western Boundary with a total width of 2 metres including soft verges. MHH Contracting Limited do not accept that the footpath should be any greater than a standard rural footpath crossing private land. MHH Contracting Limited do not believe that there is sufficient need, convenience or enjoyment to a substantial section of the public or of local residents for the public footpath to be of a greater width than 2 metres. Sheffield City Council have not demonstrated a sufficient convenience or enjoyment to a substantial section of the public or of local residents.

MHH Contracting Limited have seen the report of Mr John Bann, Head of Transport and Highways dated 8 May 2012. This report concentrates on the need for a public footpath/bridleway but does not provide any documentation, information or analysis as to the number of local residents or an analysis of a section of the public who would benefit from the public footpath/bridleway. It is submitted by MHH Contracting Limited that the creation of a public footpath/bridleway would result in very little usage as a bridleway. The majority use would be as a public footpath or cycleway. In those circumstances there is simply no demonstrated need by Sheffield City Council that a public footpath/bridleway with a total width of 5.5 metres would be for the convenience or enjoyment of a substantial section of the public or of local residents.

No assessment has been carried out of the need for a bridleway or the anticipated use of a bridleway. It is submitted that it is highly unlikely that equestrians would want to utilise a bridleway through a scrapyard. The local area is a partially industrial area where equestrian use is minimal. It is submitted that to the east of the proposed footpath, the existing footpath leads to the Meadowhall area of Sheffield, where there is zero equestrian use.

It is submitted that Sheffield City Council have failed to establish or demonstrate that the proposed public footpath/bridleway would act as a convenience or enjoyment of a substantial section of the public or of local residents.

Further, MHH Contracting Limited have offered to remove the bridge and paraposts, at their own expense, located at Loicher Lane to improve the visibility for pedestrians joining the footpath at this point, where the footpath crosses Loicher Lane. This is a point where the existing bridge is situated on a bend in the road and restricts visibility and lines of view for pedestrians. This offer has been rejected by Sheffield City Council without reason or explanation.

The second issue of consideration is of security. As a result of the lawful use certificate which MHH Contracting Limited have for use of the land, MHH Contracting Limited have the ability to store, break, dismantle steel and scrap metals for industrial clearance and for recycling. As a result, at any time, the site can contain expensive and/or dangerous materials and security of the site is of paramount importance to MHH Contracting Limited. It is noted that the Public Path Creation Order dated 20 September 2012 and the prior report of John Bann dated 8 May 2012 contains no reference to the safety of the site.

For the reasons set out above, MHH Contracting Limited oppose the Public Path Creation Order dated the 20th day of September 2012 but would consent to an alternative Public Path Creation Order of not exceeding a total of 2 metres in width, along the Western boundary of the site after adequate consideration has been given to the security of the land.

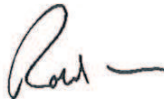
Dated this 2^a day of ~~October~~ 2012

Full Name: ROBERT W. MOORS

Position or office held:

(if signing on behalf of firm or company)

Signed:



from Alan Kind

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Director of Legal Services
Sheffield City Council
Legal Services
Town Hall
Sheffield
S1 2HH

30 September 2012

- 5 OCT 2012

Dear Sir:

Re: Blackburn Valley (Butterthwaite Lane to Loicher Lane) public bridleway creation order 2012.

Reference your order of 20 September 2012. I object to this order on the ground that the proposed 'limitation or condition' of private vehicular rights is not a valid limitation or condition. These rights may be exercised if they exist, and any public rights are subject to that exercise. That is no fetter on the public right.

Yours faithfully,



Alan Kind

16 OCT 2012

[REDACTED]
[REDACTED]
[REDACTED]

Your ref. JB/061633 Public Path Creation Order – Highways Act 1980

Blackburn Valley (Butterthwaite Lane to Loicher Lane) Public Bridleway Creation Order.

Dear Sir/Madam,

I fully support this Creation Order as it will create a perfect link in the public rights of way network in this area.

Yours faithfully, Terry Howard. (Chair of Ramblers)

Andrew Wild
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

City Solicitor,
Sheffield City Council,
Town Hall,
Sheffield,
S1 2HH

CITY OF SHEFFIELD
BLACKBURN VALLEY
(BUTTERTHWAITHE LANE TO LOICHER LANE)
PUBLIC BRIDLEWAY CREATION ORDER 2012

Dear Sir or Madam,

I am writing in support of the above order to create a bridleway along the disused railway alignment between Butterthwaite Lane and Loicher Lane. At the moment, the only way to cycle to Chapelton and beyond from where I live at Wincobank is to use the main road through Ecclesfield (A635) or, more circuitously, take the A629 past Thorpe Hesley and across J35 on the M1. Neither of these routes is particularly convenient or safe to cycle on. This is a major barrier, not only for me but for many others.

The proposed Bridleway route would make it possible for people from Wincobank and Brightside to access jobs at Smithy Wood, Thorncliffe and J35A business parks, as well as giving people from Chapelton and Ecclesfield access to Meadowhall and its interchange (from where you can reach the whole sub-region by bus, tram or train).

The existing route to Butterthwaite Lane from Meadowhall Interchange has been built to a very good standard and the continuation of this route to Chapelton would be a major benefit for us in the North of the City. I do hope this Order is confirmed and the route continued.

Yours faithfully



Andrew Wild

11 OCT 2012

Biott Joanne (CEX)

From: John Harker [mailto:john.harker@peakfootpathsociety.org.uk]
Sent: 25 October 2012 12:06
To: Biott Joanne (CEX)
Subject: HIGHWAYS ACT 1980 SECTION 26 PUBLIC PATH CREATION ORDER 2012
Follow Up Flag: Follow up
Flag Status: Red

Your ref:- JB/061633

Dear Joanne,

Please accept this email as this Society's support for this creation order.

We consider that there is clear & demonstrable public benefit in a public bridleway between Loicher Lane & Butterthwaite Lane to complete a section of the Trans Pennine Trail and encourage safe off-road commuting and recreational activity.

We would be happy to support the Order Making Authority at any public inquiry should the need arise.

Yours sincerely,

John Harker
Area Officer(Sheffield)
Peak & Northern Footpaths Society

Biott Joanne (CEX)

From: stoyne [REDACTED]
Sent: 04 October 2012 10:26
To: Biott Joanne (CEX)
Subject: your reference JB/061633

Follow Up Flag: Follow up
Flag Status: Completed

Re-Blackburn valley (Butterthwaite Lane to Loicher Lane) Public
Bridleway Creation Order 2012.

I write on behalf of the Ramblers Association Sheffield Group to support
the above order, as this will create a vital link in the network of
tracks connecting the city centre via Meadowhall with Chapeltown and
beyond to the Timberland trail and other parts of the Trans Pennine
Trail.

Yours faithfully
David Woodhead
Footpath Secretary
Sheffield Group R.A.

Biott Joanne (CEX)

From: Simon Geller [REDACTED]
Sent: 28 September 2012 00:41
To: Biott Joanne (CEX)
Subject: Ref: JB/061R633
Follow Up Flag: Follow up
Flag Status: Completed

Dear Ms Bird,

Thank you for letter dated 25th September.

We SUPPORT the making of this order, which we regard as essential for the creation of a sustainable transport link between Chapeltown, Meadowhall and Sheffield, giving access to employment and leisure opportunities for the communities along this corridor

--

Simon Geller
CTC Right to Ride Rep.
Sheffield

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Simon