

PROPOSED DIVERSION OF PUBLIC FOOTPATH BRA\120 OFF CHURCH STREET,
OUGHTIBRIDGE, SHEFFIELD S35.

1.0 PURPOSE

- 1.1 To seek authority to make the Public Path Diversion Order, under Section 119 of the Highways Act 1980, required to alter the legal course of definitive public footpath BRA\120, off Church Street, Oughtibridge.

2.0 BACKGROUND

- 2.1 The City Council is proposing to make an Order to divert part of public footpath BRA\120 off Church Street, Oughtibridge, as shown by a solid black line on the plan included as Appendix A, hereby referred to as “the plan”.
- 2.2 The affected part of footpath BRA\120 was diverted, without lawful authority at the time, by a landowner sometime around 1996. The alternative route has been accepted and used by the public for 25 years and it is considered pragmatic to make an Order to regularise the situation. The diversion of the footpath, while being in the interests of the landowner, does not inconvenience the public. The diversion (if successful) will enable the Council to amend the Definitive Map and Statement so as to properly reflect the status of the route.
- 2.3 In 2006 the City Council made an Order to divert this part of footpath BRA\120. However, objections were received from members of the public and the Council was unable to confirm the Order such that it could come into effect. Subsequent discussions with objectors resulted in two of the three objections being removed. Unfortunately, officers were unable to contact the third objector and it was decided that the process should be put on hold.

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 The Peak and Northern Footpath Society have raised no issues to the proposal.
- 3.4 Not all the consultees had responded at the time of writing this report. But of those that have responded no objections have been received.

3.5 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 If the Council considers it expedient, 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 by creation of a legal order if it is in the interests of the landowner, including where it is pursuant to their privacy and security, and if the Council believes that the proposed alternative will not be substantially less convenient to the public.

4.2 Where it has not been possible to resolve an objection made to an Order, the City Council may refer that Order to the Secretary of State for confirmation so as for it to come into effect. For reasons unknown, a decision was taken to not refer the Order in 2006. Given that 15 years have passed since the original application, it is considered more appropriate to restart the process rather than attempt to refer the 2006 Order, primarily on the basis that the notification procedure associated with the making of a new order will be carried out and the public will have a new opportunity to make representations.

5.0 HIGHWAY IMPLICATIONS

5.1 Public footpath BRA\120 is part of the definitive public footpath network in the Oughtibridge area of Sheffield.

5.2 The proposed alternative route has been accepted and used by the public for 25 years.

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.

6.0 EQUAL OPPORTUNITY IMPLICATIONS

6.1 An Equality Impact Assessment has been carried out and no particular equal opportunity implications have been identified 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 associated with the Diversion Order process will be met from the Public Rights of Way budget.

9.0 CONCLUSION

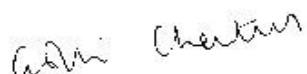
9.1 Based on the above information, Officers support the proposed diversion of part of definitive public footpath BRA\120, as shown on the plan included as Appendix A.

10.0 RECOMMENDATIONS

10.1 Raise no objections to the proposed diversion of part of definitive public footpath BRA\120, 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

- a. take all necessary action to divert the footpath 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



Gillian Charters
Head of Highway Maintenance

18th January 2022

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