



## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** Director of Street Scene and Regulation

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**Date:** 30<sup>th</sup> April 2024

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**Subject:** PROPOSED DIVERSION OF PUBLIC FOOTPATH SHE\162 AT SHIRECLIFFE, SHEFFIELD 5.

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**Author of Report:** Mark Reeder 0114 474 2509

### Summary:

To seek authority to make a Public Path Diversion Order under Section 119 of the Highways Act 1980 that is required to alter the course of definitive public footpath SHE\162 at Shirecliffe, Sheffield 5.

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### Reasons for Recommendations

Based on the information within this report, officers support:

- the proposed diversion of part of definitive public footpath SHE\162, as shown on the plan included as Appendix A, on the basis that it is considered expedient in the interests of the public.

### Recommendations:

1. Raise no objections to the proposed diversion of part of definitive public footpath SHE\162, 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.
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as an Unopposed Order, in the event of no objections being received, or any objections received being resolved and withdrawn prior to the order being confirmed.

### Background Papers:

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**Category of Report:** OPEN

## DIRECTOR OF STREETSCENE AND REGULATION

REPORT TO PLANNING  
AND HIGHWAYS COMMITTEE  
30th April 2024

### PROPOSED DIVERSION OF PUBLIC FOOTPATH SHE\162 AT SHIRECLIFFE, SHEFFIELD 5.

#### 1.0 PURPOSE

- 1.1 To seek authority to make a Public Path Diversion Order (“the Order”) under Section 119 of the Highways Act 1980 that is required to alter the course of definitive public footpath SHE\162 at Shirecliffe, Sheffield 5.

#### 2.0 BACKGROUND

- 2.1 The Highway Authority has received a request from the City Council’s Public Rights of Way Team requesting that footpath SHE\162 is diverted as shown by a solid black line on the plan included as Appendix A, hereby referred to as “the plan”.
- 2.2 Footpath SHE\162 is located on the eastern side of Parkwood Springs.
- 2.3 The subject path was informally diverted whilst the site was operating as a landfill facility. The alternative was considered a safer option for the public however no formal action was taken at the time. To formalise the situation, it is necessary to seek an order that diverts the legal route of footpath SHE/162 along the route shown as a broken black line on the plan. The basis for the making of the order being that it is considered expedient in the interests of the public.

#### 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 and the Ramblers 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 Committee was minded to agree to this proposal, it would be appropriate for the Council to process the diversion using the power contained within Section 119 of the Highways Act 1980. This power provides that a public footpath may be diverted by creation of a legal order where the Council considers that to be expedient in the interests of:

- the owner, lessee or occupier of land crossed by the path; or
- the public.

The reason why this proposal may be considered expedient in the interests of the public is set out in paragraph 2.3 of this report (i.e. safety). The Council should also have regard to the effect that the proposed diversion would have on the public enjoyment of the path as a whole. This is set out in paragraphs 5.2 and 5.4.

#### 5.0 HIGHWAY IMPLICATIONS

5.1 Public footpath SHE\162 is part of the definitive public footpath network in the Shirecliffe area of Sheffield. It is regarded as definitive because it has been formally recorded on the Council's definitive map and statement of public rights of way.

5.2 The subject path is unmade (not tarmacked) and has no streetlighting. It is normal procedure, when diverting a public footpath, that the path to be provided is considered no less convenient than the one it replaces. The alternative path, shown as a broken line on the plan, has been provided to an improved standard, with a crushed brick surface, though it is approximately 20 metres longer.

5.3 The making of an Order that diverts footpath SHE/162 will provide the public, particularly the residents of Standish Way, Standish Bank and Standish Gardens, with a convenient and safe formal connection to the public footpath network and open space at Parkwood Springs

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

## 7.0 ENVIRONMENTAL IMPLICATIONS

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

## 8.0 FINANCIAL IMPLICATIONS

8.1 The fee associated with the closure application and advertising of the Order has been met from the Public Rights of Way 2023/24 allocation of the Local Transport Plan.

8.2 Any future costs relating to this decision will be contained within existing resources.

## 9.0 CONCLUSION

9.1 Based on the above information, Officers support the proposed diversion of part of definitive public footpath SHE\162, 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 SHE\162, 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 General Counsel for Legal Services to

- a. take all necessary action to divert the footpath under the powers contained within Section 119 of the Highways Act 1980; and
- b. confirm the Order as an Unopposed Order, in the event of no objections being received, or any objections received being resolved.



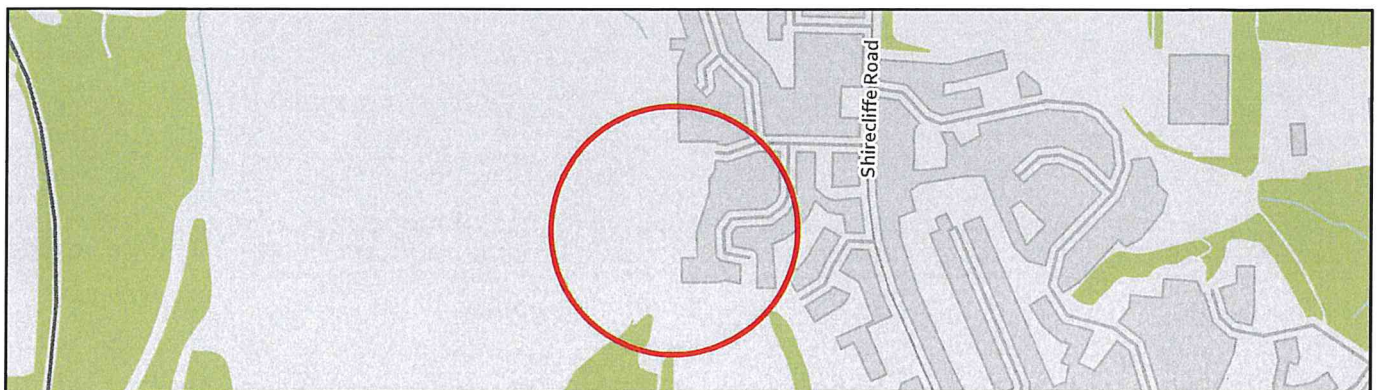
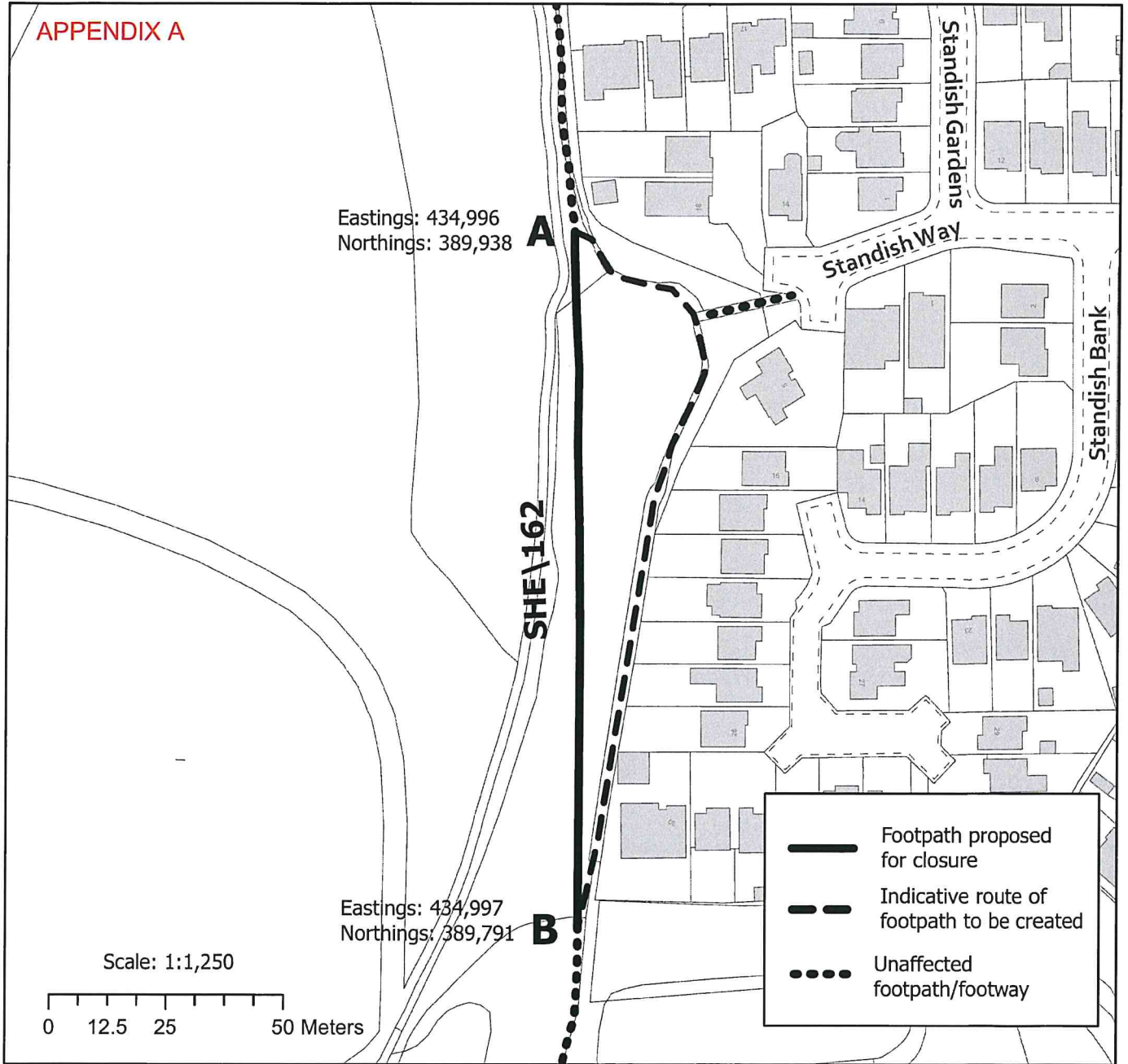
Mohamed Edroos  
Head of Highway Maintenance

30th April 2024



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Highways Act 1980 Section 119 -  
 Diversion of footpath SHE\162 at  
 Shirecliffe, Sheffield 5



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