

DIRECTOR OF REGENERATION AND DEVELOPMENT SERVICES

REPORT TO PLANNING
AND HIGHWAYS COMMITTEE
13th May 2014

PROPOSED DIVERSION OF PUBLIC FOOTPATH BRA\37B OFF LAMB HILL, LOW BRADFIELD, SHEFFIELD

1.0 PURPOSE

- 1.1 To seek authority to process the Public Path Diversion Order required to alter the course of definitive public footpath BRA\37B, off Lamb Hill, Low Bradfield.

2.0 BACKGROUND

- 2.1 The City Council has received an application from the landowner requesting the diversion of definitive public footpath BRA\37B, off Lamb Hill, Low Bradfield, as shown on the plan included as Appendix A.
- 2.2 Footpath BRA\37B runs for 600m, from Lamb Hill at Low Bradfield up the hill to join Woodfall Lane near to High Bradfield. In conjunction with other public paths in the local network, it provides an off-road pedestrian link between High and Low Bradfield, albeit one which involves users climbing stiles and steep, narrow steps.
- 2.3 The proposal is for approximately 210m of this, towards the bottom end near Lamb Hill, to be moved about seven to nine metres east of its current course. This would mean it would be on the east side of the current wall line (and hedge for part of the length), as opposed to on the west side as at present.
- 2.4 The applicant (who already owns all the land involved) has said that the path would then be slightly further away from his home, and somewhat more shielded from it than at present, which would be beneficial to him in terms of security and privacy. He also wishes to create separation between his own pets and the dogs of people using the footpath, after incidences of his cats being chased.

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 National Grid Gas initially objected, because they have a gas pipe underneath the current path, to which they need to retain 24 hour maintenance access for use in case of emergency. However, when the landowner was able to

evidence to them that there was actually already a legally binding easement agreement in place to protect their access rights in perpetuity, they withdrew their objection.

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

3.4 The Ramblers' Association have responded that they have no problem with the proposal, provided that the new path's crossing points between the fields are not ladder stiles. The Council will make this a condition on the construction of the new path.

3.5 Bradfield Parish Council have been consulted on the proposal. It was viewed by their Planning Committee Councillors, who had no objections to it.

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 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.

5.0 HIGHWAY IMPLICATIONS

5.1 The subject path BRA\37B is part of the definitive public footpath network in the Bradfield area.

5.2 The proposed alternative route will not be any longer in distance than the existing course, and its gradient and ambience are similar. It also has the benefit of avoiding a very old and rather difficult stone stile in one of the field boundaries on the existing course.

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 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 Diversion Order process and the provision of the new path will be met by the applicant.

8.2 If the application is successful then the new path, once satisfactorily provided by the applicant, will be maintained by the Council's Public Rights of Way team, in lieu of the old path. As the new path is of the same length and nature as the old path, the effect on the Public Rights of Way maintenance budget will be neutral.

9.0 CONCLUSION

9.1 Based on the above information, the proposed diversion of definitive public footpath BRA\37B, as shown on the plan included as Appendix A, is supported by Officers.

10.0 RECOMMENDATIONS

10.1 Raise no objections to the proposed diversion of definitive public footpath BRA\37B, 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;
- c. submit the Order to the Secretary of State for confirmation in the event that objections are received which cannot be resolved.

Steve Robinson
Head of Highway Maintenance

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