



SHEFFIELD CITY COUNCIL Planning & Highways Committee

Report of: Director of Development Services

Date: 15 March 2016

Subject: SECTION 257 PROPOSED DIVERSION OF PUBLIC FOOTPATH STO/13 AND CYCLE TRACKS ACT 1984
CONVERSION OF PARTS OF A PUBLIC FOOTPATH TO SHARED FOOTPATH/CYCLE TRACK AT FOX VALLEY, STOCKSBRIDGE

Author of Report: MARK REEDER 0114 273 6125

Summary:

To seek authority to process the Diversion Order required for closing parts of the Definitive Footpath numbered STO/13 at Fox Valley, in the Stocksbridge area of Sheffield, as shown by a solid black line on the plan attached as attached as appendix A, hereby referred to as the plan.

Recommendations:

Raise no objections to the proposed diversion of the footpath linking Topley Hall Lane and Stocks Green Drive, as shown by a solid black line 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.

Authority be given to the Director of Legal and Governance to

1. Take all necessary action to divert the footpath by order under the powers contained within Section 257 of the Town and Country Planning Act 1990.
2. Take all necessary action to convert the footpath to a shared footpath/cycle track under the powers contained within Section 3 of the Cycle Tracks Act 1984.
3. 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as an unopposed order, in the event of no objections being received, or any objections received being resolved and withdrawn prior to the order being confirmed.
4. Submit the Order to the Secretary of State for confirmation in the event that objections are received which cannot be resolved.

Background Papers:

Category of Report: OPEN

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 257 PROPOSED
DIVERSION OF PUBLIC FOOTPATH STO/13 AND CYCLE TRACKS ACT 1984
CONVERSION OF PARTS OF A PUBLIC FOOTPATH TO SHARED
FOOTPATH/CYCLE TRACK AT FOX VALLEY, STOCKSBRIDGE, SHEFFIELD.

1.0 PURPOSE

- 1.1 To seek authority to process the Diversion Order required for closing parts of the Definitive Footpath numbered STO/13 at Fox Valley, in the Stocksbridge area of Sheffield, as shown by a solid black line on the plan attached as appendix A, hereby referred to as the plan.
- 1.2 To seek authority to process the Cycle Track Order required for converting parts of the Definitive Footpath numbered STO/13 to a shared footpath/cycle track at Fox Valley, in the Stocksbridge area of Sheffield, as shown coloured green on the plan.

2.0 BACKGROUND

- 2.1 On 12th October 2012 Planning consent (ref: 11/00384/FUL) was given to Stocksbridge Regeneration Company Ltd for a residential development and provision of means of access and associated landscaping (Outline application), and formation of link road and engineering works (Full application) on land east of Stocksbridge Steel Works, Manchester Road, Stocksbridge.
- 2.2 Footpath STO/13 commences at Manchester Road between numbers 282 and 288 (point 'A' on the plan), and runs in a generally northwesterly direction along a private road. It then crosses a private railway operated by Tata Steel, crossing the Little Don River (via a narrow footbridge) heading in a generally northerly direction, then heading west continuing through the new retail development (currently under construction) until it meets Fox Valley Way (formerly Hunshelf Road).
- 2.3 In order to enable the approved development to be carried out, it is necessary to re-align parts of footpath STO/13 shown as a solid black line on the plan. To achieve this, a Public Path Diversion Order must first be made and confirmed.
- 2.4 A new cycle route is to be provided through the site. Part of this route will be newly constructed (shown as red on the plan) and part will be incorporated within new areas of all purpose highway (shown hatched black on the plan). To complete the route it will be necessary to convert parts of the existing public footpath numbered STO/13 to a Footpath/ Cycle Path (shown solid green on the plan).

3.0 PROPOSALS

- 3.1 To divert parts of footpath STO/13, as shown solid black on the plan insets 1, 2 and 3.
- 3.2 To convert parts of footpath STO/13 to shared footpath/ cycle path, as shown green on the plan.
- 3.3 Definitive Footpath STO/13 is recorded as being 5ft wide along its entire route. Where it is converted to a shared footpath/cycle track the width will be increased to 3m. The new footpath sections will be 1.8m wide.
- 3.4 The section of Footpath STO/13 between Manchester Road and the railway crossing (shown coloured green as points A to B on the plan) is along a private road. As part of the approved development, this road will be resurfaced, and the footpath converted to a shared footpath/cycle track with vehicular access restricted to private users and emergency vehicles only. The section of footpath crossing the private railway line (shown coloured green as points B to C on the plan) will also be converted to a shared footpath/cycle path. Although the Council, as Local Highway Authority, has the power to make such an Order without the authority of the land owner, we are mindful of the effect that such proposals might have on the operators of the private railway. However, following detailed discussions with Tata, all parties were happy that a shared footpath/cycle track across the railway would not impinge on their infrequent train movements, and consequently will not affect their operations, and so agreed to the proposal. This is shown in more detail in Inset 1 on the plan.
- 3.5 Beyond the railway crossing the path continues in a generally northerly direction, crossing the Little Don River via a narrow footbridge before meeting Definitive Footpaths STO/11 and STO/11A. To accommodate the approved development it is proposed that this section of the route (shown as a solid black line on the plan and marked as points C to D) is diverted. The first part, from C to E, will be via the new all-purpose highway being created to serve the development. The new footpath shown as a broken black line and marked as points E to D on the plan, then commences at the new highway 35m north east of the railway, before crossing the Little Don River via a currently redundant vehicular bridge and continuing until it joins Definitive Footpaths STO/11 and STO/11A at point D. This is shown in more detail in Inset 2.
- 3.6 There is a level difference where the new route meets the existing Definitive Footpaths (shown as point D on the plan). The developer proposes to carry out groundworks to merge the levels without the need for steps. To accommodate these works it will be necessary to divert a short section (shown as a solid black line and marked as points D to F on the plan). The new route is shown as a broken line and between points D and F on the plan. This is shown in more detail in Inset 2.

- 3.7 Due to the provision of the new shared footpath/cycle track section (shown red on the plan) a slight alignment change will be required where it connects to the existing footpath. The section shown as a solid black line between points G and H on the plan will be diverted. The new route is shown as a broken black line as points G to I on the plan. This is shown in more detail in Inset 3.
- 3.8 To link with the newly created shared footpath/cycle track (shown red on the plan) the section of Definitive Footpath STO/13 shown coloured green and marked as points H to J will be converted to a shared footpath/cycle track. This is shown in more detail in Inset 3.
- 3.9 Joining the newly created all-purpose highway with the previously created shared footpath/cycle track, the section shown coloured green and marked as points K to L will be converted to a shared footpath/cycle track completing the route for cyclists through the Fox Valley Development. This is shown in more detail in Inset 4.

4.0 LEGAL IMPLICATIONS

- 4.1 The Director of Legal and Governance has been consulted and has advised that, if the Council is satisfied that the Footpath needs diverting to enable the approved development to be carried out, it would be appropriate to process the diversion using the powers contained within Section 257 of the Town and Country Planning Act 1990. In addition an Order under the Cycle Tracks Act 1984 shall be required to convert parts of the Definitive Footpath to a shared footpath/cycle track.

5.0 HIGHWAY IMPLICATIONS

- 5.1 The proposed diversions will have no detrimental effect on the surrounding highway network and its users.
- 5.2 The new shared footpath/cycle track link will provide cyclists with a route through the new retail and residential developments at Fox Valley and provide a connection with the Little Don Link bridleway route, in both cases avoiding a significant length of the busy Manchester Road.
- 5.3 Conversion of sections of footpath to shared footpath/cycle track on the basis described in Sections 2 and 3 above should 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 CONSULTATIONS

- 6.1 Consultations have been carried out with Statutory Undertakers (i.e. utility companies), the Emergency Services, and other relevant bodies, including footpath societies and Stocksbridge Town Council.

6.2 Not all the consultees had responded at the time of writing this report. Of those that have responded no objections have been received.

6.3 If any negative comments relating to this application are received before the Planning and Highways Committee meeting, they will be reported verbally.

7.0 EQUAL OPPORTUNITY IMPLICATIONS

7.1 The restrictive 'kissing gate' currently at the southern side of the railway crossing will be removed and replaced with a 'K' barrier. The surface of the crossing will be upgraded from the current loose material to a more appropriate permanent surface. These improvements will allow access to pushchairs and mobility scooters and generally make the route more user-friendly and accessible.

8.0 ENVIRONMENTAL IMPLICATIONS

8.1 No environmental implications arise from the proposals in this report.

9.0 CONCLUSION

9.1 The Council is satisfied that the proposed diversion of the footpath is necessary to enable the approved development to be carried out. Based on all of the above information, the application is supported.

9.2 Creation of the shared footpath/cycle track should not adversely affect the public's enjoyment of the area and will have no detrimental effect on the surrounding highway network and its users.

10.0 FINANCIAL IMPLICATIONS

10.1 All costs accruing to the Council (Highway Maintenance Division) in association with this proposal will be met by the Applicant.

11.0 RECOMMENDATIONS

11.1 Raise no objections to the proposed diversion of the Definitive Footpath numbered STO/13 as shown on the plan, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.

11.2 Authority be given to the Director of Legal and Governance to

- a. take all necessary action to divert the footpath by order under the powers contained within Section 257 of the Town and Country Planning Act 1990.

- 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.
 - c. submit the Order to the Secretary of State for confirmation in the event that objections are received which cannot be resolved.
- 11.3 To raise no objections to the proposal to convert the Definitive Footpath numbered STO/13, as shown coloured green on the plan, to a shared footpath/cycle track. This would be subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected.
- 11.4 Authority be given to the Director of Legal and Governance to
- a. take all necessary action to convert the footpath to a shared footpath/cycle track under the powers contained within Section 3 of the Cycle Tracks Act 1984.
 - 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.
 - c. submit the Order to the Secretary of State for confirmation in the event that objections are received which cannot be resolved.

Dave Caulfield
Director of Development Services

15th March 2016