

HIGHWAYS ACT 1980 SECTION 119 PROPOSED DIVERSION OF PART OF
PUBLIC FOOTPATH SHE/232 OFF OLD HAY LANE, DORE, 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 SHE/232, off Old Hay Lane, Dore.

2.0 BACKGROUND

- 2.1 The City Council has received an application from the landowner requesting the diversion of part of definitive public footpath SHE/232, off Old Hay Lane, Dore, as shown on the plan included as Appendix A (hereby referred to as 'the plan').
- 2.2 Footpath SHE/232 runs for 460m, from Old Hay Lane at Dore to join Penny Lane at Totley.
- 2.3 The proposal is for approximately 45m of this, running through the grounds of Old Hay Cottage, to be moved a maximum of 16 metres east and south of its current course, as shown on the plan.
- 2.4 The current route is less than a metre from the applicant's front door; as such they feel that moving the path away will be beneficial to them in terms of security and privacy.

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 Not all the consultees had responded at the time of writing this report. But of those that have responded, no objections have been received.
- 3.3 The Ramblers' Association have responded that they have no problem with the proposal, provided that no gates or stiles are erected at the point where the path meets the applicant's garden, shown as point A on the plan. The Council will make this a condition on the construction of the new path.

- 3.4 The Dore Village Society has been consulted on the proposal and has requested that if any stock barriers are necessary they are in the form of gates rather than stiles. The Council will make this a condition on the construction of the new path.
- 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 if the Council was minded to agree to this application 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 SHE/232 is part of the definitive public footpath network in the Dore and Totley area.
- 5.2 The proposed alternative route will be 10 metres longer in length than the existing course, though its gradient and ambience are similar to the current route. It also has the benefit of avoiding a steep stone stile at the field boundary.
- 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. It is slightly longer but similar in nature to the old route and consequently the effect on the Public Rights of Way maintenance budget is considered to be negligible.

9.0 CONCLUSION

9.1 Based on the above information, the proposed diversion of definitive public footpath SHE/232, 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 SHE/232, 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

5th April 2016

