



## SHEFFIELD CITY COUNCIL Planning & Highways Committee

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**Report of:** Director of Culture and Environment

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**Date:** 24<sup>th</sup> October 2017

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**Subject:**

PROPOSED CLOSURE OF PUBLIC FOOTPATH SHE/346 AT WADSLEY BRIDGE, SHEFFIELD 6.

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**Summary:**

To seek authority to process the Public Path Closure Order required for closing the definitive public footpath SHE/346 off Clay Wheels Lane, Wadsley Bridge.

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**Reasons for Recommendations**

Based on the above information the Council is satisfied that footpath SHE\346 is not necessary and can therefore be closed using Highway Act powers.

**Recommendations:**

Raise no objections to the proposed closure of definitive public footpath SHE/346, 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.

Authority be given to the Director of Legal and Governance to

- a. take all necessary action to close the footpath under the powers contained within Section 118 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;
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**Background Papers:**

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**Category of Report:** OPEN

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PROPOSED CLOSURE OF PUBLIC FOOTPATH SHE/346 AT WADSLEY BRIDGE,  
SHEFFIELD 6.

1.0 PURPOSE

- 1.1 To seek authority to process the Public Path Closure Order required for closing the definitive public footpath SHE/346 off Clay Wheels Lane, Wadsley Bridge.

2.0 BACKGROUND

- 2.1 The City Council is making an application to close the footpath SHE\346, off Clay Wheels Lane, Wadsley Bridge, as shown on the plan included as Appendix A.
- 2.2 This application is on behalf of the City Council's Principal Public Rights of Way Officer who contends that it is no longer required for public use and can be considered surplus to the requirements of the Highway Authority.
- 2.3 Footpath SHE/346 has a recorded length of 720 yards and commences at Clay Wheels Lane at a point just east of the junction with Limestone Cottage Lane. From this point it heads north for 85 metres before heading east until it terminates on the eastern side of the former Wadsley Bridge Railway Station. Beyond this point there is no further public access.
- 2.4 During the time that the railway station was operating, and latterly before the sale of the land by the British Railways Board, the public were able to continue their journey from or towards Halifax Road without obstruction.
- 2.5 Under section 57 of the British Transport Commission Act 1949 (amended by the Railways Act 1993) a public right of way cannot be established over any road, footpath, thoroughfare or place whilst it is the property of the railway. Consequently, when the redundant railway property and land was sold (in 1995) to a private individual, a public right of way – between the easternmost point of footpath SHE\346 and Halifax Road - could not be claimed.
- 2.6 Since the sale of land and property by the British Railways Board in 1995 the exit from SHE\346 on to the station approach to Halifax Road has been frequently obstructed, and at the time of writing it is gated. The purpose of this is presumably on the grounds of security, though it effectively prevents any user claims being made under section 31 of the Highways Act 1980.
- 2.7 Subsequent requests made to the present land owner to dedicate a public right of way along the former station approach have been unsuccessful.

### 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 and Peak and Northern Footpath Society have responded positively to the proposal to close this now cul-de-sac route.
- 3.4 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 closure using the powers contained within Section 118 of the Highways Act 1980. These powers provide for a public footpath to be closed on the grounds that it is not needed for public use.

### 5.0 HIGHWAY IMPLICATIONS

- 5.1 The subject path SHE/346 is part of the definitive public footpath network in the Wadsley Bridge area of Sheffield.
- 5.2 Footpath SHE\346 is a cul-de-sac route, for the reasons described in 2.5 – 2.7 above.
- 5.3 The proposed closure 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 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 Closure Order process and any other associated costs will be met from the Public Rights of Way maintenance budget.
- 8.2 There will be a small cost to the PROW group for the erection of fencing at the Clay Wheels Lane entrance once the legal process is complete. However, taking into account that (once closed) the full length of SHE/346 will require no future maintenance, the nett cost of the closure to the TTAPS budget should be regarded as negligible.

## 9.0 CONCLUSION

- 9.1 Based on the above information, the proposed closure of definitive public footpath SHE/346, as shown on the plan included as Appendix A, is supported by Officers.

## 10.0 RECOMMENDATIONS

- 10.1 Raise no objections to the proposed closure of definitive public footpath SHE/346, 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
  - c. take all necessary action to close the footpath under the powers contained within Section 118 of the Highways Act 1980;
  - d. confirm the Order as an Unopposed Order, in the event of no objections being received, or any objections received being resolved;

Steve Robinson  
Head of Highway Maintenance

20<sup>th</sup> September 2017