

DIRECTOR OF CULTURE AND ENVIRONMENT

REPORT TO PLANNING
AND HIGHWAYS COMMITTEE
16th July 2019

HIGHWAYS ACT 1980 SECTION 119 PROPOSED DIVERSION OF PART OF PUBLIC FOOTPATH BRA/84 AT SWINGLEE FARM, RIVELIN, SHEFFIELD S6

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/84, at Swinglee Farm, Rivelin, Sheffield.

2.0 BACKGROUND

- 2.1 The City Council's Public Rights of Way (PROW) office is making an application requesting the diversion of part of definitive public footpath BRA/84, at Swinglee Farm, Rivelin, Sheffield, as shown on the plan included as Appendix A (hereby referred to as 'the plan').
- 2.2 Footpath BRA/84 runs for 1038m, north from Manchester Road to Rod Side via land at Swinglee Farm and Swinglee Grange and is within the boundary of the Peak National Park and in the Parish of Bradfield.
- 2.3 The proposal is to divert a 70 metre section that runs on the south side of a dry stone wall between points shown as a solid black-line on the plan, a section that regularly suffers from the effects of waterlogging. The alternative route will run north of the wall between and is shown as a broken black-line on the plan. The surface of the alternative route will be surfaced with crushed stone, providing a more suitable path.
- 2.4 The current route passes through land registered to the owner of Swinglee Grange, who supports the proposal.
- 2.5 The proposed new route will only pass through land registered to the owner of Swinglee Farm, who is supporting the proposal.

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 The footpath falls within the Peak National Park and Parish of Bradfield and both authorities have been consulted and have no objections to the proposal.

- 3.3 The Peak and Northern Footpath Society are in agreement with the proposal, but have asked that consideration is given to the provision of appropriate gates and that the new path suitably be waymarked. The PROW office has confirmed that work will be carried out to either repair the current gates or replace if necessary.
- 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 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 BRA/84 is part of the definitive public footpath network in the Rivelin/Stannington area.
- 5.2 The proposed alternative will run parallel with the current route, over an improved surface, and will make negligible difference to the total length of the route.
- 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 and future maintenance of the new path will be met from the Public Rights of Way maintenance budget.
- 8.2 The anticipated costs, of physically providing the new route, are in the region of £900. The cost of the Order is £4260, which covers consultation, administration and advertising in the press. Due to the work that would be required to resolve the drainage issues along the current route, diverting the path is considered to be a more cost effective option.

9.0 CONCLUSION

- 9.1 Based on the above information, the proposed diversion of definitive public footpath BRA/84, 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/84, 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;

Philip Beecroft
Head of Highway Maintenance

16th July 2019

