

PROPOSED CHANGES TO THE PUBLIC PATH NETWORK AT HUNSHELF BANK,
STOCKSBRIDGE, SHEFFIELD S36

PURPOSE

1.0 To seek authority to refer the City of Sheffield Public Path Diversion Order (parts of public footpaths STO\2A and STO\3 at Stocksbridge Steels, Stocksbridge, Sheffield S36) 2020 (“the Order”) to the Secretary of State for Environment, Food and Rural Affairs for confirmation in light of objections received.

2.0 BACKGROUND

2.1 Following authority obtained at this Committee on 25th August 2020 the City Council notified interested parties that an Order had been made on 12th November 2020, under Section 119 of the Highways Act 1980 (“the 1980 Act”), for the diversion of parts of Public Footpaths STO\2A and STO\3 through Liberty Steels site at Stocksbridge, Sheffield S36. A copy of the Order and plan are included as Appendix A.

2.2 The notification procedure included the posting of relevant Notices and Plans, at all access points of the footpaths in question, for a period of 6 weeks. During this period, the Director of Legal Services received 5 objections to the proposal. The content of these is summarised in Appendix B to this Report, along with the Officer responses.

3.0 LEGAL IMPLICATIONS

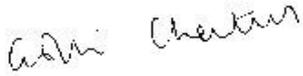
3.1 The 1980 Act states that if objections are made to a Footpath Diversion Order, and not resolved by discussion/negotiation, the Order then needs to be referred to the relevant Secretary of State if it is to be confirmed. An order cannot come into effect until it is confirmed. Referral of the order will result in consideration of the objections by an Inspector appointed by the Planning Inspectorate’s Rights of Way team.

3.2 There is no requirement that an order which is opposed (as in the present case) must be referred to the Secretary of State. Therefore, if an authority feels it can no longer support an order then a formal resolution, by that authority, not to proceed, is all that is required to bring the procedure to an end. The City Council has taken similar action to this in the past. This would be the outcome here if Committee chooses not to approve this Report.

- 3.3 If the Order is referred to the Secretary of State for confirmation and subsequently confirmed, it will take effect on the date which notice of confirmation is publicised.
- 4.0 CONSULTATIONS
- 4.1 Officers have written to all objectors, addressing their concerns, and seeking confirmation that they wish for their objections to stand. However, at the time of writing this report no further responses have been received. Therefore, all objections are considered to remain unresolved.
- 5.0 HIGHWAY IMPLICATIONS
- 5.1 The highway implications of the proposed Footpath Diversion Order were described in the Report approved by this Committee on the 25th August 2020. The proposal has not altered since that date; hence it is still recommended that the footpaths should be diverted.
- 6.0 EQUAL OPPORTUNITY IMPLICATIONS
- 6.1 No particular equal opportunity implications arise from the proposals in this report.
- 7.0 ENVIRONMENTAL IMPLICATIONS
- 7.1 No particular environmental implications arise from the proposals in this report.
- 8.0 FINANCIAL IMPLICATIONS
- 8.1 The financial implications of the proposed Footpath Diversion Order were described in the Report approved by this Committee on the 25th August 2020. The proposal has not altered and consequently there have been no changes to the financial implications.
- 9.0 CONCLUSION
- 9.1 In considering whether to proceed further with the proposed footpath it is necessary to balance the objections received against the justifications for supporting the proposal in the first place. Therefore, as this Committee has previously approved the making of the Diversion Order, and the situation on the ground has not materially altered from when the Order was made, it is proposed that the Order be submitted to the Secretary of State for confirmation.

10.0 RECOMMENDATIONS

- 10.1 That the Director of Legal Services refers the City of Sheffield Public Path Diversion Order (parts of public footpaths STO\2A and STO\3 at Stocksbridge Steels, Stocksbridge, Sheffield S36) 2020, to the Secretary of State for confirmation.



Gillian Charters

Head of Highway Maintenance

2nd February 21

