

PROPOSED DIVERSION OF PUBLIC FOOTPATH SHE\565 BETWEEN STATION ROAD AND BRIDBY STREET, WOODHOUSE, SHEFFIELD 13.

1.0 PURPOSE

- 1.1 To seek authority to make a Public Path Diversion Order under Section 119 of the Highways Act 1980 that is required to alter the course of definitive public footpath SHE\565 between Station Road and Bridby Street, Woodhouse, Sheffield 13.

2.0 BACKGROUND

- 2.1 The Highway Authority has received a request from the City Council's Education Department requesting that footpath SHE\565 is diverted as shown by a solid black line on the plan included as Appendix A, hereby referred to as "the plan".
- 2.2 Footpath SHE\565 connects Station Road with Bridby Street and provides a link to the Brunswick Community Primary School.
- 2.3 The subject path runs directly through the school grounds and separates the main school buildings from the sports facilities. This proposal will divert the path around the edge of the school grounds. It is therefore considered that the diversion of the footpath would be expedient to the landowner on the grounds 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.
- 3.2 Ward Councillors have been consulted and have raised no objections.
- 3.3 The Peak and Northern Footpath Society and the Ramblers have raised no issues to the proposal. The former commented that "***the proposed route could be argued to be more convenient in certain respects, depending on a user's circumstances***".
- 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 If the Committee was minded to agree to this proposal, it would be appropriate for the Council to process the diversion using the power contained within Section 119 of the Highways Act 1980. This power provides that a public footpath may be diverted by creation of a legal order where the Council considers that to be expedient in the interests of the owner, lessee or occupier of land crossed by the path. These interests are set out in paragraph 2,3, of this report. The Council should also have regard to the effect that the proposed diversion would have on the public enjoyment of the path as a whole. This is set out in paragraphs 5.3 and 5.4.

5.0 HIGHWAY IMPLICATIONS

- 5.1 Public footpath SHE\565 is part of the definitive public footpath network in the Woodhouse area of Sheffield, linking Station Road with Bridby Street. It is regarded as definitive because it has been formally recorded on the Council's definitive map and statement of public rights of way. The subject path has no streetlighting and is constructed with a tarmac surface.
- 5.2 The alternative route, shown as a broken line on the plan, will run along the western perimeter of the school site. It is normal procedure, when diverting a public footpath, that the path to be provided is considered no less convenient than the one it replaces. It is proposed that the new path will have a 2-metre width and be constructed with a tarmac surface, in keeping with the part of SHE\565 that is to be diverted. On satisfactory completion of the construction, the path will be maintained by the Highway Authority in perpetuity. However, if the applicant wishes to have the path adopted and accrued into Streets Ahead arrangements with the Highway Adoptions team will be necessary prior to construction taking place.
- 5.3 The proposed diversion will be around 40 metres longer for users travelling to the main school entrance. However, it will provide a more direct and shorter journey for those accessing public transport and local shops. A plan showing the proposed design of the new path is included as Appendix B.
- 5.4 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 proposals in this report.

7.0 ENVIRONMENTAL IMPLICATIONS

- 7.1 No particular equal environmental implications arise from the proposals in this report.

8.0 FINANCIAL IMPLICATIONS

- 8.1 The costs associated with the Diversion Order and design of the new path are being met from the School Condition Budget. The school is included in the DFE School Rebuilding Program, and all capital costs and associated infrastructure (including the construction of the path) will be met from this DFE funding.
- 8.2 A commuted sum will be payable by the Education Department if the proposed path is to be considered for adoption and accrual into the Streets Ahead PFI.
- 8.3 The fee has been received from the applicant. Therefore, there are no implications of the proposal in this report for the Highways budget.

9.0 CONCLUSION

- 9.1 Based on the above information, Officers support the proposed diversion of part of definitive public footpath SHE\565, as shown on the plan included as Appendix A.

10.0 RECOMMENDATIONS

- 10.1 Raise no objections to the proposed diversion of part of definitive public footpath SHE\565, 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 General Counsel for Legal Services 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.

Davina Millership
Head of Highway Maintenance

7th November 2023

