

PROPOSED DIVERSION OF PUBLIC FOOTPATH BETWEEN QUEEN MARY ROAD
AND PIT LANE, MANOR, IN CONNECTION WITH NEW PRINCE EDWARD PRIMARY
SCHOOL

1. PURPOSE

- 1.1 To seek authority to process the Footpath Diversion Order required to divert un-named public footpaths linking Pit Lane with Queen Mary Road, Manor, in connection with the proposed new Prince Edward primary school development.

2. BACKGROUND

- 2.1 Agents acting for the Education Funding Agency (part of central government), in partnership with Sheffield City Council, have made a planning application for a new primary school at Queen Mary Road, Manor, as a replacement for the current Prince Edward School. The application is now being considered by Development Management, and is expected to be presented to this Committee for decision at a later date.
- 2.2 However, the development, as proposed in the planning application, would require diversion of existing footpaths which cross the site in order to go ahead, as shown in Appendix A to this report. (Appendix B to this Report is a context plan showing the wider location within the Manor area of the paths in question).
- 2.3 Members will be aware that, traditionally, applications for footpath closure or diversion Orders in connection with new developments have been made after planning consent has been obtained. However, the Growth & Infrastructure Act 2013 modified the Town & Country Planning Act 1990 so that such Orders can be made prior to planning consent being granted, in the hope of speeding up new developments which require changes to the highway network. Due to the tight timescales for this particular development, the applicants have asked the Council to use this new power to start the process, and to make as much progress with it as possible in parallel with the planning application process.
- 2.4 It is important to note that, whilst it is now possible for such a highway Order to be made by the Council prior to planning consent being granted, that Order remains subject to the granting of planning consent, and can in no way be either confirmed or implemented until the associated development has got planning consent.

3. LEGAL IMPLICATIONS

- 3.1 The Director of Legal and Democratic Services has been consulted, and has advised that, if the proposed development necessitates the diversion of the footpaths concerned, then the powers contained within Section 257 of the Town & Country Planning Act 1990 are the most appropriate to use to process the diversion Order.

4 HIGHWAY IMPLICATIONS

- 4.1 Any highways issues around the proposed development as a whole will be discussed in a future report recommending a decision on the planning application.
- 4.2 However, as a result of detailed pre-application discussions with the applicant, the planning application shows the new path as being 4m wide (2m of tarmac in the centre, with a 1m grass verge each side), and of a gradient acceptable to the Highway Authority. Its construction to adoptable standards will be assured by a Highways Act 1980 Section 38 agreement with the developers, should the development get planning consent and go ahead.
- 4.3 On that basis, it is considered that the proposed diversions are necessary for the development of the site, assuming it gets planning consent, and are acceptable from a highway point of view.

5. CONSULTATIONS

- 5.1 Consultations on the planning application as a whole will be discussed in a future report recommending a decision on the planning application.
- 5.2 However, Highways Officers have carried out their own consultations on the proposed footpath diversions with the Statutory Undertakers (i.e. utility companies), Emergency Services, and other relevant bodies, including footpath societies.
- 5.3 Not all consultees had responded by the time of writing this report but, of those which had, none had objected.
- 5.4 Northern Powergrid (formerly Yorkshire Electric) believe that their equipment will be affected and are seeking agreement with the applicant for its removal or protection. In view of this, Committee Members are particularly asked to note that the authority now being sought from them in Section 10 of this Report is absolutely conditional on any objections to the Order being resolved, and on agreements being reached with each affected utility company.

6. EQUAL OPPORTUNITY IMPLICATIONS

6.1 No particular equal opportunity implications arise from the proposals in this report.

7. ENVIRONMENTAL IMPLICATIONS

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

8. FINANCIAL IMPLICATIONS

8.1 The costs of building the new school are being met by the Education Funding Agency. The Council has already agreed to fund the costs of any necessary associated works pursuant to the Highways Act 1980 and the Town & Country Planning Act 1990. This includes the construction costs of the new footpath, which are to be funded through the CYPF capital programme, and the cost of its accrual into the Streets Ahead highway maintenance contract, which is to be covered from CYPF revenue.

8.2 The applicant's agent has already paid Highways' fee for carrying out the Diversion Order process. Therefore, there are no implications of the proposal in this report for the Highways budget.

9. CONCLUSION

9.1 Based on the above information, the proposed diversion of the public footpaths as shown on the plan in Appendix A is supported, subject to planning consent being obtained.

10. RECOMMENDATIONS

10.1 No objections are raised to the proposed diversion of the public footpaths shown on the plan included as Appendix A, subject to planning consent being obtained for the development, and 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 and Democratic Services, to

- a. take all necessary action to divert the footpaths under the powers contained within Section 257 of the Town & Country Planning Act 1990;
- b. confirm the Order as an Unopposed Order, once any objections received have been resolved, and the development has planning consent.

