



Order Decision

On papers on file

by Mark Yates BA(Hons) MIPROW

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 17 August 2016

Order Ref: FPS/J4423/4/3

- This Order is made under Section 119 of the Highways Act 1980 ("the 1980 Act") and is known as the City of Sheffield Public Path Diversion Order (Parts of Public Footpath at Old Hay Cottage, Dore, Sheffield) 2016.
 - The Order was made by The Sheffield City Council ("the Council") on 21 April 2016 and proposes to divert the footpath, as detailed in the Order Map and Schedule.
 - There was one objection outstanding when the Council submitted the Order for confirmation to the Secretary of State for Environment, Food and Rural Affairs.
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Procedural Matters

1. The sole objection, submitted by Mr Harker¹, was withdrawn in light of the Council's request that the Order is modified to address certain errors contained in it.
2. Mr Harker also drew attention to the incorrect reference in the published notice to the Secretary of State for Transport. However, I do not find that any prejudice arises out of this issue given that objections or representations had to be initially sent to the Council.
3. Before reaching my decision, I consulted with the parties regarding the matter outlined in paragraph 6 below.

Decision

4. I do not confirm the Order.

Main Issues

5. Subject to the matter detailed below, I need to determine whether it is expedient to confirm the Order in light of the main issues set out in Section 119 of the 1980 Act.

Reasons

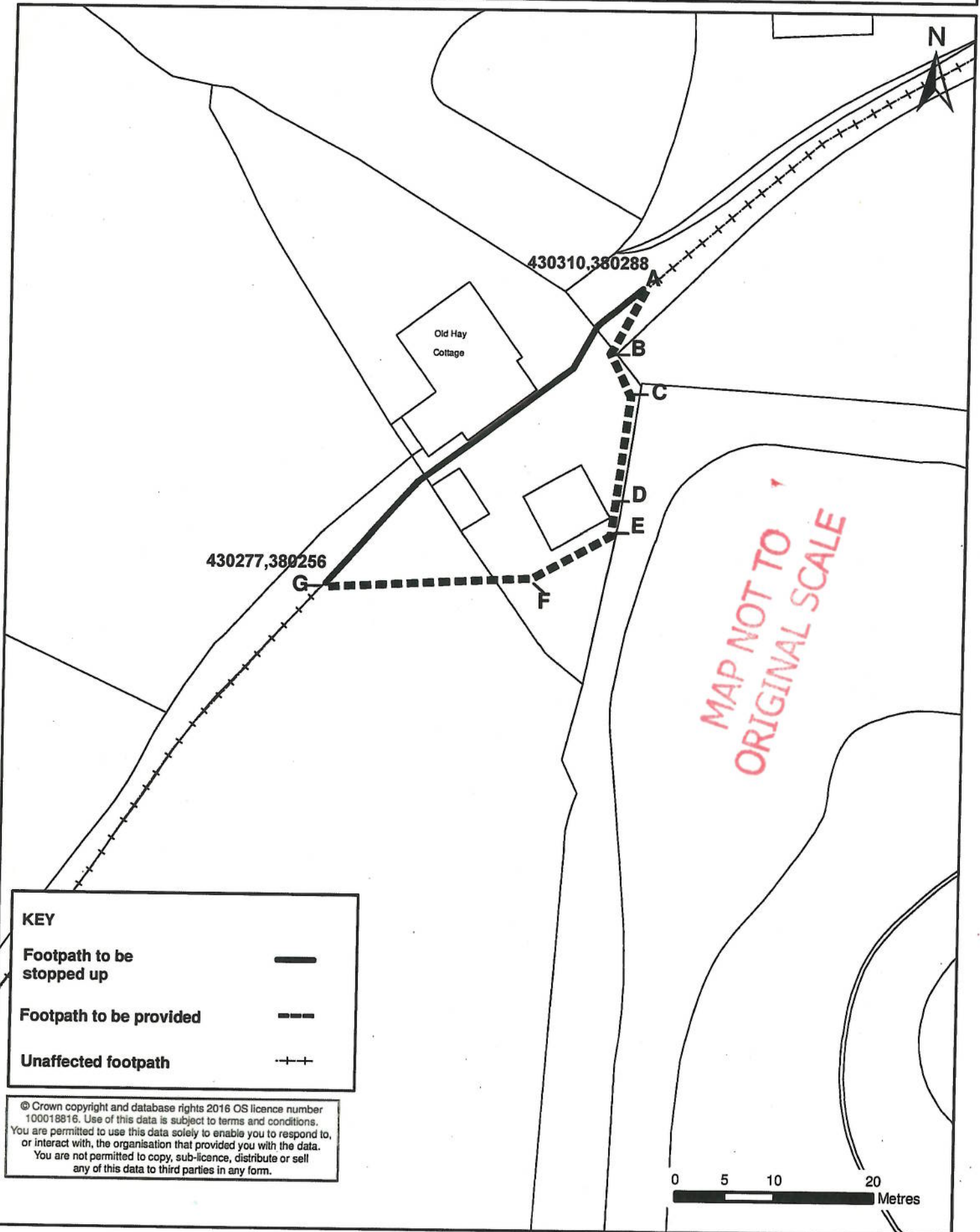
6. I accept that, if confirmed, the Order should be modified broadly in the manner requested by the Council. However, a further issue arises out of the Order Map. The dashed line representing the route of the path to be created is shown proceeding predominantly through a garage in the locality of point D. In contrast, it is proposed to divert the path around the south eastern side of the garage. This issue was highlighted by Mr Harker in an email to the Council prior to the making of the Order.

¹ On behalf of the Peak and Northern Footpaths Society

7. I have given consideration to whether I can modify the Order to rectify this error. However, I find that the scale of the Order Map and the thickness of the existing dashed line prevent me from accurately doing so. Further, any revision to the description of the proposed path in the Order would conflict with the Order Map. Nor do I consider it appropriate to substitute a replacement map for the defective original within the sealed Order, as suggested by the Council. On this issue, it is worth noting that the revised plan sent by the Council shows the unaffected section of the footpath by way of the notation for a bridleway.
8. I conclude that the Order Map is defective by reason of the depiction of the proposed path through the garage rather than its intended route around this structure. In light of this conclusion, there is no need for me to consider whether it is expedient to divert the footpath.

Mark Yates

Inspector



KEY

**Footpath to be
stopped up**



Footpath to be provided



Unaffected footpath



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Metres