



## Order Decision

On papers on file

**by Sue Arnott FIPROW**

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

**Decision date: 23 June 2017**

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### **Order Ref: ROW/3174594**

- This Order, dated 1 December 2016, is made under Section 119 of the Highways Act 1980. It is known as the City of Sheffield Public Path Diversion Order (Footpath BRA/71 at Stopes, Sheffield) 2016.
- The Order proposes to divert a section of Public Footpath No. BRA/71 at Broad Oak House, Stopes Road, Sheffield, as detailed in the Order map and schedule.
- There was one objection outstanding when Sheffield City Council submitted the Order for confirmation to the Secretary of State for Environment, Food and Rural Affairs.

**Summary of Decision: The Order is confirmed.**

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### **Procedural matters**

1. When notice of this Order was published, one objection was submitted to the order-making authority, Sheffield City Council (SCC). However, the objector did not provide contact details. Although the objection was accepted as being 'duly made', the absence of this essential information has meant the objector has made no further contribution to the determination of this Order, despite the best attempts of SCC to ascertain further details from him or her.

### **Main Issues**

2. The Order was made under Section 119 of the Highways Act 1980 (the 1980 Act). This requires that, before confirming the Order I must be satisfied that:
    - (a) it is expedient in the interests of the owners of the land crossed by the footpath that the right of way in question should be diverted;
    - (b) the new termination point of Footpath BRA/71 (being on the same highway) is substantially as convenient to the public;
    - (c) the new route to be provided will not be substantially less convenient to the public;
    - (d) it is expedient to confirm the Order having regard also to (i) the effect of the diversion on public enjoyment of the path as a whole, and (ii) the effect the coming into operation of the Order would have with respect to other land served by the existing path and the land over which the new path would be created together with any land held with it, having had regard to the provision for compensation.
  3. Further, in determining this Order I am required to have regard to any material provisions in any rights of way improvement plan for the area although no relevant issues have been raised in this case. I am also mindful of the requirements of the Equality Act 2010.
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## **Reasons**

4. The proposed diversion seeks to remove Footpath BRA/71 from close proximity to Broad Oak House. It seems quite clear that the occupiers of the property will enjoy greater privacy if the path is relocated as proposed and consequently the owners will benefit from the diversion.
5. There is little doubt that it would be expedient to divert the footpath in the interests of the landowners (and tenants) although I recognise there may also be some advantages for the public in avoiding this residential property.
6. The present point of termination of Footpath BRA/71 at point C on the B6076 would be moved about 20 metres or so westwards along Stopes Road to point E. There is a separate footway for pedestrians connecting the two points and the road here is reasonably straight with good visibility so there are no safety concerns over the change in termination point.
7. No issues has been raised over the relative convenience of the proposed new route and I have no hesitation in concluding that the new route would not be substantially less convenient to the public.
8. Footpath BRA/71 is not a long path, running for 394m from point A on Stopes Road to Spoon Lane where it joins public bridleway BRA/175. In the context of the whole route, the substitution of the 138 metre long path A-D-E for the 120 metre length that would be diverted (A-B-C) would have no adverse impact on the public's enjoyment.
9. Compensation issues have not been raised as being relevant here and no adverse effects arising from the diversion on any of the land concerned have been drawn to my attention. The owner of the land affected by the proposal is the applicant and clearly supports the Order.
10. In reaching a final conclusion on the expediency of this diversion I must weigh the advantages that would accrue to the landowners in whose interest the Order is made against any disadvantages that may result for the public whilst recognising there will also be some benefits for path users. Overall, taking into account all relevant factors, I conclude it would be expedient to confirm the diversions proposed by this Order.

## **Conclusion**

11. Having regard to the above and all other matters raised in the written representations, I conclude that the Order should be confirmed.

## **Formal Decision**

12. I confirm the Order.

*Sue Arnott*

**Inspector**



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# HIGHWAYS ACT 1980 SECTION 119 PROPOSED DIVERSION OF FOOTPATH BRA/71 AT STOPES, SHEFFIELD S6

Scale: 1:1,250

