
Order Decisions

On papers on file

by Alan Beckett BA MSc MIPROW

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

Decision date: 17 August 2017

Order Ref: ROW/3175722 ('Order A')

- This Order is made under Section 53 (2) (a) and (b) of the Wildlife and Countryside Act 1981 ('the 1981 Act') and is known as the Sheffield City Council (Definitive Map and Statement) Modification Order (No. 62) 2016.
- The Order is dated 13 October 2016 and proposes to modify the Definitive Map and Statement for the area by adding a public footpath as shown in the Order plan and described in the Order Schedule.
- There was 1 objection outstanding when Sheffield City Council ('the Council') submitted the Order to the Secretary of State for Environment, Food and Rural Affairs for confirmation.

Summary of Decision: The Order is confirmed subject to the modifications set out in the Formal Decision.

Order Ref: ROW/3175724 ('Order B')

- This Order is made under Section 53 (2) (a) and (b) of the 1981 Act and is known as the Sheffield City Council (Definitive Map and Statement) Modification Order (No. 64) 2016.
- The Order is dated 13 October 2016 and proposes to modify the Definitive Map and Statement for the area by adding a footpath as shown in the Order plan and described in the Order Schedule.
- There was 1 objection outstanding when the Council submitted the Order to the Secretary of State for Environment, Food and Rural Affairs for confirmation.

Summary of Decision: The Order is confirmed subject to the modifications set out in the Formal Decision.

Procedural Matters

1. As noted above, each of the Orders attracted one objection. The objections did not question the evidence of use of the claimed routes, nor did they contend that there was evidence of a lack of intention to dedicate the footpaths on the part of the landowner. The objections were made to the inclusion in Part 2 of the Schedules of a gap, a stile, and a gate as limitations on use. The objector contended that these items of path furniture had only recently been erected and as they were not present at the commencement of the relevant 20-year period of public use, they could not be considered as limitations on the public's use of the path.
2. The Council accepted that the features specified in Part 2 of the Schedules were not present at the commencement of use of the paths by the public and requested that the Orders be modified by removing all references to limitations

on use. On the basis that the Orders would be so modified the objections were withdrawn in writing on 18 July 2017.

3. I note that the features which were the subject of the objections are also recorded in Part 1 of the Schedules. To ensure that the Orders remain internally consistent, I will also delete references to these features in Part 1 of the Schedules. The Council have also identified a typographical error in Part 2 of the Schedule to Order B. Under the heading 'Status and description of route', the footpath to be added to the definitive map is described as commencing at its junction with bridleway no. 217 whereas route no. 217 is a public footpath. I will modify Order B to correct this typographical error.
4. No representations were received which questioned the evidence of use of the claimed footpaths which extended back to the 1950s. There is no evidence before me that the claimed use was other than 'as of right'; that is, without force, secrecy or permission or that such use had been interrupted. There is no evidence that the owner of the land crossed by the claimed footpaths has taken any action to demonstrate to users that there was no intention to dedicate a public right of way.

Conclusions

5. Having examined all the available information with regard to the deemed dedication of the Order routes as public footpaths, I conclude that the evidence is sufficient to raise a presumption that the ways have been dedicated as public footpaths and that there is no evidence of a lack of intention to dedicate which would rebut that presumption. It follows that I conclude that the Orders should be confirmed subject to the modifications set out in paragraphs 2 and 3 above.

Formal Decision

Order A

6. I confirm the Order subject to the following modifications: in the 'General' column of the Schedule, Part 1, delete '1 gap 1 field gate'; in the 'General' column of the Schedule, Part 2 delete '1 gap Limitation on user 1 field gate Limitation on user'.

Order B

7. I confirm the Order subject to the following modifications: in the 'General' column of the Schedule, Part 1, delete '1 stile'; in the 'General' column of the Schedule, Part 2 delete '1 stile (limitation on user)'; in line 1 of the 'Status and description of route' column in the Schedule Part 2, delete 'bridleway' and insert 'footpath'.

Alan Beckett

Inspector



Footpath No. 217, Bradfield Parish

PROW Unit
Sheffield City Council
Howden House
Union Street
Sheffield
S1 2SH

OS grid reference

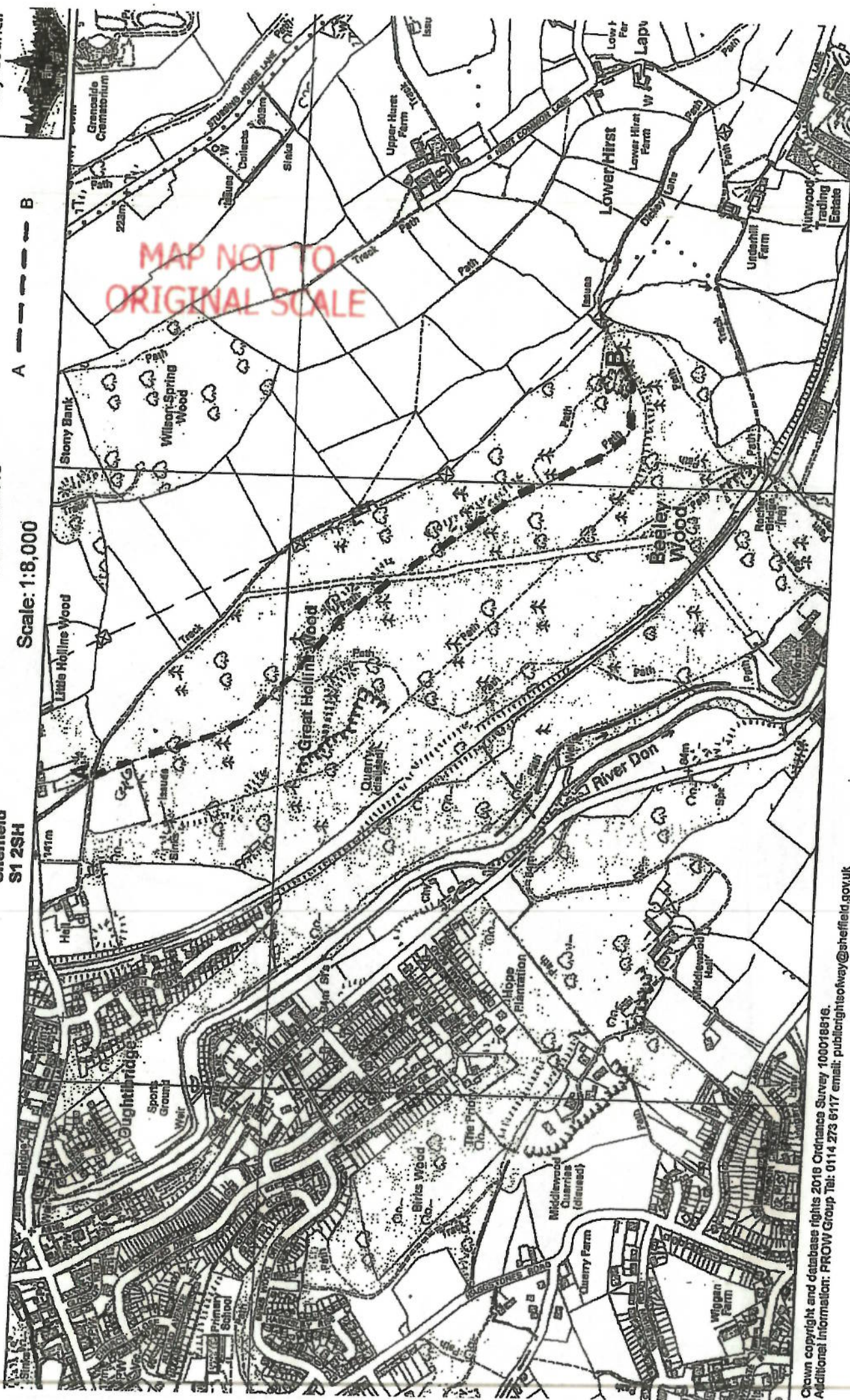
Point A 431492 393314
Point B 432180 392446

Scale: 1:8,000

Path referred to

A ——— B

Sheffield
City Council





Footpath No. 219, Bradfield Parish

PROW UNIT
Sheffield City Council
Howden House
Union Street
Sheffield
S1 2SH

UD grid reference

Point A 431526 393231
Point B 432254 392490

Scale: 1:8,000

Path referred to

A ——— B

Sheffield
City Council

