

BARNSELY METROPOLITAN BOROUGH COUNCIL

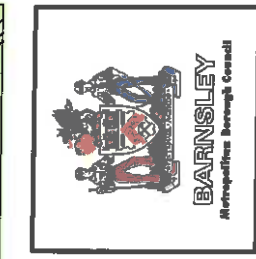
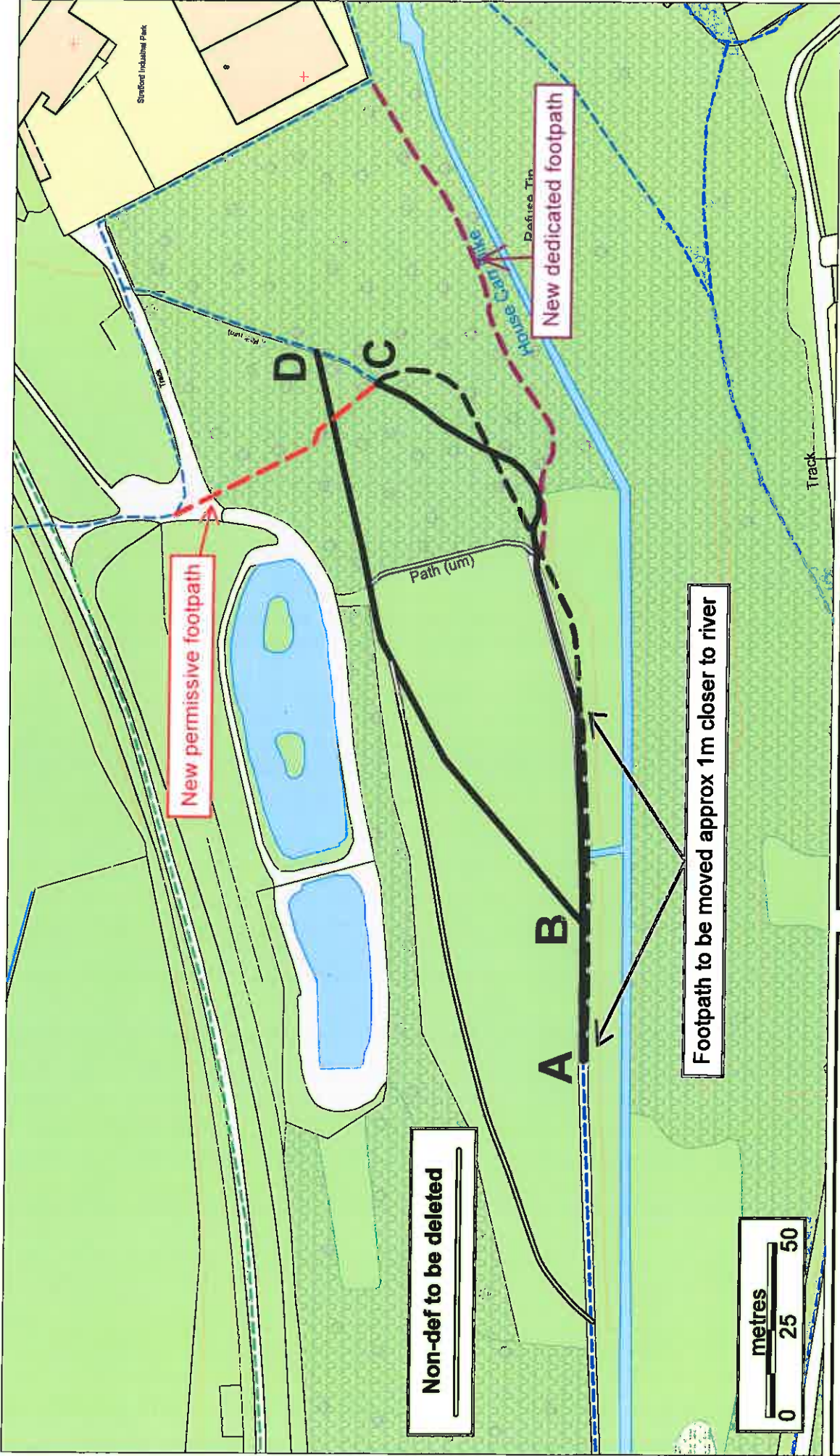
**Report of Assistant
Director, Highways,
Engineering and Waste
anagement to Planning
Regulatory Board on
21st April 2015**

Diversion of footpaths at Strafford Mine Workings, Dodworth.

1.0	<u>Purpose of Report</u>
1.1	To consider an application to extinguish and create a number of footpaths at Strafford Mine Workings, Dodworth.
2.0	<u>Recommendations</u>
2.1	That, in exercise of statutory powers, the Council makes Public Path Orders under the provisions of section 257 of the Town and Country Planning Act 1990 for the extinguishment and creation of footpaths at Strafford mine workings as shown on the plans attached to this report.
2.2	That the Common Seal of the Council be affixed to the Orders and that the Director of Legal and Governance be authorised to publish the proposal and to submit the Orders for confirmation by the Secretary of State or to confirm them himself in the event of there being no objections thereto.
2.3	That the Director of Legal and Governance be authorised to make Definitive Map Modification Orders to make the necessary changes to the Definitive Map and Statement for the area.
3.0	<u>Background and Proposal</u>
3.1	The Coal Authority operates a mine water treatment scheme at the site of the old Strafford Colliery (to the rear of Strafford Industrial Park) at Dodworth in order to prevent mine water from polluting Stainborough Dike. The existing scheme has reached capacity and therefore needs to be extended to prevent additional discharges of mine water, which will involve the construction of 2 new settlement ponds to the south of the existing ponds. Prior approval for these works was given on the 17 th of November 2014 under Permitted Development Rights.
3.2	2 definitive footpaths cross the site of the proposed ponds, along with 2 non-definitive routes (paths that are worn on the ground but have no

	recorded legal status). All of these routes serve the same purpose; to link the paths to the north east of the ponds with those to the south west. To clarify matters for the public, all of the routes are being treated as public footpaths.
3.3	<p>To allow the ponds to be constructed, the following changes to rights of way at the site are proposed;</p> <ul style="list-style-type: none"> (i) A section of Dodworth footpath 19 (B-D on map 1, not visible on site) and Stainborough footpath 7 (A-B-C) will be stopped up and replaced by a single public footpath running around the perimeter of the new ponds. (ii) Part of Stainborough footpath 7 (parallel to the dike) will be moved between 1-3m closer to the dike to enable a new embankment to be constructed. (iii) The eastern continuation of Stainborough footpath 7 alongside the dike towards the industrial park is to be formally created as a public footpath. (iv) The 2 non-definitive routes which link the same paths will be formally stopped up.
3.4	A permissive footpath will also be provided along the eastern edge of the settlement ponds. (Permissive status is required to allow the Coal Authority to temporarily block the route with maintenance vehicles during future repair works – in such cases the definitive alternative is only around 60m longer.)
3.5	The new paths will have a width of 1.2 metres and will be surfaced with bark chippings or compacted stone.
3.6	NB: As a number of changes are proposed in a small area, 2 maps are attached; Map 1 shows the proposed changes; while Map 2 shows the proposed new layout after the changes have taken effect.
3.7	Informal consultations have been carried out with user groups, ward councillors and utilities companies. No adverse comments have been received.
4.0	<u>Statutory Criteria</u>
4.1	Section 257 of the Town and Country Planning Act 1990 (as amended) enables public rights of way to be extinguished or diverted where the Council, as Planning Authority, is satisfied that it is necessary to do so in order to enable development to take place.
4.2	The existing paths run directly across the site of the proposed new ponds. Therefore the Council is satisfied that the statutory criteria have been met.

9.0	Reduction of Crime and Disorder
9.1	The proposals are not considered to have any effect on crime and disorder. In response to consultations, South Yorkshire Police's Crime Reduction Officer raised no objections or comments.
10.0	Financial Implications
10.1	If the Orders are made and objections are received there will be additional costs to the Council that cannot be passed on to the applicant. This is especially the case if the matter has to be resolved at a public inquiry. However, no adverse comments have been received to the informal consultations for the application, so it is considered unlikely that this will be necessary.
11.0	Risk Assessment
11.1	The Council has powers under the Town and Country Planning Act 1990 to make the order applied for. The statutory process provides an opportunity for objections which, if upheld, may result in the order not being confirmed by the Secretary of State. However, as the application fulfils the relevant criteria and has received no objections during informal consultations, the risk is likely to be low.
12.0	Consultations
12.1	User groups (including the Barnsley Local Access Forum), ward councillors, other Council departments and utilities companies have been consulted on the application.
12.2	No objections or adverse comments have been received following the informal consultation process.
13.0	Proposal
13.1	Councillors approve the recommendations in section 2.
14.0	Glossary
15.0	Appendices Appendix A - Map 1 proposed alterations diversion & extinguishment Appendix B - Map 2 proposed new footpath layout
	Officer Contact: Rik Catling Tel: ext 2142
	Date: 21 April 2015



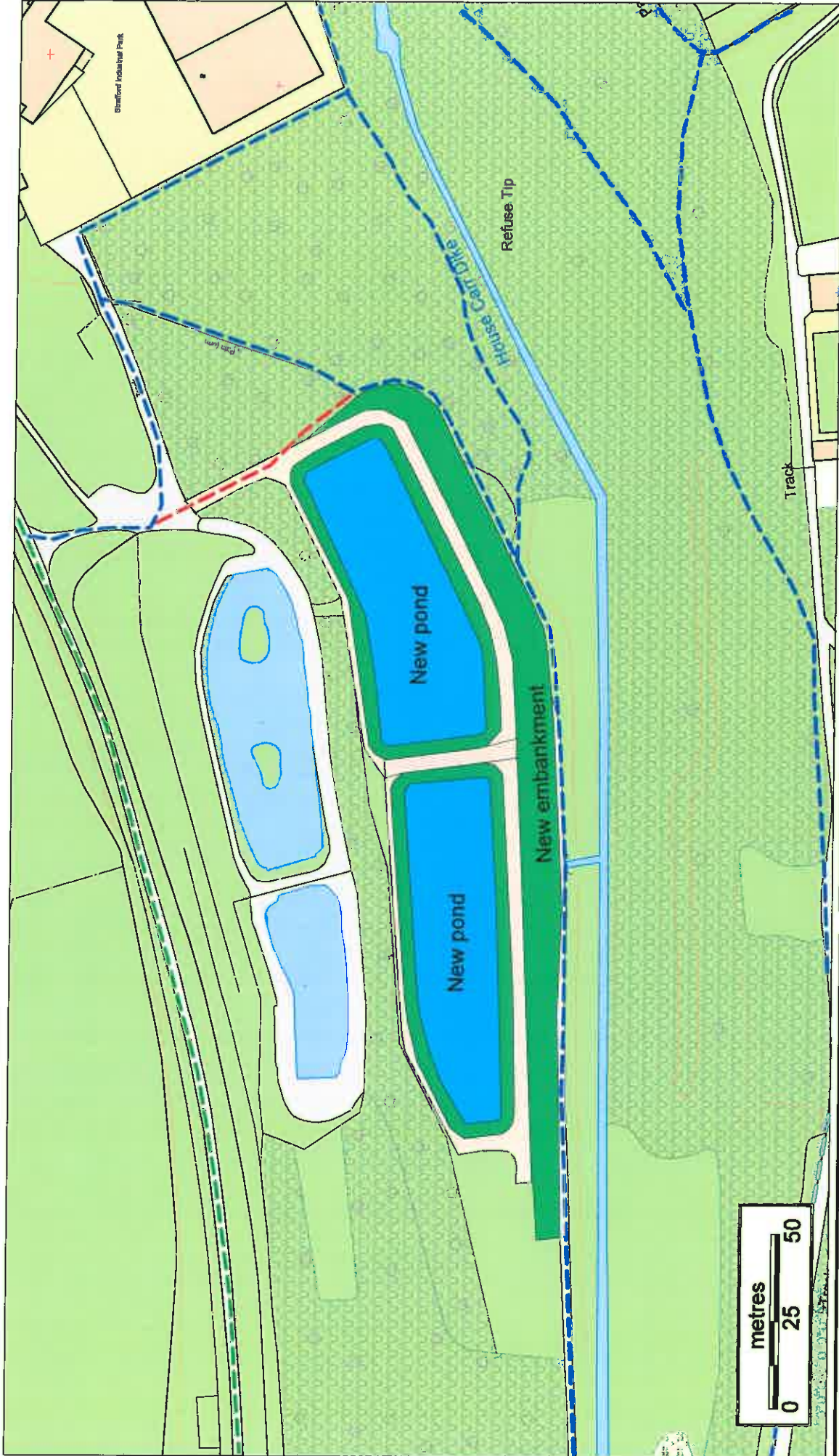
Footpath(s) to be created

Footpath(s) to be deleted

Unaffected rights of way

Proposed alterations at
Stafford mine workings
diversion & extinguishment

Drawn by BMBC	Scale 1 : 1500
Map 1	-



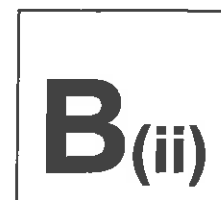
Proposed footpaths

Proposed permissive footpath

Public bridleway

Proposed new footpath layout
at Strafford mine workings

Drawn by BMBC	Scale 1 : 1500
Map 2	



Report of Assistant
 Director, Highways,
 Engineering and Waste
 Management to Planning
 Regulatory Board on
 21st April 2015

Diversion of a public footpath at Thurgoland.

1.0	<u>Purpose of Report</u>
1.1	To consider an application to divert a section of Thurgoland footpath no. 18 between Smithy Hill and the Fir Tree Estate at Thurgoland.
2.0	<u>Recommendations</u>
2.1	That, in exercise of statutory powers, the Council makes Public Path Orders under the provisions of section 257 of the Town and Country Planning Act 1990 and section 119 of the Highways Act 1980 for the diversion of Thurgoland footpath no. 18 as shown on the plan attached to this report.
2.2	That the Common Seal of the Council be affixed to the Orders and that the Director of Legal and Governance be authorised to publish the proposal and to submit the Orders for confirmation by the Secretary of State or to confirm them himself in the event of there being no objections thereto.
2.3	That the Director of Legal and Governance be authorised to make a Definitive Map Modification Order to make the necessary changes to the Definitive Map and Statement for the area.
3.0	<u>Background and Proposal</u>
3.1	Planning Permission has been granted for the development of 3 new residential properties at Thurgoland Farm, off Smithy Hill (planning application reference: 2012/0676).
3.2	Thurgoland footpath no. 18 runs directly through 2 of the proposed properties and through the garden of the third. In order to allow development to go ahead the footpath must first be addressed.
3.3	Initially the developer applied to permanently stop up the footpath, believing that this would provide the greatest level of security for the adjacent properties and that an alternative is already available nearby.

<p>3.4</p> <p>3.5</p> <p>3.6</p> <p>3.7</p> <p>3.8</p>	<p>However, informal consultations with user groups, local residents, ward councillors and utilities companies raised objections to the proposed stopping up. Replies were received from Thurgoland Parish Council and a small number of local residents. Their comments are summarised below;</p> <ul style="list-style-type: none"> • The path provides a link to Thurgoland village and the wider footpath network and is well used by local residents. • There is space to incorporate the path within the development. • If the route is stopped up, something will have to be done to prevent people congregating and antisocial behaviour on the old path alongside the houses. <p>In light of these responses the developer reconsidered the proposals and agreed to apply to divert the footpath within the site. The proposed new footpath will run along the access to the new properties and then join the existing path between the houses on the Fir Tree estate (between points A-C on the attached plan).</p> <p>The proposed new footpath is approximately 30m shorter, will have a rolled and compacted stone surface where it leaves the access road and will be sloped where it joins the existing metalled path between the properties on the Fir Tree estate (point C), replacing the existing gate (point B) and making the path more accessible. It is believed to be the most secure option available as it will be lit and overlooked with better sightlines than the existing footpath.</p> <p>The continuation of the footpath to the Fir Tree estate was not formally diverted when the estate was built. Although the path was physically moved, the alternative path has no legal status and the definitive map and statement still record the public footpath as running on the original alignment through the curtilage of nos. 98 and 100 Fir Tree and the building of no. 100. It is considered appropriate that this anomaly should be corrected and that the path available on the ground is recognised as a public footpath.</p> <p>Informal consultations have also been carried out on the proposed diversion with user groups, local residents, ward councillors and utilities companies. No adverse comments have been received.</p>
<p>4.0</p>	<p>Statutory Criteria</p>
<p>4.1</p>	<p>Section 257 of the Town and Country Planning Act 1990 (as amended) enables public rights of way to be extinguished where the Council, as Planning Authority, is satisfied that it is necessary to do so in order to enable development to take place.</p>
<p>4.2</p>	<p>The existing public footpath runs directly across the development site, passing through 2 houses and a garden. Therefore the Council is satisfied that the statutory criteria for the proposed diversion have been met.</p>

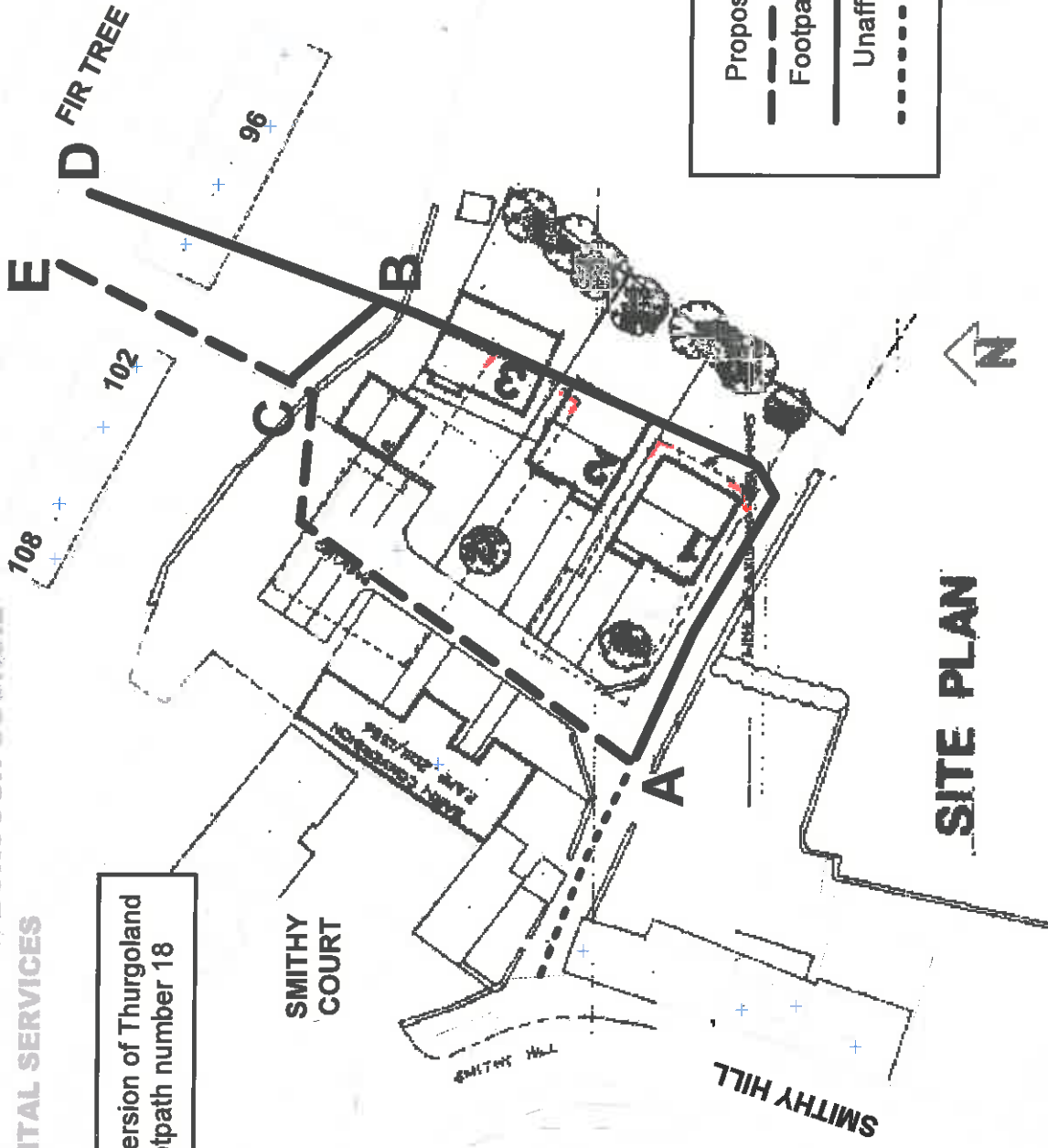
4.3	<p>DEFRA Rights of Way Circular 1/09 provides guidance for local authorities and is used by inspectors when considering objections to public path orders made under the Town and Country Planning Act. It states in paragraph 7.15; 'That planning permission has been granted does not mean that the public right of way will therefore automatically be diverted or stopped up. Having granted planning permission for a development affecting a right of way however, an authority must have good reasons to justify a decision either not to make or not to confirm an order. The disadvantages or loss likely to arise as a result of the stopping up or diversion of the way to members of the public generally or to persons whose properties adjoin or are near the existing highway should be weighed against the advantages of the proposed order.'</p>
4.4	<p>The proposed new route is the shortest available link route with the best sightlines, so is not considered to cause any disadvantage or loss to the public. The new alignment through the development site is lit, overlooked and has the smallest impact possible on the new properties while allowing development to go ahead. No adverse comments have been received during informal consultations on the diversion and therefore the proposals are considered to be the best way forward, in line with government advice.</p>
4.5	<p>Section 119 of the Highways Act 1980 enables a path to be diverted where it is considered expedient to do so in the interests of the owner, lessee or occupier of the land crossed by the path or in the interests of the public. Before confirming such an order the Secretary of State or the Council, as the case may be, must be satisfied that the diversion is expedient and that the path or way will not be substantially less convenient to the public in consequence of the diversion and that it is expedient to confirm the order having regard to the effect which –</p> <ul style="list-style-type: none"> <li data-bbox="316 1357 1385 1429">(i) the diversion would have on public enjoyment of the path or way as a whole, <li data-bbox="316 1464 1385 1536">(ii) the coming into operation of the order would have as respects other land served by the existing public right of way, and <li data-bbox="316 1572 1385 1682">(iii) any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it.
4.6	<p>The Council also has to have regard to the likely impact of the diversion on agriculture, forestry and bio diversity</p>
4.7	<p>The diversion is considered to be in the interests of the owners of the land as it formally stops-up the public footpath that runs through their properties from B-D, and also stops up what would be a dead end path to the rear of those properties (from C-B) as a consequence of the Town and Country Planning Act diversion. The diversion is also considered to be in the interests of the public as it clarifies the legal status of the path.</p>

	There are not believed to be any negative impacts and therefore the diversion is considered to meet the statutory criteria.
5.0	<u>Options</u>
5.1	The Council makes the order applied for. Officers are satisfied that the necessary statutory criteria are met and that the proposed alternative route is the best available. There have been no objections to the proposals during the informal consultation process.
5.2	The Council could decline to make the orders applied for, but as the relevant statutory criteria have been satisfied, it is not considered reasonable to do so.
6.0	<u>Local Area Implications</u>
6.1	There are no implications for the local area beyond a minor change to the rights of way network.
7.0	<u>Compatibility with European Convention on Human Rights</u>
7.1	This proposal is considered to be compatible with the Convention.
8.0	<u>Ensuring Social Inclusion</u>
8.1	The proposal will have no negative impact on social inclusion. The new path will have gradients, surfaces and widths that are similar to or more accessible than the existing footpath.
9.0	<u>Reduction of Crime and Disorder</u>
9.1	The proposal is not considered to have any effect on crime and disorder. In response to consultations, South Yorkshire Police's Crime Reduction Officer raised no objections or comments.
10.0	<u>Financial Implications</u>
10.1	If the Orders are made and objections are received there will be additional costs to the Council that cannot be passed on to the applicant. This is especially the case if the matter has to be resolved at a public inquiry. However, no adverse comments have been received to the informal consultations for the application, so it is considered unlikely that this will be necessary.
11.0	<u>Risk Assessment</u>
11.1	The Council has powers under the Town and Country Planning Act 1990 to make the order applied for. The statutory process provides an opportunity for objections which, if upheld, may result in the order not

	being confirmed by the Secretary of State. However, as the application fulfils the relevant criteria and has received no objections during informal consultations, the risk is likely to be low.
12.0	<u>Consultations</u>
12.1	User groups (including the Barnsley Local Access Forum), ward councillors, other Council departments and utilities companies have been consulted on the application.
12.2	Objections were received to the initial proposals to stop up the path and the path is now proposed to be diverted. No objections or adverse comments have been received during informal consultations on the proposed diversions.
13.0	<u>Proposal</u>
13.1	Councillors approve the recommendations in section 2.
14.0	<u>Glossary</u>
15.0	<u>Appendices</u> Appendix A - Map 1 proposed diversion
	Officer Contact: Rik Catling Tel: ext 2142
	Date: 21 April 2015

**BARNESLEY METROPOLITAN BOROUGH COUNCIL
ENVIRONMENTAL SERVICES**

Proposed diversion of Thurgoland
public footpath number 18



SITE PLAN



**Report of Assistant
Director, Highways,
Engineering and Waste
Management to Planning
Regulatory Board on
21st April 2015**

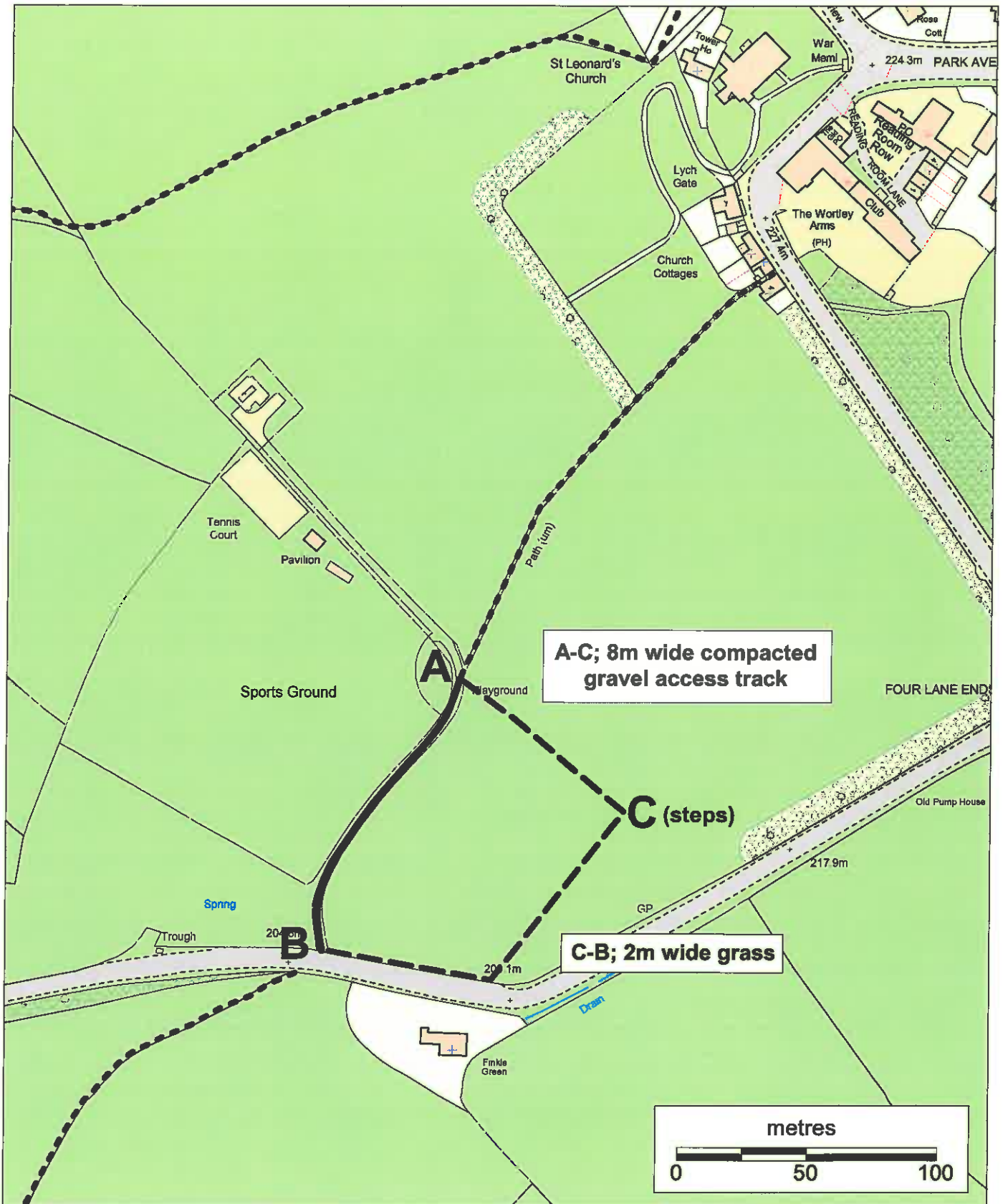
Diversion of a public footpath at Wortley Rugby Club.

1.0	<u>Purpose of Report</u>
1.1	To consider an application to divert Wortley footpath no. 26 at Wortley Rugby Club, off Finkle Street Lane.
2.0	<u>Recommendations</u>
2.1	That, in exercise of statutory powers, the Council makes a Public Path Order under the provisions of section 257 of the Town and Country Planning Act 1990 for the diversion of Wortley footpath no. 26 as shown on the plan attached at Appendix A of this report.
2.2	That the Common Seal of the Council be affixed to the Order and that the Director of Legal and Governance be authorised to publish the proposal and to submit the Order for confirmation by the Secretary of State or to confirm it himself in the event of there being no objections thereto.
2.3	That the Director of Legal and Governance be authorised to make a Definitive Map Modification Order to make the necessary changes to the Definitive Map and Statement for the area.
3.0	<u>Background and Proposal</u>
3.1	Wortley Rugby Club has been granted planning permission to construct a new clubhouse and 2 new pitches at the site of their existing pitch at Finkle Street Lane, Wortley. (Planning Application reference: 2013/1176.)
3.2	Wortley footpath no. 26 runs directly across the site of the proposed clubhouse and new main rugby pitch. In order to allow construction to go ahead, it is proposed that the footpath is diverted around the boundary of the pitch.
3.3	The proposed new footpath will run on a new access track along the northern edge of the new main pitch then up a set of steps, along the pitch's eastern boundary and around the perimeter of the car park. In

<p>3.4</p> <p>3.5</p>	<p>total, the proposed new footpath will be approximately 115m longer than the existing route. The access track will be 8m wide and have a compacted gravel surface. Alongside the pitch and car park the path will be 2m wide with a grass surface.</p> <p>Informal consultations have been carried out with user groups, ward councillors and utilities companies. Consultations with the Barnsley Local Access Forum considered a number of alternative diversions of the footpath, including re-routing the full length onto the new access track and joining Finkle Street Lane further up the hill. Due to the gradients on site and the visibility at the alternative road access the Local Access Forum indicated their preference for the proposed route, which the rugby club accepted.</p> <p>1 response to the consultations questioned whether it was necessary to construct steps on the route. However, steps are unavoidable due to the gradient and as there are existing steps on the continuation of the footpath towards Wortley village, the new steps are not believed to reduce accessibility. The rugby club has also indicated that it wishes to encourage public access onto the site and that the steps will not prevent access to the pitches or clubhouse for people with mobility impairments.</p>
<p>4.0</p>	<p>Statutory Criteria</p>
<p>4.1</p> <p>4.2</p> <p>4.3</p> <p>4.4</p>	<p>Section 257 of the Town and Country Planning Act 1990 (as amended) enables public rights of way to be diverted where the Council, as Planning Authority, is satisfied that it is necessary to do so in order to enable development to take place.</p> <p>The existing public footpath runs directly across the site of the proposed clubhouse and main rugby pitch. Therefore the Council is satisfied that the statutory criteria have been met.</p> <p>DEFRA Rights of Way Circular 1/09 provides guidance for local authorities and is used by inspectors when considering objections to public path orders made under the Town and Country Planning Act. It states in paragraph 7.15; 'That planning permission has been granted does not mean that the public right of way will therefore automatically be diverted or stopped up. Having granted planning permission for a development affecting a right of way however, an authority must have good reasons to justify a decision either not to make or not to confirm an order. The disadvantages or loss likely to arise as a result of the stopping up or diversion of the way to members of the public generally or to persons whose properties adjoin or are near the existing highway should be weighed against the advantages of the proposed order.'</p> <p>Following consultations with Barnsley's Local Access Forum, which features representatives from a range of user groups, the proposed diversion was identified as the best available location for the footpath. The new alignment is not considered to cause any disadvantage or loss to the</p>

	public and there are no nearby properties which could be negatively affected, while the diversion enables development to go ahead. No objections have been raised during informal consultations and therefore the proposals are considered to be the best way forward, in line with government advice.
5.0	<u>Options</u>
5.1	The Council makes the order applied for. Officers are satisfied that the necessary statutory criteria are met and that the proposed alternative route is the best available. There have been no objections to the proposals during the informal consultation process.
5.2	The Council could decline to make the order applied for, but as the relevant statutory criteria have been satisfied, it is not considered reasonable to do so.
6.0	<u>Local Area Implications</u>
6.1	There are no implications for the local area beyond a minor change to the rights of way network.
7.0	<u>Compatibility with European Convention on Human Rights</u>
7.1	This proposal is considered to be compatible with the Convention.
8.0	<u>Ensuring Social Inclusion</u>
8.1	The proposal will have no negative impact on social inclusion. The new path will have gradients, surfaces and widths that are similar to the existing footpath.
9.0	<u>Reduction of Crime and Disorder</u>
9.1	The proposal is not considered to have any effect on crime and disorder. In response to consultations, South Yorkshire Police's Crime Reduction Officer raised no objections or comments.
10.0	<u>Financial Implications</u>
10.1	If the order is made and objections are received there will be additional costs to the Council that cannot be passed on to the applicant. This is especially the case if the matter has to be resolved at a public inquiry. However, no adverse comments have been received to the informal consultations for the application, so it is considered unlikely that this will be necessary.

11.0	<u>Risk Assessment</u>
11.1	The Council has powers under the Town and Country Planning Act 1990 to make the order applied for. The statutory process provides an opportunity for objections which, if upheld, may result in the order not being confirmed by the Secretary of State. However, as the application fulfils the relevant criteria and has received no objections during informal consultations, the risk is likely to be low.
12.0	<u>Consultations</u>
12.1	User groups (including the Barnsley Local Access Forum), ward councillors, other Council departments and utilities companies have been consulted on the application.
12.2	1 response expressed concerns about the need to construct steps on the route, but this is unavoidable due to the gradient and is in keeping with the continuation of the footpath to Wortley village, which includes a series of steps at the top of the hill.
12.3	No other objections or adverse comments have been received following the informal consultation process.
13.0	<u>Proposal</u>
13.1	Councillors approve the recommendations in section 2.
14.0	<u>Glossary</u>
15.0	<u>Appendices</u> Appendix A – Map 1 proposed diversion Appendix B – Map 2 development plan showing footpath diversion
	Officer Contact: Rik Catling Tel: ext 2142
	Date: 21 April 2015

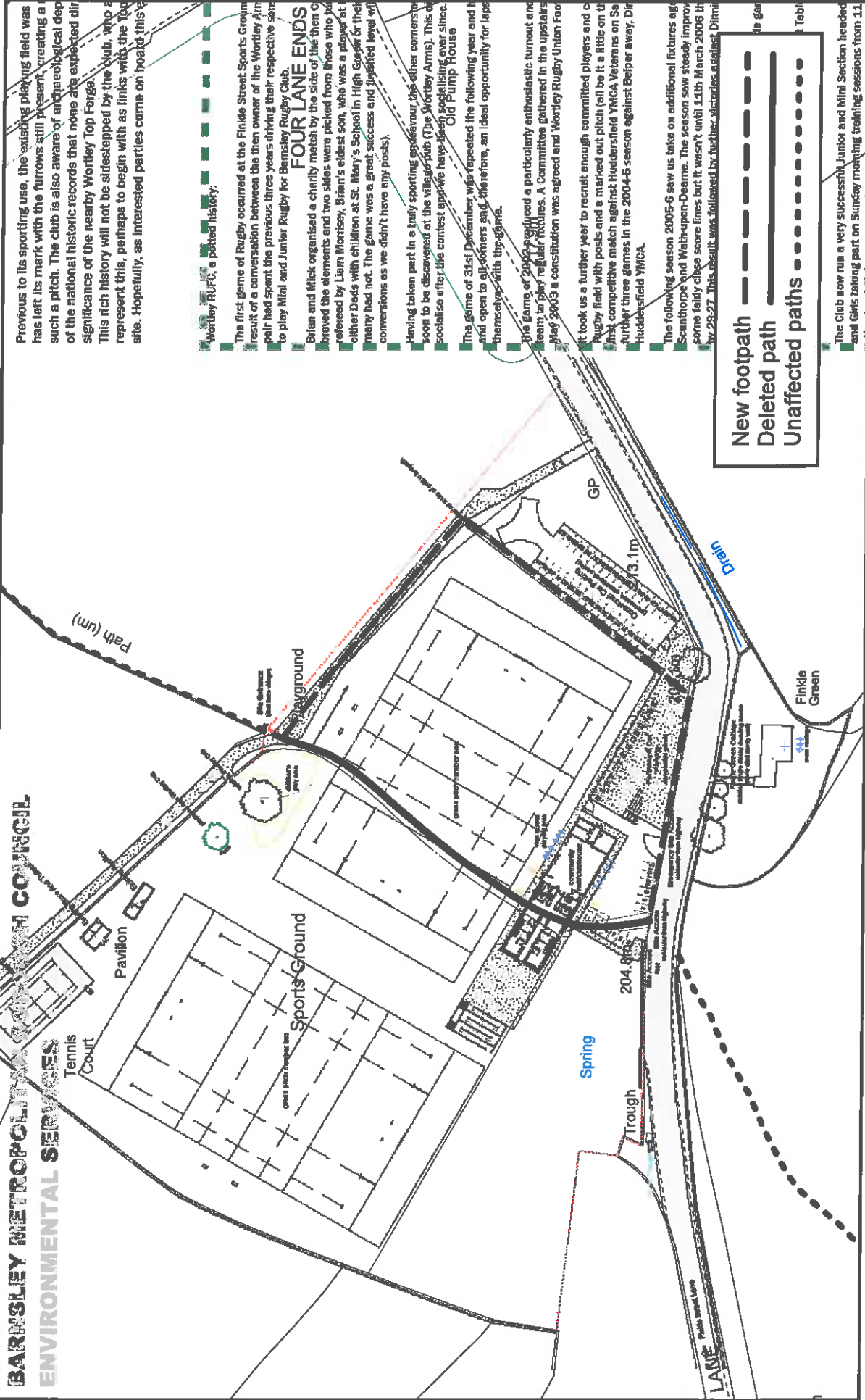


Proposed diversion of Wortley public footpath no. 26	
Drawn by BMBC	Scale 1 : 2000
Map 1	

Footpath(s) to be created	-----
Footpath(s) to be deleted	-----
Unaffected rights of way	-----



BARNESLEY METROPOLITAN COUNCIL
ENVIRONMENTAL SERVICES



Previous to its sporting use, the existing playing field was left its mark with the furrows still present, creating a such a pitch. The club is also aware of archaeological dig of the national historic records that none are expected dir significance of the nearby Wortley Top Forge. This rich history will not be sidestepped by the club, who represent this, perhaps to begin with as links with the Top site. Hopefully, as interested parties come on board this

Wortley Rugby, a ported history:

The first game of Rugby occurred at the Finkle Street Sports Ground result of a conversation between the then owner of the Wortley Arms their had spent the previous three years driving their respective sons to play Mini and Junior Rugby for Barnsley Rugby Club.

FOUR LANE ENDS
 Brian and Mick organised a charity match by the side of the then C reaved the elements and two sides were picked from those who had referred by Liam Morrissey, Brian's eldest son, who was a player at either Deds with children at St. Mary's School in High Green or their many had not. The game was a great success and signified level of conversations as we didn't have any posts).

Having taken part in a fairly sporting endeavour, the other corner soon to be discovered at the village pub (The Wortley Arms). This of socialise after the contest as we have been socialising ever since. Old Pump House

The game of 31st December was repeated the following year and h and open to all corners and, therefore, an ideal opportunity for legs themselves with the game.

The game of 2000 involved a particularly enthusiastic turnout and team to play regular fixtures. A Committee gathered in the upstairs May 2003 a constitution was agreed and Wortley Rugby Union Foot

It took us a further year to recruit enough committed players and o rugby field with posts and a marked out pitch (all be it a little on th that competitive match against Huddersfield YMCA Veterans on Sa further three games in the 2004-5 season against Beiper away, Di Huddersfield YMCA.

The following season 2005-6 saw us take on additional fixtures agt Scunthorpe and Wake-up-Dearns. The season saw steady improv some really close score lines but it wasn't until 11th March 2006 th wv 29-27. This result was followed by further victories against Dinn

New footpath - - - - -
Deleted path - - - - -
Unaffected paths - - - - -

The Club now run a very successful Junior and Mini Section headed and Girls taking part on Sunday morning training sessions from 11

BARNESLEY MBC - Environmental Services
 Environmental Services.
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