

BARNESLEY METROPOLITAN BOROUGH COUNCIL

**Report of Assistant Director,
Highways, Engineering and
Transportation to Planning
Regulatory Board on
21st November 2017**

Public footpath diversion at Tyers Hall Farm – minor amendment.

1.0	<u>Purpose of Report</u>
1.1	To consider an amendment to the previously approved application to divert Darfield public footpath nos. 3 and 4 at Tyers Hall Farm, between Ardsley and Darfield.
2.0	<u>Recommendations</u>
2.1	That, in exercise of statutory powers, the Council makes Public Path Orders under the provisions of section 119 of the Highways Act 1980 for the diversion of Darfield footpaths 3 and 4 at Tyers Hall Farm as shown on the plan attached to this report.
2.2	That the Director of Legal and Governance be authorised to publish the Orders and to confirm them himself in the event of there being no objections thereto.
2.3	In the event objections are received which cannot be resolved, the Director of Legal and Governance be authorised to submit the Orders to the Secretary of State for confirmation and to take all necessary steps to support the Orders at any public inquiry, informal hearing or written representation as necessary.
2.4	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	On the 18 th of April 2017 PRB approved an application to divert several public footpaths at Tyers Hall Farm, located between Ardsley and Darfield. Due to discussions about the maintenance of the main route the orders to enact those changes have not yet been made, though an agreement has provisionally been reached with the landowner.
3.2	Tyers Hall Farm has now applied for a minor amendment to the approved diversions of Darfield footpaths 3 and 4, located to the south east of the farm buildings.

	<p>3.3 This amendment would move the proposed new footpath line from the edge of the field that the footpath currently passes through to the edge of the adjacent fields, as shown between points A and B on the plan attached at Appendix A.</p>
3.4	<p>This change would move the new path from one side of the field boundary hedge to the other, a distance of approximately 5 metres. This would have no impact on the distance or terrain for pedestrians, but would move the path from the edge of a livestock field to the edge of arable fields, enabling the livestock field to be separated into sections for grazing, reducing any potential conflict between walkers and animals and making it easier to identify and maintain the line of the footpaths.</p>
3.5	<p>The proposed new route would have a 1.8 metre wide grass surface and run along the field edge, the same as the previously approved diversion route.</p>
3.6	<p>Informal consultations have been carried out with user groups and ward councillors. No objections have been received.</p>
4.0	<p><u>Statutory Criteria</u></p>
4.1	<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"> (i) the diversion would have on public enjoyment of the path or way as a whole, (ii) the coming into operation of the order would have as respects other land served by the existing public right of way, and (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.
4.2	<p>The proposed amendment to the diversion route is considered to be minor in nature. The diversions would move the existing footpaths onto field edge locations and are considered to be in the interests of the landowner by allowing the existing livestock field to be segregated for grazing. The easier identification and maintenance of the new routes is considered to cause less disturbance for landowners and greater clarity for pedestrians, with no difference to distance or terrain. The diversions are considered to have a positive impact on both public enjoyment of the paths and management of the land.</p>
4.3	<p>The Council also has to have regard to the likely impact of the diversion on agriculture, forestry and biodiversity. The proposed diversions are not</p>

	considered to have any negative impact on these matters.
5.0	Options
5.1	The Council makes the orders applied for. Officers are satisfied that the necessary statutory criteria are met and that the proposals are the best available.
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 minor changes to the rights of way network.
7.0	<u>Compatibility with European Convention on Human Rights</u>
7.1	These proposals are considered to be compatible with the Convention.
8.0	<u>Ensuring Social Inclusion</u>
8.1	The proposals will have no negative impact on social inclusion. The gradients, surfaces and widths of the new paths would be similar to those of the existing paths in order to ensure that they are no less accessible.
9.0	<u>Reduction of Crime and Disorder</u>
9.1	The proposed amendment to the diversion routes are not considered to have any impact on crime and disorder.
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.
11.0	<u>Risk Assessment</u>
11.1	The Council has powers under the Highways Act 1980 to make the orders 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.
11.2	Objections may be received to the application. However, the Council is satisfied that no relevant grounds for objection have been raised during the consultation period, that the application meets all of the statutory criteria and that the best possible alternative routes have been identified for the diversion orders.

12.0	<u>Consultations</u>
12.1	User groups (including the Barnsley Local Access Forum) and ward councillors, other Council departments and utilities companies have been consulted on the application. No objections have been received.
13.0	<u>Proposal</u>
13.1	Councillors approve the recommendations in section 2.
14.0	<u>Glossary</u>
15.0	Appendices Appendix A – Amended public footpath diversion plan: Paths at Tyers Hall Farm
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	Date: 21 st November 2017