

**ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS**

<b>1. Meeting</b>	<b>Cabinet Member for Regeneration and Environment</b>
<b>2. Date of Meeting</b>	<b>21<sup>st</sup> March, 2011</b>
<b>3. Title</b>	<b>Petition for the diversion of Catcliffe Footpath No 3</b>
<b>4. Wards Affected</b>	<b>Catcliffe</b>

**5. Summary**

This report advises the Cabinet Member of the investigations into the petition re: Catcliffe Footpath No. 3 which was referred to the Public Rights of Way team for investigation (Minute No. G68 of the meeting of the Cabinet Member for Regeneration and Environment held on 15<sup>th</sup> November, 2010 refers).

**6. Recommendation:-**

- That the matter be deferred until further talks have taken place with WM Morrison Supermarkets PLC and an alternative route for Catcliffe Footpath 3 is agreed, and a further report submitted to a future meeting of the Cabinet Member for Regeneration and Environment.

## **7. Proposals and Details**

Catcliffe Footpath No 3 is a public right of way running adjacent to the rear gardens of Woodland Close and Blue Mans Way at Catcliffe. In 2010, site investigation revealed that some residents had encroached upon the path in order to extend their gardens and had physically blocked the path with fencing. Letters were sent to residents asking them to remove the fencing panels and re-open the official line of the path, stating that once this had been done the Council would look to legally divert the path.

In October 2010, the Council received a petition from the residents of Woodland Close and Blue Mans Way, against the opening up of the path. This petition was noted in Minute No. G68 of the meeting of the Cabinet Member for Regeneration and Environment on Monday 15<sup>th</sup> November 2010.

After speaking to the lead petitioner it became clear that residents were actually petitioning for a legal extinguishment or diversion of the path.

In December 2010, the residents agreed to remove their fencing and the path is now clear for members of the public to use. Residents have been informed that the Council will now investigate the legal diversion of the footpath onto adjacent land.

Talks have now begun with Morrisons Supermarkets PLC who are the adjacent land owners, with a view to diverting the footpath onto land owned by them that is currently not in use. If this can be achieved, then the old path at the rear of Woodland Close and Blue Mans Way will be closed and the land on which it sits will revert back to the original land owner.

## **8. Finance**

In view of the obvious benefit to local users, the costs associated with the public path diversion order would be financed by the highway authority.

The proposed diversion would not require any major engineering works or the installation of additional path furniture, although the public rights of way signage will require amending.

The Highway Authority's contribution would be financed by the Countryside and Rights of Way Act budget allocation.

## **9. Risks and Uncertainties**

The public have a right to comment and object to a public path diversion order.

So far, informal consultation with residents and the Local Access Forum has not generated any objections. However it is possible that the publication of an order may attract objections which would require resolving at a public enquiry.

## 10. Policy and Performance Implications

Eventually diverting the Right of Way away from the rear gardens of Woodland Close and Blue Mans Way onto open land, will allow local residents to extend their gardens and protect their property more securely. This will help to sustain the reduction in the overall rate of crime as promoted under the "SAFE" theme of RMBC's Community Strategy.

## 11. Background Papers and Consultation

Informal consultation with local residents  
Informal consultation with Local Access Forum  
Preliminary discussions with WM Morrisons PLC

Crime statistics from SY Police for Catcliffe F3 from Dec 2008 to Dec 2010

<u>Offence</u>	<u>Instances</u>
Burglary in an adjacent dwelling	4
Theft of a motor vehicle	2
Theft from a motor vehicle	4
Criminal damage to adjacent buildings	1
Criminal damage to property (not buildings)	1

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