

RIGHTS OF WAY REPORT



Date Written	16 th December 2013
Report Author	Cheryl Jones
Service Area	Economic Development
Committee Date	24 th February 2014

To: Chairman, Ladies and Gentlemen

Troedyrhiw 9 Extinguishment of Part

PURPOSE OF THE REPORT: To seek Councillor's approval to extinguish a section of Public Right of Way known as Troedyrhiw 9.

1.0 INTRODUCTION AND BACKGROUND

1.1 A section of Public Right of Way known as Troedyrhiw 9 as depicted on the Plan, Troedyrhiw 9, requires extinguishment.

1.2 Section 118 of the Highways Act 1980 states:

“Where it appears to a Council as respects a footpath or bridleway in their area (other than one which is a trunk road or a special road) that it is expedient that the path or way should be stopped up on the ground it is not needed for public use, the Council may by Order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order, extinguish the public right of way over the path or way”.

1.3 The Council can only have one reason in law under Section 118 for making a Public Path Extinguishment Order and that is that it appears to the Council expedient on the ground that the footpath is not needed for public use.

This test has been satisfied.

1.4 A section of this path in the north runs adjacent to the A470 through overgrown woodland. This section of the path leads nowhere. Another path in this area leads to Webbers Pond. The section of path to be

extinguished is not used by the public and a suitable alternative is in existence.

The legal background is to be found in Agenda Item 4.

2.0 FINANCIAL IMPLICATIONS

- 2.1 Officer time is involved in investigating the route and writing the report. If Councillors determine that the public right of way is to be extinguished, there will be a financial implication in advertising the Order and also for dealing with the Public Inquiry if an Order is made and there is an objection to it.
- 2.2 As Councillors are aware, financial implications are not to be considered by the Committee when determining this application as the County Borough Council has a statutory duty to make an Order if it believes that there is sufficient evidence to support it.

3.0 EQUALITY IMPACT ASSESSMENT

- 3.1 An Equality Impact Assessment has been considered relating to this document and no negative effects have been identified at this stage.

4.0 RECOMMENDATION(S) that

- 4.1 Councillors approve the making of the Extinguishment Order under Section 118 of the Highways Act 1980.
- 4.2 If Councillors resolve to make the Order and objections are received and subsequently not withdrawn the Order will be forwarded to the Planning Inspectorate for their determination.

GARY THOMAS
DIRECTOR OF CUSTOMER SERVICES

BACKGROUND PAPERS		
<i>Title of Document(s)</i>	<i>Document(s) Date</i>	<i>Document Location</i>
File Troedyrhiw 9	On-going	Unit 5

Consultation has been undertaken with Executive Board in respect of each proposal(s) and recommendation(s) set out in this report.