
RIGHTS OF WAY REPORT



Date Written	24 th January 2014
Report Author	Cheryl Jones
Service Area	Economic Development
Committee Date	24 th February 2014

To: Chairman, Ladies and Gentlemen

BEDLINOG 63

PURPOSE OF THE REPORT:

To inform Councillors of the need to divert on a permanent basis a Public Right of Way Bedlinog 63 under Section 257 Town and Country Planning Act 1990.

1.0 INTRODUCTION AND BACKGROUND

- 1.1 In accordance with section 257 Town and Country Planning Act 1990 the County Borough Council may make an Order diverting a footpath if it is satisfied that it is necessary to do so to enable development to be carried out in accordance with a planning permission that has been granted. The legal tests for the making of an Order under section 257 are at Agenda Item 6.
- 1.2 An application has been received from the developer, Redrow Homes Limited requesting that the Council make an Order under section 257 Town and Country Planning Act 1990 to divert the northern section of Public Right of Way Bedlinog 63.
- 1.3 A previous report was submitted to the Rights of Way Committee on the 18th March 2013 requesting that the southern section of Public Right of Way Bedlinog 63 be diverted on a permanent basis under Section 257 Town and Country Planning Act 1990. This application was approved and an order made under the Town and Country and Planning Act 1990 ("the 2013 order"). No objections to the order were made. To date this order has not been confirmed due to the fact that there are still development works obstructing the alignment of the proposed diversion in the southern section. Once development has

ceased in this section and the route is deemed to be of a satisfactory standard to the council the order will be confirmed.

- 1.4 Outline planning permission for a residential development (of up to 124 residential units (Phase B) and associated infrastructure works) was granted on 11th December 2013 under planning permission P/13/0330.
- 1.5 The statutory undertakers have been consulted and no objections have been raised to the proposed diversion.

2.0 THE ROUTE

- 2.1 Until the 2013 order is confirmed the existing footpath is as shown by a bold line on the plan, Bedlinog 63. It commences at Point A, grid reference ST11049714 its junction with Public Rights of Way Bedlinog 61 and Bedlinog 62 and it proceeds in a general south-south-easterly direction through a field to Point B, grid reference ST11171969 before continuing through the field to terminate at its junction with Public Right of Way Bedlinog 64 and the maintainable highway, Gelligaer Road, at Point C, grid reference ST11239674.
- 2.2 The southern section as shown with a dashed line between Points B - D - E - C is already the subject of the 2013 order. This order is awaiting confirmation (see 1.3 above).
- 2.3 In order to comply with their planning permission Redrow Homes Ltd has also requested that the northern section of the public right of way also be diverted.
- 2.4 This section, the northern section, is shown by the dashed line between points B - F - G - H.
- 2.5 Although this diversion is slightly longer it is considered a suitable alternative to the extant footpath.

3.0 SUMMARY

- 3.1 Taking all the above into account the authority is satisfied that the criteria of s257 Town and Country Planning Act 1990 have been met, that the alternative alignment is suitable and that it is necessary for the footpath to be diverted in order for the development to proceed.

4.0 FINANCIAL IMPLICATION(S)

- 4.1 The developers, Redrow Homes South Wales have agreed to reimburse the Authority for all costs associated with the processing and making of the Order.

5.0 EQUALITY IMPACT ASSESSMENT

5.1. It has been identified that an Equality Impact Assessment (EqIA) is not required for the purpose of this report.

6.0 RECOMMENDATION(S) that

6.1 Taking into consideration all the evidence which has been provided, that an order be made under s257 Town and Country Planning Act 1990 to divert the Public Footpath.

6.2 To approve the confirmation of the Order made as a result of (a) above provided no objections or representations are made within the prescribed period or if any objections or representations made are so withdrawn.

6.3 If any objections or representations are made within the prescribed period are not subsequently withdrawn then to refer the relevant Order to the Planning Inspectorate for determination.

GARY THOMAS
DIRECTOR OF CUSTOMER SERVICES

BACKGROUND PAPERS		
<i>Title of Document(s)</i>	<i>Document(s) Date</i>	<i>Document Location</i>
Bedlinog 63	26 th January 2014	Rights of Way Department Unit 5 Pentrebach