
RIGHTS OF WAY REPORT



Date Written	07 th April 2014
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Service Area	Economic Development
Committee Date	12 th May 2014

To: Chairman, Ladies and Gentlemen

Cyfarthfa 62

PURPOSE OF THE REPORT:

To inform Councillors the need to divert on a permanent basis a section of Public Right of Way Cyfarthfa 62 (The Taff Trail) under section 257 of the 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 3.
- 1.2 An application has been submitted by the Physical Regeneration team requesting that an order be made under section 257 of the Town and Country Planning Act to divert the northern section of Public Right of Way Cyfarthfa 62 which is also a section of the Taff Trail.
- 1.3 The diversion of the Taff Trail is required to accommodate the new road layout, one way system and development in front of the college.
- 1.4 Full Planning permission for the scheme was granted on 30th May 2013 under planning application number P/12/0336.
- 1.5 A pre-order consultation has been carried out and no objections have been received.

2.0 THE ROUTE

- 2.1 The existing route is shown as a bold back line commencing at Point A, grid reference SO04700604 proceeding in a general southerly direction for approximately 554 metres to its termination at Point G, grid reference SO04930562.
- 2.2 The proposed new alignment of Cyfarthfa 62 is shown as a dashed black line commencing at Point A, grid reference SO04700604 and proceeds in a general westerly direction for 80 metres to Point B, grid reference SO04620602. At this point it proceeds in a general south-south-easterly direction for 76 metres to Point C, grid reference SO04650594. At this point it proceeds in a general westerly direction for approximately 7 metres to Point D, grid reference SO04630594. At this point it proceeds in a general south-south-easterly direction to Point E, grid reference SO04660586. It then proceeds in a curved south-easterly direction for approximately 60 metres to grid reference SO04710584 at Point F where it rejoins the existing route and continues to terminate at Point G, grid reference SO04930562.
- 2.3 The works on site must be completed before the confirmation of the order.
- 2.4 No limitations or conditions exist on the proposed diversion.
- 2.5 The proposed diversion is no less convenient to the public and will not affect their enjoyment of the Bridleway as a whole. The new surface will be an improvement for the users.
- 2.6 The proposed diversion does not adversely affect the land served by the existing or proposed footpath.
- 2.7 The proposal conforms to the aims and objectives within the Merthyr Tydfil County Borough Council's Rights of Way Improvement Plan.

3.0 ASSESSMENT

- 3.1 This assessment is to assist Councillors in determining the application before them today; an application to divert Cyfarthfa 62.
- 3.2 The diversion is necessary for the implementation of the new road layout one way system and development in front of the college.

4.0 FINANCIAL IMPLICATION(S)

- 4.1 A notice advertising this order will need to be placed in the local newspaper and on site. These costs will be met out of the existing rights of way budget.
- 4.2 Responsibility for maintenance of rights of way routes lies with the Council as Highway Authority; the financial implication for the diverted route is the same as for the original route.
- 4.3 It is possible for the landowner to claim compensation under s28 Highways Act 1980 as applied by s121(2) Highways Act 1980.

5.0 EQUALITY IMPACT ASSESSMENT

- 5.1 An Equality Impact Assessment has been prepared for the purpose of this report and no negative effects have been identified at this stage.

6.0 RECOMMENDATIONS(S) that

- (a) Taking in to account all of the evidence which has been provided to confirm the diversion of the northern section of Cyfarthfa 62 from the bold line as depicted on the Plan, between Point A and Point F to the dashed line as depicted on the Plan, Cyfarthfa 62, between Point A – B – C – D– E-F.
- (b) A Public Path Diversion Order be made to divert the footpath.
- (c) To approve the confirmation of the Public Path Diversion Order made as a result of (b) above provided no objections or representations are made within the prescribed period or if any objections or representations so made are withdrawn.
- (d) If any objections or representations are made within the prescribed period and not subsequently withdrawn then to refer the relevant Order to the Planning Inspectorate for determination.

ELLIS COOPER
DIRECTOR OF CUSTOMER SERVICES

BACKGROUND PAPERS		
<i>Title of Document(s)</i>	<i>Document(s) Date</i>	<i>Document Location</i>
Cyfarthfa 62		Unit 5