

## **RIGHTS OF WAY REPORT**



Date Written	30 <sup>th</sup> April 2014
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Service Area	Economic Development
Committee Date	12 <sup>th</sup> May 2014

*To: Chairman, Ladies and Gentlemen*

### **VAYNOR 35**

#### **PURPOSE OF THE REPORT:**

To obtain committee approval to correct errors within a Public Path Creation Order by making a Definitive Map Modification Order and to divert a section of the footpath and to extinguish a section of the footpath.

#### **1.0 INTRODUCTION AND BACKGROUND**

- 1.1 A Public Path Creation Order was made in 2008 under the Highways Act 1980 in regard to Vaynor 35.
- 1.2 The Grid References stated in the Creation Order do not correspond with the accompanying map. As the grid references and the map do not correspond. Committee approval is required to correct this discrepancy.
- 1.3 On 15<sup>th</sup> January 2014 an emergency prohibition of pedestrians notice was made prohibiting anyone from using this path due to a landslide that occurred following the inclement weather. Subsequent to this an order was made prohibiting use of the footpath by the general public. This order is due to expire on 14<sup>th</sup> July 2014. A request will be made to Welsh Government to extend this prohibition order.
- 1.4 Whilst the Prohibition of Pedestrians Order is in force the council need to consider its options with regard this footpath.
- 1.5 The footpath commences at Point A on the plan, Vaynor 35, a car park near the Aberglais Pub and proceeds through the Taff Fechan nature reserve to terminate at Point D, a point just beneath the A465 Heads of the Valleys Road. Following the landslide in January a section of the

footpath at Point B collapsed. The section of the footpath that was affected by the landslide has ceased to exist and as such the section that was “washed away” has ceased to be a right of way.

- 1.6 Vaynor 35 is now to all intents and purposes a footpath in two sections; a section to the north of Point B and a section to the south of Point B.
- 1.7 With regard the section to the north of Point B, this runs from the car park near the Aberglais pub, past an electricity sub-station and then proceeds to the northern end of the landslide where it now terminates. Another footpath also runs through this car park. It is therefore proposed that this section of the footpath be extinguished from the Definitive and Statement as it now leads nowhere.
- 1.8 With regard the section to the south of the landslide at Point B there is no longer any way of accessing this path from the north, If the path is accessed from the south then it leads nowhere as the landslide is now a dead end. However, if one walks from Point D in a northerly direction it is possible to follow the path to Point C where one would need to divert and follow a path which leads onto Public Right of Way Vaynor 34 which also runs through the Taff Fechan nature reserve. North of Point C there is no possibility of diverting onto any other public footpath due to the topography of the land. It is therefore proposed that this section of the footpath be diverted at Point C and that it then proceeds to Point E where it joins Public Right of Way footpath Vaynor 34.
- 1.9 The legal background for an extinguishment order is to be found at Agenda Item 4.
- 1.10 The legal background for a diversion order is to be found at Agenda Item 5.

## **2.0 FINANCIAL IMPLICATION(S)**

- 2.1 Notices advertising the relevant orders will need to be placed in the local newspaper and on site. These costs will be met out of the existing budget.

## **3.0 EQUALITY IMPACT ASSESSMENT**

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

## **4.0 RECOMMENDATION(S) that**

- 4.1
  - a) A Definitive Map Modification be made to correct the discrepancies.

- b) To approve the confirmation of the Definitive Map Modification 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.
- c) 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.

Following the confirmation of the Order

- 4.2
- a) A Public Path Diversion Order be made to divert that section of the right of way that runs from D – C – B to run from D – C – E.
  - b) To approve the confirmation of the Public Path Diversion 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 so made are withdrawn.
  - c) If any objections or representations are made within the prescribed period and are not subsequently withdrawn then to refer the relevant order to the Planning Inspectorate for determination.

And

- 4.3
- a) An extinguishment order be made in respect of the footpath that runs between Point A and Point B
  - b) To approve the confirmation of the Extinguishment 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 so made are withdrawn.
  - c) If any objections or representations are made within the prescribed period and are not subsequently withdrawn then to refer the relevant order to the Planning Inspectorate for determination.

**ELLIS COOPER**  
**DIRECTOR OF CUSTOMER SERVICES**

<b>BACKGROUND PAPERS</b>		
<i>Title of Document(s)</i>	<i>Document(s) Date</i>	<i>Document Location</i>
Vaynor 35	April 2014	Rights of Way section Unit 5