

EXECUTIVE DECISION RECORD
CABINET BOARD - 29 OCTOBER, 2015
ENVIRONMENT AND HIGHWAYS CABINET BOARD

Cabinet Board Members:

Councillors: E.V.Latham (Chairperson) and A.N.Woolcock

Officers in Attendance:

D.Griffiths, M.Roberts and Mrs.T.Davies

1. **APPOINTMENT OF CHAIRPERSON**

That Councillor E.V.Latham be appointed Chairperson for the meeting.

2. **MINUTES OF THE PREVIOUS ENVIRONMENT AND HIGHWAYS CABINET BOARD HELD ON 17 SEPTEMBER 2015**

Noted by the Committee.

3. **ALLEGED PUBLIC FOOTPATH - GLAN YR AFON RD TO FOOTPATH NO. 194, YSTALYFERA**

Decision:

That a Modification Order be made under the provisions of the Wildlife and Countryside Act 1981 to show the path F-X-C-D-E (F-E) (as detailed within the circulated report) as a public footpath, and if no objections are received to confirm the same as an unopposed Order.

Reason for Decision:

Under common law it could be concluded the path had been accepted by at least two of the present landowners including this Council. Access has

also been alleged to have been enjoyed by eight people prior to 1960 and so the path has acquired a reputation as one that could be used by the public over a period in excess of 50 years.

Consequently a Modification should be made to recognise the route between points F-X and between C-E as a public footpath only. The section X-C has already been dedicated as a public footpath but has yet to be added to the Definitive Map as it does not connect to any other public path at either of its points of termini. Consequently as no legal event modification order was made for this section of path to have it included to the Definitive Map the entire length of the claimed route F-X-C-D-E (F-E) could be included into the one modification order.

Implementation of Decision:

The decision will be implemented after the three day call in period.

Consultation:

This item has been subject to external consultation.

4. **ALLEGED PUBLIC FOOTPATH - HODGSON'S RD TO FOOTPATH NO. 194, YSTALYFERA**

Decision:

That a Modification Order be made to register a public path via the route A-B-C-D-E (as detailed in the circulated report) and if no objections are made to confirm the same as an unopposed order.

Reason for Decision:

There is no evidence to show why those who claim to have enjoyed walking the route have been challenged until the installation of the fence in 2005. It should therefore be assumed use was uninterrupted throughout the period 1985-2005. Secondly the use has been sufficiently widespread to reflect the public at large.

Implementation of Decision:

The decision will be implemented after the three day call in period.

Consultation:

This item has been subject to external consultation.

5. **ALLEGED PUBLIC FOOTPATH - HODGSON'S RD TO THE 'WEIR', YSTALYFERA**

Decision:

That no Modification Order be made and the application be refused.

Reason for Decision:

Whilst there is sufficient evidence of use, that use is limited to persons residing in one street and confined to a small area within that street. There can be a presumed dedication to the public for a limited purpose but there cannot be a presumed dedication to a limited part of the public.

Secondly use by the public alone is not sufficient to show that there has been a presumed dedication under common law. Whilst two of the landowners, other than this Authority, had originally agreed to enter into a dedication agreement, one has now declined to do so. In addition, the path between points K-X (as detailed within the circulated report) was never kept open and so it is difficult to conclude the Authority showed any intention to dedicate the path.

Implementation of Decision:

The decision will be implemented after the three day call in period.

Consultation:

This item has been subject to external consultation.

6. **DIVERSION OF FOOTPATH NO 237, YSTALYFERA**

Decision:

That a diversion order be made under Section 119 of the Highways Act 1980, to divert the path from A-B-C to A-C (as detailed in the circulated report) and if no objections are received to confirm that same as unopposed.

Reason for Decision:

It is considered the tests under Section 119 to the Highways Act 1980 can be satisfied, and so the diversion order be made.

Implementation of Decision:

The decision will be implemented after the three day call in period.

Consultation:

This item has been subject to external consultation.

7. **OUTCOME OF APPEAL TO WELSH MINISTERS**

Decision:

That the report be noted.

8. **PROPOSED DIVERSION OF ALLEGED PUBLIC FOOTPATH, YSTALYFERA**

Decision:

That a Diversion Order be made under S.119 of the Highways Act 1980 to re-route the path from A-C-E to A-B1-D (as detailed within the circulated report) and if no objections are received to confirm the same as unopposed - this diversion order can only be made if and when the route F to E referred to in paragraph 3 above is confirmed as a public path.

Reason for Decision:

The diversion will secure the public with a link between Hodgson's Road and the river walk and Footpath No. 194. It also provides those residents of the housing development with a means of accessing Hodgsons Road on foot. Therefore it could be said to be in the interests of the public and the landowners and occupiers of the site.

Implementation of Decision:

The decision will be implemented after the three day call in period.

Consultation:

This item has been subject to external consultation.

9. **PROPOSED PROHIBITION OF WAITING AT ANY TIME ORDER -
CHURCH ROAD/NEW STREET, GODRE'R GRAIG**

Decision:

That the objections be overruled and the Prohibition of Waiting at Any Time Order at the junction of Church Road and New Street, Godre'r Graig, be implemented as advertised and the objectors informed accordingly.

Reason for Decision:

The scheme is necessary to prevent indiscriminate parking at the junction of Church Road and New Street in the interest of road safety.

Implementation of Decision:

The decision will be implemented after the three day call in period.

Consultation:

This item has been subject to external consultation.

10. **DRAFT ROAD SAFETY STRATEGY 2015-2020**

Decision:

That authority be granted to consult on the Draft Road Safety strategy 2015 - 2020.

Reason for Decision:

To obtain feedback from the consultation process in order to inform and finalise a Road Safety Strategy 2015 - 2020 for adoption by Council.

Implementation of Decision:

The decision will be implemented after the three day call in period.

Consultation:

The Strategy document will be the subject of external consultation.

11. **GRIT BIN 3 YEAR REVIEW**

Decision:

That the existing policy be continued, subject to review in a further 3 years.

Reason for Decision:

To review policy in line with previously determined timescales.

Implementation of Decision:

The decision will be implemented after the three day call in period.

12. **FORWARD WORK PROGRAMME 2015/16**

Decision:

That the Forward Work Programme 2015/16 be noted.

CHAIRPERSON