



## **ENVIRONMENT AND HIGHWAYS CABINET BOARD**

*Immediately Following Scrutiny Committee on  
THURSDAY, 24 NOVEMBER, 2016*

**COMMITTEE ROOMS A/B - NEATH CIVIC CENTRE**

### **PART 1**

1. To agree the Chairperson for this Meeting.
2. To receive any declarations of interest from Members.
3. To receive the Minutes of the previous Environment and Highways Cabinet Board held on 13 October, 2016 (*Pages 3 - 10*)

### **To receive the Joint Report of the Head of Engineering and Transport, the Head of Streetcare and the Head of Planning and Public Protection**

4. Quarter 2 Performance Monitoring (*Pages 11 - 28*)

### **To receive the Report of the Head of Legal Services**

5. Alleged Public Footpath Herbert Street to High Street - Community of Pontardawe (*Pages 29 - 38*)
6. Alleged Public Footpaths - Community of Neath (*Pages 39 - 66*)

### **To receive the Report of the Head of Engineering and Transport**

7. Traffic Order - Port Talbot Multi Storey Car Park (*Pages 67 - 70*)
8. Proposed Loading Access - Riverside Access Road, Port Talbot (*Pages 71 - 74*)

9. Traffic Order - Pontneathvaughan, Glynneath (*Pages 75 - 78*)
10. Christmas Car Parking 2016 (*Pages 79 - 82*)
11. Welsh Government Grant Approval received from European Regional Development Fund (*Pages 83 - 84*)
12. To receive the Forward Work Programme 2016/17 (*Pages 85 - 86*)
13. Any urgent items (whether public or exempt) at the discretion of the Chairman pursuant to Statutory Instrument 2001 No 2290 (as amended).

**S.Phillips**  
**Chief Executive**

**Civic Centre**  
**Port Talbot**

**Wednesday, 16 November, 2016**

**Cabinet Board Members:**

**Councillors:** E.V.Latham and Mrs.S.Miller

**Notes:**

- (1) *If any Cabinet Board Member is unable to attend, any other Cabinet Member may substitute as a voting Member on the Committee. Members are asked to make these arrangements direct and then to advise the committee Section.*
- (2) *The views of the earlier Scrutiny Committee are to be taken into account in arriving at decisions (pre decision scrutiny process).*

**EXECUTIVE DECISION RECORD**

**CABINET BOARD - 13 OCTOBER, 2016**

**ENVIRONMENT AND HIGHWAYS CABINET BOARD**

**Cabinet Board Members:**

Councillors: E.V.Latham (Chairperson) and Mrs.S.Miller

**Officers in Attendance:**

D.Griffiths and Mrs.T.Davies

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1. **APPOINTMENT OF CHAIRPERSON**

Agreed that Councillor E. V. Latham be appointed Chairperson for the meeting.

2. **MINUTES OF THE PREVIOUS ENVIRONMENT AND HIGHWAYS CABINET BOARD HELD ON 1 SEPTEMBER, 2016**

Noted by the Committee.

3. **URGENCY ACTION - 0150**

**Decision:**

That the following urgency action taken by the Head of Planning and Public Protection in consultation with the requisite Members, be noted:-

Officer Urgency Action No: 0150, 13 July, 2016

Environmental Health and Trading Standards – Enforcement Policy 2016.

4. **LIST OF APPROVED CONTRACTORS**

**Decision:**

That Sea Lift Diving Ltd; A & D Heating Services and Quantum Traffic Management be included on the Approved List of contractors for the relevant categories, as detailed within the circulated report.

**Reason for Decision:**

To keep the Approved List up to date and as far as possible ensure a competitive procurement process, as well as for the purpose of supplying a List of Contractors for invitation to tender within the relevant category.

**Implementation of Decision:**

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

5. **PROPOSED INDIVIDUAL DISABLED PARKING PLACE, GLYN ROAD, LOWER BRYNAMMAN**

**Decision:**

That the Individual Disabled Parking Place at 30 Glyn Road, Lower Brynamman, as detailed at Appendix A to the circulated report, be approved.

**Reason for Decision:**

The objection is unsubstantiated because the application satisfies the Council's criteria for the provision of an individual disabled parking place.

**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. **PROPOSED TRAFFIC ORDERS AT YNYSMEUDWY ROAD, YNYSMEUDWY, PONTARDAWE**

**Decisions:**

1. That the objection be overruled, as the junction of Old Road with Ynysmeudwy Road is too narrow for vehicles to negotiate safely in both directions due to the alignment of the junction;
2. That Old Road remains 'two way' but with only one entry point;
3. That a Prohibition of Right Turn Order from Old Road onto Ynysmeudwy Road be added to the original scheme and re-advertised, and if no objections are received that the Order be implemented as detailed at Appendix C to the circulated report.

**Reason for Decisions:**

To provide a safer junction at Old Road and Ynysmeudwy Road for motorists and pedestrians.

**Implementation of Decisions:**

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

**Consultation:**

This item has been subject to external consultation.

7. **PROPOSED TAXI RANKS - ORCHARD STREET, NEATH**

**Decisions:**

1. That the objections (as detailed within the circulated report) be upheld;
2. That the Legal Orders on an alternative scheme on both Old Market Street, Neath and Orchard Street, Neath (Appendix D and F to the circulated report), be advertised;
3. That subject to there being no objections, the Orders be implemented;
4. That the Scrutiny Committee review these arrangements on completion of the regeneration works affecting the Wind Street taxi rank.

**Reason for Decisions:**

To provide alternative taxi ranks at appropriate locations due to the demolition works planned, that will affect the existing rank on Wind Street, Neath.

**Implementation of Decisions:**

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

**Consultation:**

This item has been subject to external consultation.

8. **ENVIRONMENTAL HEALTH AND TRADING STANDARDS -  
CHANGES TO OFFICER DELEGATION**

**Decisions:**

1. That the delegation arrangements in respect of the Environmental Health and Trading Standards Service, set out in version 2.08.16 of the authority's Constitution [ i.e. in Part 3 - Officer of the Council Delegation Arrangements : {c} Environmental Health and Trading Standards - Schedule 1] be amended to:
  - add the official Feed and Food Control (Wales) Regulations 2009, The Trade in Animals and Related Products (Wales) Regulations 2011 and the Food Hygiene (Wales) Regulations 2006 and the Law of Property Act 1925 to the list of legislation [set out in the above referred to Schedule 1] delegated to the Director of Environment, the Head of Planning and Public Protection and the Environmental Health and Trading Standards Manager;
  - delegate to those officers in [a] above the authority to authorise individual competent and qualified Officers to act under that legislation;
  - delegate to those Officers in [a] above the authority to institute legal proceedings under the provisions contained in the official Feed and Food Control (Wales) Regulations 2009, the Trade in Animals and Related Products (Wales) Regulations 2011,

the Food Hygiene (Wales) Regulations 2006 and the Law of Property Act 1925 in conjunction with the Head of Legal Services [including the signing of any cautions in accordance with Home Office Guidelines] and, where an alleged offender is being held in custody in relation to an offence, to institute proceedings by way of charge;

2. That the Head of Legal Services be authorised to seek amendment of the Constitution by the Council in due course, in order to reflect the above changes to the Authority's delegation arrangements.

**Reason for Decisions:**

To ensure that the Constitution reflects changes that have been made to certain legislation and that identified further legislation has been added.

**Implementation of Decisions:**

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

9. **FORWARD WORK PROGRAMME 2016/17**

**Decision:**

That the Forward Work Programme be noted.

10. **URGENT ITEM**

Because of the need to deal now with the matter contained in Minute No. 12 below, the Chairperson agreed that this could be raised at today's meeting as an urgent item pursuant to Statutory Instrument 2001 No.2290 (as amended).

Reason: Due to the time element.

11. **INDIVIDUAL DISABLED PARKING PLACES**

**Decisions:**

1. That approval be given for the proposed measures at No. 15 Bwlch Crescent, Cimla, Neath, SA11 3RY, be advertised as indicated on

the attached plan (Appendix A to the circulated report) and subject to there being no objections, the Order be implemented;

2. That approval be given for the proposed measures at No. 21 Penbryn Road, Skewen, SA10 6US, be advertised as indicated on the attached plan (Appendix B to the circulated report) and subject to there being no objections, the Order be implemented;
3. That approval be given for the proposed measures at No. 5 Jac y Ddu Road, Briton Ferry, Neath, SA11 2LT, be advertised as indicated on the attached plan (Appendix C to the circulated report) and subject to there being no objections, the Order be implemented.

**Reason for Decisions:**

To provide Individual Disabled Parking Places in order to assist the applicants and help improve their quality of life.

**Implementation of Decisions:**

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

**Consultation:**

This item has been subject to external consultation.

12. **ACCESS TO MEETINGS**

**RESOLVED:** That pursuant to Regulation 4(3) and (5) of Statutory Instrument 2001 No. 2290, the public be excluded for the following item of business which involved the likely disclosure of exempt information as defined in Paragraph 14 of Part 4 of Schedule 12A to the Local Government Act 1972.

13. **SALE OF BUSES**

**Decision:**

That delegated authority be granted to the Head of Engineering and Transport to negotiate and enter into a sales agreement for the sale of

two Renault Minibuses and a Ford Transit Minibus, to the parties and on the terms as detailed within the private, circulated report.

**Reason for Decision:**

To enable the mini buses to continue to serve useful purposes.

**Implementation of Decision:**

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

**CHAIRPERSON**

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## NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

### Environment and Highways Cabinet Board

24 November 2016

**Joint Report of the  
Head of Engineering & Transport – D. W. Griffiths  
Head of Streetcare – M. Roberts and the  
Head of Planning and Public Protection – N. Pearce**

### Matter for Monitoring

**Wards Affected:** ALL

### Environment and Highways Performance Indicators for Quarter 2 of 2016/17

- 1 Quarterly Performance Management Data 2016-2017 – Quarter 2 Performance (1<sup>st</sup> April – 30<sup>th</sup> September 2016)

### Purpose of the Report

- 2 To report quarter 2 performance management data for the period 1<sup>st</sup> April to 30<sup>th</sup> September 2016 for Environment. This will enable the Environment and Highways Cabinet Board and Scrutiny Members to discharge their functions in relation to performance management.

### Executive Summary

- 3 In line with the Council's six improvement priorities embedded within the Corporate Improvement Plan, Environment scrutinise performance within Waste Management, Transport and Highways, Public Protection and Private Sector Renewal. On the whole performance demonstrates improvement in line with what we planned to deliver.

## **Background**

4 The role of Scrutiny Committees was amended at the Annual Meeting of Council in May 2010 to reflect the changes introduced by the Local Government (Wales) Measure 2009; Environment will:

- Scrutinise the performance of all services and the extent to which services are continuously improving.
- Ensure performance measures are in place for each service and that the measures reflect what matters to local citizens.
- Promote innovation by challenging the status quo and encourage different ways of thinking and options for service delivery

Failure to produce a compliant report within the timescales can lead to non-compliance with our Constitution. Furthermore failure to have robust performance monitoring arrangements could result in poor performance going undetected.

## **Financial Impact**

5 The performance described in the report is being delivered against a challenging financial background.

## **Equality Impact Assessment**

6 This report is not subject to an Equality Impact Assessment.

## **Workforce Impacts**

7 During 2015/16, the Environment Directorate saw a further downsizing of its workforce (by 87 employees) as it sought to deliver savings of 2.717 million in the year.

## **Legal Impacts**

8 This progress report is prepared under:

1. The Local Government (Wales) Measure 2009 and discharges the Council's duties to "make arrangements to secure continuous improvement in the exercise of its functions".



2. The Neath Port Talbot County Borough Council Constitution requires each cabinet committee to monitor quarterly budgets and performance in securing continuous improvement of all the functions within its purview.

### **Risk Management**

- 9 Failure to produce a compliant report within the timescales can lead to non – compliance with our Constitution. Also failure to have robust performance monitoring arrangements could result in poor performance going undetected.

### **Consultation**

- 10 No requirement to consult.

### **Recommendations**

- 11 Members monitor performance contained within this report.

### **Reasons for Proposed Decision**

- 12 Matter for monitoring. No decision required.

### **Implementation of Decision**

- 13 Matter for monitoring. No decision required.

### **Appendices**

- 14 Appendix 1 - Quarterly Performance Management Data 2016–2017 Quarter 2 Performance (1<sup>st</sup> April – 30<sup>th</sup> September 2016) – APPENDIX 1

### **List of Background Papers**

- 15 The Neath Port Talbot [Corporate Improvement Plan - 2015/2018](#) “Rising to the Challenge”;

### **Officer Contact**

- 16 Joy Smith, Road Safety and Business Performance Manager  
Tel. No: 01639 686581 email: [j.smith@npt.gov.uk](mailto:j.smith@npt.gov.uk)



**Quarterly Performance Management Data 2016-2017 – Quarter 2  
Performance (1st April to 30<sup>th</sup> September 2016)**

**Report Contents:**

**Section 1: Key points.**

**Section 2: Quarterly Performance Management Data and performance key**

**Section 3: Compliments & Complaints Data**

**Section 1: Key Points**

**Waste Management**

Good progress is being made in achieving the 64% target; however, it is to be noted that further waste awareness / education work and the continued roll out of the “side waste policy” will be necessary to ensure that the progress continues.

**Transport and Highways**

The Council continues to progress its street lighting renewal project. Similarly, improvements are being seen in respect of overall road conditions as a result of the improvements made by the Council in respect of Highway Asset Management Planning.

The increase in average repair time has increased to 1.90 days from the second quarter last year due to an increase in the number of regional electricity company’s network repair times and an increase in repair times of authority faults due to operational conditions.

The percentage of adults over 60 who hold a bus pass has increased slightly due to an increase in the number of concessionary bus pass holders.

## **Street Scene & Countryside Management**

The performance data for street cleanliness is reported annually and therefore will be reported in Quarter 4.

## **Housing – Private Sector Renewal**

Largely properties that are brought back into use are outside of the control of the service, for example, they are affected by external factors such as the local housing market. The service does, however, contact owners of all such properties to provide advice on ways to bring them back into occupation and to direct them towards funding which may assist them. In addition the service takes enforcement action whenever necessary. This performance indicator is currently under review nationally and is reported annually.

The number of licenced Houses in Multiple Occupation (HMO) remains the same. However, the percentage has dropped slightly due to an increase in the number of HMO's that do not require a licence.

## **Public Protection**

92.84% of food establishments were “broadly” compliant with food hygiene standards, marginally up on last year’s performance within the same period of 92.4%. The percentage of high risk businesses inspected for food hygiene has increased from 40% to 47% on last year’s figures. The percentage of high risk businesses inspected by Trading Standards has also increased from 41% to 50% as workloads are prioritised to this area.

The percentage of significant breaches that were rectified by intervention has increased for Trading Standards (56.8% in comparison to 41%) and Animal Health (66.7% in comparison to 33%). Rectification was achieved through the issuing of written warnings or the provision of formal advice to traders.

The percentage of identified new businesses which were subject to a food hygiene risk assessment visit is considerably higher than last year (87% compared to 75%).

## Section 2: Quarterly Performance Management Data and Performance Key

### 2016-2017 – Quarter 2 Performance (1<sup>st</sup> April to 30<sup>th</sup> September 2016)

**Note: The following references are included in the table. Explanations for these are as follows:**







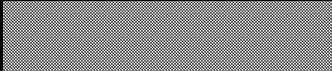
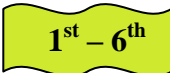
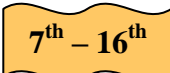
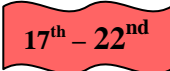
**(NSI) National Strategic Indicators (NSIs)** - are used to measure the performance of local authorities at a national level and focus on key strategic priorities. The Welsh Government recently published a written statement confirming the revocation of the Local Government (Performance Indicators) (Wales) Order 2012. As such, 2015-16 will be the final year of collection of the former National Strategic Indicators (NSIs) by Welsh Government. In order to ensure minimal disruption for local authorities, many of whom will have included these indicators in their improvement plans for the current financial year, the WLGA's (Welsh Local Government Association) coordinating committee agreed that local authorities should collect them alongside the PAMs for 2016-17.

**(PAM) Public Accountability Measures** - consist of a small set of "outcome focussed" indicators, selected initially from within the existing Performance Measurement Framework. They will reflect those aspects of local authority work which local authorities agree are considered to be important in terms of public accountability. For example, recycling, educational attainment, sustainable development, etc. This information is required and reported nationally, validated, and published annually.


**(SID) Service Improvement Data** - can be used by local authority services and their regulators as they plan, deliver and improve services.

**All Wales** - The data shown in this column is the figure calculated using the base data supplied by all authorities for 2015/2016 i.e. an overall performance indicator value for Wales.

**(L)** Local Performance Indicator set by the Council.

|   | <b>Performance Key</b>  |
|---|---|
|    | Maximum Performance   |
|    | Performance has improved  |
|    | Performance has been maintained   |
|    | Performance is within 5% of previous year's performance   |
|    | Performance has declined by 5% or more on previous year's performance - Where performance has declined by 5% or more for the period in comparison to the previous year, an explanation is provided directly below the relevant performance indicator. |
|    | No comparable data (data not suitable for comparison /no data available for comparison)   |
|    | No All Wales data available for comparison.   |
|    | 2015/16 NPT performance in upper quartile (top six of 22 local authorities) in comparison with All Wales national published measures (NSI & PAM's).   |
|  | 2015/16 NPT performance in mid quartiles (7 <sup>th</sup> – 16 <sup>th</sup> ) in comparison with All Wales national published measures (NSI & PAM's).  |
|  | 2015/16 NPT performance in lower quartile (17 <sup>th</sup> – 22 <sup>nd</sup> ) in comparison with All Wales national published measures (NSI & PAM's).  |

## 1. Environment & Transport – Waste Management

| No | PI Reference              | PI Description   | NPT Actual 2014/15 | NPT Actual 2015/16 | All Wales 2015/16   | NPT Quarter 2 2015/16 | NPT Quarter 2 2016/17 | Direction of Improvement |
|----|---------------------------|--|--------------------|--------------------|---|-----------------------|-----------------------|--------------------------|
| 1  | <b>WMT/012 (SID)</b>      | The percentage of local authority collected municipal waste used to recover heat and power.  | 32.40%             | 29.20%             |   | <b>23.9%</b>          | <b>33.5%</b>          | ↑                        |
| 2  | <b>WMT/010i (SID)</b>     | The percentage of local authority municipal waste: Prepared for re-use.  | 0.29%              | 0.45%              |   | <b>0.42%</b>          | <b>0.52%</b>          | ↑                        |
| 3  | <b>WMT/009b (NSI/PAM)</b> | The percentage of municipal waste collected by local authorities and prepared for reuse and/or recycled, including source segregated bio wastes that are composted or treated biologically in another way. | 58.10%             | 58.32%             | 60.19%<br> | <b>59.21%</b>         | <b>63.68%</b>         | ↑                        |
| 4  | <b>WMT/010ii (SID)</b>    | The percentage of local authority municipal waste: Recycled.   | 38.47%             | 37.68%             |   | <b>36.79%</b>         | <b>42.07%</b>         | ↑                        |
|    |                           | a) Incinerator Bottom Ash recycling rate   | n/a                | 1.97%              |   | <b>1.80%</b>          | <b>4.34%</b>          | ↑                        |
|    |                           | b) Kerbside dry recycling rate   | n/a                | 16.40%             |   | <b>15.33%</b>         | <b>17.17%</b>         | ↑                        |
|    |                           | c) Household Waste Recycling Centres dry recycling rate  | n/a                | 19.31%             |   | <b>19.66%</b>         | <b>20.55%</b>         | ↑                        |

## 1. Environment & Transport – Waste Management (cont.)

| No | PI Reference       | PI Description   | NPT Actual 2014/15 | NPT Actual 2015/16 | All Wales 2015/16 | NPT Quarter 2 2015/16 | NPT Quarter 2 2016/17 | Direction of Improvement |
|----|--------------------|--|--------------------|--------------------|-------------------|-----------------------|-----------------------|--------------------------|
| 5  | WMT/004b (NSI/PAM) | The percentage of municipal waste collected by local authorities sent to landfill.   | 11.13%             | 14.04%             | 18.14%<br>10th    | 10.7%                 | 8.0%                  | ↑                        |
| 6  | WMT/010iii (SID)   | The percentage of local authority municipal waste: Collected as source segregated bio-wastes and composted or treated biologically in another way. | 19.34%             | 19.88%             |                   | 21.99%                | 21.10%                | V                        |

## 2. Environment & Transport – Transport and Highways

| No  | PI Reference  | PI Description  | NPT Actual 2014/15 | NPT Actual 2015/16 | All Wales 2015/16 | NPT Quarter 2 2015/16 | NPT Quarter 2 2016/17 | Direction of Improvement |
|---|---------------|---|--------------------|--------------------|-------------------|-----------------------|-----------------------|--------------------------|
| 7   | THS/007 (NSI) | The percentage of adults aged 60 or over who hold a concessionary bus pass.               | 90.6%              | 92.1%              | 85.6%<br>4th      | 92.0%                 | 92.8%                 | V                        |
| 8   | THS/009 (SID) | The average number of calendar days taken to repair street lamp failures during the year. | 1.56               | 1.55               |                   | 1.28                  | 1.90                  | ↓                        |
| <p>Although there is a slight increase, this is not a cause for concern recognising that the ongoing lighting renewal project is to some extent disrupting day to day repairs</p> |               |   |                    |                    |                   |                       |                       |                          |

## 2. Environment & Transport – Transport and Highways (Cont.)

| No      | PI Reference   | PI Description   | NPT Actual 2014/15 | NPT Actual 2015/16 | All Wales 2015/16 | NPT Quarter 2 2015/16 | NPT Quarter 2 2016/17 | Direction of Improvement |
|---------|----------------|--|--------------------|--------------------|-------------------|-----------------------|-----------------------|--------------------------|
| 9       | THS/011a (SID) | The percentage of: Principal (A) roads in overall poor condition.  | 5.8%               | 4.5%               |                   | Reported Annually     |                       | —                        |
| 10      | THS/011b (SID) | The percentage of: Non-principal/classified (B) roads in overall poor condition.   | 4.0%               | 2.6%               |                   |                       |                       | —                        |
| Page 20 | THS/012 (PAM)  | The percentage of Principal (A) roads, Non-principal (B) roads and Non-principal C roads that are in overall poor condition. | 5.6%               | 4.3%               | 11.2%.<br>2nd     |                       |                       | —                        |
| 12      | THS/011c (SID) | The percentage of: Non-principal /classified C roads in overall poor condition.  | 7.0%               | 5.9%               |                   |                       |                       | —                        |



### 3. Environment & Transport - Street Scene

| No | PI Reference   | PI Description  | NPT Actual 2014/15 | NPT Actual 2015/16 | All Wales 2015/16          | NPT Quarter 2 2015/16 | NPT Quarter 2 2016/17 | Direction of Improvement |
|----|----------------|---|--------------------|--------------------|----------------------------|-----------------------|-----------------------|--------------------------|
| 13 | STS/005a (SID) | The cleanliness Indicator   | 70.6               | 70.5               |                            | Reported Annually     |                       | —                        |
| 14 | STS/005b (PAM) | The percentage of highways and relevant land inspected of a high or acceptable standard of cleanliness. | 98.8%              | 93.57%             | 96.5%<br>16 <sup>th</sup>  |                       |                       | —                        |
| 15 | STS/006 (NSI)  | The percentage of reported fly tipping incidents cleared within 5 working days                          | 72.06%             | 67.67%             | 95.26%<br>21 <sup>st</sup> |                       |                       | —                        |

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### 4. Planning and Regulatory Services – Private Sector Renewal

| No | PI Reference  | PI Description  | NPT Actual 2014/15 | NPT Actual 2015/16 | All Wales 2015/16         | NPT Quarter 2 2015/16 | NPT Quarter 2 2016/17 | Direction of Improvement |
|----|---------------|---|--------------------|--------------------|---------------------------|-----------------------|-----------------------|--------------------------|
| 16 | PSR/004 (NSI) | The percentage of private sector dwellings that had been vacant for more than 6 months at 1 April that were returned to occupation during the year through direct action by the local authority | 68.59%             | 40.20%             | 11.08%<br>3 <sup>rd</sup> | Reported Annually     |                       | —                        |

#### 4. Planning and Regulatory Services – Private Sector Renewal (Cont.)

| No | PI Reference | PI Description   | NPT Actual 2014/15 | NPT Actual 2015/16 | All Wales 2015/16 | NPT Quarter 2 2015/16 | NPT Quarter 2 2016/17 | Direction of Improvement |
|----|--------------|--|--------------------|--------------------|-------------------|-----------------------|-----------------------|--------------------------|
| 17 | PSR/007a     | Of the 448 houses in multiple occupation known to the Local Authority, the percentage that: Have a full licence                                      | 1.63%              | 1.35%              |                   | 1.4%                  | 1.34%                 | V                        |
| 18 | PSR/007b     | Of the 448 houses in multiple occupation known to the Local Authority, the percentage that: Have been issued with a licence with conditions attached | 0%                 | 0%                 |                   | 0%                    | 0%                    | —                        |
| 19 | PSR/007c     | Of the 448 houses in multiple occupation known to the Local Authority, the percentage that: Are subject to enforcement activity                      | 0%                 | 0%                 |                   | 0%                    | 0%                    | —                        |

## 5. Planning and Regulatory Services – Public Protection

| No   | PI Reference    | PI Description  | NPT Actual 2014/15 | NPT Actual 2015/16 | All Wales 2015/16 | NPT Quarter 2 2015/16 | NPT Quarter 2 2016/17 | Direction of Improvement |
|--|-----------------|---|--------------------|--------------------|-------------------|-----------------------|-----------------------|--------------------------|
| 20   | PPN/007i (SID)  | The percentage of significant breaches that were rectified by intervention during the year for Trading Standards        | 86.8%              | 73.5%              |                   | 41%                   | 56.8%                 | ↑                        |
| <p>This is a significant increase over the same period last year. A number of significant breaches that have been detected in the first quarter have been resolved by written warnings or formal advice to traders. However, there is still a notable number that are still under investigation, particularly in relation to rogue traders and food standards infringements. Of 37 significant breaches detected, 21 were rectified.</p> |                 |   |                    |                    |                   |                       |                       |                          |
| Page 23  | PPN/007ii (SID) | The percentage of significant breaches that were rectified by intervention during the year for Animal Health            | 71.4%              | 100%               |                   | 33%                   | 66.7%                 | ↑                        |
| <p>A number of significant breaches that have been detected in the first quarter have been resolved by written warnings or formal advice to traders. Of 5 significant breaches detected, 3 were rectified</p>  |                 |   |                    |                    |                   |                       |                       |                          |
| 22   | PPN/001ii (SID) | The percentage of high risk businesses that were liable to a programmed inspection that were inspected for Food Hygiene | 98%                | 100%               |                   | 40%                   | 47%                   | ↑                        |
| <p>Food hygiene inspections of High Risk food premises remain a key priority for the service. The quarterly percentages are accumulative, and currently ahead of the same quarter last year. Of the 370 high risk premises scheduled for inspection, 174 premises have been inspected.</p>   |                 |   |                    |                    |                   |                       |                       |                          |

## 5. Planning and Regulatory Services – Public Protection (Cont.)

| No  | PI Reference      | PI Description   | NPT Actual 2014/15 | NPT Actual 2015/16 | All Wales 2015/16         | NPT Quarter 2 2015/16 | NPT Quarter 2 2016/17 | Direction of Improvement |
|---|-------------------|--|--------------------|--------------------|---------------------------|-----------------------|-----------------------|--------------------------|
| 23  | PPN/001iii (SID)  | The percentage of high risk businesses that were liable to a programmed inspection that were inspected for Animal Health     | 100%               | 100%               |                           | 60%                   | 60%                   | ↔                        |
| Of the 6 high risk premises, 4 have been visited. One of the high risk premises is the sheep market which is visited weekly   |                   |  |                    |                    |                           |                       |                       |                          |
| Page 24   | PPN/009 (NSI/PAM) | The percentage of food establishments which are “broadly” compliant with food hygiene standards                              | 92.8%              | 92.7%              | 94.2%<br>16 <sup>th</sup> | 92.4%                 | 92.84%                | V                        |
| Of 1118 registered food establishments, 1038 were “broadly compliant” with food hygiene standards, compared to 1107 out of 1023 during the same period in 2015-16   |                   |  |                    |                    |                           |                       |                       |                          |
| 25  | PPN/001i (SID)    | The percentage of high risk businesses that were liable to a programmed inspection that were inspected for Trading Standards | 100%               | 100%               |                           | 41%                   | 50%                   | ↑                        |
| The department is detecting more complex and significant infringements of consumer fraud and is targeting resources to address them. High risk business inspections are spread throughout the financial year. Some high risk businesses were inspected at the end of the last financial year and it would be too early to inspect them in the first half of the current year as it would not give the department a good indication of how the business is developing over time. Officers are regularly reminded that they are the priority for the work programme. Certain inspections require specialist equipment and for efficiency and reasons of costs these businesses are all inspected at the same time. Of the 37 businesses designated high risk, 21 have been inspected. |                   |  |                    |                    |                           |                       |                       |                          |

## 5. Planning and Regulatory Services – Public Protection (Cont.)

| No | PI Reference   | PI Description   | NPT Actual 2014/15 | NPT Actual 2015/16 | All Wales 2015/16 | NPT Quarter 2 2015/16 | NPT Quarter 2 2016/17 | Direction of Improvement |
|----|--|--|--------------------|--------------------|-------------------|-----------------------|-----------------------|--------------------------|
| 26 | PPN/008ii (SID)  | The percentage of new businesses identified which were subject to a risk assessment visit or returned a self-assessment questionnaire during the year: Food Hygiene  | 79%                | 92%                |                   | 75%                   | 87%                   | ↑                        |
|    | Of the 52 identified new businesses, 45 received a risk assessment visit within this period. This is a considerable increase from the same quarter last year. All businesses are coached / advised and where appropriate some are visited prior to commencing trading to ensure they are able to comply with basic legal requirements. |  |                    |                    |                   |                       |                       |                          |
| 27 | PPN/008iii (SID)   | The percentage of new businesses identified which were subject to a risk assessment visit or returned a self-assessment questionnaire during the year: Animal Health |                    | 100%               |                   | See note              | See note              | —                        |

- Note : There were no new businesses detected for Animal Health in this period. This figure is no longer reported

### Section 3: Compliments and Complaints

#### 2016/2017 – Quarter 2 (1<sup>st</sup> April to 30<sup>th</sup> September 2016) – Cumulative data for E&H Board

|   | Performance Key   |
|---|---|
| ↑ | Improvement : Reduction in Complaints/ Increase in Compliments                                  |
| ↔ | No change in the number of Complaints/Compliments   |
| v | Increase in Complaints but within 5% / Reduction in Compliments but within 5% of previous year. |
| ↓ | Increase in Complaints by 5% or more/ Reduction in Compliments by 5% or more of previous year.  |

| Page 26 | 1 | PI Description                            | Full year 2015-16 | Quarter 2 2015/16 | Quarter 2 2016/17 | Direction of Improvement |
|---------|---|---|-------------------|-------------------|-------------------|--------------------------|
|         |   | <b><u>Total Complaints - Stage 1</u></b>  | 31                | 13                | 17                | ↓                        |
|         |   | a - Complaints - Stage 1 upheld           | 15                | 5                 | 4                 |                          |
|         |   | b -Complaints - Stage 1 <u>not</u> upheld | 16                | 8                 | 13                |                          |
|         |   | c -Complaints - Stage 1 partially upheld  | 0                 | 0                 | 0                 |                          |

| No  | PI Description  | Full year 2015-16 | Quarter 2 2015/16 | Quarter 2 2016/17 | Direction of Improvement |
|---|---|-------------------|-------------------|-------------------|--------------------------|
| 2   | <b><u>Total Complaints - Stage 2</u></b>                    | 5                 | 2                 | 3                 | ↓                        |
|   | a - Complaints - Stage 2 upheld                             | 2                 | 0                 | 0                 |                          |
|   | b - Complaints - Stage 2 <u>not</u> upheld                  | 3                 | 2                 | 3                 |                          |
|   | c- Complaints - Stage 2 partially upheld                    | 0                 | 0                 | 0                 |                          |
| Page 27   | <b><u>Total - Ombudsman investigations</u></b>              | 0                 | 0                 | 2                 | ↓                        |
|   | a - Complaints - Ombudsman investigations upheld            | 0                 | 0                 | 0                 |                          |
|   | b - Complaints - Ombudsman investigations <u>not</u> upheld | 0                 | 0                 | 2                 |                          |
| 4   | <b>Number of Compliments</b>                                | 23                | 8                 | 43                | ↑                        |
| <p><b>Complaints:</b> There has been an overall increase of 4 Stage 1 complaints this quarter compared to the same quarter last year</p> <p><b>Compliments:</b> The awareness of compliments received and recording them has resulted in an increase. In addition, social media compliments have also been included in these figures.</p> <p><b>Welsh Language</b> – There were no Welsh Language complaints reported during this quarter</p> |   |                   |                   |                   |                          |

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**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL  
ENVIRONMENT AND HIGHWAYS CABINET BOARD**

**24 November 2016**

**REPORT OF THE HEAD OF LEGAL SERVICES  
– D.MICHAEL**

**MATTER FOR DECISION**

**WARD AFFECTED: PONTARDAWE**

**Alleged Public Footpath from Herbert Street to High Street  
Community of Pontardawe**

**Purpose of the Report**

To determine the application to register a public footpath from points A-B-C as shown on the plan.

**Background**

- 1.1 An application was made in 2002 to recognise a route A-B-C as shown on the attached plan as a public footpath. The claim was supported by ten persons seven of whom are still resident at the addresses given previously. Appendix 1 sets out the relevant provisions of the Wildlife and Countryside Act 1981 which places an obligation on all Councils to process any such applications.
- 1.2 The path is undefined between points A-B as it passes over an area of tarmac alongside a building before reaching the beginning of a well-defined footpath B-C which passes alongside the canal.
- 1.3 The route A-B claimed passes alongside the adjacent building via the entrance to two car parks one being situated at the rear of the Castle

Hotel and the other to the rear of the properties numbered 6 to 11 High Street.

- 1.4 The length A-B is under the ownership of this Council but there is no information as to who owns the length B-C. This latter section is paved, contains a street light. The three bollards at point B prevent cars from parking and blocking access to the path from B-C.
- 1.5 West Glamorgan County Council re-surfaced the path B-C in the 1980's as part of an urban regeneration scheme for Pontardawe. This section of path has received some periodic maintenance but there has been no commitment to formerly adopt this part of the path.

#### Relevant Period

- 2.1 This is calculated by counting retrospectively from the first occasion the alleged public status of the path was called into question. Given there has been no such instance on record, the date of the application will provide the end of the twenty year period. Therefore the test is to consider whether there has been sufficient uninterrupted use throughout the period 1982-2002. Appendix 2 sets out the tests under the Highways Act 1980.
- 2.2 Of the seven remaining supporters, six responded to recent requests for further information and who confirmed they still wished to support this application. One indicated the first year he started using the path was 1982, but all the remaining five have stated their use commenced before this date. None have said they were ever challenged nor considered their access was purposely obstructed to prevent them from using this route.
- 2.3 Two people said the route forms a short cut to access shops in either Herbert Street or High Street, one stated he walked his dog this way and another said it formed part of a longer walk.
- 2.4 No particular action has ever been taken by this Council or indication given to the public not to walk the length A-B since it owned the land in 1987. There is no evidence the previous owner made any effort to prevent access between 1982-1987.

- 2.5 There is however evidence that the route A-B has been blocked by cars parking alongside the adjacent building. A site visit in January 2016 revealed two cars on the line of the route. Also a photograph taken in July 2004 showed a parked car at this location, suggesting this had been common practise. The issue is whether this practise occurred between 1982–2002, because any need to deviate from the route so claimed would constitute an “interruption” to that use. This would fail the test set out under Section 31 of the Highways Act 1980. The specific conditions concerning the right to deviate or take an alternative route/s is considered in Appendix 3 but these would not apply in this case.
- 2.6 Three people stated cars do park on the route whereas another two said this was not the case. One of these persons stated that at about the time the improvements were made to Pontardawe in the 1980’s, there were parking restrictions in place and double yellow lines painted alongside the building next to A-B. She recalls people being booked for parking at this location. However there is no record of this Council having initiated such restrictions. The resident would say that parking was not the problem it is today and so people did not need to park across this route as there was always space to the rear of the Castle Hotel.
- 2.7 The photograph taken in 2004 and the evidence of the three referred to above suggests the route A-B appears to have been obstructed even if only periodically. Furthermore if yellow lines were painted alongside this building, this shows there had been a parking problem. The public can not deviate from a claimed public path by walking around parked cars but still claim use of that route to have been uninterrupted.
- 2.8 Given the periodic obstructions to the length A-B and the fact that it is not a defined route the length A-B cannot have been dedicated to the public. Nonetheless consideration should be given to the length B-C as to whether it could be recognised as a public path independently of A-B.
- 2.9 The route B-C does not connect one public highway to another, nor to land at point B over which the public have any other right of access, such as a public path or common. It would therefore form a cul-de-sac path by terminating at point B with no right of access other than to return to point C. Consequently there is no justification for only recognising B-C as a public path.

## **Recommendation**

That the application to register the route A-B-C as a public footpath be refused.

## **Reasons for the Decision**

The precise line of the claimed path A-B according to the evidence been periodically obstructed by cars.

The length B-C cannot be considered as a separate public right of way, as it does not connect to another public highway at point B and no one has said they return to point C on having reached point B.

## **Consultation**

This item has been subject to external consultation

## **Appendices**

Plan

Appendices 1 – 3

## **List of Background Papers**

M08/16

## **Officer Contact**

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## APPENDIX 1

### WILDLIFE AND COUNTRYSIDE ACT, 1981

Section 53 Duty to keep the Definitive Map and Statement under continuous review.

- (2) As regards every definitive map and statement, the surveying authority shall:
  - (a) as soon as reasonably practical after the commencement date, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence, before that date, of any of the events specified in sub-section 3; and
  - (b) as from that date, keep the map and statement under continuous review and as soon as reasonably practicable after the occurrence on or after that date, of any of those events, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence of that event.
- (3) The events referred to in sub section (2) are as follows:-
  - (b) the expiration, in relation to anyway in the area to which the map relates of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path or restricted byway;
  - (c) the discovery by the Authority of evidence which (when considered with all other relevant evidence available to them) shows:
    - (i) that a right of way which is not shown on the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A a byway open to all traffic;
    - (ii) that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description.
    - (iii) that there is no public right of way over land shown in the map and statement as a highway of any description ,or any other particulars contained in the map and statement require modification.

## APPENDIX 2

### HIGHWAYS ACT, 1980

Section 31. Dedication of way as a highway presumed after public use for 20 years.

Where a public way over land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has actually been enjoyed by the public as of right and without interruption of a full period of 20 years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during this period to dedicate it.

For Section 31(1) Highways Act, 1981 to operate and give rise to a presumption of dedication the following criteria must be satisfied:

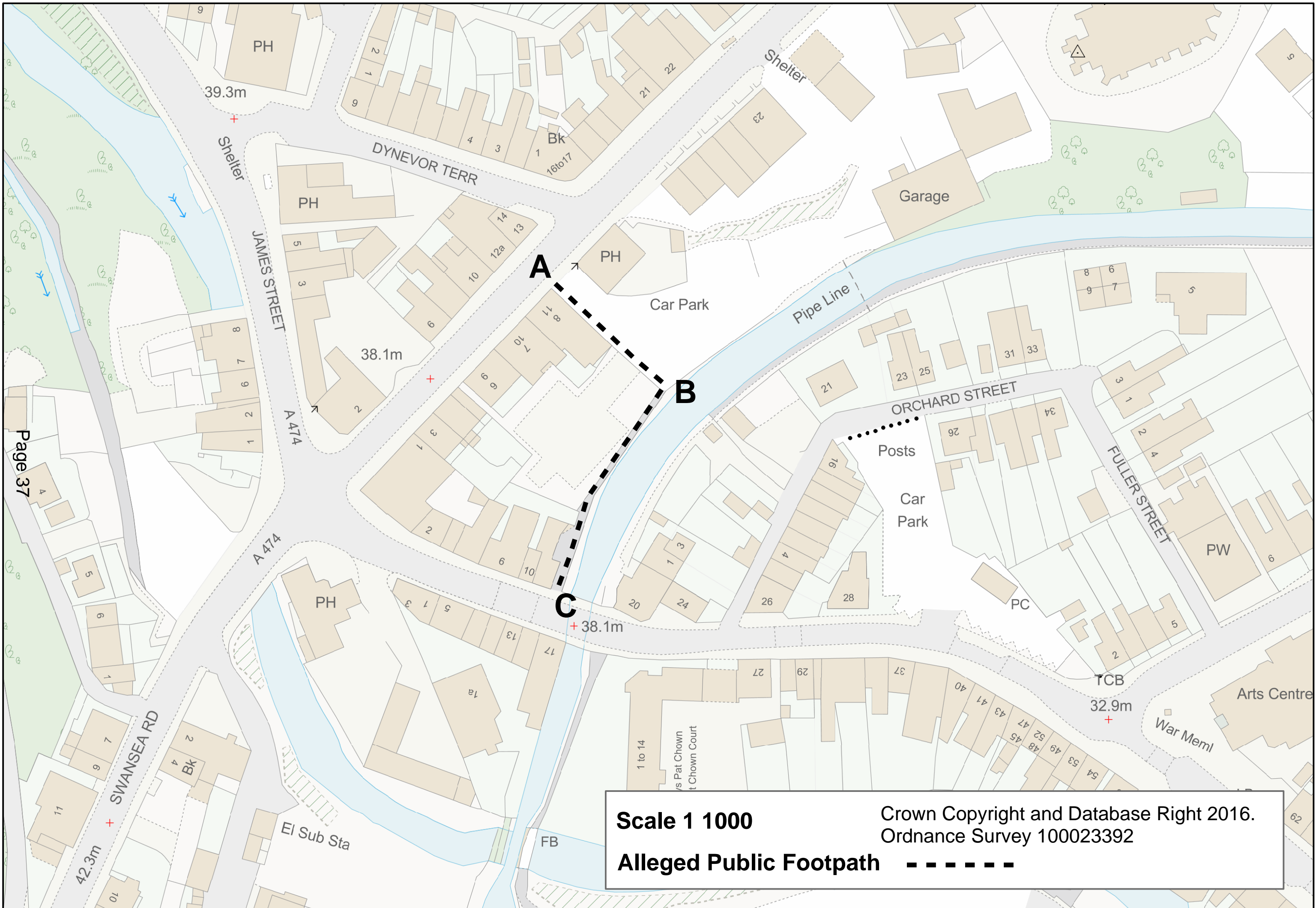
- the physical nature of the path must be such as is capable of being a public right of way
- the use must be 'brought into question', i.e. challenged or disputed in some way
- use must have taken place without interruption over the period of twenty years before the date on which the right is brought into question
- use must be *as of right* i.e. without force, without stealth or without permission and in the belief that the route was public
- there must be insufficient evidence that the landowner did not intend to dedicate a right of type being claimed
- use must be by the public at large

### **APPENDIX 3**

- 1.1 There is a general principle that the public cannot claim a right to wander over land, being distinct from an application to register land as a village green for sports and recreation. Nor can the public claim land to be registered as Access land as provided by the Countryside and Rights of Way Act 2000. Some Access land was previously designated as common land where rights to air and exercise have been granted by statute or under the Law of Property Act 1925.
- 1.2 The case concerning Wimbledon and Putney Commoners Cornerwaters -v- Dixon 1875, was referred to in a more recent High Court case regarding Fernlee Estates Ltd -v- City and County of Swansea 2001. In the latter case the Inspector at the original public inquiry pointed out where a route from one point to another goes across open land the route need not follow a precise path. He made reference to the first case mentioned above. That case concerned a number of defined tracks across a common claimed for private use, and that the use of one or another would not defeat the claim.
- 1.3 With regard to the present case there is no alternative defined track across the land and unlike the test case above, the route as claimed has been periodically blocked by parked cars. So the reason for deviating was different to the use of the alternative routes across the common.

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**Alleged Public Footpath** - - - - -

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**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL  
ENVIRONMENT AND HIGHWAYS CABINET BOARD**

**24 November 2016**

**REPORT OF THE HEAD OF LEGAL SERVICES**

**- D.MICHAEL**

**MATTER FOR DECISION**

**WARDS AFFECTED: NEATH NORTH, NEATH SOUTH AND CIMLA**

**Alleged Public Footpath Between Rookwood Close, The Meadows  
And Afan Valley Road, Community Of Neath**

**Purpose of Report**

- 1.1 (a) To consider the evidence submitted in 2012 in support of the application to register a public footpath via what is known locally as the “horseshoe” C-G-H-J-K-B-C and its link to Gnoll Avenue C-D-F-T.
- (b) Additionally to consider the evidence presented that shows there is some public use for the routes A-B, D-E, N-P, O-P, K-L-M, Q-R , Q-S and C-U. All shown on the Location Plan.

**Background**

- 1.2 The route between points A-B-C-D- F-T and C-G-H is under the ownership of this Council. The length A-B-C being stone and earth based. A-B contains a series of intermittent timber boarded steps where the path increases in gradient and downslope to a pedestrian bridge over the stream near point B. The length B-C is on average a level 3-4 metres wide track. The remainder of the route to point T and as far as point G comprises tarmac and suitable for motor vehicles, although not adopted as a public highway. East of point G it is stone based as far as point J. From here the path narrows from 2 metres to half a metre in width as far as point B.

The section of path from point H to K is unregistered with the Land Registry but between points K and B is recorded as being under the ownership of three separate titles.

- 1.3 K-L-M provides a link from “The Meadows”, which passes between two houses before crossing over a small stream and along a well-defined stone based track some 2 – 4 metres wide to join the circular path at point K.
- 1.4 O- P and N-P merge before passing over a footbridge to join the cul de sac of “Woodview”. The land is registered to three landowners north and south of the footbridge.
- 1.5 Q-R and Q-S are well defined earth paths which pass through woodland. The former is rarely more than 1-1.5 metres wide, and the latter up to 3 metres in certain sections. Access to the opposite bank at points R and S is via a ford. Both paths are under the ownership of one person.
- 1.6 D-E is a well-defined 5 metre wide tarmacked path that provides a short cut to those residents living at Rooks Close and at the northern part of Cimla Road.
- 1.7 C-U This is a 2-2.5 metre wide tarmacked path which contains a metal gate positioned at the rear of the two houses. The path is under the ownership of this Council.

#### Requirement to Consider all the Evidence

- 1.8 The provisions of the Wildlife and Countryside Act 1981 obliges this Council to determine the application, the relevant extract of which are contained in Appendix 1 under Section 53(3)(b). However, under section 53(3)(c) this Council can consider evidence which has been discovered in addition to that submitted in support of the application. These additional routes are listed in paragraph 1.1 (b) above.

#### Consultation

- 1.9 All the usual organisations were informed including the six local Members, the Community Council, this Council’s Estates Section and all the known owners affected by the paths.

#### The Evidence in Support of the Application

- 1.10 Fourteen user evidence forms were submitted in support of the application, which identified this “horseshoe” or circular route, eight of whom were interviewed to obtain clarification on which paths were used to access this “circular” route.

1.11 Taking the information from those who were not interviewed together with those who were, nine identified the length A-B, four D-E, eight D-F-T. Six claimed use of K-L-M, the two paths N-P and O-P, four claimed Q-R and Q-S and two said they had used C-U.

## **Decision 1 - (B-C-G-H-J-K-N-O- S-B)**

(The Circular Route)

2.0 Fourteen people have alleged an average of 35 years.

### The Relevant Period

2.1 Under the terms set out in the Highways Act 1980, a minimum period of twenty years needs to be established, in order to demonstrate the path has been subject to a presumed dedication of a public right of way. Appendix 2 includes the relevant extract of this Act.

In order to calculate the twenty year period, the date from when the use of the way was called into question will mark the end of that period. In this example no action has been identified as satisfying that requirement. Alternatively, the date of the application can also mark the point in time when the twenty year period ends.

The application was made in 2012 and so the relevant period will be 1992 – 2012.

2.2 With the exception of one person, all the other thirteen people have used the whole of the circular walk for more than twenty years although not necessarily on the one walk. Ten for example have quoted more than 40 years use.

Reasons and frequency for use vary. Differences in the use of the “northern” part of the circular route compared to the “southern” section varies depending on where people live.

2.3 One person walked from Neath town to his place of work on Afan Valley Road (C-A1) and so incorporating the length B-C from 1976-2001 twice a day, four times a week. Three indicated they have taken their dogs on this route on a frequent basis and another three used part or all of the southern limb (K-B) to walk or cycle to Neath. One said he used this area for cross country running when in school, and later for rugby training. Another does a significant amount of walking and cycling for recreation. Two people said they’ve used the path C-B-K to visit relations or friends living at “Brynau Wood” and “The Meadows” respectively.

### Documentary Evidence

3.1 The length of path H-J appears to coincide with a route identified as a highway on a schematic plan (not to scale) produced in 1722 and on a plan of the Gnoll Estate in 1740. The former plan is titled “A View of the

Highway Leading from the Town of Neath unto a place called Evyl Vach.....” (taken to be reference to the present Efail Fach).

- 3.2 The Gnoll Estate plan of 1740 shows the route J-H extending virtually in a straight line north west from point H and to pass through what is now called “The Pond” to join the current B4344, called “Harley Lane”. On the earlier plan there is a street called “Harle Street” and taking account the accuracy and scale of the 1740 plan, it is likely this coincides with the present day Harley Lane.
- 3.3 A more detailed explanation of the implication and accuracy of the 1722 plan is referred to in Appendix 3.
- 3.4 Of more significance is an indictment dated the 10<sup>th</sup> May 1722 raised against the then owner of the Estate at this time, being Sir Henry Mackworth who was found to have obstructed the “Kings Highway” by building a dam and creating a pond over and across the highway which caused the road to become permanently flooded. (This is reference to the road that passed to the north of Gnoll House) Sir Henry Mackworth provided an alternative road which the jury found to be of a better standard than the original. The report from that Court also stated “the said Sir Henry Mackworth hath obliged himself to continue the said way and keep it in repair from the publick use.....”
- 3.5 This implies that both the owner and the Court regarded the way as a public highway. That the alternative had been set out and used and accepted by the public. Quite where this alternative was situated is unclear from the Court report. Appendix 4 provides a comment on the significance of this indictment.
- 3.6 Another earlier but more recent Gnoll Estate Plan and Reference Book dated 1812 shows the route from point through H-G-C. The earlier plan of 1741-1768 (entitled “lands belonging to Mackworth”) does show the original route before it was flooded. The current road between H-G-C is absent from this plan. It is assumed this roadway must have been flooded by 1740 due to reference to the earlier court proceedings but for some reason the plan had retained the earlier route even though it was no longer passable.
- 3.7 The Estate plan of 1845 shows the Pond and the route H-G-C and the whole of the circular route with the route from point C to point T. However, there is no reference in the apportionment to roads or highways in relation to the fields through which this route passes.

## Ordnance Survey

- 3.8 This circular route appears on all the editions including the first of 1877, the second edition at around 1898, the third of 1919, the fourth of 1935 and the first metric scale of 1970. Whilst the ordnance survey was not tasked with identifying public highways, these editions in combination with the earlier estate plans reveal that the southern limb of this circular route (C-K) has existed since 1812 including the length K-J-H.

## Conclusion

3.9

1. There is sufficient evidence of 20 years use counting retrospectively from the date of the application in 2012.
2. No objections have been made by any of the known landowners nor any evidence presented to show why these paths have not been dedicated to the public.
3. This Council has not taken any measures to prevent the public from using the route where it passes over its land.
4. This circular route and its link to Gnoll Avenue first appear on the 1845 title plan and has consistently been shown on all the subsequent 1:2500 editions of the ordnance survey. This confirms it has been a long established route.

## **Recommendation (Decision 1)**

That a Modification Order should be made to include the length of footpath C-G-H-J-K-S-B-C to the Definitive Map and Statement and if no objections are received to confirm the same as an unopposed order.

## **Reasons for the Proposed Decision**

The documentary evidence in combination with the user evidence provides compelling evidence in favour of recognising this route as a public footpath.



## **Decision 2 - A-B**

### User Evidence

- 4.1 Nine people allege use of this path, six of whom have been interviewed. Counting retrospectively from 2012, each person claims to have walked this path for more than 20 years. Their average use being 37 years.

Reasons for use include two who said they walk to Neath, three who walk their dogs, one to go to his place of work ( but only via the length A1-B ) and another to visit friends.

The initial length between points A and A1 is undefined. It passes over an open area of rough grass running approximately parallel and along the eastern perimeter of this field. It passes to the west of a gas substation before entering the woodland as a well-defined path.

### Work/Maintenance of the Path

- 4.2 This Council has installed a series of steps and landings made of timber along its length and a timber bridge and point B to enable people to cross over the stream. The date for when this work was undertaken has yet to be established.

One of the supporters became a volunteer ranger after retiring in 2001 and assisted the Council in maintaining these steps and bridge which had periodically been vandalised.

- 4.3 By its action this Council has actively encouraged people to use this length of path. Once a landowner sets out a path and particularly if it is improved and maintained, then this can be interpreted as an express dedication of the way to the public provided it is accepted by the public. Acceptance by the public is evidenced by their use of the path and in these circumstances that use would not have to amount to a minimum of 20 years to establish a dedication. Under common law a lesser period could be sufficient if it can be shown that the landowner has taken active measures to enable the public to use a path. Appendix 5 sets out the conditions under which a common law dedication could be established.

### Documentary Evidence

- 4.4 This path does not appear on any ordnance survey plans not even on the most recent digital survey of 2016.

## Conclusion

4.5

1. The length of user is sufficient to show the path has been subject to a presumed dedication under the Highway Act 1980. No objection has been made nor any reason advanced to show why such a presumption cannot be made on the evidence submitted.
2. Secondly the action by this Council would hold as good evidence that it has expressly dedicated the path under common law. A lesser period than 20 years would be sufficient to establish such an intention.
3. This route also provides an obvious link to the circular route referred to earlier from Afan Way and a means of walking to Neath or Gnoll County Park from Cimla.

### **Recommendation (Decision 2)**

That a Modification Order be made to recognise the path A-B as a public footpath to the Definitive map and Statement and if no objections are made to confirm the same as an unopposed order.

### **Reasons for the Proposed Decision**

There is sufficient user evidence and also this Council having improved and been instrumental in maintaining the path, has in effect expressly dedicated the path to the public.

### **Decision 3 - K-L-M**

**(Link to The Meadows)**

- 5.1 Commencing on the Meadows this “alleyway” between house No’s 59 and 61 is just under 4 metres wide, tarmacked and adopted. As the path reaches the end of the curtilage of the rear of the two houses it becomes an earth path less than 1 metre wide to descend into a steep gully before re-emerging on to a 2 metre wide track at point L. This widens to 3 metres at point K. It is clearly well used and there are six persons who have come forward who claim to have made use of this path for an average of 42 years. One person said he visits his friend who lives at The Meadows about twice a month and has done so for the last 15-20 years. For another couple who live at Greenwood Drive, it provides one of the two means of accessing the circular path.
- 5.2 It is evident that when the houses were built at The Meadows a condition was imposed to provide access to the track running to the rear of these properties. According to one person who lives in “The Meadows”, the path passing between these two houses has been in existence in excess of 20 years as these houses were built before this time. He moved into his house in 1996.
- 5.3 Of the fifteen plans attached to the user evidence forms 8 people identified this path, although one in his interview stated he had not used this short cut. As this short path was included in the application, the relevant period is 1992-2012 as the date of the application can be used to calculate the relevant period. It can be concluded there are sufficient numbers of people who can be relied on to support this application.
- 5.4 Finally consideration should be given to where the claimants live as these individuals should be able to represent the public at large, rather than a limited number who live in close proximity to the path, and for whom it would solely provide a useful short cut. The latter would constitute a special user group. Appendix 6 contains a plan showing the approximate distribution of where the users of this path live and it is evident apart from one, that these persons walk from different parts of Cimla and Neath. Consequently, it can be concluded those in support do represent the public at large

## Conclusion

5.5

1. Whilst the total number of people in support comprises 7, this should be considered sufficient to justify making a modification order given all 7 would continue to support this application.
2. No objection or reason has been given to refute that access has been enjoyed over the 20 year period.
3. The fact a path was set out between the two properties at the time of the housing development indicates it was acknowledged there was a demand for access, which is why the length of path between the two houses has been adopted.

### **Recommendation (Decision 3)**

That a modification order be made to add the length of path between points K-L-M to the Definitive Map and Statement and if no objections are received to confirm the same as an unopposed order.

### **Reasons for the Proposed Decision**

There is sufficient user evidence, as well as the fact that provision was made for part of the path when the housing development took place to enable the public to reach the land to the north of the estate.

## **Decision 4 - O-P and N-P**

(Link to Woodview)

- 6.1 Six people have said they use both these paths to obtain access to Woodview which passes over a footbridge before joining the hammerhead via a staggered pedestrian barrier.
- 6.2 All identified these two links on the plans attached to the application and so the relevant date will be 1992-2012. Apart from one person, all have stated they have each walked both these paths for a minimum of 20 years, their average use being 38 years. Reasons from three stated that they would visit friends in nearby houses and three to access the circular path.
- 6.3 One of the claimants lives in Woodview, but the remainder live further afield. The issue regarding a special user group was referred to in paragraph 3.4 which addresses whether those using a particular path can be said to represent the public at large. In this example one of the claimants lives in Woodview, the remaining five reside at locations shown in the plan contained in Appendix 7.
- 6.4 An offset barrier evidently designed to prevent motorcyclists was installed at the point the path joins the hammerhead, recognition that access has been enjoyed by the public.
- 6.5 The pedestrian bridge is not necessarily the one installed for public use. The 1st, 2nd, 3rd, 4<sup>th</sup> and 1970 editions Ordnance Survey plans show there was a bridge previously providing access to Preswylfa Farm. These earlier Ordnance Survey editions suggest a wider crossing than the current bridge. According to the view of one of the supporters, the historic map evidence suggests this shows the only access to Preswylfa was via this bridge, until the northern access road was constructed in the mid-18<sup>th</sup> century.

## **Conclusion**

- 6.8 Five persons who can show use to be by the public at large is a low number, considering its close proximity to a large housing area. However the provision of a pedestrian barrier and the existence of the footbridge indicates that the landowners have accepted this path has been enjoyed by the public. Therefore it can be presumed the path has been dedicated.

### **Recommendation (Decision 4)**

That a modification order be made to add these two paths Q-P and W-P to the Definitive Map and statement and if no objections are received to confirm the same as an unopposed order.

### **Reasons for the Proposed decision**

Apart from the user evidence being adequate, the existence of a footbridge and pedestrian barriers at the cul de sac, indicate an acceptance that the public were making a link to this part of the housing estate.

## **Decision 5 - C-D-F-T**

**(Link to Gnoll Drive and Gnoll Avenue via Memorial Gates)**

- 7.1 This is a 4 metre wide tarmacked road with evidence of use by nine persons who say this is their preferred means of access to the circular route when either coming from or to Neath. Each person alleges their use to be in excess of 20 years and the average use from all 9 is 45 years.
- 7.2 The reasons for their use coincide with those reasons for using the circular path dealt with previously.
- 7.3 This route also forms a vehicular access to the car park at the lake adjacent to point C. It is nonetheless un-adopted and so it not formally recorded as any category of public highway even though it is under the ownership of this Council.

### **Conclusion**

- 7.4 This access forms the principal means of reaching the other paths from and to Neath. There has been no indication it was ever obstructed nor action taken by this Council to inform the public it has been a permissive road. Given the car park and the lake nearby it is evident it would provide the public with the most obvious link to the circular route and another means of reaching Gnoll Park.

### **Recommendation (Decision 5)**

That a modification order be made to add the path C-D-F-T as a public footpath only to the Definitive Map and Statement and if no objections are received to confirm the same as an unopposed order.

### **Reasons for the Proposed Decision**

Evidently one of the main access points into the circular route passing through the memorial gates and being tarmacked. It is supported by a sufficient numbers of people that can establish uninterrupted use over a minimum period of twenty years.

## **Decision 6 - C-U**

### **(Gnoll to Cimla Crescent)**

- 8.1 On the whole a 2 metre wide tarmacked path containing a metal gate midway along its length providing access from the Gnoll to Cimla Crescent. Clearly a well maintained path under the ownership of this Council but not formally adopted. Of those interviewed only 2 specified this path as one they used, although a brief site visit revealed it is well used.

### **Conclusion**

- 8.2 In order to add this path to the Definitive map and Statement there would need to be further recorded evidence of use to justify its inclusion.

### **Recommendation (Decision 6)**

That no modification order be made.

### **Reasons for the Proposed Decision**

Whilst evidently set out for public access to even include a pedestrian gate, there is insufficient user evidence on file.



## **Decision 7 - D-E**

(Link to Rook Close and Cimla Road)

- 8.3 This path varies in width between 4 and 5 metres is tarmacked with 4 people having specified this to be a link that they have used although of these four, only two have come forward to be interviewed.
- 8.4 It is un-adopted and so has not been given any formal status as a public highway.
- 8.5 This route appears on all the earlier editions of the Ordnance Survey namely the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and that of 1970, showing a lodge at the point it now joins Cimla Road, (point E) and providing another means of access to Gnoll House.

### **Conclusion**

- 8.6 Whilst this route would appear to have been available and in use for a considerable period of time and clearly set out to provide access for those living in the adjacent streets , only two people can be relied on to support adding this path to the Definitive map. Consequently, this route cannot currently be recognised as a public footpath on such a low number of people.

### **Recommendation (Decision 7)**

That no modification order be made regarding the length D-E.

### **Reasons for the Proposed Decision**

Insufficient user evidence currently available on file upon which this Council can depend to establish any dedication of this route.

## **Decision 8 - Q-R and Q-S**

**(Link from Castle Road)**

- 9.1 These two routes were identified by four individuals on being interviewed as additional links to the path that lies in the area known as “The Dingle”. Both are earth paths varying in width between 1 and as much as 4 metres wide passing through woodland.
- 9.2 The owner of the land containing these two paths has objected to recognising these as public footpaths. That they are the only two means of access to his land and stated that neither he nor any member of his family has ever seen anyone else use these paths. Furthermore that the routes are hazardous due to the ground conditions and the existence of some unstable trees.
- 9.3 Irrespective of the objection, it is difficult to justify recognising either as a public path on the current evidence, but should a future application be made, then both routes could be considered anew at that time.

### **Recommendation (Decision 8)**

That no modification order be made for either of the paths Q-R nor Q-S.

### **Reasons for the Proposed Decision**

There is insufficient user evidence and that use has in any event been challenged.

### **Consultation**

The items have been subject to extensive consultation.

### **Appendices**

Appendix 1-8

### **List of Background Papers**

M08/13

### **Officer Contact**

Mr Iwan Davies – Principal Solicitor – Litigation

Tel No. 01639 763151 E mail: [i.g.davies@npt.gov.uk](mailto:i.g.davies@npt.gov.uk)

## APPENDIX 1

### HIGHWAYS ACT, 1980

Section 31. Dedication of way as a highway presumed after public use for 20 years.

Where a public way over land, other than a way of such a character that use of it by the public could not give rise at common law to any presumption of dedication, has actually been enjoyed by the public as of right and without interruption of a full period of 20 years, the way is deemed to have been dedicated as a highway unless there is sufficient evidence that there was no intention during this period to dedicate it.

For Section 31(1) Highways Act, 1981 to operate and give rise to a presumption of dedication the following criteria must be satisfied:

- the physical nature of the path must be such as is capable of being a public right of way
- the use must be 'brought into question', i.e. challenged or disputed in some way
- use must have taken place without interruption over the period of twenty years before the date on which the right is brought into question
- use must be *as of right* i.e. without force, without stealth or without permission and in the belief that the route was public
- there must be insufficient evidence that the landowner did not intend to dedicate a right of type being claimed
- use must be by the public at large

## APPENDIX 2

### WILDLIFE AND COUNTRYSIDE ACT, 1981

Section 53 Duty to keep the Definitive Map and Statement under continuous review.

- (2) As regards every definitive map and statement, the surveying authority shall:
  - (a) as soon as reasonably practical after the commencement date, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence, before that date, of any of the events specified in sub-section 3; and
  - (b) as from that date, keep the map and statement under continuous review and as soon as reasonably practicable after the occurrence on or after that date, of any of those events, by order make such modifications to the map and statement as appear to them to be requisite in consequence of the occurrence of that event.
- (3) The events referred to in sub section (2) are as follows:-
  - (b) the expiration, in relation to anyway in the area to which the map relates of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path or restricted byway;
  - (c) the discovery by the Authority of evidence which (when considered with all other relevant evidence available to them) shows:
    - (i) that a right of way which is not shown on the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path, a restricted byway or, subject to section 54A a byway open to all traffic;
    - (ii) that a highway shown in the map and statement as a highway of a particular description ought to be there shown as a highway of a different description.
    - (iii) that there is no public right of way over land shown in the map and statement as a highway of any description ,or any other particulars contained in the map and statement require modification.

### APPENDIX 3

The plan is dated 1722, not drawn to scale, nor accurate in its representation of the alignment or length of the roads. It nonetheless shows two routes, one named Harle Lane passing to the north of Gnoll House and another route leading to that property but passing on the southern side of that House. These two roads join at Neath Church (St. Thomas) to the west of Gnoll House. The title of this plan is “a view of the highway leading from the town of Neath unto a place Eviol Fach and thence into the Church of Michaelstone super avon and also of a way pretended to be the highway leading directly from Neath aforesaid into the said Church of Michaelstone.”

Given the lack of accuracy of the plan it is unclear how much if any of the road passing to the south of Gnoll House coincides with the southern limb of the circular C-B-S-K. It does suggest however that the length J-H forms part of this earlier road which passed to the north of Gnoll House and therefore considered to be a highway at that time.

## APPENDIX 4

This indictment was presented in 1722 to the “Grand Jury and Jury of Homage” a manorial Court, now abandoned, which dealt with civil matters over which the Lord of the Manor had jurisdiction. This he could exercise over his tenants but had no power to deal with criminal acts; this could be granted to a trusted lord by the Crown, which were known as a Court Leets.

In this example the indictment was served within the manorial court system and the alleged obstruction of the Kings Highway being dealt with as a nuisance rather than a criminal act, as it would be today. Therefore this indictment cannot be considered in the same terms as a prosecution in the Magistrates Court as an offence under the current Highway Act 1980. Nonetheless it is evidence that this earlier Court and by his subsequent action, Sir Henry Mackworth, considered the route to be a highway for public use. It therefore adds weight to the contention that at least part of the northern limb of this circular route (J-H) has been a way for public use since at least 1722.

## **APPENDIX 5**

### **COMMON LAW DEDICATION**

No minimum period of use is required, but the claimants must show that it can be inferred by the landowners conduct, that he or she had dedicated the route. User of right is not of itself necessarily sufficient, nor mere acquiescence by the owner under statute, twenty years, if proved to have been uninterrupted will be sufficient to show presumed dedication.

Under common law it is still possible that use was due to the landowners tolerance rather than because that landowner had intended to dedicate. Consequently there needs to be evidence that the landowner (or owners) for whatever period is being considered, not only acquiesced to that use but either directly or indirectly took measures to facilitate public use.

Obviously this means the landowners have to be identified and evidence that they wished to have the route dedicated to the public.

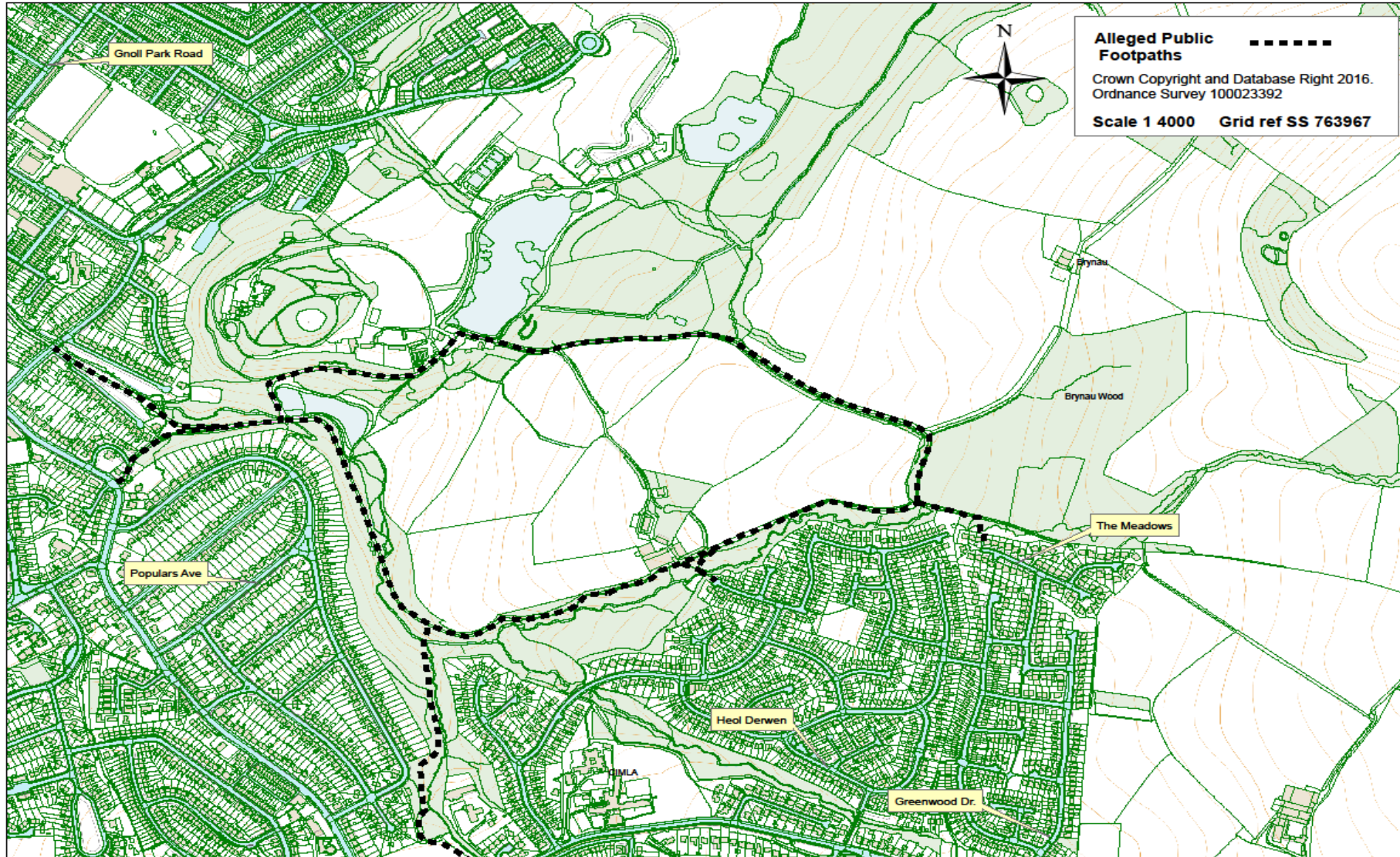
For the right of way to be established, it needs to be shown that it has been used openly as of right and for so long a time that it must have come to the knowledge of the owners that the public were so using it as of right. .Public user is no more than evidence which has to be considered in the light of all available evidence.

As a matter of proof at common law, the greater the length of user that can be demonstrated the stronger the inference of dedication will usually be.



# APPENDIX 6

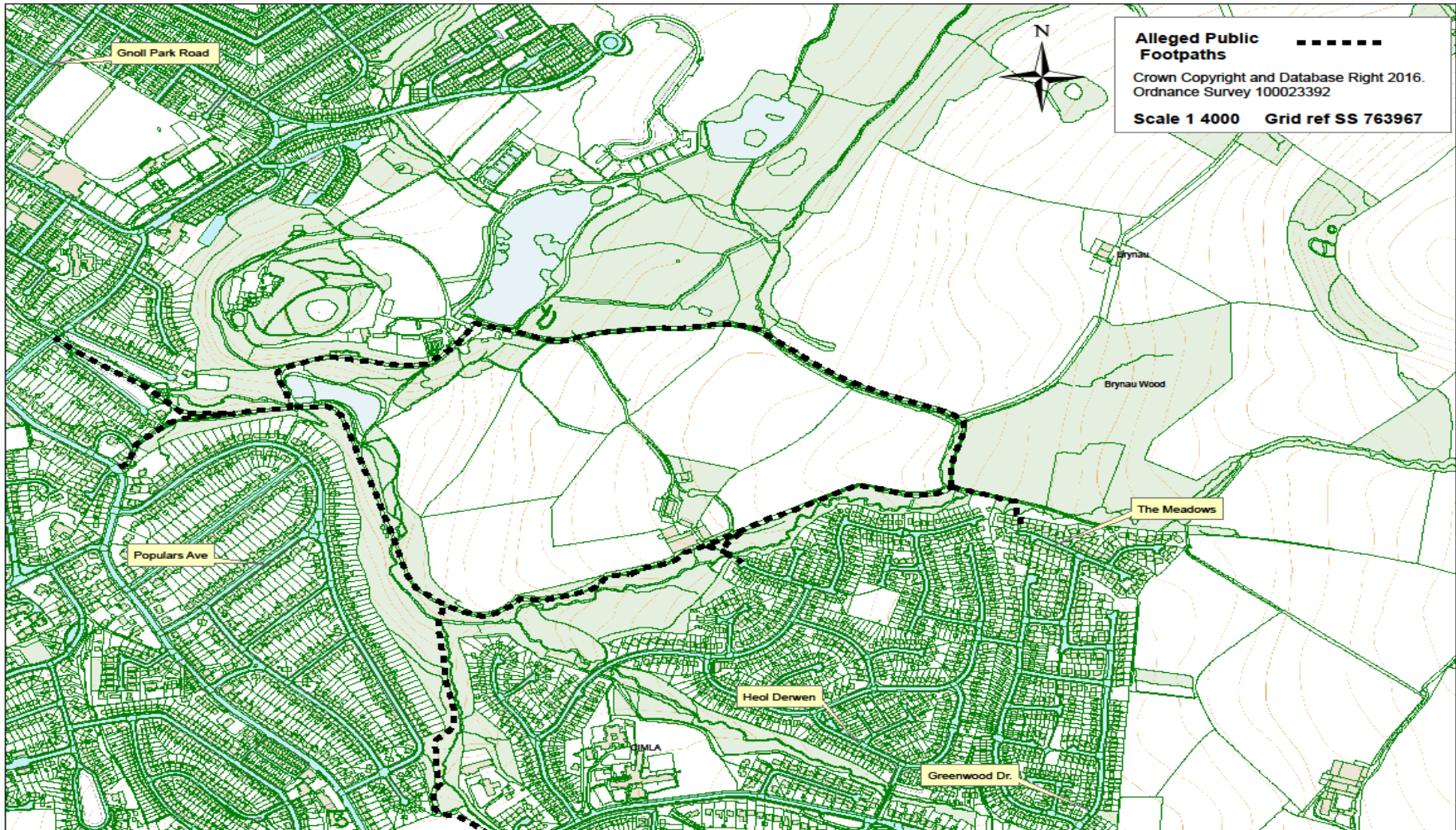
## PLAN SHOWING DISTRIBUTION OF CLAIMANTS





# APPENDIX 7

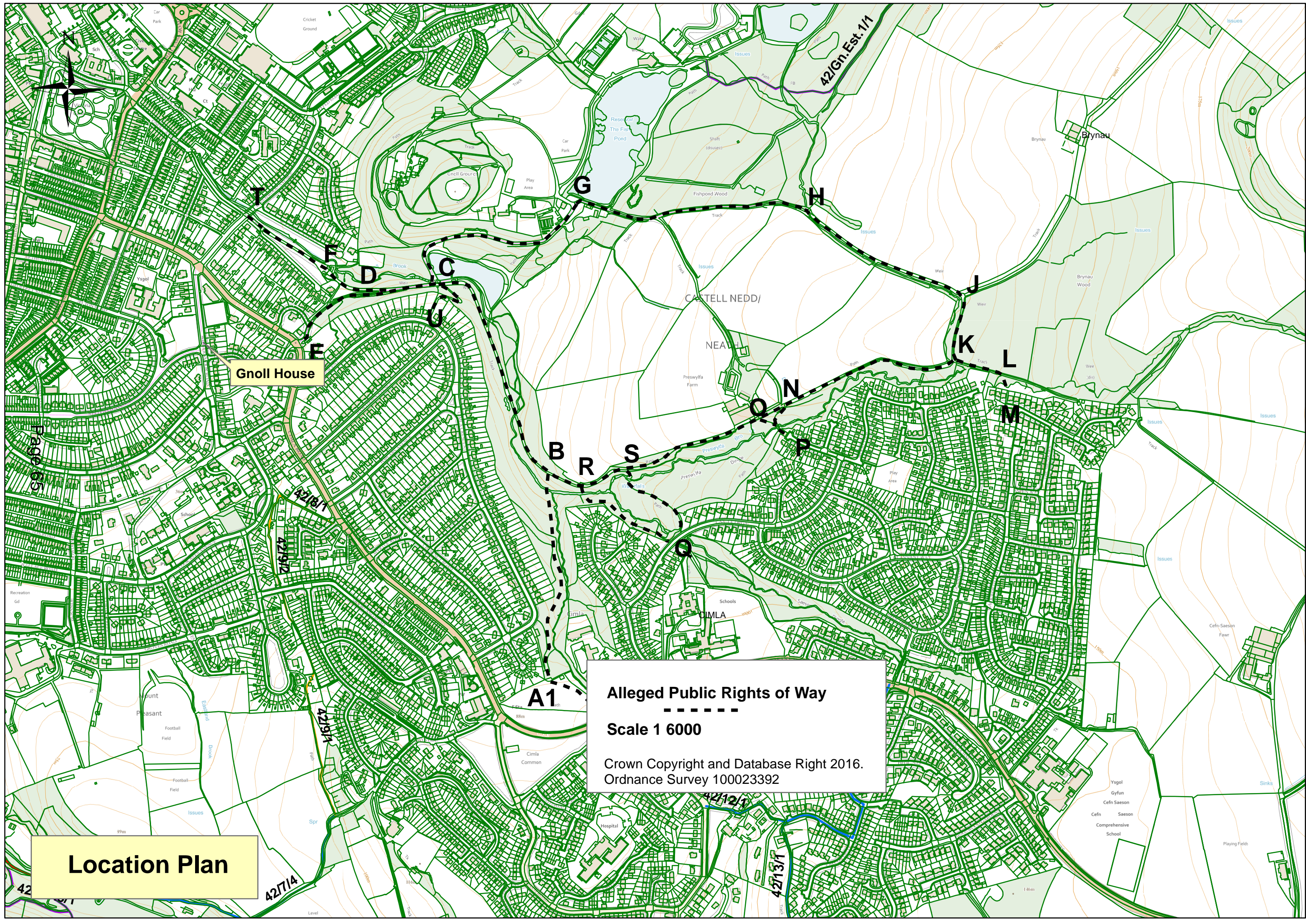
## PLAN SHOWING DISTRIBUTION OF CLAIMANTS





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**Gnoll House**

**Location Plan**

**Alleged Public Rights of Way**  
-----  
**Scale 1 6000**  
Crown Copyright and Database Right 2016.  
Ordnance Survey 100023392

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## NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

### Environment and Highways Cabinet Board

24 November 2016

### Report of the Head of Engineering & Transport

D. W. Griffiths

#### Matter for Decision

**Ward Affected:** Aberavon

#### Proposed No Waiting, Loading Or Unloading Order Multi-Storey Car Park Access Road, Port Talbot

#### Purpose of Report

- 1 To obtain Members' approval to advertise the Legal Order for a No Waiting, Loading or Unloading at Any Time Order in Multi-Storey Car Park Access Road, Port Talbot. (Appendix A).

#### Executive Summary

- 2 The report outlines the proposed Order and the reason why the Order is required.

#### Background

- 3 The scheme is necessary to prevent indiscriminate parking in the interest of road safety.

#### Financial Implications

- 4 The work will be funded by Parking Services.

#### Equality Impact Assessment

- 5 A Screening Assessment has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. After completing the assessment it has been determined that this function does not require an Equality Impact Assessment.

### **Workforce Impact**

6 Not applicable.

### **Legal Impact**

7 The scheme will be advertised for a 21 day period.

### **Risk Management**

8 There are no service risk management issues associated with this scheme.

### **Consultation Outcome**

9 A consultation exercise will be carried out when the scheme is advertised.

### **Recommendation**

It is recommended that:-

10 Approval be given for the proposed measures to be advertised as indicated on the attached plan (Appendix A) and for the Order to be implemented subject to there being no objections.

### **Reasons for Proposed Decision**

11 The scheme is necessary to prevent indiscriminate parking in the interest of road safety.

### **Implementation of Decision**

12 The decision is proposed for implementation after the three-day call-in period.

### **Appendices**

13 Appendix A - Plan



## List of Background Papers

14 TR25

### Officer Contact

- 15 Mr J C Davies – Senior Engineer Traffic  
Tel. No. 01639 686479  
email: [j.davies15@npt.gov.uk](mailto:j.davies15@npt.gov.uk)
- 16 Mr M Brumby – Project Manager Highways  
Tel No. 01639 686013  
email: [m.brumby@npt.gov.uk](mailto:m.brumby@npt.gov.uk)



## NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

### Environment and Highways Cabinet Board

24 November 2016

### Report of the Head of Engineering & Transport

D. W. Griffiths

#### Matter for Decision

**Ward Affected:** Aberavon

#### Proposed Loading Area For Permitted Vehicles Riverside Access Road, Port Talbot

#### Purpose of Report

- 1 To obtain Members' approval to advertise the Legal Order for a loading are for permitted vehicles, Riverside Access Road, Port Talbot (Appendix A).

#### Executive Summary

- 2 The report outlines the proposed Order and the reason why the Order is required.

#### Background

- 3 The scheme is necessary to provide a loading area for permitted vehicles and to prevent indiscriminate parking in the interest of road safety.

#### Financial Implications

- 4 The work will be funded by Aberavon Shopping Centre.

#### Equality Impact Assessment

- 5 A Screening Assessment has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. After completing the assessment it has been determined that this function does not require an Equality Impact Assessment.

## **Workforce Impact**

6 Not applicable.

## **Legal Impact**

7 The scheme will be advertised for a 21 day period.

## **Risk Management**

8 There are no service risk management issues associated with this scheme.

## **Consultation Outcome**

9 A consultation exercise will be carried out when the scheme is advertised

## **Recommendation**

10 It is recommended that approval be given for the proposed measures to be advertised as indicated on the attached plan (Appendix A) and for the Order to be implemented, subject to there being no objections.

## **Reasons for Proposed Decision**

11 The scheme is necessary to provide a loading area for permitted vehicles and to prevent indiscriminate parking in the interest of road safety.

## **Appendices**

12 Appendix A - Plan

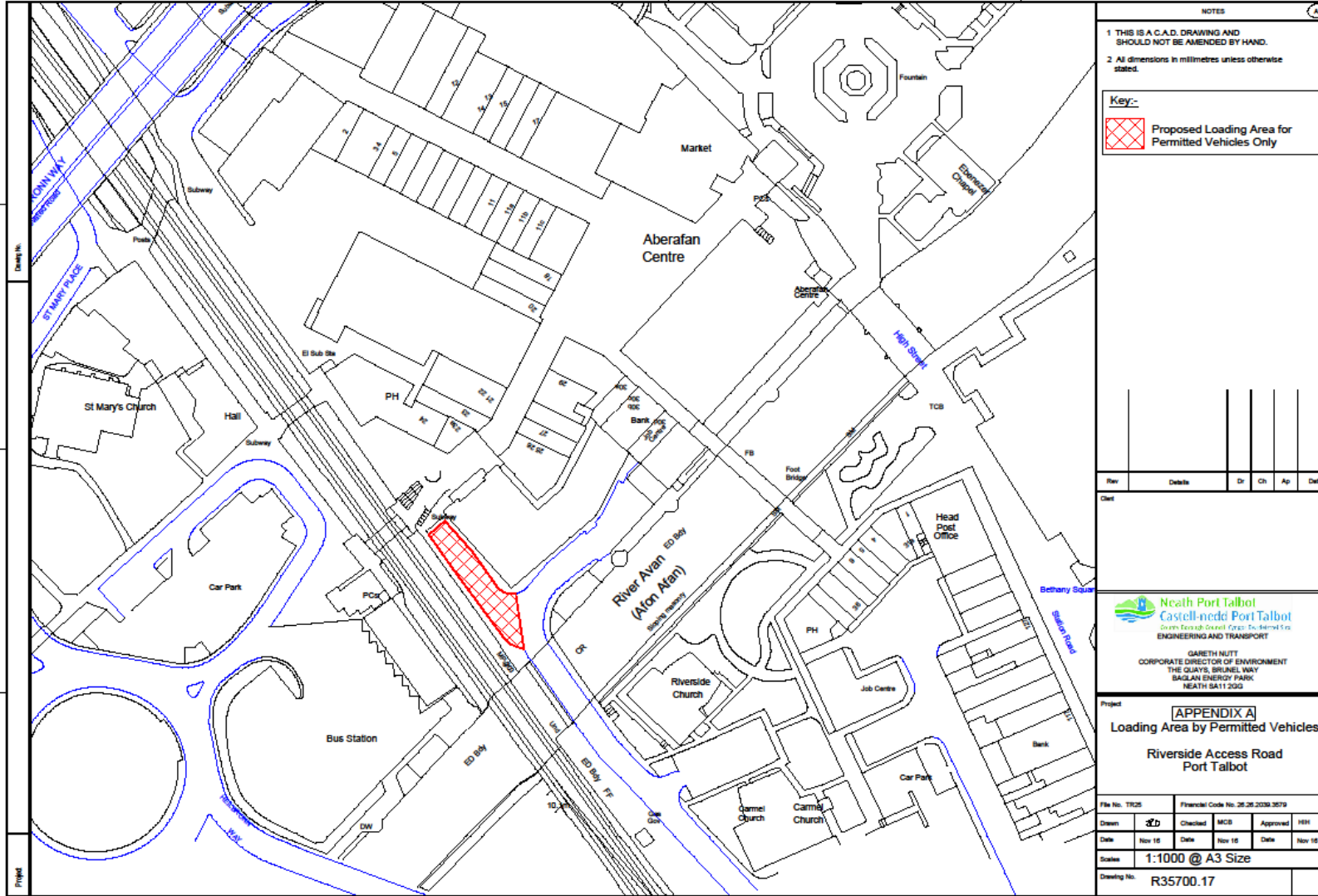
## **List of Background Papers**

13 TR25

## **Officer Contact**

14 Mr J C Davies – Senior Engineer Traffic  
Tel. No. 01639 686479  
email: [j.davies15@npt.gov.uk](mailto:j.davies15@npt.gov.uk)

15 Mr M Brumby – Project Manager Highways  
Tel No. 01639 686013  
email: [m.brumby@npt.gov.uk](mailto:m.brumby@npt.gov.uk)




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NOTES


- THIS IS A C.A.D. DRAWING AND SHOULD NOT BE AMENDED BY HAND.
- All dimensions in millimetres unless otherwise stated.

Key:-

 Proposed Loading Area for Permitted Vehicles Only

| Rev | Details | Dr | Ch | Ad | Date |
|-----|---------|----|----|----|------|
|     |         |    |    |    |      |


Client

  
**Neath Port Talbot**  
**Castell-nedd Port Talbot**  
 Gwynedd Iwan Jones Iwan Jones  
 ENGINEERING AND TRANSPORT

GARETH HUTT  
 CORPORATE DIRECTOR OF ENVIRONMENT  
 THE QUAYS, BRUNEL WAY  
 BAGLAN ENERGY PARK  
 NEATH SA11 2JG

Project

**[APPENDIX A]**  
**Loading Area by Permitted Vehicles**  
**Riverside Access Road**  
**Port Talbot**

|   |                                    |               |
|---|------------------------------------|---------------|
| File No. TR25   | Financial Code No. 25.25.2039.3579 |               |
| Drawn  | Checked: MCB                       | Approved: HHT |
| Date: Nov 15  | Date: Nov 15                       | Date: Nov 15  |
| Scale: 1:1000 @ A3 Size   |                                    |               |
| Drawing No. R35700.17   |                                    |               |

## NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

### Environment and Highways Cabinet Board

24 November 2016

### Report of the Head of Engineering & Transport

D. W. Griffiths

#### Matter for Decision

**Ward Affected:** Glynneath

#### Proposed Prohibition Of Waiting At Any Time Traffic Regulation Order

B4242 Pontneathvaughan Road, Pontneathvaughan, Glynneath

#### Purpose of Report

- 1 To obtain Members' approval to advertise the Legal Order for the implementation of Prohibition of Waiting at Any Time Traffic Regulation Orders at B4242 Pontneathvaughan Road, Pontneathvaughan, Glynneath, and for the Orders to be implemented, subject to there being no objections.

#### Executive Summary

- 2 The report outlines the proposed Orders and the reason why the Orders are required.

#### Background

- 3 The scheme is required due to works being undertaken by Powys Council to implement traffic orders up to the boundary with Neath Port Talbot.
- 4 The scheme is necessary to prevent indiscriminate parking in the interest of road safety.

#### Financial Implications

- 5 The work will be funded from the Capital Works Programme.

### **Equality Impact Assessment**

- 6 A Screening Assessment has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. After completing the assessment, it has been determined that this function does not require an Equality Impact Assessment.
- 7 It is envisaged that the proposals will provide a safer environment for residents, pedestrians, cyclists and motorists.

### **Workforce Impact**

- 8 Not applicable.

### **Legal Impact**

- 9 The scheme will be advertised for a 21 day period.

### **Risk Management**

- 10 There are no service risk management issues associated with this scheme.

### **Consultation Outcome**

- 11 A consultation exercise will be carried out when the scheme is advertised.

### **Recommendation**

- 12 It is recommended that approval be given for the proposed measures to be advertised as indicated on the attached plan (Appendix A) and for the Orders to be implemented, subject to there being no objections.

### **Reasons for Proposed Decision**

- 13 To prevent indiscriminate parking in the interest of road safety.



## **Appendices**

14 Appendix A - Plan

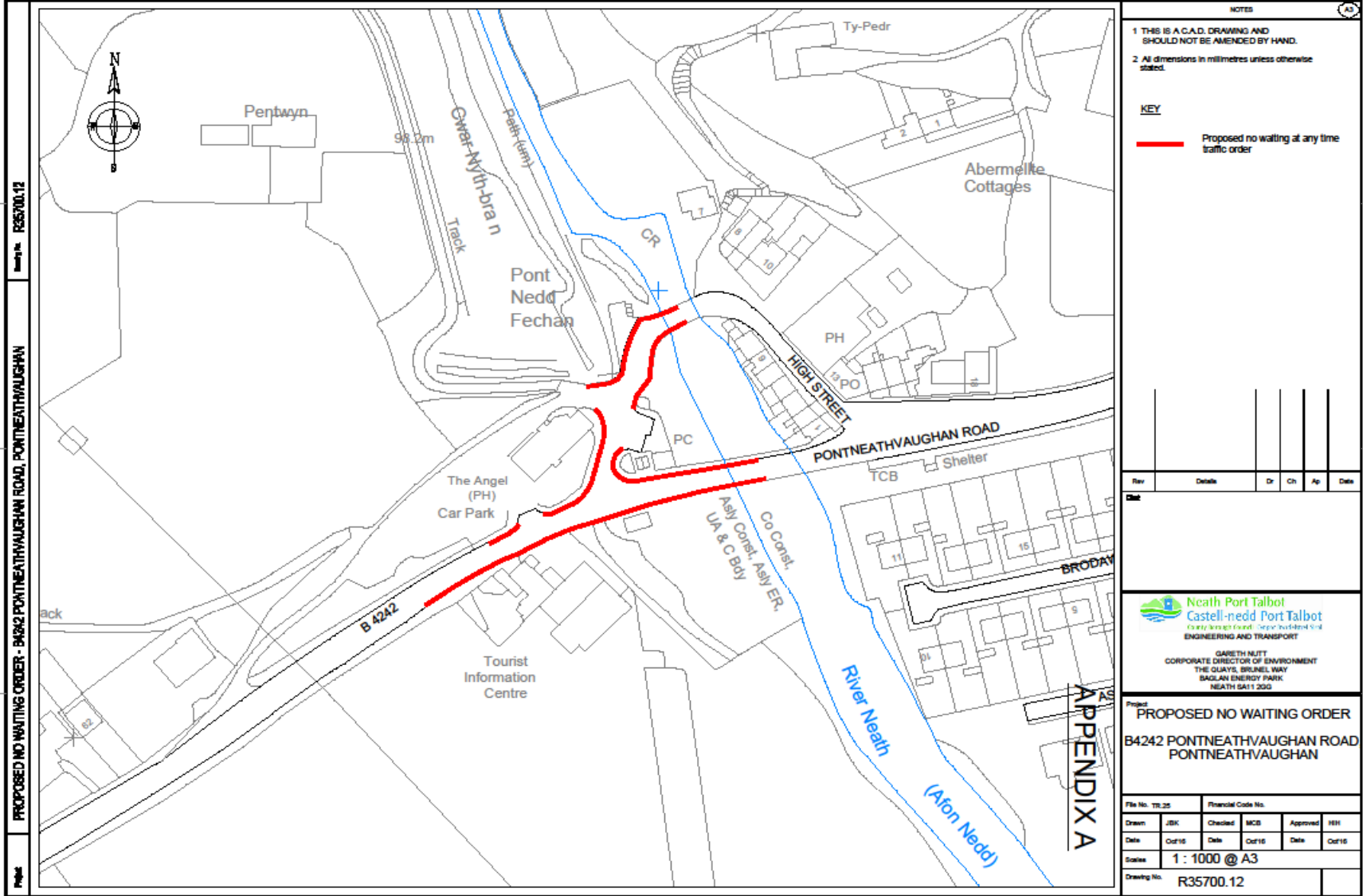
## **List of Background Papers**

15 File TR25

## **Officer Contact**

16 Mr J B Kane – Senior Assistant Engineer  
Tel.No. 01639 686465  
email: [j.kane@npt.gov.uk](mailto:j.kane@npt.gov.uk)

17 Mr M Brumby – Project Manager Highways  
Tel No. 01639 686013  
email: [m.brumby@npt.gov.uk](mailto:m.brumby@npt.gov.uk)



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## NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

### Environment and Highways Cabinet Board

24 November 2016

### Report of the Head of Engineering & Transport

D. W. Griffiths

#### Matter for Decision

**Wards Affected:** Neath North, Port Talbot, Pontardawe

#### Christmas Parking 2016

#### Purpose of Report

- 1 To seek Members' approval for the Christmas parking arrangements for 2016 in the Authority's pay and display car parks.

#### Executive Summary

- 2 The report sets out proposals to consider free Christmas car parking over the festive season.

#### Background

- 3 It was agreed last year that the Council offer free car parking in all the Authority's pay and display car parks from Saturday 12<sup>th</sup> to Sunday 27<sup>th</sup> December 2015 inclusive.
- 4 It is proposed that this year the Council offer free car parking from Saturday 17<sup>th</sup> December 2016 to Sunday 2<sup>nd</sup> January 2017, inclusive.
- 5 Members will be aware that free Christmas parking is currently subject to consultation as part of the wider FFP proposals with regard to the withdrawal of free Christmas car parking from 2017 onwards.

#### Financial Impact

- 6 Free Christmas parking is estimated to cost circa £26,000 for the whole of Neath and Port Talbot CBC car parks this year, based

upon the current tariff structure which has to be absorbed by the consolidated parking management account.

### **Equality Impact Assessment**

- 7 A screening assessment has been undertaken and there is no requirement for a full EIA.

### **Workforce Impact**

- 8 There are no workforce implications.

### **Legal Impact**

- 9 There are no legal impacts.

### **Risk Management**

- 10 Any potential loss of income would need to be absorbed by the parking account.

### **Consultation**

- 11 There is no requirement for consultation on this item.  
Signage will be placed on site informing members of the public.

### **Recommendation(s)**

It is recommended:-

- 12 That free Christmas parking is agreed in Neath, Port Talbot and Pontardawe Pay and Display Car Parks from Saturday 17<sup>th</sup> December 2016 to Sunday 1<sup>st</sup> January 2017 inclusive.

### **Reason for proposed Decision**

- 13 A period of free parking is likely to attract increased numbers of Christmas shoppers over the festive period.

### **Implementation of Decision**

- 14 The decision is proposed for immediate implementation.

## List of Background Papers

15 None

## Officer Contact

16 Steve Cook, Parking Manager  
Tel. No: 01639 763986  
email: [s.cook@npt.gov.uk](mailto:s.cook@npt.gov.uk)

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## NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

### Environment and Highways Cabinet Board

24 November 2016

### Report of the Head of Engineering & Transport

D. W. Griffiths

#### Matter for Information

**Wards Affected:** All Wards

#### Summary of Welsh Government Grant Approval received from European Regional Development Fund

#### Purpose of Report

- 1 To inform Members of Welsh Government grant approval received for The Integrated Transport Hub scheme from ERDF West Wales and the Valleys European Regional Development Fund.

#### Executive Summary

- 2 To inform Members of the Welsh Government ERDF grant allocation for the Integrated Transport Hub.

#### Background

- 3 On 17th August 2016, the Welsh Government announced ERDF grant approval for Port Talbot Integrated Transport Hub to the total value of £2,534,984.
- 4 This grant is part funding for the scheme along with the WG Local Transport Fund and the Vibrant & Viable places scheme.
- 5 The grant has been accepted by the Director of Finance and the Director of Environment, who have delegated powers for this purpose.

#### Financial Implications

- 6 The Port Talbot Integrated Transport Hub scheme is now fully funded.

## **Equality Impact Assessment**

- 7 A Screening Assessment has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. After completing the assessment it has been determined that this proposal does not require an Equalities Impact Assessment.

## **Workforce Impact**

- 8 The works will be delivered using the in-house engineering design and project management capabilities. There are no adverse impacts on the workforce.

## **Legal Impact**

- 9 There are no legal impacts.

## **Risk Management**

- 10 Risks are being managed by the site team.

## **Consultation Outcome**

- 11 There is no requirement under the Constitution for external consultation on this item.
- 12 It should be noted that the project features in the approved Local Transport Plan 2015-2020.

## **Appendices**

No appendices.

## **List of Background Papers**

None

## **Officer Contact**

Mrs Amanda J. Phillips – Programme and Commissioning Manager  
Tel: 01639 686483 or e-mail: [a.phillips2@npt.gov.uk](mailto:a.phillips2@npt.gov.uk)



**2016/2017 FORWARD WORK PLAN (DRAFT)**

**ENVIRONMENT AND HIGHWAYS CABINET BOARD**

| <b>Meeting Date and Time</b>       | <b>Agenda Items</b>   | <b>Type<br/>(Decision, Monitoring or Information)</b> | <b>Contact</b>           |
|------------------------------------|---|---|--------------------------|
| <b>5<sup>th</sup> Jan<br/>2017</b> | Knotweed  |   | M.Roberts                |
|                                    | Service Coordination Report (SWTRA)                         | Info  | R.Jones/<br>M.Roberts    |
|                                    | Green Waste   | Dec   | M.Roberts                |
|                                    | Resolven Toilets  | Info  | M.Roberts                |
|                                    | Food and Feed Law Enforcement Service Delivery Plan 2016-17 | Decision  | Mark Thomas/<br>N.Pearce |
|                                    | Food and Feed Enforcement Performance                       | Information   | Mark Thomas/<br>N.Pearce |

**Environment and Highways Cabinet Board – Forward Work Programme (DRAFT)**

| <b>Meeting Date and Time</b>    | <b>Agenda Items</b>                         | <b>Type</b><br><small>(Decision, Monitoring or Information)</small> | <b>Rotation</b><br><small>(Topical, ,Annual, Biannual, Quarterly, Monthly)</small> | <b>Contact</b> |
|---------------------------------|---|---|--|----------------|
| <b>16<sup>th</sup> Feb 2017</b> | Quarterly Performance Monitoring (Q3)       | Monitor   | Quarterly  | A.Headon       |
|                                 | Vehicle Fleet Procurement Programme 2017/18 |   | Annual   | D.Griffiths    |
|                                 |   |   |  |                |
|                                 |   |   |  |                |

| <b>Meeting Date and Time</b>      | <b>Agenda Items</b> | <b>Type</b><br><small>(Decision, Monitoring or Information)</small> | <b>Rotation</b><br><small>(Topical, ,Annual, Biannual, Quarterly, Monthly)</small> | <b>Contact</b> |
|-----------------------------------|---------------------|---|--|----------------|
| <b>30<sup>th</sup> March 2016</b> |                     |   |  |                |
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