

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Regeneration and Sustainable Development Cabinet

11 March 2022

Report of the Head of Legal and Democratic Services – Mr Craig Griffiths

Matter for Decision

Wards Affected:

Bryncoch South

Proposed Creation Order at the rear of Brookfield, for a public footpath from Footpath no 4 to Heol Glynderwen and from Heol Glynderwen to Cafn Y Felln, Wauncerich – Community of Blaenhonddan

Purpose of the Report

To decide whether to make a Creation Order for two public path orders to provide an alternative means of access to the loss of the spur of footpath no4. This report considers the grounds for making a Footpath Creation Order, in part to regularise existing access and to provide another alternative means of access for the loss of footpath no4, which was affected by the housing development.

Background

The spur of footpath no 4 shown as A-B on the attached plan at Appendix 2, was lost once the houses along Brookfield were built. According to this Council's records, this was prior to the early 1970's. The land to the rear of these houses is under the ownership of this Council, which also contains a small children's playground. A section of path was created initially running approximately parallel to the former path, shown D-E although the path was not continued south to provide a more direct alternative, due to further housing that is now situated at Cafn Y Felln. As a result, the path was extended east to join Heol Glynderwen shown E-F. In addition a small link was made available from the field into the cul de sac of Cafn y Felln shown at point I although no path was set out, via G-H-I.

Possible Solution

This informal but permissive path D-E-F is not registered as a public right of way nor is there any formal access via the route G-H-I. Given the loss of the path A-B, it is considered preferable to formalise these two extra routes particularly as they were set out by this Council for public use.

Grounds for a Creation Order under section 26 of the Highways Act 1980.

This Council needs to be satisfied there is a need for the footpath and has to take account of the extent to which the path would add to the convenience and enjoyment

of a substantial section of the public or to the convenience of the residents in the area.

The path D-E-F is stone based, in use and also provides access to the small playground. The route G-H-I has been identified as a means of reaching the cul de sac referred to which it is considered would provide a convenient additional means of access for the people living in the area. To a certain extent, both these paths would also make up for the loss of footpath no 4.

In deciding whether to confirm an order, the Council should also take account of any material provision of its Rights of Way Improvement Plan. The most relevant objective in the Rights of Way Improvement Plan under the 'Statement of Action' is 'Objective 4' which states that public rights of way should meet the needs of users, now and for the future.

Conclusion

It is considered the making of this order will assist in providing part of a solution to the loss of footpath no 4 and also regularise the existing access across land under this Council's ownership.

Financial Impacts

There are no financial implications with this report.

Integrated Impact Assessment

A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standards (No.1) Regulation 2015, the Well Being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016). The first stage assessment has indicated that a more in-depth assessment is not required.

Valleys Communities Impacts

There are no valley community impacts associated with this report.

Workforce Impacts

There are no workforce impacts associated with this report.

Legal Impacts

Whilst the recommendations are not discharging a duty under the Highways Act 1980, this Council has the discretion to do so if it deems that the order can be justified. The relevant tests powers have been set out above.

Risk Management Impacts

Given the problem associated with the obstructed path has been long outstanding, it is necessary to make every effort to resolve this matter. As such it would be for the convenience of those who live in the immediate vicinity and also to those persons whose houses have been built over the path.

Consultation

Prior to this report a standard list of organisations were consulted such as the Ramblers Association, their local representative, the Byways and Bridleways Trust, the Community Council the Local Member, this Council's own Estates section and also those persons whose houses are affected by the existing public path no.4

Recommendations

It is recommended that having due regard to the Integrated Impact Screening Assessment that a public path Creation Order is made pursuant to Section 26 of the Highways Act 1980 in respect of the route shown D-E-F and G-H-I shown on the attached plan and that if no objections are received then to confirm the order as made.

Reasons for Proposed Decision

That the current proposal be implemented for the following reasons (1) it is considered expedient to provide the public with formal access across the land concerned in particular for the convenience of those living in the area and (2) that given the housing development has obstructed the line of the original path, the creation order will provide another alternative route for the public.

Implementation of Decision

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

Appendices

Appendix 1 Integrated Impact Screening Assessment
Appendix 2 Plan Footpath No.4 Blaenhonddan

List of Background Papers

None.

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