

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

ENVIRONMENT, REGENERATION & STREETSCENE SERVICES CABINET BOARD

2nd December 2022

Report of the Head of Legal and Democratic Services Craig Griffiths

Matter for Decision

Wards Affected:

Allt-wen

Proposed Extinguishment of part of Footpath No.21, Community of Cilybebyll

Purpose of the Report

1. To decide whether there are sufficient grounds to extinguish an 88 metre length of footpath no 21 path shown as A-B on the attached plan.

Executive Summary

2. Under section 118 of the Highways Act 1980 a public path can be extinguished if it is considered that it is no longer needed for public use.
3. Consideration should be given to the land served by the path as well as any possible compensation payable to anyone disadvantaged by the loss of the path. The relevant extract of section 118 is shown in appendix 3.
4. The Definitive Map shows that the path is blocked by two houses.

Background

5. The path under consideration is shown A-B on the plan attached at appendix 2. The path forms a spur to the longer length of this footpath shown D-A-C on the attached plan, which links Lon Hir with Graig Road.
6. As a result of the housing development of Brynmorgrug, two houses were built over the line of the path A-B. Some of the plots for the houses in this vicinity are shown on the 1974 edition of the Ordnance Survey Map which indicated the approximate time from when this length of path became unavailable.
7. There is no evidence to suggest the path was incorrectly registered as it was included in all the earlier editions of the precursors to the current Definitive Map - editions 1955, 1964, 1971 and 1974. Additionally, there is no record of any person or organisation making representations or objections to its inclusion in those editions.
8. The issue therefore is whether it would be expedient to have the length extinguished.
9. When the housing development was completed, provision was made for a path alongside house number 63 either on the basis that was the correct alignment for the path or as an attempt to provide an alternative. This path went as far as point B, however there is no path via this line today as it is blocked by gardens, a shed and overgrown with vegetation.
10. The ground also slopes steeply from the road to the houses in the vicinity of point B, which would have meant that any path that may have been in existence, would have been very steep. Even if it were possible to reinstate a path along this alignment, a series of steps would be required to make the path safe.

Grounds for making an Extinguishment Order.

11. It is clear the original line of the path has been lost since the 1970's and there is no record of any complaints since that time. Consequently it is reasonable to conclude that the public do not consider the path is needed.

12. The land served by the path includes the footway at Graig Road at point B and the main length of path D-C to which it connects at point A. It is not considered the loss of the path A-B would adversely affect access to and from these points. It is more convenient to reach both points A and B by walking via the footway between points B and C and then along the existing path from points C to A.
13. Regarding compensation, given the path is being removed from passing across two properties, it is not envisaged why compensation would be claimed from any resident.

Financial Impacts

14. There are no financial implications associated with this report.

Integrated Impact Assessment

15. 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

16. There are no valley community impacts associated with this report.

Workforce Impacts

17. There are no workforce impacts associated with this report.

Legal Impacts

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

Risk Management Impacts

19. Given the path is obstructed by two properties and that there is no record of any complaints over its loss, it is necessary to make every effort to resolve the problem.

Consultation

20. 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 and all those persons whose houses are affected by this path.

Recommendations

21. It is recommended that having due regard to the Integrated Impact Screening Assessment, that a public path extinguishment order be made pursuant to section 118 of the Highways Act 1980 for the route shown A-B on the attached plan and if no objections are made to confirm the order as made.

Reasons for Proposed Decision

22. That this length of path is not needed for public use given there is a suitable alternative via the path A-C which joins the footway alongside Graig road which connects to point C
23. That the original length of the path A-B is no longer available and in any event the gradient of the bank from the houses to the rear of the cul de sac up to point B is steeper than via the footway up to point C.
24. There is no suitable alternative today to the length A-B.

Implementation of Decision

25. The decision is proposed after the three day call in period.

Appendices

26. Appendix 1- Integrated Impact Assessment
27. Appendix 2 - Plan of footpath no. 21
28. Appendix 3 - Extract from section 118 of the Highways Act 1980.

List of Background Papers

29. None.

Officer Contact

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