

## **CITY AND COUNTY OF CARDIFF**

### **PLANNING COMMITTEE:**

### **REPORT OF THE CORPORATE DIRECTOR CITY OPERATIONS**

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#### **APPLICATION FOR Section 53, Wildlife and Countryside Act 1981 Application as applied to Highways Act 1980, for Heol Briwnant to record a Public Right of Way between Heol Briwnant and Heol Uchaf**

#### **Background**

An application has been made to record a Public Right of Way between Heol Briwnant and Heol Uchaf based on 20 year usage, as of right and without hindrance.

#### **Issues**

The claim was made after adjacent riverbank works threatened public use.

Based on evidential documentation and historical research the path has been in existence and used as of right, for 20 years and under presumed dedication it should be recorded as a highway maintained at public expense.

#### **Legal Implications**

Section 53 Wildlife and Countryside Act 1981 as applied to Highways Act 1980 enables a Public Right of Way to be recorded if there has been unhindered use, as of right for a 20 year period prior to the application.

#### **Recommendation**

To request Legal Services to make a Public footpath Order and record the claimed route on the Definitive Map and Statement.

Based on evidential documentation and historical research the path has been in existence and used as of right, for 20 years and under presumed dedication it should be recorded as a highway maintained at public expense.

#### **Background Papers**

1. Plan of the claimed Route
2. Application for recording a Public Right of Way