

CITY AND COUNTY OF CARDIFF

PLANNING COMMITTEE:

REPORT OF THE CORPORATE DIRECTOR CITY OPERATIONS

APPLICATION FOR Application for a Public Path Diversion Order Public Right Of Way, Footpath Pentrych 28, Section 119, Highways Act 1980 as applied to Section 257, Town and Country Planning Act 1990.

Background

The PROW team has received an application from Redrow Homes South Wales for a footpath diversion order for PROW 28 Pentyrch to enable development.

Issues

The new proposed path is equally commodious to the public and ensures the Highway Authority is maintaining its Statutory Duty under Section 130 ,Highways Act 1980 to maintain highway for the open and safe use, enjoyment by the public.

Redrow have undertaken to cover the cost of statutory advertising and the Authority's legal fees.

This diversion would enable development under the Planning Consent 13/00836/DCO Land North of Heol Goch.

Legal Implications

Section 257, Town and Country Planning Act 1990 permits a footpath Diversion Order Section 119 Highways Act 1980 to enable development.

Recommendation

To proceed with the diversion order, since the new proposed alignment is equally commodious to the public, and there is unhindered access at either end of the footpath.

The public's use and enjoyment of the highway is not hindered and development can proceed in accord with Planning Consent 13/00836/DCO Land North of Heol Goch.

Background Papers

- 1 Plan of Diversion Order
- 2 Agreement to meet Authority costs (Signed Diversion Application Form).
- 3 Schedule of work.
- 4 Land ownership