

**CITY OF CARDIFF COUNCIL
CYNGOR DINAS CAERDYDD**

PLANNING COMMITTEE MEETING

**TITLE SECTION 257 TOWN AND COUNTRY PLANNING ACT
1990:DIVERSION ORDER PROW Radyr 41**

REPORT OF DIRECTOR Andrew Gregory

PORTFOLIO:

Reason for this Report

1. To request Legal Services progress a Diversion Order applicable under Section 257 Town and Country Planning Act 1990 to retain existing public rights within new Development at Heol Isaf .

Background

2. Redrow are building a new housing estate existing PROW's are required to be diverted.

Issues

3. Public Rights of Way to be diverted into new road network to retain existing pedestrian rights.

Local Member consultation (where appropriate)

4. Radyr members consulted - no objections received.

Reason for Recommendations

5. To retain existing Public Rights within the Development.

Financial Implications

6. None

Legal Implications (including Equality Impact Assessment where appropriate)

7.

HR Implications

8. None

RECOMMENDATIONS

Instruct Legal Services to process a Section 257 Public Path Diversion Order.

NAME OF DIRECTOR Andrew Gregory

Date

The following background papers have been taken into account

Request for Diversion.

Site map.

Application form.

PROW advice

OFFICER DECISION REPORT

ADDRESSED TO...Andrew Gregory

PREPARED BY OR ON BEHALF OF...Rhod Morgan

The delegation to be exercised is in accordance with **Chief Officer(sub sec C)** of the Council Scheme of Delegations.

TITLE OF REPORT : PRoW, Radyr No.41, Section 257 Town And Country Planning Act 1990, Radyr, Cardiff.

PROPOSAL:

The recommended decision is:

To request the Highway Authority instruct Legal Services to progress a Section 257 Diversion Order, Town and Country Planning Act 1990, to alter the line of the existing PROW, Radyr 41.

The reason for the recommended decision is:

To ensure the public pedestrian rights are retained within the new development by realigning the route of the PROW.

1 STATEMENT

This report complies with the following general delegation in accordance with the Executive Scheme of Delegations.

The Corporate Director, Chief Officer, Operational Manager, shall be authorised:-

1.1 To make any decisions relating to any matter within their area of responsibility, provided always that the decision is:

- a) within budget
- b) in accordance with the Council's policy framework
- c) in accordance with Council's Financial and Land Procedure Rules and Contracts Procedure Rules
- d) in accordance with their Service Area Business Plan

e) not a matter specifically reserved for Full Council, a Committee of the Council, the Executive or a Statutory Officer.

1.2 To take appropriate action, which is necessary, to ensure the efficient, equitable and effective delivery of services.

1.3 To exercise the following Delegations:-(PLEASE ENTER DETAILS OF SPECIFIC DELEGATION OR DELETE AS APPROPRIATE)

2 BACKGROUND

Redrow are undertaking a housing development which necessitates the realignment of existing PROW's to preserve the public's pedestrian rights.

3 ISSUES

The PROW's can only be realigned using the legal process of Section 257 Town and Country Planning Act 1990.

4 RESOURCE REQUIREMENTS

Redrow have agreed to the £4 000 administrative fee to process the Order and mandatory advertisement.

5 AUTHOR GUIDANCE ON CORPORATE ADVICE

a. Financial Issues

Formal Corporate Financial Advice required? -

No

There are no issues in this report which require formal Financial advice, the report may proceed accordingly

b. Legal Issues

Formal Corporate Legal Advice required? -

No

There are no issues in this report which require formal Legal advice, the report may proceed accordingly

c. HR Issues

Does this report require HR Advice? --No

6 CONSULTATION REQUIREMENT

Radyr Ward Members were consulted and no objections received.

7 CONSULTATION EXERCISE AND OUTCOME

Statutory Consultation undertaken and no objections received.

8 FORMAL CORPORATE ADVICE (to be completed by the Process Support Team)

The following advice has been sought on the proposal

a. Formal Financial Advice

Advice NOT to be sought in accordance with instructions as given in paragraph 5a.

(Please delete as appropriate)

Responding officer:

Date given:

b. Formal Legal Advice

Advice NOT to be sought in accordance with instructions as given in paragraph 5b.

(Please delete as appropriate)

Responding officer:

Date given:

BACKGROUND PAPERS

- Application for Diversion.
- Developer plan of Diversion.
- Council Mapping system plan of Diversion.
- PROW Advice.

I agree the report and submit it for formal approval of the recommendation/s

Name: Andrew Gregory

Signature: 

Designation:

Report Reference: 80257

Report date: 23rd March 2017



City of Cardiff Council
Cyngor Dinas Caerdydd



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 Paul Orders
 County Hall
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Ready 4! Diverston
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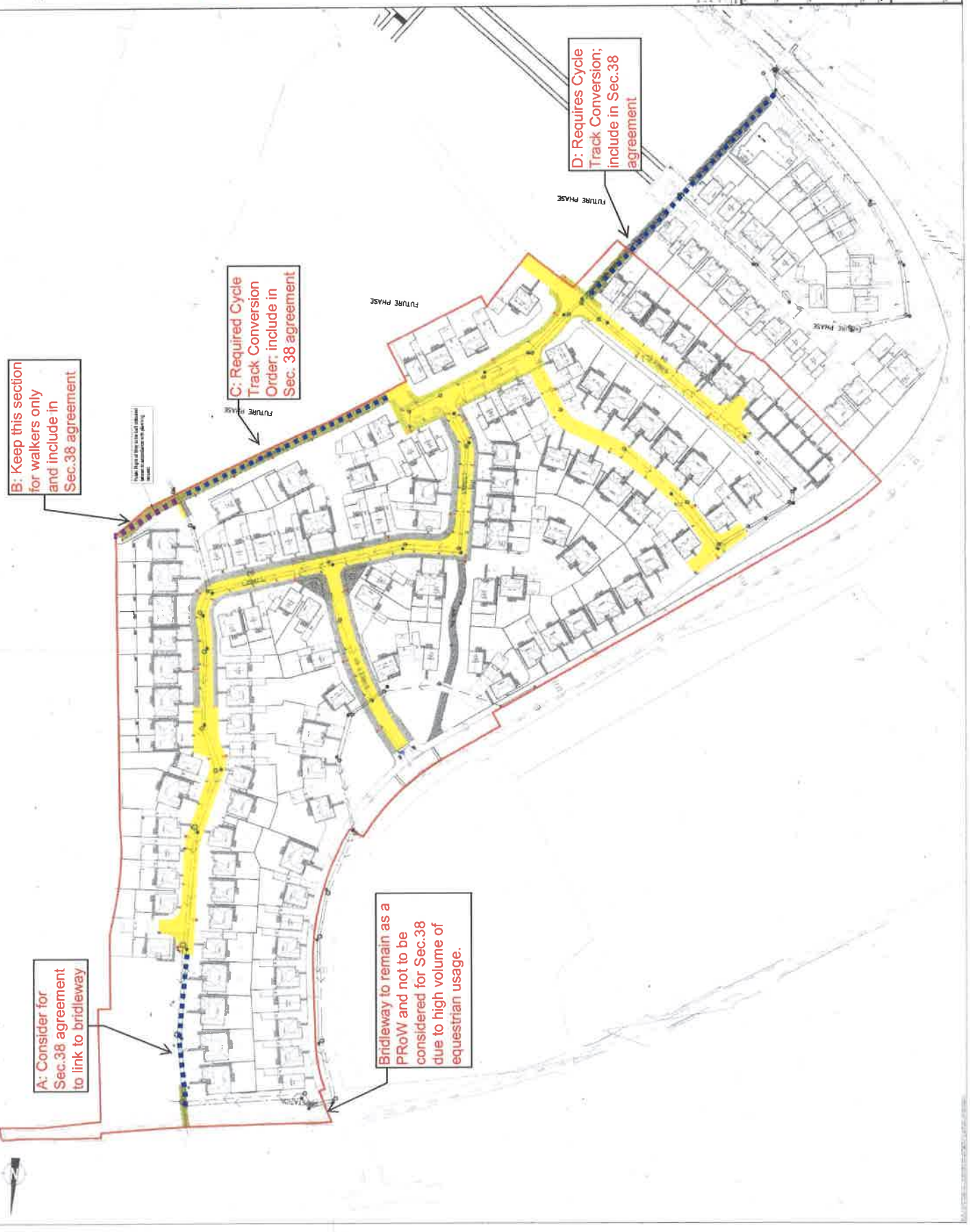


1. FOOTPATHS SHALL BE 6 FEET WIDE AND 4 FEET HIGH TO ALLOW FOR THE ADJACENT ROAD SURFACE
2. COLLARS TO BE 18" HIGH AND 12" WIDE
3. COLLARS SHOULD BE CONCRETE WITH CURB-COVERS SHOULD BE CONCRETE WITH A 1/2" RADIUS AND 1/2" HIGH
4. LAMP FIXTURES SHOULD BE 6 FEET HIGH FROM THE GROUND AND 12 FEET FROM THE CURB
5. LIGHT FIXTURES SHOULD BE 12 FEET FROM THE CURB AND 12 FEET FROM THE DRIVEWAY. LIGHTING SHOULD BE NO MORE THAN 12 FEET FROM THE DRIVEWAY
6. DO NOT SCALE FROM THIS DRAWING. USE PROVIDED DIMENSIONS ONLY. 9" IN QUARTY ASK

- Redwood Homes Parcel Boundary
- Available Street Lighting
- Homeless Outreach to Abolish
- Public Right of Way (Closed to Access)
- Green Space (Closed to Access)
- Dog Off-leash Area (Available to Public)
- Dog Off-leash Area (Not Available to Public)
- City of Council Approval (Pending)
- Available Dog Off-leash
- Available Dog Off-leash (Not Available to Public)
- Dog Off-leash Area (Available to Public)
- Dog Off-leash Area (Not Available to Public)

Symbol	Description
[Red Line]	Parcel Boundary
[Blue Line]	Available Street Lighting
[Yellow Line]	Homeless Outreach to Abolish
[Black Line]	Public Right of Way (Closed to Access)
[Green Line]	Green Space (Closed to Access)
[Dotted Line]	Dog Off-leash Area (Available to Public)
[Dotted Line]	Dog Off-leash Area (Not Available to Public)
[Blue Line]	City of Council Approval (Pending)
[Blue Line]	Available Dog Off-leash
[Blue Line]	Available Dog Off-leash (Not Available to Public)
[Blue Line]	Dog Off-leash Area (Available to Public)
[Blue Line]	Dog Off-leash Area (Not Available to Public)

Symbol	Description
[Blue Line]	Available Dog Off-leash
[Blue Line]	Available Dog Off-leash (Not Available to Public)
[Blue Line]	Dog Off-leash Area (Available to Public)
[Blue Line]	Dog Off-leash Area (Not Available to Public)



CARDIFF COUNTY COUNCIL

STOPPING UP OR DIVERSION OF PUBLIC PATHS

SECTION 257 TOWN AND COUNTRY PLANNING ACT 1990

<p>For Council use only File Ref: Date acknowledged:</p>

IMPORTANT

No authority for the stopping up of a highway is conferred unless and until the stopping up or diversion Order has been made and notice of its making has been published. Any preliminary obstruction of or interference with the highway concerned may make it impossible to proceed with the making of an Order under this legislation.

1.	Is the diversion applied for within the area of a Community Council? Radyr and Morganstown Community Council	
2.	What development necessitates the stopping up or diversion applied for? Residential development	
3.	Date of planning permission and application number 23/12/2016 - 16/02016/MJR	
NOTE:	A case justifying the proposed stopping up or diversion should accompany this application either in the form of an Appendix hereto or incorporated in a covering letter	
4.	Highway(s) to be stopped up or diverted:	
	(a)	Type: Bridleway/Footpath and (b) Name or No. (if any) Footpath - Parish Number: Radyr No. 41
	(c)	Length(s) in yards of section(s) to be stopped up or diverted Full length of PROW to be stopped up, approximately 450 yards. Once development is completed PROW to be permanently diverted.

	(d)	<p>Description in length(s) to be stopped up or diverted by reference to terminal points</p> <p>Full length of PROW to be stopped up, approximately 450 yards, located off of the A4119 extending up to Heol Isaf. Once completed a new footpath will intersect the existing PROW providing a diversion around 4 houses before continuing on its existing route (See 162333_1901 PROW Diversion).</p> <p>(The path to be stopped up or diverted should be shown by way of a bold black line with the letter FP or BR denoting footpath or bridleway respectively written alongside. Where substitute footpaths or bridleways are to be provided they should be shown by way of a bold black dotted line).</p>
	(e)	<p>Who owns the land on either side of all the highway(s) to be stopped up or diverted?</p> <p>Redrow Homes</p>
	(f)	<p>Please confirm that the consent of every person having an interest in the land to be developed whether adjoining or under the highway to be stopped up necessary to enable the development to be carried out has been obtained or give particulars of any consents still required to be obtained.</p> <p>Yes, owned by Redrow Homes</p>
5.	Substitute Highway(s) to be provided (if any)	
	(a)	<p>Bridleway/Footpath(s)</p> <p>An alternative route is available South Easterly via the A4119 which joins onto Heol Isaf, shown on 162333_1901 PROW Diversion</p>
	(b)	<p>Has the highway authority been asked to accept responsibility for maintenance of the highway(s)</p> <p>YES/NO</p> <p>PROW to be adopted under S38 agreement, yet to be entered into.</p> <p>(if the answer is yes a copy of any relevant letter should be submitted)</p>
	(c)	<p>Who owns the land to be dedicated as new highway(s)?</p> <p>Redrow Homes</p>

	(d)	<p>If the applicant will not own or control the land to be dedicated has the consent of the landowner(s) to the proposed dedication been obtained?</p> <p>YES/NO</p>
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6.	On what date is the development or road works affecting the highway(s) expected to begin? It should be noted that the minimum period which should be allowed for the making of an Order is four months TBC		
7.	Substitute Highway(s) to be improved (if any)		
	(a)	Type footpath	
	(b)	Name or No. Parish Number: Radyr No. 41	
	(c)	Length to be improved Full length of PROW to be (approx. 450 yards)	
	(d)	Description of improvement To be upgraded to a shared footpath/cycleway	
8.	(a)	Name(s) of Developer (including full Christian names, or name of all partners if a private firm) Redrow Homes	
	(b)	Address (Business or Private) Redrow Homes Limited Redrow House Copse Walk, Cardiff Gate Business Park, Pontprennau Cardiff, CF23 8RH	(c) If a limited company, address of Registered Office Redrow plc Redrow House St. David's Park Ewloe Flintshire CH5 3RX
9.	Names of Public Utilities in area (please state whether or not their apparatus is likely to be affected)		
	(a) None shown	Gas Board	
	(b) None shown	Electricity Board	
	(c) None shown	Water Board	

	(d)	Telephone Area	
10.	Scale of plans accompanying this Form (plans should be of a scale not less 1/2500 and should form an extract from the ordnance survey sheet. Plans should show the scale, sheet number or OS grid reference and a north point).		
11.	If form completed by Agent		(a) Name of Agent Keith Mortimer Vectos
	(b)	Profession Engineering	(c) Address 10th Floor Belmont House, Churchill Way, Cardiff, CF10 2HE

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DECLARATION

I/We declare that a highway(s) and private means of access/to be stopped up is/are in no way obstructed and that it/they are fully available for use and I/We undertaken that it/they shall in no way, be obstructed before the Order comes into operation, i.e. until the substitute highway is completed and available for public use.

I/We apply for the stopping up/diversion of the highway(s)/ and private means of access/described above.

I/We declare that to the best of my/our knowledge and belief all the particulars given are true and accurate.

To pay the Councils reasonable costs for making the order and advertising the legal notices in a local newspaper. (Please note that advertisement costs alone are currently in the region of £1800 for the two notices required).

Signed K.Mortimer Dated 09 / 02 / 2016

*Note: Fees are in respect of an order to divert/extinguish one path. Further advice can be given by the appropriate officer.

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