

# **CYNGOR CAERDYDD CARDIFF COUNCIL**

**PLANNING COMMITTEE:**

**22 July 2020**

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## **REPORT OF THE DIRECTOR OF PLANNING, TRANSPORT & ENVIRONMENT**

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**Stopping Up/Diversion Order, Section 257 Town and Country Planning Act 1980, St Fagans No 16.**

### **Reason for this Report**

1. Section 257 of the Town and Country Planning Act 1990 provides that the Council may by order authorise the stopping up or diversion of any footpath if it is satisfied that it is necessary to do so in order to enable development to be carried out.
2. The Planning Application 14/02972/MJR has been approved and the site partly constructed. The final phase of this development affects the alignment of the Public Footpath, St Fagans No.16. In order to realign the footpath, consent from Planning Committee to instruct Legal Services to undertake the Legal Order process is required. Due to COVID-19 delays in being able to administer this process earlier in the year, the footpath is in danger of being built upon and obstructed illegally if this case is not able to proceed to Planning Committee as a matter of urgency.

### **Background**

3. The Planning Application 14/02972/MJR has been approved and the site partly constructed. The final phase of this development affects the alignment of the Public Footpath, St Fagans No.16. In order to realign the footpath, consent from Planning Committee to instruct Legal Services to undertake the Legal Order process is required. Due to COVID-19 delays in being able to administer this process earlier in the year, the footpath is in danger of being built upon and obstructed illegally if this case is not able to proceed to Planning Committee as a matter of urgency.

## **Issues**

4. The diversion of the footpath is needed to allow walkers a safe route to use through the new development. The development has already been approved by planning therefore there are no known issues.
5. The Diversion is of a similar alignment to the existing footpath and the only changes are a slight realignment of the footpath and an upgrading of the surface from a farm track to a paved surface.

## **Local Member consultation (where appropriate)**

6. Written consultation was sent on February 12, 2020 and no objections or concerns were received by the consultees.
  - Creigiau & St Fagans Ward Member;
  - Adjacent landowners ;
  - Utilities: Virgin; BT Openreach; Welsh Water; and Western Power
  - Users groups: Ramblers; Auto Cycle Union; British Horse Society; Byways and Bridleways Trust; Open Spaces Society; Cycling UK; and Welsh Trail Riders Association

## **Reason for Recommendations**

7. The confirmed Legal Order will allow the footpath to be realigned within the new proposed development and the Definitive Map and Statement to be modified to reflect this change.

## **Financial Implications**

8. The landowner has paid for the Diversion Application costs therefore, unless there is a public objection to the order, all costs including Highway Officer and Legal Services resources will be covered as part of the application fee.

## **Legal Implications (including Equality Impact Assessment where appropriate)**

3. None

## **HR Implications**

4. None.

## **RECOMMENDATIONS**

Planning Committee to approve the Section 257 Diversion Application to allow the Public Rights of Way Team to instruct Legal Services to process the Legal Order

**ANDREW GREGORY**  
**DIRECTOR PLANNING, TRANSPORT & ENVIRONMENT**  
**3 June 2020**

*The following appendices are attached:*

- Appendix A Proposed site layout St Fagans