

**CYNGOR CAERDYDD
CARDIFF COUNCIL**

PLANNING COMMITTEE:

19 August 2020

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

**Diversion Order for Public Footpath Pentyrch No. 25, Section
119 Highways Act 1980**

Reason for this Report

1. Planning Committee to approve the s.119 Diversion Application to allow the Public Rights of Way Team to instruct Legal Services to process a Legal Order for public consultation.

Background

2. The farm fields are currently used for grazing livestock therefore the realignment of the footpath provides better use of land management.

The landowner of the farm has also sold a small holding of land to extend the property of 13 Tyn-Y-Coed Road, Pentyrch. This new land boundary requires the diversion of the footpath to allow them to fence their garden.

The proposed diversion is a minor realignment and is proposed to follow the edge of the mature trees around the field boundary. There is an existing stile entering the top field which will be replaced with a kissing gate to improve access for walkers.

Issues

3. The landowner of 13 Tyn-Y-Coed Road will be affected if the diversion application is not processed and confirmed as they will have purchased land which cannot be enclosed.

Overall, the proposed diversion is only a minor realignment and has minimal impact on the overall path network therefore no other known issues have been raised.

Consultation

4. Written consultation was sent on March 3, 2020 and no objections or concerns were received by the consultees:

Ward Member: Cllr Gavin Hill-John
Pentyrch Community Council
Adjacent landowners

Utility Companies:

- Virgin
- BT Openreach,
- Welsh Water
- Western Power

User Groups (Statutory Consultees):

- Ramblers,
- Auto Cycling Union,
- British Horse Society,
- Byways and Bridleways Trust,
- Open Spaces Society,
- Cycling UK
- Welsh Trail Riders Association

Reason for Recommendations

5. The confirmed Legal Order will allow the footpath to be realigned around the boundary of the farm field and once the Legal Order is confirmed, the Definitive Map and Statement can be modified to reflect this change.

Financial Implications

6. None.
The landowner has paid an application fee which includes the Legal Order advertisements in the paper and staff resources provided by Highways Officers and Legal Services Officers.

Legal Implications (including Equality Impact Assessment where appropriate)

7. None.

HR Implications

8. None

RECOMMENDATIONS

9. Planning Committee to approve the Section 119 Diversion Application to allow the Public Rights of Way Team to instruct Legal Services to process the Legal Order

ANDREW GREGORY
DIRECTOR OF PLANNING, TRANSPORT & ENVIRONMENT

13 July 2020

The following appendices are attached:

Appendix A – Proposed Diversion and Land Boundaries

Section 119 Diversion Application

Appendix A: Location Map showing the existing footpath and proposed diversion

Signed Officer Decision Report

EIAF Report

The following background papers have been taken into account:

Section 119 Diversion Application

Signed Officer Decision Report

EIAF Report