



## Report of the Head of Planning and City Regeneration

Planning Committee – 14 May 2024

### **Application for Modification Order to Add a Footpath Running from Stephenson Road to Bridleway KI111 - Community of Killay**

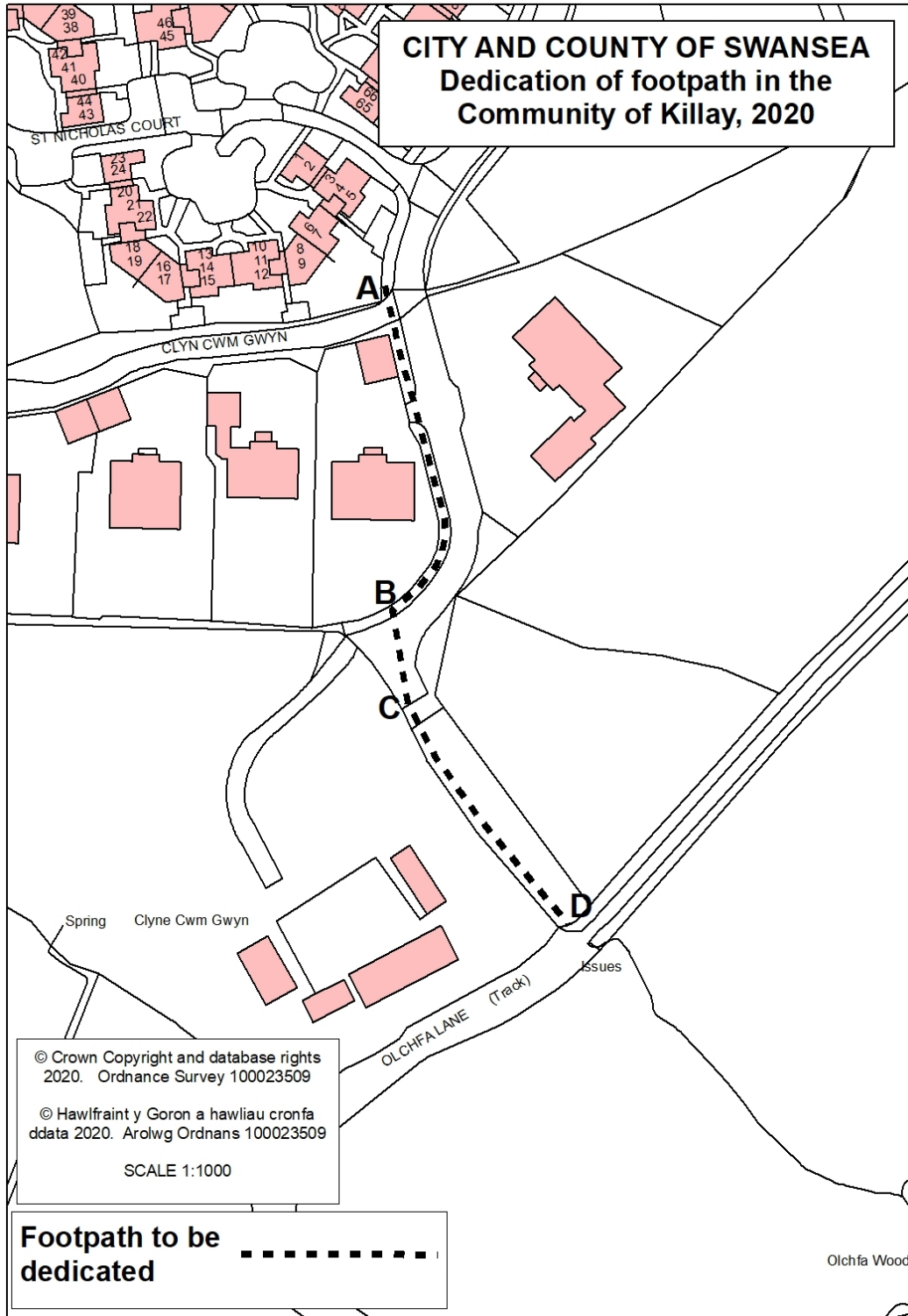
<b>Purpose:</b>	To consider an application made to this Authority to make a Modification Order to add a footpath running from Stephenson Road to Olchfa Lane (bridleway KI111) to the Council's Definitive Map of Public Rights of Way.
<b>Policy Framework:</b>	Public rights of way statutory function.
<b>Consultations:</b>	Legal, Finance and Access to Services and all the statutory consultees, including local members, landowners and the prescribed organisations.
<b>Recommendation:</b>	As a footpath has already been recorded via a dedication agreement with the landowner, it is recommended that the application be refused and that <b>no</b> Modification Order is made to add a footpath to the definitive map.
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<b>Finance Officer:</b>	Peter Keys
<b>Legal Officer:</b>	Jonathan Wills
<b>Access to Services Officer:</b>	Catherine Window

#### **1. Introduction**

- 1.1 An application was made to this Authority on the 21<sup>st</sup> March 2016 for a Modification Order under Section 53 Wildlife and Countryside Act 1981 to add a footpath running from Stephenson Road in Killay to bridleway KI111, Olchfa Lane.
- 1.2 Fourteen evidence questionnaires were submitted in support of the application, and two users of the path submitted emails in support.

## 2. Agreement

- 2.1 Subsequent to the application, an agreement was reached with the landowner to dedicate a public footpath on exactly the same route as that alleged in the application for the modification order, as shown on the map below. Therefore, as the route is now a public footpath, a modification order to record a footpath is no longer necessary.



### **3. Conclusion**

- 3.1 As an application for a modification order has been made the Council is up under a requirement to determine the application, even though the situation has been resolved by using an alternative procedure.
- 3.2 Therefore, the purpose of this report is to request that the committee determine the application for the modification order by refusing the application.

### **4. Financial Implications**

- 4.1 There are no financial implications to this report.

### **5. Legal Implications**

- 5.1 There are no legal implications to this report.

### **6. Integrated Impact Assessment**

- 6.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

- 6.2 The Well-being of Future Generations (Wales) Act 2005 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

- 6.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion,

carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

- 6.4 Given that this matter has been resolved by an alternative legal solution and that the Committee's decision is only required because the Council is obliged to determine the original application, it has been concluded that an Integrated Impact Assessment is not applicable.

**Background Papers:** File number ROW-216423/RHM

**Appendices:** None