

## Report of the Head of Planning and Economic Regeneration

Planning Committee – Tuesday 7 March 2017

### PUBLIC RIGHTS OF WAY – CREATION AND EXTINGUISHMENT ORDERS IN PENNARD

<b>Purpose:</b>	To decide the most appropriate course of action regarding extinguishment and creation orders for footpaths and bridleways in Pennard that have received objections
<b>Policy Framework:</b>	The Countryside Access Plan 2007-2017
<b>Statutory Test:</b>	s26, s118 and s119 of the Highways Act 1980
<b>Reason for Decision:</b>	Under the constitution only the Planning Committee can decide on the outcome of challenged extinguishment and creation orders
<b>Consultations:</b>	Completed at an earlier stage
<b>Recommendation:</b>	To withdraw the current orders and then to publish amended orders
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<b>Legal Officer:</b>	Sandie Richards
<b>Access to Services Officer:</b>	Phil Couch

#### 1 Background

- 1.1 Pennard Burrows and the cliffs at Southgate are very busy areas for walkers and horse riders. On certain days of the year thousands of visitors and residents will make use of the area for walking and riding.
- 1.2 However, the network of bridleways and footpaths in the area does not reflect this level of use, with many well used routes not recorded as public paths and others crossing the played areas of the golf course.
- 1.3 The Wales Coast Path passes through the area and it is Authority policy for the Coast Path to follow public paths or, if necessary, roads in order to better provide for its protection. The project to develop the Wales Coast Path provided an opportunity to create a public footpath

or bridleway along the cliffs at Pennard for the Coast Path to follow and also to create, upgrade and divert other, associated paths.

- 1.4 In addition Pennard Golf Club applied to divert a bridleway and a footpath across the golf course.
- 1.5 Extensive informal consultations were carried out via notices at a number of locations on site and letters to user groups, the community council etc.. These resulted in amendments to the original proposal.
- 1.6 At a Rights of Way and Commons Sub-Committee on 17<sup>th</sup> July 2013 it was therefore decided to pursue a number of changes to the footpath and bridleway network via a single extinguishment order and a creation order (under the Highways Act 1980) to reflect the needs of the users and the Golf Club. The Committee report can be seen in appendix 1.

## **2 Publication of concurrent extinguishment and creation orders**

- 2.1 Following the Committee decision referred to above, the extinguishment and creation orders were published on 2 September 2013. The orders are appended to this report in appendix 2.
- 2.2 Unfortunately, despite the extensive informal consultations prior to making the orders, a small number of objections to the orders were received. These prevent the Authority from confirming the orders. The objections are appended to this report in appendix 3.
- 2.3 There are two options for the Authority in these circumstances.
  1. The Authority can choose to submit the orders, with objections, to the Planning Inspectorate for confirmation. This would probably result in a public inquiry. The objections are likely to result in the Inspector at an Inquiry not confirming either the part of the order to which the objection refers or not confirming the whole order.
  2. The Authority can decide to withdraw the whole order and start the process again, but with amended proposals and producing a number of Therefore, should any further objections be made only part of the overall proposals will be affected.
- 2.4 As it is likely that at least part of the current orders will fail following a public inquiry, it would be both more cost effective and quicker to withdraw the orders and then to produce new orders with amendments that are agreed by all parties to reduce the chances of further objections. The chances of objection can be further reduced if, instead of placing all the proposed changes into just two large orders, a number of smaller orders are produced over a period of time, which propose changes to just one or two paths per order.

### **3 Financial Considerations**

- 3.1 Minor works will be required, which will be funded from the Council's annual Coast Path grant.

### **4 Equality and Engagement Implications**

- 4.1 There are no implications to this report

### **Background Papers: Pennard Burrows diversions**

#### **Appendices**

Appendix 1 – Committee report 17 July 2013

Appendix 2 – Extinguishment and creation orders

Appendix 3 – Objections to the orders