



City and County of Swansea

Minutes of the Special **Planning Committee**

Multi-Location Meeting - Lilian Hopkin Room, Guildhall / MS

Teams

Tuesday, 10 September 2024 at 2.00 pm

Present: Councillor P Lloyd (Chair) Presided

Councillor(s)

M Baker
A J Jeffery
M S Tribe

Councillor(s)

P M Black
M H Jones
R A Williams

Councillor(s)

P Downing
M B Lewis

Officer(s)

Gareth Borsden
Chris Dale
Sally-Ann Evans
Paul Meller
Jonathan Wills

Democratic Services Officer
Countryside & Definitive Map Principal Officer
Lead Lawyer
Natural Environment Section Manager
Lead Lawyer

Apologies for Absence

Councillor(s): R D Lewis, N L Matthews and T M White

23 Disclosures of Personal and Prejudicial Interests.

In accordance with the Code of Conduct adopted by the City and County of Swansea, no interests were declared.

24 Items for deferral/withdrawal.

None.

25 Application to Add Footpaths to Definitive Map, Playing Field at Waunarlwydd.

The Countryside & Definitive Map Principal Officer on behalf of the Head of Planning & Regeneration presented a report which sought consideration of an application made to the Authority to make a Modification Order to add footpaths on Council owned land east of Roseland Road to the Definitive Map of Public Rights of Way.

The background to the matter, the application received in June 2022, along with the supporting evidence, the investigations undertaken by officers, the legal issues and matters to be considered were all outlined and detailed in the report.

Various maps and aerial photographs relating to the site, the evidence/case law against the application and the conclusion from officers were also outlined in the report.

A site visit had been undertaken by Members to the site on the afternoon before the meeting.

A visual presentation was also given at the meeting.

The Countryside & Definitive Map Principal Officer verbally outlined an amendment to the recommendation to add the words "for public footpaths across the playing fields" and indicated that Members could record those footpaths referred to in the presentation as public footpaths and outlined these on the map displayed at committee which were situated around but not on the playing fields.

The legal officer also reported verbally and outlined the issues and caselaw relating to the matters around statutory incompatibility and relating to the public's use of the playing fields which the authority deems "by right" and not "as of right" meaning that use of the playing fields is with permission.

Suzanne Jeffries (one of the applicants) addressed the committee and spoke in support of the application.

Resolved that

- 1) the Council refuses the application for public footpaths across the playing fields on the grounds that an application for a modification order under schedule 14 of the Wildlife and Countryside Act 1981 is statutorily incompatible with the use for which the land is held by the Council and that use of the claimed routes cannot have been 'as of right'.
- 2) The Council records the tarmac routes not across the playing fields as public footpaths as outlined on the map at E1-E-D, D-K, D-N, N-S, C-H, C-F-G & F-D.

The meeting ended at 2.41 pm

Chair