

EXECUTIVE BOARD MEMBER DECISIONS MEETING FOR CULTURE, SPORT AND TOURISM

13TH APRIL 2018

Executive Board Member:	Portfolio:
Cllr. Peter Hughes-Griffiths	Culture, Sport and Tourism

PUBLIC FOOTPATH 10/1, THE PLASH INN, LLANFALLTEG

Purpose:

Application to divert Registered Public Footpath 10/1, at The Plash Inn, Llanfallteg, under section 119 of the Highways Act (1980) made in the interests of the landowner.

Recommendations / key decisions required:

Approval from the Executive Board Member for Regeneration and Leisure to make the necessary Public Path Order.

That the application be approved and the Authority make the necessary Public Path Order.

Reasons:

The application satisfies the tests laid out in section 119 of the Highways Act 1980, namely that it is expedient that the line of the path should be diverted in the interests of the owner of the land crossed by the path and that the proposed diversion is not substantially less convenient to the public and that it does not adversely affect public enjoyment of the path as a whole.

Directorate: Environment Name of Head of Service: Stephen G. Pilliner	Designation: Head of Transportation and Highways	Tel No.: 01267 228150 E Mail Address: SGPilliner@carmarthenshire.gov.uk
Report Author: Jason Lawday	Countryside Access Officer	Tel No.: 01554 742214 E Mail Address: JLawday@carmarthenshire.gov.uk

Declaration of Personal Interest (if any):

None

Dispensation Granted to Make Decision (if any):

N/A

DECISION MADE:

Signed:

DATE: _____

EXECUTIVE BOARD MEMBER

The following section will be completed by the Democratic Services Officer in attendance at the meeting

Recommendation of Officer adopted	YES / NO
Recommendation of the Officer was adopted subject to the amendment(s) and reason(s) specified:	
Reason(s) why the Officer's recommendation was not adopted:	

EXECUTIVE SUMMARY

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13TH APRIL 2018

PUBLIC FOOTPATH 10/1, THE PLASH INN, LLANFALLTEG

1. BRIEF SUMMARY OF PURPOSE OF REPORT

The report is seeking the approval to make an Order to divert a public footpath at The Plash Inn, Llanfallteg. The public right of way passes to the rear of The Plash Inn, following a roadway, then alleyway, and then through part of the pub car park to access a trackway which leads to the Memorial Playing Field. The applicant / owners of the property wish to construct a secure, private garden at the rear of the property, on a piece of land currently crossed by the public footpath, and which forms part of the pub car park. The garden is required for the use of their disabled son, as the pub car park and beer garden are both unsuitable for their needs. The applicants have proposed a new route for the affected part of the path, which will need to be constructed for the new route to come into being.

The diversion application has received objections from households adjacent to the site, all of which have been resolved, except for concerns regarding the loss of car parking and the potential effect on parking in the village.

The applicants have contacted Simon Hart M.P. in this matter, and he has been kept informed of progress as an interested party.

2. BACKGROUND AND EXPLANATION OF ISSUES

The Plash Inn is a popular public house in the centre of Llanfallteg village. It is situated in a terrace of houses along the main road through the village, close to the village hall and playground. The applicants live over the pub, and the rear of the property comprises of the pub car park and beer garden, with access to other adjoining properties beyond. The application has been made in the interests of the landowners, in regards to their need for a secure, private garden area for themselves and their disabled son. The area for the proposed garden, which the public footpath crosses, currently forms part of the pub car park.

The adjacent Memorial Hall has its own public access route from the road and hall, passing the village recycling facilities to the public footpath, which continues on to the Memorial Playing Field. This is currently the main route that the public use to access the playing field and footpath, which continues over the Afon Taf and into the adjoining fields, and it would appear that the public footpath behind The Plash Inn is only lightly used. When I first received the request to divert the path the obvious initial suggestion was to divert the path onto the route from the Memorial Hall, however, the owners, Henllanfallteg Community Association were unwilling to allow this, as they had concerns regarding liabilities and future limitations to their property.

The applicants then decided an alternative route, wholly within their property, whereby the path would be diverted through the car park, then alongside the beer garden and through an enclosed area currently housing a gas tank, and then rejoining the original route on the trackway leading from the Memorial Hall to the playing field. However, this would result in disconnecting the path from the Memorial Hall, so that short section of the path has been retained as part of the proposal, as the hall is a 'place of public resort'.

An informal pre-order consultation was then carried out, which included all the adjoining properties. There were a number of negative responses and objections from adjoining properties, which sited various issues and concerns, mostly of a practical nature. These have all been addressed by the applicant, except for one issue over which they have no control, i.e., the impact that the loss of parking spaces will have on parking in the village. The construction of the proposed garden will result in the loss of at most two parking spaces.

I have consulted with Highways & Transportation regarding the wider issue of parking in the village. Most of the terrace houses do not have off-road parking, which results in problems for the residents and other road users, especially at times when the pub and hall are busy. The Community Council and Cllr. Sue Allen have previously been in contact with Highways & Transportation in regards to this issue and other related road problems in the village, such as speeding. It has been proposed that road markings could be put either side of the entrance to the pub car park, to prevent visibility issues relating to parking. The owners of The Plash Inn have agreed to these measures. Traffic Management have agreed to carry out a series of parking surveys at this location to evidence the prevailing parking conditions.

The Memorial Playing Field Trust has a right of access to the playing field which follows the existing public right of way. In practice they actually use the access from the Memorial Hall, and have no objection to the proposal.

3. CONCLUSIONS

We are satisfied that the above Diversion Order meet the tests laid out in s119 HA80, namely:

- (i) That it is expedient that the line of the path or part of the line should be diverted in the interests of either the owner, lessee or occupier of land crossed by the path or of the public.
- (ii) That the proposed diversion is not substantially less convenient to the public and that it does not adversely affect public enjoyment of the path as a whole.

If the Order is made we will need to carry out a further 28 day public consultation, as required by the 1980 Act.

The applicants have agreed to meet all costs associated with works required to bring the new route into being. The applicants will be responsible for carrying out the said works.

4. OTHER OPTIONS AVAILABLE, AND THEIR PROS AND CONS

If the proposal is rejected the existing public right of way would remain unchanged, and no further action would be necessary. This is likely to be unsatisfactory for the applicants.

DETAILED REPORT ATTACHED?

NO

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: S. G. Pilliner Head of Transportation and Highways

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
NONE	YES	YES	NONE	NONE	NONE	NONE

Legal

The Order will be made in accordance with Legal Powers set out in section 119 of the Highways Act 1980.

Finance

The cost of making, publishing and confirming the Order will be approximately £1100, depending on fluctuation in advertising costs. The applicant has undertaken to pay this fee, and to carry out all required works to bring the new route into existence at their own expense, and they have signed a declaration to that effect.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: S. G. Pilliner Head of Transportation and Highways

1. Scrutiny Committee

N/A

2. Local Member(s)

Cllr. Sue Allen – no comments received

3. Community / Town Council

Henllanfallteg CC – comments received / no objection

- Access for new footpath and enclosed playing area should be of good quality
- Health and Safety – the safety area for the gas tank should follow current rules and regulations
- Members of the public to have ROW access at all times
- The Plash to have discussions with HCA to resolve any impending issues

4. Relevant Partners

Applicant – Mr. Steven Goymer, The Plash Inn, Llanfallteg, Whitland, SA34 0UN

Llanfallteg Memorial Playing Field Trust, Taf House, Llanfallteg, SA34 0UN

Llanfallteg Community Association, Meander, Llanfallteg, SA34 0UN

5. Staff Side Representatives and other Organisations

The Ramblers Association – no comments received

Area Ramblers Representative – no comments received

Carmarthenshire Local Access Forum – no comments received

Open Spaces Society – no comments received

Carmarthenshire Tourist Association – no comments received

6. Other

Objector 1 – Mr. & Mrs. Meredith, Plas-y-pwdeI, Llanfallteg, SA34 0UN

Objector 2 – Mr. & Mrs. Powell, Swallow Cottage, Llanfallteg, SA34 0UN

Objector 3 – Mr. & Mrs. E. Beattie, Bwthyn-yr-afon, Llanfallteg, SA34 0UN

Objector 4 – Ms. E. Edwards, (formerly of) Meander, Llanfallteg, SA34 0UN

Objector 5 – Ms. E. H. Lewis, Swn-yr-afon, Llanfallteg, SA34 0UN

Supporter – Mr. Owen & Ms. N. Browne, Spring Gardens, Llanfallteg, SA34 0UN

Neighbouring property – Owner / Occupier, Penbontbren, Llanfallteg, SA34 0UN – no response

Neighbouring property – Owner / Occupier, Meander, Llanfallteg, SA34 0UN – no response

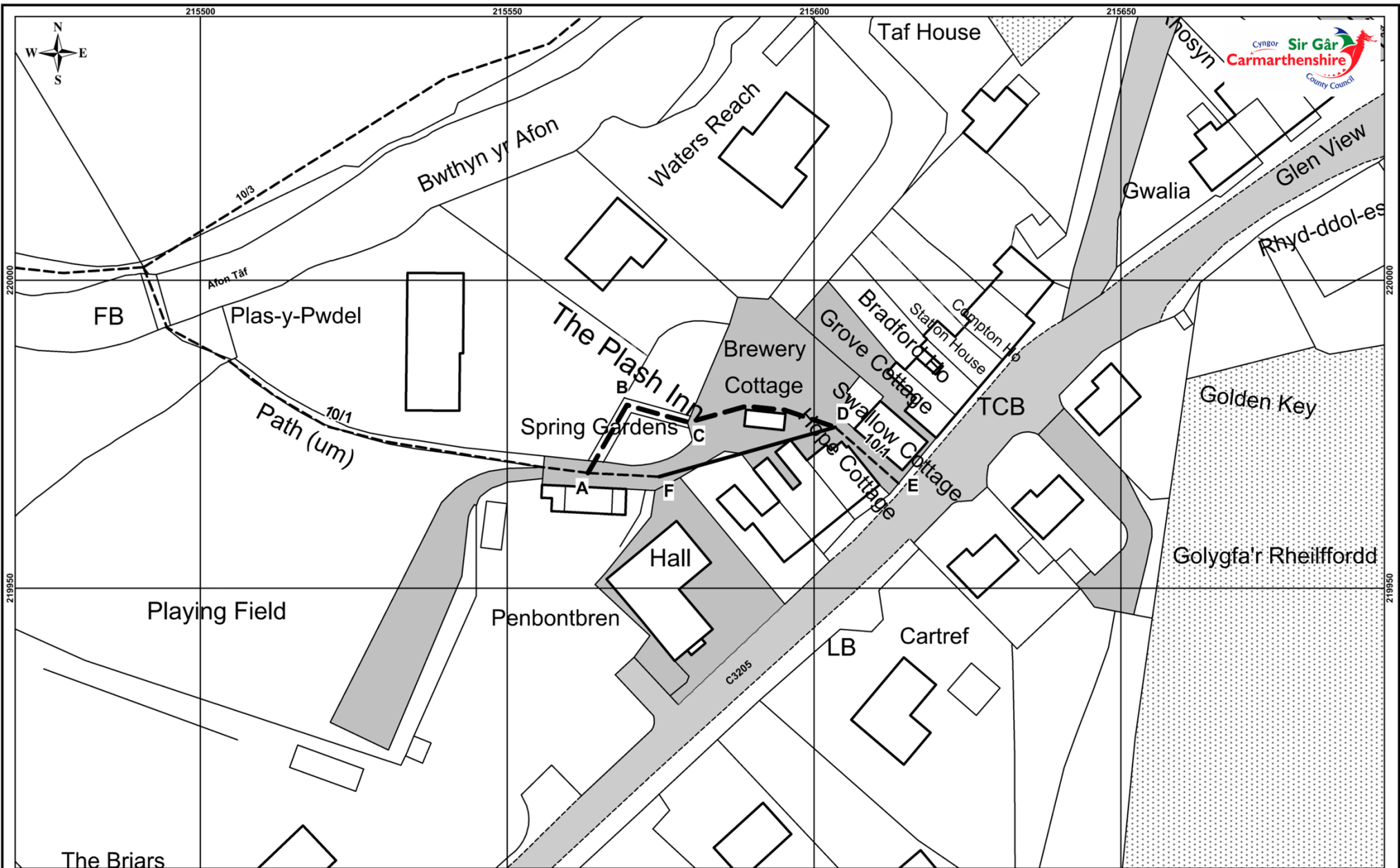
Neighbouring property – Mr. P. Icke, Waters Reach, Llanfallteg, SA34 0UN – no response

Interested party – Simon Hart M.P. – no comments received

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
FP 10/1, The Plash Inn, Llanfallteg, Diversion.	RW2/10/1/ JL/ sub-file	Public Rights of Way, Mynydd Mawr Woodland Park, Heol Hirwaun Olau, Tumble, Carmarthenshire, SA14 6HU
General path file	10/1	As above



**PUBLIC FOOTPATH 10/1
DIVERSION PROPOSAL PLAN**

Town/Community: Henllan Fallteg

- Footpath to be deleted
- Footpath to be added
- Footpath unchanged

Scale 1:800 @ A4
OS Grid Reference: SN1519
OS Explorer Map: 177

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