

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 14/6, DOLCOED, LLANLLWNI

Purpose:

Application to divert Registered Public Footpath 14/6, Dolcoed, Llanllwni, 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
**EXECUTIVE BOARD MEMBER DECISIONS MEETING FOR CULTURE,
SPORT AND TOURISM**

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PUBLIC FOOTPATH 14/6, DOLCOED, LLANLLWNI

1. BRIEF SUMMARY OF PURPOSE OF REPORT

The report is seeking the approval to make an Order to divert a public footpath at Dolcoed, Llanllwni. This application is associated with a controversial development, namely a naturist campsite, which has generated concern locally. Cllr. Linda Evans and Llanllwni Community Council have requested that the path be moved from the campsite to reduce the possibility of the public coming into contact with, or sight of, the users of the campsite. The current path follows a route through fields, a working farmyard, and the private campsite, and associated dwellings. An application has been made by the owners of Dolcoed (campsite) to divert the path, which also includes the diversion of part of the path at the neighbouring property of Brynamlwg (farm). The proposed diversion would take the path away from the farmyard and campsite, resulting in the whole path passing through fields only. If approved the diversion would be made in the interests of the landowners for reasons of improving their privacy and security. The diversion will benefit the public by moving the path away from the farmyard and campsite, and by resolving an historic Definitive Map anomaly without significant deviation from the paths' original route.

The diversion application has received objections from three households adjacent to the site.

2. BACKGROUND AND EXPLANATION OF ISSUES

Public footpath 14/6 passes to the north of the village of Llanllwni, and links the C1308 and U5322 County Roads. The path crosses generally level fields and through the working farm of Brynamlwg and the former farm, now campsite, of Dolcoed. Other fields crossed by the path are in different ownership to the two properties above. The path is obstructed in many places, and has been disused for many years. It has also been noted that there is a Definitive Map anomaly regarding where the path passes through the buildings and yard of Dolcoed, in that it is shown as passing through the dwelling, which pre-dates the Definitive Map, which is clearly in error. CCC has no record of complaints or requests for works, etc., from the Community Council or the public in respect of this path, and the various obstruction issues have been logged as a result of our surveys only.

In December 2016 Public Rights of Way were included in the statutory consultation for Planning Application W/34902, 'Conversion of Residential Annexe to Holiday Accommodation, Change of Use of Land for the Siting of 15 no. Touring Caravans,

Off-Season Storage for 15 no. Touring Caravans, at Dolcoed, Maesycrugiau, Carmarthenshire, SA39 9DH'. As a result of this consultation Public Rights of Way identified that the development site was crossed by public footpath 14/6, and entered into a dialogue with the developer and their architect where it was agreed the path would be accommodated within the development. Planning consent was subsequently awarded, and works commenced on the site.

In April 2017 I received a phone call from Cllr. Linda Evans to inform us that it had come to her attention that the site was to be a naturist campsite, and that Cllr. Evans, the Community Council and local residents were all concerned about the public coming into contact with, or sight of, campsite users whilst using the public footpath. People living adjacent to the site were also concerned with the development as a whole, and the fact that significant works were taking place, with an increase in traffic and disturbance, etc. A meeting was held at County Hall with myself, Cllr. Linda Evans, the Chair of Llanllwni Community Council and representatives from Planning and Legal Services. At this meeting the various issues were discussed, and it was agreed that I would contact the owners to discuss either screening or diversion of the footpath. Llanllwni CC requested that the whole path be reopened.

I then contacted the owners of Dolcoed (Mr. & Mrs. Eveleigh), and arranged a site meeting for the 26th April 2017. At the meeting I met Mr. Eveleigh, and discussed the various issues and options. I also found that the original site of part of the footpath, to the west of the dwelling, had been significantly excavated, contrary to the agreed plans, and that part of the existing path would no longer be usable. Mr. Eveleigh agreed that the best solution would be to divert the path out of the campsite area, and away from the excavation, and that this would benefit him in terms of his site privacy and security for himself and his guests, plus would help resolve the concerns of the public, Cllr. Evans and the Community Council.

I then contacted the neighbouring landowners to look at options for diverting the path, and to address the outstanding obstruction issues. Mr. Jones of Brynamlwg, the adjoining property to the west, was supportive of the diversion, which would benefit him as it would take the path out of his farmyard. Mr. Jones of Maes-y-llyn, the adjoining property to the east, was initially supportive of the diversion, and would allow the path to be moved further away from the campsite on his property, but he subsequently withdrew after he came into disagreement with the owners of Dolcoed over works carried out by them which had affected his property. This has resulted in the section of path on his property remaining on its original alignment, abutting the campsite, with a partial view into it, and, if the diversion application is approved, would remain the only point where the public could see clearly into the site. The owners have erected additional screening along this boundary, which is a hedgebank. Subsequently, I agreed a proposed diversion route with Mr. & Mrs. Eveleigh which would take the path to the south of Brynamlwg and Dolcoed dwellings, close to its original route, through fields owned by Brynamlwg and Dolcoed, mostly passing through existing gateways. At Dolcoed this would pass through two fields between the campsite and neighbouring houses where no unclothed people would be allowed, and the campsite would be screened by hedgerows. The owners are allowing campsite users to walk in these fields. This proposed diversion meets the legal tests set out in section 119 of the Highways Act 1980. The diversion would benefit the public by moving the path away from the farmyard and campsite, and by resolving the historic Definitive Map anomaly without significant deviation from the paths' original route or surface condition.

I then carried out a twenty-eight day, non-statutory, pre-Order consultation with our statutory consultees and interested parties, including adjacent neighbouring properties.

As a result of this consultation we received objections to the proposal from three households that abut the fields that the proposed new route would pass through. The objections were in relation to concerns of privacy and security, and about the campsite development in general. The new route would be on the opposite side of the fields from the properties, and would not about them, though the properties would be within sight of the path. The rear boundaries of the properties would be between sixty and ninety metres away from the new route of the path, the view of which would be partially obscured at ground level by the land, which rises towards the north. As previously mentioned, expected use of the path would be low. I entered into negotiation with the applicants and the objectors, and the applicants have agreed to install a new stock fence and screening hedge along the property boundary, to alleviate concerns of two of the objectors regarding privacy and security. I carried out a site visit on the sixteenth of October 2017, to meet objector 1, Mrs. D. Harris, where we walked the route of the proposed diversion, and visited the neighbouring property of Llwyn Rhoslyn, objector 2, Mrs. B. Vincent, a family member of Mrs. Harris. I have again written to the objectors to clarify their positions, and unfortunately no objections have subsequently been withdrawn.

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 diversion were to be rejected the existing route of the path would need to be reinstated, which would be costly and difficult, due to works carried out to develop the campsite, and would leave the naturist issue unresolved. This course of action is likely to be unsatisfactory to the applicants, Cllr. Linda Evans and Llanllwni Community Council. This would also leave the Definitive Map anomaly unresolved, which would have cost implications for the Authority.

The option to divert the path to the north of the property has been explored, and rejected due to the facts that the owner of that land is unwilling to allow it, and the ground conditions are poor, which would result in the need for additional works to make the route suitable for the public. It would also allow the public to see into the campsite along most of that route. An Order could be made to divert the path to the north against the landowners' wishes, for which he would then be eligible for compensation.

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. There is a Definitive Map error which will be resolved by the Order, which would otherwise need to be resolved via a Definitive Map Modification Order at our own expense (similar cost), so a shared-cost Order has been agreed. The applicant has undertaken to pay the £630 fee to cover part of the cost of the order, 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. Linda Evans – comments received / positive response

3. Community / Town Council

Llanllwni CC – no comments received / supportive (verbal prior to application)

4. Relevant Partners

Applicants - Mr. & Mrs. Eveleigh, Dolcoed, Maesycrugiau, Pencader, SA39 9DH

Neighbouring landowner - Mr. B .Jones, Brynamlwg, Maesycrugiau, Pencader, SA39 9DH

5. Staff Side Representatives and other Organisations

The Ramblers Association – no comments received

Area Ramblers Representative – comments received / positive response

Carmarthenshire Local Access Forum – comments received / positive response

Open Spaces Society – no comments received

Carmarthenshire Tourist Association – No comments received

British Naturism – positive response / supports application

6. Other

Objector 1 – Mrs. Debra Harris, Gwalia, Maesycrugiau, Pencader, SA39 9DH

Objector 2 – Mrs. Beryl Vincent, Llwyn Rhoslyn, Maesycrugiau, Pencader, SA39 9DH

Objector 3 – Mr. & Mrs. Tulloch, Ty-lon, Maesycrugiau, Pencader, SA39 9DH

Neighbouring property – Mr. Jones, Maes-y-llyn, Maesycrugiau, Pencader, SA39 9DH – neutral response

Neighbouring property – Hannington Court, Maesycrugiau, Pencader, SA39 9DH – no response

Neighbouring property – Gilwen, Maesycrugiau, Pencader, SA39 9DH – no comment

Neighbouring property – Birchbrook, Maesycrugiau, Pencader, SA39 9DH – no comment

Neighbouring property – Westfield, Maesycrugiau, Pencader, SA39 9DH – no comment

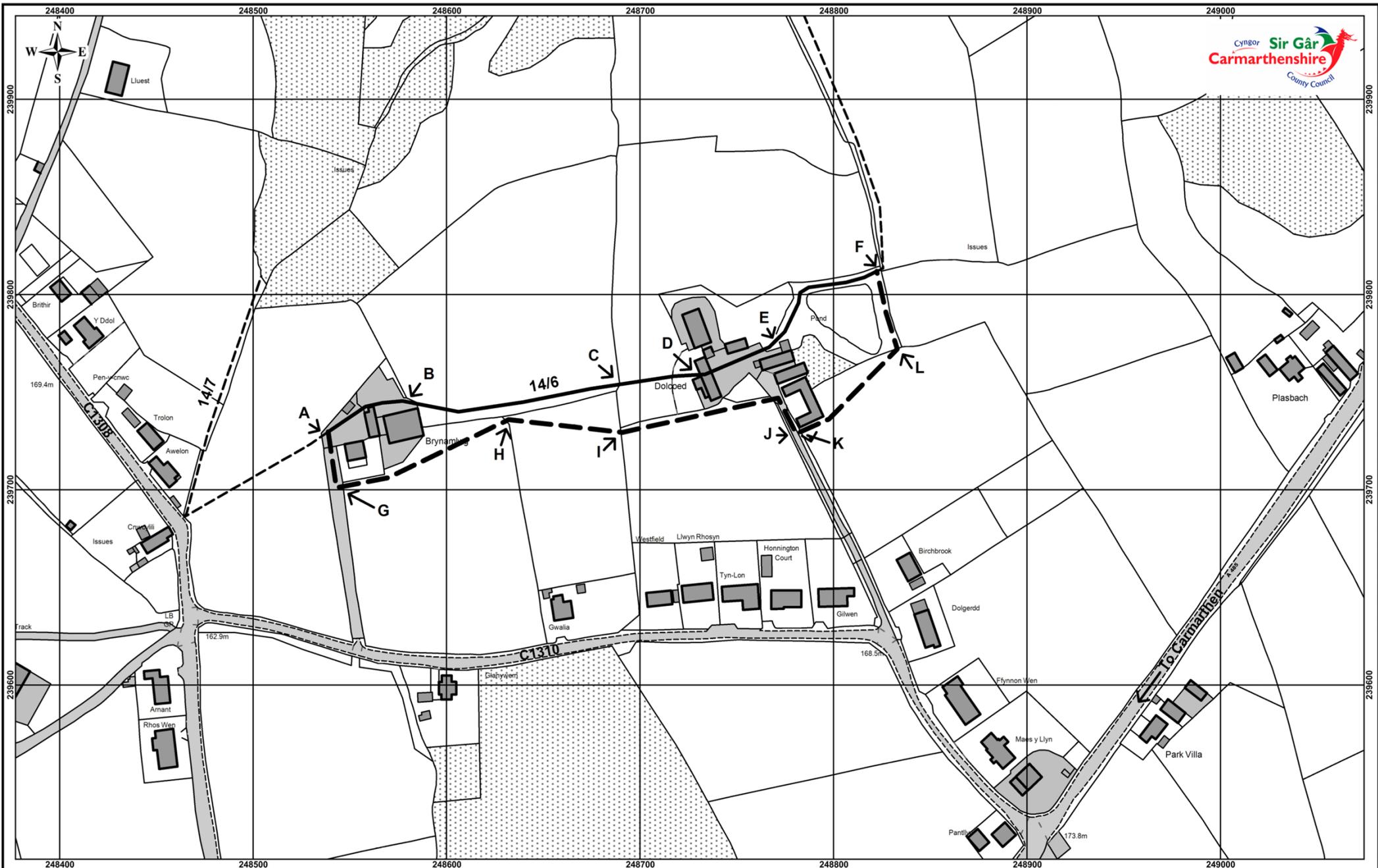
Neighbouring property – Maes, Llanllwni, Pencader, SA39 9DU – no comment

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 14/6, Dolcoed, Llanllwni Diversion.	RW2/16/6/ JL/ sub-file	Public Rights of Way, Mynydd Mawr Woodland Park, Heol Hirwaun Olau, Tumble, Carmarthenshire, SA14 6HU
General path file	14/6	As above
Planning documents	W/34902	Planning Services, Civic Offices, Crescent Road, Llandeilo, SA19 6HW.



Public Footpath 14/6 diversion proposal plan

Town/Community: Llanllwni

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

Scale: 1:2500 @ A4

OS Grid Reference: SN4839

OS Explorer Map: 186

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