

**EXECUTIVE BOARD MEMBER DECISION**  
**16TH SEPTEMBER 2015**

<b>Executive Board Member:</b>	<b>Portfolio:</b>
<b>Cllr. M Gravell</b>	Regeneration & Leisure

**Application to Divert Byway Open to All Traffic (BOAT) 57/42 at Bryndias Farm, Pinged, made under section 117 of the Highways Act (1980) for reasons of security and for public safety.**

**Recommendations / key decisions required:**

That the application be approved and the Authority prepare the necessary Notice of Application to be heard at the relevant Magistrates Court.

**Reasons:**

The application satisfies the test laid out in section 116 of the Highways Act 1980 (under which the Diversion Order would be made), namely that it is more commodious to the public as it would remove the BOAT from the residential curtilage of Bryndias Farm and reduce the overall number of gates on the route from 5 to 3.

<b>Directorate</b> Environment <b>Name of Head of Service:</b> M Cresci <b>Report Author:</b> C Ferguson	<b>Designation</b>  Head of Street Scene	Tel No. 01267 224502  E Mail Address: <a href="mailto:MCresci@carmarthenshire.gov.uk">MCresci@carmarthenshire.gov.uk</a>
---	--	---

**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 <b>subject to the amendment(s) and reason(s) specified:</b>	
Reason(s) why the Officer's recommendation was <b>not adopted:</b>	

# EXECUTIVE SUMMARY

## EXECUTIVE BOARD MEMBER DECISION

### 16<sup>TH</sup> SEPTEMBER 2015

**Proposed Diversion of Byway Open to All Traffic (BOAT) 57/42 at Bryndias Farm,  
Pinged under section 116 of the Highways Act (1980)**

An application has been received by the Authority to divert part of BOAT 57/42 at Bryndias Farm, Pinged. The application was made 1<sup>st</sup> February 2015 under section 117 of the Highways Act (1980); if approved an Order will be made under section 116 of the aforementioned Act.

The application has been made for reasons of security and public safety.

During a pre-Order consultation two objections were received to the proposal from user groups. Both considered the width of proposed new route to be inadequate for a BOAT. These objections were later withdrawn following some explanation and some amendments to the proposed width.

No other objections were received.

Councillor Hugh Shephardson submitted an email in support of the application.

The local BHS representative confirmed that they had no objections to the proposal.

No other representations in relation to the consultation were received.

Having given due consideration to the application it is recommended that the application be approved as it is considered that the relevant test under section 116 of the Highways Act (1980) has been met and therefore the application should be put before the Magistrates Court as required by the Act.

**DETAILED REPORT ATTACHED ?**

**YES**

## 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: **M Cresci**

**Head of Street Scene**

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

### 2. Legal

**See attached report**

# CONSULTATIONS

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

Signed: M Cresci

Head of Street Scene

## 1) Local Member

Councillor Meryl Gravell – no comments received  
Councillor Shirley Matthews - no comments received  
Councillor Hugh Shephardson – in support of the application

## 2) Town/Community Council

Pembrey and Burry Port Town Council – no comments received

## 3) Staff Side Representatives and Other Organisations

The Ramblers Association (RA) – no comments received  
RA Area Representative - no comments received  
Carmarthenshire Local Access Forum (LAF) – objection received – later withdrawn  
Open Spaces Society (OSS) - no comments received  
British Horse Society (BHS) - no comments received  
BHS Area Representative – no objections to the proposal  
Carmarthenshire Riders Association - no comments received  
Welsh Trail Riders Association (WTRA) - no comments received  
Auto Cycle Union (ACU) - no comments received  
Byways and Bridleways Trust (BBT) - no comments received  
British Driving Society (BDS) - no comments received  
Cyclists Touring Club (CTC) - no comments received  
Land Access & Recreation Association (LARA) - objection received – later withdrawn  
British Motorcycle Federation (BMF) - no comments received  
Sustainable Transport Cymru (SUSTRANS) - no comments received  
Carmarthenshire Tourist Association (CTA) - no comments received  
Natural Resources Wales - no comments received

## 4) Utilities

Western Power Distribution - no comments received  
National Grid - no comments received  
BT Openreach – no objection to proposal  
Dwr Cymru - 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
Case File RW2/57/sub-file	BOAT 57/42 Diversion, Bryndias Farm	Mynydd Mawr Woodland Park, Tumble, Llanelli SA14 6HU and is available for public inspection between 10 a.m. and 3 p.m. or by prior appointment.