

Elm Grove Path Link background Information

Purpose

The path is an informal unmade path on Pembrokeshire County Council owned land which links Elm Grove to the A477 SUP. The A477 SUP provides an off road link to both the Westfield Pill and the Brunel Trail to the east and provides an off road route to Steynton and Milford Haven including the secondary school to the west. The link also provides direct access to the Bus Stop on the A477 which enables access for all users to a number of services, some of which do not enter Neyland, for example the 348 to Haverfordwest.

The Local Highway Authority has received numerous ongoing requests to improve the link due to the path in its current condition is having an impact on some user groups including wheelchair users, therefore at present there is a risk of a complaint under the Equality Act if the LHA does not deliver a suitable link if it is practical to do so. This latter important point along with the Authority's duty to deliver active travel schemes is key in underpinning the need to deliver the scheme.

Status of existing path

As can be seen on site, the informal path is effectively a well-worn route of compacted soil, which can get muddy in wet weather, passing through a hole in the hedge which has been kept open/clear through constant use. There has been some discussion over how long the route has been open, however the general consensus is that it is in excess of 20 years (30 years is noted as part of the Active Travel consultation). When considering the paths constant use for a duration of greater than 20 years, Section 31 of the Highways Act would apply and as such public rights of use can be considered as established.

Closing of the route

Comments were received requesting that the hole in the hedge be closed up to prevent any further use. Given the Town Council request to deliver the route and requests received more widely to complete the link, including as part of the earlier Safer Routes Scheme and the recent Active Travel Survey, it would appear that there is limited public benefit/support in closing the route. Notwithstanding this, for the LHA to consider the option of closure, the LHA would need to be satisfied that the route has either not been in existence for >20 years or be willing to go through a stopping up order to extinguish the established rights. Either option would likely lead to PCC pursuing this action through a court decision to formalise the closing of the path, which will enable objections from users of the path to object to its closure. This is likely to be a costly and divisive procedure which may not result in a court decision to support the closure of the path in any case, bringing us back to the current situation.

The alternative would be to maintain the "status quo". The issue with this option is the continuing requests to provide a suitable path and also the potential of claims against this Authority under the Equality Act. Concern has been raised this issue keeps coming up every few years, it would appear therefore prudent to complete the scheme to prevent this reoccurring issue coming back time and again.

Consents and Consultation

There are no statutory applications or consultations to follow to deliver the link enhancement. The proposal will be carried out by the local highway authority to connect highway to highway on

publicly owned land where highway rights are likely to be already established. Part 13 of The Town and Country Planning (General Permitted Development) Order 1995, Development by Local Highway Authorities - Class A states:

A. Permitted development

The carrying out by a local highway authority on land outside but adjoining the boundary of an existing highway of works required for or incidental to the maintenance or improvement of the highway.

The permitted development allowed within the TCPO therefore allows the LHA to carry out the works without the need of a planning consent. As such there is no formal process to follow for consenting or consultation, however as part of the earlier SRiC scheme and the recent Active Travel Survey the link path has been raised as part of those consultations.

Notwithstanding the above, the proposed project has been considered by the Town Council, Local Member along with attendance at site visits with residents and amendments to plans to reflect feedback from those meetings, the latest attached iteration, 06D, shows a smaller scale scheme which mainly provides a footway along the side of the carriageway where a footway would normally exist, with a spur to a gap in the hedge where screening and a chicane barrier will be provided to address some of the concerns raised. This is the option proposed to go forward.

Kind regards,

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