



PLANNING COMMITTEE - 1ST OCTOBER 2008

SUBJECT: DIVERSION OF FOOTPATHS 7, 9 AND 10 IN THE COMMUNITY OF GELLIGAER

REPORT BY: DIRECTOR OF THE ENVIRONMENT

1. PURPOSE OF REPORT

- 1.1 To advise Members of a diversion in respect of footpath Nos 7, 9 and 10 in the Community of Gelligaer.

2. SUMMARY

- 2.1 To consider an application by Redrow Homes (South Wales) Ltd. for the diversion of footpath Nos 7, 9 and 10 in the Community of Gelligaer.

3. LINKS TO STRATEGY

- 3.1 Environmental improvements, sustainable development.
- 3.2 The Authority has a duty to maintain the Definitive Map and Statement under Section 53 of the Wildlife and Countryside Act 1981.
- 3.3 Linking the Countryside to the Planning process through the Rights of Way Improvement Plan with consideration of improved routes.

4. THE REPORT

- 4.1 For identification purposes the area of the site associated with this report is indicated on the Location Plan attached as Document No.1.
- 4.2 Footpath Nos.7, 9 and 10 in the Community of Gelligaer are registered rights of way and recorded on the definitive map and statement prepared by Mid Glamorgan County Council under the terms of the National Parks and Access to the Countryside Act 1949. The relevant date of this document is 1st January 1971. A copy of the Definitive Map is attached as Document No.2.
- 4.3 The paths are described in the definitive statement as;

Footpath 7 Gelligaer Urban District
Length 1220m Width 1.2m

Commences at the junction of Penalltau Road and Heol Pantyseison, Penybryn and proceeds first north-east across fields and via wicket gates to the northern fence of Penallta Colliery which it follows to the junction of paths 9 and 10. Here it turns south-west and crosses colliery sidings, then turning east across the railway by wicket gates and across the river by a footbridge.

Continuing east, it crosses path 1 and proceeds across fields between houses to terminate on Lansbury Avenue, Cefn Hengoed.

Footpath 9 Gelligaer Urban District

Length 324m Width 1.1m

Leaves the highway at Melin Cylla, Glyn Gaer Road by a wicket gate and proceeds south-west through Duff Leaps to terminate at the junction of paths 7 and 10.

Footpath 10 Gelligaer Urban District

Length 378m Width 0.8m

Leaves Glyn Gaer Road 200 yards south of Glyngaer Farm and proceeds south to the junction of paths 7 and 9.

- 4.4 An application has been received from Redrow Homes (South Wales) Ltd. seeking the diversion of the routes of footpaths 7, 9 and 10 in the Community of Gelligaer as a result of a planning permission being granted on the 23rd August 1999 (No.P/99/0768) for a residential development.
- 4.5 Following receipt of the application the Authority has undertaken a pre-order consultation exercise with interested parties including Local Members, Community Council, public utilities and the Ramblers Association. Replies have been received from Wales and West Utilities, British Telecom, Western Power and Gelligaer Community Council.
- 4.6 During the pre order exercise the Gelligaer Community Council raised their concerns at the omission of a link path from East Road to Pottery Road. Following a joint site meeting convened on the 13th May 2008 the applicants agreed to the inclusion of a path to satisfy the representation. The link path is indicated on Document No.3 between points C-E.
- 4.7 The applicants accepted the following conditions which are required by highway authority in their letter dated 4th September 2008 attached as Document No.4;
1. the new paths to be a minimum of 1.4 metres wide if bounded on one side and 1.8 metres if bounded on both and constructed of blinded hardcore or similar material to a depth of 100mm. The maximum gradient to be no greater than 1:8, if this exceeded then steps to British Standard shall be agreed and constructed.
 2. the new paths to be signposted where they terminate on metalled highways and waymarked throughout their routes.
 3. the actual administration and advertising costs of between £1,800.00 and £3,500.00 to be borne by the applicant.
- 4.8 Document No.3 is a detailed plan indicating the definitive line of footpaths 7, 9 and 10 Gelligaer by solid bold black lines. The proposed alternative paths are indicated by bold black dashed lines.

5. FINANCIAL IMPLICATIONS

- 5.1 The order and construction costs will be borne by the applicant.

6. PERSONNEL IMPLICATIONS

- 6.1 None.

7. CONSULTATIONS

7.1 Cabinet Member for Highways and Transportation,

7.2 Chief Planning Officer, Pat Mears,

7.3 Head of Legal Services, Mr. D.Perkins,

8. RECOMMENDATIONS

8.1 That a diversion order be processed under Section 257 of the Town and Country Planning Act 1990 in accordance with the following descriptions:

Description of existing paths or ways:

That part of footpath No.7 Gelligaer commencing at its junction with footpath 9 and 10 at a point approximately 115 metres east south east of the centre of the roundabout on South Road and proceeding in a general south-easterly direction before turning north-east and terminating at the footbridge spanning the Nant Cylla at a point approximately 490 metres south-east of the said roundabout a total distance of 427 metres or thereabouts and shown on plan by a bold black line between points A-B.

That part of footpath No.9 Gelligaer commencing at its junction with footpath 7 and 10 at a point approximately 115 metres east-south east of the centre of the roundabout on South Road and proceeding in north-easterly, northerly and east-south-easterly directions to its termination on Pottery Road on the west of the bridge spanning the Nant Cylla at a point approximately 240 metres east of the centre of the roundabout on East Road a total distance of 350 metres or thereabouts and shown on plan by a bold black line between points A-C.

That part of footpath No.10 Gelligaer commencing at its junction with footpath 7 and 9 at a point approximately 115 metres east-south-east of the centre of the roundabout on South Road and proceeding in a general northerly direction to its termination on Pottery Road at a point approximately 162 metres north-east of the centre of the roundabout on East Road a total distance of 340 metres or thereabouts and shown on plan by a bold black line between points A-D.

Description of new paths or ways:

A new path to a width of 1.4 metres commencing at the footbridge spanning the Nant Cylla at a point approximately 490 metres south-east of the centre of the roundabout on South Road and proceeding in north-westerly and north-easterly directions to its termination on Pottery Road on the west of the bridge spanning the Nant Cylla at a point approximately 240 metres east of the centre of the roundabout on East Road a total distance of 592 metres and shown on plan by a bold black dashed line between points B-C.

A new path to a width of 1.4 metres commencing at a point approximately 240 metres east of the centre of the roundabout on East Road and proceeding in a south-westerly direction to its termination on a new path at a point approximately 44 metres south-east of the centre of the roundabout on East Road a total distance of 210 metres or thereabouts and shown on plan by a bold black dashed line between points C-E.

A new path to a width of 1.4 metres commencing at a point approximately 115 metres east-south-east of the centre of the roundabout on South Road and proceeding in a general east-north-easterly direction to its termination on Pottery Road at a point approximately 162 metres north-east of the said roundabout a total distance of 340 metres or thereabouts and shown on plan by a bold black dashed line between points A-E-D.

9. REASONS FOR THE RECOMMENDATIONS

9.1 To allow the implementation of a planning consent.

10. STATUTORY POWER

10.1 Section 257 of the Town and Country Planning Act 1990.

Author: A.J. Sander - Senior Assistant Engineer, Rights of Way

External Consultees:

1. Keith Donovan, Gelligaer Ramblers, 9 Laurel Drive, The Bryn, Pontllanfraith, Blackwood NP12 2PR
2. Mrs. C. Mortimer, Clerk to Gelligaer Community Council, Council Offices, Llwyn Onn, Penpedairheol, Hengoed, Mid Glamorgan CF82 8BB
3. Auto Cycle Union, Wood Street, Rugby Warwickshire, CV21 2XY
4. Countryside Council for Wales Unit 4, Castleton Court, Fortan Road, St.Mellons, Cardiff CF3 0LT
5. Open Spaces Society, 25A Bell Street, Henley-on Thames, Oxon RG9 2BA
6. The Ramblers Association, 2nd Floor, Camelford House, 87-90 Albert Embankment, LONDON SE1 7TW
7. Royal Mail Property Holdings West, Estates Surveying Division, Archway House, 77 Ty Glas Avenue, Llanishen, Cardiff CF4 5YG
8. Wales & West Utilities, Malago House, Bedminster Road, Bedminster, Bristol BS99 5RS
9. Western Power Distribution, Map Response Team, Mapping Centre, Lamby Way, Rumney, Cardiff CF3 2EQ
10. Incoming Notice Reception (South Wales), P.P.404B Telecom House, Trinity House, Hanley ST1 5ND
11. Dwr Cymru Welsh Water, Legal Dept, Pentwyn Road, Nelson, Treharris CF47 6LY.
12. Miss T.K. Styles, Secretary to British Driving Society, 32 New Road, Helmingham, Stowmarket IP14 6EA
13. Mrs. J. Hyett, British Horse Society Representative, Woodland Farm, Caerphilly Mountain, Mid Glamorgan CF8 1NF
14. British Horse Society, Stoneleigh Deer Park, Kenilworth, Warwickshire CV8 2XZ
15. Mrs. S.L. Davy, Secretary to the Byways and Bridleways Trust, P.O.Box 117 Newcastle upon Tyne, NE3 5YT
16. Mr. R.S. Pruddah, Representative of Cyclists Touring Club, , 19 Bernard Street, Cwmcarn.
17. Cyclist and Touring Club, Cyclist and Touring Club, Parklands, Raitton Road, Guildford Surrey GU2 9JX
18. County Borough Councillor R. Cook 71, Central Street, Ystrad Mynach, Hengoed, CF82 7AR
19. County Borough Councillor Mrs. M.R. Richards 18, Pantycelyn Street, Ystrad Mynach, Hengoed, CF82 7BL

Background Papers:

ETP/ROW/FP7 Gelligaer
Pontllanfraith Offices