



RIGHTS OF WAY CABINET COMMITTEE

MINUTES OF THE MEETING HELD VIA MICROSOFT TEAMS ON FRIDAY 15TH JANUARY 2021 AT 9.30 AM

PRESENT:

Councillor S. Morgan (Chair)
Councillor J. Ridgewell (Vice-Chair)

Councillors:

C.J. Gordon (Cabinet Member for Corporate Services), L. Phipps (Cabinet Member for Housing and Property) and E. Stenner (Performance and Customer Services).

Together with:

P. Griffiths (Green Space Strategy and Cemeteries Manager). S. Denbury (Countryside and Rights of Way Assistant) M. Woodland (Senior Solicitor) and C. Evans (Committee Services Officer).

Also in Attendance:

Councillor S. Cook (Local Ward Member), T. Taylor-Wells (Taylor-Wimpey), P. Wells (Bond Construction), D. Shakesby (Solicitor to Taylor-Wimpey), K. Donovan (Gelligaer Ramblers Association), M. Thomas (Open Spaces Society), S. Grey (Llanmor Homes) and C. Sullivan (Llanmor Homes).

RECORDING AND VOTING ARRANGEMENTS

The Chair reminded those present that the meeting was being filmed but would not be live streamed, however a recording would be available following the meeting via the Council's website – [Click Here To View](#). He advised that decisions would be made by Show of Hands.

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

Councillor C. Gordon declared an interest in Agenda Item 4 and 5 - as an objector to the applications is known to him as a close personal associate and decided to leave the meeting during consideration of these items.

3. RIGHTS OF WAY CABINET MINUTES – 2ND OCTOBER 2020

RESOLVED that the minutes of the meeting held on 2nd October 2020 were approved as a correct record.

4. **SUBJECT: DEFERRED PUBLIC RIGHTS OF WAY CABINET COMMITTEE MEETING 2ND OCTOBER 2020:- APPLICATION FOR AN ORDER UNDER SECTION 119 OF THE HIGHWAYS ACT 1980 TO DIVERT PUBLIC FOOTPATH 54 CAERPHILLY - AFFECTED BY DEVELOPMENT GRANTED BY PLANNING PERMISSION.**

Councillor C. Gordon declared a personal interest in this item as an objector to the application is known to him and left the meeting during consideration of the item.

The Cabinet Rights of Way Committee were asked to consider and determine the deferred report placed before the Public Rights Way Cabinet Committee on 2nd October 2020 to make an Order to divert a Public Right affected by development granted by planning permission.

The Public Rights of Way Cabinet Committee of 2nd October 2020 deferred for a period of 3 months to allow matters relating to the transfer of the areas of land referred to as 'the wildlife corridor' to be discussed between the relevant parties.

Following this period of time, the parties involved have not reached an agreement, and the land transfer has not taken place.

The Officers provided an overview of the application and progress to date, provided detail of the recommendations and access routes which would be provided as a result.

The Chair thanked the Officers for the report and welcomed Mr P. Wells (Bond Construction) to the meeting. Mr Wells outlined some of the issues he has identified with the proposed routes within the recommendations, including accessibility as a result of cars parking on a narrow footpath, issues with access and foot traffic across private driveways, as well as potential for anti-social behaviour and issues with land ownership in respect of a ramp which would form part of the Right of Way; and has been constructed by Taylor-Wimpey. Further concerns were raised in relation to the proposal at the last meeting in which a resolution was requested for a Right of Way through the Wildlife Corridor. It was noted that communications broke down days following the meeting as a result of contractual issues and disputes over the total cost to transfer the Wildlife Corridor to Taylor-Wimpey.

Representations were made to the Committee by the Solicitor for Taylor-Wimpey, outlining some of the issues as a result of discussions relation to the transfer of the Wildlife Corridor, in particular costs accrued by Mr Wells, which Taylor-Wimpey were not prepared to pay. Further disputes were highlighted and as a result, the Committee were asked to note that Taylor-Wimpey were not prepared to undertake any further negotiations on relation to this parcel of land and requested that the Committee consider the recommendations within the report.

Mr Donovan (Gelligaer Ramblers Association) expressed his concerns that negotiations had broken down in respect of the Wildlife Corridor, having had discussions with developers and being assured that this route would be utilised where possible. The Committee were asked to note that this would be the preferred route and were urged to consider this option and encourage a resolution between the parties.

Members were reminded of the impact this issue has and continues to have on local residents. Local Ward Members have made representations outlining concerns for anti-social behaviour, increases in burglaries in the area and additional foot traffic on the streets.

The Committee discussed the matters in depth and clarifications were sought around various access points, levels and surface types, as well as the accessibility of the proposals within the report and compliance of each against DDA regulations.

Following detailed discussions, the Chair advised that the Committee would take a brief adjournment in proceedings in order to consider these matters.

The Rights of Way Committee adjourned the meeting at 11am for deliberations.

The Rights of Way Committee reconvened the meeting at 12.09pm.

Following consideration and discussion it was moved and seconded that the application be deferred in order to explore further options for an alternative route. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons outlined at the meeting the application be deferred for a period of 6-8 weeks, in order to explore options for an alternative route.

5. APPLICATION FOR AN ORDER UNDER SECTION 257 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO DIVERT A PUBLIC RIGHT OF WAY TO ENABLE DEVELOPMENT GRANTED BY PLANNING PERMISSION TO BE CARRIED OUT.

Councillor C. Gordon declared a personal interest in this item as an objector to the application is known to him and left the meeting during consideration of the item.

The Cabinet Rights of Way Committee were asked to determine an application to make an Order which would divert a Public Right of Way to enable development granted by planning permission to be carried out.

It was noted that Public Rights of Way are recorded on the Definitive Map and Statement and are afforded Highway Status and protection. Section 257 of the Town and Country Planning Act 1990 gives Local Authorities the ability to make alterations to the network (following application from a developer who has been granted planning permission) provided it is necessary to do so in order to enable the development to be carried out.

The Chair thanked the Officer for the report and welcomed Mr K. Donovan (Gelligaer Ramblers Association) to make representations to the meeting.

Mr Donovan wished it noted that, following discussions and concerns around Rights of Way access, the Local Access Forum have agreed that Rights of Way access be provided to potential developers at its earliest convenience, in order to mitigate such issues. However, it was not possible to do so in this instance. The Committee were asked to note that it is paramount to keep Rights of Ways and footpaths off pavements where possible, however, it has not been possible in this instance and raised queries around the alternative route provided and the reasons for which the current Right of Way cannot be maintained.

The Committee welcomed C. Sullivan from Llanmor Homes, who provided the Committee with a response in relation to the Right of Way route. It was noted that it would not be possible to maintain the current Right of Way path as a result of the topography of the site, and the planned parking spaces would be lost as a result.

Discussions took place around the application and queries were raised in respect of knee rails, which have been proposed at a section of the alternative route, in which there is a close proximity to driveways. Members queried whether knee rails could be applied along other sections of the route bordering the highway and Officers explained that these are rarely put on public highways due to health and safety concerns.

Following consideration and discussion it was moved and seconded that the recommendation be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the Officers report an Order be made under s257 Town and Country Planning Act 1990 to divert Footpath 26 Bedwas as detailed in **Appendix 6**.

The meeting closed at 1.00 pm.