



RIGHTS OF WAY CABINET COMMITTEE

MINUTES OF THE RECONVENED MEETING HELD AT PENALLTA HOUSE, TREDOMEN, ON THURSDAY, 14TH NOVEMBER 2013 AT 11.30 A.M.

PRESENT:

Councillors:

H.A. Andrews (Leader of Council), K. James (Regeneration, Planning and Sustainable Development), D.V. Poole (Community and Leisure Services), T.J. Williams (Highways, Transportation and Engineering), R. Woodyatt (Social Services).

Also in attendance:

Local Ward Member: Councillor C. Hawker (attended Cefn Fforest site visit only).

Together with:

P. Elliott (Head of Regeneration and Planning), P. Griffiths (Principal Planner), J. Rogers (Principal Solicitor), H. Lewis (Legal Assistant), J. Piper (CROW Support Officer), A. Powell (Countryside Access and Rights of Way Officer), R. Barrett (Committee Services Officer).

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

There were no declarations of interest received at the beginning or during the course of the meeting.

3. APPOINTMENT OF CHAIRMAN AND VICE CHAIRMAN

Nominations were moved and seconded, and by a show of hands, Councillor K. James was unanimously appointed as Chairman of the Rights of Way Cabinet Committee, with Councillor T.J. Williams unanimously appointed as Vice Chairman.

4. APPLICATION FOR A MODIFICATION ORDER TO AMEND THE MONMOUTHSHIRE COUNTY COUNCIL DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY IN RESPECT OF EXTINGUISHING A FOOTPATH IN THE COMMUNITY OF BEDWELLY

The Committee's approval was sought for a footpath identified in the Definitive Map and Statement to be extinguished and an alternative dedicated footpath be added to the Definitive Map and Statement. Both footpaths are located in Cefn Fforest, Blackwood.

Prior to the meeting, Members and Officers met on site to view and walk the route of the two footpaths. Members were also provided with a photograph displaying an aerial view of the location of the footpaths.

Mr Philip Griffiths, Principal Planner, presented the report to the Committee, which explained that the Authority had submitted an application under Section 53 of the Wildlife and Countryside Act 1981, to extinguish Footpath 64 in the Community of Bedwellty and modify the Definitive Map and Statement to incorporate the alternative dedicated Footpath 64A. Both footpaths are located in Cefn Fforest, commencing at Central Avenue and terminating in the vicinity of Waunborfa Road.

A copy of the Definitive Map and Statement was attached to the agenda papers as Document No. 3 and the route of the footpath to be extinguished was shown in Document No. 4 by a bold black line between points A-B. A black dashed line between points D-C-E. identified the footpath currently walked.

It appeared that an error had occurred between the line of the Definitive Map and the Statement, with it being confirmed within the report by various residents that the line shown on the Definitive Map had never been used due to the area being overgrown and inaccessible to the public, and that the footpath described in the Statement and shown as D-C-E in Document No. 4 was the footpath that had been used for over ninety years.

It was therefore proposed that a Modification Order to extinguish Footpath 64 in the Community of Bedwellty be agreed, with the dedicated footpath being identified as Footpath 64A in the Community of Bedwellty.

Members queried the reference to Monmouthshire County Council within the report and it was confirmed by Officers that this was a historic term of reference.

Following consideration of the report and the documents submitted at the meeting, Members unanimously RESOLVED that:-

- (i) the application for a Modification Order to amend the Monmouthshire County Council Definitive Map and Statement in respect of extinguishing Footpath 64 in the community of Bedwellty be supported;
- (ii) the dedicated footpath be added to the Definitive Map and Statement and identified as Footpath 64A in the community of Bedwellty.

5. DIVERSION OF CROW 89 IN THE COMMUNITY OF ABERCARN

The Committee's approval was sought for the diversion of Claimed Right of Way 89 (CroW 89). This footpath is located at Pendinas Avenue, Croespenmaen.

Prior to the meeting, Members and Officers met on site to view and walk the route of the footpath and to view the proposed diversion.

Mr Griffiths presented the report to the Committee, which explained that Asbri Planning had submitted an application to seek the diversion of a Right of Way, as part of their planning approval to build a residential development of 29 units at Pendinas Avenue, Croespenmaen.

Mr Griffiths explained to the Committee that CroW 89 currently ran behind the housing estate, and that the proposed diversion would redirect the footpath through the housing estate at Point A (shown within Document No. 5) and rejoin the end of the existing bridleway at Point C. The footpath between Points B-C would remain as a bridleway.

Mr Griffiths clarified that the existing footpath could potentially become a crime and disorder issue if it were to remain and could potentially pose security problems for the new houses, due to public access being available to the rear. It was also noted in the report that should the footpath be diverted, the applicant wished to extend the rear gardens of the properties into the area of the former footpath. The Committee were also informed that the footpath would only be diverted upon the completion of works within the new housing estate. If the diversion was supported, the footpath would be added to the Definitive Map when a review of the map was undertaken, and would be given a footpath number and cease to be referred to as CroW 89.

The Authority undertook a pre-order consultation exercise and received 1 letter of objection from The Open Spaces Society. Members were advised that if the proposed diversion was supported, an Order would be made under section 257 of the Town and Country Planning Act 1990 and that a public consultation exercise would commence, which could result in a Public Inquiry.

Members referred to the letter of objection received from the Open Spaces Society and clarified with Officers a number of points raised within the letter.

Following consideration of the report and the documents submitted at the meeting, Members unanimously RESOLVED that a Diversion Order be processed under Section 257 of the Town and Country Planning Act 1990 in accordance with the following descriptions:-

(i) Description of existing path or way

Footpath commencing approximately 30 metres south east of the centre of the property known as Manwell Bungalow Ty Brachty Terrace, Kendon Crumlin near Newport in the County Borough of Caerphilly and extending in a north-north easterly direction having a width of 2 metres and a length of 90 metres and being fenced either side with a mixture of grassed and stony surface and terminating at its junction with Bridleway 127 Abercarn all which said footpath the total is shown on the Plan and marked E-G (as per plan Document 2B);

(ii) Description of new path or way

A new path to a width of 1.8 metres commencing at point A before proceeding in a south easterly direction for 25 metres before turning North easterly for 98m and south easterly for 7m. The path then proceeds in a southwesterly direction for 5m before turning southeasterly for 22m. The footpath then proceeds in a northeasterly direction for 37m and continuing north for 14m and its termination at Bridleway 127.

The meeting closed at 11.42 am.