

CAERPHILLY COUNTY BOROUGH COUNCIL

RIGHTS OF WAY COMMITTEE

MINUTES OF THE MEETING HELD AT THE COUNCIL OFFICES, TREDOMEN ON MONDAY, 17TH MAY 2004 AT 2.30 P.M.

PRESENT:

Councillor D. Cullen - Chairman
Councillor M. Lloyd - Vice-Chairman

Councillors:

D. Bolter, K.M. Derrick, S. Jenkins and K. Lloyd

Local Ward Members: Councillors Mrs. E. Aldworth, J.R. Davies and A. Donaldson

Together with:

J. Cooper (Transportation Engineering Manager), A.J. Sander (Senior Assistant Engineer - Rights of Way), G. Gordon (Senior Assistant Solicitor), H. Lewis (Legal Assistant), L. Nowaczyk (Secretary to Chief Engineer), S.M. Kauczok (Committee Services Officer)

Mr. & Mrs. G. Harris, The Old Rectory Cottage, Bedwas, Caerphilly
Mr. D.G. Prosser, 20 Hillside Terrace, Bedwas, Caerphilly
Mr. & Mrs. K & M. Williams, 19 Bryn Gwyn Street, Bedwas, Caerphilly

APOLOGIES

Apologies for absence had been received from Councillors H.A. Andrews and J. Bevan.

1. DECLARATIONS OF INTEREST

There were no declarations made at the meeting.

2. APPLICATION FOR A MODIFICATION ORDER TO AMEND THE MONMOUTHSHIRE COUNTY COUNCIL DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY IN RESPECT OF ADDING A PATH IN THE COMMUNITY OF BEDWAS AND MACHEN

The meeting had been convened to consider an application to add a path to the definitive map and statement. Members were asked to consider the additional information in support of and against the claim for a right of way at the gable end of Old Rectory Cottage, Bedwas.

It was reported that the Planning Inspectorate and the applicant had indicated their support to hold the appeal procedure in abeyance until Members had given further consideration to this claim.

The Committee **RESOLVED** that the meeting stand adjourned for a site inspection immediately followed by a reconvened meeting to determine the application.

Members and officers met on site at 3.00 p.m.

The site visit was also attended by Mr & Mrs Harris of Old Rectory Cottage, Bedwas, local ward members and members of the public.

Members and Officers were unable to walk the route of the claimed right of way and therefore viewed it from the gable end of the cottage and from other vantage points. Members were also invited into Old Rectory Cottage by Mr & Mrs Harris to view the area in question. They were accompanied by the Senior Assistant Solicitor, Mr Geoff Gordon.

Following the site visit the Committee reconvened at the Council Offices, Tredomen to determine the application.

Members were reminded that before making an order they must be satisfied that the evidence shows on the balance of probabilities that a right of way exists.

The Chairman introduced the Committee and Officers present to members of the public and invited Mr. Adrian Sander (Senior Assistant Engineer – Rights of Way) to begin his presentation.

Mr. Sander outlined the background to the application and presented a series of slides, including aerial photographs of the area and photographs, which had been provided by the landowners, in support of their evidence.

The landowner, Mr. Harris, assisted by describing the photographs he had provided.

Mrs. Williams, the applicant, was then invited to address the committee. Mrs. Williams thanked the Committee for allowing her the opportunity to speak and presented her statement.

Mr. G. Prosser, a supporter of the landowners, was then invited to address the committee followed by Mr. Harris, the landowner.

Members of the Committee and the local Ward Members present were also given the opportunity to ask questions and comment on the application before them.

The Committee was then asked to decide on whether it accepted that the claimed right of way at the gable end of Old Rectory Cottage, Bedwas had been used continuously for a period of 20 years.

The Committee RESOLVED that the application for a Modification Order to amend the Definitive Map and Statement of Public Rights of Way to add a spur path leading alongside the eastern end of Old Rectory Cottage to Rectory Road, Bedwas (ST 1720 8925) be not supported.

Councillors S. Jenkins and K. Derrick asked that it be recorded that they had voted against this recommendation.

The meeting closed at 5.25 p.m.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the next appropriate meeting, they were signed by the Chairman.

CHAIRMAN