

RIGHTS OF WAY COMMITTEE – 24TH MAY 2004

**SUBJECT: MAGISTRATES COURT APPLICATION – BRYN MEADOWS GOLF CLUB - STOPPING UP AND DIVERSION OF PUBLIC RIGHTS OF WAY**

**REPORT BY: DIRECTOR OF THE ENVIRONMENT**

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**Highways Act 1980 – Section 116**

**Application to Magistrates Court for the Stopping Up or Diversion of a highway**

**1. PURPOSE OF REPORT**

- 1.1 To advise Committee of a stopping up in respect of Cart Road Bridleway No.199 and 205 Bedwas and Machen and the diversion of footpath No.200 and 215 in the Commiity of Bedwas and Machen

**2. LINKS TO STRATEGY**

- 2.1 Environment improvements, sustainable development

**3. THE REPORT**

- 3.1 An application has been received under Section 117 of the Highways Act 1980 from Hugh James Solicitors on behalf of their clients the Bryn Meadows Golf Club seeking the stopping up of Cart Road Bridleways 199 and 205 and the simultaneous diversion of footpath No.200 and 215 in the Community of Bedwas and Machen.

- 3.2 The location of the Bryn Meadows Golf Club is shown on Document No.1 highlighted within the bold black lines.

- 3.3 The club house is constructed on the site of the former Bedwas Uchaf. Three of the paths namely Cart Road Bridleway 199 and 205 and footpath No.200 terminated at the property. These paths are presently obstructed by the new building.

- 3.4 A copy of the definitive map is attached a Document No.2

- 3.5 The paths are described as follows in the definitive statement. As follows;

CRB199 Bedwas and Machen

Name of Path : Bedwas Uchaf.

Description : From junction with 196 and 197 bears north north east to Bedwas Uchaf Farm.

GROUNDNS FOR RELIEF : Stiles and gates repairable by Authority. In use over 20 years.

FPT200 Bedwas and Machen

Name of Path : Bedwas Uchaf.

Description : From Bedwas Uchaf at junction with 205 and 199 to mountain road at Pen-Heol-ddu.

GROUNDNS FOR RELIEF : Stiles and gates repairable by Authority. In use over 20 years.

CRB205 Bedwas and Machen

Name of Path : Bedwas Uchaf.

Description : From unction with 206 and 207 to junction with CRB 199 and footpath 200.

GROUNDNS FOR RELIEF : Stiles and gates repairable by Authority. In use over 20 years.

FPT215 Bedwas and Machen

Name of Path : Gellideg to Crown Hotel.

Description : From junction with 214 and 216 runs north east via three stiles and fieldgate to junction with 353 and 354 at Tunnel.

GROUNDNS FOR RELIEF : In use over 20 years.

- 3.6 A recent planning application, although not directly affecting the named paths, highlighted the fact that the paths remain through the club house.
- 3.7 An application under Section 117 of the Highways Act 1980 can be received from a person who desires a highway to be stopped up or diverted but is not authorised to make an application for that purpose under Section 116, ie an application to Magistrates Court.
- 3.8 The Authority has undertaken a pre-order consultation exercise and no comments have been received to the proposals.
- 3.9 Should Committee resolve to support the proposals, then the applicant will be requested to finance the procedure in advance of the matter proceeding. Before the proposals can be heard at Magistrates Court the Authority will need to advertise the changes in the London Gazette and Local Paper and place notices on site.
- 3.10 Document No.3 is an enlarged plan identifying the existing routes, bold black lines, of Cart Road Bridleways 199 and 205 and footpath No.200. It is suggested that Cart Road Bridleways 199 and 205 be stopped up as being un-necessary and that footpath No.200 be diverted to retain the network to link footpaths 201, 198 and 196 and 197 Bedwas and Machen. Cart Road Bridleway 199 shown between points A-B, Cart Road Bridleway 205 between points A-C, and footpath No.200 between points A-D. The diverted route of footpath No.200 is indicated by a bold dashed line between points D-B.
- 3.11 Document No.4 is an enlarged plan identifying the existing route, bold black lines, of footpath No.215 Bedwas and Machen between points E-F. The owners of the golf course have suggested the diversion of the footpath in the interests of the landowner. The alternative path would terminate on the maintainable cycleway, shown by a bold black dashed line between points E-G.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 None

#### **5. PERSONNEL IMPLICATIONS**

- 5.1 None

#### **6. RECOMMENDATIONS**

- 6.1 That committee resolve to make an application to Magistrates Court for the stopping up of Cart Road Bridleways 199 and 205 and the diversion of footpath Nos.200 and 215, all paths in the Community of Bedwas and Machen

## **7. REASONS FOR THE RECOMMENDATIONS**

7.1 To facilitate the interests of the landowner whilst retaining the footpath provision.

Author: A.J.Sander Senior Assistant Engineer, Rights of Way  
Consultees: Chairman and Vice-Chairman of Rights of Way Committee

1. Auto Cycle Union, Wood Street, Rugby Warwickshire, CV21 2XY
2. British Driving Society, 27 Dugard Place, Bedford, Warwick CV38 8DY
3. British Horse Society, Stoneleigh Deer Park, Kenilworth, Warwickshire CV8 2XZ
4. Mrs.J. Hyett, British Horse Society Representative, Woodland Farm, Caerphilly Mountain, Mid Glamorgan CF8 1NF
5. Mrs.S.L. Davy, Secretary to the Byways and Bridleways Trust, P.O.Box 117 Newcastle upon Tyne, NE3 5YT
6. Cyclist and Touring Club, Cotterell House, 69 Mead Row, Godalming, Surrey GU7 3HS
7. Open Spaces Society, 25A Bell Street, Henley-on Thames, Oxon RG9 2BA
8. Mr.Stuart Dodwell, Rights of Way Officer, WTRA Ltd., 28 Porthkerry Road, Rhoose, South Glamorgan CF62 3HD
9. Hugh James Solicitors, 114A High Street, Blackwood NP12 1YL
10. County Borough Councillor R. Woodyatt, 27 Park Road, Maesycwmmmer, Hengoed, Mid Glamorgan CF8 7PZ
11. K. Donovan, Keith Donovan, 9 Laurel Drive, The Bryn, Pontllanfraith, Blackwood NP12 2PR

Background Papers: Pontllanfraith Offices