

## CAERPHILLY COUNTY BOROUGH COUNCIL

### RIGHTS OF WAY COMMITTEE

#### MINUTES OF THE MEETING HELD AT THE COUNCIL OFFICES, PONTLLANFRAITH ON WEDNESDAY, 2ND JUNE 2004 AT 11.00 A.M.

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PRESENT:

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

Councillors:

D. Bolter, S. Jenkins, K. Lloyd

Together with:

J. Cooper (Transportation Engineering Manager), J. Piper (CROW Support Officer),  
G. Gordon (Senior Assistant Solicitor), H. Lewis (Legal Assistant), S.M. Kauczok (Committee  
Services Officer)

#### **APOLOGIES**

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

#### **1. DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **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 ABERCARN**

The meeting had been convened in accordance with the decision of the Rights of Way  
Committee held on 24th May 2004 to consider an application to add a path to the definitive  
map and statement.

The claimed right of way commenced at a gate, being the termination of CRB257 Abercarn, at  
MR ST 198962 and proceeded in an east north easterly direction passing between hedges  
before continuing in a north easterly direction alongside the Maesycwmmmer to Newbridge  
highway boundary, turning in a westerly direction to its termination and junction with FP258  
Abercarn at ST 197962, west of residents' garages. The total length of the claimed path was  
approximately 481 metres as indicated between points A-D-E-F-G on the plan attached to the  
report.

The claim had been supported by 14 completed User Evidence Forms all of which had been  
completed by the residents of Pentwynmawr who had claimed to have used the route on a  
regular basis.

It was reported that agreement had been reached in principle with the landowner to enter into a Creation Agreement to provide a path to the side of Hill Grange to run parallel with the highway boundary fence. This agreement was subject to him receiving permission to remove two protected hedgerows adjacent to the previous allotment sites. The removal of the hedgerows would allow the landowner to open up the area into a more useful field. The landowner had agreed to erect fencing along the created path if the Authority provided the materials and paid for his labour costs.

The applicant had also agreed to withdraw the appropriate section of the claim to allow the Creation Agreement to be processed and agreement had been reached with the applicant for the alternative route.

Members met on site at Tonypistyll Road, Pentwynmawr and walked as near as possible along the length of the claimed right of way.

Following the site inspection the meeting reconvened at the Council Offices, Pontllanfraith to determine the application.

Following detailed consideration, the Committee agreed with recommendation 8.1 (iii) in the report that the Authority enter into a Creation Agreement with the landowner and accept the dedication from Environmental Services, as outlined in the report.

The meeting closed at 11.10 a.m.

Approved as a correct record by the Rights of Way Committee.

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CHAIRMAN