



RIGHTS OF WAY COMMITTEE

MINUTES OF THE MEETING HELD AT THE COUNCIL OFFICES, TREDOMEN ON TUESDAY, 23RD NOVEMBER 2004 AT 2.00 PM

PRESENT:

Councillor D.G. Carter - Chairman
Councillor N. Dix - Vice-Chairman

Councillors:

M. Adams, D. Cullen, S. Jenkins, S. Kent, K. Lloyd

Together with:

D. Williams (Chief Engineer), A.J. Sander (Senior Assistant Engineer, Rights of Way), G. Gordon (Senior Assistant Solicitor), H. Lewis ((Legal Assistant), J. Piper (CROW Support Officer), M. Gibbings (Rights of Way Officer), S. Denbury (Trainee Technician - Rights of Way), S.M. Kauczok (Committee Services Officer)

1. WELCOME

The Chair welcomed Stefan Denbury who had commenced employment with the Authority as a Trainee Rights of Way Technician on 28th June 2004.

2. DECLARATIONS OF INTEREST

Councillor Keith Lloyd declared an interest in agenda item 3(2) – he advised that he is acquainted with two of the supporters of the order.

3. MINUTES

RESOLVED that the following minutes be approved as correct records and signed by the chairman.

Rights of Way Committee – 17th May 2004
Rights of Way Committee – 24th May 2004
Rights of Way Committee – 2nd June 2004

4. 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 MYNYDDISLWYN AT PENNAR LANE, PENTWYNMAWR

Approval had been given for the making of a Modification Order for bridleway status by the former Gwent County Council on 8th June 1993.

During the objection period representations had been received from a Member of the Welsh Trail Riders Association. The Association had subsequently submitted seven evidence forms detailing use of the route by vehicles and requesting that the route be registered as a Byway Open to All Traffic (BOAT). Due to the objection Gwent County Council proposed not to confirm the order but to make a new order to register the route as a BOAT. However, as a result of local government reorganisation and the backlog of claims, no further action had been taken since that time.

Members were requested to have regard to all information within the report before deciding whether or not to support the counter claim for BOAT status and processing a Modification Order.

The Committee endorsed the recommendation in the report that the application be deferred pending a site visit immediately followed by a reconvened meeting to determine the application.

RESOLVED that the application be deferred pending a site visit immediately followed by a reconvened meeting to determine the application.

5. 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 FROM MANOR PARK TO OAKLAND TERRACE, CRUMLIN

Councillor K. Lloyd had declared an interest in this application and took no part in the debate.

The report related to an application to add a path to the Definitive Map and Statement.

An application had been received by the former Gwent County Council on 24th May 1989 under the Wildlife and Countryside Act 1981 to modify the Definitive Map and Statement by adding a footpath from Manor Park, Newbridge to Oakland Terrace, Crumlin. The application had been investigated and a report submitted to Gwent County Council's Planning Committee on 11th December 1990 when it was resolved to support the claim.

A Modification Order was made on 5th March 1991 and representations were received during the objection period in relation to the width of the path described in the order. In addition, the applicant had indicated that a fresh application would be made seeking byway status. Representations had been reported to Gwent County Council's Planning Committee on 7th May 1991 when it was resolved not to confirm the order.

Evidence supporting the byway status had since been withdrawn and the width of the path had been agreed with all parties to be 2.1 metres.

It was recommended that the original order made by Gwent County Council be abandoned and a fresh modification order be made in accordance with the description in the report.

The Committee endorsed the recommendation in the report and RESOLVED that the application be deferred pending a site visit followed by a reconvened meeting to determine

whether to support the claim as made for a footpath or to reject the claim.

6. DIVERSION OF BRIDLEWAY NO 38 IN THE COMMUNITY OF RHYDYGWERN

The report advised Members of a request for the diversion of bridleway No 38 in the Community of Rhydygwern.

The Authority had been approached by Dr Napier of Rhydygwern Farm with regard to a potential hazard at the termination of a bridleway on the Draethen to Machen unclassified road.

Due to the present topography of the path the route descended sharply from the bridlegate in the field boundary onto the unclassified road. There was no opportunity for a safe area for equestrians to wait while negotiating their way through the gate. The suggested diversion would allow a safe area to wait while gaining access to the bridleway and create an easier gradient for users. The alternative path crossed land within the control of Dr Napier and his sister, who supported the proposals.

The cost of the diversion order would be in the region of £1,800. In addition, a new bridlegate and signposting would be necessary at a cost of £100. The funds for these could be met from within the rights of way revenue budget.

The Committee endorsed the recommendations in the report and RESOLVED that a diversion order be processed under Section 119 of the Highways Act 1980 in accordance with the following descriptions:-

Description of Existing Path or Way (Document No3)

That part of bridleway No.38 in the Community of Rhydygwern, commencing on the Draethen to Machen road at a point approximately 17 metres south west of the centre of the property known as Rhyd-y-gwern and proceeding in a generally south westerly direction to a point approximately 170 metres south west of the said property a total distance of 165 metres or thereabouts and shown on plan by a bold black line between points B-A

Description of Alternative Path or Way (Document No.3)

A new path to a width of 1.8 metres commencing on the Draethen to Machen road at a point approximately 50 metres north west of the property known as Rhyd-y-gwern and proceeding in a general south westerly and southerly directions to a point approximately 170 metres south west of the said property, a total distance of 175 metres or thereabouts and shown on plan by a bold black dashed line between points C-A.

7. DIVERSION OF FOOTPATH NO 57 IN THE COMMUNITY OF BEDWELLY

The report advised Members of a request for a diversion in respect of footpath No 57 in the Community of Bedwellty.

The application arose as a result of an accident that occurred on the proposed path. Investigation revealed that no previous diversion order had been processed to accommodate the development of the pavilion and playing fields. The diversion would acknowledge the route as a right of way. The Authority had undertaken a pre-order consultation exercise and no objections had been received.

The Committee endorsed the recommendation in the report and RESOLVED that a diversion order be processed under Section 119 of the Highways Act 1981 to divert footpath No. 57 in

the Community of Bedwellty in accordance with the following description:

Description of Existing Path or Way (Document No.3)

That part of footpath No.57 in the Community of Bedwellty commencing at a point on Bedwellty Road north of the garage approximately 48 metres north west of the property known as Parc Coed and proceeding in a curved north westerly direction to a point 320 north west of the said property a total distance of 280 metres or thereabouts and shown on plan by a bold black line between points C – B – A

Description of Alternative Path or Way (Document No.3)

A new path to a width of 1.8 metres commencing at a point on Bedwellty Road north of the garage approximately 48 metres north west of the property known as Parc Coed and proceeding in a west north westerly, northerly, north westerly, westerly and curved north westerly directions to its termination at a point 320 north west of the said property a total distance of 296 metres or thereabouts and shown on plan by a bold black dashed line between points C – D - A .

8. INVOLVEMENT OF OTHER GROUPS

Members were advised of the involvement of user groups who were assisting the Authority with the improvement of the rights of way network.

It was reported that since arranging a survey training day with groups prepared to survey the network, additional groups had contacted the Authority with an offer of assistance and their surveys were currently ongoing.

It was agreed that Mr Sander would send a letter to the various voluntary groups thanking them for their assistance in this respect and once again invite them to attend a buffet reception with members and officers of the Rights of Way Committee early in the New Year.

9. WORKS IN HAND OR RECENTLY UNDERTAKEN

The report advised Members of works recently undertaken or programmed to be carried out in relation to the rights of way network.

A list of service requests received by Rights of Way staff since 24th May 2004 had been placed on deposit in the Members' Library. At present there was a backlog of approximately 4 weeks.

The meeting closed at 2.25 pm.

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

CHAIRMAN