

RIGHTS OF WAY COMMITTEE - 23RD NOVEMBER 2004

SUBJECT: DIVERSION OF BRIDLEWAY NO. 38 IN THE COMMUNITY OF RHYDYGWERN

REPORT BY: DIRECTOR OF THE ENVIRONMENT

HIGHWAYS ACT 1980 – SECTION 119

Diversion of Bridleway No. 38 in the Community of Rhydygwern

1. PURPOSE OF REPORT

- 1.1 To advise Members of a request for the diversion of bridleway No. 38 in the Community of Rhydygwern

2. LINKS TO STRATEGY

- 2.1 Environmental improvements, sustainable development
- 2.2 The Authority has a duty to maintain the Definitive Map and Statement

3. THE REPORT

- 3.1 The Authority has been approached by Dr. Napier, Rhydygwern Farm, in regard to a potential hazard at the termination of a bridleway on the Draethen to Machen unclassified road
- 3.2 The right of way involved is bridleway No. 38 in the Community of Rhydygwern and its general location is indicated on Document No. 1.
- 3.3 A copy of the definitive map is attached as Document No. 2.
- 3.4 The path is described in the accompanying definitive statement as follows;
- BRW38 Rhydygwern
Length 622 Width 1.2 - 1.5
Commences at a bridlegate on the County road south of Rhydygwern Farm, and proceeds southwards through woodland to junction of bridleways 39, 41 and 43.
- 3.5 Due to the present topography of the path, the route descends sharply from the bridlegate in the field boundary onto the unclassified road. There is no opportunity for a safe area for equestrians to wait while negotiating their way through the gate. The definitive path is indicated on Document No. 3 between points A-B by a bold black line.
- 3.6 The suggested diversion will allow a safe area to wait while gaining access to the bridleway and create an easier gradient for users. The alternative path is indicated on Document No. 3 by a bold dashed line between points C-A
- 3.7 The alternative path crosses land within the control of Dr. Napier and his sister Mrs. S. Witty, who support the proposals.

- 3.8 The proposed diversion also crosses land controlled by the Forestry Commission who have been consulted and will raise no objection to the proposals provided the proposed route does not involve any additional works.
- 3.9 In addition the Authority has consulted with Local Members, community council and user groups.
- 3.10 Only one reply has been received that being from Cycling and Touring Club who request a suitable surface and signposting.

4. FINANCIAL IMPLICATIONS

- 4.1 The cost of a diversion order is in the region of £1,800.00. In addition a new bridlegate and signposting will be necessary at a cost of £100.00
- 4.2 The funds for this can be found through the existing rights of way revenue budget.

5. PERSONNEL IMPLICATIONS

- 5.1 None

6. CONSULTATIONS

- 6.1 Cabinet Member for Highways and Transportation, County Borough Councillor K. Griffiths
- 6.2 Chairman of Rights of Way Committee D. Carter,
- 6.3 Vice Chairman of Rights of Way Committee N. Dix
- 6.4 Chief Engineer, Mr. D. Williams
- 6.5 Transportation Manager, Mr. J. Cooper
- 6.6 Head of Legal Services, D. Perkins

7. RECOMMENDATIONS

- 7.1 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 No 3)

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 Rhydygwern 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 Rhydygwern 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,

8. REASONS FOR THE RECOMMENDATIONS

8.1 In the interests of public safety

9. STATUTORY POWER

9.1 Highways Act 1980 – Section 119 Diversion of Footpaths and Bridleways. This is a Council function, which is delegated to this committee for determination.

Author: A.J. Sander, Senior Assistant Engineer, Rights of Way

Consultees:

1. Keith Donovan, 9 Laurel Drive, The Bryn, Pontllanfraith, Blackwood NP12 2PR
2. Clerk to Community Council Mr. J. Matthews, Clerk to Rudry Community Council, 7 White Hart Drive, Machen, Newport. NP1 8NH
3. Auto Cycle Union, Wood Street, Rugby Warwickshire, CV21 2XY
4. Countryside Council for Wales Unit 4, Castleton Court, Fortan Road, St. Mellons, Cardiff CF3 0LT
5. Open Spaces Society, 25A Bell Street, Henley-on Thames, Oxon RG9 2BA
6. The Ramblers Association, 2nd Floor, Camelford House, 87-90 Albert Embankment, LONDON SE1 7TW
7. Royal Mail Property Holdings West, Estates Surveying Division, Archway House, 77 Ty Glas Avenue, Llanishen, Cardiff CF4 5YG
8. Regional Solicitor, British Wales Gas plc, Belmont House, Churchill Way, Cardiff
9. NRSWA Section, Mapping Centre, Western Power Distribution, Duffryn Bach Terrace, Church Village Pontypridd, CF38 1NB
10. Incoming Notice Reception (South Wales), P.P.404B Telecom House, Trinity House, Hanley ST1 5ND
11. NRSWA Section, AIS Bureau, Hyder Operations, Duffryn Bach Terrace, Church Village Pontypridd, CF38 1NB
12. British Driving Society, 27 Dugard Place, Bedford, Warwick, CV38 8DY
13. Mrs. J. Hyett, British Horse Society Representative, Woodland Farm, Caerphilly Mountain, Mid Glamorgan CF8 1NF
14. British Horse Society, Stoneleigh Deer Park, Kenilworth, Warwickshire, CV8 2XZ
15. Mrs. S.L. Davy, Secretary to the Byways and Bridleways Trust, P.O. Box 117 Newcastle upon Tyne, NE3 5YT
16. Mr. R.S. Pruddah, Representative of Cyclists Touring Club, 19 Bernard Street, Cwmcarn.
17. Cyclist and Touring Club, Cotterell House, 69 Mead Row, Godalming, Surrey GU7 3HS
18. County Borough Councillor C.P. Duggan, Ty Llawen, Rhyd-Y-Gwern Close, Badgers Wood, Caerphilly, CF83 3NN
19. County Borough Councillor Mrs. C. Forehead 10, Heol Maerdy, Mornington Meadows, Caerphilly, CF83 3PZ
20. County Borough Councillor Ms. E.E. Forehead 36, The Crescent, Trecenydd, Caerphilly, CF83 2SW

Background Papers:

File ETP/ROW/FP38 Rhydygwern/Report held at Council Offices, Pontllanfraith