

## RIGHTS OF WAY COMMITTEE - 23RD NOVEMBER 2004

**SUBJECT: DIVERSION OF FOOTPATH NO. 57 IN THE COMMUNITY OF  
BEDWELLY**

**REPORT BY: DIRECTOR OF THE ENVIRONMENT**

---

### 1. PURPOSE OF REPORT

- 1.1 To advise Members of a request for diversion in respect of footpath No. 57 in the Community of Bedwellty.

### 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 An application has been made by the Director of Education and Leisure for the diversion of footpath No. 57 in the Community of Bedwellty.
- 3.2 The location of the path is indicated on Document No. 1.
- 3.3 The route of the existing public path is shown on the Monmouthshire County Council definitive map, relevant date 1st July 1952, attached as Document No. 2.
- 3.4 The definitive route is also shown in more detail on Document No. 3 by a bold black line between points A – B – C.
- 3.5 The path is described in the definitive statement as;
- |                                 |  |
|---------------------------------|--|
| Type and Number of path;        | Footpath No. 57 Bedwellty  |
| Name of Path;                   | Pengam Road  |
| Justification for Right of Way; | Maintained by Local Authority  |
| Survey Date;                    | F. Johnson, 81 Bedwellty Road, Aberbargoed 17 June 1952  |
| Description of Path;            | Footpath commences at gate in north east corner of Park fence (gate missing) on Bedwellty Road proceeds in southwesterly direction. Footpath 2`6" wide, well defined. Was probably ashed but ash washed away. Crosses footpath 56 and 57 |
- 3.6 The proposed diversion is shown on plan (Document No. 3) by a bold black dashed line between points A – D – C.
- 3.7 The application is a result of an accident that occurred on the proposed path. Investigation reveals that no previous diversion order has been processed to accommodate the development of the pavilion and playing fields. The diversion will acknowledge the route as a

right of way.

- 3.8 The Authority has undertaken a pre-order consultation exercise and no objections have been received.

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

- 4.1 The Director of Education and Leisure has agreed to pay for the order

#### **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 Councillor D. Carter,
- 6.3 Vice Chairman of Rights of Way Committee Councillor N. Dix
- 6.4 Chief Engineer, Mr. D. Williams
- 6.5 Transportation Manager, Mr. J. Cooper
- 6.6 Head of Legal Services, Mr. D. Perkins

#### **7. RECOMMENDATIONS**

- 7.1 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. REASONS FOR THE RECOMMENDATIONS**

- 8.1 In the interests of the landowner and 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. Cyclist and Touring Club, Cotterell House, 69 Mead Row, Godalming, Surrey, GU7 3HS  
(Put note on that copy sent to Mr. Pruddah)
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, Helmont 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. County Borough Councillor Mrs. A. Parsons, 4 Clos Claerwen, Fairview, NP2 1FZ
18. County Borough Councillor G.D. Simmonds, 18 Grange Hill, Blackwood, NP2 1PE
19. County Borough Councillor Poole, 4 Britannia Walk, Britannia, Blackwood, NP12 3TD
20. County Borough Councillor N.G. Turner, 30a Victoria Road, Fleur de Lis, NP2 1UG

### Background Papers:

File ETP/ROW/FP57Bedwellty/Report held at Council Offices, Pontllanfraith