



## **RIGHTS OF WAY COMMITTEE**

**MINUTES OF THE SITE VISITS HELD AT PENTWYNMAWR AT 10.00 A.M. AND CRUMLIN AT 11.00 A.M. ON THURSDAY, 16TH DECEMBER 2004, FOLLOWED BY A RECONVENED MEETING AT 12 NOON AT THE COUNCIL OFFICES, PONTLLANFRAITH**

---

**PRESENT:**

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

**Councillors:**

M. Adams, D. Cullen, K. Lloyd\*

**Together with:**

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

Mr G.R. Griffiths and Mr C. Vaughan.  
Mr W.A. Coles and Mr R. Salerno.

### **APOLOGIES**

Apologies for absence were received from Councillors S. Jenkins and S. Kent.

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

\*Councillor K. Lloyd had declared an interest in Agenda item 3 and took no part in the site visit or debate on this application.

#### **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 FROM MANOR PARK TO OAKLAND TERRACE, CRUMLIN**

Councillor K. Lloyd had declared an interest in this item and took no part in the site visit or debate on the application.

The meeting had been convened in accordance with the decision of the Rights of Way Committee held on 23rd November 2004 to consider 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Evidence supporting the byway status had since been withdrawn and the width of the path had been agreed with all parties to be 2.1 metres.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.

Members met on site at 11.00 a.m. and walked the route of the claimed right of way.

The meeting reconvened at the Council Offices, Pontllanfraith at approximately 12 noon.

Following a presentation on the background to the application the Chairman invited Mr Coles and Mr Salerno to address the Committee.

Mr Salerno disputed the width of the path.

The meeting was then opened up for Members of the Committee to debate. Members were reminded that before making an order they must be satisfied that the evidence showed on the balance of probabilities that a right of way existed.

The Committee supported the recommendation contained in the report and:-

RESOLVED that the application to add a path in accordance with the following description be approved:-

*A claimed footpath to a width of 2.1 metres commencing at a point ST 210 981 at the northern end of Manor Park, Newbridge and proceeds in a mainly northerly direction as a 2.1 metre width track, the first section of the path is concrete for a distance of 56 metres which has a grass verge alongside, a bollard is situated at 59 metres to prevent through traffic, the path then proceeds in a mainly northerly direction as a bituminous macadam and back edged with concrete edging for a distance of 56 metres or thereabouts. The path continues as an unsurfaced earth track for a distance of 39 metres or thereabouts to join the county maintained highway known as Oakland Terrace, Newbridge at ST 210979.*

*The path has a total length of 169 metres or thereabouts shown on plan by a bold black line between points A-B-C.*

**3. 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**

The meeting had been convened in accordance with the decision of the Rights of Way Committee held on 23rd November 2004 to consider an application to add a path to the Definitive Map and Statement.

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 met on site at 10.00 a.m. and walked the route of the claimed right of way.

The meeting reconvened at the Council Offices, Pontllanfraith at approximately 12.25 p.m. following determination of Agenda item 3.

Following a presentation on the background to the application the Chairman invited Mr Griffiths, one of the adjacent landowners, and Mr Vaughan, representing adjacent landowners, to address the Committee. Both parties indicated that they were in favour of the proposals as described.

The meeting was then opened up for Members of the Committee to debate.

Members were reminded that before making an order they must be satisfied that the evidence showed on the balance of probabilities that a right of way existed.

The Committee supported the proposals contained in the report and:-

RESOLVED that a Modification Order for Byway Open to All Traffic (BOAT) be processed in accordance with the following description:-

*The path commences at Pennar Lane to the west of a stone railway bridge. It proceeds up a slight gradient in a westerly direction, passing Castle Barn to the east side where the path levels and bears slightly to the east. At a point approximately 310 metres it passes a stile to FP233 Abercarn. At 340 metres it passes a stile to FP234 Abercarn. The pathway narrows at this point to 1½ metres. At 400 metres there is a stream running alongside the path which has made the surface very wet and rutted. At 500 metres the path widens to 2 metres. The total length of the path is 520 metres.*

The meeting closed at 12.40 p.m.

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

---

CHAIRMAN