



## **RIGHTS OF WAY COMMITTEE**

### **MINUTES OF THE MEETING HELD AT THE COUNCIL OFFICES, TREDOMEN ON MONDAY, 25TH JULY 2005 AT 2.30 PM**

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#### **PRESENT:**

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

#### **Councillors:**

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

#### **Together with:**

J. Cooper (Transportation Engineering Manager), A.J. Sander (Senior Assistant Engineer, Rights of Way), J. Rogers (Senior Solicitor), Mrs J. Piper (CROW Support Officer), S. Kauczok (Committee Services Officer)

#### **APOLOGIES**

An apology for absence had been received from Councillor S. Kent.

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

Councillor K. Lloyd declared an interest in agenda item 3(1).

Councillor N.S. Dix declared an interest in agenda item 3(10).

#### **2. MINUTES**

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

Rights of Way Committee – 23rd November 2004.

Rights of Way Committee – 16th December 2004.

#### **3. APPLICATION FOR A MODIFICATION ORDER TO AMEND THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY FOR THE COUNTY OF MONMOUTHSHIRE IN RESPECT OF ADDING A PATH FROM LLANERCH LANE TO PRINCE ANDREW ROAD, TRINANT IN THE COMMUNITY OF ABERCARN**

Councillor K. Lloyd declared an interest in this item – he is acquainted with the applicant.

Evidence had been presented in support of an application to claim a right of way from Prince Andrew Road to Llanerch Lane, Trinant.

Members endorsed the recommendation in the report and it was RESOLVED that the matter be deferred pending a site visit, followed by a reconvened meeting to determine the application.

As Councillor Lloyd had declared an interest in this item he was advised not to attend the site visit/reconvened meeting.

**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 BEDWELLY**

The report set out the evidence received in respect of an application to claim a right of way from Commercial Street to River Terrace, Pengam with a solution in the form of a Creation Agreement.

Members were reminded that they had delegated powers to determine applications for Definitive Map Modification Orders under Section 53 of the Wildlife and Countryside Act 1981.

Following consideration of the details before them Members endorsed the recommendations in the report and RESOLVED that:-

- A Creation Agreement be entered into with Castell Homes Ltd for the provision of a path from Commercial Street to River Terrace, Pengam.
- The Authority pay the legal costs involved in the Creation Agreement.

**5. APPLICATION FOR A MODIFICATION ORDER TO AMEND THE DEFINITIVE MAP OF PUBLIC RIGHTS OF WAY FOR THE COUNTY OF MID GLAMORGAN IN RESPECT OF RECTIFYING AN ANOMALY BETWEEN THE DEFINITIVE MAP AND DEFINITIVE STATEMENT IN RESPECT OF FOOTPATH NO 21 IN THE COMMUNITY OF RHYDYGWERN**

The report presented the evidence received in relation to an application to amend the definitive map and statement in respect of Footpath No 21 in the Community of Rhydygwern.

Members were reminded that they had delegated powers to determine applications for Definitive Map Modification Orders under Section 53 of the Wildlife and Countryside Act 1981.

On the basis of the evidence and information compiled in the submitted documents, the Committee could either support the claim as made, to amend the definitive map to bring it into line with the definitive statement, or reject the claim.

Following consideration of the details before them the Committee endorsed the recommendation in the report and RESOLVED that the matter be deferred for a site visit followed by a reconvened meeting to determine the application.

**6. APPLICATION FOR A MODIFICATION ORDER TO AMEND THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY FOR THE COUNTY OF MONMOUTHSHIRE IN RESPECT OF ADDING A PATH FROM GLANHOWY ROAD TO PONTGAM BUS STOP IN THE COMMUNITY OF MYNYDDISLWYN**

The report presented the evidence received in relation to an application to claim a right of way from Glanhowy Road to Pontgam Bus Stop.

Members were reminded that they had delegated powers to determine applications for Definitive Map Modification Orders under Section 53 of the Wildlife and Countryside Act 1981.

On the basis of the evidence and information compiled in the submitted documents, Members could either support the claim as made for a footpath, or reject the claim.

Following consideration of the details before them the Committee endorsed the recommendation in the report and RESOLVED that the matter be deferred for a site visit followed by a reconvened meeting to determine the application.

**7. DIVERSION OF FOOTPATH NO. 22 ROGERSTONE AND FOOTPATH NO. 157 RISCA**

The report advised Members of a diversion in respect of Footpath No. 22 in the Community of Rogerstone and Footpath No. 157 in the Community of Risca.

Following consideration of the report the Committee RESOLVED that a diversion order be processed under Section 257 of the Town and Country Planning Act 1990 in accordance with the following descriptions:-

**Description of Existing Path or Way**

That part of footpath No.157 in the Community of Risca commencing at a point approximately 29 metres east of the Flats No.159-167 Holly Road, Ty-Sign and proceeding in an east south easterly direction to its termination on the former county boundary at a point approximately 64 metres east of the said flats a total distance of 44 metres or thereabouts shown on plan by a bold black line between points A-B

That part of footpath No.22 in the Community of Rogerstone commencing at its junction with footpath No.157 Risca on the former county boundary at a point 64 metres east of the Flats No.159-167 Holly Road, Ty-Sign and proceeding in an east south easterly direction to its termination at a point approximately 143 metres north of No.196 Holly Road, Tysign a total distance of 42 metres or thereabouts shown on plan by a bold black line between points B-C

**Description of New Path or way Footpath No.157 Risca**

A new path to a width of 1.8 metres commencing at a point approximately 29 metres east of the Flats known as No.159-167 Holly Road, Ty-Sign and proceeding in a southerly, south easterly directions to its termination at a point on the former county boundary approximately 47 metres a total distance of 38 metres or thereabouts south east of the said property and shown on plan by a bold black dashed line between points A-D

**Description of New Path or way Footpath No.22 Rogerstone**

A new path to a width of 1.8 metres commencing at a point approximately on the former county boundary at a point approximately 47 metres south east of the Flats known as No.159-167 Holly Road, Ty-Sign and proceeding in a curved easterly and northerly directions to its junction with the unaffected length of footpath No.22 Rogerstone at a point approximately 143

metres north of No.196 Holly Road, Ty-Sign a total distance of 85 metres or thereabouts shown on plan by a bold black dashed line between points D-C.

**8. DIVERSION OF FOOTPATH NO. 64 IN THE COMMUNITY OF RHYMNEY**

The report advised Members of a diversion in respect of footpath No. 64 in the Community of Rhymney.

The path crossed an area formerly used as a children's playground which was located alongside the main road leading to Abertysswg. The former playground was the subject of a land exchange with a local farmer who had subsequently sold the land to two individuals.

Two planning applications had been received and granted for the development of two individual four bedroom properties. Both permissions drew attention to the existence of Footpath No 64 and suggested contact with the Chief Engineer prior to development taking place.

An application had since been received from solicitors acting on behalf of the owners of Plot No 1 seeking the diversion of the right of way to allow development to take place. The applicants pointed out that as the right of way was not revealed on the outline planning consent and the Authority had erected chain link fencing around the playground, they felt that the Authority had a moral and legal obligation to safeguard the right of way and incur the costs of the diversion or at least contribute towards the costs. Members were advised that the parties to the land purchases knew of the existence of the right of way.

The Committee was advised that the Authority had not yet received a formal request for the removal of the fencing.

Reference was made to a site inspection of the area attended by Members and Officers of the Authority and it was suggested that the landowner and/or his representative be given the opportunity to present his case to the committee.

Following discussion, the Committee RESOLVED that the application be deferred to allow the landowner and/or his representative to present his case to the Committee, subject to confirmation being received from the Council's Monitoring Officer that this procedure is acceptable.

Mr Rogers, Senior Solicitor, indicated that he would also seek clarification from the Council's Monitoring Officer that Members of the Rights of Way Committee who were also Members of the Planning Committee could continue to determine the application having regard to the previous planning permission granted.

**9. MODIFICATION ORDER TO AMEND THE MONMOUTHSHIRE COUNTY COUNCIL DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY IN RESPECT OF RECTIFYING AN ERROR ON CART ROAD BRIDLEWAY NO 94 IN THE COMMUNITY OF BEDWELLY**

It had been brought to the Authority's attention that an error had been made to the Definitive Map in respect of Cart Road Bridleway No 94 Bedwelly. The error arose from work carried out some 50 years ago.

In order to rectify the situation it was necessary to make a Modification Order to amend the Definitive Map to show the cart road bridleway and footpath correctly. The statement would also be updated to accurately describe the path.

The Committee approved the making of a Modification Order to amend the Definitive Map and Statement as described in the report.

**10. DIVERSION OF FOOTPATH NO 6 IN THE COMMUNITY OF RUDRY AT GARTH FARM, GARTH LANE, RUDRY**

The report advised Members of a diversion in respect of footpath No 6 in the Community of Rudry.

Footpath No 6 was a registered right of way recorded on the definitive map and statement under the terms of the National Parks and Access to the Countryside Act 1949.

In June 2000 the Authority agreed to a request for a permissive path to the west of Garth Farm. The route suggested would provide the public with a more direct route to and from the common.

The land to the south west of the Farm had recently been transferred to their neighbours and part of the sale included the application for the diversion of the definitive route of the Footpath No 6.

The Authority had undertaken a pre-order consultation exercise with only the Countryside Council for Wales, Welsh Water and BT replying that they had no objections to the proposals.

The Authority responded to the application detailing its requirements by letter dated 6<sup>th</sup> June 2005. No reply had yet been received from the application with regard to the conditions set out under paragraph 4.9 of the report.

RESOLVED that subject to the applicant accepting the conditions detailed in paragraph 4.9 of the report, 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

That part of footpath No.6 Rudry commencing at a point 136 south east of the centre of Garth Farm and proceeding in a north westerly, north easterly, and north westerly directions to its termination at a point 66 metres north west of the said property a total distance of 22 metres or thereabouts and shown on plan by a bold black line between points A-B-C-J-D

Description of Alternative Path or Way

A new path to a width of 1.4 metres commencing at a point 136 south east of the centre of Garth Farm and proceeding in a west north westerly, north westerly, and north easterly directions to its termination at a point 66 metres north west of the said property a total distance of 256 metres or thereabouts and shown on plan by a bold black broken line between points A-E-F-D

**11. CONSULTATION WITH THE CHAIRMAN AND VICE CHAIRMAN OF THE RIGHTS OF WAY COMMITTEE – DIVERSION OF FOOTPATH NO 67, RHYMNEY**

The report advised Members of a decision taken following consultation with the Chair and Vice on 10th January 2005 in respect of a diversion application in relation to Footpath No 67 in the Community of Rhymney.

The application was the result of outline planning permission granted on 8th April 2004 for residential development of 3 houses. The Authority had undertaken a pre-order consultation exercise and no objections had been received.

The resulting diversion would allow development to take place and would retain a pedestrian link with the rights of way network.

The Committee endorsed the decision taken by the Chairman and Vice Chairman that a diversion order be processed under section 257 of the Town and Country Planning Act 1991 to divert Footpath No 67 in the Community of Rhymney in accordance with the following description:-

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

That part of footpath No.67 in the Community of Rhymney commencing at a point approximately 55 metres south east of the centre of the property known as McLaren House and proceeding in a west south westerly, and south westerly directions to its termination on the maintainable rear lane to McLaren Cottages at a point approximately 56 metres east of the centre of No.26 McLaren Cottages a total distance of 98 metres or thereabouts and shown on plan by a bold black line between points A-B

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

A new path to a width of 1.8 metres commencing at a point approximately 55 metres south east of the centre of the property known as McLaren House and proceeding in a south westerly, and westerly directions to its termination on the maintainable rear lane to McLaren Cottages at a point approximately 56 metres east of the centre of No.26 McLaren Cottages a total distance of 96 metres or thereabouts and shown on plan by a bold black line between points A-C-B.

## **12. PROVISION OF NEW BRIDLE ROUTES**

Councillor N.S. Dix declared an interest in this item and took no part in the discussion. Councillor Dix indicated that his wife keeps and rides her horse in the Oakdale area.

The report informed Members of progress with the development of bridle routes throughout the county borough.

In particular, reference was made to the success of the Oakdale and Trinant Partnerships in securing funding for the development of a 'Community Route' would allow access for horses, walkers, pedestrians and cyclists from Oakdale to Penyfan and would also link to a route around the lanes to Trinant.

As part of the key funding application the Rights of Way Section had agreed that when the route had been created it would be added to the Definitive Map and would be maintained by the Authority.

The Committee endorsed the recommendation that the routes described in the report be added to the Definitive Map and that the Authority would take over responsibility for the maintenance of the routes.

## **13. INVOLVEMENT OF OTHER GROUPS**

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

As reported at previous meetings, an important part of the maintenance of the rights of way was undertaken with the assistance of community councils, user groups and individuals.

The survey of the rights of way network was ongoing and the results of the most recent work was currently being calculated in relation to Performance Indicators

The Rights of Way Warden had continued to undertake works with groups by utilising the services of contractors to demonstrate and instruct new user group members in safe working practices.

The Gelligaer Group had continued to clear and waymark paths between Penpedairheol, Gelligaer Common and Tophill and Upper Rhymney Valley. This year they had completed 500 metres of clearance works in the Gelligaer area. Since the training day Islwyn Ramblers had carried out surveys on 2.2Kms of paths which had resulted in the repair of stiles, kissing gates and clearance of overgrowth.

Councillor Cullen had been very active in the Ynysddu, Willie and Wattsville areas clearing and identifying paths which required more difficult methods of clearance. Councillor Cullen placed on record his thanks to Mark Gibbons and Stefan Denbury for all their help this year.

The Ramblers Association, together with the British Horse Society, was continuing to assist the Authority in its responsibility to produce Performance Indicators. The surveys were ongoing and the results currently awaited.

The Committee noted the report.

#### **14. WORKS IN HAND OR RECENTLY CARRIED OUT**

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

In addition, the Rights of Way Warden and his assistant had continued to undertake surveys of footpaths and bridleways following complaints received from Councillors and members of the public in the Mynyddislwyn, Bedwas and Machen, Gelligaer, Caerphilly, Risca and Blackwood areas.

A number of schemes had been identified following an injection of £20,000 additional funds. Since the last committee meeting the drainage works on Cart Road Bridleway No.97 Bedwas and Machen had been completed and it now required the Structures Section to complete the works with the provision of gabion baskets to rebuild the surface of the path. In addition footpath No.354 Abercarn (Trinant) had to be opened for public use following the clearance of overgrowth and the installation of new stiles and waymarking.

The Gelligaer Ramblers were continuing the survey work associated with the Performance Indicators and this was now nearing completion. The Islwyn group had continued with their survey work and it was hoped that results would shortly be forthcoming.

The priority of work, unchanged since the previous meeting, was as follows:-

- i Hazards to the public;
- ii Hazards to property and livestock;
- iii Regular maintenance programme;
- iv Complaints from the public not covered by (i), (ii) or (iii).

A list of the telephone and other complaints received by rights of way staff since

23rd November 2004 and also the remedial works undertaken to resolve the issues was on deposit in the Members` Room. At present there was a backlog of works of approximately four/five weeks.

The Committee noted the report.

#### **15. RIGHTS OF WAY SURVEY - PRIZE DRAW**

The Chair invited Members of the Committee to draw out the two winning tickets.

- The winning prize of £50 and a set of specially produced ordnance survey maps would be presented to the holder of ticket no 73.
- The second prize, a set of specially produced ordnance survey maps, would be presented to the holder of ticket no 38.

Members were advised that an article would be prepared for a future edition of Newslines.

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

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CHAIRMAN