

RIGHTS OF WAY COMMITTEE – 25TH JULY 2005

SUBJECT: DIVERSION OF FOOTPATH NO.22 ROGERSTONE AND FOOTPATH NO.157 RISCA

REPORT BY: DIRECTOR OF THE ENVIRONMENT

1. PURPOSE OF REPORT

- 1.1 To advise Members of a diversion in respect of footpath No.22 in the Community of Rogerstone and footpath No.157 in the Community of Risca.

2. SUMMARY

- 2.1 To advise Members of the application in regard to the diversion of footpath No.22 Rogerstone and footpath No.157 Risca.

3. LINKS TO STRATEGY

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

4. THE REPORT

- 4.1 Footpath No.22 in the Community of Rogerstone and footpath No.157 in the Community of Risca form a single route leading from the un-classified road connecting Snowdon Close to Mountain Road, Tysign to Holly Road, Ty-Sign. For clarification purposes the route of the path is indicated on the Location Plan/Definitive Map included as Document No.1.
- 4.2 Footpath No.22 Rogerstone and footpath No.157 Risca are registered rights of way and recorded on the definitive map and statement relevant date 1st July 1952 prepared by Monmouthshire County Council under the terms of the National Parks and Access to the Countryside Act 1949.
- 4.3 A planning application has been received in regard to an area of land which will affect both public rights of way. The application received consent when it was reported to the Planning Committee on the 13th July 2005.
- 4.4 Coincidentally with the planning application the agents Boyer Planning made application for the diversion of the rights of way.
- 4.5 In accordance with our usual procedures, the authority has undertaken a pre-order consultation exercise with interested parties including Local Members, user groups, statutory undertakers and other interested parties.
- 4.6 The applicants have proposed the diversion of the footpath to coincide with the estate footways.

4.7 Document No.2 is a copy of the site layout plan which shows the existing path in a bold black line between points A-B and the proposed diversion as a bold black dashed line between points A-C-B.

4.8 No adverse comments have been received to the proposals to divert the paths.

4.9 The applicants have been made aware of the Authority`s requirements in respect of the diversion and agreed in their letter to the following matters;

1. The administrative and constructional costs associated with the diversion to be borne by the applicant. The minimum cost for the administrative processing of the order is currently £1,800.00, but this may increase marginally depending on the size of the adverts and prevailing charges of the newspapers involved.

2. The alternative path to be on land within the control of the applicant or their clients. If this is not possible then the written agreement of the landowner concerned to be received by the order making authority before the order is progressed.

3. Kissing gates to be provided where the path passes through any boundaries.

5. FINANCIAL IMPLICATIONS

5.1 None. The administrative cost of the order and construction of the alternative paths to be borne by the applicant

6. PERSONNEL IMPLICATIONS

6.1 None

7. CONSULTATIONS

7.1 Cabinet Member for Highways and Transportation, County Borough Councillor K.Griffiths

7.2 Chairman of Rights of Way Committee Councillor D.Carter,

7.3 Vice Chairman of Rights of Way Committee Councillor N.Dix

7.4 County Borough Councillor Councillor S. Jenkins

7.5 County Borough Councillor Mrs. R. Passmore

7.6 County Borough Councillor Mrs. B.M. Toomer

7.7 Chief Engineer, Mr. Mark Rees-Williams

7.8 Transportation Manager, Mr.J.Cooper

7.9 Head of Legal Services, Mr. D.Perkins

8. RECOMMENDATIONS

8.1.1 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, Tysign a total distance of 85 metres or thereabouts shown on plan by a bold black dashed line between points D-C

9. REASONS FOR THE RECOMMENDATIONS

9.1 To allow implementation of a planning consent

Author: A.J. Sander Senior Assistant Engineer Rights of Way
Consultees: Keith Donovan, Local Ramblers Association Representative
Countryside Council for Wales
Open Spaces Society
The Ramblers Association
Royal Mail Property Holdings West
NGT Transco
Western Power Distribution
British Telecom
Hyder Operations
British Driving Society
Mrs.J.Hyett, British Horse Society Representative
British Horse Society
Secretary to the Byways and Bridleways Trust
Cyclists Touring Club
Auto Cycle Union
County Borough Councillor S. Jenkins
County Borough Councillor
County Borough Councillor Mrs. B.M. Toomer

Background Papers:
File ETP/ROW/FP22 Rogerstone