

## RIGHTS OF WAY COMMITTEE – 25TH JULY 2005

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

**REPORT BY: DIRECTOR OF THE ENVIRONMENT**

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### 1. PURPOSE OF REPORT

1.1 To advise Members of a diversion in respect of footpath No.6 in the Community of Rudry.

### 2. SUMMARY

2.1 To consider an application for the diversion of footpath No.6 in the Community of Rudry

### 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.6 in the Community of Rudry is a registered right of way and recorded on the definitive map and statement relevant date 1<sup>st</sup> January 1971 prepared by Glamorgan County Council under the terms of the National Parks and Access to the Countryside Act 1949.

4.2 For identification purposes the line of the path is indicated on the Location/definitive map attached as Document No.1

4.3 The path is described in the definitive statement as;

Footpath 6 RUDRY Length 1234 Width 1.2  
Commences on bridleway 2 at a field gate north of Garth Farm and proceeds southeast across farmyard to wicket gate. Continues across fields via stiles and field gates to Rudry Common south of Twyn-Sych. Crosses footpath 21 on the Common and footpath 23 to terminate on footpath 20 north of the Griffin Inn.

4.4 The definitive path is more clearly shown on Document No.2 between points A-B-C-J-D

4.5 In June 2000 the authority agreed to the owners request for a permissive path to the west of the farm. The route suggested would benefit the public in that it provided the public with a more direct route to and from the common. The permissive route is indicated on Document No.2 between points G-H-J

4.6 The land to the south west of Garth Farm has 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

- 4.7 The suggested alternative path is indicated on Document No.2 between points A-E-F-D.
- 4.8 The authority has undertaken a pre-order consultation exercise with only the Countryside Council for Wales, Welsh water and British Telecom replying indicating that they had no objection to the proposals.
- 4.9 The authority responded to the applicant detailing its requirements by letter dated 6 June 2005
1. The administrative cost for the processing of the order to be borne by the applicant
  2. any constructional cost associated with bringing the alternative path into a condition suitable for public use to be borne by the applicant
  3. the alternative path to be constructed to a maximum gradient of 1 in 8. If this gradient is exceeded, consideration of steps or a stepped ramp to be considered.
  4. The alternative path to be waymarked in order to direct the public along the new path
  5. If the path crosses field boundaries then any stiles or gates to be constructed in accordance with British Standards.
- 4.10 No reply has yet been received from the applicant in regard to the aforementioned conditions.

## **5. FINANCIAL IMPLICATIONS**

- 5.1 None. The applicant has agreed to incur the administrative and constructional costs for the diversion.

## **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 J. Bevan 5, Arthur Street, Abertysswg, Rhymney, Tredegar, NP22 5AN
- 7.5 County Borough Councillor S. Lewis Maerdy Bungalow, Wellington Way, Rhymney, Tredegar, NP22 5PZ Chief Engineer, Mr.D.Williams
- 7.6 Chief Engineer, Mr.Mark Rees-Williams
- 7.7 Transportation Manager, Mr.J.Cooper
- 7.8 Head of Legal Services, Mr. D.Perkins

## **8. RECOMMENDATIONS**

- 8.1 That subject to the applicant accepting the conditions detailed on paragraph 4.9 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

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

## **9. REASONS FOR THE RECOMMENDATIONS**

- 9.1 In the interests of the landowner and in the interests of public safety

## **10. STATUTORY POWER**

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

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Consultees: Keith Donovan, 9 Laurel Drive, The Bryn, Pontllanfraith, Blackwood NP12 2PR  
Mr. John R.Dilworth, Clerk to Rudry Community Council, 3 School Street, Pontyclun,  
Rhonda Cynon Taff, CF72 9AA  
Mrs. Julie Pritchard, Area Footpaths Officer, 3 Heol Pencarreg, Gilfach, Bargoed.  
CF81 8QD  
Countryside Council for Wales Unit 4, Castleton Court, Fortan Road,  
St. Mellons, Cardiff CF3 0LT  
Open Spaces Society, 25A Bell Street, Henley-on Thames, Oxon RG9 2BA  
The Ramblers Association, 2nd Floor, Camelford House, 87-90 Albert  
Embankment, London SE1 7TW  
Royal Mail Property Holdings West, Estates Surveying Division, Archway  
House, 77 Ty Glas Avenue, Llanishen, Cardiff CF4 5YG  
NGT Transco, Stafford Road, Wolverhampton, West Midlands, WV10 6HX  
NRSWA Section, Mapping Centre, Western Power Distribution, Duffryn Bach  
Terrace, Church Village Pontypridd, CF38 1NB  
Incoming Notice Reception (South Wales), P.P.404B Telecom House, Trinity  
House, Hanley ST1 5ND  
NRSWA Section, AIS Bureau, Hyder Operations, Duffryn Bach Terrace,  
Church Village Pontypridd, CF38 1NB.  
British Driving Society, 27 Dugard Place, Bedford, Warwick CV38 8DY  
Mrs.J.Hyett, British Horse Society Representative, Woodland Farm, Caerphilly  
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Mrs.S.L.Davy, Secretary to the Byways and Bridleways Trust, P.O.Box 117  
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Mr. R.S. Pruddah, Representative of Cyclists Touring Club, 19 Bernard Street,  
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County Borough Councillor C.P. Duggan, Ty Llawen, Rhyd-Y-Gwern Close,  
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County Borough Councillor Ms. E.E. Forehead, 36, The Crescent, Trecenydd,  
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Background Papers:

File ETP/ROW/FP6 Rudry/Report held at Council Offices, Pontllanfraith