



RIGHTS OF WAY COMMITTEE

MINUTES OF THE MEETING HELD AT THE COUNCIL OFFICES, TREDOMEN ON MONDAY, 26TH SEPTEMBER 2005 AT 11.30 AM

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. Sander (Senior Assistant Engineer – Rights of Way), J. Piper (CROW Support Officer), G. Gordon (Senior Assistant Engineer), H. Lewis (Legal Assistant), S.M. Kauczok (Committee Services Officer)

APOLOGIES

Apologies for absence had been received from Councillors B.A. Barker, S. Kent and Ms J.G. Jones.

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. 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

Prior to the meeting Members and Officers had met on site and walked the route of the claimed footpath.

Members were reminded that they would be acting in a quasi-judicial capacity and 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 received a short presentation from June Piper, CROW Support Officer.

An application had been received under the Wildlife and Countryside Act 1981 to add a path the Definitive Map and Statement for Monmouthshire in the Community of Mynyddislwyn.

The application was supported by 22 evidence user forms. It appeared from the site inspection and the evidence received that it was a well-defined route, which provided a useful link to the bus stop on the A4048 as well as providing a link to the A4048 to access Ynysddu and Pontgam.

The path had originally been constructed to allow access for miners to Wyllie Colliery. It had been recognised by the former Mynyddislwyn Urban District Council as a useful path for the villagers and a Deed of Easement for the use of the path for 49 years had been entered into.

The former Gwent County Council had also recognised the usefulness of the path and had endeavoured to obtain a Dedication Agreement from the landowners. However, the land had been sold and no known landowners could be found.

It was pointed out that references to 'Pont Islwyn' in the report should be corrected to read 'footbridge'.

Members discussed the application and reference was made to a section of the path alongside the riverbank where fencing had been removed or damaged. Mr Sander indicated that he would ascertain whose responsibility it was to replace the fencing at this point.

On the basis of the evidence and information compiled in the submitted documents the Committee RESOLVED that the claim as made for a footpath be supported.

The meeting closed at 11.40 a.m.

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

CHAIRMAN