

RIGHTS OF WAY COMMITTEE – 29TH MARCH 2006

**SUBJECT: DIVERSION OF FOOTPATH NO. 41 IN THE COMMUNITY OF
Mynyddislwyn**

REPORT BY: DIRECTOR OF THE ENVIRONMENT

1. PURPOSE OF REPORT

- 1.1 To advise Members of a diversion in respect of footpath No.41 in the Community of Mynyddislwyn

2. SUMMARY

- 2.1 To consider an application by the Chief Property Officer on behalf of the Director of Education for the diversion of footpath No.41 in the Community of Mynyddislwyn

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.41 in the Community of Mynyddislwyn is a registered right 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.
- 4.2 For identification purposes the line of the path is indicated on the Location Plan/ Definitive Map attached as Document No.1
- 4.3 The path is described in the definitive statement as;
- Footpath 41 Mynyddislwyn
Islwyn Terrace 1879 OS
Branches from 40 across Waen N.W. to Maesygarn Farm through farmyard and via lane to North of Islwyn Terrace
- 4.4 An application has been received from the Chief Property Officer on behalf of the Director of Education seeking the diversion of the route of footpath No.41 Mynyddislwyn as a result of a planning permission being granted on the 6th October 2005 No.P/050972 for the new Oakdale Infants School.
- 4.5 Following receipt of the application the Authority has undertaken a pre order consultation exercise with interested parties. Replies have been received from the Local Members, Welsh Water, and BT. Of those replies received no objections have been raised to the proposals.

Mr. K. Donovan representing the Ramblers Association has verbally expressed his support for the diversion.

- 4.6 The applicants have agreed to the following matters which are required by highway authority;
1. the cost of the order procedure estimated to be in the region of £1,800.00 to be borne by the applicant
 2. Anti motor cycling barriers to be erected at either end of path to prevent misuse
 3. the alternative route to be constructed to a minimum width of 1.8 metres and a minimum of blinded hardcore surface to a gradient not exceeding 1 in 8. If gradient is exceeded then a ramped step to be considered and agreed prior to construction
- 4.7 Document No.2 is a detailed plan indicating the definitive line of footpath No.41 Mynyddislwyn by a solid bold black line between points A-B. The proposed alternative path is also indicated on Document No.2 by a dashed bold black line between points B-C-D-A.

5. FINANCIAL IMPLICATIONS

- 5.1 None. Cost of order and associated works being borne by applicant

6. PERSONNEL IMPLICATIONS

- 6.1 None

7. CONSULTATIONS

- 7.1 Cabinet Member for Highways and Transportation, County Borough Councillor K.Griffiths.
Chairman of Rights of Way Committee Councillor D.Carter.
Vice Chairman of Rights of Way Committee Councillor N.Dix.
Chief Engineer, Mr.Mark Rees-Williams.
Transportation Manager, Mr.J.Cooper.
Head of Legal Services, Mr. D.Perkins.

8. RECOMMENDATIONS

- 8.1 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.41 Mynyddislwyn commencing at a point approximately 17 metres north of the centre of the property known as 22 Pen-Y-Fan Way and proceeding in a north westerly direction to its termination on B4251 Oakdale to Croes-pen-maen road at a point approximately 96 metres north north west of the said property a total distance of 83 metres or thereabouts and shown on plan by a bold black line between points B-A

Description of Alternative Path or Way

A new path to a width of 1.8 metres commencing at a point approximately 17 metres north of the centre of the property known as 22 Pen-Y-Fan Way and proceeding in a south westerly, curving to a north north westerly direction then continuing in an east north easterly direction to

its termination on B4251 Oakdale to Croes-pen-maen road at a point approximately 96 metres north north west of the said property a total distance of 193 metres or thereabouts and shown on plan by a bold black dashed line between points B-C-D-A.

9. REASONS FOR THE RECOMMENDATIONS

9.1 To allow implementation of the planning consent

10. STATUTORY POWER

10.1 Town and Country Planning Act 1990 – Section 257 Diversion of Footpaths and Bridleways. This is a Council function which is delegated to this committee for determination.

Author: A.J.Sander, Senior Assistant Engineer Rights of Way.
Consultees: Keith Donovan, 9 Laurel Drive, The Bryn, Pontllanfraith, Blackwood NP12 2PR
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
Wales & West Utilities, Malago House, Bedminster Road, Bedminster, Bristol BS99 5RS
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 Mountain, Mid Glamorgan CF8 1NF
British Horse Society, Stoneleigh Deer Park, Kenilworth, Warwickshire CV8 2XZ
Mrs. S.L. Davy, Secretary to the Byways and Bridleways Trust, P.O. Box 117 Newcastle upon Tyne, NE3 5YT
Mr. R.S. Pruddah, Representative of Cyclists Touring Club, 19 Bernard Street, Cwmcarn.
Cyclist and Touring Club, Cotterell House, 69 Mead Row, Godalming, Surrey GU7 3HS
Auto Cycle Union, Wood Street, Rugby Warwickshire, CV21 2XY
County Borough Councillor J.O. Evans, 13, Park View Bungalows, Penmaen, Blackwood, NP12 ODE
County Borough Councillor A.J. Pritchard, 6, Penrhiw Terrace, Oakdale, Blackwood, NP12 OJH

Background Papers:

ETP/ROW/FP41 Mynyddislwyn/Report held at Council Offices, Pontllanfraith