



## RIGHTS OF WAY COMMITTEE – 29TH MARCH 2006

**SUBJECT: CONSULTATION WITH THE CHAIRMAN AND VICE CHAIRMAN OF THE RIGHTS OF WAY COMMITTEE – 25 NOVEMBER 2005  
DIVERSION OF FOOTPATH 65 AND 91 TOGETHER WITH TWO UNREGISTERED FOOTPATHS IN THE COMMUNITY OF MYNYDDISLWYN**

**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. 65 and 91 together with two unregistered footpaths in the Community of Mynyddislwyn.

### **2. SUMMARY**

- 2.1 To consider an application for the diversion of footpath No. 65 and 91 together with two unregistered footpaths 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 A Side Road Order was published in regard to the stopping up and diversion of highways affected by the construction of the Sirhowy Enterprise Way. This order included rights of way affected by the new construction.
- 4.2 As construction of the new road is nearing completion the Council's agents, Capita Symonds have identified four new paths provided by the Side Road Order which require further consideration in the form of diversion or stopping up to maintain access to the rights of way network.
- 4.3 These four paths have been the subject of two separate applications for diversion and stopping up. The first application was in regard to footpath No.65 Mynyddislwyn, a path that was confirmed public through the Wildlife and Countryside Act 1981 and was previously an unregistered path.
- 4.4 The second application relates to footpath No.91 in the Community of Mynyddislwyn
- 4.5 The Authority has undertaken a pre order consultation exercise in regard to all four paths and no adverse comments have been received to the proposals.

- 4.6 For identification purposes the four paths are indicated on Document No.1
- 4.7 Document No.2 relates to footpath No.65 Mynyddisllwyn. The route provided by the confirmed Side Road Order is indicated by a bold black line between points A-B-C. The present route of the path is obstructed by the school fence. It is proposed to divert the path initially alongside the school fence before continuing along an existing track and along the top of the embankment. The path then descends a flight of steps to the edge of the Sirhowy Enterprise Way at the pedestrian refuge. The proposed diverted route of the path is indicated on Document No.2 by a bold black dashed line between points A-F-E-D-C
- 4.8 Document No.3 is in regard to the unregistered path west of the property known as "Ty-Gronow", Penmaen.
- 4.9 The existing route provided by the confirmed Side Road Order passes through an area of mature trees with undulating terrain and is shown on Document No.3 by a bold black line between points G-H.
- 4.10 The proposed diversion is along the existing access to the funeral home. This route has a cobbled surface and is shown on Document No.3 by a bold black dashed line between points H-J-G
- 4.11 Document No.4 relates to a path which has been processed through the Wildlife and Countryside Act 1981 and is accepted as a formal right of way. This path is indicated on Document No.4 by a bold black line between points K-L. It is suggested that this path is stopped up in favour of the new highway provided between points M-N and indicated by a bold dashed line on Document No.4
- 4.12 Document No.5 is in regard to footpath No.91 Mynyddisllwyn. The applicant being Capita Symonds has applied for the diversion of this path on environmental grounds in that the existing path provided by the Side Road Order is in close proximity to the new bat and dormouse crossing. The existing path provided by the Side Road Order is indicated on Document No.5A by a bold black line between points A-B-C-D. The proposed diversion is shown by a bold black dashed line between points A-G-F-E-D

## **5. FINANCIAL IMPLICATIONS**

- 5.1 The cost of this diversion order procedure will be in the region of £2,500 which will be met by the applicants

## **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 S. Lewis Maerdy Bungalow, Wellington Way, RhymneTredegar, NP22 5PZ Chief Engineer, Mr.D.Williams
- 7.5 Chief Engineer, Mr.Mark Rees-Williams

7.6 Transportation Manager, Mr.J.Cooper

7.7 Head of Legal Services, Mr. D.Perkins

## **8. RECOMMENDATIONS**

8.1 That a Diversion Order be made under Section 119 of the Highways Act 1980 in accordance with the following descriptions;

### Description of Existing Path or Way (FP65 Mynyddislwyn) to be diverted

That part of footpath No.65 Mynyddislwyn provided by the Sirhowy Enterprise Way, Route A4048 Classified Road, Side Road Order commencing at a point approximately 140 metres north east of No.90 Toronto Close, Penmaen and proceeding in a north easterly and northerly directions to its termination on the east side of the new road at a point 235 metres north east of the said property a total distance of 100 metres or thereabouts and shown on plan by a bold black line between points C-B-A

### Description of New Path or Way

A new path to a width of 1.8 metres commencing at a point approximately 140 metres north east of No.90 Toronto Close, Penmaen and proceeding in a north westerly direction alongside the school boundary fence, then proceeding north east following well worn track and then along the top of the embankment before turning north west descending a flight of steps to terminate on the east side of the new road near the pedestrian refuge at a point 235 metres north east of the said property a total distance of 115 metres or thereabouts and shown on plan by a bold black dashed line between points C-D-E-F-A.

### Description of Existing Path or Way (Un-registered path) to be diverted

That part of an unregistered path commencing at a point approximately 75 metres west of the property known as "Ty-Gronow", Penmaen and proceeding in a north westerly direction to a point approximately 93 metres west of the said property a total distance of 20 metres or thereabouts and shown on plan by a bold black line between points G-H

### Description of New Path or Way

A new path to a width of 1.8 metres commencing at a point approximately 75 metres west of the property known as "Ty-Gronow", Penmaen and proceeding in a north westerly and south westerly to terminate at a point approximately 93 metres west of the said property a total distance of 22 metres or thereabouts and shown on plan by a black dashed line between points G-J-H

### Description of Existing Path or Way (Footpath No.91 Mynyddislwyn) to be diverted

That part of footpath No.91 Mynyddislwyn commencing at a point 230 metres north east of No.44 Elim Way, Pontllanfraith and proceeding in an easterly, northerly, east south easterly, north north easterly crossing the new road, then north westerly to its termination at a point 265 metres north east of the said property a total distance of 80 metres or thereabouts and shown on plan by a bold black line between points H-D-C-B-A

### Description of New Path or Way

A new path to a width of 1.8 metres commencing at a point 230 metres north east of No.44 Elim Way, Pontllanfraith and proceeding in a northerly direction before turning east south easterly, north north easterly crossing the new road, then north westerly to its termination at a

point 265 metres north east of the said property a total distance of 187 metres or thereabouts and shown on plan by a bold black line between points D-E-F-G-A

- 8.2 That a Stopping Up Order be processed under Section 118 of the Highways Act 1980 in accordance with the following description;

Claimed Right of Way rear of Smiths Terrace, Woodfieldside

That part of a claimed right of way commencing at a point 75 metres north east of No.1 Smiths Terrace, Woodfieldside and proceeding in a curved south easterly, to its termination on Tir-Philkins Lane at a point 115 metres south east of the said property a total distance of 170 metres or thereabouts and shown on plan between points K-L

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

- 9.1 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 which is delegated to this committee for determination.

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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:

Council Offices,  
Pontllanfraith

**Consultation with the Chairman and Vice Chairman of Rights of Way Committee in respect of the Diversion of Footpath No.65 and 91 together with two Unregistered footpaths in the Community of Mynyddislwyn**

Consultation on the 28<sup>th</sup> November 2005

Chairman of Rights of Way Councillor D. Carter  
Vice Chairman of Rights of Way Committee Councillor N. Dix

Having considered the report on the 28th November 2005 in respect of the diversion of footpath No. 65 and 91 together with two Unregistered footpaths in the Community of Mynyddislwyn

Signed

Chairman of Rights of Way Councillor D. Carter.....

Date.....

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

Date.....