



## RIGHTS OF WAY COMMITTEE

### MINUTES OF THE MEETING HELD AT THE COUNCIL OFFICES, TREDOMEN ON THURSDAY, 4TH MAY 2006 AT 12 NOON

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PRESENT:

Councillor D.G. Carter - Chairman  
Councillor N.S. Dix - Vice-Chairman

Councillors:

M. Adams, P.J. Bevan, D. Cullen, S. Jenkins, Mrs D. Price and K. Lloyd

Local Ward Member: Councillor J.R. Davies.

Together with:

A. Sander (Senior Assistant Engineer – Rights of Way), J. Piper (CROW Support Officer), G. Gordon (Senior Assistant Solicitor), H. Lewis (Legal Assistant) and D. Phillips (Committee Services Officer).

#### 1. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

#### 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 DELETING THREE PATHS FROM MOUNTAIN ROAD, BEDWAS TO COLLIERY ROAD, BEDWAS

Prior to the meeting members and officers had met on site and walked the route of the three paths identified in an application to delete them from the definitive map and statement.

Members were reminded that they would be acting in a quasi-judicial capacity and before making an order, they must be satisfied that the evidence shows, on the balance of probabilities, that a right of way of a particular description does, or does not exist.

The committee received a short presentation from Adrian Sander, Senior Assistant Engineer – Rights of Way.

An application had been received under the Wildlife and Countryside Act 1981 from Mrs G.D. Hutchinson to modify the Definitive Map and Statement for the County of Monmouthshire by deleting three paths. Two of the paths lead from Mountain Road, Bedwas eastwards and the third being a continuation of the first two leading southwards to Colliery Road, Bedwas.

Councillor J.R. Davies, a local ward member, addressed the committee in support of the application.

Mrs Brunson, a representative of the applicant, addressed the committee in support of the application and indicated that she cannot recall anyone walking the routes. She referred to the photographs and a written statement describing the history of the land (attached as an appendix to the report).

Mrs Lewis was invited to address the committee in support of the application but declined as she felt all issues had been adequately addressed by Mrs Brunson.

Mr Prosser, who was objecting to the application was then invited to address the committee. Mr Prosser reported that he considered that the paths are public and made reference to a number of maps and an aerial photograph as evidence. He also reported that he had walked the paths on a number of occasions.

Mr Donovan, a representative from the Ramblers Association was then invited to address the committee. Mr Donovan referred to his letter attached to the report where he reported that he considered that the footpaths form part of the legal footpath system within the county borough although two of the footpaths are blocked at the Mountain Road side. He urged members to reject the application.

Members discussed the application and on the basis of the evidence and information compiled in the submitted documents and the evidence given at the committee it was:

RESOLVED that the 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 deleting three paths from Mountain Road, Bedwas to Colliery Road, Bedwas be supported.

The meeting closed at 1.30p.m.

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

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CHAIRMAN