



RIGHTS OF WAY COMMITTEE

**MINUTES OF THE MEETING HELD AT THE COUNCIL OFFICES, NELSON ROAD,
TREDOMEN ON WEDNESDAY, 29TH MARCH 2006 AT 11.00 A.M.**

PRESENT:

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

Councillors:

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

Together with:

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

WELCOME

The Chair welcomed Councillors P.J. Bevan and Mrs D. Price who were replacing Councillors B. Barker and S. Kent on the Committee.

1. DECLARATIONS OF INTEREST

Councillor P.J. Bevan declared an interest in agenda item 3(1). He is the Chair of the Ruperra Conservation Trust.

Councillor K. Lloyd reminded the Committee that he had previously declared an interest in Minute No 3 of the meeting held on 25th July 2005.

2. MINUTES

RESOLVED that the following minutes be approved as a correct record and signed by the chairman.

1. Rights of Way Committee – 25th July 2005.
2. Rights of Way Committee – 15th September 2005.
3. Rights of Way Committee – 26th September 2005.
4. Rights of Way Committee – 27th September 2005.

3. CREATION AGREEMENT WITH RUPERRA TRUST

Councillor P.J. Bevan declared an interest in this item and took no part in the discussions thereon.

The report set out details of an application to claim bridleways and upgrade footpaths within and adjoining Ruperra Conservation Trust. Negotiations had taken place with the applicant, users, the Trust and one of the adjoining landowners. An agreement had subsequently been reached for a bridleway to be created on the Trust's land together with the upgrading of a footpath and creation of a bridleway on land owned by Mr J. Wells.

It was pointed out that the description in paragraph 8.1.1 under B-M-N-O-H should read:-

“A new bridleway to a width of 3m commences on Footpath 1 Llanfedw at a point (B) approximately 290 metres west of the “Motte””– not, *east-northeast* as stated in the report.

The Committee endorsed the recommendations contained in the report and RESOLVED that:-

The Authority enters into Creation Agreements with the two landowners for the relevant sections of bridleways as shown in Document No. 8.

Description of Bridleways to be created on land owned by Ruperra Conservation Trust.

G-H-K-J

A new bridleway to a width of 3m commences at a point (G) approximately 286 metres south of the “Motte”. The bridleway proceeds in a north north easterly direction for a distance of approximately 173 metres to point (H), continuing in a north easterly direction for approximately 700 metres point (K), continuing in an easterly direction for approximately 36 metres where it terminates on the Draethen to Michaelstone Road, point (J) approximately 163 metres south of the Iron Bridge Cottage. A total length of approximately 909 metres or thereabouts and shown on plan by a bold black line between points G-H-K-J.

K-W

A new bridleway to a width of 3m commences 36 metres from the Draethen to Michaelstone Road, approximately 600 metres north north east of the “Motte”, point (K). The path proceeds in a north westerly and westerly directions running parallel to the Draethen to Michaelstone Road to its termination on the Draethen to Michaelstone Road approximately 7 metres south of the property known as Altfarian a total distance of approximately 600 metres or thereabouts and shown on plan by a bold black line between points K-W.

W-A

A new bridleway to a width of 3m commencing at a point approximately 612 metres north of the “Motte” on the bridleway previously described and proceeds in a south westerly direction following a forestry track to its termination on Footpath 1 Llanfedw at a point approximately 450 metres north west of the “Motte” a total distance of 475 metres or thereabouts shown on plan by a bold black line between points W-A.

B-M-N-O-H

A new bridleway to a width of 3m commences on Footpath 1 Llanfedw at a point (B) approximately 290 metres west of the “Motte” and proceeding in a north easterly, then in a southerly, south westerly and south easterly directions to its termination on the bridleway previously described as G-H-K-J at a point approximately 140 metres south east of the “Motte” a total distance of 867 metres or thereabouts and shown on plan by a bold black line between points B-M-N-O-H.

Description of Bridleways to be created on land owned by Mr. J. Wells

A-AA

A new bridleway to a width of 3m commencing at its junction with Footpath No. 1 Llanfedw at a point (A) approximately 452 metres north west of the "Motte", and proceeds in a south westerly direction to its termination at its junction with Bridleway No. 14 Llanfedw (AA) a total distance of 258 metres or thereabouts and shown on plan by a bold black line between points A-AA.

CC-C

A new bridleway to a width of 3m commencing at its junction (CC) with Bridleway No. 14 Llanfedw, at a point approximately 604 metres west of the "Motte" and proceeds south east to its termination at its junction with Footpath 1 Llanfedw at a point approximately 408 metres west of the "Motte" a total distance of 252 metres or thereabouts and shown on plan by a bold black line between points CC-C.

C-B

A new bridleway to a width of 3m commencing at a point approximately 380 metres west south west of the "Motte" (C) and proceeds north east to its termination at a point (B) approximately 295 metres west south west of the "Motte" a total distance of 408 metres or thereabouts and shown on plan by a bold black line between points C-B.

The legal costs incurred by the landowners in entering into the Creation Agreements be met by this Authority.

4. CREATION OF BRIDLEWAY AND EXTINGUISHMENT OF SECTION OF FOOTPATH 368A BEDWELLY

The report advised members of the process undertaken in the creation of a bridleway in the Community of Bedwellty and the extinguishment of a section of footpath No 368A Bedwellty.

The Committee endorsed the recommendations in the report and RESOLVED:-

That an Extinguishment Order be processed under Section 118 of the Highways Act 1980 for that part of Footpath No. 368A Bedwellty shown as A-B on Document No. 2 subject to the landowner, entering into a Creation Agreement to establish a bridleway shown as C-D-E and footpath shown as D-B on Document No. 2.

Description of path or way to be Extinguished

That part of footpath No. 368A Bedwellty commencing at its junction with CRB 368 Bedwellty and Footpath 202 Bedwellty at a point approximately 104 metres south east of the centre of the property known as "Tree Tops" and leading in a north westerly direction to its termination at its junction with FP80 at a point approximately 23 metres south east of the said property, a total distance of 90 metres or thereabouts and shown on plan by a bold black line between points A-B.

Description of Created Bridleway

A new bridleway to a width of 3m commencing on CRB368 Bedwellty at a point approximately 115 metres south east of the centre of the property known as "Tree Tops" proceeding in a north westerly direction to a gateway at a point approximately 33 metres south of the said property, continues west to its termination on Victoria Road. A total distance of 135 metres or thereabouts shown on plan by a bold black dashed line between points C-D-E-F.

Description of Created Footpath

A new path to a width of 1.8 metres commencing at a point approximately 32 metres south of the centre of the property known as "Treetops" from its junction with the new bridleway and proceeding in a northerly direction to its termination at its junction with Footpaths 80 and 368A Bedwellty at a point approximately 22 metres south of the centre of the said property, a total distance of 10 metres or thereabouts and shown on plan by a bold black dashed line between points D-B.

5. 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

The report set out the details of an application to delete three paths from the definitive map and statement.

The Committee RESOLVED that the application be deferred for a site visit.

6. DIVERSION OF FOOTPATH NO. 85 IN THE COMMUNITY OF BEDWAS AND MACHEN

The report set out details of an application for a diversion in respect of footpath No. 85 in the Community of Bedwas and Machen.

The Committee endorsed the recommendation in the report and RESOLVED:-

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.85 in the Community of Bedwas and Machen commencing at a point approximately 92 metres west south west of Severnside Waste Paper Factory and proceeding in a west north westerly, northerly, and north westerly to its termination at a point approximately 65 metres south west of the property known as Bridgefield House a total distance of 275 metres or thereabouts and shown on plan by a bold black line between points B-C-A.

Description of Alternative Path or Way

A new path to a width of between 2.00 – 2.50 metres commencing at a point approximately 92 metres west south west of Severnside Waste Paper Factory and proceeding in a westerly, north westerly, northerly and north westerly directions to its termination at a point approximately 65 metres south west of the property known as Bridgefield House a total distance of approximately 310 metres or thereabouts and shown on plan by a bold black dashed line between points B-D-A.

7. DIVERSION OF FOOTPATH NO. 41 IN THE COMMUNITY OF MYNYDDISLWYN

An application had been received from the Chief Property Officer on behalf of the Director of Education seeking a diversion of the route of footpath No. 41 Mynyddislwyn as a result of a planning permission being granted on 6th October 2005 No. P/050972 for the new Oakdale Infants School.

Following receipt of the application the Authority had undertaken a pre consultation exercise with interested parties. Replies had been received from Local Members, Welsh Water and BT. Of those replies no objections had been raised with regard to the proposals.

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

The Committee endorsed the recommendation in the report and RESOLVED:-

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.

8. 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

The report advised Members of a decision taken following consultation with the Chairman and Vice Chairman on 25th November 2005 in respect of the diversion application relating to footpath 65 and 91, together with two unregistered footpaths in the Community of Mynyddislwyn affected by the construction of the Sirhowy Enterprise Way.

The Committee noted the decision taken by officers in consultation with the Chairman and Vice Chairman:-

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

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. INVOLVEMENT OF OTHER GROUPS

As reported at previous meetings, an important part of the maintenance of the rights of way was undertaken with the assistance of community councils, user groups and individuals.

Since arranging a survey training day with groups prepared to survey the network, additional groups had contacted the Authority with an offer of assistance. Their surveys were currently ongoing.

Since the training day the Islwyn Ramblers had carried out surveys on 4.7Kms of paths, which had resulted in the repair of stiles, kissing gates and clearance of overgrowth.

The Ramblers Association, together with the British Horse Society, were continuing to assist the Authority in its responsibility to produce Performance Indicators. The surveys were ongoing and the results currently awaited.

The Committee noted the report and endorsed the proposal that a buffet reception, to coincide with the anniversary of the Countryside and Rights of Way Act, be held for the volunteers who had been assisting the Authority with the improvement of the rights of way network.

10. WORKS IN HAND OR RECENTLY UNDERTAKEN

The report advised Members of the works recently undertaken or scheduled to be carried out in connection with the rights of way network.

In addition to the list of works set out under paragraph 3.1 of the report, the Rights of Way Warden had continued to undertake surveys of footpaths and bridleways following complaints received from Councillors and members of the public in the Mynyddislwyn, Bedwas and Machen, Gelligaer, Caerphilly, Risca and Blackwood areas.

A number of schemes had been identified arising from the injection of £20,000 additional funds for the current financial year. In this respect the works associated with bridleways 96, 59 and 47 Caerphilly in constructing gates, waymarking the route and undertaking surfacing works together with drainage works and tree clearance had since been completed.

Works required to footpath No FP59 Gelligaer, which included the construction of gabion baskets, clearance of overgrowth, waymarking, trees felling together with replacing and constructing gates and stiles and surfacing and drainage works had not yet been commenced.

During the latter part of 2005 concerns had been raised about the condition of footpath No.285 Abertillery, a surfaced path linking Crumlin Road to Gladstone Road, Crumlin. A number of incidents had been reported to the Authority that members of the public had fallen on the path due to the gradient and slippery surface.

Following a site inspection it had been agreed to reduce the gradient by introducing additional steps and resurfacing the path. The cost of these works could not be met through the rights of way budget and the only way of undertaking the work had to be at the cost of other identified works. The works had now been completed, making the route much safer for public use.

The Gelligaer Ramblers were continuing to work on the condition survey. In addition the Deri Ramblers had undertaken maintenance works and had cleared 4.7kms of paths. In the Islwyn area the volunteers had cleared 8Kms of paths of overgrowth and debris.

To assist with the survey work the Authority through the rights of way warden had contacted the Abercarn Scout Group. They had a number of members involved with the Duke of Edinburgh Award scheme and were completing the survey forms while out in the country.

The priority of work was unchanged since the previous meeting, viz:-

- i Hazards to the public;
- ii Hazards to property and livestock;

- iii Regular maintenance programme;
- iv Complaints from the public not covered by (i), (ii) or (iii).

A list of the telephone and other complaints received by Rights of Way staff since 24th November 2005, together with the remedial works undertaken to resolve the issues was on deposit in the Members' Room. There was presently a backlog of works of approximately four weeks.

The Committee noted the report and requested that a letter be sent to Bill Davies, Ramblers Association, who was presently experiencing ill health.

The meeting closed at 11.40 a.m.

Approved as a correct record and signed by the Chairman.

CHAIRMAN