

RIGHTS OF WAY COMMITTEE – 17TH MAY 2006

SUBJECT: DIVERSION OF BRIDLEWAY 49 IN THE COMMUNITY OF RHYDYGWERN

REPORT BY: DIRECTOR OF THE ENVIRONMENT

1. PURPOSE OF REPORT

- 1.1 To advise Committee in respect of a diversion application in respect of footpath No.39 in the Community of Caerphilly

2. SUMMARY

- 2.1 To consider an application for the diversion of Brdileway No. 49 in the community of Rhydygwern.

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 An application has been received from Mr. & Mrs. Cronin of Primrose Cottage, Draethen, Tredomen to divert Bridleway No. 49 in the Community of Rhydygwern under Section 119 of the Highways Act 1980.
4.2 The existing path presently bisects the property which is leading to a conflict between users and landowner.
4.3 For identification purposes the site is located west of Draethen and shown within the black area on Document No.1.
4.4 The route is recorded on the definitive map and statement for the County of Mid Glamorgan, relevant date 1st January 1971 as bridleway 49 in the Community of Rhydygwern.
4.5 A copy of the definitive map is attached as Document No.2.
4.6 The path is described in the definitive statement as; -

Bridleway No.49 Rhydygwern

Length 570 yards (527 metres) Width 5-8 feet

Commences at junction of bridleways 41, 48 and 52 and proceeds eastwards through woodland to the County Road (Draethen Road).

- 4.7 The proposed diversion is shown on Document No. 3. as B-A-C.
- 4.8 The applicant has indicated that the alterations to the network will benefit the public and Authority in that;
- The proposed bridleway will be easier to use as the current three gates will be replaced by horse step overs;
 - The proposed route will provide an easier gradient;
 - The landowner will build a retaining wall and build the ground up to provide a level access point into the forestry commission land.
 - The landowner will also provide a surface to the path through the Forestry Commission land.
- 4.9 In an attempt to prevent the illegal use of the bridleway by motorcyclists several gates and sleepers were placed on the section of bridleway bisecting Primrose Cottage. Quite a number of complaints have been received from the horse riders who have found these difficult to negotiate. The proposed diversion of the path has been discussed with representatives of Safe Access for Equestrians (S.A.F.E.) together with a site meeting to identify the proposed route. The horse riders are pleased with the alternative route which they believe will make the bridleway easier to negotiate.
- 4.10 The Authority has undertaken a pre-order consultation exercise with Local Members, community council, user groups and other statutory bodies. No objections have been received to date.

5. FINANCIAL IMPLICATIONS

- 5.1 The cost of the diversion is in the region of £1,800 which will be paid by the landowner together with all costs in relation to the construction of the new bridleway as shown in Document No. 3 as B-A-C.

6. PERSONNEL IMPLICATIONS

- 6.1 None.

7. CONSULTATIONS

Cabinet Member for Highways and Transportation, Councillor K. Griffiths
Chairman of Rights of Way Committee, Councillor D. Carter
Vice-Chairman of Rights of Way Committee, Council N. Dix
Chief Engineer, Mr. M. Rees-Williams
Head of Legal Services, Mr. D. Perkins

8. RECOMMENDATIONS

- 8.1 That an order under Section 119 of the Highways Act 1980 be processed in respect of the section of bridleway 49 in the Community of Rhydygwern in accordance with the following descriptions and that the costs of the process be paid by the landowner, together with the construction works, on the grounds of public benefit.

Description of Path or Way to be Diverted

That part of bridleway No.49 in the Community of Rhydygwern commencing at a point

approximately 80 metres north west of the property known as Primrose Cottage and proceeds south eastwards to a point approximately 15 metres south of Primrose Cottage. A total distance of 105 metres or thereabouts shown on plan by a bold black line between points B-C.

Description of New Path or Way

A new bridleway to a width of approximately 3 metres commencing at a point approximately 80 metres north west of Primrose Cottage and proceeds in a southerly, south easterly, southerly, south easterly and north easterly directions to its termination on the driveway to Primrose Cottage at a point approximately 15 metres south of the cottage a total distance of 126 metres or thereabouts shown on plan by a bold black dashed line between points B-A-C.

9. REASONS FOR THE RECOMMENDATIONS

9.1 In the interests of the landowner and the general public.

10. STATUTORY POWER

10.1 Section 119 of the Highways Act 1980 – Diversion of Footpaths. This is a Council function which is delegated to this committee for determination.

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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
Regional Solicitor, British Wales Gas plc., Helmont House, Churchill Way, Cardiff 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.
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