

## **RIGHTS OF WAY COMMITTEE – 17TH MAY 2006**

**SUBJECT:       EXTINGUISHMENT OF UN-REGISTERED PATH THROUGH THE  
                  GROUNDS OF THE WOODFIELD SIDE FUNERAL HOME**

**REPORT BY:   DIRECTOR OF THE ENVIRONMENT**

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### **1.       PURPOSE OF REPORT**

- 1.1   To advise Members of an application for the extinguishment order in respect of an unregistered footpath in the Community of Mynyddislwyn

### **2.       SUMMARY**

- 2.1   To consider an application for the extinguishment of an unregistered footpath 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   Committee will recall its support on the 29th March 2006 for your Chairman and Vice Chairmans resolution on the 25th November 2005 to support an application by Capita Symonds for the diversion of two registered and two unregistered paths in the Community of Mynyddislwyn.
- 4.2   Public path orders were subsequently made on the 6th December 2005 and in the case of the unregistered path leading from footpath No.82 Mynyddislwyn south of Chartis Bridge, crossing the Sirhowy Enterprise Way and leading through the Woodfieldside Funeral Home confirmed on the 2nd February 2006.
- 4.3   During the objection period a letter was received from the Woodfieldside Funeral Home suggesting that an error had been made in the drafting of the original Side Roads Order.
- 4.4   For identification purposes the location of the path south of the Chartis Bridge and crossing the Woodfieldside Funeral Home, is more accurately indicated on Document No.1.
- 4.5   The detailed route of the path is indicated by a bold black line on Document No.2 between points G to C.
- 4.6   The original Side Roads Order incorrectly identified this route as a New Highway as a result of the diversion of part of the path affected by the new road. The existing routes of the diversion being identified as Highway to be Stopped Up.

- 4.7 As the Side Roads Order has been made including the error, the path provided between points G to C has become a highway. Although a new highway has been created, the route forms a cul-de-sac as it does not terminate on another highway. The owners of the Funeral Home have indicated that since the processing of the recent diversion order trespass onto their land has increased. The accordingly asked Capita Symonds to make the current application.
- 4.8 The Authority has undertaken a pre-order consultation exercise and no adverse comments have been received to the stopping up of the unregistered path.

## **5. FINANCIAL IMPLICATIONS**

- 5.1 The cost of the order has been accepted by the applicants namely Capita Symonds

## **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 Chief Engineer, Mr.Mark Rees-Williams
- 7.5 Head of Legal Services, Mr. D.Perkins

## **8. RECOMMENDATIONS**

- 8.1 That an Extinguishment Order be made under Section 118 of the Highways Act 1980 in accordance with the following descriptions;

### Description of Existing Path or Way to be Stopped Up

That part of an unregistered right of way commencing at a point on footpath No.82 Mynyddislwyn at a point approximately 300 metres north north east of the centre of the property known as Woodfield Park and proceeding in a east south easterly, south south westerly, east south easterly, and curved south south westerly directions to its termination at a point approximately 50 metres west of the said property and total distance of 360 metres or thereabouts and shown on plan by a bold black line between points G-F-E-D-C

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

- 9.1 In the interests of landowner

## **10. STATUTORY POWER**

- 10.1 Highways Act 1980 – Section 118 Stopping Up of Footpaths and Bridleways. This is a Council function which is delegated to this committee for determination

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Background Papers:  
Council Offices,  
Pontllanfraith