

## RIGHTS OF WAY COMMITTEE – 17TH MAY 2006

**SUBJECT: DIVERSION OF FOOTPATH NO.58, 60 AND 61 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.58, 60 and 61 in the Community of Mynyddislwyn

### 2. SUMMARY

- 2.1 To consider an application for the diversion of footpath No.58, 60 and 61 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 Footpaths 58, 60 and 61 in the Community of Mynyddislwyn are registered rights of way and recorded on the definitive map and statement relevant date 1<sup>st</sup> July 1952 prepared by Monmouthshire County Council under the terms of the National Parks and Access to the Countryside Act 1949.

- 4.2 For reference purposes the location of the two paths is indicated on the Location/Definitive map attached as Document No.1

- 4.3 The path is described in the definitive statement as;

Footpath No.58 Mynyddislwyn - From the intersection of 50 and 51 at stile N.W. across meadows to Penmain Farm. (Diverted slightly to suit farmer near farm).  
Justification for Right of Way; Stile – L.A. well used path

Footpath No.60 Mynyddislwyn – Starting at Penmain Farm skirting woodland E. then S.E. across meadows over stile and steps to B4251 at Park View.  
Justification for Right of Way - Pathway maintained in building development. Stile and steps by L.A.

Footpath No.61 Mynyddislwyn - Continuation of 58 and 59 from Penmain farm first N.E. along lane and then N. to junction 62 and 63  
Justification for Right of Way; Resurfaced by L.A.

- 4.4 Following a meeting with officers of the Authority in September 2005, the landowner Mr.Perrot, Penmaen Farm, made application for the diversion of footpaths 58, 60 and 61 Mynyddislwyn which would relieve the pressure of walkers passing through a working farmyard.
- 4.5 The definitive route of footpath 61 Mynyddislwyn follows the farm track from Oakdale Terrace entering the farmyard via a farm gate. If this is shut then there is a stile alongside for public use. Upon entering the farmyard the path bisects and continues south eastwards as footpath No.58 Mynyddislwyn and south westwards as footpath No.60 Mynyddislwyn.
- 4.6 Footpath No.58 Mynyddislwyn upon exiting the farmyard follows a narrow track between a building and the garden of the farm before continuing across open fields.
- 4.7 Footpath No.60 runs west from the junction of footpaths 58 and 61.
- 4.8 Mr Perrot has suggested that part of footpaths 58, 60 and 61 be diverted to an alternative path which will bypass the farmyard. This alternative will initially follow an ancient track before terminating on footpath No.60 Mynyddislwyn, indicated as A-E on Document No.2. The second part of the diversion commences on footpath No.60 and continues south east to its connection with footpath No.58 indicated C-D on Document No.2.
- 4.9 The Authority has undertaken a pre-order consultation exercise and no adverse comments have been received.

## **5. FINANCIAL IMPLICATIONS**

- 5.1 The applicant has indicated that he is prepared to incur the costs of the diversion.

## **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 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 (FP61 Mynyddislwyn)

That part of footpath No.61 Mynyddislwyn commencing on the access track at a point approximately 133 metres west north west of the centre of Penmaen Farm and proceeding in an east south easterly and southerly directions to its termination at its junction with footpaths 58 and 60 at a point approximately 15 metres south west of the centre of the said property a total distance of 147 metres or thereabouts and shown on plan by a bold black line between

points A-B

#### Description of Existing Path or Way (FP60 Mynyddislwyn)

That part of footpath No.60 Mynyddislwyn commencing at a point approximately 15 metres south west of the centre of Penmaen Farm and proceeding in a south westerly direction to its termination at its junction with footpaths 59 and 60 at a point approximately 27 metres south west of the centre of the said property a total distance of 12 metres or thereabouts and shown on plan by a bold black line between points B-C

#### Description of Existing Path or Way (FP58 Mynyddislwyn)

That part of footpath No.58 Mynyddislwyn commencing at a point approximately 15 metres south west of the centre of Penmaen Farm and proceeding in a south easterly direction to a point approximately 90 metres south east of the centre of the said property a total distance of 92 metres or thereabouts and shown on plan by a bold black line between points B-D

#### Description of Alternative Path or Way (FP61 Mynyddislwyn)

A new footpath to a width of 1.4 metres commencing at a point approximately 133 metres west north west of the centre of Penmaen Farm and proceeding in a curved southerly direction to its termination at its junction with footpath 60 at a point approximately 115 metres west of the centre of the said property a total distance of 58 metres or thereabouts and shown on plan by a bold black dashed line between points A-E

#### Description of Alternative Path or Way (FP60 Mynyddislwyn)

A new footpath to a width of 1.4 metres commencing at a point approximately 27 metres south west of the centre of Penmaen Farm and proceeding in a south easterly direction to its termination at a point approximately 28 metres south west of the centre of the said property a total distance of 5 metres or thereabouts and shown on plan by a bold black dashed line between points C-F

#### Description of Alternative Path or Way (FP58 Mynyddislwyn)

A new footpath to a width of 1.4 metres commencing at a point approximately 28 metres south west of the centre of Penmaen Farm and proceeding in a south easterly direction to its termination at a point approximately 90 metres south east of the centre of the said property a total distance of 92 metres or thereabouts and shown on plan by a bold black dashed line between points F-D

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

9.1 In the interests of the landowner

## **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  
No Clerk to Community Council  
County Borough Councillor A.J. Pritchard, 6, Penrhiw Terrace, Oakdale, Blackwood, NP12 OJH  
Countryside Council for Wales Unit 4, Castleton Court, Fortan Road, St. Mellons,

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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  
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Mrs. J. Hyett, British Horse Society Representative, Woodland Farm, Caerphilly  
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Mrs. S.L. Davy, Secretary to the Byways and Bridleways Trust, P.O. Box 117  
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Mr. R.S. Pruddah, Representative of Cyclists Touring Club, 19 Bernard Street,  
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Cyclist and Touring Club, Cotterell House, 69 Mead Row, Godalming, Surrey GU7  
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County Borough Councillor J.O. Evans 13, Park View Bungalows, Penmaen,  
Blackwood, NP12 ODE

Background Papers:

ETP/ROW/FP58 Mynyddislwyn/Report held at Council Offices, Pontllanfraith