



RIGHTS OF WAY COMMITTEE

MINUTES OF THE MEETING HELD AT DYFFRYN HOUSE, DYFFRYN BUSINESS PARK, ON TUESDAY, 19TH DECEMBER 2006 AT 10.30 AM

PRESENT:

Councillor D.G. Carter - Chairman

Councillors:

P.J. Bevan, D. Cullen, S. Jenkins, Mrs D. Price.

Together with:

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

Also in attendance:

Councillors Mrs A. Blackman and Mrs M. Derrett.

Members of the public.

APOLOGIES

An apology for absence had been received from Councillor M. Adams.

1. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

2. MINUTES

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

Rights of Way Committee – 17th May 2006.

Rights of Way Committee – 26th September 2006.

3. Matters arising

A Member commented on paragraph 3 on page 4 of the minutes dated 26th September 2006 i.e. "that certain users of the network i.e. drivers of horse drawn vehicles could be prevented from accessing certain areas if physical barriers were erected to prevent mis-use."

The Member in question circulated photographic evidence of parts of Mynydd y Grug Common which suffered from constant problems of fly tipping/abandoned vehicles etc.

Mr Sander advised that the department was examining various measures that could be considered as a means of restricting access to all but bona fide users, including the use of radar keys and/or the installation of corral gate systems.

4. DIVERSION OF RIGHT OF WAY AT WERN CAIACH FARM COTTAGE, NELSON

Councillors Mrs A. Blackman and Mrs M. Derrett attended the Committee in respect of this item.

RESOLVED that the matter be deferred for a site visit immediately followed by a reconvened meeting to determine the application.

5. DIVERSION OF FOOTPATH NO 51 AND EXTINGUISHMENT OF FOOTPATH NO 51A IN THE COMMUNITY OF ABERCARN

The report sought approval to the diversion of Footpath No 51 and the extinguishment of Footpath 51A in the Community of Abercarn.

The definitive line of both Footpath 51 and 51A is not easily identified on the ground and there does not appear to be any use of these paths. However, the diversion of a section of Footpath 51 would provide a more commodious route. This would formalise the path that is currently being used by the public and would allow the path to be improved and subsequently maintained by the Authority.

The Authority had undertaken a pre-order consultation exercise with three responses being received from Wales and West Utilities, BT and Western Power Distribution indicating that they had no objection to the proposals.

The cost of making a diversion order to divert Footpath No. 51 is approximately £2,500 and the cost of the Extinguishment Order is £2,000 which will be met from existing budgets.

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

An Extinguishment Order be processed under Section 118 of the Highways Act 1980 for Footpath No. 51A Abercarn as shown as H-C on Document No. 2 and that a Diversion Order be processed under Section 119 of the Highways Act 1980 to divert the path as shown on Document No. 2 from H-B to A-B.

Description of path or way to be Extinguished – Footpath No. 51A

From Pentwyn-Cefn Coch Isaf Road, this path has been diverted to bear S.W. from stile across first field through gap in hedge on to cart road to Gelli Farm to junction 47, 48 and 52.

Description of path or way to be Diverted – Footpath No. 51

From Pentwyn-Cefn Coch Isaf Road, this path has been diverted to bear S.W. from stile across first field through gap in hedge on to cart road to Gelli Farm to junction 47, 48 and 52.

Description of New Path or Way

A new path with a width of 2.8 metres commencing on Charles Street Lane, approximately 30 metres west of No. 47 Princess Crescent. The path follows a westerly direction and the overall total distance is approximately 125 metres or thereabouts.

6. DEDICATION OF FOOTPATH NO 85 FOR COMBINED CYCLE/PEDESTRIAN USE IN THE COMMUNITY OF BEDWAS AND MACHEN

The report informed Members of the completion of the final section of the National Cycle Network/Celtic Trail – Route No 4 from Bedwas to Graig-y-Rhacca and associated improvements to Footpath No 85 (section recently diverted).

Footpath No.85 was the subject of a diversion order dated 7th April 2006. Notices were posted on site on 13th April 2006 and maintained for the duration of the objection period which expired on 28th May 2006. No objections were received during this period. The order was confirmed unopposed on 6th June 2006.

The diverted footpath and associated links to Pont Bedwas Bridge in the west and Pant Glas Industrial Estate in the east have been constructed in accordance with the required Highways Design guidelines and standards together with Sustrans Guidelines and Practical Details to accommodate pedestrians, cyclists and improved access for disabled persons. The diverted footpath and proposed cycleway are on land owned by Caerphilly County Borough Council – Property Services.

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

The diverted section of footpath No.85 together with the associated connecting links from Pont Bedwas Bridge and Pant Glas Industrial Estate is dedicated for permissive combined pedestrian / cycle use.

Description of Existing Path or Way

That part of footpath No.85 in the Community of Bedwas and Machen commencing at a point approximately 88 metres south east of Severnside Waste Paper Factory and proceeding in a westerly and north westerly direction to a point approximately 92 metres west of said property a total distance of 165 metres or thereabouts and shown on plan by a bold black line between points E-B

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 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

That part of footpath No.85 in the Community of Bedwas and Machen commencing at a point approximately 65 metres south of Bridgefield House and proceeding in a curved north westerly direction to its termination on maintainable highway at Pont Bedwas Bridge at a point 88 metres west of said property a total distance of 145 metres or thereabouts and shown on plan by a bold black line between points A-F.

7. DIVERSION OF FOOTPATH NO 29 IN THE COMMUNITY OF LOWER MACHEN

The report advised Members of a diversion application in respect of Footpath no 29 in the Community of Lower Machen.

Footpath No.29 in the Community of Lower Machen is a registered right of way and recorded on the definitive map and statement relevant date 1st July 1952 prepared by Monmouthshire County Council under the terms of the National Parks and Access to the Countryside Act 1949.

The route of Footpath No.29 has been the subject of previous diversion orders due to quarrying activities. Document No.3 indicates the current route of the path which was created following the diversion order dated 18th October 1990 and confirmed unopposed on the 29th November 1990 by a bold black line between points A-B-C

An application has been received from Hanson Aggregates following the granting of planning permission under P/05/1100 on the 21st June 2006 seeking the diversion of the route of footpath No.29 Lower Machen which was created by the order mentioned in paragraph 4.5 on the 18th October 1990. This is a result of a previous planning permission being granted for material extraction.

The Authority has undertaken a pre-order consultation exercise with interested parties and no representations have been received to the proposals. The proposed alternative path will be away from the working area of the quarry alongside a wooded area as shown on Document No.3 by a bold black dashed line between points A-D-C.

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.29 in the Community of Lower Machen commencing at a point approximately 360 metres north north east of the property known as Pen-y-parc Farm and proceeding in a westerly, north westerly and general north easterly directions to its termination at a point approximately 750 metres north of the said property a total distance of 575 metres or thereabouts and shown on plan by a bold black line between points A-B-C

Description of Alternative Path or Way

A new path to a width of 1.4 metres commencing at a point approximately 360 metres north north east of the property known as Pen-y-parc Farm and proceeding in an east north easterly, northerly, north north westerly, north westerly and finally in a northerly direction to its termination at a point approximately 750 north of the said property a total distance of 515 metres or thereabouts and shown on plan by a bold black dashed line between points A-D-C.

8. DIVERSION OF BRIDLEWAY 49 IN THE COMMUNITY OF RHYDYGWERN

The report updated Members in respect of the diversion application relating to Bridleway No 49 in the Community of Rhydygwern.

A report was previously presented to the Committee on 17th May 2006, in respect of an application to divert Bridleway No. 49 in the Community of Rhydygwern under Section 119 of the Highways Act 1980.

The Committee subsequently resolved that subject to written approval for the diversion being received from the Forestry Commission and the new owners of the property known as Primrose Cottage, that an order under Section 119 of the Highways Act 1980 be processed in respect of a section of bridleway 49 in the Community of Rhydygwern in the vicinity of the cottage.

Following the above resolution the Forestry Commission were contacted and they had no objection to diversion subject to the following:-

1. That the management cost of the forest will increase in order to accommodate the proposal.
2. An archaeology survey needs to be undertaken prior to constructing the proposed diversion.

3. The adjoining landowner would be required to build a retaining wall to the Forestry Commission's specification and be responsible for the walls' maintenance in perpetuity.
4. The surface of the proposed diversion is to be constructed to the Forestry Commission's specification.
5. Given that the adjoining property will no longer be subject of a public right of way, the applicant will be required to pay compensation to the Forestry Commission based on a share of the increase in value to the applicants' property. In order to assess the value of compensation the Forestry Commission would propose instructing an external valuer to negotiate with the applicant. The agents' fees would have to be met whether or not the negotiation proceeds to acceptable conclusion.

The applicants have since sold Primrose Cottage and the new owner has decided not to proceed with the diversion at the present time.

The problems encountered by horse riders using the bridleway were discussed with the new owner and an agreement was reached that the three gates would be removed and replaced with two horse step overs. The existing v-shaped horse step over will be removed and the materials recycled to one of the new horse step overs. The Forestry Commission have been made aware of the current position and have agreed to replacement of the existing gate with a horse step over.

The Committee noted the report and the proposed work to be undertaken.

9. APPLICATION FOR A MODIFICATION ORDER TO AMEND THE MONMOUTHSHIRE COUNTY COUNCIL DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY IN RESPECT OF ADDING A PATH IN THE COMMUNITY OF ABERCARN FORM LON MAES YR HAF ROAD TO TY BRACHTY TERRACE, CROESPENMAEN

The report sets out evidence regarding an application to claim a right of way from Lon Maes yr Haf Road to the B4251 Ty Brachty Terrace, Croespenmaen with a solution in the form of a Creation Agreement.

The Authority has been contacted by the owner of Georgia House, which abuts the footpath, expressing concern that the line of the footpath may be changed following building works within the grounds of The Paddocks. Consequently, discussions took place with Mr Knight of The Paddocks who had received planning approval to erect a dwelling on his land.

Mr. Knight is agreeable to enter into a Creation Agreement under Section 25 of the Highways Act 1980 and an amended route has been agreed shown on Document No.3 as B-C-D-E. He is also agreeable to enter into a Creation Agreement to add a further section of footpath which is used regularly by local residents shown as E-G in Document No. 3. This would provide a link to Bridleway No. 127 Abercarn which links into Cemaes Road Estate and to the rear of Pleasant View.

For the reasons set out in the report it is considered that it would be appropriate to resolve the claim by entering into a Creation Agreement as both parties agree with this solution.

Description of Paths to be Created:

The footpath commences on Lon Maes yr Haf Road, Croespenmaen, between Georgia and The Paddocks in a north easterly direction. The path width at the beginning of the path is 1.4 metres and has an old tarmac surface for a few metres, with a gently slope before changing to a grassed surface. The path is fenced on either side and widens to 1.6m and then narrows at the end of both fence lines to 1.5m. The path then follows a northerly direction, north-north easterly direction, north-north westerly direction where the path narrows to 0.9 metres between fence line and hedge and narrows to 0.6m. The footpath terminates on the main B4251 Ty Brachty Terrace. The total distance of the path is 90 metres and is shown as A-B-

E-F on Document No. 3.

The footpath commences approximately 30 metres south east of the centre of the property known as Manwell Bungalow. The path follows a north-north easterly direction, has a width of 2 metres, is fenced either side, has a mixture of grassed and stony surface and terminates at its junction with Bridleway 127 Abercarn. The total length of the path is 90 metres and is shown as E-G on Document No. 3.

The Authority is unable to pursue the addition of the footpath under the Wildlife and Countryside Act 1981 as no formal application has been submitted. In order to protect the access to local users of the footpath it is recommended that the Authority enter into a Creation Agreement with the landowner, for the path shown as A-B-C-D-E and F-G on Document No. 3.

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

1. The Authority enter into a Creation Agreement with Mr. F. Knight of The Paddocks for the provision of two paths as detailed in the report.
2. The Authority pay the legal costs involved in the Creation Agreement.

10. INVOLVEMENT OF OTHER GROUPS

The report updated Members on the involvement of user groups who are assisting the Authority with the improvement of the rights of way network.

- A new work party which is part of Safe Access for Equestrians (SAFE), has recently been formed and to date has cleared 1 Km of bridleway of heavy overgrowth.
- The Rights of Way Warden has continued to undertake works with user groups by using the services of contractors to demonstrate and instruct new user group members in safe working practices.
- The Ramblers Association together with the British Horse Society are continuing to assist the Authority in its responsibility to produce Performance Indicators. The surveys are ongoing and results are currently awaited.
- The Church of the Latter-Day Saints hosts a Helping Hands Day annually, during which dozens of Church members lend their effort to an environmentally-themed day. This year the EcoPark was the beneficiary, although Groundwork Caerphilly facilitated and hosted the day. One of the tasks was to clear and strip back the brambles, etc. adjacent to the 'Miners' Walk' footpath, particularly the drystone wall stretch to the south of the EcoPark. The works were undertaken on Footpaths 56 and 57 Bedwellty.
- An example of the work undertaken by the Darren Valley Ramblers on Footpath No.54 Gelligaer is shown on Appendix I to the report.

All the works are an important contribution to the access to the rights of way network and the Authority will continue to pursue the development of these links in the future in accordance with the Rights of Way Improvement Plan.

It was agreed that the Senior Rights of Way Officer would make arrangements for a reception to be held in the New Year to thank those volunteers who had continued to assist the Authority in these matters.

The Committee noted the report.

11. PROVISION OF NEW BRIDLE ROUTES

The report updated Members on a change to the route of the bridleway on Oakdale Business Park and sought approval of a new section of bridleway in Fleur-de-lis.

- When work commenced on the Oakdale Community path the route was amended slightly and the final route is shown on Document No. 1 attached to the report. The route is now available and is well used by the local riders and walkers.
- Caerphilly Groundwork were commissioned to improve access to the Mid Valleys Corridor National Cycle Network Route 47 Loops and Links. One of the suggested links is from Fleur-de-lis to Maesycwmmmer along the old disused railway line. The majority of the land along the disused railway is the responsibility of Highways. Officers suggest that the route be dedicated as a bridleway to protect equestrian and cycle use.

Unfortunately part of the route is outside the Authority's land ownership (C-D on Document No. 2). Negotiations are currently being undertaken by the Countryside Section with the relevant landowners in order that the route may be completely open. The new bridleway will connect to the bridleway in Fleur-de-lys and provide a circular route.

- Argoed Community Council has been successful in their bid for funding from Cydcoed and various horse routes in the Hollybush and Manmoel areas are being investigated.
- A Cydcoed Grant has been approved to improve walking, cycling and horse riding in the Cwm Darren Park and various routes are now being investigated.
- Following meetings with Groundwork Caerphilly; Forestry Commission; British Horse Society; SAFE (Safe Access for Equestrians) and this Authority, an application was submitted and approved for a Cydcoed Grant to improve the bridleways in the Caerphilly/Rudry area. The grant was awarded to SAFE and the Project Managers are Groundwork Caerphilly.

Work has now started on site and surfacing works are currently being undertaken. It is hoped that there is sufficient funding that additional bridleway surfaces will be improved with the grant money. Quotations are awaited for works required to other bridleways in the area to ensure that the routes are available when the Ridgeway Loop works are completed.

The Committee endorsed the recommendation in the report and RESOLVED that the dedication of the bridleway from Fleur-de-lys to Summerfield Hall Lane be endorsed and that the responsibility for the maintenance of the bridleway be accepted.

12. WORKS IN HAND OR RECENTLY UNDERTAKEN

The following works had been undertaken since 24th November 2005:-

- i erection of 23 No. 4 bar stiles and 5 No. 5 bar stiles;
- ii erection of 1 No. new kissing gates;
- iii repair of 6 No. kissing gates
- iv provided 2 No sleeper bridges across water courses;
- v repair 3 No. hunting gates;
- vi cleared 7 Kms of paths blocked by debris and foliage,
- vii erection of 60 metres of post and rail fencing
- viii repair of public path surfacing 400 metres
- ix erection of finger posts 50 No. 30 No. Footpath and 20 No. Bridleway

- x erection of No. waymarker signs
- xi erection of 2 No. hoop or “A” frame barriers

In addition to the foregoing, the Rights of Way Warden has continued to undertake surveys of footpaths and bridleways following complaints received from Councillors and members of the public in the County Borough as a whole.

A number of schemes have been identified following the injection of £20,000 additional funds for the current financial year. The works associated with footpath No.59 Gelligaer in constructing gabion baskets alongside stream, cutting back trees, improving surface and providing steps and handrail has been started and it is anticipated that the work will be completed by this calendar year.

Works identified for Footpath No 2 Rhymney i.e. clearance removal of trees waymarking, path construction and drainage were anticipated to be completed by the end of January 2007.

The Deri Ramblers have continued maintenance works and have cleared 5kms of paths. Volunteers have continued to clear paths in the Islwyn area.

Councillor Don Cullen, through the South Islwyn Rights of Way Environment Group, has located grant monies which will allow the purchase of an all in one strimmer, hedge cutter and flail.

Through contact with Groundwork Caerphilly, the Authority is currently working with “On the Ground Team” - a group of adults of various ages undertaking voluntary work to gain work experience and skills in the countryside environment.

The priority of work is unchanged since the previous meeting and is as follows:-

- 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 29th March 2006 and also the remedial works undertaken to resolve the issues, is on deposit in the Members` Room. At present there is a backlog of works of approximately four weeks.

Members noted the report and recorded their appreciation of the contribution made by Councillor Don Cullen and the South Islwyn Rights of Way Environment Group.

The meeting closed at 11.30 am.

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

CHAIRMAN