



## **RIGHTS OF WAY COMMITTEE**

**MINUTES OF THE MEETING HELD AT THE COUNCIL OFFICES, PONTLLANFRAITH  
ON WEDNESDAY, 17TH MAY 2006 AT 11.00 A.M.**

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PRESENT:

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

Councillors:

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

Together with:

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

### **APOLOGIES**

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

### **DECLARATIONS OF INTEREST**

There were no declarations of interest made at the meeting.

### **1. MINUTES**

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

Rights of Way Committee – 29th March 2006.

### **2. DIVERSION OF BRIDLEWAY 49 IN THE COMMUNITY OF RHYDYGWERN**

It was noted that an error had been made in paragraph 1.1 of the report and that this should read 'in respect of bridleway no. 49 in the community of Rhydygwern'.

An application had been received under Section 119 of the Highways Act 1980 for the diversion of Bridleway No. 49 in the community of Rhydygwern.

The path commences at the junction of bridleways 41, 48 and 52 and proceeds eastwards through woodland to the County Road (Draethen Road). It currently bisects a property which is leading to a conflict between users and the landowner.

The applicant has stated that the proposed alterations to the network will benefit the public and the 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.

The proposed diversion has been discussed with representatives of S.A.F.E. (Safe Access for Equestrians) and horse riders are pleased with the proposed alternative route.

The Authority has undertaken a pre-order consultation exercise and no objections have been received to date.

The Committee endorsed the recommendation in the report and 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: -

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.

### **3. DIVERSION OF FOOTPATH NO 39 IN THE COMMUNITY OF CAERPHILLY**

An application had been received under Section 119 of the Highways Act 1980 for the diversion of Footpath No. 39 in the Community of Caerphilly.

The path commences at the southern end of Brynmynach Avenue, Ystrad Mynach and proceeds southwest across fields, via stiles and a field gate to Tir-twyn Farm. It continues southwest to Castell-llwyd Farm, passes through the farmyard then west and south to the Golf Club House. It then turns westwards again and terminates on the parish road, southeast of Pen-yr-Heol-Fawr Farm.

The application had been made in the interests of the landowners who had been experiencing problems with walkers trespassing into the farmyard and not keeping to the definitive line of the path.

The Authority had undertaken a pre-consultation exercise and a letter had been received from Gelligaer Community Council stating that they wished to object to the diversion. However, following a site meeting, the Community Council withdrew their objections.

During the investigations it had become apparent that the northern end of the path terminating on Brynmynach Avenue had been affected by development over a long period. It was therefore considered opportune to include this section of footpath No. 39 in any possible Order.

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

An order under Section 119 of the Highways Act 1980 be processed in respect of the section of footpath No.39 in accordance with the following descriptions and the costs of the process be shared 50/50 between the applicant and the Authority on the grounds of public benefit.

Description of Path or Way to be Diverted.

That part of footpath No.39 in the Community of Caerphilly commencing at a point approximately 141 metres east of the property known as Tir-twyn Farm and proceeds in a south *westerly*\* direction across fields, via stiles and a field gate to Tir-Twyn Farm. Continues in a south *easterly*\* direction down lane to stone stile approximately 52 metres south of Tir Twyn Farm. A total distance of 184 metres or thereabouts shown on plan by a bold black line between points A-B-C.

That part of footpath No. 39 in the Community of Caerphilly commences at the southern end of Brynmynach Avenue, Ystrad Mynach and proceeds south-west across fields. A total distance of 102 metres or thereabouts shown on plan by a bold black line between points E-F.

Description of New Path or Way

A new path to a width of 1.8 metres commencing at a point approximately 141 metres east of the property known as Tir-twyn Farm and proceeding in a southerly direction before changing to a south-westerly direction, then north-westerly direction to stone stile in stone wall, crosses lane to second stone stile approximately 52 metres south of Tir-Twyn Farm. A total distance of 200 metres or thereabouts shown on plan by a bold black dashed line between points A-D-C.

A new path to a width of 1.8 metres commencing at the side of 12 Derwen Close, Ystrad Mynach, and proceeds southwest across fields. A total distance of 24 metres or thereabouts shown on plan by a bold black dashed line between points F-G.

\* As corrected at the meeting.

#### **4. EXTINGUISHMENT OF UN-REGISTERED PATH THROUGH THE GROUNDS OF THE WOODFIELD SIDE FUNERAL HOME**

An application had been received for the extinguishment of an unregistered footpath in the community of Mynyddislwyn.

The Committee had previously supported an application by Capita Symonds for the diversion of two registered and two unregistered paths in the Community of Mynyddislwyn.

Public path orders were subsequently made on 6th December 2005 and in the case of the unregistered path leading from footpath No.82 Mynyddislwyn south of Chartist Bridge, crossing the Sirhowy Enterprise Way and leading through the Woodfieldside Funeral Home, confirmed on 2nd February 2006. This diversion forming only a short length of the overall path.

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.

The original Side Roads Order incorrectly identified the 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.

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. They accordingly asked Capita Symonds to make the current application.

The Authority has undertaken a pre-order consultation exercise and no adverse comments have been received to the stopping up of the unregistered path.

The Committee endorsed the recommendation in the report and RESOLVED 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.

## **5. DIVERSION OF FOOTPATH NO. 58, 60 AND 61 IN THE COMMUNITY OF MYNYDDISLWYN**

An application had been received for the diversion of footpaths Nos. 58, 60 and 61 in the Community of Mynyddislwyn.

The paths are 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.

Following a meeting with officers of the Authority in September 2005, the landowner made an application for the diversion of footpaths 58, 60 and 61 Mynyddislwyn which would relieve the pressure of walkers passing through a working farmyard.

The landowner 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 southeast to its connection with footpath No.58 indicated C-D on Document No.2.

The Authority has undertaken a pre-order consultation exercise and no adverse comments have been received.

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 (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.

**6. OAKDALE COMMUNITY ROUTE**

This item had been withdrawn from the agenda.

The meeting closed at 11.30 a.m.

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

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CHAIRMAN