

RIGHTS OF WAY COMMITTEE – 19TH DECEMBER 2006

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

REPORT BY: DIRECTOR OF THE ENVIRONMENT

1. PURPOSE OF REPORT

- 1.1 To seek a decision from Members on the diversion of Footpath No. 51 and extinguishment of 51A in the Community of Abercarn.

2. SUMMARY

- 2.1 To consider the diversion of Footpath No. 51 and extinguishment of footpath No. 51A in the Community of Abercarn.

3. LINKS TO STRATEGY

- 3.1 Environmental improvements, sustainable development.
- 3.2 The Authority has a duty to maintain the Definitive Map and Statement.
- 3.3 Improving access to the countryside for the local community.

4. THE REPORT

- 4.1 The Rights of Way Section has been working with the Trinant Community Partnership regarding improvements to rights of way and seeking suggestions on paths which they wish to see improved which would make access to the countryside easier. For identification purposes the area of the paths are indicated on Document No. 1.
- 4.2 The Partnership has included in their Community Plan a desire to improve the path linking Trinant to Penyfan Pond. This would benefit the local residents who wish to visit Penyfan Pond and access other paths within the rights of way network and residents who work on the Croespenmaen Industrial Estate.
- 4.3 Funding has been secured from the Wales Environmental Trust in the sum of £10,000 to improve the surface and drainage of the path in order to make it easier to use by young families with pushchairs and the older generation who find the present surface unsuitable to use. Further funding is currently being pursued by the Trinant Community Partnership to meet the shortfall in the cost of the works (in the region of £7,500).
- 4.4 The path in question is shown on Document No. 2 as A-B-C-D-E-F-G which consists of a section of Footpaths Numbered 51, 52 and 53 and Restricted Byway 60 in the Community of Abercarn. There is a section of path shown as A-B which although used continually over the years by the public does not appear on the Definitive Map.

- 4.5 Footpaths No. 51 and 51A Abercarn in the Community of Abercarn are registered rights 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. Document No. 3 is a copy of the Definitive Map.

The footpaths are described in the definitive statement as: -

Footpath No. 51 and 51A Abercarn

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. This path leads from CRB 368 in a westerly direction to Victoria Road. It is approximately 120m in length.

- 4.6 In order to protect the line and to secure future maintenance of the path, negotiations have taken place with the landowner, requesting a diversion of Footpath No. 51 onto the path between points A-B and the extinguishment of Footpath No. 51A Abercarn, points H-C shown in Document No. 3. The definitive line of both Footpath 51 and 51A Abercarn are not easily identified on the ground and there does not appear to be any use of these paths. However, by diverting the section of Footpath 51 from points H-B to A-B, this would provide a more commodious route. This would formalise the path that is currently being used by the public and will allow the path to be improved and then maintained by the Authority.
- 4.7 Document No. 2 shows the line of the existing paths and the proposed diversion and extinguishment.
- (a) the current paths pass over uneven ground and are not easily identifiable.
 - (b) the proposed diversion would allow a path that has been used for many years to be added to the Definitive Map and would therefore protect the line for the public.
 - (c) the proposed diversion would allow funding to be spent on improvements to the surface and drainage of the path to the benefit of the community.
 - (d) at point D it is proposed to replace the existing kissing gate for a larger kissing gate which will allow access for pushchairs and disabled but prevent motorbike use.
 - (e) the path is well used by local residents as access to Penyfan Pond and also for those who work on the Croespenmaen Industrial Estate.
- 4.8 The authority has 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.

5. FINANCIAL IMPLICATIONS

- 5.1 As mentioned previously, the Authority is trying to improve links to the countryside in order to encourage more use of the rights of way network and countryside facilities. This path would certainly make it easier for the local residents to access Penyfan Pond and the rights of way network.
- 5.2 The cost of making a Diversion Order to divert Footpath No. 51 is in the region of £2,500 and the cost of the Extinguishment Order is £2,000 which will be met from existing budgets.

6. PERSONNEL IMPLICATIONS

- 6.1 None.

7. CONSULTATIONS

7.1 See Consultees.

8. RECOMMENDATIONS

8.1 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.

9. REASONS FOR THE RECOMMENDATIONS

9.1 To encourage use of the countryside by local residents. The improved footpath will encourage local residents to access Penylan Pond and the wider countryside and also assist residents who work on the industrial estate to walk to work.

10. STATUTORY POWER

10.1 The Authority has a duty to keep the Definitive Map and Statement under continuous review. The Extinguishment and Creation Orders come under the Highways Act 1980, Section 118 & Section 25 respectively.

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