

RIGHTS OF WAY COMMITTEE – 19TH DECEMBER 2006

CONSULTATION WITH THE CHAIRMAN AND VICE CHAIRMAN OF THE RIGHTS OF WAY COMMITTEE – 26TH JUNE 2006

SUBJECT: DIVERSION OF FOOTPATH NO.29 IN THE COMMUNITY OF LOWER MACHEN

REPORT BY: DIRECTOR OF THE ENVIRONMENT

1. PURPOSE OF REPORT

- 1.1 To advise Members of a diversion application in respect of footpath No.29 in the Community of Lower Machen

2. SUMMARY

- 2.1 To consider an application by Hanson Aggregates for the diversion of footpath No.29 in the Community of Lower Machen

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 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.
- 4.2 For identification purposes the line of the path is indicated on the Location Plan attached as Document No.1
- 4.3 A copy of the definitive map is attached as Document No.2
- 4.4 The path is described in the definitive statement as;

Footpath 29 Lower Machen

From footpath No.9 near Pen-y-Parc, west, north, east and northwards to path leading from footpath No.350 of Bedwas and Machen U.D. to the junction of the district roads in Risca.

- 4.5 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
- 4.6 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.
- 4.7 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.

5. FINANCIAL IMPLICATIONS

- 5.1 None. The applicant has agreed to incur the administrative and constructional costs for the diversion as indicated in his letter of the 3rd January 2006 attached as Document No.4.

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 Transportation Manager, Mr. C. Campbell.
- 7.6 Head of Legal Services, Mr. D. Perkins.

8. RECOMMENDATIONS

- 8.1 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.

9. REASONS FOR THE RECOMMENDATIONS

9.1 To allow implementation of the planning consent

10. STATUTORY POWER

10.1 Town and Country Planning Act 1990 – Section 257 Diversion of Footpaths and Bridleways.
This is a Council function which is delegated to this committee for determination.

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Countryside Council for Wales Unit 4, Castleton Court, Fortan Road, St. Mellons, Cardiff CF3 0LT
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
Royal Mail Property Holdings West, Estates Surveying Division, Archway House, 77 Ty Glas Avenue, Llanishen, Cardiff CF4 5YG
Wales & West Utilities, Malago House, Bedminster Road, Bedminster, Bristol BS99 5RS
NRSWA Section, Mapping Centre, Western Power Distribution, Duffryn Bach Terrace, Church Village Pontypridd, CF38 1NB
Incoming Notice Reception (South Wales), P.P.404B Telecom House, Trinity House, Hanley ST1 5ND
NRSWA Section, AIS Bureau, Hyder Operations, Duffryn Bach Terrace, Church Village Pontypridd, CF38 1NB.
British Driving Society, 27 Dugard Place, Bedford, Warwick CV38 8DY
Mrs. J. Hyett, British Horse Society Representative, Woodland Farm, Caerphilly Mountain, Mid Glamorgan CF8 1NF
British Horse Society, Stoneleigh Deer Park, Kenilworth, Warwickshire CV8 2XZ
Mrs. S.L. Davy, Secretary to the Byways and Bridleways Trust, P.O.Box 117 Newcastle upon Tyne, NE3 5YT
Mr. R.S. Pruddah, Representative of Cyclists Touring Club, 19 Bernard Street, Cwmcarn. Cyclist and Touring Club, Cotterell House, 69 Mead Row, Godalming, Surrey GU7 3HS
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County Borough Councillor Mrs. E.M. Aldworth Cartref Fach, 20, Navigation Street, Trethomas, Caerphilly, CF83 8FR
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Background Papers:

ETP/ROW/FP85 Bedwas and Machen/Report held at Council Offices, Pontllanfraith