

## RIGHTS OF WAY COMMITTEE – 19TH DECEMBER 2006

**SUBJECT: DIVERSION OF BRIDLEWAY 49 IN THE COMMUNITY OF RHYDYGWERN**

**REPORT BY: DIRECTOR OF THE ENVIRONMENT**

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### **1. PURPOSE OF REPORT**

- 1.1 To update the Committee in respect of the diversion application in regard of bridleway No.49 in the Community of Rhydygwern.

### **2. SUMMARY**

- 2.1 To advise on the withdrawal of the application for the diversion of Bridleway No. 49 in the Community of Rhydygwern.
- 2.2 To advise on proposed works to be undertaken to the bridleway.

### **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 The Authority has included a 40 mile long distance bridleway within the Local Transport Plan and this bridleway will form part of that long distance route.

### **4. THE REPORT**

- 4.1 Members will recall considering a report to this Committee on the 17th May, 2006, in respect of an application from Mr. & Mrs. Cronin of Primrose Cottage, Draethen, to divert Bridleway No. 49 in the Community of Rhydygwern under Section 119 of the Highways Act 1980.
- 4.2 The Committee 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.
- 4.3 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.

4.4 The applicants, Mr. And Mrs. Cronin, have since sold Primrose Cottage to Mr. Evans, who has decided not to proceed with the diversion at the present time.

4.5 The problems encountered by horse riders using the bridleway were discussed with Mr. Evans 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.

4.6 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.

## **5. FINANCIAL IMPLICATIONS**

5.1 A quotation for the works mentioned in paragraph 4.5. is awaited from three contractors the costs of which will be met from the Rights of Way Budget.

## **6. PERSONNEL IMPLICATIONS**

6.1 None.

## **7. CONSULTATIONS**

7.1 None.

## **8. RECOMMENDATIONS**

8.1 That Committee note the contents of this report and works proposed to be carried out in 4.5

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

9.1 In the interests of the users of the bridleway and for the promotion of the long distance bridle route.

## **10. STATUTORY POWER**

10.1 To protect public right of way from misuse.

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