



## **RIGHTS OF WAY COMMITTEE**

**MINUTES OF THE MEETING HELD AT NELSON ON WEDNESDAY,  
10TH JANUARY 2007 AT 2.00 PM FOLLOWED BY A RECONVENED MEETING AT  
DYFFRYN HOUSE, DYFFRYN BUSINESS PARK AT 3.15 PM**

---

PRESENT:

Councillor D.G. Carter - Chairman

Councillors:

M. Adams, J. Bevan (substitute for S. Jenkins), P.J. Bevan, D. Cullen, J.R. Davies (substitute for N. Dix), Mrs D. Price & K. Lloyd.

Together with:

C. Campbell (Transportation Engineering Manager), A.J. Sander (Senior Assistant Engineer, Right of Way), G. Gordon (Senior Solicitor), J. Piper (CROW Support Officer), H. Lewis (Legal Assistant), S.M. Kauczok (Committee Services Officer).

Councillor Mrs A. Blackman (local ward member).

Mr. and Mrs M.J. Nichols (Wern Caiach Farm Cottage) and Mr G. Davies (Solicitor).  
Community Councillor Mrs P. Lapsa.

### **APOLOGIES**

Apologies for absence had been received from Councillors N. Dix and S. Jenkins. Councillors J. Bevan and J.R. Davies attended as nominated substitutes in their place.

An apology had also been received from Local Ward Member Councillor Mrs M. Derrett.

It was agreed that a letter of condolence would be sent to Mrs Derrett in respect of her recent sad loss.

### **1. DECLARATIONS OF INTEREST**

There were no declarations of interest made at the meeting.

### **2. DIVERSION OF RIGHT OF WAY AT WERN CAIACH FARM COTTAGE, NELSON**

In accordance with the decision of the Rights of Way Committee held on 19th December 2006, the Committee met on site at Wern Caiach Farm Cottage, Nelson in order to view the right of way and the proposed diversion.

Following the site inspection the Committee reconvened at the Council Offices in order to determine the application.

An application has been received in respect of a diversion of a right of way at Wern Caiach Farm Cottage, Nelson.

The claim application for this path was considered by the Committee at its meeting on 15th September 2003 when it resolved to support the application and make a Modification Order. An order was subsequently made on the 21st November 2003 and was the subject of an objection during the statutory time period which expired on the 27th January 2004. As the objection was not withdrawn the Authority was unable to confirm its own order and accordingly the matter was referred to the Secretary of State for Wales for determination.

The order was considered at a Public Inquiry held on 13th June 2006. The Planning Inspector subsequently confirmed the order with amendments.

The landowner, Mr Nicholls, has subsequently made an application for the diversion of the confirmed path. The reasons for this are set out in a letter to the Head of Legal Services, CCBC, dated 5th January 2004 – copies of which were tabled at the meeting.

The proposal put forward by Mr Nicholls is to re-route the right of way down the existing steps onto the rear lane of Springfield Terrace and following the lane between Nos 51 and 53 to its termination on Caerphilly Road. The two alternatives suggested by Mr Nicholls are shown on Document No.2 by a bold black dashed line between points A – D and A – E – D.

The Authority has undertaken a pre-order consultation exercise during which a petition containing 66 signatories was received against the diversion of the path.

The Local Ward Members have been advised of the diversion application. Councillor Mrs M. Derrett has indicated that she opposes the application.

Councillor Mrs Blackman outlined her reasons for supporting the proposed diversion in her address to the Committee.

The Nelson Community Council resolved to support the outcome of the Inquiry and wish the path to be reinstated along its original route in accordance with the decision of the Inspector.

Mrs P. Lapsa addressed the Committee on behalf of the original applicants of the claim. Mrs Lapsa put forward reasons for reinstating the original route in accordance with the decision of the Public Inquiry.

The landowner's legal representative, followed by the landowner, presented their proposals for a diversion of the path as described in the report.

Officers reported that from a highway view the proposed alternative would: -

- increase the conflict between pedestrians and vehicles in the rear lanes
- terminate at a position on the main highway which has reduced vision for both pedestrian and vehicle in either direction along the highway
- reduce pedestrian access on opposite side of Caerphilly Road
- the alternative section of path being created by the application is minimal compared with the existing path.

After due deliberation the Committee agreed to support the application for the diversion of the right of way and RESOLVED that a diversion order be processed under Section 119 of the Highways Act 1980 in accordance with the description set out in the report.

The meeting closed at 4.25 p.m.