



## RIGHTS OF WAY CABINET COMMITTEE – 2ND AUGUST 2007

**SUBJECT: DIVERSION OF FOOTPATHS 166 AND 261 IN THE COMMUNITY OF GELLIGAER**

**REPORT BY: DIRECTOR OF THE ENVIRONMENT**

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

- 1.1 To seek the Committee approval for a diversion in respect of footpaths 166 and 261 in the community of Gelligaer at Gelliargwellt Uchaf Farm, Tophill, Gelligaer

### **2. SUMMARY**

- 2.1 To advise Members of an application by the landowner for the diversion of a right of way in the Community of Gelligaer.

### **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 The Authority has received an application from a landowner in respect of the diversion of two rights of way at Gelliargwellt Uchaf Farm, Tophill, Gelligaer.  
4.2 For identification purposes the location of the property is indicated on plan and attached as Document No.1  
4.3 The land in question is crossed by a number of public paths and the recent diversion application is focused upon footpaths 166 and 261 in the Community of Gelligaer.  
4.4 The two paths subject of the application are indicated on plan and attached as Document No.2 between points A-G-D (FP166) and H-C-G (FP261)  
4.5 The paths are described in the definitive statement as follows;

Footpath 166 Gelligaer Urban District  
Length 2304 metres. Width 1.2 metres

Commences by two branches at the north end of the footbridge at Nelson Llancaiach Station, and proceeds northeast to skirt the north end of the old coke ovens. Path then turns east and leads to Llancaiach Isaf Farm. It continues east across fields to a wood and its junction with path 163, where it turns northeast and follows the edge of the wood to Gelliargwellt Uchaf Farm. It then circles north and north-west, skirting the Coed Gelliargwellt, and terminates on the Gelligaer - Shingrig Road, Trelewis, some 350 yards south-west of Top Hill.

Footpath 261 Gelligaer Urban District

Length 512 metres. Width 2.1metres

Commences on the Class II road (B4254) opposite footpath 260, and proceeds southwest across fields to join path 166 north of Gelliau'r-gwellt-uchaf Farm and Footpath 262.

- 4.6 The definitive routes of these two paths are currently routed through a major recycling operation. The operator of the recycling centre has considered that in the interests of the operator and the safety of the public that the paths be diverted away from the working area to a more countryside orientated location.
- 4.7 The Authority has undertaken a pre-order consultation exercise involving Local Members, community council, user groups and Statutory Undertakers. The community council have advised that they raise no objection to the diversion provided the alternative paths are adequately waymarked.
- 4.8 Councillor Wynne David has also responded indicating he has no objection to the diversion
- 4.9 The cost of the order procedure will be borne by the applicant.
- 4.10 In considering the diversion of the paths, the Authority is aware that the alternative path shall be as equally accessible as the existing. In this regard the applicant has agreed to the following;
- i. Kissing gates to be provided where the path enters and exits site through boundary fencing
  - ii. The alternative path to be a minimum width of 1.4 metres and a gradient not exceeding 1 in 8
  - iii. The alternative paths to be signposted and waymarked to assist the public in following the new routes.
  - iv. The cost for the making of the order and associated works to be borne by the applicant. The current cost being £2,500.00 although this may increase depending on advertisement.
- 4.11 The applicant has agreed verbally to the foregoing conditions

## **5. FINANCIAL IMPLICATIONS**

- 5.1 The cost of the order process and associated works will be borne by the applicant

## **6. PERSONNEL IMPLICATIONS**

- 6.1 None

## **7. CONSULTATIONS**

- 7.1 Cabinet Member for Highways and Transportation, County Borough Councillor K. Griffiths
- 7.2 Chief Engineer, Mr. Mark Rees-Williams
- 7.3 Transportation Manager, Mr Clive Campbell
- 7.4 Head of Legal Services, Mr. Dan Perkins

## **8. RECOMMENDATIONS**

- 8.1 That a diversion order be processed under Section 119 of the Highways Act 1980 in accordance with the following descriptions (refer to Document No.2);

### Description of Existing Path or Way (Footpath No.166)

The entire width of that part of footpath No.166 in the Community of Gelligaer commencing at a point approximately 412 metres north west from the centre of the property known as Gelliargwellt Uchaf Farm and proceeding in a south easterly, southerly and south easterly directions to its termination at its junction with footpath No.180 Gelligaer at a point approximately 143 metres south west of the said property a total distance of 510 or thereabouts and shown on plan by a bold black line between points A-G-D.

### Description of Existing Path or Way (Footpath No.261)

The entire width of that part of footpath No.261 in the Community of Gelligaer commencing at a point approximately 203 metres north from the centre of the property known as Gelliargwellt Uchaf Farm and proceeding in a south westerly direction to its termination at its junction with footpath No.166 Gelligaer at a point approximately 120 metres north west of the said property a total distance of 175 or thereabouts and shown on plan by a bold black line between points H-C-G.

### Description of New Path or Way (Footpath No.166)

A new footpath to a width of 1.4 metres commencing at a point approximately 412 metres north west from the centre of the property known as Gelliargwellt Uchaf Farm and proceeding in a north easterly, easterly and north north easterly directions to its termination on footpath No.262 Gelligaer at a point approximately 332 metres north north west of the said property a total distance of 231 metres or thereabouts and shown on plan by a bold black dashed line between points A-B

### Description of New Path or Way (Footpath No.261)

A new footpath to a width of 1.4 metres commencing at a point approximately 183 metres north north west from the centre of the property known as Gelliargwellt Uchaf Farm and proceeding in a north easterly and south easterly directions to its termination at its junction with footpath No.180 Gelligaer at a point approximately 145 metres east west of the said property a total distance of 222 or thereabouts and shown on plan by a bold black dashed line between points C-F-E.

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

- 9.1 In the interests of the landowner

## **10. STATUTORY POWER**

- 10.1 Highways Act 1980 – Section 119 Diversion of Footpaths and Bridleways. This is an Executive function delegated to this committee for determination.

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Consultees: Keith Donovan, 9 Laurel Drive, The Bryn, Pontllanfraith, Blackwood NP12 2PR  
Mrs. A. Davies, Clerk to Gelligaer Community Council, Council Offices, Llwyn Onn, Penpedairheol, Hengoed, Mid Glamorgan CF82 8BB  
Auto Cycle Union, Wood Street, Rugby Warwickshire, CV21 2XY  
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  
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Miss T.K. Styles, Secretary to British Driving Society, 32 New Road, Helmingham, Stowmarket IP14 6EA  
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British Horse Society, Stoneleigh Deer Park, Kenilworth, Warwickshire CV82XZ  
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Mr. R.S. Pruddah, Representative of Cyclists Touring Club, 19 Bernard Street, Cwmcarn.  
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Background Papers:  
ETP/ROW/FP166 Gelligaer