



RIGHTS OF WAY CABINET COMMITTEE – 2ND AUGUST 2007

SUBJECT: DIVERSION OF FOOTPATH NO.185 IN THE COMMUNITY OF GELLIGAER

REPORT BY: DIRECTOR OF THE ENVIRONMENT

1. PURPOSE OF REPORT

- 1.1 Seek approval for a diversion in respect of a right of way at the Top Hill Refuse Site, Nelson.

2. SUMMARY

- 2.1 To advise Members of an application 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 owns land north of the Nelson to Gelligaer road known as the former Coed Top Hill Refuse Site, and for reference purposes is indicated on Document No.1 within the bold black line. The land is controlled Environmental Services and is presently leased to Valley Fliers (South Wales) as an area to fly model aircraft.
- 4.2 The land is crossed by a public right of way indicated on the definitive map and statement prepared by Mid Glamorgan County Council, relevant date 1st January 1971 as footpath No.185 in the Community of Gelligaer. A copy of the Definitive Map is attached as Document No.2.
- 4.3 The path is described in the definitive statement as;
- Footpath 185 Gelligaer Urban District
Length 668 metres Width 1.2 metres
Leaves path 184 at its junction with path 186 and proceeds first east across a field then south through Coed Tophill, to terminate on the Trelewis-Gelligaer road (B4254).
- 4.4 The model aircraft enthusiasts believed that the path had been previously diverted by Rhymney Valley District Council prior to re-organisation in 1996.
- 4.5 Investigations indicate that discussions did take place in regard to the diversion of the path, but it appears that no formal order was subsequently made or published.

- 4.6 Due to the safety implications of a public path across the flying area, the model enthusiasts have asked that the path be diverted to the previously agreed route around the eastern boundary of the site.
- 4.7 The Authority has undertaken a pre-order consultation exercise involving Local Members, community council, and user groups, and no representations have been received.
- 4.8 The current proposals follow an alternative route previously considered around the eastern boundary of the site as shown on Document No.3 attached. The alternative path shown by a dashed line was provided previously, but has become extensively overgrown due to lack of use.
- 4.9 The cost of the order will be borne by the Reed Bed Project promoted by the Authority and the clearance undertaken by an internal workforce.

5. FINANCIAL IMPLICATIONS

- 5.1 Cost of the order to be borne by the Authority

6. PERSONNEL IMPLICATIONS

- 6.1 None

7. CONSULTATIONS

- 7.1 Cabinet Member for Highways and Transportation, County Borough Councillor K. Griffiths.
- 7.2 Former Chairman of Rights of Way Committee, Councillor D. Carter.
- 7.3 Former Vice Chairman of Rights of Way Committee Councillor N. Dix.
- 7.4 Chief Engineer, Mr Mark Rees-Williams.
- 7.5 Transportation Engineering 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 119 of the Highways Act 1980 in accordance with the following descriptions;

Description of existing path or way;

That part of footpath No.185 in the Community of Gelligaer commencing on the north side of the Nelson to Gelligaer road at a point approximately 380 metres east of the property known as "Rossmore" and proceeds in a north north westerly and north westerly directions to its termination at a point approximately 535 metres north east of the said property a total distance of 486 metres or thereabouts and shown on plan by a bold black line between points A-B

Description of new path or way (Document No.3)

A new path to a width of 1.8 metres commencing at a point approximately 402 metres east of the property known as “Rossmore” and proceeding in a north north westerly, north easterly, north westerly and finally in a westerly directions to its termination at a point on footpath No.185 Gelligaer approximately 535 metres north east of the said property a total distance of 570 metres or thereabouts and shown on plan by a bold black dashed line between points E-D-C-B

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 a Council function which is 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 I

Auto Cycle Union, Wood Street, Rugby Warwickshire, CV21 2XY

Countryside Council for Wales Unit 4, Castleton Court, Fortran 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

1Incoming 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.

Miss T.K. Styles, Secretary to British Driving Society, 32 New Road, Helmingham, Stowmarket IP14 6EA

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, Cyclist and Touring Club, Parklands, Raitton Road, Guildford Surrey GU2 9JX

County Borough Councillor W. David Hafren, 9, Tairheol, Penpedairheol, Hengoed, CF82 8DL

County Borough Councillor G.J. Hughes 11, Hengoed Road, Penpedairheol, Hengoed, CF82 8BQ

Background Papers:

ETP/ROW/FP185 Gelligaer held at Pontllanfraith Offices