



RIGHTS OF WAY CABINET COMMITTEE

MINUTES OF THE MEETING HELD AT DYFFRYN HOUSE, DYFFRYN BUSINESS PARK, ON THURSDAY, 2ND AUGUST 2007 AT 10.00 AM

PRESENT:

Councillor E.K. Griffiths - Chairman

Councillors:

D.T. Davies, G.R. Price, Mrs B.M. Toomer & R. Woodyatt.

Together with:

C. Campbell (Transportation Engineering Manager), J. Piper (CROW Support Officer), J. Rogers (Principal Solicitor), H. Lewis (Legal Assistant), S.M. Kauczok (Committee Services Officer).

APOLOGIES FOR ABSENCE

Apologies for absence had been received from Mr A.J. Sander, Senior Assistant Engineer Rights of Way and Mr G. Gordon, Senior Solicitor.

1. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

2. DIVERSION OF FOOTPATH NOS. 166 AND 261 IN THE COMMUNITY OF GELLIGAER

The Committee's approval was sought for the diversion of two footpaths at Gelliargwellt Uchaf Farm, Gelligaer. The land in question is crossed by a number of public paths and the application focuses upon footpath nos. 166 and 261 in the community of Gelligaer.

The definitive routes of the two paths are currently routed through a major recycling operation. It is 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.

The Authority has undertaken a pre-order consultation exercise involving local members, the community council, user groups and statutory undertakers. No objections have been received.

Following detailed consideration of the report the Committee RESOLVED that subject to formal agreement being reached with the applicant to carry out the works to the alternative path detailed in paragraph 4.10 of the report, 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 (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.

3. DIVERSION OF FOOTPATH NO 185 IN THE COMMUNITY OF GELLIGAER

The Committee's approval was sought for a diversion in respect of a right of way at the Top Hill Refuse Site in the community of Gelligaer.

The Authority owns land north of the Nelson to Gelligaer road known as the former Coed Top Hill Refuse Site. The land is controlled by Environmental Services and is presently leased to Valley Fliers (South Wales) as an area to fly model aircraft.

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.

It is believed that the path had previously been diverted by Rhymney Valley District Council prior to re-organisation in 1996. 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.

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.

The Authority has undertaken a pre-order consultation exercise involving local members, the community council and user groups and no representations have been received.

The current proposals follow an alternative route previously considered around the eastern boundary of the site. 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.

Following detailed consideration of the report the Committee RESOLVED 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

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.

4. CREATION AGREEMENT WITH RUPERRA CONSERVATION TRUST AND MR J. WELLS

On 20th March 2006 the Rights of Way Committee resolved to enter into a Creation Agreement with the Ruperra Conservation Trust and Mr J. Wells. The Trust subsequently raised the issue of horse trespass on paths that were not included with the Creation Agreement. Agreement had since been reached to install staggered barriers to prevent this occurring.

The woodland management is undertaken by the Authority's Countryside Section for Coed Cymru and maintenance includes tree felling. The operation which is undertaken by a forestry contractor may affect the new rights of way and may require a Temporary Closure Order to safeguard both public and landowners alike.

The Ruperra Conservation Trust and Mr Wells have indicated that if an order is required then there will be no commercial interest in the land and they do not wish to finalise the agreement until the Temporary Order issue has been agreed. It is presently expected that the tree felling would take place every 5 years and in certain areas yearly.

The Creation Agreement will allow the Ruperra Horse Route to be linked to the Ridgeway Loop and provide extra safe off road bridleways for horse riders, together with walkers and cyclists.

Following detailed consideration of the report the Committee endorsed the recommendations contained in the report and RESOLVED that: -

1. The Authority accept the cost of making a Temporary Closure provided that only one order is required within a 24 month period.
2. Should the land change ownership then the acceptance of these costs be reconsidered.

5. WORKS IN HAND

The report set out details of works recently undertaken or scheduled to be undertaken in connection with the rights of way network. In addition, the following was reported: -

- The Rights of Way Warden has continued to undertake surveys of footpaths and bridleways.
- Each financial year a list is compiled of paths where the works identified are beyond the usual maintenance expected. Previously these schemes have not exceeded £20,000 but during the last year 4 paths have been identified as needing work above that which is usually expected as routine maintenance.
- One of the schemes identified in the financial year 2006-07 was footpath No.2 Rhymney. The works involved the clearance of the path, removal of trees, waymarking the path, constructing sections of the path and associated drainage works. These works were completed by the middle of April 2007 at a cost of £7,000.
- Footpath No.15 Gelligaer. The estimated cost of this scheme is £13,000.
- Footpath No.10c Bedwas and Machen. The estimated cost of this scheme is £7,000.
- Footpath No.393 Abercarn. The estimated cost of this scheme is £12,500.
- Bridleway No.141 Gelligaer. The estimated cost of this scheme is £7,000.
- Bridleway No.117 Risca. The estimated cost of this scheme is £8,000.
- The Deri Ramblers have continued maintenance works and have cleared 1kms of paths.
- In the Islwyn area, volunteers have continued to clear paths and have completed 6 Kms in the last year.

The priority of work remains unchanged i.e.: -

- i Hazards to the public;
- ii Hazards to property and livestock;
- iii Regular maintenance programme;
- iv Complaints from the public not covered by (i), (ii) or (iii).

The cost of the works will be paid for from the 2007/08 Rights of Way budget but capital funding will be sought to enable delivery of the RoWIP.

The Committee noted the report and supported the repair and improvement of footpath No.15 Gelligaer and footpath 393 Abercarn.

6. INVOLVEMENT OF OTHER GROUPS

An important part of the maintenance of the rights of way is undertaken with the assistance of community councils, user groups and individuals.

The new work party, which is part of Safe Access for Equestrians (SAFE), has continued to clear bridleways of heavy overgrowth, installed gates and generally improved the network. This is a welcome addition in that it is the only equestrian based group working on paths in the county borough.

The Rights of Way Warden has continued to undertake works with user groups by using the services of contractors to demonstrate and instruct new user group members in safe working practices.

The Ramblers Association together with the British Horse Society are continuing to assist the Authority where possible. They and their respective members continue to report areas of concern as a result of their walking and riding activities. This information will be fed into the RoWIP maintenance schedules.

The Darren Valley Ramblers have identified a number of paths in their area that require attention. With the assistance of the Rights of Way Warden through training days involving the safe use of machinery, the group is proceeding with the clearance of paths, installation of gates, stiles, signposts and waymarking.

All the works undertaken by these groups of volunteers are an important contribution to the access to the rights of way network and the Authority will continue to pursue the development of these links in the future in accordance with the Rights of Way Improvement Plan.

Through contact with Groundwork Caerphilly, the Authority is currently working with “On the Ground Team”, a group of adults of various ages undertaking voluntary work to gain work experience and skills in the countryside environment.

The British Trust for Conservation Volunteers (BTCV) has recently completed the clearance of paths in the Rudry and Rhydygwern areas.

Newport Outdoor Group has carried out a number of surveys in the Cwmcarn area and has arranged a work weekend to complete the works identified.

The Committee noted the report and placed on record its appreciation of the work undertaken by the various voluntary organisations and individuals.

In addition, Members thanked officers of the Rights of Way Section for their hard work and dedication in helping to improve and maintain the rights of way network.

7. FUNCTIONS AND RESPONSIBILITIES REGULATIONS 2007

Arising from the changes that had been made to the Rights of Way Committee following the new Welsh Assembly Government regulations, it was agreed that arrangements would be made to hold a seminar for members of, in particular the Rights of Way Cabinet Committee and the Planning Committee, to brief them on the role and responsibilities of the Rights of Way Cabinet Committee.

The meeting closed at 10.45 a.m.

Approved as a correct record by the Rights of Way Cabinet Committee.

CHAIRMAN