



RIGHTS OF WAY CABINET COMMITTEE – 14TH JULY 2009

SUBJECT: DIVERSION OF FOOTPATHS 66 AND 79 BEDWELLY

REPORT BY: DIRECTOR OF THE ENVIRONMENT

1. PURPOSE OF REPORT

1.1 To seek approval for a diversion in respect of a right of way at Oak Terrace, Fleur-de-Lys.

2. SUMMARY

2.1 To advise Members of the requirement to divert 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 An internal application has been received seeking the diversion of footpath Nos.66 and 79 in the community of Bedwellty as a result of the Oak Terrace Bypass Project.

4.2 For identification purposes the location of the path is shown within the bold black circle on the plan attached as Document No.1.

4.3 The construction of the new road has affected the routes of footpaths 66 and 79 Bedwellty which are registered rights of way recorded on the definitive map and statement prepared by Monmouthshire County Council relevant date 2nd July 1952. Document No.2 is a copy of the electronic copy of the map enlarged to a scale of 1:2,500.

4.4 The path is described in the definitive statement as;

Footpath No.66 Bedwellty

Footpath commences at W.G. (broken) 20 yards above houses on east side of Pengam Road. Runs up embankment following allotment fence. After 20 yards surface pitched for 80 yards then ashed. Leaves allotment fence and turns in north easterly direction towards school. Leaves ashed surface and becomes overgrown by grass. Crosses field to south east corner of School wall. Footpath ashed from this point meets boundary fence 40 yards from corner and follows fence. After 30 yards runs between hedge and fence. Leaves fence and follows hedge to make an entry to main road between mission hall and house. Maintained by Local Council.

Footpath No.79 Bedwellty

Footpath commences at corner of Warne Street, running north. Follows boundary fence 80 yards ascends steep embankment following allotment fence. Very rough. After 120 yards leaves fence and runs to south end of Edward Street.

- 4.5 For identification a more detailed layout of the proposals is indicated on Document No.3 The definitive paths are indicated by a bold black lines between points A-B-C and E-D-C.
- 4.6 In addition there is a tarmacadam path, which is not recorded on the definitive map, but has been used in excess of 20 years which gives rise to prescriptive rights being established. To save future argument it is considered appropriate to include this length of path in any proposed order and accordingly this section of path is indicated by a bold black line between points M-H.
- 4.7 The alternative paths provided as part of the bypass scheme are indicated on plan by bold black dashed lines between points L-K, J-D-C, H-G and F-A respectively.
- 4.8 The Authority has undertaken a pre-order consultation exercise with Local Members, community council, user groups and public utility companies, no comments have been received either in support or objecting to the proposals.
- 4.9 The proposed diversion order procedure is to be paid for from Oak Terrace Bypass Scheme.

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 Gough
- 7.2 Mr Pat Mears, County Planning Officer
- 7.3 Mr Phil Jayne, Countryside and Landscape Manager
- 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;

Description of Existing Path or Way (Footpath No.79 Bedwellty)

That part of footpath No.79 Bedwellty commencing at a point approximately 13 metres east of No.24 Oak Terrace and proceeding in a curved north easterly direction before turning in a north north westerly direction at its termination at the south end of Edward Street at a point approximately 187 metres north of the said property a total distance of 217 metres or thereabouts and shown on plan by a bold black line between points A-B-C.

Description of Existing Path or Way (Footpath No.66 Bedwellty).

That part of footpath No.66 Bedwellty commencing at a point on New Bryngwyn Street approximately 15 metres north west of the property known as Red Cross Villas and proceeding in a east north easterly direction to its termination at its junction with footpath No.79 at a point approximately 156 metres north east of the said property a total distance of 167 metres or thereabouts and shown on plan by a bold black line between points E-D-C.

Description of Existing Path or Way (un-registered path)

A length of un-registered public path commencing on the rear lane of Oak Terrace at a point approximately 24 metres north north east of No.24 Oak Terrace and proceeding in a northerly direction to its termination at a point approximately 100 metres north of the said property a total distance of 80 metres or thereabouts and shown on plan by a bold black line between points M-H.

Description of New Paths or Ways

A new path to a width of 1.8 metres commencing at a point approximately 13 metres east of No.24 Oak Terrace and proceeding in a north easterly and north westerly directions following the newly constructed footway to its termination at a point approximately 33 metres north north east of the said property a total distance of 60 metres or thereabouts and shown on plan by a bold black dashed line between points A-F.

A new path to a width of 1.8 metres commencing on the north side of the new road at a point approximately 49 metres north north east of No.24 Oak Terrace and proceeding in a north easterly and north westerly directions to its termination at a point approximately 100 metres north of the said property a total distance of 74 metres or thereabouts and shown on plan by a bold black dashed line between points G-H.

A new path to a width of 1.8 metres commencing on the north side of the new road at a point approximately 61 metres north north west of the property known as Red Cross Villas and proceeding in a east north easterly direction to the steps leading to Aneurin Avenue approximately 82 metres north north east of the said property and shown on plan by a bold black dashed line between points L-K. Path continues on the east side of Aneurin Avenue from a point approximately 97 metres north east of the said property and proceeds in an east south easterly and north easterly directions to its termination at a point approximately 156 metres north east of the said property and shown on plan by a bold black dashed line between points J-D-C. A total distance of 132 metres or thereabouts and shown between points L-K and J-D-C.

9. REASONS FOR THE RECOMMENDATIONS

9.1 In the interests of the public

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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Background Papers: ETP/ROW/FP79Bedwellty held at Pontllanfraith Offices, Blackwood