



## RIGHTS OF WAY CABINET COMMITTEE – 14TH JULY 2009

**SUBJECT: DIVERSION OF FOOTPATH NO. 265 IN THE COMMUNITY OF GELLIGAER**

**REPORT BY: DIRECTOR OF THE ENVIRONMENT**

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

1.1 To seek approval for a diversion in respect of a right of way at Station Road, Brithdir.

### **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 No.265 in the community of Gelligaer as a result of the New Tredegar Regeneration 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 An area of the regeneration project affected the route of footpath No.265 which is a registered right of way recorded on the definitive map and statement prepared by Mid Glamorgan County Council relevant date 1<sup>st</sup> January 1971. The definitive route is indicated on Document No.2 between points A-B-C-D.

4.4 The path is described in the definitive statement as;

Footpath 265 Gelligaer Urban District

Length 640 Width 0.56

Leaves path 264 at the colliery fence and proceeds north-west between the railway and the river, passing through some old buildings and a hole 4 foot square in a masonry wall, to terminate on a highway leading to James Street, Tirphil.

4.5 For identification a more detailed layout of the proposals is indicated on Document No.3 The definitive path is indicated by a bold black line and the proposed diversion by a bold black dashed line.

- 4.6 The Authority has undertaken a pre-order consultation exercise with Local Members, community council, user groups and public utility companies. Replies have received from Western Power, Welsh Water and British Telecom and none wish to raise objection.
- 4.7 The current proposals follow an alternative route via a newly constructed footbridge which leads the public from high to low level through a gentle gradient.
- 4.8 The proposed diversion order procedure is to be paid for from New Tredegar Regeneration Project.

## **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

That part of footpath No.265 Gelligaer commencing at a point approximately 39 metres north of the property known as No.20 Nelson Terrace, and proceeding in a north westerly direction crossing the former dismantled railway line to its termination at a point approximately 134 metres north west of the said property a total distance of 105 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 39 metres north of the property known as No.20 Nelson Terrace, and proceeding in a northerly and north westerly directions to a point approximately 148 metres north west of the said property where the path turns in a south easterly direction to its termination on the main highway at a point 134 metres north west of the said property a total distance of 150 metres or thereabouts and shown on plan by a bold dashed line between points A-C-D-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 an Executive function delegated to this committee for determination.

Author: A.J. Sander, Senior Assistant Engineer Rights of Way  
Consultees: Keith Donovan, 9 Laurel Drive, The Bryn, Pontllanfraith, Blackwood NP12 2PR  
Mrs D. Gronow, Clerk to New Tredegar Community Council, 7 Clyde Close, Pontllanfraith, NP12 2FY Clerk to Community Council  
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  
Western Power Distribution, Map Response Team, Mapping Centre, Lamby Way, Rumney, Cardiff CF3 2EQ  
Incoming Notice Reception (South Wales), P.P.404B Telecom House, Trinity House, Hanley ST1 5ND  
Dwr Cymru Welsh Water, Legal Dept, Pentwyn Road, Nelson, Treharris CF47 6LY  
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 G. Jones 71, Derlwyn Street, Phillipstown, New Tredegar, NP24 6AZ  
County Borough Councillor L.R. Rees, 37, Derlwyn Street, Phillipstown, New Tredegar, NP24 6AY

List of Documents  
Location Plan  
Copy of Definitive map  
Plan showing proposals

Background Papers:  
ETP/ROW/FP265 Gelligaer held at Pontllanfraith Offices