



RIGHTS OF WAY CABINET COMMITTEE – 14TH JULY 2009

SUBJECT: DIVERSION OF FOOTPATH NO. 278 IN THE COMMUNITY OF ABERCARN

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 Pennar Fach Farm, Pantyresk, Newbridge.

2. SUMMARY

- 2.1 To advise Members of the requirement to divert a right of way in the community of Abercarn.

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 owner of Pennar-Fach Farm, Pantyresk has made application for the diversion of footpath No.278 in the Community of Abercarn.
- 4.2 For identification purposes the property is shown within the bold black circle on the plan attached as Document No.1.
- 4.3 The land is crossed by a public right of way indicated on the definitive map and statement prepared by Monmouthshire County Council relevant date 1st July 1952 as footpath No.278 in the Community of Abercarn. A copy of the Definitive Map is attached as Document No. 2.
- 4.4 The path is described in the definitive statement as;
- Footpath 278 Abercarn
From junction with Nos.276 and 277 across a stile then past Pennar-Fach across another stile which needs repairing then in a south easterly direction over a third stile before finish at road.
- 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 applicant has indicated that the diversion is made in the interests of the landowner as the definitive line of path is presently aligned between the existing farm house and a newly constructed garage complex, and this route cause a security issue.
- 4.7 The alternative route being proposed is not on land within the control of the applicant but the adjoining landowner Mr R. Collins, Stoke Priory, Leominster has agreed to the diversion on the understanding that any structures ie stiles are maintained by the applicant in perpetuity. A copy of the consent is attached as Document No.4.
- 4.8 The Authority has undertaken a pre-order consultation with Local Members, community councils where one exists and user groups, no comments have been received either in support or objection to the proposals.
- 4.9 The current proposals follow an alternative route alongside the boundary of a field and with the structures through field boundaries will be an easy route to follow.
- 4.10 The applicant has agreed to the Council's conditions associated with the diversion which are as follows;
1. The alternative path to be a minimum width of 1.4 metres and adequately waymarked throughout its length.
 2. The gradient of the new alternative path shall not exceed 1 in 12
 3. The cost of the administration of the order including newspaper advertisements but excluding construction be borne by the applicant. The current cost being £2,500.00 although this may increase depending on advertisement.
 4. Stiles to be constructed where the path crosses field boundaries. These structures to be maintained by the landowner in perpetuity.
- 4.11 A copy of the acceptance of conditions is attached as Document No.5 (2No. letters)

5. FINANCIAL IMPLICATIONS

- 5.1 Cost of the order to be borne by the applicant.

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.278 in the Community of Abercarn commencing at its junction with Restricted Byways 276 and 277 and footpath No.279 Abercarn at a point approximately 18 metres north east of the property known as Pennar Fach and proceeding in a southerly and south westerly directions to a point approximately 68 metres south west of the said property a total distance of 93 metres or thereabouts and shown on plan by a bold black line between points B-C-A .

Description of new path or way

A new path to a width of 1.4 metres commencing at a point on Restricted Byway No.276 at a point approximately 23 metres north east of Pennar Fach Farm and proceeding in a westerly, southerly, south easterly, south westerly and finally southerly directions to its termination on footpath No.278 at a point approximately 68 metres south west of the said property a total distance of 124 metres or thereabouts and shown on plan by a bold black dashed line between points B-D-A.

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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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
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Miss T.K. Styles, Secretary to British Driving Society, 32 New Road, Helmingham, Stowmarket IP14 6EA
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County Borough Councillor Mrs. K.R. Baker 36, North Road, Newbridge, NP11 4AE
County Borough Councillor M. Davies 63 Treowen Road, Newbridge, Gwent NP11 3DN

List of Documents

1. Location Plan
2. Copy of Definitive map
3. Plan showing proposals
4. Copy letter received from adjoining landowner
5. Applicants agreement to conditions dated 25th October 2007 and 11th January 2008

Background Papers:
ETP/ROW/FP278 Abercarn held at Pontllanfraith Offices