



RIGHTS OF WAY CABINET COMMITTEE

MINUTES OF THE RECONVENED MEETING HELD AT PENALLTA HOUSE, TREDOMEN, ON WEDNESDAY, 15TH JULY 2009 AT 2.00 PM

PRESENT:

Councillor R.W. Gough - Chairman

Councillors:

L. Ackerman, R. Davies & A.J. Pritchard

Together with:

P. Mears (Chief Planning Officer), A.J. Sander (Senior Assistant Engineer, Rights of Way), J. Piper (CROW Support Officer), G. Gordon (Senior Solicitor), S.M. Kauczok (Committee Services Officer).

Also in attendance:

Mr G. Lewis & Mr J. Watkins (Argoed Residents Association);
Councillor J.B. Criddle.

APOLOGY

An apology for absence had been received from Councillor Colin Hobbs.

1. DECLARATIONS OF INTEREST

Agenda item 2(6), Appendix 1 - Gelynos Avenue to Woodville Terrace, Argoed. Councillor A.J. Pritchard advised that he knew a significant number of those who had submitted evidence forms in respect of the claim.

2. APPLICATION FOR A MODIFICATION ORDER TO AMEND THE MONMOUTHSHIRE COUNTY COUNCIL DEFINITIVE MAP AND STATEMENT FOR PUBLIC RIGHTS OF WAY - GELYNOS AVENUE TO WOODVILLE TERRACE, ARGOED

Prior to the meeting Members and Officers met on site to view the route of the claimed right of way. The path is located north of Woodville Terrace and west of the A4048. The site is currently being developed and this has impacted on the claimed path. The developers have provided an alternative path along the estate footway and down a newly constructed flight of steps.

An application had been received under Section 53(3)(c)(iii) of the Wildlife and Countryside Act 1981 from the Argoed Residents and Tenants Association to modify by ADDING a path to the Definitive Map and Statement for the County of Monmouthshire. The claimed path leads

from the southern end of the cul-de-sac known as Gelynos Avenue east of No.25 and proceeds in a south south easterly direction to the top of a flight of steps leading to Argoed Primary School. The path continues down the steps in an east north easterly direction, then south to its termination on Woodville Terrace, Argoed. It crosses land controlled by three separate landowners.

The Senior Assistant Engineer Rights of Way, presented a summary of his investigations including the examination of documentary and user evidence. The application was supported by 52 evidence forms completed by members of the public who had used the path for varying periods, some in excess of 20 years.

The Committee was advised that there are two agreements between the landowners and former authorities in place, which establish a path for public use for the duration of the agreements.

Mr G. Lewis and Mr J. Watkins addressed the Committee on behalf of Argoed Residents Association, who had submitted the claim. They produced two colour aerial photographs of the area as additional documentary evidence.

The Committee considered the evidence and information contained in the report and provided at the meeting and it was: -

RESOLVED that the application for a Modification Order to amend the Definitive Map and Statement of Public Rights of Way to add a path from Gelynos Avenue to Woodville Terrace, Argoed, be supported.

3. APPLICATION FOR A MODIFICATION ORDER TO AMEND THE MONMOUTHSHIRE COUNTY COUNCIL DEFINITIVE MAP AND STATEMENT FOR PUBLIC RIGHTS OF WAY BETWEEN EDGEHILL AND HILL VIEW AND A SPUR PATH LEADING TO FLEUR-DE-LYS AVENUE, BLACKWOOD

Councillor J.B. Criddle attended the meeting in respect of this item.

Prior to the meeting Members and Officers met on site and walked the route of the claimed right of way.

Formal notice of the application was served on Gwent County Council by Councillor James Criddle on 10th October 1988. The application was supported by 20 evidence forms completed by members of the public claiming use of the paths for varying periods. Sixteen of the 20 forms refer to use in excess of 20 years.

The claimed path crosses land within the control of the Authority. The apparent gap in ownership to the south of the cul-de-sac off St. Andrews Drive is believed to be a topographical error. It is apparent that prior to the current investigations being undertaken, development has taken place, which has physically affected the line of the claimed path. The public have since used an alternative route unaffected by development.

The claimed paths run alongside the northern boundary of the Penllwyn Primary School and terminate on Hill View. A second path runs along the eastern boundary of the Penllwyn Primary School to terminate on Fleur-de-Lys Avenue, all paths being across land, which is controlled by the Education Department.

Prior to investigating the claim, contact was made with the landowners and a dedication of the routes has been agreed.

The Committee endorsed the recommendation in the report to approve the dedication of land for use as a highway.

4. APPLICATION FOR A MODIFICATION ORDER TO AMEND THE MID GLAMORGAN COUNTY COUNCIL DEFINITIVE MAP AND STATEMENT FOR PUBLIC RIGHTS OF WAY FROM DUFFRYN STREET TO PENALLTAU ROAD, YSTRAD MYNACH

Prior to the meeting Members and Officers met on site to walk the route of the claimed right of way.

The application was supported by 28 evidence forms completed by members of the public claiming use of the path for varying periods. Twelve of the 28 forms refer to use in excess of 20 years.

Clarification of the land ownership details have concluded that the length of the claimed path not already an existing highway is within the control of Redrow Homes.

Initial enquiries indicated that the section of the claimed path between points A-B-C is recorded on the maintainable highway records and was therefore omitted from the remaining part of the report and the claim process.

The section of path indicated on the application plan between points C-D passes through a playground surrounded by a chain link fence. Upon investigation the correct line of path should be between points C1 and D1 indicated by a bold black dashed line on Document No. 3.

The landowners (Redrow) have agreed that they will raise no objection to the registration of the claimed path through the formal Modification Order process.

Since the original claim was received the main road layout has been re-aligned, but this has not altered the termination point at point D1, which is now at the back of the new footway.

The Committee supported the claim as made for a footpath, on the basis of the evidence and information compiled in the submitted documents.

The meeting closed at 3.10 pm.

Approved as a correct record subject to any corrections or amendments made at the next meeting.

CHAIRMAN