



## **RIGHTS OF WAY CABINET COMMITTEE**

### **MINUTES OF THE RECONVENED MEETING HELD AT THE TREDOMEN BUSINESS AND TECHNOLOGY CENTRE ON WEDNESDAY, 29TH FEBRUARY 2012 AT 2.30 PM**

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#### **PRESENT:**

Councillor R. Davies – Chairman

#### **Councillors:**

L. Ackerman & J.E. Fussell.

Local Ward Members (at site inspection): Councillors Mrs A. Blackman & Mrs M. Tucker.

#### **Together with:**

N. Liversuch (Manager Countryside and Landscape Services), A. Powell (Countryside Access and Rights of Way Officer), J. Piper (CROW Support Officer), H. Lewis (Legal Assistant), S.M. Kauczok (Committee Services Officer)

#### **APOLOGIES**

Apologies for absence had been received from Councillors R.W. Gough and C. Hobbs.

#### **1. DECLARATIONS OF INTEREST**

There were no declarations of interest made at the beginning or during the course of the meeting.

#### **2. APPLICATION FOR A MODIFICATION ORDER TO AMEND THE MID GLAMORGAN COUNTY COUNCIL DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY IN RESPECT OF ADDING A PATH IN THE COMMUNITY OF CAERPHILLY**

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

An application had been received under Section 53 of the Wildlife and Countryside Act 1981 to modify the Definitive Map and Statement by adding a footpath from Dynevor Terrace to Heol Fawr, Nelson. The claimed right of way commenced at the side of 15 Heol Fawr, Nelson, proceeded in a westerly direction and terminated at the side of 28 Dynevor Terrace. The path crossed adopted highway between points A-B and C-D, the back lanes of Heol Fawr and Dynevor Terrace to which the public had a right of access. The total length of the claimed path was 82 metres with a width of 2.5 metres.

The original application was made by Mrs Brickley in 2001. Mrs Brickley had since moved away and Mrs Lapsa, who had provided a user evidence statement supporting the application,

had agreed to become the new applicant. The previously notified landowners had been contacted but stated that the land did not belong to them. Notices were then posted by Mrs Lapsa on either end of the claimed right of way stating that the application had been made. The notices were maintained for one month to allow a landowner to come forward. No response was received. The claim was supported by 13 user evidence forms, all of which had been completed by residents of Nelson who claimed to have used the route on a regular basis. The evidence provided indicated uninterrupted use of between 34-70 years.

The local ward members were unable to attend the reconvened meeting and therefore presented their views at the site inspection. Councillor Mrs Blackman raised the issue of the condition of the footpath and it was stated that if the application is successful, the footpath would be accepted in its current condition. However, there might be scope to improve it using Rights of Way Improvement Plan funding. Councillor Mrs Tucker read out a statement on behalf of Mrs Lapsa, the applicant.

On the basis of the evidence and information contained in the submitted documents and provided at the meeting, the Committee RESOLVED that the application to amend the Definitive Map and Statement by adding a path from Dynevor Terrace to Heol Fawr Nelson, be supported.

The meeting closed at 3.00pm.