



RIGHTS OF WAY CABINET COMMITTEE

MINUTES OF THE RECONVENED MEETING HELD AT THE COUNCIL OFFICES, PENALLTA HOUSE ON FRIDAY, 2ND MARCH 2012 AT 1.15 PM

PRESENT:

Councillor R. Davies – Chairman

Councillors:

L. Ackerman & J.E. Fussell.

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).

Also in attendance:

The Applicant: Mr. D.G. Prosser

Landowners and their representatives: Mrs. S. Alsaffar, Mrs. G.D. Hutchinson, Mrs. B. Tranter and Mr. & Mrs. Brunson.

APOLOGIES

Apologies for absence had been received from Councillors R.W. Gough, C. Hobbs, Mrs. E. Aldworth and R.T. Davies.

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 RUDRY

The application had been withdrawn from the agenda and deferred for further negotiations with the landowner. All interested parties had been informed and a notice had been posted on site.

3. APPLICATION FOR A MODIFICATION ORDER TO AMEND THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY FOR THE COUNTY OF MONMOUTHSHIRE IN RESPECT OF ADDING THREE PATHS FROM MOUNTAIN ROAD, BEDWAS TO COLLIERY ROAD, BEDWAS

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

An application had been received under Section 53 of the Wildlife and Countryside Act 1981 from Mr. D.G. Prosser, Hillside Terrace, Bedwas to modify the Definitive Map and Statement for the county of Monmouthshire by adding three paths from Mountain Road, Bedwas to Colliery Road, Bedwas. Two of the paths lead from Mountain Road, Bedwas eastwards and the third is a continuation of the first two leading southwards to Colliery Road, Bedwas. The application was supported by one evidence form completed by the applicant. Two additional evidence forms had subsequently been received from Mrs. A.M. Prosser and Mr. R.M. Williams.

It was noted that at a meeting of the Rights of Way Committee on 4th May 2006, the Committee considered and subsequently supported an application from Mrs. G.D. Hutchinson, Triacre, Mountain Road, Bedwas to delete the three paths from the definitive map and statement. A Modification Order was made on 10th May 2006 and notices were posted at each end of the affected paths from 25th May 2006 and maintained for the duration of the objection period, which expired on 14th July 2006. No representations were received during that period. The Order was confirmed unopposed on 19th July 2006 and notices were posted at each end of the affected paths on 27th July 2006 and maintained until 7th September 2006.

Confirmation was received from the Legal Officer present that this application should be treated as a fresh application and that the period of time should be taken from when the application to delete the paths was submitted in 2004. The applicant was reminded therefore that he needed to provide evidence to demonstrate that the paths had been used for a period of 20 years without interruption from 1984 to 2004.

The Countryside and Rights of Way Officer highlighted the key issues within the report and summarised the evidence provided by the applicant and the objectors contained therein.

Mr. Prosser, the applicant, was then invited to present his application to the Committee. In accordance with the Committee's normal practice, each party was allocated a maximum period of five minutes to present their case. All parties present were reminded that the Committee would be looking for evidence of use from 1984 to 2004.

Mr. Prosser had made the application seeking the re-registration of the paths, which were deleted from the definitive map by the Modification Order on 24th April 2007. Mr. Prosser claimed that the three paths were shown on the definitive map and statement and that he had been aware of the paths for over 50 years and had used them over the last 22 years despite attempts by the landowners to prevent him. Following Mr. Prosser's presentation, the Committee sought clarification on a number of points raised.

Mrs. S. Alsaffaar and Mrs. Brunson (representing her mother, Mrs. G.D. Hutchinson) had previously indicated their wish to speak at the meeting. They were each allocated a period of five minutes to present their evidence.

Mrs S. Alsaffaar of Ty Melin, Mountain Road, Bedwas presented her evidence first. When Mr. & Mrs. Alsaffar purchased the property in 2009 their solicitor advised them that there were no public rights of way crossing the land and they purchased it on that basis.

Mrs. Brunson addressed the Committee on behalf of her mother, Mrs. G.D. Hutchinson of Triacre, Mountain Road, Bedwas, who owns the majority of land over which the three footpaths, the subject of the application, are alleged to cross.

Following each presentation, Members of the Committee were given the opportunity to ask questions, seek clarification on the issues raised. Members of the public then left the meeting while the Committee considered all the evidence and information received.

On the basis of the evidence and information contained in the submitted documents and provided at the meeting, the Committee RESOLVED that the application for a Modification Order to amend the Definitive Map and Statement of Public Rights of Way for the County of Monmouthshire in respect of adding three paths from Mountain Road, Bedwas to Colliery Road, Bedwas, be rejected.

The meeting closed at 2.40 pm.