



## **RIGHTS OF WAY CABINET COMMITTEE**

### **MINUTES OF THE MEETING HELD VIA MICROSOFT TEAMS ON FRIDAY 26TH MARCH 2021 AT 9.30 AM**

**PRESENT:**

Councillor J. Ridgewell (Vice-Chair)

**Councillors:**

C.J. Gordon (Cabinet Member for Corporate Services), Councillor S. Morgan (Economy and Enterprise), L. Phipps (Cabinet Member for Housing and Property) and E. Stenner (Performance and Customer Services).

**Together with:**

P. Griffiths (Green Space Strategy and Cemeteries Manager). S. Denbury (Countryside and Rights of Way Assistant), R. Tranter (Head of Legal Services and Monitoring Officer), C. Evans (Committee Services Officer) and R. Barret (Committee Services Officer).

**Also in Attendance:**

Councillor S. Cook (Local Ward Member), T. Taylor-Wells (Taylor-Wimpey), P. Wells (Bond Construction) and D. Shakesby (Solicitor to Taylor-Wimpy).

### **RECORDING AND VOTING ARRANGEMENTS**

The Chair reminded those present that the meeting was being filmed but would not be live streamed, however a recording would be available following the meeting via the Council's website – [Click Here To View](#). He advised that decisions would be made by Show of Hands.

#### **1. APOLOGIES FOR ABSENCE**

There were no apologies for absence. However, Councillor J. Ridgewell, Vice Chair presided as Chair in place of Councillor S. Morgan.

#### **2. DECLARATIONS OF INTEREST**

Councillor C. Gordon declared a personal and prejudicial interest in Agenda Item 4 - as an objector to the applications is known to him as a close personal associate and he left the meeting during consideration of these items.

### **3. RIGHTS OF WAY CABINET MINUTES – 15TH JANUARY 2021**

RESOLVED that the minutes of the meeting held on 15th January 2021 were approved as a correct record.

### **4. DEFERRED PUBLIC RIGHTS OF WAY CABINET COMMITTEE MEETINGS 2ND OCTOBER 2020 AND 15TH JANUARY 2021:- APPLICATION FOR AN ORDER UNDER SECTION 119 OF THE HIGHWAYS ACT 1980 TO DIVERT PUBLIC FOOTPATH 54 CAERPHILLY - AFFECTED BY DEVELOPMENT GRANTED BY PLANNING PERMISSION.**

Councillor C. Gordon declared a personal and prejudicial interest in this item as an objector to the application is known to him and left the meeting during consideration of the item.

The Cabinet Rights of Way Committee were asked to consider and determine the deferred reports placed before the Public Rights of Way Cabinet Committee on 2nd October 2020 and 15th January 2021 to make an Order to divert a Public Right of Way affected by development granted by planning permission.

It was noted that the Public Rights of Way Cabinet Committee meeting of 2nd October 2020 was deferred for a period of three months to allow matters relating to the transfer of the area of land referred to as 'the wildlife corridor' to be discussed between the relevant parties.

Following this period of time, the parties involved had not reached agreement, and the land transfer had not taken place.

The Public Rights of Way Cabinet Committee reconvened the meeting on 15th January 2021 where the matter was reconsidered.

The Public Rights of Way Cabinet Committee resolved to defer a decision until a further alternative route to the North of the development through the retail park had been explored.

It was noted that to date, no reply has been received from the landowner of the retail park.

During this period, the landowner of the Wildlife Corridor (Mackworth Grange / Bond Demolition) and the developer (Taylor Wimpey) have now agreed matters relating to the transfer of land known as the Wildlife Corridor and the parcel of land to the North (at the end of the Catnic access road), which were identified at Appendices 12, 13 and 14 of the Officer Report.

The report set out the background, analysis of the route to the North over the retail park which Members sought further investigation, progress of the land transfer of the land referred to as the 'Wildlife Corridor'.

The Committee thanked the Officer for the report and discussion ensued. Members sought clarification on points within the report and along the route and were pleased to note that a compromise had now been reached between the two parties and the parcel of land at the Wildlife Corridor had been transferred.

Following consideration and discussion it was moved and seconded that the application be deferred in order to explore further options for an alternative route. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the Officers report an Order under s119 of the Highways Act 1980 be made to divert the route of Footpath 54 Caerphilly onto a different route to that sought by the applicant, the route of which was determined by the Committee as at Appendix 11 to the report to follow route points C, D, E, F, G, B. In

addition, options be considered for the route to be improved to via access points F-G in the future, where possible.

The meeting closed at 2.40 pm.