

# OMERTHYR TYDFIL COUNTY BOROUGH COUNCIL



## MINUTES OF MEETING

# RIGHTS OF WAY COMMITTEE

**MONDAY, 24TH FEBRUARY, 2014**

**PRESENT:** Councillor C T Jones (In the Chair)

Councillors T Chaplin, D Isaac, B E Mansbridge and K Moran

Geraint Morgan (Solicitor) and Cheryl Jones (Rights of Way Project Officer)

Karen Vokes, Democratic Services Officer

ITEM NO.	AGENDA MATTER	DECISION
1115	Apologies for absence	No apologies for absence as all Members were present.
1116	Declarations of Interest	Councillor B Mansbridge declared an interest in item 8 (Merthyr Vale 16) as it is his Electoral Ward.  Councillor D Isaac declared an interest in item 10 (Town 26) as he is the Governor of Ysgol Santes Tudful.  Councillor K Moran declared an interest in item 11 (Treharris 31) as it is her Electoral Ward.  Councillor T Chaplin declared an interest in items 13, 14 and 15 as the land is owned by Merthyr Village, for which he has a personal and prejudicial interest.
1117	Guidance on the law relating to the continuous review of the Definitive Map and Statement of Public Rights of Way	Committee notes the contents of the report.

1118	Guidance on the law relating to the Extinguishment of Public Rights of Way under the Highways Act 1980	Committee notes the contents of the report.
1119	Guidance on the law relating to the Diversion of Rights of Way under Highways Act 1980	Committee notes the contents of the report.
1120	Basic Guidance on the law relating to Order to be made until Town and Country Planning Act 1990 Section 257	Committee notes the contents of the report.
1121	Bedlinog 63	<p><b>RESOLVED that:</b></p> <ul style="list-style-type: none"> <li>a. Taking into consideration all the evidence which has been provided, that an order be made under s257 Town and Country Planning Act 1990 to divert the Public Footpath.</li> <li>b. To approve the confirmation of the Order made as a result of (a) above provided no objections or representations are made within the prescribed period or if any objections or representations made are so withdrawn.</li> <li>c. If any objections or representations are made within the prescribed period are not subsequently withdrawn then to refer the relevant Order to the Planning Inspectorate for determination.</li> </ul>
1122	Merthyr Vale 16	<p>Having declared an interest, Councillor B Mansbridge did not take part when this item was considered.</p> <p><b>RESOLVED that:</b></p> <ul style="list-style-type: none"> <li>a. Taking into account all of the evidence which has been provided to confirm the diversion of Merthyr vale 16 from the bold line as depicted on the plan, Merthyr Vale 16, between Point A and Point B to the dashed line as depicted on the Plan, Merthyr Vale 16, between Point A and Point B.</li> </ul>

		<p>b. A Public Path Diversion Order be made to divert the bridleway.</p> <p>c. To approve the confirmation of the Public Path Diversion Order made as a result of (b) above provided no objections or representations are made within the prescribed period or if any objections or representations so made are withdrawn.</p> <p>d. If any objections or representations are made within the prescribed period and not subsequently withdrawn then to refer the relevant Order to the Planning Inspectorate for determination.</p>
1123	Pant 13	<p><b>RESOLVED that:</b></p> <p>The 2013 Order be abandoned.</p> <p>Having abandoned the 2013 Order and</p> <p>a. Taking into consideration all the evidence which has been provided, that a Public Path Diversion Order be made to divert the bridleway.</p> <p>b. To approve the confirmation of the Public Path Diversion Order made as a result of (a) above provided no objections or representations are made within the prescribed period or if any objections or representations so made are withdrawn.</p> <p>c. If any objections or representations are made within the prescribed period and are not subsequently withdrawn then to refer the relevant order to the Planning Inspectorate for determination.</p>
1124	Town 26	<p>Having declared an interest, Councillor D Isaac did not take part when this item was considered.</p> <p><b>RESOLVED that:</b></p> <p>a. <b><i>Taking into account all of the evidence which has been provided to confirm the diversion of Town 26 from the bold line as depicted on the Plan, Town 26,</i></b></p>

		<p><i>between Point A and Point B to the dashed line as depicted on the Plan, Town 26, between Point A and Point B.</i></p> <p><b>b. A Public Path Diversion Order be made to divert the footpath.</b></p> <p><b>c. To approve the confirmation of the Public Path Diversion Order made as a result of (b) above provided no objections or representations are made within the prescribed period or if any objections or representations so made are withdrawn.</b></p> <p><b>d. If any objections or representations are made within the prescribed period and not subsequently withdrawn then to refer the relevant Order to the Planning Inspectorate for determination.</b></p>
1125	Treharris 31	<p>Having declared an interest, Councillor K Moran did not take part when this item was considered.</p> <p>Also Councillor T Chaplin did not participate in this item.</p> <p><b>RESOLVED that:</b></p> <p><b>a. On the balance of probabilities there is sufficient evidence to support that the route marked with a bold black line between Points A – B – C – D – E – F – G – H – I – J – K on the plan, Treharris 31, has been used for such period so as to raise presumption that it has been dedicated as a footpath, and that the evidence has not been rebutted by other evidence.</b></p> <p><b>b. On confirming (a) above to approve the making of a Definitive Map Modification Order to show it as a footpath.</b></p> <p><b>c. To approve the confirmation of the Definitive Map Modification Order made as a result of (b) above provided no objections or representations are made within the prescribed period or if any objections or representations so made are withdrawn.</b></p>

		<p><b>d. If any objections or representations are made within the prescribed period and not subsequently withdrawn then to refer the relevant Order to the Planning Inspectorate for determination.</b></p>
1126	Troedyrhiw 9	<p>Councillor T Chaplin did not participate in this item.</p> <p><b>RESOLVED that:</b></p> <p>Councillors approve the making of the Extinguishment Order under Section 118 of the Highways Act 1980.</p> <p>If Councillors resolve to make the Order and objections are received and subsequently not withdrawn the Order will be forwarded to the Planning Inspectorate for their determination.</p>
1127	Troedyrhiw 144	<p>Having declared an interest, Councillor T Chaplin did not take part when this item was considered.</p> <p><b>RESOLVED that:</b></p> <p>Councillors gave further consideration to the reasons for making the order and confirm that, notwithstanding that the period of use is insufficient to satisfy s31(1) Highways Act 1980, there is sufficient evidence to record the route of Troedyrhiw 144 as a footpath based on the common law and that the order should have been made on this basis under s53(3)(c)(i) Wildlife and Countryside Act 1981.</p>
1128	Troedyrhiw 160	<p>Having declared an interest, Councillor T Chaplin did not take part when this item was considered.</p> <p><b>RESOLVED that:</b></p> <p>Councillors gave further consideration to the reasons for making the order and confirm that, notwithstanding that the period of use is insufficient to satisfy s31(1) Highways Act 1980, there is sufficient evidence to record the route of Troedyrhiw 160 as a bridleway based on the common law and that the order should have been made on this basis under s53(3)(c)(i) Wildlife and Countryside Act 1981.</p>
1129	Troedyrhiw 196	<p>Having declared an interest, Councillor T Chaplin did not take part when this item was considered.</p> <p><b>RESOLVED that:</b></p>

		Councillors gave further consideration to the reasons for making the order and confirm that, notwithstanding that the period of use is insufficient to satisfy s31(1) Highways Act 1980, there is sufficient evidence to record the route of Troedyrhiw 196 as a bridleway based on the common law and that the order should have been made on this basis under s53(3)(c)(i) Wildlife and Countryside Act 1981.
1130	Vaynor 25	<p><b>RESOLVED that:</b></p> <p>The necessary pre consultation exercise with regard extinguishment of the footpath is undertaken.</p> <p>The matter be returned to the next available rights of way committee.</p>
1131	Any Other Business	The Chair advised that there was no business deemed urgent.

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