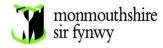
Public Document Pack



Neuadd y Sir Y Rhadyr Brynbuga NP15 1GA County Hall Rhadyr Usk NP15 1GA

Tuesday, 1 April 2025

Dear Councillor

INDIVIDUAL CABINET MEMBER DECISIONS

Notice is hereby given that the following decisions made by a member of the cabinet will be made on Wednesday, 9 April 2025.

1. PSPO - Lane Closure to prevent fly tipping and off roading

1 - 22

<u>Division/Wards Affected:</u> Magor East with Undy; Rogiet CABINET MEMBER: County Councillor Catrin Maby

AUTHOR: Mark Cleaver

CONTACT DETAILS:

Tel: 07976791031

E-mail: markcleaver@monmoutshire.gov.uk

2. WELSH CHURCH FUND WORKING GROUP

23 - 38

Division/Wards Affected: All Wards

CABINET MEMBER: County Councillor Ben Callard

AUTHOR:

David Jarrett – Senior Accountant – Central Finance Business Support

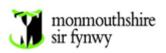
CONTACT DETAILS

Tel. 01633 644657

e-mail: davejarrett@monmouthshire.gov.uk

Yours sincerely,

Paul Matthews
Chief Executive



CABINET PORTFOLIOS

County Councillor	Area of Responsibility	Ward
Mary Ann Brocklesby	Leader Lead Officers – Paul Matthews, Matthew Gatehouse, Peter Davies, Will Mclean Whole Authority Strategy and Direction Whole authority performance review and evaluation,	Lianelly
	including DDAT Relationships with Welsh Government, UK Government and local government associations Regional Relationships including CJCs. PSBs and cross boarder Emergency Planning	
Paul Griffiths	Cabinet Member for Planning and Economic Development Deputy Leader Lead Officers – Will McLean, Craig O'Connor	Chepstow Castle & Larkfield
	Economic Strategy Skills and Employment Replacement Local Development Plan Placemaking and the development of market and affordable housing Placemaking and Transforming Towns Car parking and civil parking enforcement Development Management Building Control	
Ben Callard	Cabinet Member for Resources Lead Officers – Peter Davies, Matt Gatehouse Finance including MTFP and annual budget cycle Revenue and Benefits Human resources, payroll, health and safety Land and buildings Property maintenance and management Strategic procurement	Llanfoist & Govilon
Martyn Groucutt	Cabinet Member for Education Lead Officers – Will McLean, Ian Saunders Early Years Education All age statutory education Additional learning needs/inclusion Post 16 and adult education	Lansdown

	Osh salatandanda an U	
	School standards and improvement	
	Community learning	
	Sustainable communities for learning Programme	
	Youth service	
	School transport	
Ian Chandler	Cabinet Member for Social Care, Safeguarding and	Llantilia Crassanny
ian Chandle	Accessible Health Services	Llantilio Crossenny
	Lead Officer – Jane Rodgers	
	Lead Officer – Jame Rodgers	
	Children's services	
	Fostering & adoption	
	Youth Offending service	
	Adult services	
	Whole authority safeguarding (children and adults)	
	Disabilities	
	Mental health	
	Wellbeing	
	Relationships with health providers and access to health	
	provision	
	pro noisi.	
Catrin Maby	Cabinet Member for Climate Change and the	Drybridge
	Environment	, 0
	Lead Officers – Debra Hill-Howells, Craig O'Connor, Ian	
	Saunders	
	Decarbonisation	
	Transport Planning	
	Highways and MCC Fleet	
	Waste management, street care, litter, public spaces	
	and parks	
	Pavements and Back lanes Flood Alleviation	
	Green Infrastructure, Biodiversity and River health	
	Green initiastructure, blouversity and rever health	
Angela Sandles	Cabinet Member for Equalities and Engagement	Town
, angola Gariales	Lead Officers – Matthew Gatehouse, Ian Saunders,	. Own
	Jane Rogers, James Williams	
	Sand Hagord, Garried Trimarrie	
	Community development, inequality and poverty (health,	
	income, nutrition, disadvantage, discrimination, isolation	
	and cost of living crisis)	
	Citizen engagement and democracy promotion including	
	working with voluntary organisations	
	Citizen experience - community hubs, contact centre,	
	and customer service and registrars, communications,	
	public relations and marketing	
	Leisure centres, play and sport	
	Public conveniences	
	Electoral Services and constitution review	
	Ethics and standards	
	Welsh Language	

	Trading Standards, Environmental Health, Public Protection, and Licencing	
Sara Burch	Cabinet Member for Rural Affairs, Housing & Tourism Lead Officers – Craig O'Connor, Ian Saunders	Cantref
	Local Food production and consumption, including agroforestry and local horticulture Homelessness, Temporary accommodation, private sector housing, (empty homes leasing schemes, home improvement loans, disabled facilities grants and adaptive technology), Allocation of social housing Broadband connectivity Active Travel Countryside Access and Rights of Way Tourism Development and Cultural Services	

Aims and Values of Monmouthshire County Council

Our Purpose

• to become a zero-carbon county, supporting well-being, health and dignity for everyone at every stage of life.

Objectives we are working towards

- Fair place to live where the effects of inequality and poverty have been reduced;
- Green place to live and work with reduced carbon emissions and making a
 positive contribution to addressing the climate and nature emergency;
- Thriving and ambitious place, where there are vibrant town centres and where businesses can grow and develop
- Safe place to live where people have a home where they feel secure in;
- Connected place where people feel part of a community and are valued;
- Learning place where everybody has the opportunity to reach their potential

Our Values

Openness. We are open and honest. People have the chance to get involved in decisions that affect them, tell us what matters and do things for themselves/their communities. If we cannot do something to help, we'll say so; if it will take a while to get the answer we'll explain why; if we can't answer immediately we'll try to connect you to the people who can help – building trust and engagement is a key foundation.

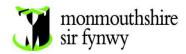
Fairness. We provide fair chances, to help people and communities thrive. If something does not seem fair, we will listen and help explain why. We will always try to treat everyone fairly and consistently. We cannot always make everyone happy, but will commit to listening and explaining why we did what we did.

Flexibility. We will continue to change and be flexible to enable delivery of the most effective and efficient services. This means a genuine commitment to working with everyone to embrace new ways of working.

Teamwork. We will work with you and our partners to support and inspire everyone to get involved so we can achieve great things together. We don't see ourselves as the 'fixers' or problem-solvers, but we will make the best of the ideas, assets and resources available to make sure we do the things that most positively impact our people and places.

Kindness: We will show kindness to all those we work with putting the importance of relationships and the connections we have with one another at the heart of all interactions.

Agenda Item 1



SUBJECT: PSPO – Lane Closure to prevent fly tipping and off roading

MEETING:

DATE:

DIVISION/WARDS AFFECTED: Magor East with Undy, Rogiet

NON-PUBLICATION

Not Applicable.

1. PURPOSE:

The purpose of this report is to request Individual Cabinet member Decision to enact a Public Spaces Protection Order (PSPO) to close a short section of highway that leads to waste ground that has become a target for fly-tipping and illegal off-roading. This measure aims to address significant public concerns regarding environmental degradation and unsafe driving practices.

Following the PSPO consultation process, which yielded no objections and garnered support from key stakeholders, this report seeks to affirm the council's commitment to enhancing community safety and environmental stewardship.

2. RECOMMENDATIONS:

To install a lockable gate and bollards on Moorgate Farm Road leading to waste ground as shown on the attached map

To provide relevant people or organisations with keys and or codes to allow lawful access via the locked gate.

Proposed key holders:

Owner of land adjacent to the lane
Tenant Farmer of the land adjacent to the lane
Network Rail – Currently uses the lane to access rail network infrastructure
Emergency services
Relevant MCC departments

3. KEY ISSUES:

The land was identified as a fly tipping hotspot in 2024 and has been under surveillance. A number of leads have been followed up by the enforcement team but fly tipping persists.

Surveillance identified illegal off-roading causing damage to natural habitat, noise nuicance to neighboring properties and a risk to legitimate users of the land.

Following discussions with Estates, Highways, Legal, NRW Fly tipping Action Wales staff, closing the lane was identified as the most appropriate course of action.

The following outlines in detail the statement of reasons for the PSPO

Legal framework

Two conditions must be met in order for a local authority to make a Public Space Protection Order under S59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (The Act). The authority must be able to show that:

Activities are taking place that have had a detrimental effect on the quality of life of those in the area.

The effect of the activities is likely to be of a continuous nature such as to make the activities unreasonable and this justifies the restrictions imposed.

S64 of the act establishes that if a PSPO is to be in place on the highway the authority must show that it has considered the effect the order will have on premises adjoining or adjacent to the highway and the likely effect on other persons in the locality.

S72 of the act sets out the requirements with regard to Convention Rights, consultation, publicity and notification.

The authority should consider the rights of freedom of expression and assembly as set out in Articles 10 and 11 of the Convention as set out under The Human Rights Act 1998. These can be considered proportionately and are not absolute rights.

The requirements as to consultation and notification have been addressed and the necessary statutory consultees have received the order as proposed, any comments received or objections made will be considered when the decision whether to make the order is taken. The notice was published on Monmouthshire County Council's Website and placed on site on 28th November 2024.

Fly-tipping

The land, a former rail siding, shown in the plan attached and registered as "Land at Rogiet" (WA871398) is owned by Monmouthshire County Council.

The land is designated as Green Wedge in the local development plan. The council land holding continues on the opposite side of the rail line to the east just beyond the M4 bridge where Rogiet Country Park begins, creating a near continuous strip of land protected from development. The ownership and designation ensure green infrastructure connectivity between the settlements of Rogiet and Magor and Undy.

A former brown field site, the vegetation is not a typical natural native habitat but does have high ecological value. Larger areas are dense scrub containing both native and non-native flowering species of high value to pollinators, ideal habitat for nesting birds and other native fauna.

Whilst the land is not designated or managed as public open space, it is accessible to the public and used by local residents for exercising dogs and for recreation. As such it meets the criteria of a public place.1

1 Prevention of Crime Act 1953 S1(4). Also see Knox v Anderton [1982] 11 WLUK 98] and Harriot v DPP [2005] EWHC 965 (Admin) A local farmer traverses the land from the south side of the fields with tractors during harvest. This is to increase the distance travelled between exiting the field before reaching the B4245 to allow time for mud to fall from his tyres and reduce issues of mud on the main road. Network Rail require access through the land to access the railway via a pedestrian gate to service a communications station.

Following reports from the public, MCC officers have been monitoring large scale and ongoing incidences of regular fly tipping on the land as indicated in the plan. Details of the fly tips recorded are to be found in the schedule which identified 31 separate incidents to August 2023 and a further 13 incidents to 26th January 2024. The waste contained a variety of commercial and domestic hazardous and non-hazardous waste.

Fly tipping is the illegal and uncontrolled disposal of waste and the deposit of controlled waste is an offence under the Environmental Protection Act 1990. The act of fly tipping is widely accepted as being a form of antisocial behaviour and as such it is detrimental to the quality of life of local people in several ways. It can:

- cause pollution of soil, water, and air, as well as damage to wildlife habitats and biodiversity. Some types of waste, such as chemicals, batteries, asbestos, and medical waste, can pose serious health risks to humans and animals that come into contact with them.
- increase the risk of fire, flooding, and landslides, as well as attract pests and vermin that can spread diseases and damage crops.
- affect the climate change mitigation and adaptation efforts, as it can reduce the carbon sequestration potential of land, increase the greenhouse gas emissions from decomposing waste, and hinder the development of renewable energy sources and green infrastructure.
- reduce the value and productivity of the land and property, as well as the attractiveness and competitiveness of the area for businesses, investors, tourists, and residents. Fly tipping can also undermine the trust and social cohesion among the stakeholders and the public, as well as the reputation and image of the area.
- divert the resources and attention from the development and implementation of more sustainable and circular waste management practices, such as waste prevention, reduction, reuse, recycling, and recovery.
- make the land unsightly and spoil the amenity of the area for locals and visitors.

Off roading

There is also evidence of unauthorised off-road driving and riding of motorbikes, quadbikes and other off-road vehicles that has a detrimental effect on the amenity of the public space.

There are several known negative effects of such usage, it;

• Disturbs the vegetation and wildlife habitats, reducing the biodiversity and ecological functions of the ecosystems.

- Emits noise and air pollution, which affects the health and well-being of humans and animals.
- Contributes to global warming by releasing greenhouse gases and reducing the carbon sequestration potential of the soil and plants.
- Reduces the amenity of the land for other users.

Effect of the proposed order

The order seeks to prevent the fly tipping and other potential anti-social activities by stopping vehicular access to the lane by means of a padlocked gate at the entrance from the B4245, at the Northern most end of Moorgate Farm Road. The gate will be installed in a location that is visible from the road, allows for traffic to pull off the B4245 and maintains access to the adjacent field gates. Given the visibility it is unlikely that the offending fly tippers will continue to use this location for their purposes. Access will be available to the sides of the gate for pedestrians, cyclists and other users who wish to legitimately access the highway and the land beyond as shown on the plan.

Authorised users will be given access to the gate using a key. Currently only the adjacent landowners, network rail staff and the emergency services have been identified as requiring access however there is the possibility that other users may need to be authorised. Such individuals or organisations can be added to a list appended to the order.

Under this order it will be an offence to pass the gate in an unauthorised vehicle or to allow access to unauthorised persons either by opening the gate or by distributing a copy of the key. As the lane is a no through route, we do not foresee that the provisions of the order will have a detrimental effect on any other legitimate users of the highway. The MCC land is used illegally by off road vehicles and while the gate will prevent access to the short section of highway beyond the gate, this is a no through route and as such there is no legitimate destination beyond the gate.

The provisions will not affect rights to freedom of expression and any impact on the freedom of assembly are both limited, as the road can still be accessed on foot and are proportionate as the behaviour the order is intended to prevent has such a detrimental effect when weighed against the relatively minor impact on convention rights.

4. EQUALITY AND FUTURE GENERATIONS EVALUATION (INCLUDES SOCIAL JUSTICE, SAFEGUARDING AND CORPORATE PARENTING):

The well being assessment indicates that protected groups will by and large be positively affected by this work and it will have a neutral effect on people with disabilities.

The impact assessment shows positive or neutral effects for all elements for each theme with the environment having most positive benefits from the work.

5. OPTIONS APPRAISAL

Two alternative options were considered to prevent access by unauthorized vehicles:

- 1. To install the barrier and bollards at the end of the lane at the entrance to the waste ground. This was discounted for three key reasons: the location would be hidden from view and it is likely that the gate would be forced open; in being hidden from view, fly tipping may continue but on the lane rather than the waste ground; that there is no safe turning point and the lane is very narrow with poor visibility forcing vehicles to have to need to reverse out this was considered unsafe
- 2. To install bunding and gate on the waste ground to allow access to Network Rail and to provide a turning space on the waste ground for vehicles negating the need to reverse out. This was discounted on the basis of not being effective in preventing fly tipping as this would not prevent access to a hidden and infrequently used waste ground.

6. EVALUATION CRITERIA

A PSPO is valid for three years and will need re-confirming to continue beyond this period.

The effectiveness of the PSPO will be measured by:

- The number of fly tipping incidents at this location
- The number of complaints about off roading
- Wheteher authorized users have issues with legimate access to the site

7. REASONS:

This decision is necessary to meet our obligations to tackle fly tipping and is supported by advice from NRW Fly Tipping Action Wales

8. RESOURCE IMPLICATIONS:

The cost of labour to install the gates, bollards and statutory signs will be covered by departmental budget. We have grant funding to cover the cost of the gate and bollards

9. CONSULTEES:

The statutory consultation for PSPOs has been completed. The information was posted on the website and signs installed at the location of the proposed gate and bollards and at the other pedestrian access points. Identified internal and external stakeholders have been contacted.

These include:

The Police and Crime Commissioners Office

Gwent Police

South Wales Fire Service

The Commons Registration Officer

Network Rail

Land owner

Tenant Farmer

Magor and Undy Town Council Local Ward Town and County Councillors Estates Environmental Health Highways

10. BACKGROUND PAPERS:

Attached papers:
Draft PSPO
PSPO notice of intention
Plan of Gate and bollards
Initial investigation report into the fly tipping.

11. AUTHOR:

Mark Cleaver

12. CONTACT DETAILS:

Tel: 07976791031

E-mail: markcleaver@monmoutshire.gov.uk

DEDDF YMDDYGIAD GWRTHGYMDEITHASOL, TROSEDD A PHLISMONA 2014

HYSBYSIAD O FWRIAD I WNEUD GORCHYMYN DIOGELU MANNAU CYHOEDDUS

CYNGHOR SIR FYNWY GORCHYMYN DIOGELU MANNAU CYHOEDDUS CYNGOR SIR FYNWY (C74.5 Tipio Anghyfreithlon) 2024

RHODDIR HYSBYSIAD DRWY HYN fod Cyngor Sir Fynwy, Neuadd y Sir, Y Rhadyr, Brynbuga, NP15 1GA ("y Cyngor") yn bwriadu gwneud Gorchymyn Diogelu Mannau Cyhoeddus o dan A59 ac A64 o Ddeddf Ymddygiad Gwrthgymdeithasol, Troseddu a Phlismona 2014.

EFFAITH Y GORCHYMYN:

Os caiff ei wneud, bydd y Gorchymyn yn caniatáu gosod giât ar draws y briffordd yn gwahardd mynediad i gerbydau. Bydd mynediad yn parhau i fod ar gael i gerddwyr, beicwyr ac mewn cerbyd i ddeiliaid allweddi awdurdodedig.

Mae'r Gorchymyn hwn yn angenrheidiol i atal tipio anghyfreithlon yn y man cyhoeddus cyfagos sy'n eiddo i'r Cyngor.

SUT I WNEUD SYLW

Mae rhagor o fanylion am y Gorchymyn arfaethedig, sy'n cynnwys copi o'r gorchymyn drafft, cynlluniau a datganiad o resymau dros wneud y Gorchymyn ar gael ar-lein yma - https://www.monmouthshire.gov.uk/pspo-flytipping/

Dylid cyflwyno unrhyw sylwadau mewn perthynas â'r cynnig hwn erbyn **5pm ar ddydd Gwener 16eg Rhagfyr 2024** naill ai drwy:

- E-bost, yn nodi ar ba sail y cyflwynir y sylw i mccgroundsandcleansing@monmouthshire.gov.uk; neu
- Anfon Ilythyr ysgrifenedig, yn nodi ar ba sail y gwneir y sylw, wedi'i gyfeirio at: Cyngor Sir Fynwy, Canolfan Hyfforddi CSF Rhaglan, Ffordd yr Orsaf, Rhaglan, Brynbuga, NP15 2ER

Dyddiad: 29ain Tachwedd 2024

Carl Touhig
Pennaeth Gwasanaethau Cymdogaeth
Cyngor Sir Fynwy

ANTI-SOCIAL BEHAVIOUR, CRIME & POLICING ACT 2014

NOTICE OF INTENTION TO MAKE A PUBLIC SPACE PROTECTION ORDER

MONMOUTHSHIRE COUNTY COUNCIL MONMOUTHSHIRE COUNTY COUNCIL (C74.5 FLY-TIPPING) PUBLIC SPACES PROTECTION ORDER 2024

NOTICE IS HEREBY GIVEN that Monmouthshire County Council of County Hall, The Rhadyr, Usk, NP15 1GA ("the Council") propose to make a Public Space Protection Order under S59 and S64 of the Anti-Social Behaviour, Crime and Policing Act 2014.

EFFECT OF THE ORDER:

If made, the order will permit a gate to be installed across the highway prohibiting vehicular access. Access will remain available to pedestrians, cyclists and by vehicle for authorised keyholders.

This order is necessary to prevent fly tipping on the adjoining Council owned public place.

HOW TO COMMENT

Further details of the proposed Order, comprising a copy of the draft order, plans and a statement of reasons for making the Order are available online at https://www.monmouthshire.gov.uk/pspo-flytipping/

Any representations in respect of this proposal should be made not later than 5pm on Friday **16**th **December 2024** by either:

- Email, stating the grounds on which the representation is being made to mccgroundsandcleansing@monmouthshire.gov.uk; or
- Sending a written letter, stating the grounds on which the representation is being made, addressed to: Monmouthshire County Council, Mcc Raglan Training Centre, Station Road, Raglan, Usk, NP15 2ER

Date: 29th November 2024

Carl Touhig
Head of Neighbourhood Services
Monmouthshire County Council

MONMOUTHSHIRE COUNTY COUNCIL

ANTI-SOCIAL BEHAVIOUR, CRIME & POLICING ACT 2014

MONMOUTHSHIRE COUNTY COUNCIL (C74.5 FLY-TIPPING) PUBLIC SPACES PROTECTION ORDER 2024

Monmouthshire County Council ("the Council") hereby makes the following Public Spaces Protection Order ("the Order") in exercise of its powers under Section 59 and 64 of the Anti-Social Behaviour, Crime & Policing Act 2014 ("the Act").

- 1) This Order may be cited as the **Monmouthshire County Council (C74.5 Fly-Tipping) Public Spaces Protection Order 2024** (The Order).
- 2) This Order will come into force on XXXXX and will remain in force for a period of three years unless varied or discharged by further orders of the Council.
- 3) The Order relates to the highway and land as shown on the attached plan, being a public place in the County of Monmouthshire to which this order applies.

THE ANTI-SOCIAL BEHAVIOUR

- 4) There have been continuing and ongoing incidents of fly tipping (the activities) on land accessed from the C74.5, off the B4245, Undy. The authority is satisfied that the conditions as set out in S59 of the act are met in that
 - i. The activities have a detrimental effect 59(2) on the quality of life of those in the locality; and are
 - ii. Of a persistent and continuing nature, unreasonable by their nature and justify the restrictions implemented by this order S59(3); and
 - iii. The activities are being carried out in a public place.

EFFECT OF THE ORDER

- 5) The order shall bring into effect the following provisions:
 - Access to the road (the restricted area) will be secured by a gate over the partial width of the highway, preventing vehicular use while maintaining pedestrian access, the responsibility for maintenance of which shall lie with the authority.
 - ii. Key holders will be authorised at the discretion of the Council. The authority reserves the right to issue additional keys should the need arise. Any individual or organisation requiring a key should apply to mccgroundsandcleansing@monmouthshire.gov.uk in the first instance.
 - iii. The gate shall remain locked when access is not in use.

iv. Police, Fire and Ambulance and other emergency services acting in pursuance of statutory powers or duties shall be exempt from the provisions of this order.

THE OFFENCES

- 6) The following offences shall be created by this order:
 - i. Excepting for authorised individuals, no one shall be permitted to enter the restricted area in a motor vehicle.
 - ii. Key holders shall not copy the key or allow any other person to access the restricted area.
 - iii. Key holders shall not allow access to anyone not authorised under this order

PENALTIES

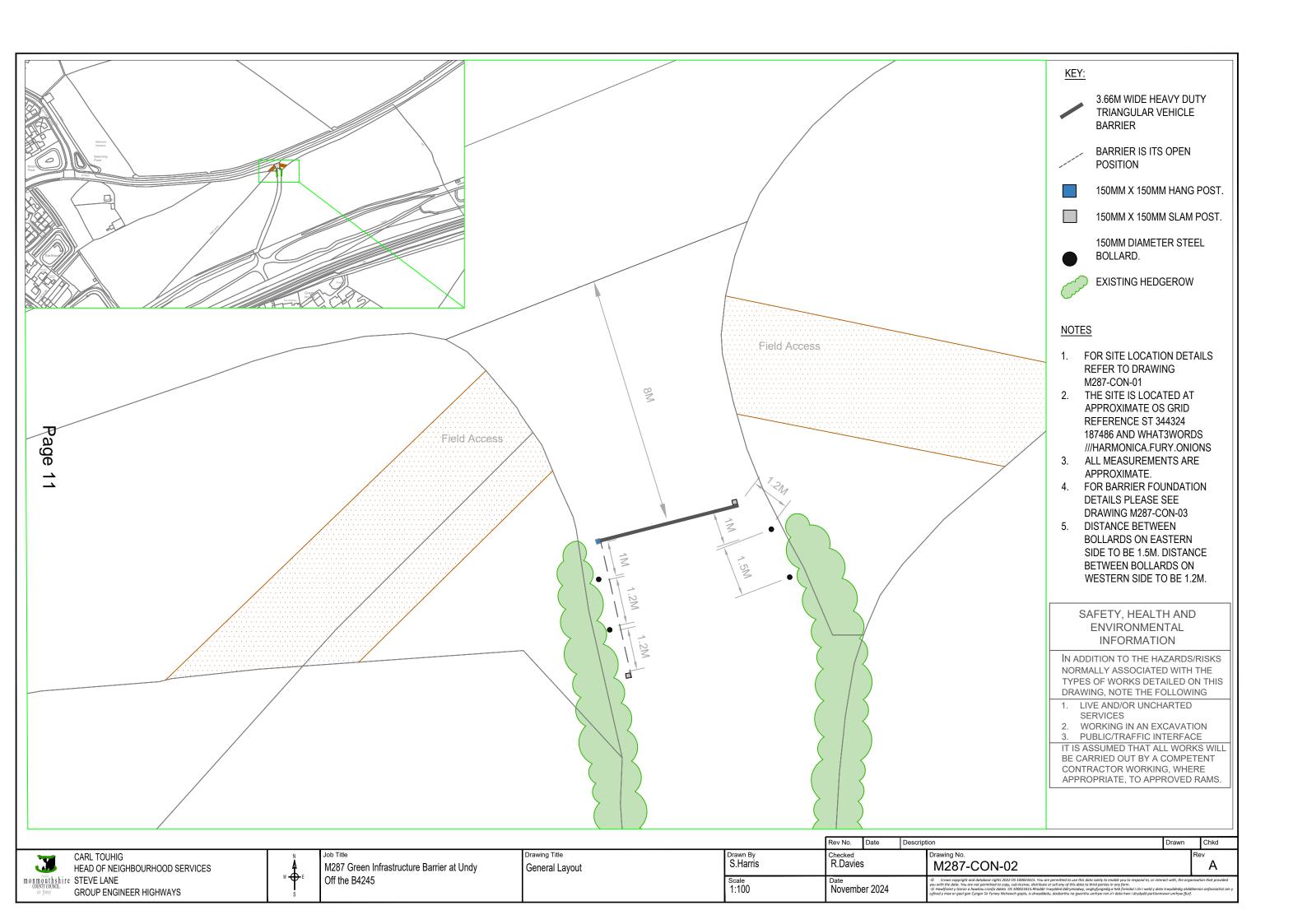
7) Any person, who, without reasonable excuse, fails to comply with the requirements of this order commits an offence under the section 67 of the Act and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale. Alternatively, a constable or authorised person may issue a fixed penalty notice to anyone he or she has reason to believe has committed an offence under section 67.

APPEALS

- 8) The council is satisfied that the conditions set out in sections 59, 64 and 71 of the Act have been fulfilled and that it is, in all the circumstances, expedient to make this order for the purposes of reducing anti-social behaviour in the restricted area.
- 9) If any interested person desires to question the validity of this order on the grounds that the council had no power to make it or that any requirement of the Act has not been complied with in relation to this order, he or she may apply to the High Court within six weeks from the date on which the order is made.

Dated this	day of	2024
	L OF MONMOUTHSHIRE was hereunto affixed in the	;))

Authorised Signatory



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STATEMENT OF REASONS

MONMOUTHSHIRE COUNTY COUNCIL (C74.5 FLY-TIPPING) PUBLIC SPACES PROTECTION ORDER 2023

Monmouthshire County Council (The authority) is proposing to make a Public Space Protection Order on the C74.5, off the B4245, near Undy to address an ongoing issue of fly tipping and off roading at the location.

Legal framework

Two conditions must be met in order for a local authority to make a Public Space Protection Order under S59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (The Act). The authority must be able to show that:

- a) Activities are taking place that have had a detrimental effect on the quality of life of those in the area.
- b) The effect of the activities is likely to be of a continuous nature such as to make the activities unreasonable and this justifies the restrictions imposed.

S64 of the act establishes that if a PSPO is to be in place on the highway the authority must show that it has considered the effect the order will have on premises adjoining or adjacent to the highway and the likely effect on other persons in the locality.

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Fly-tipping

The land, a former rail siding, shown in the plan at schedule ... and registered as "Land at Rogiet" (WA871398) is owned by Monmouthshire County Council.

The land is designated as Green Wedge in the local development plan. The council land holding continues on the opposite side of the rail line to the east just beyond the M4 bridge where Rogiet Country Park begins, creating a near continuous strip of land protected from development. The ownership and designation ensure green infrastructure connectivity between the settlements of Rogiet and Magor and Undy.

A former brown field site, the vegetation is not a typical natural native habitat but does have high ecological value. Larger areas are dense scrub containing both native and non-native flowering species of high value to pollinators, ideal habitat for nesting birds and other native fauna.

Whilst the land is not designated or managed as public open space, it is accessible to the public and used by local residents for exercising dogs and for recreation. As such it meets the criteria of a public place.¹ A local farmer traverses the land from the south side of the fields with tractors during harvest. This is to increase the distance travelled between exiting the field before reaching the B4245 to allow time for mud to fall from his tyres and reduce issues of mud on the main road. Network Rail require access through the land to access the railway via a pedestrian gate to service a communications station.

Following reports from the public, MCC officers have been monitoring large scale and ongoing incidences of regular fly tipping on the land as indicated in the plan. Details of the fly tips recorded are to be found in the schedule which identified 31 separate incidents to August 2023 and a further 13 incidents to 26th January 2024. The waste contained a variety of commercial and domestic hazardous and non-hazardous waste.

Fly tipping is the illegal and uncontrolled disposal of waste and the deposit of controlled waste is an offence under the Environmental Protection Act 1990. The act of fly tipping is widely accepted as being a form of antisocial behaviour and as such it is detrimental to the quality of life of local people in several ways. It can:

- cause pollution of soil, water, and air, as well as damage to wildlife habitats and biodiversity. Some types of waste, such as chemicals, batteries, asbestos, and medical waste, can pose serious health risks to humans and animals that come into contact with them.
- increase the risk of fire, flooding, and landslides, as well as attract pests and vermin that can spread diseases and damage crops.
- affect the climate change mitigation and adaptation efforts, as it can reduce the carbon sequestration potential of land, increase the greenhouse gas emissions from decomposing waste, and hinder the development of renewable energy sources and green infrastructure.
- reduce the value and productivity of the land and property, as well as the attractiveness
 and competitiveness of the area for businesses, investors, tourists, and residents. Fly
 tipping can also undermine the trust and social cohesion among the stakeholders and
 the public, as well as the reputation and image of the area.
- divert the resources and attention from the development and implementation of more sustainable and circular waste management practices, such as waste prevention, reduction, reuse, recycling, and recovery.
- make the land unsightly and spoil the amenity of the area for locals and visitors.

Off roading

On rodding

There is also evidence of unauthorised off-road driving and riding of motorbikes, quadbikes and other off-road vehicles that has a detrimental effect on the amenity of the public space.

There are several known negative effects of such usage, it;

• Disturbs the vegetation and wildlife habitats, reducing the biodiversity and ecological functions of the ecosystems.

¹ Prevention of Crime Act 1953 S1(4). Also see Knox v Anderton [1982] 11 WLUK 98] and Harriot v DPP [2005] EWHC 965 (Admin)

- Emits noise and air pollution, which affects the health and well-being of humans and animals.
- Contributes to global warming by releasing greenhouse gases and reducing the carbon sequestration potential of the soil and plants.
- Reduces the amenity of the land for other users.

Effect of the proposed order

The order seeks to prevent the fly tipping and other potential anti-social activities by stopping vehicular access to the lane by means of a padlocked gate at the entrance from the B4245, at the Northern most end of Moorgate Farm Road. The gate will be installed in a location that is visible from the road, allows for traffic to pull off the B4245 and maintains access to the adjacent field gates. Given the visibility it is unlikely that the offending fly tippers will continue to use this location for their purposes. Access will be available to the sides of the gate for pedestrians, cyclists and other users who wish to legitimately access the highway and the land beyond as shown on the plan.

Authorised users will be given access to the gate using a key. Currently only the adjacent landowners, network rail staff and the emergency services have been identified as requiring access however there is the possibility that other users may need to be authorised. Such individuals or organisations can be added to a list appended to the order.

Under this order it will be an offence to pass the gate in an unauthorised vehicle or to allow access to unauthorised persons either by opening the gate or by distributing a copy of the key.

As the lane is a no through route, we do not foresee that the provisions of the order will have a detrimental effect on any other legitimate users of the highway. The MCC land is used illegally by off road vehicles and while the gate will prevent access to the short section of highway beyond the gate, this is a no through route and as such there is no legitimate destination beyond the gate.

The provisions will not affect rights to freedom of expression and any impact on the freedom of assembly are both limited, as the road can still be accessed on foot and are proportionate as the behaviour the order is intended to prevent has such a detrimental effect when weighed against the relatively minor impact on convention rights.

Monmouthshire County Council

November 2024



Appendix 1

EQUALITY IMPACT ASSESSMENT SCREENING FORM / SUSTAINABLE DEVELOPMENT CHECKLIST

Name of Policy/Service: PSPO – Closure of Lane at Undy								
Assessor(s): Directorate: Department: Date assessed:								
Marak Cleaver	Enterprise	Grounds and Cleansing	20/01/24					
Report Author Date: Cabinet/Council Date:								
As above	20/01/24	твс						

EQUALITY IMPACT ASSESSMENT SCREENING

1 Purpose of Policy/Service:

The purpose of this report is to request Individual Cabinet member Decision to enact a Public Spaces Protection Order (PSPO) to close a short section of highway that leads to waste ground that has become a target for fly-tipping and illegal off-roading. This measure aims to address significant public concerns regarding environmental degradation and unsafe driving practices.

Following the PSPO consultation process, which yielded no objections and garnered support from key stakeholders, this report seeks to affirm the council's commitment to enhancing community safety and environmental stewardship.

2 Which groups of people is the policy/service likely to effect (either positive, negative or neutral)?

	Positive	Negative	Neutral		Positive	Negative	Neutral
Age	X			Race	X		
Disability			X	Religion or Belief	X		
Gender reassignment	X			Sex	X		
Marriage or civil partnership	X			Sexual Orientation	X		
Pregnancy and maternity	X			Welsh Language	X		

Please explain the nature of the effect:

The aim of the proposal is to improve safety and security of all citizens who may wish to lawfully access the land.

Surveillance using trail cameras over several months shows no visible signs of use by people with reduced mobility. Should any have previously used the land, they may find the additional distance from the gate to the land to have a negative impact, but this will be outweighed by having improved safety within the site following installation of the gate.

Is there any evidence (actual or hypothetical) for a negative impact or discriminatory effect on any group(s)? Please describe adverse effects and tick relevant groups. If no negative impact please state evidence for this conclusion.

Age	No	Race	No
Disability	No	Religion or Belief	No
Gender reassignment	No	Sex	No
Marriage or civil partnership	No	Sexual Orientation	No
Pregnancy and maternity	No	Welsh Language	No

4 Is there any evidence (actual or hypothetical) for a negative impact or discriminatory effect on staff? Please describe adverse effects and tick relevant groups. If no negative impact please state evidence for this conclusion.

Age	No	Race	No
Disability	No	Religion or Belief	No
Gender reassignment	No	Sex	No
Marriage or civil partnership	No	Sexual Orientation	No
Pregnancy and maternity	No	Welsh Language	No

5 What data has been used for this assessment?

Camera surveillance over several months.

6 Please indicate below whether you consider this policy/service to have a high, medium or low risk as follows:

	Risk of Inequality		
	High	Medium	Low
Are a large number of people affected?	e number of people affected? 3 2		1*
Is the potential impact significant?	3	2	1*
Is the scale/cost to the Authority significant?	3	2	1*
Score 1			

Scoring			
□ 3	Minor	No significant impact	No further action required
□ 4 - 6	Medium	Some impact	Further consultation to decide whether full impact assessment is necessary
□ 7 - 9	High	Significant impact	Full impact assessment

7 Is a full equality impact assessment required? A high rating in question 6 will require a full assessment. A medium rating will require, as a first stage, further consultation in order to determine whether a full impact assessment is required

No

PEOPLE IN MONMOUTHSHIRE BENEFIT FROM AN ENVIRONMENT THAT IS DIVERSE, VIBRANT AND SUSTAINABLE							
Elements	Contribution		Contribution Evidence		Ideas for Improvement		
What contribution does this make to:	-	0	+				
Reduce, reuse and recycle waste and water			Х	Prevention of Fly Tipping, Promotion of Positive waste management			
Reduce carbon dioxide emissions by increasing energy efficiency or use of renewable energy		Х					
Prevent or reduce pollution of the air, land and water			X	Prevention of Waste escaping into the environment			
Protect or enhance wildlife habitats (e.g. trees, hedgerows, open spaces)			Х	Reduced disturbance by preventing Illegal off roading			
Protect or enhance visual appearance of environment			X	Reduction in eyesores (fly tipping)			
Reduce car and road freight mileage, and encourage public transport, walking and cycling			Х	Minor reduction in distance travelled to access site and increased distance waled from safe parking to land			
Have a positive impact on people and places in other countries		Х					

PEOPLE IN MONMOUTHSHIRE LIVE HEALTHY AND FULFILLED LIVES						
Elements	Со	ntribut	ion	Evidence	Ideas for Improvement	
What contribution does this make to:	-	0	+			
Ensure that more people have access to healthy food		Χ				
Improve housing quality and provision		Χ				
Reduce ill health		Х				
Improve facilities and choice of health care provision		Χ				
Encourage physical activity		Χ				
Promote independence		Χ				

PEOPLE IN MONN	MOUTHSI	HIRE LIVE	SAFELY	AND ARE PROTECTED FROM	HARM
Elements	С	ontributio	on	Evidence	Ideas for Improvement
What contribution does this make to:	-	0	+		
Encourage community participation/action		X			
Targets socially excluded		Х			
Help reduce crime and fear of crime			Х	Reduction of illegal activities	
Improve access to local facilities for all local people, regardless of age, gender, ability etc.		Х			
PEOPLE IN MONMOUTHSHIR	RE BENE	FIT FROM	EDUCA	TION, TRAINING AND SKILLS D	EVELOPMENT
Elements	С	ontributio	on	Evidence	Ideas for Improvement
What contribution does this make to:	-	0	+		
Improve access to education and training		X			
Value and support voluntary work		Х			

Increase and improve access to leisure and recreation facilities	Х		
Increase and improve access to cultural facilities	X		

PEOPLE IN MONMOUTHSHIRE BENEFIT FROM AN ECONOMY WHICH IS PROSPEROUS AND SUPPORTS ENTERPRISE AND SUSTAINABLE GROWTH

Elements	С	ontributio	n	Ideas for Improvement
What contribution does this make to:	-	0	+	
Protect local shops and services		X		
Link local production with local consumption		Х		
Improve environmental awareness of local businesses		Х		
Increase employment for local people		X		
Preserve and enhance local identity and culture		Х		
Consider ethical purchasing issues, such as Fairtrade, sustainable timber (FSC logo) etc		Х		

SUBJECT: WELSH CHURCH FUND WORKING GROUP

MEETING: ICMD

DATE: 09th April 2025

DIVISIONS/WARD AFFECTED: AII

1. PURPOSE:

1.1 The purpose of this report is to make recommendations to Cabinet on the Schedule of Applications for the Welsh Church Fund Working Group Meeting 4 held on Thursday 06th March 2025.

2. RECOMMENDATION:

2.1 The Committee resolved that the following grants are awarded as per the schedule of applications.

SCHEDULE OF APPLICATIONS CONSIDERED 2023/24 - MEETING 4.

1. Lanvapley Sports & Social Association (LSSA) requested £1,000 to promote an 'AGE WITHOUT LIMITS' event on 11th June 2025. The event will require the purchase of Audio equipment to enable the hall to have a PA system that could be used for this event and future community use.

Recommendation: £500 was awarded to facilitate the installation of audio equipment into this community asset.

2. Cross Ash Village Hall requested £1,991 for improvements to the hall roof guttering, ceiling, and wall repairs after storm damage. Also, the installation of security lighting for the hall car park

Recommendation: £1,000 awarded for repairs and improvements to be made to the structure of the hall.

3. St Mary's Church, Tregaer. Raglan requested £1,200 for urgent repairs to the church ceiling above the organ, as it requires urgent re-plastering to prevent damage to the organ.

Recommendation: £1,200 awarded to assist in repairing the ceiling of the church.

4. St Madoc's Church, Llanbadoc requested £4,000 for urgent repairs required to the Grade 2 listed church's roof flashings, coping stones and the repointing of masonry.

Recommendation: £2,000 awarded to assist in repairing the chapel roof to prevent water ingress and preserve the interior fabric of the church.

5. Rogiet Community Junction requested £3,648 funding to purchase two Industrial fridges and one Industrial freezer for installation in a community shop / café.

Recommendation: £1,800 awarded to fund the purchase of an industrial freezer for this community facility.

6. The Village Alive Trust requested £914 to arrange jointly with Llanarth Village Hall a major community event to celebrate the 80th anniversary of VE Day which is on 8th May 2025.

Recommendation: The application was deferred to enable the applicant to provide further detailed clarification on the specifics of the grant request.

3. OPTIONS APPRAISAL

Decision options available to the Committee are guided and driven by the information supplied by the applicants.

4. EVALUATION CRITERIA

No evaluation criteria are applicable to the grant awarded by the trust.

5. REASONS

A Meeting took place on Thursday 06th March 2025 of the Welsh Church Fund Committee Working Group to recommend the payment of grants as detailed in the attached schedule (Appendix 1).

County Councillors in attendance at meeting 4:

County Councillor J. Strong (Chair County Councillor M. Lane (Vice- Chair) County Councillor A. Webb County Councillor S. Garrett

OFFICERS IN ATTENDANCE at meeting 4:

D. Jarrett Central Finance

R. Williams Democratic Services Officer

DECLARATIONS OF INTEREST

Application 5: County Councillor Jackie Strong declared a personal non-prejudicial interest, as her husband County Councillor Peter Strong had signed the application. She took no part in the decision.

APOLOGIES FOR ABSENCE at meeting 4

None

CONFIRMATION OF REPORT OF PREVIOUS MEETING

The minutes of the meetings held on Thursday 12th December 2024.

6. RESOURCE IMPLICATIONS

A total of £6,800 has been allocated to applicants at Meeting 4 of the Welsh Church Fund Committee The balance of £25,427 is carried forward for utilisation within the 2025-26 fiscal year.

7. WELLBEING OF FUTURE GENERATIONS IMPLICATIONS (INCORPORATING EQUALITIES, SUSTAINABILITY, SAFEGUARDING AND CORPORATE PARENTING):

There are no Future Generations, equality, safeguarding, corporate parenting, or sustainable development implications directly arising from this report. The assessment is contained in the attached appendix.

8. CONSULTEES:

Senior Leadership Team
All Cabinet Members
Head of Legal Services
Assistant Head of Finance
Central Finance Management Accountant

9. BACKGROUND PAPERS:

Welsh Church Fund Schedule of Applications 2024/25— Meeting 4 (Appendix 1)

10. AUTHOR:

David Jarrett - Senior Accountant - Central Finance Business Support

11. CONTACT DETAILS

Tel. 01633 644657

e-mail: davejarrett@monmouthshire.gov.uk



WELSH CHURCH FUND - APPLICATIONS 2024/25
APPENDIX 1

MEETING 4: 06th March 2025

	MEETING 4. Ooth March									
	ORGANISATION	ELECTORAL DIVISION	Signed by Councillor	REQUEST	DECISION	NATURE OF PROJECT REQUEST	PROJECT TOTAL COST	<u>DATE</u> <u>Application</u> <u>Received</u>	D of I*	Additional Information
	NEW APPLICATIONS AWAITING DECISION			£	£		£			
1	Lanvapley Sports & Social Association (LSSA)	Llantillo Crossenny	lan Chandler	£1,000		Funding required to promote an 'AGE WITHOUT LIMITS' event on 11th June 2025. The event will require the purchase of Audio equipment to enable the hall to have a PA system that could be used for this event and future community use	£1,039	25/02/25	No	The event will entail the making of a video to promote the event that will encourage older citizens to take up music as a pastime and therefore come together to take action against 'ageism'.
2	Cross Ash Village Hall	Llantillo Crossenny	lan Chandler	£1,991	£1,000	Funding required for improvements to the hall roof guttering, ceiling and wall repairs after storm damage. Also, the installation of security lighting for the hall car park	£2,241	25/02/25	No	
3	St Mary's Church, Tregaer. Raglan	Mitchell Troy & Trellech	Richard John	£1,200	£1,200	Urgent repairs to the church ceiling above the organ, as it requires urgent re-plastering	£1,530	25/02/25	No	
	Madoc's Church, Llanbadoc	Llanbadoc & Usk	David M Howells	£4,000	£2,000	Urgent repairs required to the Grade 2 listed church's roof flashings, coping stones and the repointing of masonry.	£89,695	25/02/25	No	
	Rogiet Community Junction	Rogiet	Peter Strong	£3,648	£1,800	Request funding to purchase to Industrial fridges and one Industrial freezer for installation in a community shop / café	£3,648	05/03/25	No	
	Late Applications									
7	The Village Alive Trust	Gobian Fawr	A. Neill	£914		Funding required to arrange jointly with Llanarth Village Hall a major community event to celebrate the 80 th anniversary of VE Day which is on 8 th May 2025.	£1,580	06/03/25	No	
	SUB TOTAL Meeting 4			£12,753					1	
	MEETING	DATE	Single Member		AWARD	OTHER INFORMATION :				
	1	July 18th 2024	Aug 21st 2024		6,750					
	2	Sept 19th 2024	Oct 23rd 2024		7,750					
	3 4	Dec 12th 2024 Mar 06th 2025	Jan 15th 2025 Apr 09th 2025		11,900 6,800					
	TOTAL AWARDED FOR COOL	25								
	TOTAL AWARDED FOR 2024/2 BUDGET 2024/25	2 0			33,200					
					33,338					
	BALANCE B/F TO 2024/25	0004/05			£25,289					
	Monmouthshire's Allocation f			005 105	£58,627					
	Balance to be carried forward	to 2025/26		£25,427						

^{*}D of I = Declaration of Interest

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Integrated Impact Assessment document

(incorporating Equalities, Future Generations, Welsh Language and Socio Economic Duty)

Name of the Officer D Jarrett Phone no: 4657 E-mail: davejarrett@monmouthshire.gov.uk	Please give a brief description of the aims of the proposal To assess the Grant Allocation Processes of the Welsh Church Fund for the meeting of the Welsh Church Fund Working Group on the 06 th March 2025
Name of Service Finance	Date Future Generations Evaluation 09th April 2025

Are your proposals going to affect any people or groups of people with protected characteristics? Please explain the impact, the evidence you have used and any action you are taking below.

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	Encouraging the socializing of differing age groups through social provision	No negative impact	
Disability	Proposal to assist in the provision of disabled facilities.	No negative impact	
Gender reassignment	.No impact	No negative impact	

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Marriage or civil partnership	No impact	No negative impact	
Pregnancy or maternity	No impact	No negative impact	
Race	.No impact	No negative impact	
Religion or Belief	.Encouraging religion through education at the point of delivery through the provision of enhanced facilities	No negative impact	
Sex .	No impact	No negative impact	
Sexual Orientation	.No Impact	No Negative impact	

2. The Socio-economic Duty and Social Justice

The Socio-economic Duty requires public bodies to have due regard to the need to reduce inequalities of outcome which result from socio-economic disadvantage when taking key decisions This duty aligns with our commitment as an authority to Social Justice.

	Describe any positive impacts your proposal has in respect of people suffering socio economic disadvantage	Describe any negative impacts your proposal has in respect of people suffering socio economic disadvantage.	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Socio-economic Duty and Social Justice	N/A	No Negative impact	

3. Policy making and the Welsh language.

How does your proposal impact on the following aspects of the Council's Welsh Language Standards:	Describe the positive impacts of this proposal	Describe the negative impacts of this proposal	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts
Policy Making	N/A	No Negative impact	
Effects on the use of the Welsh language, Promoting Welsh language			
Treating the Welsh language no Uess favourably Operational			
Poperational ധ Recruitment & Training of workforce	N/A	No Negative impact	
Service delivery Use of Welsh language in service delivery	N/A	No Negative impact	
Promoting use of the language			

4. Does your proposal deliver any of the well-being goals below? Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal. There's no need to put something in every box if it is not relevant!

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs	N/A	
A resilient Wales Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)	N/A	
A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood	N/A	
Communities are attractive, viable, Safe and well connected	N/A	
A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing	N/A	
A Wales of vibrant culture and thriving Welsh language Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	N/A	
A more equal Wales People can fulfil their potential no matter what their background or circumstances	N/A	

5. How has your proposal embedded and prioritised the sustainable governance principles in its development?

	Development ciple	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
Long Term	Balancing short term need with long term and planning for the future	N/A	
Collaboration	Working together with other partners to deliver objectives	N/A	
Involvement	Involving those with an interest and seeking their views	N/A	
Prevention	Putting resources into preventing problems occurring or getting worse	N/A	

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Sustainable Develope Principle	ment	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
Consid impact wellbei goals togethe on othe bodies	on all ng er and er	.N/A	

6.	Council has agreed the need to consider the impact its decisions has on the following important responsibilities: Corporate
	Parenting and Safeguarding. Are your proposals going to affect any of these responsibilities?

	Describe any positive impacts your proposal has	Describe any negative impacts your proposal has	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Safeguarding	Not applicable		
Corporate Parenting	Not applicable		

7. What evidence and data has informed the development of your proposal?

The evidence and data used for the assessment of each applicant to the Welsh Church Fund is supplied by th	e applicant upon submission of
$\frac{1}{100}$ their application. The data and information supplied or subsequently requested is used to form the basis of the	Committees' decision on
whether to award a qualifying grant.	

8. SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?

The grant aid supports and highlights the positive effect that decisions the Welsh Church Fund Working Group have on the applicants funding requests from Voluntary Organisations, Local Community Groups, Individuals and Religious Establishments.

All awards are made in the belief that the funding is utilised for sustainable projects and cultural activities that benefit individuals, organisations, communities and their associated assets.

All grants are awarded within the Charitable Guidelines of the Trust

9. ACTIONS: As a result of completing this form are there any further actions you will be undertaking? F	Please detail them below, if
applicable.	

What are you going to do	When are you going to do it?	Who is responsible
Award grants	April 2025	Welsh Church Fund

10. VERSION CONTROL: The Equality and Future Generations Evaluation should be used at the earliest stage, such as informally within your service, and then further developed throughout the decision making process. It is important to keep a record of this process to demonstrate how you have considered and built in equality and future generations considerations wherever possible.

Version No.	Decision making stage	Date considered	Brief description of any amendments made following consideration
1	Individual Cabinet Member Decision	09th January 2025	

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