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MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Licensing and Regulatory Committee
Rights of Way Advisory Panel

Remote Microsoft Teams Meeting on Thursday, 17th December, 2020 at 2.00 pm

PRESENT: County Councillor B. Strong (Chairman)

County Councillors: A. Easson, M. Lane, R. Roden, J. Treharne,
R. Edwards, D. Evans and A. Webb

OFFICERS IN ATTENDANCE:

Ruth Rourke	Principal Officer - Countryside Access
Shaun Pritchard	Assistant Rights Of Way Officer
Denzil – John Turbervill	Commercial Solicitor
Laura Bazely	Legal Services
Mark Hand	Head of Place-making, Housing, Highways and Flood
Richard Williams	Democratic Services Officer

OBSERVING:

Zoe Aubrey – Barratt Homes
Kevin Hall – Member of the Public

APOLOGIES:

None.

1. Declarations of interest

None received.

2. Town and Country Planning Act 1990 - Section 257 Public Path Order Footpath 37 (part) Caldicot

We received a report and presentation from the Countryside and Access Manager regarding a request that had been made to make and confirm, a public path diversion order under Section 257 of the Town and Country Planning Act 1990, to enable development in accordance with approved planning permission.

The Committee was informed that:

- On 5th March 2020 planning permission was granted under reference DM/2019/01761 for 130 dwellings, associated infrastructure and landscaping on land to the East of Church Road, Caldicot.
- The developer has applied for a path order to divert Public Footpath 37, Caldicot in such a way as to accommodate the development that would otherwise obstruct the footpath.

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- The Council, under Section 257 of the 1990 Town and Country Planning Act (T&CP Act) may by order, stop up or divert a footpath, bridleway or restricted byway if it is satisfied that it is necessary to do so in order to enable development to be carried out in accordance with planning permission.
- Any orders changing the public path network should comply with legislative tests and take into consideration guidance and policy.
- The Council ran a pre-order consultation. It received five objections, three had no comments and five had no objections. Details of the objections were outlined to the Committee.

Following the presentation, Members were invited to discuss and comment, during which time the following points were noted:

- In response to a question raised regarding whether there was an alternative route along which the footpath might be diverted, it was noted that the suggested alternative route was very steep and close to the flood plain. There were also ecological issues at this location regarding overwintering birds, making the route unsuitable.
- The proposed alternative route is the most accessible route for the area.
- The developers have not obstructed the existing footpath. A temporary diversion order is currently in place providing a safe route for the public whilst work is underway on the development site.
- The proposed diversion will feed into the existing network of footpaths very well.

The Committee withdrew with the Legal representatives and Democratic Services Officer to consider the recommendations and returned to announce its decision.

We resolved that having regard to the relevant legislation, tests, guidance and policy that the Licensing and Regulatory Rights of Way Advisory Committee authorises the making of a diversion order for Footpath 37 Caldicot under Section 257 of the Town & Country Planning Act 1990.

The meeting ended at 2.50 pm