

## OBJECTION TO DIVERSION OF FOOTPATH

REF : CAMS 01097 Water Pits

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I would like to strongly object to the proposed diversion of the existing footpath to align with the eastern boundary of the field, this will detract significantly from the public's experience of this right of way access. At present heading from Five Lanes towards the Rodge Wood/Rodge Farm direction the walker initially experiences a wide open expanse of flat countryside and woodland and as the walk progresses toward the Rodge Farm a wide open vista is revealed below with open rolling countryside, the flat floodplain of the River Nidd, the historic Roman Wall, the picturesque village of Caerwent and the former wartime armaments factory, which itself has 2 visible scheduled monuments slowly come in to view, a unique experience. If the footpath is rerouted as proposed the walker will be 'funnelled' through a high fenced corridor with a built development to the left side and thick deciduous hedge immediately to your right and as such there will exist no view. Unfortunately since March 2021 even though the footpath is currently in its original position the walker's experience is as follows: On arrival at the Five Lanes/Waterpits stile you are now greeted with intimidating signs of 'Dogs Running Free' and 'CCTV in operation', high solid wooden fencing immediately to your left and front, scanned by an array of CCTV cameras. This signage and material change has already made the experience of walking this path an intimidating one and is reducing the pleasurable experience of accessing this outdoor space, so vital to people's well being and enjoyment of the countryside.

The proposed area of the field that the path has been proposed to take has already been fenced off and prepared and contains 2 x gates across its access, a dog kennel and a makeshift wooden building with tarpaulin roof, is this an indicator of the poor accessibility that the walker will be confronted by if this diversion is approved? The proposal to align the new footpath with the deciduous hedge on the eastern boundary will also affect wildlife in this hedgerow, as it will force human and dog traffic in to close proximity to the hedgerow disturbing nesting birds, other mammals, insects and other invertebrates. Has this even been considered by the applicant?

One of the justifications in the application for re-siting the stile is on the grounds of safety on to the road, I have regularly walked this route on the lane and this footpath for many years and know local people who have lived on the lane for 50+ years and there is no knowledge of a single Road Traffic Incident in that area relating to pedestrians.

Having viewed the area where the new stile is proposed to access the lane it is questionable whether the landowner making this application actually owns the land on which he is proposing to divert over, it appears to be outside of his boundary and crossing the neighbouring fields gated access.

The other justification for diverting the footpath is to allow for the development of 2 x stable blocks and a training menage. Should an historical and established public right of way be disrupted to make way for this proposal? Surely the applicant should have sympathetically designed his proposed development around this right of way access and considered this problem beforehand. The fact that the landowner has made concerted effort since February 2021, as described previously, to dissuade walkers to access this right of way could be interpreted as his efforts to prevent access. It is known to me that the Rights of Way Officer has already had to make several visits to this site to address the landowner's attempts to discourage access across this field including a "Danger Dogs Running Free" sign. The "danger" part of the sign now seems to have gone, also an unsafe non-compliant stile at the boundary between the Waterpits and the neighbouring field was reported to the Officer after the previous stile was removed completely for some reason.

This proposal is premature and does not meet the relevant guidance outlined in the Town and Country Planning Act 1990 Sections 257 and 259:

“ 257 Footpaths **[F1, bridleways and restricted byways]** affected by development: orders by other authorities.

(1) Subject to section 259, a competent authority may by order authorise the stopping up or diversion of any footpath **[F2, bridleway or restricted byway]** if they are satisfied that it is necessary to do so in order to enable development to be carried out—

(a) in accordance with planning permission granted under Part III **[F3 or section 293A]**, or

(b) by a government department.

**[F4(1A)]** Subject to section 259, a competent authority may by order authorise the stopping up or diversion **F5...** of any footpath, bridleway or restricted byway if they are satisfied that—

(a) an application for planning permission in respect of development has been made under Part 3, and

(b) if the application were granted it would be necessary to authorise the stopping up or diversion in order to enable the development to be carried out.] “

“259 Confirmation of orders made by other authorities.

(1) An order made under section 257 or 258 shall not take effect unless confirmed by the **[F1 appropriate national authority]** or unless confirmed, as an unopposed order, by the authority who made it.

**[F2(1A)]** An order under section 257(1A) may not be confirmed unless the **[F3 appropriate national authority]** or (as the case may be) the authority is satisfied—

(a) that planning permission in respect of the development has been granted, and

(b) it is necessary to authorise the stopping up or diversion in order to enable the development to be carried out in accordance with the permission.]”

Regarding Section 257 and 259 it clearly states that Planning permission for the Development ( this land is currently subject to an outstanding and yet to be decided Planning Application

DM/2021/00738) should have been granted before confirmation to divert the footpath is approved.

Therefore this application to re route the footpath should only be approved if planning permission for development DM/2021/00738 is granted and approval for the diversion of the footpath should not be granted in isolation or as a separate matter.

