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MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Licensing and Regulatory Committee NO LONGER IN USE
Council Chamber, County Hall, The Rhadyr USK on Tuesday, 1st July, 2025 at 11.20 am

PRESENT: County Councillor Tudor Thomas (Chair)
County Councillor Jayne Mckenna (Vice Chair)

County Councillors: Tony Easson, Christopher Edwards,
Jane Lucas, Alistair Neill, Martin Newell, Sue Riley, Dale Rooke

OFFICERS IN ATTENDANCE:

Julian Sanders	Solicitor
Nicola Perry	Senior Democracy Officer
Gavin Pugh	Assistant Rights of Way Officer
Richard Ray	Paralegal
Ruth Rourke	Countryside Access Manager

APOLOGIES:

Councillors Jackie Strong

1. Declarations of interest

County Councillor Christopher Edwards declared a personal, non-prejudicial interest due to one of the homes along the existing public footpath being owned and by a family that has a connection to his own family through children. Councillor Edwards did not take part in the vote.

2. HIGHWAYS ACT 1980 – SECTION 119 PUBLIC PATH, DIVERSION ORDER, FOOTPATH 138 (part) GOETRE FAWR

Officers presented the report for the Committee to consider an application submitted by the landowner of Mount Pleasant to divert footpath 138 (part). Members were required to consider the objection to the proposed order in relation to the relevant legal tests that applies to Highways Act Orders under Section 119 and to make a recommendation to:

- a) Either make or not make the order.
- b) In the event of making an order, and that order is unopposed, that authority be given to Legal Services to subsequently confirm the order.

Points raised during debate:

In response to a question regarding the potential kissing gate, it was confirmed that should the recommendation be accepted, within the schedule which accompanies the plan to the order, a pedestrian gate to British standard has been stipulated. Therefore, the path order could only be successful once the gate is in place and reaches British standard.

With regards to signage, officers explained that Ordinance Survey will be informed when there are any changes and path changes are illustrated on the online maps within a couple of weeks.

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Any way markings are taken down off the old route to deter usage. New signage will be added to the new route and would include a County Council badge

It was confirmed that the existing route has been a permissive route used by neighbouring property for their horses. The gates are normally locked at top and bottom, so it is not believed to have attracted any unrecorded rights of way because of the nature of the use of that route.

In summing up the Chair noted that members of the Committee visited both paths prior to the meeting. The Committee had listened to the one objection received and the reasons for the objection. He noted the following points:

- The new footpath is not significantly different to the existing one.
- It goes through a field whether there are no vehicles.
- It will not affect biodiversity.
- It is of similar length.
- The original footpath through the farmyard was quite rough under foot and quite difficult to walk through, whereas the field was flat, and therefore more accessible.
- The issue around views was subjective.
- More security for the farmstead in the area.

Upon being out to a vote, the Committee resolved to accept the recommendation:

Having regard to the relevant legislation, tests, guidance and policy that the Licensing and Regulatory Rights of Way Advisory Committee authorise the making of a diversion order for Footpath 138 Goetre Fawr under Section 119 Highways Act 1980 and to confirm the order if no objections are received.

The meeting ended at 12.00 pm