

From: Kris Jenkins

Sent: 09 January 2014 16:12

To: Geraint Nicholas Roberts

Cc: Planning; Steve Bowden; Nick Gardiner; Andrew Briscoombe; Martyn Richards

Subject: CONIN/13/1279 DEVELOPMENT OF 248 DWELLINGS AND ASSOCIATED WORKS INCLUDING BOUNDARY TREATMENTS, RETAINING WALLS, VEHICULAR ACCESS, PARKING, PATHWAYS AND LANDSCAPING AFFECTING PROW 407/1 - LAND TO SOUTH OF GLAN USK PRIMARY SCHOOL, HERBERT ROAD, NEWPORT

Geraint

RE: CONIN/13/1279 DEVELOPMENT OF 248 DWELLINGS AND ASSOCIATED WORKS INCLUDING BOUNDARY TREATMENTS, RETAINING WALLS, VEHICULAR ACCESS, PARKING, PATHWAYS AND LANDSCAPING AFFECTING PROW 407/1 - LAND TO SOUTH OF GLAN USK PRIMARY SCHOOL, HERBERT ROAD, NEWPORT

There is a Public Right of Way (footpath) which runs along the top of the river bank, i.e. along the Western boundary of the site highlighted in the Planning Application. This Public Right of Way is a footpath and is referenced 407/1.

The Applicant proposes to realign the Public Right of Way and widen it in order to accommodate a shared footway/cycleway. Whilst this is acceptable from a practical point of view, from a legal point of view it is not. The reason for this is that cycling is not permitted along any PROW footpath.

Therefore, in order to progress with the amendment to the PROW as detailed in the Planning Application, the first step would be for the applicant to apply to extinguish the existing PROW footpath. In addition to this extinguishment, a new application will also need to be made for the creation of a new bridleway. This new bridleway will be to cover the new section of PROW and will allow for cycling on the path.

It is a requirement of the Highways Act that any new PROW must commence from and terminate at a public highway. It is not permitted to create any new PROW which terminates without first connecting to a public highway, i.e. it must lead somewhere – the walkers/cyclists must not get to the end of the bridleway and come to a dead end and have to turn back.

Toward the Southern area of the site, it may be possible to widen the proposed footway (adjacent to the proposed carriageway) which runs from the shared PROW/cycleway to the site entrance. If so, the shared PROW/cycleway could move away from the riverbank and follow this route and terminate at the corner of Collier Street and Courtney Street.

If this possible slight re-route of the shared PROW/cycleway is agreed by all parties and progressed, the path should also continue to follow the riverbank (not necessarily as a 3m wide shared PROW/cycleway) as originally planned to the South Western boundary of the site. This is to ensure that it mirrors the existing PROW footpath, which would be extinguished, as much as possible in order to avoid possible objections from users of the PROW as it currently stands.

On the Applicant's drawing referenced "sw49 (04) 01" they indicate the new shared PROW/cycleway with pink dots. Where the proposed new path connects back into the existing PROW (to the West of property number 62-68) the pink dots extend a short length into the existing PROW footpath, indicating that cyclists may be able to use this path. This will not be the case. This is again due to the legal aspect of a PROW footpath not allowing for cycling. Correct signing will need to be provided at this point to ensure that cyclists are aware that they are not permitted to cycle along this path. If

they decide to proceed along the path they will be required to dismount and walk with their bicycles.

All costs incurred will need to be met by the Applicant/Developer. Any signs to be provided along the new shared PROW/cycleway must be submitted to the Highway Authority (Newport City Council – Streetscene) for approval prior to being erected on site.

I have been advised that the legal aspect of the extinguishment of the PROW footpath and the creation of the new PROW bridleway typically takes in the region 18 months to complete.

Kind regards

Kris Jenkins

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