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**Date: 26th November 2018**

Dear Sir/Madam,

A meeting of the **Rights of Way Cabinet Committee** will be held in the Sirhowy Room, Penallta House, Tredomen Business Park, Ystrad Mynach, CF82 7PG on **Monday, 3rd December, 2018** at 1.30pm to consider the matters contained in the following agenda. You are welcome to use Welsh at the meeting, we require a minimum notice period of 3 working days and a simultaneous translation will be provided if requested.

All Committee meetings are open to the Press and Public, observers and participants are asked to conduct themselves with respect and consideration for others. Please note that failure to do so will result in you being asked to leave the meeting and you may be escorted from the premises.

Prior to the meeting, a site inspection will be convened at 10.30am leading from Park Lane along the access track leading to the allotments, then turns in a Southerly direction alongside the Children's play area, across the recreation ground and over the stream and into Coed-y-Twyn woods. The footpath continues in a South Easterly direction through the woods until it reaches a stream where it crosses into a field for a few meters and joins Footpath 39 Caerphilly. Members of the Committee have delegated powers to determine the applications and are under a duty to act in a quasi-judicial capacity. In order to discharge that duty, Members of the Committee must attend the site inspections and the meeting. **(Please note appropriate footwear will be required).**

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Chrissy'.

**Christina Harrhy**  
INTERIM CHIEF EXECUTIVE

## AGENDA

- |   | Pages |
|---|-------|
| 1 To elect a Chair of the Committee for the ensuing year. |       |

A greener place Man gwyrddach



- 2 To elect a Vice-Chair of the Committee for the ensuing year.
- 3 To receive apologies for absence.
- 4 Declarations of Interest.

Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.

**To approve and sign the following minutes: -**

- 5 Rights of Way Cabinet Committee on the 1st December 2016.

1 - 6

To receive and consider the following reports: -

- 6 Application for a Modification Order to amend the Caerphilly County Borough Council Definitive Map and Statement of Public Rights of Way in respect of adding a path in the community of Caerphilly.

7 - 132

**Circulation:**

Councillors C.J. Cuss, N. George, C.J. Gordon, S. Morgan and Mrs E. Stenner,

Local Ward Members

And Appropriate Officers

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## RIGHTS OF WAY CABINET COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN ON  
THURSDAY, 1ST DECEMBER 2016 AT 2.00PM.

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PRESENT:

Councillor T.J. Williams (Cabinet Member for Highways, Transportation and Engineering)  
- Vice Chair (Presiding)

Councillors:

D.V. Poole (Cabinet Member for Community and Leisure Services), R. Woodyatt (Cabinet Member for Social Services).

Together with:

P. Griffiths (Principal Planner), A. Powell (Countryside Access and Rights of Way Officer), J. Piper (CROW Support Officer), R. Crane (Senior Solicitor), H. Lewis (Legal Assistant), A. Dredge (Committee Services Officer).

### 1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors K. James (Cabinet Member for Regeneration, Planning and Sustainable Development), Mrs B. Jones (Cabinet Member for Corporate Services).

### 2. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting.

### 3. APPLICATION FOR A MODIFICATION ORDER TO VARY THE MONMOUTHSHIRE COUNTY COUNCIL DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY IN RESPECT OF THE STATUS OF THE PATH (RESTRICTED BYWAY 367 IN THE COMMUNITY OF ABERCARN) AND DIVERSION OF A SECTION OF THE RIGHT OF WAY

Members were asked to consider and determine the proposed correction to the minutes of the Rights of Way Cabinet Committee held on the 15th September 2014, a copy of which was appended to the report (Document 1). The minutes were approved as a correct record by Cabinet at its meeting on the 29th October 2014. Following this meeting it was noted that a correction was required as Recommendation 9 (i) *Supporting the application as made that the status of the Definitive Map and Statement should be varied to change it from a Restricted Byway to a Footpath* had been omitted. It was also noted that the report contained a further error in that it refers to *Section 118 of the Highways Act 1980*, which is a *Stopping of the Right of Way*, but should read refer to *Section 119 for the Diversion of a Right of Way*. This was the last Rights of Way Cabinet Committee held and this is the reason the minutes had not been corrected earlier.

At the meeting on 15th September 2014, Members were asked to consider two matters concerning the application. The first was whether the status of the right of way should be reclassified as a footpath (as per Para 3.1 (i) of the report) and secondly, whether the route should be diverted. Members resolved to agree to recommendation 9.1 (iii) and to approve the diversion of the right of way and this was included in the minutes. However, as the Members supported the application to vary the status of the Restricted Byway to a Footpath the width of the alternative Right of Way or path should be 1.8 metres and not 3 metres.

Following the meeting, a Modification Order was produced to change the status of Restricted Byway 367 in the Community of Abercarn to a Footpath. Objections were received to the Order and as the objectors would not withdraw their objections the Order was sent to the Welsh Government to determine. The Planning Inspectorate has arranged for the Modification Order to be considered by a Planning Inspector at a Public Inquiry on the 7th February 2017.

The Cabinet Members at this meeting were asked to amend the minutes to include recommendation 9 (i) of the report presented on the 15th September 2014:-

- (i) approve the diversion of the right of way as shown in Document Number 15 which will be processed under Section 119 of the Highways Act 1980 in accordance with the following descriptions:-

and that in the description of the alternative way or path that the reference to 3 metres if restricted byway should be deleted.

Following consideration and discussion, it was moved and seconded that the recommendations at paragraph 10.1 (i) and 10.1 (3) in the report dated 1st December 2016, be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the Officer's report, the errors in the Minutes of the Rights of Way Cabinet held on the 15th September, 2014, be amended to correctly record the resolutions made by Members at that meeting as follows:-

- (i) supporting the application as made that the status of the Definitive Map and Statement should be varied to change it from a Restricted Byway to a Footpath and;
- (ii) approve the diversion of the Right of Way as shown in Document 15 which will be processed under Section 119 of the Highways Act 1980 in accordance with the following descriptions:-

Description of a section of the existing path or way to be diverted:-

- (i) from the junction with Pant-y-Resk Road this path goes north along a footpath and passes at the farm and the road is then a cart road up to the junction with the road leading to Ty-Coedcae. (A-B)

Description of alternative path or way:-

- (i) a new path commences from the junction with Pant-y-Resk Road the path goes north west and then bears in a north easterly direction to reach the junction with the road leading to Ty-Coedcae (C-B). A total distance of 345 metres.
- (ii) the width of the alternative path or way to be consistent with the status agreed by members i.e. 1.8 metres - footpath (as it is hedged on one side and fenced on the other).



**4. APPLICATION FOR A MODIFICATION ORDER TO AMEND THE MID GLAMORGAN COUNTY COUNCIL DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHT OF WAY IN RESPECT OF ADDING A PATH IN THE COMMUNITY OF GELLIGAER**

Members were asked to consider and determine an application to add a path to the Definitive Map and Statement in the Community of Gelligaer. The application is made under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 which is the discovery of evidence which would suggest the Right of Way should be recorded. The application could have been made under Section 53(3)(b) which is based upon long use in excess of twenty years.

Prior to the meeting Members and Officers walked the footpath from number 11 Ogilvie Terrace to the lane at the rear of number 4 Ogilvie Terrace, Deri.

The Rights of Way Support Officer delivered a presentation that provided the Committee with the background to the application. Reference was made to Document 1 (appended to the report) that sets out the evidence required to show that the footpath has been used for a period of 20 years without interruption and as a right. The date the footpath first came into question was 13th/14th August, 2015 and therefore the 20 year period of use commences from August 1995. However additional use before this period is also taken into consideration and two previous applications identify use of the claimed right of way of over 20 years dating back to 1972/73. The land was owned by Mr Shenkroff and is now owned by Mrs Gauden and Mr O'Connell.

The applicant and 28 supporters (who have completed evidence user forms and provided photographs of usage) state that the footpath has been used without interference for a period varying between 10 and 80 years. They confirmed that there has never been any signs stating that the claimed right of way was private land and no-one has prevented them from using it until the site was fenced off on 13th/14th August, 2015.

It was explained that one of the landowners states that during her family's ownership of the land (a period of 45 years) there was no intention to permit or dedicate a footpath across the site. The land had been purchased to build a residential property. Permissive rights were given for those parties who wished to walk their dogs across the site and for others who very occasionally had cause or wanted to use the diagonal route across the site. She categorically states that no permission was given for this to be a dedicated right of way and has always made it clear that it was their intention to build on the land. She considers that the footpath with steps and handrail was constructed by the Council and was on the understanding that this was to be dedicated as a footpath in substitution for the claimed footpath which is said to cross the site. Although the Dedication Agreement was not completed she feels this could be regularised.

Members were informed that the Planning Agent stated the land owners did not give consent to neighbours to cross the land as a right. He believes that the claimed right of way is unnecessary as there are footpaths to the northern and western site boundaries and ready access to footpaths to the south and east. He states that the unauthorised use of the claimed right of way has been infrequent and of little need and that the landowners never intended for their land to be used as a footpath and no consent was given for neighbours to use it.

The Committee were advised that it is not clear as to who constructed the footpath with the steps and handrail. Some residents claim that one of the residents was responsible for constructing the steps but the resident categorically refutes the claim and stated that the Council constructed the steps. The Engineers Department within the Council has failed to establish if they indeed constructed the steps. The footpath and steps are not part of the Authority's adopted highway and as such are not maintained.

Following the Officer's presentation of the report, Ms M. Thomas was invited to present her case on behalf of the Open Spaces Society. She read out her witness statement in support of the application and felt there is more than enough evidence that the diagonal path has been used by residents on a daily basis for more than 90 years continually. Other users have also

accessed the path, including visitors, delivery personnel and NHS workers. In concluding, Ms. Thomas stated there is overwhelming evidence to satisfy the requirements of a Modification Order under Section 53 of the Wildlife and Countryside Act 1981.

Ms C. Sullivan, Planning Agent acting on behalf of Mr M. Toms then addressed the Committee. She explained the background to Mr Toms planning application and stated that the crucial point is that the area referred to is privately owned land. She referred to Document 60m, appended to the report (a letter dated 11th February 2016 sent from Ms K Gauden to the Local Authority). The letter states that at no time during her family's ownership of the land, which extended over a period of 45 years, did they intend to allow, permit or dedicate a footpath across the site. Ms Sullivan also referred to previous planning applications for residential development at the site that did not refer to a right of way. She felt that there are adequate alternative routes around the site for residents and a further new footpath will compromise the property and urged the Committee to reject the claim.

The Chair thanked all parties for their presentations and statements.

Members discussed the alternative routes referred to and felt that they were not a reason to reject the claim. On the balance of probabilities they questioned whether the path exists and stated that it is a Caerphilly County Borough Council Policy to allow Open Access to all. The Committee felt that it was not sufficient to show the property was private and they did not witness any attempts from the land owners to erect signs preventing use of the path. It was considered that the evidence was overwhelming that the path has been used for a number of years.

Following consideration and discussion, it was moved and seconded that the path be registered. By a show of hands this was unanimously agreed.

RESOLVED that the path be registered.

**5. APPLICATION FOR A MODIFICATION ORDER TO AMEND THE MONMOUTHSHIRE COUNTY COUNCIL DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY IN RESPECT OF ADDING A PATH IN THE COMMUNITY OF BEDWELTTY**

Members were asked to consider and determine an application to add a path to the Definitive Map and Statement in the Community of Bedwellty.

Prior to the meeting Members and Officers walked the footpath that leads from Warne Street to Bryngwyn Street (A4049) Fleur-de-lis.

The Rights of Way Support Officer delivered a presentation that provided the Committee with the background to the application. The claimed right of way leads from the side of Woodland Lodge Residential Home, Warne Street in a south westerly direction to alongside the Bryngwyn Service Station to terminate on A4049 (Bryngwyn Street). The application is made under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981 which is the discovery of evidence which would suggest the right of way should be recorded. The Authority is not precluded from also taking into consideration a claimed right of way based on 20 years uninterrupted use. Evidence has been submitted that the claimed right of way is a public right of way and the route has been used by local residents for a considerable number of years. The date the footpath first came into question was 6th October, 2010, and therefore the 20 year period commences from 6th October, 1990. Evidence has been provided to show that the footpath A-B has been used on a regular basis for well over the 20 year period. Members were informed that historical maps confirm that a route was available along the claimed route in 1873-88; 1900-1904 and 1919 -1921. Aerial photographs also show a path along the line of the claimed Right of Way.

The Committee were advised that Mr. Davies, the owner of Bryngwyn Service Station has never stopped the local residents using the claimed right of way over land within his ownership and has verbally agreed to a path being separated from his Service Station.

Following consideration and discussion, it was moved and seconded that the path be registered as identified A-B-C in Document 3, appended to the report and new fencing to be installed alongside the footpath to separate it from the service area. By a show of hands this was unanimously agreed.

The Cabinet Members asked Officers to inform the Planning Department that should there be any issues in relation to the planning application for the fence, that this recommendation was endorsed by the Cabinet Rights of Way Committee.

RESOLVED that the path be registered as identified A-B-C in Document 3, appended to the report and new fencing to be installed alongside the footpath to separate it from the service area

**6. APPLICATION FOR A MODIFICATION ORDER TO AMEND THE MONMOUTHSHIRE COUNTY COUNCIL DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY IN RESPECT OF ADDING A PATH IN THE COMMUNITY OF ABERCARN**

Members were asked to consider and determine an application to add a path to the Definitive Map and Statement in the Community of Abercarn.

Prior to the meeting Members and Officers walked the footpath from Gilboa Road to New Bryngwyn Road, Newbridge.

The Rights of Way Support Officer delivered a presentation that provided the Committee with the background to the application that is being dealt with under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981. This relates to the discovery of evidence which would suggest the right of way should be recorded. Reference was made to Document 1, appended to the report, that states the evidence submitted needs to show that the footpath has been used for a period of 20 years without interruption and as a right.

The Committee were advised that evidence has been submitted that the route has been used by local residents as a short cut for a considerable number of years. Local residents have stated that no notices have been erected stating that the footpath is private but the footpath has become overgrown and they have been unable to use it. The date the footpath first came into question is 16th September, 1993 and therefore the 20 year period commences from September 1973. The applicant and supporters state that the footpath has been used without interference for a period varying between 8 and 65 years.

It was explained that Llanover Estate, who own land over which a section of the claimed right of way crosses, are agreeable to the footpath being added to the Definitive Map and Statement.

Following consideration and discussion, it was moved and seconded that the path be registered. By a show of hands this was unanimously agreed.

RESOLVED that the path be registered

**7. APPLICATION FOR A MODIFICATION ORDER TO AMEND THE MONMOUTHSHIRE COUNTY COUNCIL DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY IN RESPECT OF ADDING A PATH IN THE COMMUNITY OF ABERCARN**

Members were asked to consider and determine an application to add a path to the Definitive Map and Statement in the Community of Abercarn.

Prior to the meeting Members and Officers walked the footpath from High Street, adjacent to Oaktree House, crossing Windsor Avenue and proceeding between numbers 76 and 77, then dividing in two, proceeding west to Cwmtorlais Road and east to Tynewydd Terrace adjacent to number 31 Tynewydd Terrace, Newbridge. The application is being dealt with under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981. This relates to the discovery of evidence which would suggest the right of way should be recorded. The Local Authority is not precluded from also taking into consideration a claimed right of way based on 20 years uninterrupted use.

The Rights of Way Support Officer delivered a presentation that provided the Committee with the background to the application. She confirmed that evidence has been submitted that the route has been used by local residents for a considerable number of years.

Reference was made to Document 1, appended to the report that states the evidence submitted needs to show that the footpath has been used for a period of 20 years without interruption and as a right. The date the footpath first came into question was 2nd November, 1993 and therefore the 20 year period commences from November 1973. The Committee were advised that there is sufficient evidence to show that the footpaths A-B; C-D and D-F, as identified in the plan accompanying the report have been used on a regular basis for well over the 20 year period. This evidence was confirmed by way of historical maps dating back to 1873 and recent aerial photographs that were summarised in the report.

It was explained that Llanover Estate has agreed to enter into a Creation Agreement for the footpath E-D-G-H. This will resolve the problem with the extension of the garden of 31 Tynewydd Terrace. The remainder of the footpath A-B and C-D could then be dealt with by a Modification Order. The surface of the footpath A-B is a concern due to the probability of the former Urban District Council surfacing the footpath many years ago but it not being added to the Adoption Highway Records. Should an injury be sustained it might be difficult to defend as a previous Authority had resurfaced the footpath with tarmacadam.

Following consideration and discussion, it was moved and seconded that the footpath be registered and a Modification Order made for A-B and C-D and enter into a Creation Agreement with Llanover Estate for E-D-G-H. By a show of hands this was unanimously agreed.

RESOLVED that the footpath be registered as detailed in the report and a Modification Order made for A-B and C-D and enter into a Creation Agreement with Llanover Estate for E-D-G-H.

The meeting closed at 3.10 pm.



## RIGHTS OF WAY CABINET – 3-12-2018

**SUBJECT: APPLICATION FOR A MODIFICATION ORDER TO AMEND THE CAERPHILLY COUNTY BOROUGH COUNCIL DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY IN RESPECT OF ADDING A PATH IN THE COMMUNITY OF CAERPHILLY**

**REPORT BY: CHIEF EXECUTIVE OFFICER**

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### 1. PURPOSE OF REPORT

1.1 To consider and determine an application to ADD a path to the Definitive Map and Statement in the Community of Caerphilly.

### 2. SUMMARY

2.1 The Authority is under a duty to resolve applications received under the Wildlife and Countryside Act 1981 s.53(3).

2.2 The report sets out the evidence regarding the application to ADD a footpath from the Play area in Tredomen to Footpath 39 in the Community of Caerphilly.

2.3 The Committee should base their decision on the usage of the path for a 20 year period prior to 21<sup>st</sup> February 2005, the date that the application to add a footpath to the Definitive Map and Statement was submitted.

### 3. LINKS TO STRATEGY

3.1 The Wildlife and Countryside Act 1981 s.53 places a duty on the council to keep the Definitive Map and Statement under continuous review.

3.2 This report is to determine whether the Definitive Map and Statement should be modified and therefore links to the well-being goals would apply to Public Rights of Way in a wider context only.

### 4. THE REPORT

#### 4.1 Background

4.1.1 This Committee has delegated powers to determine applications for Definitive Map Modification Orders under Section 53 of the Wildlife and Countryside Act 1981. This report relates to an application to ADD a path to the definitive map and statement. Document No. 1 gives an explanation of the term “public rights of way” and the role of this Committee.

4.1.2 The application is for a public right of way, leading from Park Lane along the access track leading to the allotments, then turns in a Southerly direction alongside the Children’s play area, across the recreation ground and over the stream and into Coed-y-Twyn woods. The footpath continues in a South Easterly direction through the woods until it reaches a stream where it crosses into a field for a few meters and joins Footpath 39 Caerphilly. The claimed

right of way is being dealt with under the Wildlife and Countryside Act 1981, Section 53(3)(c)(i).

## 4.2 Introduction

- 4.2.1 An application has been received from Mrs. Judith Lewis, 24 Tredomen Terrace, Ystrad Mynach under Section 53(3)(c)(i) of the Wildlife and Countryside Act 1981. The application, submitted on the 21<sup>st</sup> February, 2005, is to modify the Definitive Map and Statement of Caerphilly County Borough Council by ADDING a footpath leading from the Play Area in Tredomen, Park Lane through Coed-y-Twyn woods to join Footpath 39 in the Community of Caerphilly. (Document No.4)
- 4.2.2 The location of the claimed right of way is shown on Document No. 2 within the circled area. This has been reproduced from the ordnance survey mapping by use of the Authority's Geographical Information System.
- 4.2.3 The route of the claimed path can be located in Document No.3 along a bold broken red line shown as A-B-C.
- 4.2.4 The Claimed Right of Way commences at the start of the access track leading to the Allotment Gardens (Grid ref: ST137943), it proceeds in a West-South-Westerly direction and then South alongside the Children's Playground and through the recreation field/public open space and then crosses the stream and enters into Coed-y-Twyn woods. It continues in a South-Easterly direction through the woods and then crosses a stream into the adjoining field to join Footpath No. 39 in the Community of Caerphilly (Grid ref: ST138941). The length of the claimed right of way is 305 metres or thereabouts.
- 4.2.5 The applicant notified the Authority, by submitting Notice W.C.A.7 that she had served notice on the landowners, Caerphilly Borough Council (A-B) and Ellen Corina Salton (B-C). The notice was sent to the Authority on 4<sup>th</sup> March, 2005. (Document No. 5)
- 4.2.6 However, when investigations commenced in 2017 Ellen Salton contacted the office to state that not all the landowners had been notified. The areas referred to are shown on Document No. 6. Following a land search with the Land Registry Office it is noted that the parcel of land between Ellen Salton's land and Caerphilly County Borough Council may belong to a third party if not Caerphilly Borough Council. The second strip of land belonged to the same third party.
- 4.2.7 Both sets of land owners feel that this application is invalid as notice was not originally served on all land owners. Correspondence from the legal representative of the primary land owner requested that the case be dropped and re initiated as notice had not been served on all land owners. A copy of this correspondence is attached as Documents No.7 and 8, the former being addressed to the Council and the latter to the applicant but copied to the Authority. This identifies the reasons why this application is considered invalid. Legal advice from CCBC is that despite the time taken and notice not being initially served on the above third party this does not nullify the claim or process as the determination had not commenced and the correct notices were later served and opportunity for comment given, as outlined below. Land ownership issues may not come to light until investigated. As such the case has been progressed.
- 4.2.8 In order to rectify this situation an e-mail was sent to the solicitors who were dealing with a sale of this land. The solicitors then provided the names and addresses of the three owners and the applicant was advised to send Notice W.C.A.6 to them and once this had been carried out to notify this Authority by sending Notice W.C.A.7. This Notice, dated 21<sup>st</sup> April 2017 was duly received as confirmation of the action taken. (Document No. 9). This land has subsequently been sold to Mr and Mrs Organ and their views are expressed later in this report.

4.2.9 Ms Salton acquired Coed-Y-Twyn Woods as part of the wider holding of Tir Twyn Farm during May 2002 and there after took actions to prevent public access through these woods on the basis that she did not believe her property had any public access rights and her stock were being injured by dogs. Actions undertaken included the erection of fencing and signage, blocking paths and informing users that the land was private and there were no access rights. Such actions have been undertaken on an on going basis since her purchase of the property and disputes continue.

4.2.10 Following the prevention of access by the land owner a residents meeting was held to discuss the matter and this has seemingly resulted the submission of this claim. It is understood that an initial application related to a circular route however this would not have been a legal claim as any claimed route is required to join highway to highway and as such was not considered. A subsequent application, duly made, was received on 21<sup>st</sup> February 2005 and this is the application before Members. This claim is supported by 21 User Evidence Forms. All of those who have completed Evidence User forms reside in the Tredomen area and have used the footpath on a regular basis. All but one have stated that they have used it for over 20 years and some have used it for over 50 years.

4.2.11 Evidence provided is summarised below and members considerations should be based on usage for the period of at least 20 years prior to the claim which is effectively, as a minimum 21st February 1985. Some of the people supplying evidence have since moved away or passed on however the evidence provided was done so correctly at the time. One such person is the original named applicant, Mrs Judith Lewis. Mrs Susan Smith has subsequently taken on this role and become the applicant.

4.2.12 In addition to the 2005 submissions further ratification and evidence was sought, from the claimants and objectors during 2017 and 2018. During this period people have continued to use the path and Ms Salton has made efforts to prevent this usage and there has been considerable correspondence between parties, notably regarding progress of the claim. Caerphilly County Borough own part of the land over which the claim is made and during June 2007 erected fencing and a stile on part of the boundary of it's property and the woodland. This was seemingly done as part of an animal trespass measure. The stile should seemingly not have been erected and was indeed removed shortly thereafter either by the Council or other party. Other unauthorised works, by third parties, have taken place on the Council holding including drainage clearance and laying of impromptu hardcore, the latter of which has been removed. The boundary between the council holding and Coed-y-Twyn Woods has again been recently fenced by Ms Salton.

4.2.13 Until recently all applications received under the Wildlife and Countryside Act 1981 were dealt with on a date order of application basis which prevented this application being investigated although some work had been undertaken.

4.2.14 Research has been undertaken to determine the validity of the claim by collating any Documentary Evidence available as well as the crucial User Evidence provided by the local residents.

### **4.3 User Evidence**

4.3.1 The complete set of User Evidence forms submitted in 2005 are attached as **Appendix 1**. The content of these is summarised below.

4.3.1 Detailed in Document No. 10 are the number of years the evidence users have used the footpath and it can be seen that the footpath has been used for over 50 years, as early as 1953.

- 4.3.2 Document No. 11 provides details of the frequency of use and the reason for using the footpath. It is noted that it is claimed the path has been used primarily by pedestrians with some limited equestrian usage. The usage of the path is mainly for amenity use, being used for dog walking, access to lower Ystrad Mynach, access to school, public transport and the Garden Centre as well as more general recreation.
- 4.3.3 The majority of users have confirmed that they have not asked permission to use the path and no notices were displayed stating that the path was private until Ms Salton purchased the area.
- 4.3.4. Some of the users confirm having seen both locals and strangers using the claimed right of way and some state that bicycles and horses were seen on the route although primarily evidence relates to walkers.
- 4.3.5 Further to the above, written confirmation was received, from a previous owner of the farm holding, Mrs C Miles, stating that members of the public had accessed the woodland for the ten year period she and her husband had owned the holding and for many years prior to this. The Miles' had owned the property from approximately 1992 until 2002. A copy of the letter is attached as Document No. 12.
- 4.3.5 The applicant, Mrs Smith and three other claimants, Messrs Cantwell, Elliott and Gardner were contacted during early 2017 to in part confirm continued intent in progressing the claim. All confirmed that they had used the path for between 28 and 46 years prior to the claim being made. Most used the path either daily or several times a week. Reasons for use were similar to those outlined above. These interviews are shown as Document No. 13.
- 4.3.6 Objector Evidence
- Ms Salton's objection to access dates back to her purchasing the farm holding in May 2002 having erected the first signage in June/July 2002. Officers first met with her in 2004 when her position was made clear that she did not want any public access into her woodland and would oppose any claim as access was proving detrimental to both her farm income and welfare to stock and self. Since that date efforts have been made to preclude any access however some access continues and both damage and conflict are on going. Both Ms Salton and Mr Gareth Davies, who reside at Tir Twyn Farm, were interviewed on 5<sup>th</sup> February 2018.
- 4.3.7 Ms Salton purchased the property of Tir Twyn Farm on 21<sup>st</sup> May 2002 and has spoken to a number of people who had knowledge of her farm prior to purchase. Indeed prior to purchase Ms Salton lived in the Ystrad Mynach area so had some knowledge of the farm and access. She was unaware of any access through Coed-y-Twyn Woods and the land searches undertaken as part purchase revealed no public or private rights through the woods. She saw no visible sign of access to or from the property. The Rights of Way department confirmed there were no public rights of way through the woodland.
- 4.3.8 Her investigation of old maps did not indicate any access other than a path passing to the East of her holding, which she believes, if there is any right of way would have historically been along this route. Documentary evidence is provided below however in summary the 1959 - 1973 map (Document No. 18) indicates a footpath exiting land to the North-East of Coed-y-Twyn Woods and diagonally crossing the now public open space. Further to this there is some evidence both on plan and on the ground of a possible route passing along the boundary of Birchwood which exits the woodland at the same location. There are however no registered Public Rights of Way along these routes shown on the Definitive Map and Statement.
- 4.3.9 Ms Salton contends that even if the former owners, the Miles', had consented to access then this does not provide sufficient longevity to the claim, nor permission to cross onto her land from either direction, to substantiate it. She feels that other previous owners would not have consented to unauthorized access or the public being on the farm other than on statutory



rights of way. She had been informed of this by a Mr Morgan Thomas and Ken Jones both of whom had a good knowledge of the farm and of both a Mr Bosley the farm manager and the Rees' who were the historic long term landowners prior to the Miles'. Mr Jones has submitted evidence presented below.

- 4.3.10 The statement from Mr Gareth Davies confirmed that he also grew up in the Ystrad Mynach area and had a knowledge of the farm and woodlands. He was never of the opinion that there was any public access into these woods despite being resident for some 50 years and enjoying outdoor recreation.
- 4.3.11 Mr Ken Jones has made a statement, dated 14<sup>th</sup> February 2018, supporting Ms Salton. He is a local resident of Bryn Mynach Avenue, Tredomen who has a knowledge of the farm going back over 60 years. He worked on the farm during the 1960's and has continued knowledge of it. He states that the woodland was fenced off as part of a well managed farm and the farm manager, Mr Bosley, would not allow public access other than on the registered public footpath (Footpath 39) other than by express permission. The woodlands were used as part of the farm. He also believes that if there were a path it should follow a route which does not transverse the Tir Twyn holding. A copy of Mr Jones statement is attached as Document No. 14.
- 4.3.12 The owners of Woodfield Nursery, Mr David and Mrs Tracey Organ, were interviewed on 22<sup>nd</sup> October 2018. They purchased the land referred to in section 4.2.3 on 26<sup>th</sup> April 2018. Whilst their purchase is considerably after the claim date they never the less hold title and have a knowledge of the area dating back to, in Mr Organs' case the 1960's and some 36 years for Mrs Organ and have resided at the nursery site for many years. Both are of the view that there was never a formal footpath through Coed-Y-Twyn Woodlands and any legitimate access was by express permission only. Mr Organ was friendly with a Mr Douglas Badham who owned part of the wood and adjoining ground and Mr Organ also knew the Rees sisters who employed Mr Fred Bosley as farm manager, mentioned above. Mr Organ felt that whilst the Morgans, who owned the farm after the Rees' may have been lax in terms of managing the ground and controlling public access the previous owners were not and Mr Bosley would not permit the public access and the Rees sisters, who owned the holding, did not want it. Likewise Mr Badham did not permit access over land under his control beyond any statutory rights.
- 4.3.13 Having grown up in the area Mr Organ was not aware of any route through these woods although was aware that people did sometimes go into them, as they do on all land around the urban fringe. This he states was more to go into the woods rather than using it as a route to link between footpaths, indeed there was little need as there was a better route cutting up from Bryn Mynach, this is the route he would have used. The Organs are aware that there is more usage of the woods now, some for illicit reasons and indeed the police have been involved in some instances, but historically those accessing the woods without permission were not doing so to access other paths but rather walk within the woods and hence the residents initial attempt to claim a circular route.
- 4.3.15 Copies of the objection received from Marchant Harries Solicitors are referred to earlier in the report (4.2.7) and as Document Nos. 7 and 8.

#### **4.4 Documentary Evidence**

- 4.4.1 The documentary evidence studied in conjunction with the User Evidence is outlined below. During the investigation of a claimed route a near match to the claimed footpath was looked for on all the maps listed below.

Historical Map dated 1873-1888 (Document No. 15)

There is no indication from this map of the claimed right of way.

Historical Map dated 1900-1904 (Document No. 16)

There is no indication from this map of the claimed right of way.

Historical Map dated 1919-1921 (Document No.17)

There is no indication from this map of the claimed right of way.

Historical Map dated 1959-1973 (Document No.18)

Footpath indicated to North and East of Coed-Y-Twyn woods.

Historical Map dated 1959-1992 (Document No. 19)

There is no indication from this map of the claimed right of way.

Historical Map dated 1971-1992 (Document No. 20)

There is no indication from this map of the claimed right of way.

Provisional Map 1<sup>st</sup> May 1964 – (Document No. 21)

There is no indication from this map of the claimed right of way.

Special Review Map 20<sup>th</sup> December 1990 – (Document No. 22)

There is no indication from this map of the claimed right of way.

Aerial Photograph dated 1958 (Document No. 23)

Although not very clear, routes similar to those indicated on the 1959 – 1973 map are apparent.

Aerial Photograph dated 1972 (Document No. 24)

Taken in March 1972. Limited tree cover allows some sight of the ground, but no path is apparent.

Aerial Photograph dated 1974 (Document No. 25)

There is **some** indication from this map of the claimed right of way.

Aerial Photograph dated 1991 (Document No. 26)

Public Right of Way 39 can be seen as a worn path. **There is an indication of a path crossing the Council owned land along the line of the claim although not possible to track through the woodland .**

There are no historic photographs prior to 2005.

## 4.5 Land Ownership

- 4.5.1 As outlined in the introduction, form W.C.A. 6 was served on both Ellen Salton as land owner of Tir Twyn Farm and Caerphilly County Borough as owner of the public open space. This informed of the application being made under the Wildlife and Countryside Act 1981 to add the footpath to the Definitive Map and Statement. When additional owners came to light in 2017 further forms were served on the identified owners as well as to those previously issued.

Notification of this by W.C.A. 7 was received by the Authority on 21<sup>st</sup> April 2017 (Document No. 9). The additional land requiring notice refers to a small length of path exiting the southern side of Coed-Y-Twyn Woods before joining Footpath 39 Caerphilly, a distance of some 8 metres. At the opposite end of the path where it exits Coed-Y-Twyn Woods to the North it is possible the path also crosses a metre or so of land held by the above owners although this is unclear as three ownerships converge at this point. Land ownership has changed since these forms were served however the new owners are aware of the claim and have made representations.

#### **4.6 SUMMARY**

- 4.6.1 The Authority is using Section 53 (3)(c)(i) of the Wildlife and Countryside Act 1981 as the main test of whether or not the claimed right of way should be added to the Definitive Map and Statement. This is used when the Authority discovers evidence which (when considered with all other relevant evidence available to them) shows that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates, being a right of way such that the land over which the right subsists is a public path. However, the Authority is not precluded from also taking into consideration a claimed right of way based on 20 years uninterrupted use. The right must be reasonably alleged to exist.
- 4.6.2 The Authority has been made aware that evidence exists which suggests that the claimed right of way is a public right of way and has been used as such for many years. The Authority has received an application to add a footpath to the Definitive Map and Statement.
- 4.6.3 As detailed in Document No. 1, the evidence submitted needs to show that the footpath has been used for a period of 20 years without interruption and as a right. The date the footpath first came into question is 21<sup>st</sup> February 2005, and therefore the 20 year period commences from 21<sup>st</sup> February 1985. Evidence has been provided to show that the footpath shown as 'A-B-C' on Document No. 3, has been used on a regular basis for well over the 20 year period. Evidence has also been provided that refutes this claim.
- 4.6.4 On some of the historical maps paths are shown leading to and from the woods although none are along the specific route of this claim.
- 4.6.5 From the aerial photographs little evidence is identifiable prior to 2005 possibly in part as the claimed route passes through woodland.

#### **5. CABINET COMMITMENT TO THE CORPORATE PLAN**

- 5.1 This report relates to a statutory function of the Council.

#### **6. WELL-BEING OF FUTURE GENERATIONS**

- 6.1 This report contributes to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act in:
- Long Term – The action maintains the Definitive Map and Statement for future generations.

#### **7. EQUALITIES IMPLICATIONS**

- 7.1 An Equalities Impact Assessment is not needed because the issues covered are for information purposes only, therefore the Council's full EIA process does not need to be applied.

#### **8. FINANCIAL IMPLICATIONS**

- 8.1 The cost of a Modification Order should Members resolve to support the application, is in the region of £1,800.00. If the Modification Order is approved then there will be an additional cost

to provide some upgrading of the path and associated infrastructure.

## **9. PERSONNEL IMPLICATIONS**

9.1 None.

## **10. CONSULTATIONS**

10.1 For List of Consultees see Appendix 2. Comments received on the draft report are included in Appendix 2.

## **11. RECOMMENDATIONS**

11.1 On the basis of the evidence and information compiled in the submitted documents, Members are requested to determine the application before them by either :-

i) Supporting the claim as made.

ii) Rejecting the claim.

## **12. REASONS FOR THE RECOMMENDATIONS**

12.1 To comply with its duty to keep the Definitive Map and Statement under continuous review.

## **13. STATUTORY POWER**

13.1 Wildlife and Countryside Act 1981. This is a Council function delegated to this Committee.

Author: Mr Philip Griffiths, Green Space Strategy and Cemeteries Manager  
griffpm@caerphilly.gov.uk.

Consultees: Full list in Appendix 2

### **List of Documents**

- Document No. 1** - Description of Rights of Way
- Document No. 2** - Location Plan
- Document No. 3** - Plan showing claimed right of way
- Document No. 4** - Application Form WCA5 submitted in 2005
- Document No. 5** - Form WCA7 Certificate of service of notice
- Document No. 6** - Location of third party land
- Document No. 7** - Marchant Harries Solicitors to CCBC
- Document No. 8** - Marchant Harries Solicitors to Applicant
- Document No. 9** - Form W.C.A 7 2017
- Document No. 10** - Length of Use of the Claimed Right of Way
- Document No. 11** - Frequency of Use of the Claimed Right of Way
- Document No. 12** - Letter from Mrs Miles
- Document No. 13** - Interview Forms 2017
- Document No. 14** - Statement of Mr K. Jones
- Document No. 15** - Historical Map dated 1873-1888
- Document No. 16** - Historical Mapping 1900 -1904
- Document No. 17** - Historical Mapping 1919-1921
- Document No. 18** - Historical Mapping 1959-1973
- Document No. 19** - Historical Mapping 1959-1992
- Document No. 20** - Historical Mapping 1971-1992

- Document No. 21** - Extract of Provisional Map
- Document No. 22** - Extract of Special Review Map
- Document No. 23** - Aerial Photograph 1958
- Document No. 24** - Aerial Photograph 1972
- Document No. 25** - Aerial Photograph 1974
- Document No. 26** - Aerial Photograph 1991
- Document No. 27** - Statement of Mr K. Jones 25-11-2018

CROW 194 held at Bargoed House, 1 St Gwladys Way, Bargoed, CF81 8AB

**FORM W.C.A. 8A SUBMISSIONS**

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside  
(Definitive Maps and Statements)  
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

- Name: GILLIAN GARDNER
4. Name or route of path: PATH THROUGH "COED-Y-TWYN"
5. National Grid References (ends of path): ST13769434 ST13979410
6. Type of path: Footpath\* / Bridleway\* / Byway open to all traffic\*
7. Do you regard the path as public (SEE NOTE 2): Yes/No
8. Is the path well defined: Yes/No
9. How long have you known the path: 33 yrs.
10. Over what period have you used the path on foot, horseback, or motor-vehicle, (state which).  
33 yrs.
11. How often over the period have you used the path: 2-3 TIMES A WEEK
12. For what purpose did you use the path: Access to Bryn Mynach and general countryside walking
13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.  
Signs showing "Private Woodland Keep Out" have been put there recently - in last few months.
14. Name of Owner(s) or Tenant (s), if known: ELLEN CORINA SALTON
15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No\*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

Many people walk the area daily with animals.  
My children walked to school this way

17. Have you always followed the same route. If not when was it changed and if known by whom:

Yes

18. Did you ever seek or get permission to use the route. If so from whom:

No

19. Have you, or to your knowledge has anyone, been stopped or turned back:

No

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

No

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

No

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

No



23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

Some posts and fences remain

Any further information. My children (now 30 & 33) walked to school daily. We have always walked for access & pleasure enjoying the woods & bluebells.

DATE: 21/2/05

SIGNATURE OF USER MAKING STATEMENT G.D. Garner

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT) [Signature]  
(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2)

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside  
(Definitive Maps and Statements)  
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

- Name:..... ALISON PRICE
4. Name or route of path..... TO PATH THROUGH 'COEST-TOWN'
5. National Grid References (ends of path)..... ST 1376 9434 ST1397 9410
6. Type of path: Footpath\* /Bridleway\* /Byway open to all traffic\*.
7. Do you regard the path as public (SEE NOTE 2): Yes/ No
8. Is the path well defined: Yes/ No
9. How long have you known the path:..... 38 years
10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).  
38 years FOOT
11. How often over the period have you used the path:..... 2-3 TIMES WEEK
12. For what purpose did you use the path:..... WALKING DOG ACCESS TO DEERWEN + PLANTATION 'CROSS
13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.  
SIGNS: STAGS KEEP OUT
14. Name of Owner(s) or Tenant (s), if known:..... ELLEN CORWINA SACTON
15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No\*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

BOTH LOCALS + STRANGERS ON FOOT

17. Have you always followed the same route. If not when was it changed and if known by whom:

ALWAYS FOLLOWED SAME ROUTE

18. Did you ever seek or get permission to use the route. If so from whom:

NO

19. Have you, or to your knowledge has anyone, been stopped or turned back:

NO

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

IT HAS ALWAYS BEEN KNOWN TO BELONG TO TILTYN FARM BUT PREVIOUS OWNER ALLOWED PUBLIC ACCESS

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

YES

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

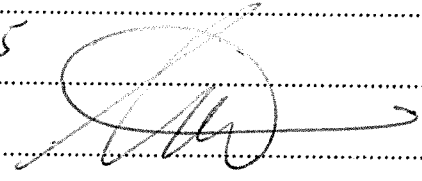
NOT TO MY KNOWLEDGE

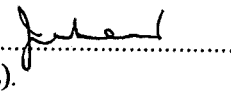
23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

PARTLY

Any further information..... THIS AREA HAS ALWAYS BEEN USED BY  
LOCALS. IT IS FULL OF WILDLIFE + PLANTS  
IT WOULD BE A GREAT LOSS IF THIS WAS  
BULLDOZED.

DATE: 21/12/05

SIGNATURE OF USER MAKING STATEMENT..... 

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT).....   
(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside  
(Definitive Maps and Statements)  
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

- Name: Barbara Owen
4. Name or route of path: Path through Coed-y-Twyn
5. National Grid References (ends of path): ST13769434 ST13979410
6. Type of path: Footpath\* / Bridleway\* / Byway open to all traffic\*.
7. Do you regard the path as public (SEE NOTE 2): Yes/No
8. Is the path well defined: Yes/No
9. How long have you known the path: 25 years
10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).  
25 years on foot
11. How often over the period have you used the path: 2 times per week
12. For what purpose did you use the path: walking with my daughter and dog for pleasure
13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.  
New signs erected since summer 04
14. Name of Owner(s) or Tenant (s), if known: Ellen Corina Saltun
15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No\*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

Yes Locals, children friends on foot  
occasionally on horseback

17. Have you always followed the same route. If not when was it changed and if known by whom:

Yes

18. Did you ever seek or get permission to use the route. If so from whom:

Yes from previous owner

19. Have you, or to your knowledge has anyone, been stopped or turned back:

No

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

No

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

No

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

There are hedges and ditches at the Boundaries

Any further information. The woods have always been used  
it is a place of beauty and a haven for wildlife  
e.g. bats, and I feel strongly it should be  
preserved.

DATE: 21.2.05

SIGNATURE OF USER MAKING STATEMENT B. Ouse

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT) [Signature]  
(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2)

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside  
(Definitive Maps and Statements)  
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name:..... BRIAN ELLIOTT.....

4. Name or route of path..... PATH THROUGH BLUE BELL WOOD LINKING TO PUBLIC FOOTPATH,

5. National Grid References (ends of path).....

6. Type of path: Footpath\* /Bridleway\* /Byway open to all traffic\*..... (FOOTPATH).....

7. Do you regard the path as public (SEE NOTE 2)  Yes  No

8. Is the path well defined  Yes  No

9. How long have you known the path:..... 16 - 17 YEARS.....

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

USED AS A FOOTPATH (TO WALK DOG) OVER PAST 16 YEARS

11. How often over the period have you used the path:..... ON A REGULAR BASIS.....

12. For what purpose did you use the path:..... WALKING, ACCESS TO COUNTRYSIDE

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

NO GATES OR OBSTRUCTIONS,

14. Name of Owner(s) or Tenant (s), if known:..... NOT KNOWN.....

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path:  Yes  No\*



16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

THE ROUTE IS USED ON A REGULAR BASIS BY MANY LOCAL RESIDENTS LIVING IN THE TREDOMEN / BRYMYNARCH AREA.

17. Have you always followed the same route. If not when was it changed and if known by whom:

ALWAYS USED SAME ROUTE, ALSO CIRCULAR ROUTE WITHIN THE WOOD WHICH IS WELL DEFINED.

18. Did you ever seek or get permission to use the route. If so from whom:

NO PERMISSION SOUGHT, ROUTE HAS ALWAYS BEEN OPEN FOR PUBLIC USE, MY NEXT DOOR NEIGHBOUR USED THE ROUTE FOR OVER 50 YEARS (NOW DECEASED).

19. Have you, or to your knowledge has anyone, been stopped or turned back:

NEVER BEEN STOPPED.

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

NEVER.

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

NO.

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

(NOT KNOWN)

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

..... NO .....

Any further information..... I HAVE USED THE ROUTE REGULARLY (ON A DAILY BASIS IN SUMMER MONTHS) ALSO USED THE ROUTE TO THE YSTRAD MYNACH RAILWAY STATION (ON A DAILY BASIS WHEN I WAS WORKING IN CARDIFF) MANY RESIDENTS HAVE ENJOYED USING THIS ROUTE OVER A LONG PERIOD OF TIME, ROUTE HAS BEEN ESTABLISHED DATE: AND USED FOR OVER 50 YEARS. 8/12/2004

SIGNATURE OF USER MAKING STATEMENT..... Brian Elliott .....

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT).....  
(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

Note

Several months ago I noticed that the route had been disturbed and at certain points efforts had been made to block the paths by mounding up earth and using cut down branches.



CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside  
(Definitive Maps and Statements)  
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

- Name:..... *CHIVE JAMES GARDNER* .....
4. Name or route of path..... *PATH THROUGH COED-Y-TWYAL* .....
5. National Grid References (ends of path)..... *ST. 13769434. ST. 13979410* .....
6. Type of path: Footpath\* / ~~Bridleway\*~~ / ~~Byway open to all traffic\*~~ .....
7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~ .....
8. Is the path well defined: Yes/~~No~~ .....
9. How long have you known the path:..... *33 yrs.* .....
10. Over what period have you used the path on foot, horseback, or motor-vehicle, (state which).  
..... *33 yrs.* .....
11. How often over the period have you used the path:..... *3-4 times month* .....
12. For what purpose did you use the path:..... *walking* .....
13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.  
*SIGNS SHOWING - PRIVATE WOODLAND REPOUT*  
*PUT THERE RECENTLY*
14. Name of Owner(s) or Tenant (s), if known:..... *ELLEN CORINA SAKTON* .....
15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: ~~Yes~~/No\*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

..... Many People walking with families .....

17. Have you always followed the same route. If not when was it changed and if known by whom:

..... Yes .....

18. Did you ever seek or get permission to use the route. If so from whom:

..... No .....

19. Have you, or to your knowledge has anyone, been stopped or turned back:

..... No .....

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

..... No .....

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

..... No .....

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithes Maps, Railway Maps:

..... No .....

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

SOME FENCING REMAINS.

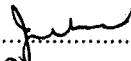
Any further information. MANY FAMILIES HAVE USED THIS WOODLAND  
FOR MANY MANY YEARS. THERE IS NO NEED  
FOR THIS WOODLAND TO BE DAMAGED AND  
DISTROYED

DATE: 21.2.05

SIGNATURE OF USER MAKING STATEMENT



SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT)



(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2)

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside  
(Definitive Maps and Statements)  
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

- Name: DOUGLAS E SMITH
4. Name or route of path: ROUTE THROUGH COED Y TOWN TREDMEN SHOWN AS RED LINE ON PLAN ATTACHED
5. National Grid References (ends of path): T1376 9434 AND ST 13949410
6. Type of path: Footpath\* /Bridleway\* /Byway-open-to-all-traffic\*
7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~
8. Is the path well defined: Yes/~~No~~
9. How long have you known the path: OVER 50 YEARS
10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).  
20 YEARS
11. How often over the period have you used the path: ONCE PER MONTH A LEAST
12. For what purpose did you use the path: WALKING AND DOG WALKING ACCESS TO PASTURE
13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.  
WARRING SIGNS ERECTED IN PAST MONTHS
14. Name of Owner(s) or Tenant(s), if known: ELLEN CORINA SALTON
15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: ~~Yes~~/No\*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

YES ON FOOT

17. Have you always followed the same route. If not when was it changed and if known by whom:

NO THERE ARE TWO ROUTE THE LOWER AS SHOWN ON PLAN AND A ZIPPER NORMALLY USED ON RETURN JOURNEY.

18. Did you ever seek or get permission to use the route. If so from whom:

NO

19. Have you, or to your knowledge has anyone, been stopped or turned back:

ONLY THIS YEAR 2005.

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

NO

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

NO

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithes Maps, Railway Maps:

NO.

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

~~not~~ known - no

Any further information

DATE:

21<sup>st</sup> FEB 2005

SIGNATURE OF USER MAKING STATEMENT

*[Signature]*

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT)

*[Signature]*

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).



CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside  
(Definitive Maps and Statements)  
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

- Name:..... ELIZABETH ANN JAMES .....
4. Name or route of path..... PATH THROUGH 'COED Y TWYN' .....
5. National Grid References (ends of path)..... ST 1376 9434 ST 1397 9410 .....
6. Type of path: Footpath\* /Bridleway\* /Byway open to all traffic\*.
7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~
8. Is the path well defined: Yes/~~No~~
9. How long have you known the path:..... 35 YEARS .....
10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).  
..... FOOT .....
11. How often over the period have you used the path:..... OCCASIONALLY .....
12. For what purpose did you use the path:..... ACCESS TO BRYN MYNACH - NURSERY .....
13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.  
..... SIGNS STATING KEEP OUT .....
14. Name of Owner(s) or Tenant (s), if known:..... ELLEN CORRINA SALTEN .....
15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: ~~Yes~~/No\*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

YES ON FOOT

17. Have you always followed the same route. If not when was it changed and if known by whom:

YES

18. Did you ever seek or get permission to use the route. If so from whom:

NO

19. Have you, or to your knowledge has anyone, been stopped or turned back:

SOME PEOPLE HAVE BEEN STOPPED  
RECENTLY

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

NO

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

NO

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

NO

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

*No*

Any further information..... *I always used the path through  
the wood with my children and to go through  
to the garden centre*

DATE: *21st February 2005*

SIGNATURE OF USER MAKING STATEMENT..... *R.A. James*

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT)..... *[Signature]*  
(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside  
(Definitive Maps and Statements)  
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

- Name: GILLIAM HOPKINS
4. Name or route of path: PATH THROUGH 'COED-Y-TWYN'
5. National Grid References (ends of path): ST13769434 ST13979410
6. Type of path: Footpath\* / ~~Bridleway\*~~ / ~~Byway open to all traffic\*~~
7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~
8. Is the path well defined: Yes/~~No~~
9. How long have you known the path: 52 YEARS
10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).  
PERIODICALLY - 52 YEARS ON FOOT.
11. How often over the period have you used the path: PERIODICALLY
12. For what purpose did you use the path: WALKING FOR PLEASURE.
13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.  
NEW SIGNS STATING 'PRIVATE WOODLAND. KEEP OUT.'
14. Name of Owner(s) or Tenant (s), if known: ELLEN CORINA SALTON.
15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: ~~Yes~~/No\*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

MANY ADULTS WITH DOGS. CHILDREN.  
FAMILIES. — ON FOOT. OCCASIONALLY HORSEBACK.

17. Have you always followed the same route. If not when was it changed and if known by whom:

YES.

18. Did you ever seek or get permission to use the route. If so from whom:

NO.

19. Have you, or to your knowledge has anyone, been stopped or turned back:

3 NEIGHBOURS RECENTLY.

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

ALWAYS KNOWN AS TWIN LAND — BUT BOTH  
FARM OWNER + PUBLIC HAVE MUTUALLY AGREED.

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

NO.

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

THERE ARE FEW SUBSTANTIAL BOUNDARIES.

Any further information DATING BACK TO 1948 (APPROX) ALL PREVIOUS FARM OWNERS HAVE NEVER OBJECTED TO RESPONSIBLE ENJOYMENT OF THESE WOODS. WOODS WHICH RICH IN WILDLIFE AND NATURAL BEAUTY

DATE: 21-205.

SIGNATURE OF USER MAKING STATEMENT

C.A. Hopkins

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT)

John

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2)

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside  
(Definitive Maps and Statements)  
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name: SILLIAN JONES

4. Name or route of path: Route through Coed y Twyn Tredomen shown as red line on plan attached.

5. National Grid References (ends of path): ST1376 9434 and ST13979418

6. Type of path: Footpath\* /Bridleway\* /Byway open to all traffic\*.

7. Do you regard the path as public (SEE NOTE 2): Yes/No

8. Is the path well defined: Yes/No

9. How long have you known the path: 24 YEARS

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

24 YEARS; FOOT, (HORSEBACK)

11. How often over the period have you used the path: Several times per week

12. For what purpose did you use the path: WALKING DOGS / ACCESS TO OTHER WALKS & RIGHTS OF WAY

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

- RECENT 'KEEP OUT' SIGNS

- EARTH/WOOD FLOOR RECENTLY CHURNED UP WITH EARTH MOVER

14. Name of Owner(s) or Tenant (s), if known: ELLEN CORINA SALTON

TIR TWYN FARM, TREDOMEN CF82 7BR

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No\*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

THIS ROUTE HAS BEEN USED REGULARLY - DAILY BY

MANY PEOPLE FOR A VARIETY OF LEISURE PURSUITS: WALKING RIDING; CYCLING; CHILDRENS TREASURE HUNTS ETC & ACCESS TO OTHER AREAS

17. Have you always followed the same route. If not when was it changed and if known by whom:

YES UNTIL ACCESS RECENTLY DENIED

18. Did you ever seek or get permission to use the route. If so from whom:

NO

19. Have you, or to your knowledge has anyone, been stopped or turned back:

NOT MYSELF, BUT HAVE HEARD MANY ACCOUNTS OF INTIMIDATION OF ~~BE~~ NEIGHBOURS & CHILDREN USING THIS ROUTE

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

NO

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

YES, TO VISIT FRIENDS IN GARDEN CENTRE (WOODFIELDS)

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

PHOTOGRAPHS TAKEN OVER THE YEARS



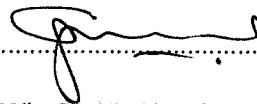
23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

NO

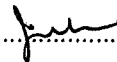
Any further information. THE TREES ARE VERY OLD; THERE IS A SPECTACULAR DISPLAY OF BLUEBELLS IN SPRING; AND THIS IS A VERY RICH WILDLIFE HABITAT WHICH MANY HAVE ENJOYED FOR GENERATIONS, FOR A VARIETY OF LEISURE PURSUITS.

DATE: 21/2/05

SIGNATURE OF USER MAKING STATEMENT



SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT)



(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside  
(Definitive Maps and Statements)  
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name: IAN LEWIS

4. Name or route of path: FROM PARK AREA, TREDOMEN to Public Right of Way Brynmor

5. National Grid References (ends of path): ST13769434 - ST13999410

6. Type of path: Footpath\* / ~~Bridleway\*~~ / ~~Byway open to all traffic\*~~

7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~

8. Is the path well defined: Yes/~~No~~

9. How long have you known the path: 30 yrs

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

30y daily on foot to walk @ local college.

11. How often over the period have you used the path: daily

12. For what purpose did you use the path: to get to place of work

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

New notice put up by present owner

14. Name of Owner(s) or Tenant (s), if known: ELEN CORINA SAULTON

TIR TWY FARM TREDOMEN CF82 7BR

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No\*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

Many times some walk, occasionally on horse-back

17. Have you always followed the same route. If not when was it changed and if known by whom:

Yes

18. Did you ever seek or get permission to use the route. If so from whom:

No

19. Have you, or to your knowledge has anyone, been stopped or turned back:

Not to my knowledge

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

No

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

No

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

No

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

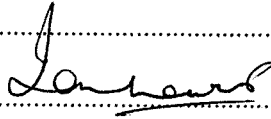
No.

Any further information.....

DATE:

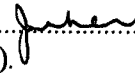
21/2/05

SIGNATURE OF USER MAKING STATEMENT.....



SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT).....

(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).



CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside  
(Definitive Maps and Statements)  
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name: JANICE NEWMAN

4. Name or route of path: PATH THROUGH 'COED-Y-TWYN'

5. National Grid References (ends of path): ST137894<sup>0</sup>34<sup>34</sup> ST13979410

6. Type of path: Footpath\* / ~~Bridleway\*~~ / ~~Byway open to all traffic\*~~

7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~

8. Is the path well defined: Yes/~~No~~

9. How long have you known the path: 25 years

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

25 years on foot

11. How often over the period have you used the path: 2-3 times per week

12. For what purpose did you use the path: Walking for pleasure + access to lower 4strod of ynael. + dog.

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

New signs stating 'PRIVATE WOODLAND KEEP OUT'

14. Name of Owner(s) or Tenant (s), if known: ELLEN CORINA BALTON

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: ~~Yes~~/~~No~~  
NO

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

Many, many local adults and children on foot.  
Occasionally a few on horseback.

17. Have you always followed the same route. If not when was it changed and if known by whom:

Yes

18. Did you ever seek or get permission to use the route. If so from whom:

Yes, from the previous owner.

19. Have you, or to your knowledge has anyone, been stopped or turned back:

Not personally turned back, but at least 3 neighbours challenged in the last 6 months.

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

It's always been acknowledged as belonging to Tir Twyn fawr but previous two owners at least, allowed public access.

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

No.

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

Personal photographs

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

All boundaries have <sup>few</sup> vestigial posts or mounded over walls, broken ~~to~~ and overgrown.

Any further information. Previous owners were happy to allow responsible leisure use of the whole wood which in Spring is carpeted with bluebells and provides habitat for a large variety of birds. There is much concern locally that the new owner - (continued below)

DATE: 9th February 2005

SIGNATURE OF USER MAKING STATEMENT Janice Dawson

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT) J. Denton  
(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

is irresponsibly bulldozing trees (and earth) at random to make the route difficult to pass while failing to manage unsafe specimens.

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside  
(Definitive Maps and Statements)  
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

- Name: Joan Thomas
4. Name or route of path: Path through Coed y Tawyn
5. National Grid References (ends of path): ST 1376 9434 ST 1397 9410
6. Type of path: Footpath\* / Bridleway\* / Byway open to all traffic\*.
7. Do you regard the path as public (SEE NOTE 2): Yes/No No
8. Is the path well defined: Yes/No No
9. How long have you known the path: 37 yrs
10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which). On foot,  
occasionally
11. How often over the period have you used the path: Occasionally
12. For what purpose did you use the path: Walking - with dog + access
13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.  
TO YETRAD ILLWACH  
VIA BRYN MYNAC.  
NEW SIGN SAYING KEEP OUT.
14. Name of Owner(s) or Tenant (s), if known: FLEET BRINDA SARTON.
15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No\* No



16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

YES ON FOOT  
.....  
.....

17. Have you always followed the same route. If not when was it changed and if known by whom:

YES  
.....  
.....

18. Did you ever seek or get permission to use the route. If so from whom:

no  
.....  
.....

19. Have you, or to your knowledge has anyone, been stopped or turned back:

no  
.....  
.....

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

No  
.....  
.....

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

no  
.....  
.....  
.....

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

Not to my knowledge  
.....  
.....  
.....

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

*Partly*

Any further information *this has always had a dead*

*pleasa - & area to walk - for a reason.*

*The trees & shrubs are being totally  
demolished*

DATE: *21/02/05*

SIGNATURE OF USER MAKING STATEMENT *M. L. Shaw*

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT) *Jones*  
(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside  
(Definitive Maps and Statements)  
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name: JUDITH MAE LLEWELLYN

4. Name or route of path: Route via Coed-y-Twyr Fredon Sham as dotted line on OSM

5. National Grid References (ends of path): ST13769434 - ST13979410

6. Type of path: Footpath\* / ~~Bridleway\*~~ / ~~Byway open to all traffic\*~~

7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~

8. Is the path well defined: Yes/~~No~~

9. How long have you known the path: 30 yrs

10. Over what period have you used the path on foot, horseback, or motor vehicle; (state which).

30 yrs on foot

11. How often over the period have you used the path: weekly

12. For what purpose did you use the path: connect to Public Right of Way @ Derau Cne

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

2 new notices erected at either end of wood say "Keep Out"

14. Name of Owner(s) or Tenant (s), if known: Ellen Corina Sacton

Jir twyr Farm, Fredon CF82 7SR

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/~~No~~\*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

Many people on foot and occasionally on horseback

17. Have you always followed the same route. If not when was it changed and if known by whom:

YES

18. Did you ever seek or get permission to use the route. If so from whom:

No

19. Have you, or to your knowledge has anyone, been stopped or turned back:

Not personally. Recently 2 local people have been refused access by new owner.

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

No

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

No

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithes Maps, Railway Maps:

No

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

NO

Any further information *The previous owner is prepared to write, if necessary, to confirm that while she owned the land Public Access was unrestricted*

DATE: *21/2/05.*

SIGNATURE OF USER MAKING STATEMENT *J. Hea*

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT) *J. Hea*  
(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside  
(Definitive Maps and Statements)  
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name: MARRAINE WILLIAMS

4. Name or route of path PATH THROUGH "COED-Y-TWYN"

5. National Grid References (ends of path) ST13769434 ST13979410

6. Type of path: Footpath\* / ~~Bridleway\*~~ / ~~Byway open to all traffic\*~~

7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~

8. Is the path well defined: Yes/~~No~~

9. How long have you known the path: 35 yrs.

10. Over what period have you used the path on foot, horseback, or motor-vehicle, (state which).

35 years on foot

11. How often over the period have you used the path: 2-3 times a week

12. For what purpose did you use the path: walking dog, access to Lower Ystrad

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

New Signs showing "PRIVATE WOODLAND KEEP OUT"

14. Name of Owner(s) or Tenant (s), if known: ELLEN CORINA SAKTON

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: ~~Yes~~/No\*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

MANY PEOPLE WALKING WITH CHILDREN AND ANIMALS

17. Have you always followed the same route. If not when was it changed and if known by whom:

YES

18. Did you ever seek or get permission to use the route. If so from whom:

NO

19. Have you, or to your knowledge has anyone, been stopped or turned back:

NOT PERSONALLY BUT KNOW OF SOME

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

NO HAS BEEN ALLOWED BY PREVIOUS OWNERS

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

NO

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

NO

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

SOME POSTS AND FENCES REMAIN

Any further information I HAVE ALWAYS USED THE WOODS TO  
TAKE THE CHILDREN FOR WALKS. THEY ENJOY THE  
TREES AND ESPECIALLY THE BLUEBELLS IN SPRING  
IT'S A SHAME THESE HAVE BEEN BULLDOZED.

DATE: 21.2.05

SIGNATURE OF USER MAKING STATEMENT *J. Williams*

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT) *[Signature]*  
(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).



CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside  
(Definitive Maps and Statements)  
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name: Mary Canwell

4. Name or route of path: Route through Gedy Twyn, Tredomen shown as red line on plan attached

5. National Grid References (ends of path): ST13769434 and ST13979410

6. Type of path: Footpath\* /Bridleway\* /Byway open to all traffic\*.

7. Do you regard the path as public (SEE NOTE 2): Yes/No

8. Is the path well defined: Yes/No

9. How long have you known the path: 33 yrs

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

33 yrs - on foot

11. How often over the period have you used the path:

12. For what purpose did you use the path: Recreational walking to enjoy the woods & blue bells

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.

"Keep out" notices erected since summer '04

14. Name of Owner(s) or Tenant (s), if known: Ellen Corina Salton

Tŷr Twyn Fm, Tredomen, CF82

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No\* No\*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

Yes, many local residents and visiting  
other people - walking. Often 2 children

17. Have you always followed the same route. If not when was it changed and if known by whom:

Yes, I have followed one of two  
currently used routes.

18. Did you ever seek or get permission to use the route. If so from whom:

No, but believing it to be privately owned I have  
always been careful to cause no damage & leave no  
rubbish.

19. Have you, or to your knowledge has anyone, been stopped or turned back:

No, not myself, but my husband has been.

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

No

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

Yes, to visit the garden centre Woodfields  
Twygn Road

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

Photographs taken at various times.

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

No

Any further information. We have always enjoyed exercising our dog.  
The woodland is a habitat for many forms  
of wildlife, and as a beauty spot has been  
much appreciated.

DATE: 21/02/05.

SIGNATURE OF USER MAKING STATEMENT: Mary Cantwell

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT):  
(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside  
(Definitive Maps and Statements)  
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

Name:..... MARY JAMES .....

4. Name or route of path..... PATH THROUGH COENY - TWYN .....

5. National Grid References (ends of path)..... ST.13769434 ..... ST.13979410 .....

6. Type of path: Footpath\* /Bridleway\* /Byway open to all traffic\*.

7. Do you regard the path as public (SEE NOTE 2): Yes/No

8. Is the path well defined: Yes/No

9. How long have you known the path:..... 25 YEARS .....

10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).

..... 25 YEARS ON FOOT .....

11. How often over the period have you used the path:..... 2-3 TIMES PER WEEK .....

12. For what purpose did you use the path: WALKING WITH DOG, ACCESS TO LOWER YSTRAD

13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc. MYNACH

"New" signs stating PRIVATE WOODLAND KEEP OUT

14. Name of Owner(s) or Tenant (s), if known: ELLEN CORINA SALTON

15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/No\*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

YES. LOCALS. ADULTS + CHILDREN ON  
FOOT OCCASIONALLY SOME ON HORSEBACK.

17. Have you always followed the same route. If not when was it changed and if known by whom:

YES

18. Did you ever seek or get permission to use the route. If so from whom:

YES FROM PREVIOUS OWNER

19. Have you, or to your knowledge has anyone, been stopped or turned back:

NO

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

NO

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

NO

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

~~the~~ boundaries have a few substantial boundaries

Any further information Previous owners were happy to allow responsible leisure use of the whole wood, which in spring is carpeted with bluebells. I feel this should be preserved

DATE: 21.2.05.

SIGNATURE OF USER MAKING STATEMENT M. J. James

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT) ju  
(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside  
(Definitive Maps and Statements)  
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

- Name:..... MICHAEL LEIGHTON JONES
4. Name or route of path..... ROUTE VIA COED Y TWYN TREDONEN (SHOWN DOTTED RED LINE) ON PLAN ATTACHED
5. National Grid References (ends of path)..... ST 1376 9436 and ST 1397 9410
6. Type of path: Footpath\* / ~~Bridleway\*~~ / ~~Byway open to all traffic\*~~.
7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~
8. Is the path well defined: Yes/~~No~~
9. How long have you known the path:..... 35 YEARS
10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).  
..... 35 YEARS ON FOOT, BICYCLE
11. How often over the period have you used the path:..... WEEKLY
12. For what purpose did you use the path:..... ACCESS TO OTHER PUBLIC RTS of WAY
13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.  
..... RECENT NOTICES ERECTED SINCE SUMMER '06
14. Name of Owner(s) or Tenant (s), if known:..... ELLEN CORINA SACTON  
..... TIR JWIN FARM, TREDONEN, CF82 7BR
15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/~~No~~\*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

VERY MANY PEOPLE ON ~~THE~~ OCCASIONS TOO NUMEROUS TO RECALL  
IN DETAIL ON FOOT, ON BICYCLES AND HORSEBACK

17. Have you always followed the same route. If not when was it changed and if known by whom:

YES.

18. Did you ever seek or get permission to use the route. If so from whom:

NO.

19. Have you, or to your knowledge has anyone, been stopped or turned back:

NOT MYSELF, BUT I UNDERSTAND OTHER LOCAL RESIDENTS  
HAVE BEEN DENIED ACCESS SINCE RECENT CHANGE OF OWNERSHIP (OC)

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

NO.

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

NO.

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

NO.



23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

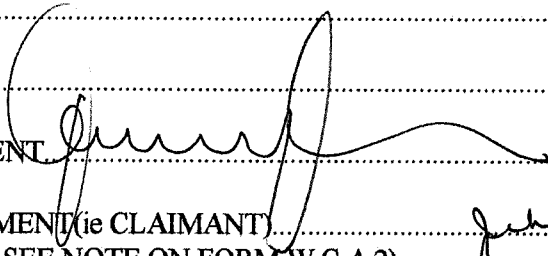
No.

Any further information

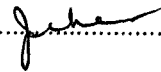
DATE:

21/2/05

SIGNATURE OF USER MAKING STATEMENT



SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT)



(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside  
(Definitive Maps and Statements)  
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

- Name: Rhys Williams
4. Name or route of path: Path through 'COED-Y-TWYN'
5. National Grid References (ends of path): ST1376 9434 ST1397 9410
6. Type of path: Footpath\* / ~~Bridleway\*~~ / ~~Byway open to all traffic\*~~
7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~
8. Is the path well defined: Yes/~~No~~
9. How long have you known the path: 20 yrs
10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).  
20 years on FOOT
11. How often over the period have you used the path: 2-3 times a week
12. For what purpose did you use the path: walkin dog and access to Bryn Ystrad
13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.  
Signs stating 'KEEP OUT!'
14. Name of Owner(s) or Tenant (s), if known: ELLEN CORINNA SALTON
15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: ~~Yes~~/No\*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

..... Many locals and Strangers on Foot .....

17. Have you always followed the same route. If not when was it changed and if known by whom:

..... Yes .....

18. Did you ever seek or get permission to use the route. If so from whom:

..... No .....

19. Have you, or to your knowledge has anyone, been stopped or turned back:

..... NOT Personally but <sup>some</sup> People have. .....

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

..... No But has been allowed .....

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

..... NO .....

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

..... No. .....

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

There are remains of fences and hedges.

Any further information I always use the wool to walk dogs. I enjoy the scenery, especially through the Spring and Summer time.

DATE: 21<sup>st</sup> February 2005

SIGNATURE OF USER MAKING STATEMENT *Rhys all*

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT) *John*  
(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside  
(Definitive Maps and Statements)  
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

- Name:..... ROSEMARIE LONG .....
4. Name or route of path..... PATH THROUGH 'COED-Y-TWY' .....
5. National Grid References (ends of path)..... ~~ST13769434~~ ST13769434 ST13979410 .....
6. Type of path: Footpath\* /Bridleway\* /Byway open to all traffic\*.
7. Do you regard the path as public (SEE NOTE 2): Yes/No  No
8. Is the path well defined: Yes/No  No
9. How long have you known the path:..... 40 YEARS .....
10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).  
..... 40 YEARS ON FOOT .....
11. How often over the period have you used the path:..... WEEKLY .....
12. For what purpose did you use the path:..... WALKING FOR LEASURE, OBSERVING WILD LIFE AND FLORA, ACCESS TO LOWER YSTOD MYNACH .....
13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.  
..... NEW SIGNS STATING 'PRIVATE WOODLAND KEEP OUT' .....
14. Name of Owner(s) or Tenant (s), if known:..... ELLEN CORINA SALTON .....
15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: ~~Yes~~/No\*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

NUMEROUS LOCAL ADULTS AND CHILDREN & OCCASIONAL STRANGERS ON FOOT. OCCASIONALLY, PEOPLE ON HORSEBACK

17. Have you always followed the same route. If not when was it changed and if known by whom:

YES

18. Did you ever seek or get permission to use the route. If so from whom:

~~NEVER~~ PREVIOUS OWNER ALWAYS ALLOWED ACCESS - I HAVE NEVER BEEN CHALLENGED

19. Have you, or to your knowledge has anyone, been stopped or turned back:

NOT PERSONALLY BUT A NUMBER OF NEIGHBOURS CHALLENGED IN THE LAST 6 MONTHS

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

NO, AWARE THAT LAND OWNED BY TIRTWIN FARM BUT NO PROBLEM PREVIOUSLY ABOUT ACCESS

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

NO

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

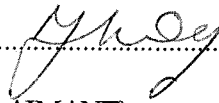
NO

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

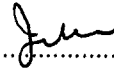
FEW VERTICAL POSTS AT ALL BOUNDARIES, RAZOR WIRE  
OR MOUNDED WALLS ALSO IN EVIDENCE.

Any further information... PREVIOUS OWNERS WOULD ALLOW ACCESS  
PEOPLE HAVE ALWAYS USED THE WOOD RESPONSIBLY AND THE  
LOCAL CHILDREN HAVE BENEFITED FOR MANY GENERATIONS BY  
BEING ABLE TO OBSERVE BLUEBIRDS AND OTHER FLOCK IN WOODS AND  
BY RUNNING SAFELY THROUGH WOODLAND AND OBSERVING BIRDS AND  
WILD LIFE.  
DATE: 21.2.05

SIGNATURE OF USER MAKING STATEMENT



SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT)



(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside  
(Definitive Maps and Statements)  
Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

- Name:..... SUSAN MARY SMITH .....
4. Name or route of path: ROUTE through Coed y Tuyn, Tredomen shown as road line on plan attached
5. National Grid References (ends of path): T1376 9434 Q5T13979410
6. Type of path: Footpath\* /Bridleway\* /Byway open to all traffic\*.
7. Do you regard the path as public (SEE NOTE 2): Yes/~~No~~
8. Is the path well defined: Yes/~~No~~
9. How long have you known the path:..... APPROX 50 YEARS .....
10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).  
ON FOOT - SOMETIMES BICYCLE
11. How often over the period have you used the path:..... WEEKLY - sometimes daily .....
12. For what purpose did you use the path:..... ACCESS TO NURSERIES, PLANTATION TO PICNICS MY DAUGHTER USED TO GO TO SCHOOL THAT WAY .....
13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.  
RECENTLY SIGNS HAVE BEEN CREATED SAYING NO TRESPASSING
- .....
14. Name of Owner(s) or Tenant(s), if known:..... ELLEN CORINA SALTON .....
- TIRTWYN FARM, TREDOMEN CF82 7BR
- .....
15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: ~~Yes~~/No\*



16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

YES ON FOOT -

17. Have you always followed the same route. If not when was it changed and if known by whom:

NO THERE IS ANOTHER ROUTE FURTHER INTO THE WOOD BUT THIS IS BEING QUICKLY ERODED BY THE OWNER.

18. Did you ever seek or get permission to use the route. If so from whom:

NO - SINCE I WAS A CHILD IT HAS ALWAYS BEEN ACCEPTED THAT CHILDREN PLAY IN THE WOODS & USE THE PATH TO GO TO OTHER RECREATIONAL AREAS

19. Have you, or to your knowledge has anyone, been stopped or turned back:

ONLY RECENTLY, OTHER PEOPLE HAVE BEEN STOPPED BUT I HAVEN'T

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

NO

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

I HAVE USED IT AS ACCESS TO NURSERIES (WOODFIELD) AND TO ALL MY LIFE I HAVE GONE THAT WAY TO THE PARK IN ISRAEL MOUNTAIN.

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

NOT KNOWN

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

NOT KNOWN; ALTHOUGH THERE IS A FENCE AND DITCH  
AT THE TOP END OF THE WOOD THERE USED TO BE FENCE AT BOTTOM  
OF THE WOOD, BUT THIS ERODED WHEN I WAS A CHILD.  
Any further information THIS PATH GOES THROUGH A BEAUTIFUL WOOD.  
THE OWNERS HAVE ALREADY STARTING CUTTING DOWN ALL THE  
TREES AND THE OTHER PATH HAS BECOME INSURPASSABLE TO  
STOP THE PUBLIC USING THE PATH WILL ALLOW THE WHOLE WOOD TO  
BE CUT DOWN. THERE ARE BATS IN THIS WOOD

DATE: 21/2/05

SIGNATURE OF USER MAKING STATEMENT S.M. Smith

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT) [Signature]  
(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2)

CAERPHILLY COUNTY BOROUGH COUNCIL

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside  
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Regulations 1993

PUBLIC RIGHTS OF WAY EVIDENCE FORM COMPLETED BY:

- Name: TERENCE William DAVIES
4. Name or route of path: ROUTE VIA COED Y Twyn Tredomen Shown Dotted RED LINE ON PLAN ATTACHED.
5. National Grid References (ends of path): ST 13769434 and ST 13979410.
6. Type of path: Footpath\* / ~~Bridleway\*~~ / ~~Byway open to all traffic\*~~.
7. Do you regard the path as public (SEE NOTE 2): Yes/No
8. Is the path well defined: Yes/No
9. How long have you known the path: 31 years.
10. Over what period have you used the path on foot, horseback, or motor vehicle, (state which).  
31 years on foot.
11. How often over the period have you used the path: Weekly.
12. For what purpose did you use the path: ACCESS TO ~~THE~~ LOWER YSTRAD.
13. Details of any stiles, handgates, field gates, bridges, notices, direction signs, warning signs, obstructions etc.  
NOTICES ERECTED SINCE Summer '04.
14. Name of Owner(s) or Tenant (s), if known: ELLEN CORINA SALTON.  
TIR Twyn Farm, Tredomen, CF8273R.
15. Have you ever been employed by, or a tenant of, the owner of the land affected by the path: Yes/~~No~~\*

16. Have you ever seen other people using the same route ie, Locals, strangers, Both. If so were they on foot, horseback in a vehicle

on many occasions people walking

17. Have you always followed the same route. If not when was it changed and if known by whom:

YES.

18. Did you ever seek or get permission to use the route. If so from whom:

NO.

19. Have you, or to your knowledge has anyone, been stopped or turned back:

NOT MYSELF BUT KNOW OF OTHER PEOPLE.

20. Were you ever told by any owner or occupier or by their employee that the route was not public:

NO.

21. Has your use of the route ever been in exercise of some private right, such as visiting someone who lived along the route, going to your own land or property, or delivering goods:

NO.

22. Is there to your knowledge evidence to support your claim eg, Enclosure Awards, Tithe Maps, Railway Maps:

NO.

23. Is the route or any part of it enclosed between boundaries, ie hedges, fences, ditches, walls:

..... No .....

Any further information.....

DATE: 21.2.05.....

SIGNATURE OF USER MAKING STATEMENT..... *Tom Jones*.....

SIGNATURE OF PERSON TAKING STATEMENT (ie CLAIMANT)..... *JM*.....  
(FOR USE ONLY WITH A GROUP CLAIM - SEE NOTE ON FORM W.C.A.2).

## LIST OF CONSULTEES

Mr. Mike Headington, Green Spaces and Transport Services Manager  
Mr. Rob Tranter, Monitoring Officer  
Mr. Richard Crane, Senior Solicitor  
Mr. Stefan Denbury, Countryside and Rights of Way Assistant

## Natural Resources Wales:

[rhymney&ebbw@cyfoethnaturiolcymru.gov.uk](mailto:rhymney&ebbw@cyfoethnaturiolcymru.gov.uk)

[jacob.birch@cyfoethnaturiolcymru.gov.uk](mailto:jacob.birch@cyfoethnaturiolcymru.gov.uk)

Open Spaces Society: Ms Margaret Thomas

The Ramblers Association: Ms Liz Holland

Wales and West Utilities: Wales and West Utilities House, Spooner Close, Celtic Springs,  
Coedkernew, Newport, NP10 8FZ

Western Power Distribution: Map Response Team, Mapping Centre, Lamby Way, Rumney, Cardiff,  
CF3 2EQ

British Telecom: Incoming Notice Reception (South Wales), P.P.404B Telecom House, Trinity House,  
Hanley, ST1 5ND

Dwr Cymru Welsh Water: Legal Dept, Pentwyn Road, Nelson, Treharris, CF47 6LY

British Horse Society: The Access & Rights of Way Team, The British Horse Society,  
Abbey Park, Stareton, Kenilworth, Warwickshire, CV8 2XZ.

Byways and Bridleways Trust: Byways and Bridleways Trust, The Granary, Charlcutt, Calne,  
Wiltshire, SN11 9HL

Councillor Alan Angel

Councillor Martyn James

## Landowners:

Mrs E. Salton

Mr and Mrs Organ

## Applicant:

Mrs S. Smith

**From:** Elizabeth Holland  
**Sent:** 05 November 2018 16:12  
**To:** Denbury, Stefan  
**Subject:** definitive map modification order

Hello Stefan, I was forwarded your email re the above on 26<sup>th</sup> Oct. I'm sorry I haven't replied to you earlier. As RoW officer for and on behalf of Islwyn Ramblers, the Chairperson and myself have no objection the this modification order.

Elizabeth Holland (Islwyn Ramblers)

Maggie Thomas  
15, Carlton Terrace  
Crosskeys  
Newport  
NP11 7BU  
Tel: 01495273057



**TEL** 01491 573535  
**EMAIL** [hq@oss.org.uk](mailto:hq@oss.org.uk)  
**WEB** [www.oss.org.uk](http://www.oss.org.uk)

Email: [xkeysmaggie@gmail.com](mailto:xkeysmaggie@gmail.com)

**Your ref: CROW194/DMMO/2018**

31/10/18

Dear Mr. Denbury,

The Open Spaces Society does not oppose the application to add a path to the definitive map and statement in the community of Caerphilly

I would like to comment that although the route was described using points A, B & C, there were no letters A, B & C on the map.

Your sincerely,

Maggie Thomas

( correspondent for the Open Spaces Society for Caerphilly County Borough)



**The Open Spaces Society 25a Bell Street Henley-on-Thames RG9 2BA**



Charity no 1144840 Registered in England and Wales, limited company no 7846516



**Our Reference Number** : 8150093281  
**Your Reference Number** : CROW194/DMMO/2018



Wales & West House  
Spooner Close  
Celtic Springs  
Coedkernew  
Newport NP10 8FZ

[www.wwutilities.co.uk](http://www.wwutilities.co.uk)

**FAO:**

Stefan Denbury  
Pontllanfraith House  
Blackwood Road  
Pontllanfraith  
Blackwood  
Gwent  
NP12 2YW

**Date** : 13.11.2018  
**Network Contact** : Ellie Sims  
**Telephone** : 02920 278 912  
**Fax** : 0845 072 0852

**Dear** Stefan Denbury

**Re: Exchange of Information**

Wales & West Utilities acknowledge receipt of your notice received on **13.11.2018**, advising us of your intention to carry out work at:

**Birchwood, Park Lane, Ystrad Mynach, HENGOED, Mid Glamorgan, CF82 7BX**

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales & West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty, the accuracy thereof cannot be guaranteed, service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales and West Utilities, its agents or servants for any error or omission.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus.

If you have requested a new connection or diversion of our apparatus, information will be sent under a separate letter.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

If you have any queries please contact **Ellie Sims** on **02920 278 912** who will be happy to assist you.

Any information you provide as part of this application process for our services will only be used in accordance with our privacy notice statement which can be found on our website [www.wwutilities.co.uk](http://www.wwutilities.co.uk). Alternatively a paper copy can be provided to you on your request by contacting our Data protection Officer at [DataProtection@wwutilities.co.uk](mailto:DataProtection@wwutilities.co.uk)

**24 hour gas escape number**  
**Rhif 24 awr os bydd nwy yn gollwng**

**0800 111 999\***

\*calls will be recorded and may be monitored  
caiff galwadau eu recordio a gellir eu monitro



BSL210

**Wales & West Utilities Limited**

Registered Office:

Wales & West House, Spooner Close, Coedkernew, Newport NP10 8FZ  
Registered in England and Wales: No. 5046791

**24 hour gas escape number**  
**Rhif 24 awr os bydd nwy yn gollwng**

**0800 111 999\***

\*calls will be recorded and may be monitored  
caiff galwadau eu recordio a gellir eu monitro



**BSL210**

**Wales & West Utilities Limited**

Registered Office:

Wales & West House, Spooner Close, Coedkernew, Newport NP10 8FZ

Registered in England and Wales: No. 5046791

## GENERAL CONDITIONS TO BE OBSERVED FOR THE PROTECTION OF APPARATUS AND THE PREVENTION OF DISRUPTION TO GAS SUPPLIES.

General conditions affecting the design, construction or maintenance of services and/or structures or other works in the vicinity of Wales & West Utilities (WWU) plant, pipelines and associated installations:

These general conditions apply only to the gas apparatus and pipes operated by WWU. It is possible that there may be other gas transporters with apparatus in the vicinity; therefore you should ensure that you have made enquiries of them and have complied with their requirements.

### 1. GRAPHIC REPRESENTATION OF GAS MAINS

Any plans supplied or marked up by WWU will indicate the **APPROXIMATE** location of its apparatus. This information is provided as a general guide only; its accuracy cannot be guaranteed and is given without obligation or warranty. Service pipes are not shown but their presence should be anticipated. No liability whatsoever is accepted by WWU, its agents or servants for any error, omission, discrepancy or deviation. Plans on site should be current, i.e. no older than 28 days from the date of issue. Gas pipes owned by other Gas Transporters, or otherwise privately owned, may be present in this area (pink areas indicated on our plans). Information with regard to such pipes should be obtained from the relevant owners.

Should you require assistance on site locating WWU apparatus, please contact our Plant Protection Team on **02920 278912**.

### 2. METHODS OF WORKING

The following methods of work shall not normally be permitted within the limits of distance indicated (relative to the established pipe position). Any variances must have consent from WWU before works commence on site:

|                                 |                                       |                             |             |
|---------------------------------|---------------------------------------|-----------------------------|-------------|
| Mechanical Excavation           | <b>3m (1m for low pressure mains)</b> | Hydraulic Testing           | <b>8 m</b>  |
| Piling / Pile removing / Boring | <b>15m</b>                            | Welding or other hot works* | <b>15m</b>  |
| Directional Drill Operations    | <b>15m</b>                            | Explosives                  | <b>250m</b> |

\* NOTE: Welding or other hot works involving naked flames shall be carried out at a safe distance to the satisfaction of a WWU Engineer. A check should be made prior to the commencement of works, to ensure a gas free atmosphere exists. It is also necessary to monitor the atmosphere at regular intervals for the duration of the works. In no case shall such activities take place in any Wales & West Utilities Easement without the written consent and in the presence of a WWU representative.

WWU must be consulted prior to carrying out any excavation work within **10m** of any above or below ground gas installations or pipeline. No excavation works may commence within **50m** of a High Pressure or Very High Pressure Pipeline unless the pipeline has been located by tracing and its precise route identified.

In addition to the above methods of working, WWU must be contacted prior to any External Wall Installation (EWI) schemes, proposed solar farms and wind turbine installations.

No work shall be undertaken near, nor heavy plant or equipment moved over, any gas pipeline or apparatus until all of the conditions specified by WWU have been complied with.

Where WWU have apparatus in the vicinity of your work, any damage to it could have serious consequences. In view of this and in the interests of safety, a meeting should be arranged before the commencement of work on site between WWU representatives, representatives of the promoting authority, the contractors and any other interested parties. At this meeting the suggested program of site works and plant safety should be discussed. It is essential that this meeting is convened well in advance of commencement on site. Access to WWU plant and facilities for inspection by WWU staff must not be affected. Where formal consent has been given, **A MINIMUM OF SEVEN DAYS NOTICE IS REQUIRED** before carrying out work in WWU easements, or the appropriate notice under the New Roads & Street Works Act (NRSWA) where existing plant is situated within the public highway.

Further guidance can also be sought from the document **HS(G)47 - Avoiding Danger from Underground Services** from the HSE website.

### 3. PROXIMITY OF OTHER PLANT

A minimum clearance of **600 millimetres (mm)** should be allowed between all plant being installed and an existing gas main operating above 2 bar medium pressure (MP), whether the adjacent plant is parallel to or crossing the gas pipe. For mains operating at MP or below, this distance can be reduced to 300mm. **NO APPARATUS SHOULD BE LAID OVER AND ALONG THE LINE OF A GAS PIPE, IRRESPECTIVE OF CLEARANCE.**

No manhole or chamber shall be built over or around a gas pipe and no work should be carried out which results in a reduction of cover or protection over a pipe without consultation with and the agreement of WWU staff.

**24 hour gas escape number**  
**Rhif 24 awr os bydd nwy yn gollwng**

**0800 111 999\***

\*calls will be recorded and may be monitored  
caiff galwadau eu recordio a gellir eu monitro



BSL210

**Wales & West Utilities Limited**

Registered Office:

Wales & West House, Spooner Close, Coedkernew, Newport NP10 8FZ

Registered in England and Wales: No. 5046791



#### 4. PROTECTION

Where any works cross or run in close proximity to WWU apparatus, periodic visits must be made by a WWU engineer. His requests for protection or support to the apparatus shall be immediately observed.

Suitably designed crossing points are to be constructed to the satisfaction of a WWU Engineer. These crossing points shall be clearly indicated by the erection of bunting and crossings at other places should be prevented.

Backfill material adjacent to WWU apparatus shall be soft fill or sand, containing no stones, bricks, or lumps of concrete etc., placed to a minimum 150mm around the mains and is to be well compacted by hand. No power consolidation shall take place above the main until 300mm of soft fill has been compacted by hand.

#### 5. DAMAGE TO COATINGS

Where a gas pipe is coated with special wrapping and this is damaged, even to a minor extent, WWU must be notified so that repairs can be made to prevent future corrosion and subsequent leakage. **WHERE MINOR DAMAGE TO COATING IS REPORTED TO WWU PRIOR TO BACKFILL, THE NECESSARY REPAIR WILL BE MADE FREE OF CHARGE.**

#### 6. CATHODIC PROTECTION

Where WWU apparatus is cathodically protected either by sacrificial anode or impressed current systems and where new apparatus is to be laid and is to be similarly protected, WWU will require to carry out interaction tests to determine whether its own system is adversely affected. The cost of any mutually agreed remedial action will be recharged to the authority installing the new apparatus. If any bond wires, test leads etc., used in connection with cathodic protection systems are damaged or found to be in poor condition, broken or disconnected, WWU must be notified prior to backfilling so that a repair can be made.

#### 7. HOT WORKS

Even when a gas free atmosphere exists care must be taken when carrying out hot works in close proximity to gas plant in order to ensure that no damage occurs. Particular care must be taken to avoid damage by heat or naked flames to plastic gas pipes or to the protective coatings on other pipes.

#### 8. DEMOLITION

Live gas services must be disconnected **PRIOR** to demolishing any property, arrangements must be made for WWU to check for the presence of any live gas services.

#### 9. TREE PLANTING

WWU must be contacted prior to all tree-planting works above or near our apparatus. Further information can then be made available.

#### 10. DEEP EXCAVATIONS

Any work involving deep excavations (1.5m or more) will be subject to the "Model Consultative Procedure for Pipeline Construction involving Deep Excavations". This may require the diversion of WWU apparatus prior to the commencement of your works. Detailed plans and cross sections will be required in order to determine the effect of these works on WWU apparatus.

#### 11. RENEWABLE ENERGY INSTALLATIONS

Wind Turbines - WWU must be advised of any planned development of wind turbines in the vicinity of an above 2 bar gas pipelines to ensure the development does not impact on the future safe operation of the pipeline. Industry guidance states that any wind turbine must be sited no closer than 1.5 times the proposed height of the turbine mast away from the nearest edge of the pipeline.

Solar Farms - WWU must be contacted regarding planned solar farms being considered in the vicinity of WWU gas pipelines.

EWI - WWU must be contacted regarding any EWI scheme to ensure the scheme does not impact upon WWU's apparatus.

#### 12. LEAKAGE FROM GAS MAINS OR SERVICES

If damage or leakage is caused or an escape of gas is smelt or suspected the following action should be taken at once:

- Remove all personnel from the immediate vicinity of the escape.
- Inform the 24hr Gas Emergency Service on **0800 111 999**
- Prevent any approach by the public, prohibit smoking, and extinguish all naked flames or other sources of ignition for at least 15 metres from the leakage. Do not operate any electrical switches in the vicinity of the escape.
- Assist gas personnel, Police and/or Fire Services as requested.

**IN THE EVENT OF A LEAK, OBSERVE THE ABOVE BUT DO NOT ATTEMPT TO SEAL THE LEAK  
REMEMBER - IF IN DOUBT; SEEK ADVICE FROM WWU**

**24 hour gas escape number  
Rhif 24 awr os bydd nwy yn gollwng**

**0800 111 999\***

\*calls will be recorded and may be monitored  
caiff galwadau eu recordio a gellir eu monitro



BSL210

**Wales & West Utilities Limited**

Registered Office:

Wales & West House, Spooner Close, Coedkernew, Newport NP10 8FZ  
Registered in England and Wales: No. 5046791

### 13. BUILDING PROXIMITIES

There are minimum proximity distances for buildings from WWU mains depending on both the operating pressure and the material of the main. Advice should be sought from WWU prior to building works taking place to confirm these distances. For High Pressure pipelines you must seek further guidance from the HSE and Local Authority Planning team regarding their PADHI distances regarding building proximities as these may be in addition to WWU proximity distances for a pipeline.

Temporary buildings should not be placed above any gas pipe or within 3.0 metres of mains operating above 75mbar (medium, intermediate and high pressure mains) during construction activities and in no circumstances should permanent structures be built over any pipe transporting gas.

### 14. SITE RESPONSIBILITIES

All costs incurred by WWU for the repair of direct or consequential damage to gas plant will be rechargeable (with the exception of paragraph 5). WWU reserves the right to divert any affected apparatus or alternatively specify suitable protection of its apparatus. If proved necessary during the course of site works, the cost of which will be chargeable.

The above requirements do not relieve you of the responsibility of taking all precautions necessary to safeguard the Company's plant and to avoid risk to persons and property. The persons for whom the works are being undertaken, their servants, agents and contractors shall indemnify WWU servants, agents and contractors against any loss, damage, expenses, claims and actions incurred or brought against Wales & West Utilities, its servants, agents and contractors in consequence of the provision of these works and activities associated therewith or ancillary thereto.

#### KEY TO MAPS

|           |                       |           |              |
|-----------|-----------------------|-----------|--------------|
| <b>LP</b> | Low Pressure          | <b>CI</b> | Cast Iron    |
| <b>MP</b> | Medium Pressure       | <b>SI</b> | Spun Iron    |
| <b>IP</b> | Intermediate Pressure | <b>DI</b> | Ductile Iron |
| <b>HP</b> | High Pressure         | <b>PE</b> | Polyethylene |
|           |                       | <b>ST</b> | Steel        |

**24 hour gas escape number**  
Rhif 24 awr os bydd nwy yn gollwng

**0800 111 999\***

\*calls will be recorded and may be monitored  
caiff galwadau eu recordio a gellir eu monitro

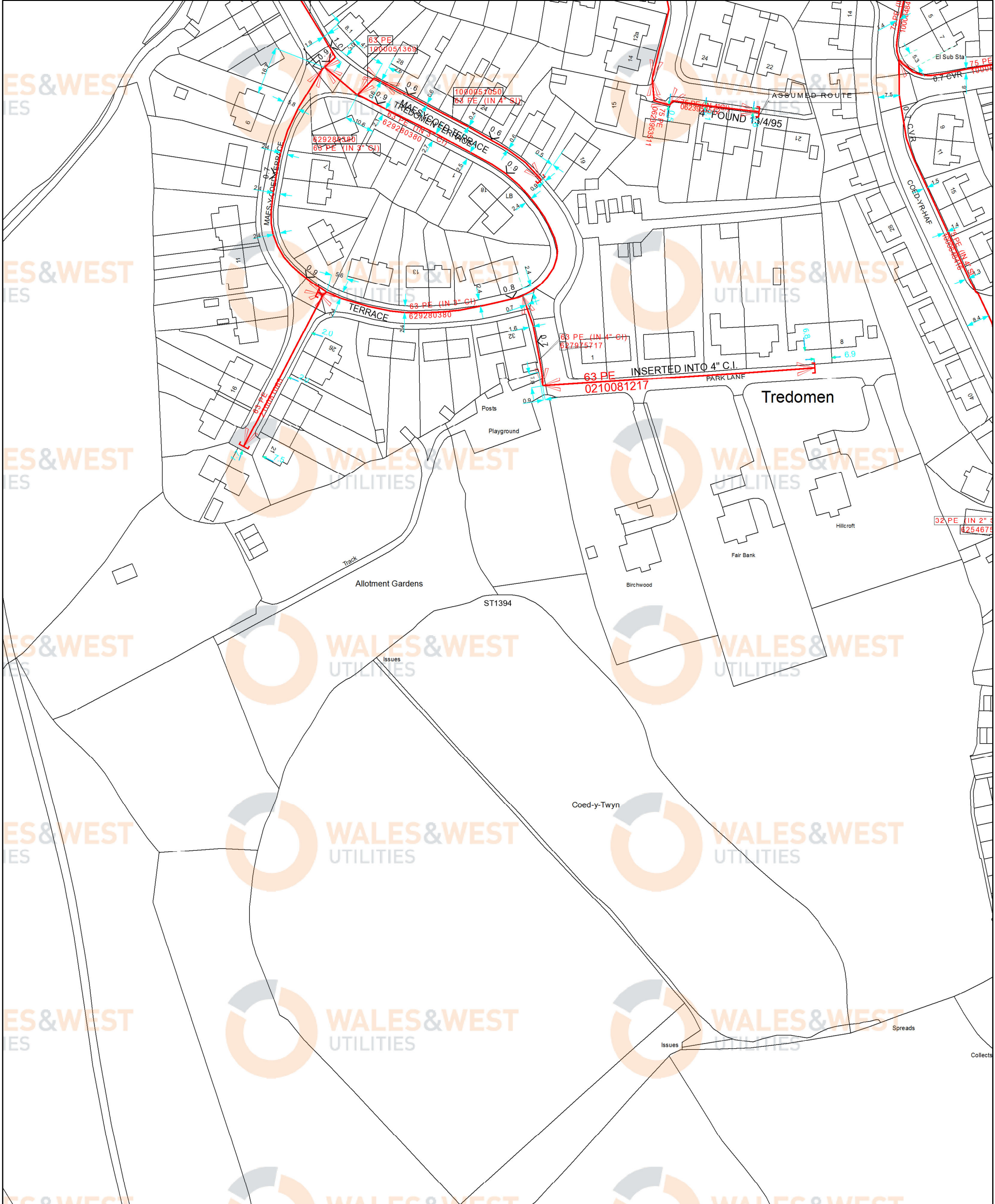


BSL210

#### **Wales & West Utilities Limited**

Registered Office:  
Wales & West House, Spooner Close, Coedkernew, Newport NP10 8FZ  
Registered in England and Wales: No. 5046791






|           |                                     |
|-----------|-------------------------------------|
| Scale     | 1 : 1250@A3                         |
| User ID   | Ellie.Sims                          |
| Date      | 13/11/2018                          |
| Grid Ref: | Easting: 313782<br>Northing: 194276 |

**TITLE :**

The plan shows those pipes owned by Wales & West Utilities (WU) in its role as a Licensed Gas Transporter (GT). The information shown on this plan is derived from historic information and may have involved re-scaling plans, and the accuracy of it cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc. may not be shown but their presence should be anticipated. No warranties are therefore given in respect of it. WU its employees and contractors do not accept any liability for any inaccuracy or incompleteness in it.

You must use safe digging practices, in accordance with HS(G)47, to establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you or near gas apparatus. The information shown on this plan should not be used beyond 28 days from the date of issue of this plan as it is subject to updating.

The plan also provides indications of gas pipes owned by other GTs, or otherwise privately owned, which may be present in this area. This information is not information of WU and WU is unable to verify this information or to confirm whether it is accurate or complete. It is supplied voluntarily to assist the user in determining whether to make contact with other GTs or others. The user must obtain such information from the other GT or person concerned. WU, its employees and contractors do not accept any liability for this information or any inaccuracy or incompleteness in it.



**WALES & WEST UTILITIES**

Wales and West Utilities Ltd., Wales and West House, Spooner Close, Celtic Springs, Coedkernew, Newport, NP10 8FZ

**NRSWA Response**

|  |                       |
|--|-----------------------|
|  | Low Pressure          |
|  | Medium Pressure       |
|  | Intermediate Pressure |
|  | High Pressure         |
|  | IGT/Other Polygon     |
|  | Contact Zones         |
|  | NTS Pipeline          |

0 25 50 Meters

**Page 88**

Some examples of Plant Items:

|       |                |        |                 |                 |
|-------|----------------|--------|-----------------|-----------------|
| Valve | Depth of Cover | Syphon | Diameter Change | Material Change |
|-------|----------------|--------|-----------------|-----------------|

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## ROLE OF COMMITTEE AND TERMS OF PUBLIC RIGHTS OF WAY

- 1) The term "public rights of way" is used to mean paths, tracks and unmetalled roads over which the public have the right to walk and in some cases ride horses and possibly drive motor vehicles.

These may be classified as follows:-

A **footpath** over which the right of way is on foot only.

A **bridleway** over which there is a right of way on foot and on horseback or leading a horse, and also for the use of a pedal cycle.

A **byway open to all traffic** over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are so used.

- 2) The Wildlife and Countryside Act 1981 places a duty on the County Borough Council to keep the existing definitive map under continuous review, make Modification Orders as necessary to take account of the occurrence of events requiring the map to be modified and to prepare definitive maps for any part of the area not previously surveyed.
- 3) The definitive map and statement will be modified by means of Orders made by the surveying authority i.e. the County Borough Council. The Wildlife and Countryside Act enables any person to apply to the surveying authority for an order to amend the definitive map.
- 4) The procedure for making such an application is detailed in Schedule 14 of the Wildlife and Countryside Act. The application before you complies with these requirements.
- 5) When determining the application members will be acting in a quasi-judicial capacity. Before making an order, members must be satisfied that the evidence shows, **on the balance of probabilities**, that a right of way of a particular description exists. Each application must be dealt with on its own merits, noting the interests of both the applicants and the landowners.
- 6) This application is concerned with rights that are alleged to exist and not as to whether it would be prudent or beneficial to create them. The suitability of a way for users who have a right to use it, for example the nuisance that they are alleged to cause are not factors that should be

considered by the Committee. **Members are also required to view the route of the proposed right of way in question.**

- 7) When considering the evidence that follows, members must be aware of the provisions of Section 31 of the Highways Act 1980 thus enabling members to determine whether there is sufficient weight of evidence to make an order.

Section 31 of the Highways Act states:-

*"where a way over any land other than a way of such a character that use of it by the public could not be given rise at common law to any presumption of dedication, has been actually enjoyed by the public as a right and without interruption for a full period of 20 years, the way is to be deemed to have been dedicated a highway unless there is sufficient evidence that there was no intention during that period to dedicate it."*

If in the case before you members are satisfied that the right of way has been used for a period in excess of 20 years, then there arises a presumption that the owner intended to dedicate the path as a right of way. It should be noted by members that the said 20 year period must be calculated retrospectively from the date when the way was first called into question.

- 8) If following the site visit the Committee decides to make an Order, then once this decision has been reached the County Borough Council has to give notice of its general effect. Following members' decision there is a right of appeal to the Welsh Minister. A period of at least 42 days from the date of first publication of the notice must be allowed for objections.

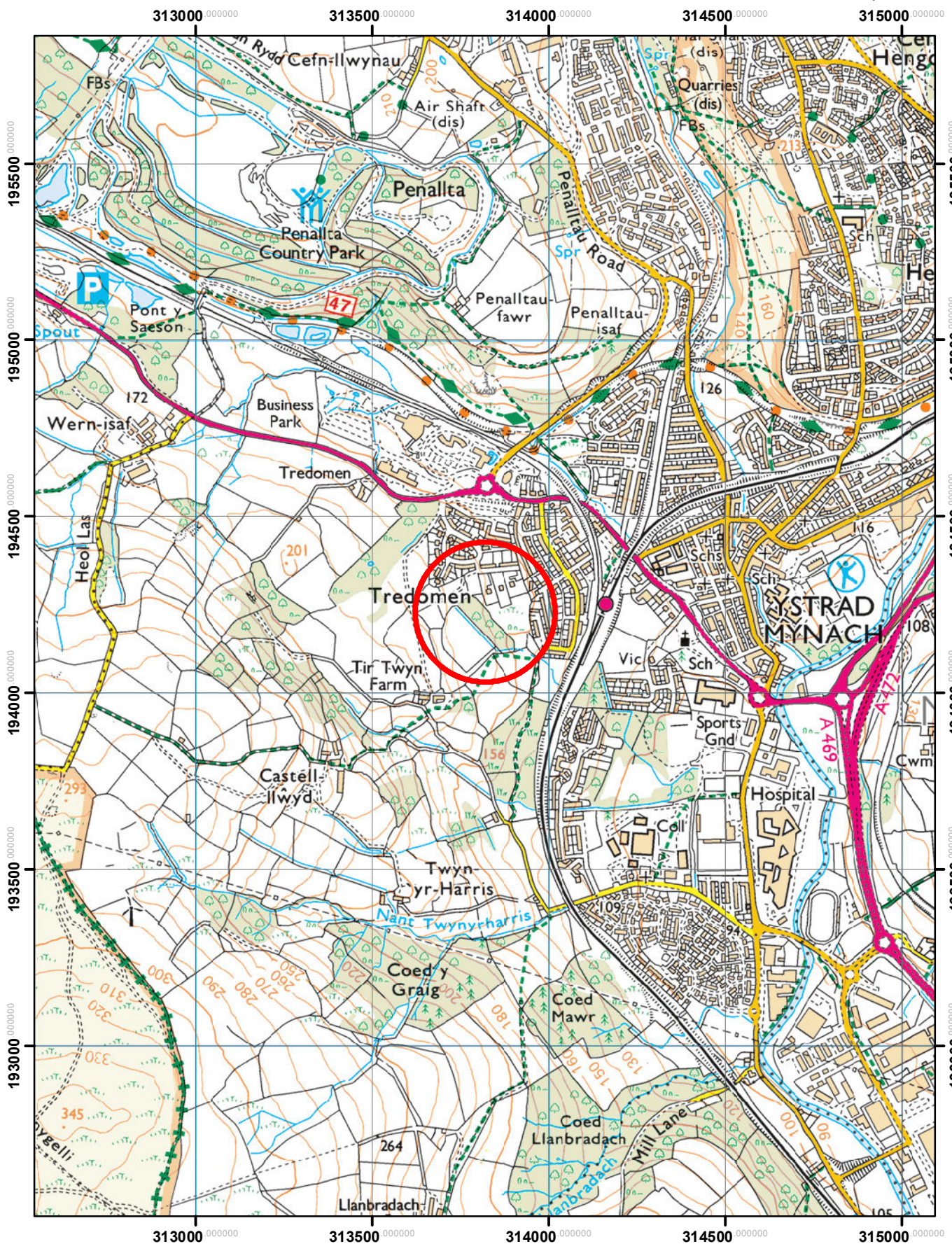
If there are any valid objections the County Borough Council has to refer the Order, together with the objections to the Welsh Ministers who will then arrange for the Order and the objections to be considered by an independent Inspector. If no valid objections are made within the objection period then the County Borough Council may confirm the order itself as an unopposed Order.



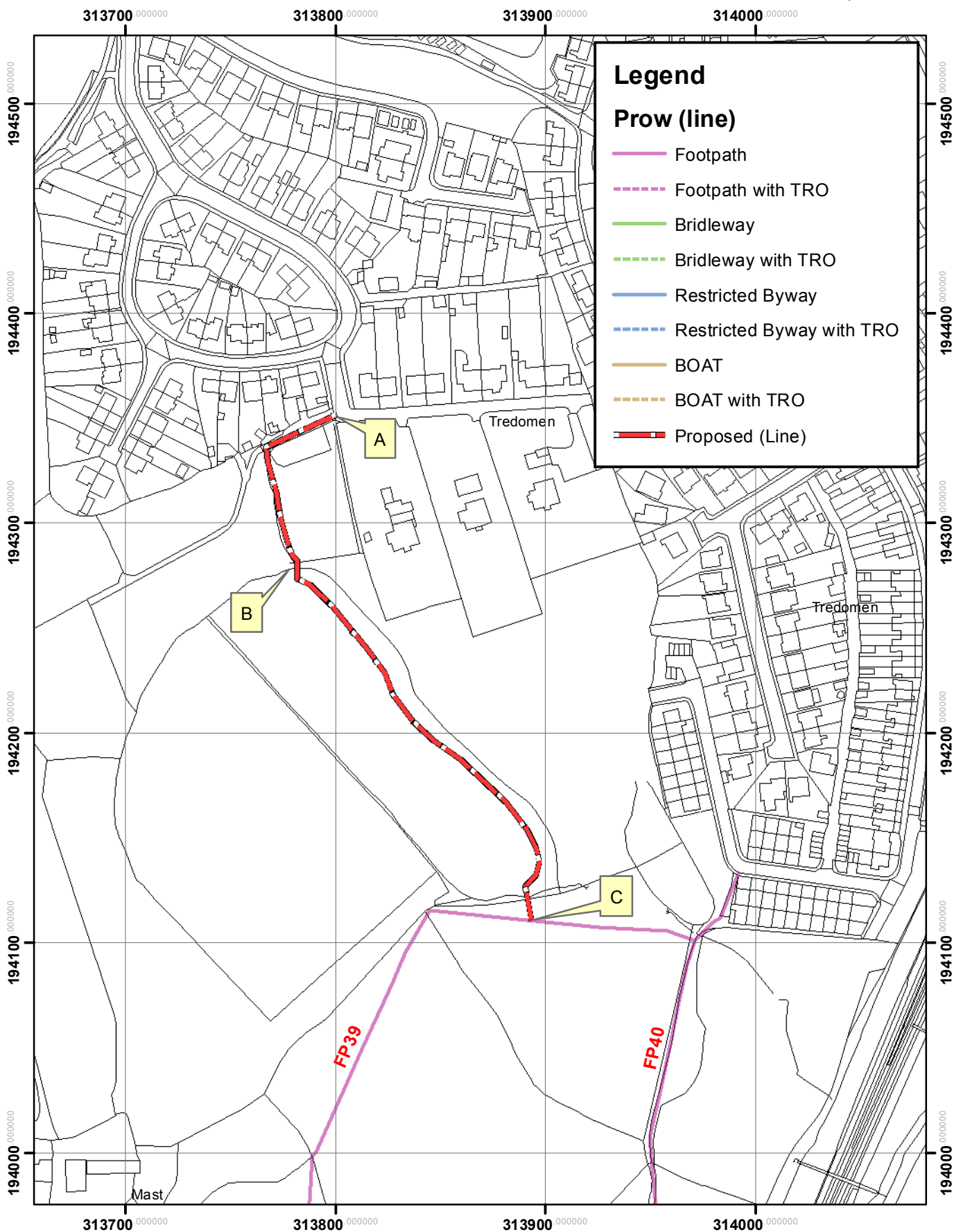
# Caerphilly County Borough Council CROW194 - Location

Document 2

1:15,000







CAERPHILLY COUNTY BOROUGH COUNCIL

FORM W.C.A.5

FORM OF APPLICATION FOR A MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside  
(Definitive Maps and Statements)  
Regulations 1993 (Schedule 7)

DEFINITIVE MAP AND STATEMENT

COUNTY BOROUGH OF CAERPHILLY

COMMUNITY OF: TREDOMEN

I/We (name of applicant) JUDITH LEWIS  
of (address of applicant) 24 TREDOMEN TERRACE, CAERPHILLY

Telephone N° (Home) 01443 812322 (Business) 01685 721756

hereby apply for an Order under Section 53 (2) of the Wildlife and Countryside Act 1981 modifying the Definitive Map and Statement for the area by:-

1. \*Deleting the \*(footpath) \*(bridleway) \*(byway open to all traffic)  
shown as N° .....  
leading from .....  
to .....

OR

2. \* Adding the \*(footpath) \*(bridleway) \*(byway open to all traffic)  
shown as N° ST 137.69434 - ST 13979610  
leading from PLAY AREA TREDOMEN  
to Public Right of Way Design Core Brynmyr

3. ~~\*\* (Upgrading) \* (Downgrading) to a \* (footpath) \* (bridleway) \* (byway open to all traffic) the \* (footpath) \* (bridleway) \* (byway open to all traffic)~~

shown as N° As 2.

leading from.....

to.....

OR

4. ~~\*\* (Varying) \* (Adding) to the statement particulars relating to the \* (footpath) \* (bridleway) \* (byway open to all traffic)~~

shown as N°.....

leading from.....

to.....

(Please state below the modification required)

.....  
.....  
.....  
.....

I/We attach a map and copies of the following documentary evidence (including statements of witnesses) in support of this application:-

**List of Documents provided:-**

21  
20 completed WCA BA Forms.

O.S. Map

Signature attendance list of Local Public Meeting (33)

Dated 21 Feb 2005

Signed [Signature]

\* Please delete as appropriate

**FOR OFFICIAL USE ONLY:**

Application N° .....  
Date of Receipt.....  
Date Acknowledged.....

Path N° .....  
Ref.....

**Completed Forms to be returned to:-**

David Williams, B.Sc, M.Sc, Dip T.E.,  
C.Dip.A.F., C.Eng., F.I.C.E.  
Chief Engineer,  
Engineering Division HQ,  
Caerphilly County Borough Council,  
Council Offices,  
Pontllanfraith,  
Blackwood. NP2 2YW

## CAERPHILLY COUNTY BOROUGH COUNCIL

FORM W.C.A.7

FORM OF CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION FOR A  
MODIFICATION ORDERWILDLIFE AND COUNTRYSIDE ACT 1981The Wildlife and Countryside  
(Definitive Maps and Statements)  
Regulations 1993 (Schedule 9)

## DEFINITIVE MAP AND STATEMENT

## CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION FOR MODIFICATION ORDER

BOROUGH/DISTRICT OF Caerphilly County Borough CouncilCOMMUNITY TredomenI/We (name of applicant) Judith LewisOf (address of applicant) 24 - Tredomen Ter, Ystrad MeurigTelephone N° (Home) 01493 812322 (Business) 01685 721758

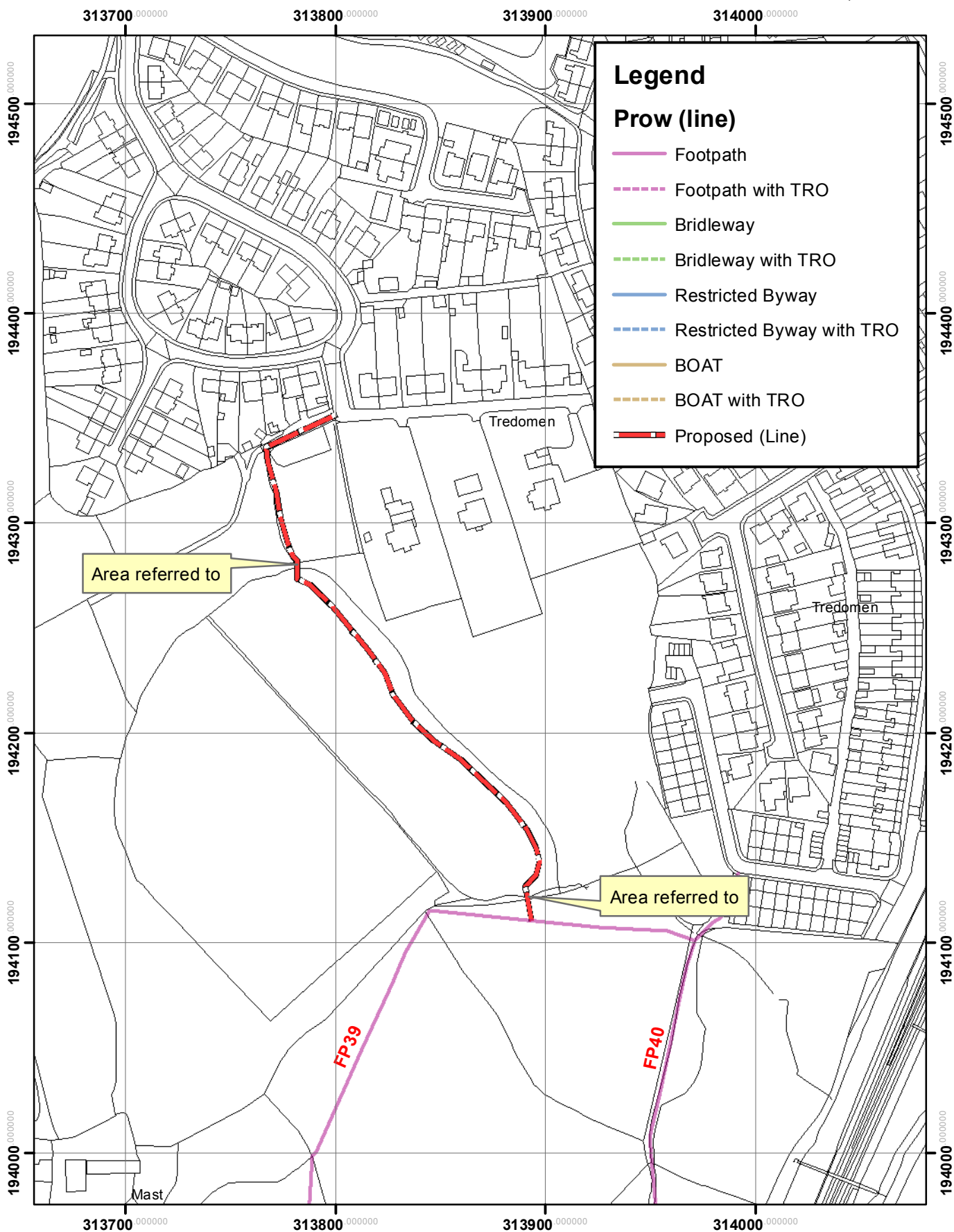
hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with. (Paragraph is printed on the reverse of this form).

Details of Modification Recognition of right of way connecting  
Tredomen Play area via Coed-y-twyn wood to  
Public Right of Way @ Darn Cere, Brynmyr.

List of Owners and Occupiers Notified:-

ELLEN CORINA SAULTON  
Caerphilly C.B.C.Dated 4 March 2005Signed Juan**Completed Forms to be returned to:-**David Williams, B.Sc, M.Sc, Dip T.E.,  
C.Dip.A.F., C.Eng., F.I.C.E.  
Chief Engineer,  
Engineering Division HQ,  
Caerphilly County Borough Council,  
Council Offices,  
Pontllanfraith,  
Blackwood NP23 2YW

|   |              |
|---|--------------|
| CAERPHILLY COUNTY BOROUGH COUNCIL<br>DIRECTORATE OF THE ENVIRONMENT |              |
| No  |              |
| DATE RECEIVED   | - 7 MAR 2005 |
| DATE ASSESSED   |              |
| REFERRED TO   | TPM/HWP      |
| FILE REF  |              |



# Marchant Harries

Solicitors

Document 7

BUTE CHAMBERS  
17-19 CARDIFF STREET  
ABERDARE  
CF44 7DP

~~17-19 CARDIFF STREET~~

Tel: (01685) 885500

Fax: (01685) 885517

email: peterwilliams@marchantharries.co.uk

OUR REF: PMW/JP/W142431

YOUR REF:

27 April 2017

Dear Sirs

Re: Claim Right of Way Number 194 Tredomen

We refer to our recent exchanges. We yesterday received a copy of a notice of application and enclose a copy for your information and consideration.

For the reasons outlined in previous correspondence, we consider that the original application is fatal, defective and that it would be an abuse of process to determine it at this remove. We also consider that the purported adoption of the application by Mrs Susan Smith is a nullity. We enclose a copy of the letter which we have today sent to Mrs Smith.

We have also seen the email sent to Ms Salton by Mr Richard Salt of your legal department. In our opinion, it traverses the issues particularly in relation to the time which has elapsed since the original application was made. In our view, the proper course of action is for a fresh application to be made and considered on the current merits. We shall be grateful if you will confirm that you do not intend to proceed with your investigation of the previous application.

If we do not receive that assurance we will have to consider with our clients whether we should apply for injunctive relief to restrain the Council from dealing with the matter over 12 years after it was submitted. For the Council now to consider the matter, would, we submit, be both unfair and "Wednesbury unreasonable". Kindly acknowledge receipt of this letter.

Yours faithfully

  
MARCHANT HARRIES

Ms June Piper  
Planning Division  
Caerphilly County Borough Council  
Tredomen House  
Tredomen Park  
Ystrad Mynach  
Hengoed  
CF82 7WF

Encs.

PARTNERS:-

PETER M WILLIAMS

KEITH BUTLER LL.B

JUDITH S MORRIS LL.B

*Family Law Panel*

SIMON D BIRD LL.B

*Personal Injury Panel*

REMY S BIRD LL.B

MICHAEL R THOMPSON LL.B

ASSOCIATES:-

STEFANO RABAIOTTI LL.B

ANGELA T. JONES LL.B

*Children Panel*

SUZANNAH WATKINS LL.B

*Children Panel*

KATE L. PHILLIPS LL.B

CONSULTANT:-

MAREDUDD DAVIES LL.B

LEGAL ASSISTANT:

HAYLEY LAVIS A. Inst L. Ex.

OFFICE ALSO AT:-

40/41 HIGH STREET

HIRWAUN

ABERDARE

CF44 9SW

TEL: (01685) 813655



OUR REF. PMW/JP/WI42431

YOUR REF.

27 April 2017

Dear Mrs Smith

Re: Application to Amend the Footpath Map

I confirm that we have today received in the post a copy of the attached application with supporting maps. We confirm that our clients own part of the land potentially affected by this application.

We consider that the notice which you have given is defective in a number of ways:-

1. You are self-evidently not the original applicant. There is no provision in the Act or the Regulations which allows for the substitution of one applicant for another.
2. The original application was, we understand, made in 2005. However, our clients were never served with it and it is apparent from the copy of the original application which we have seen that the original applicant did not attempt to serve our clients, nor did she apply for permission to affix notices to the property in lieu.
3. Under Paragraph 2 Schedule 14 Wildlife and Countryside Act 1981 the applicant is required to certify that the application has been served on every owner and occupier of any land to which the application relates. We have not seen any such certificate but, prior to yesterday, no such declaration could have been made.
4. Affected owners and occupiers are entitled to have details of the evidence on which the application is based so that they may make their views known to the local authority. We have not received copies of any of the supporting statements. Arguably, therefore, service is defective on this ground.
5. Given that this application was lodged in 2005 and is only now being made subject to determination, our clients are irretrievably prejudiced by being unable to investigate the state of affairs as it existed in 2005. It must be the case that the application falls to be determined by the state of affairs in existence at the time when the application was made. If it is intended to take account of matters or events since 2005, a fresh application needs to be made.
6. Although there is no express time limit for the Council to consider these applications it is self-evidently an abuse of process for the local authority to decide to determine the application 12 years after it was made.
7. Overall, we consider that the application was, and remains, defective and because of the lapse of time the defects are not capable of remedy.

1

PARTNERS:-

PETER M. WILLIAMS

KEITH BUTLER LL.B.

JUDITH S. MORRIS LL.B.

*Family Law Panel*

TIMON D. BIRD LL.B.

*Personal Injury Panel*

JEREMY S. BIRD LL.B.

MICHAEL R. THOMPSON LL.B.

ASSOCIATES:-

STEFANO RABAIOTTI LL.B.

ANGELA T. JONES LL.B.

*Children Panel*

SUZANNAH WATKINS LL.B.

*Children Panel*

KATE L. PHILLIPS LL.B.

CONSULTANT:-

MAREDUDD DAVIES LL.B.

LEGAL ASSISTANT:-

HAYLEY LAVIS A. Inst L Ex

OFFICE ALSO AT

40/41 HIGH STREET

HIRWAUN

ABERDARE

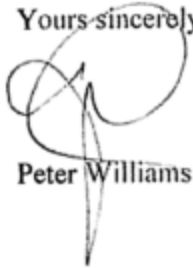
CF44 9SW

TEL: (01685) 813655

We have already informed the Council of our view of the matter and will be copying this letter to them. We will be considering with our clients whether an application for injunctive relief is appropriate in order to restrain the Council from making a determination and reserve the right to raise further issues in support of any such application.

For the avoidance of doubt, you may wish to consider withdrawing the application and, if you have the necessary supporting evidence, submitting a fresh application in your own name. If you are in any doubt about the position, we advise you to seek independent legal advice.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Peter Williams', written over the typed name.

Peter Williams

PARTNERS:-

PETER M WILLIAMS  
KEITH BUTLER LL B  
DITH S MORRIS LL B  
MON D BIRD LL B  
JEREMY S BIRD LL B

Mrs Susan Smith,  
9 Maesycod Terrace  
Tredomen  
YSTRAD MYNACH  
CF82 7BU

Enc.

PERMITTED  
PERMIT HOUSE  
26 APR 2017

CAERPHELLY COUNTY BOROUGH COUNCIL

FORM W.C.A.7

FORM OF CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION FOR A  
MODIFICATION ORDER

WILDLIFE AND COUNTRYSIDE ACT 1981

The Wildlife and Countryside  
(Definitive Maps and Statements)  
Regulations 1993 (Schedule 9)

DEFINITIVE MAP AND STATEMENT

CERTIFICATE OF SERVICE OF NOTICE OF APPLICATION FOR MODIFICATION ORDER

BOROUGH/DISTRICT OF Caerphilly County Borough Council

COMMUNITY .....

I/We <sup>newly nominated</sup> (name of applicant)..... SUSAN SMITH

Of (address of applicant)..... 9 MAESYCOED TERRACE, TREDOMEN

Telephone N° (Home) 01443 816068..... (Business).....

hereby certify that the requirements of paragraph 2 of Schedule 14 to the Wildlife and Countryside Act 1981 have been complied with. (Paragraph is printed on the reverse of this form).

Details of Modification..... Recognition of right of way connecting Tredomen Play area via Coed-y-twyn wood to Public Right of Way @ Down Close, Brynmorgan.

List of Owners and Occupiers Notified:-

ELLEN CORINA SUTTON, EDITH ANNE BRIGGS,  
MARY VICTORIA RANDLE, MR PETER MEREDITH WILLIAMS, CCBC.

Dated 21<sup>st</sup> APRIL ~~2016~~ 2017

Signed..... SM Smith

Completed Forms to be returned to:-

David Williams, B.Sc, M.Sc, Dip T.E.,  
C.Dip.A.F., C.Eng., F.I.C.E.  
Chief Engineer,  
Engineering Division HQ,  
Caerphilly County Borough Council,  
Council Offices,  
Pontllanfraith,  
Blackwood NP23 7YW

| Surname  | Name              | Title | Address   | No. years used path |
|----------|-------------------|-------|---|---------------------|
| Lewis    | Ian               | Mr.   | 24 Tredomen Terrace, Ystrad Mynach. CF82 7BW              | 30                  |
| Lewis    | Judith            | Mrs.  | 24 Tredomen Terrace, Ystrad Mynach. CF82 7BW              | 30                  |
| Jones    | Michael Leighton  | Mr.   | 3/4 Park Lane, Tredomen. CF82 7BX                         | 35                  |
| Newman   | Janice            | Mrs.  | 4 Tredomen Terrace, Ystrad Mynach. CF82 7BW               | 25                  |
| Davies   | Terrence William  | Mr.   | 5 Maesycoed Terrace, tredomen, ystrad Mynach              | 31                  |
| Cantwell | Mary              |       | Birchwood, Park Lane, Ystrad Mynach, Hengoed. CF82 7BX    | 33                  |
| James    | Elizabeth Ann     | Mrs.  | 28 Tredomen Terrace, Ystrad Mynach                        | 35                  |
| Williams | Lorraine Margaret | Mrs.  | 14 Tredomen terrace, Ynystrad Mynach, Hengoed. CF82 7BW   | 35                  |
| Williams | Rhys John         | Mr.   | 14 Tredomen terrace, Ynystrad Mynach, Hengoed. CF82 7BW   | 20                  |
| Long     | Rosemarie Grace   | Mrs.  | 19 Hillside Terrace, Tredomen, Ystrad Mynach CF82 7BT     | 40                  |
| Owen     | Barbara Anna      | Mrs.  | 7 Maesycoed Terrace, Ystrad Mynach. CF82 7BU              | 25                  |
| Thomas   | Mona Lilian       | Mrs.  | 23 Maes-y-Coed, Tredomen. CF82 7BU                        | 37                  |
| Gardner  | Clive James       | Mr.   | 7 Park Lane, Tredomen, Ystrad Mynach. CF82 7BX            | 33                  |
| Gardner  | Gillian Dorothy   | Mrs.  | 7 Park Lane, Tredomen, Ystrad Mynach. CF82 7BX            | 33                  |
| Jones    | Gillian Elizabeth | Mrs.  | 4 Park Lane, Ystrad Mynach. CF82 7BX                      | 24                  |
| Smith    | Douglas Ernest    | Mr.   | 9 Maesy-y-coed Terrace, Tredomen, Hengoed. CF82 7BU       | 20                  |
| Smith    | Susan Mary        | Mrs.  | 9 Maesy-y-coed Terrace, Tredomen, Hengoed. CF82 7BU       | 50                  |
| Price    | Alison            | Mrs.  | 27 Tredomen Terrace, Ystrad Mynach.                       | 38                  |
| James    | Mary              | Mrs.  | 11 Maes-y-Coed Terrace, Tredomen, Ystrad Mynach. CF82 7BU | 25                  |
| Hopkins  | Gillian Anne      | Mrs.  | 1 Maes-y-Coed, Tredomen, Ystrad Mynach.                   | 52                  |
| Elliott  | Brian             | Mr.   | 25 Maes-y-Coed, Tredomen, Ystrad Mynach. CF82 7BU         | 16                  |

| Surname  | Name              | Ttitle | Address   | Purpose of Use   | Frequency                |
|----------|-------------------|--------|---|--|--------------------------|
| Lewis    | Ian               | Mr.    | 24 Tredomen Terrace, Ystrad Mynach. CF82 7BW              | To get to work at College.   | Daily                    |
| Lewis    | Judith            | Mrs.   | 24 Tredomen Terrace, Ystrad Mynach. CF82 7BW              | Connect to PROW at Derwen Close  | Weekly                   |
| Jones    | Michael Leighton  | Mr.    | 3/4 Park Lane, Tredomen. CF82 7BX                         | Access to other PROWs  | Weekly                   |
| Newman   | Janice            | Mrs.   | 4 Tredomen Terrace, Ystrad Mynach. CF82 7BW               | Walking  | 2-3 times per week       |
| Davies   | Terrence William  | Mr.    | 5 Maesycoed Terrace, tredomen, ystrad Mynach              | Access to Lower Ystrad Mynach.   | Weekly                   |
| Cantwell | Mary              |        | Birchwood, Park Lane, Ystrad Mynach, Hengoed. CF82 7BX    | Recreation/walking   |                          |
| James    | Elizabeth Ann     | Mrs.   | 28 Tredeom Terrace, Ystrad Mynach                         | Access to Bryn Mynach and Nursery  | Occasionally             |
| Williams | Lorraine Margaret | Mrs.   | 14 Tredomen Terrace, Ynystrad Mynach, Hengoed. CF82 7BW   | Walking dog, access to Lower Ystrad Mynach.                                  | 2-3 times a week         |
| Williams | Rhys John         | Mr.    | 14 Tredomen Terrace, Ynystrad Mynach, Hengoed. CF82 7BW   | Walking dog, access to Lower Ystrad Mynach.                                  | 2-3 times a week         |
| Long     | Rosemarie Grace   | Mrs.   | 19 Hillside Terrace, Tredomen, Ystrad Mynach CF82 7BT     | Walking for pleasure, observing wild life and access to lower Ystrad Mynach. | Weekly                   |
| Owen     | Barbara Anna      | Mrs.   | 7 Maes-y-Coed Terrace, Ystrad Mynach. CF82 7BU            | Walkign with daughter and dog for pleasure.                                  | Twice a week             |
| Thomas   | Mona Lilian       | Mrs.   | 23 Maes-y-Coed, Tredomen. CF82 7BU                        | Walking dog and access to Ystrad Mynach via Bryn Mynach.                     | Occasionally             |
| Gardner  | Clive James       | Mr.    | 7 Park Lane, Tredomen, Ystrad Mynach. CF82 7BX            | Walking  | 3-4 times a month        |
| Gardner  | Gillian Dorothy   | Mrs.   | 7 Park Lane, Tredomen, Ystrad Mynach. CF82 7BX            | Access to Bryn Mynach and general countryside walking.                       | 2-3 times a week         |
| Jones    | Gillian Elizabeth | Mrs.   | 4 Park Lane, Ystrad Mynach. CF82 7BX                      | Walking dog/access to other ROW  | Several times a week     |
| Smith    | Douglas Ernest    | Mr.    | 9 Maesy-y-coed Terrace, Tredomen, Hengoed. CF82 7BU       | Walkign the dog, access to plantation.                                       | At least once per month. |
| Smith    | Susan Mary        | Mrs.   | Tredomen, Hengoed. CF82 7BU                               | daughter used to go to school that way.                                      | Weekly sometimes daily   |
| Price    | Alison            | Mrs.   | 27 Tredomen Terrace, Ystrad Mynach.                       | Walking dog, access to Derwyn Close and plantation.                          | 2-3 times a week         |
| James    | Mary              | Mrs.   | 11 Maes-y-Coed Terrace, Tredomen, Ystrad Mynach. CF82 7BU | Walking with dog, access to lower Ystrad Mynach.                             | 2-3 times a week         |
| Hopkins  | Gillian Anne      | Mrs.   | 1 Maes-y-Coed, tredomen, Ystrad Mynach.                   | Walking for pleasure.  | periodically             |
| Elliott  | Brian             | Mr.    | 25 Maes-y-Coed, Tredomen, Ystrad Mynach. CF82 7BU         | Walking, access to countryside.  | on a regular basis       |

*Llangwm House*

24/2/2005

Velfrey Road,  
Whitland,  
Pembrokeshire  
SA34 0RB

Tel: (01994) 241198

TO WHOM IT MAY CONCERN,

My husband and I are the previous owners of Tir Twyn farm Tredoman, Ystrad Mynach. We would like it to be known that **many** people used the wood at the bottom of the farm for walking, playing and other such leisure activities. They did so for the ten years we owned the farm and had done so for many years before to our knowledge. That area of the farm had no secure fencing for as far back as we remember and had always, with our full agreement, been used for such activities, while in our ownership. We moved three and a half years ago but if this information is of any help to clarify anything, then it is gladly given.

Your faithfully

*Mrs C Miles*

*J Piper*

|   |                           |
|---|---------------------------|
| CAERPHILLY COUNTY BOROUGH COUNCIL<br>DIRECTORATE OF THE ENVIRONMENT |                           |
| No.   | <i>SR 173989</i>          |
| DATE RECEIVED   | <i>- 7 MAR 2005</i>       |
| DATE INDEXED  | <i>✓ updated 21/04/05</i> |
| REFERENCED  | <i>TAM/HWP</i>            |
| FILE REF.   |                           |

Name: Ms SmithInterview Date: 1-3-17**CLAIM 194****Interview Questions to be Asked Alongside Evidence Forms**

| Questions to be asked alongside Evidence form   |  |
|---|--|
| Why do you regard this path to be public?   |  |
|   | Always used it to walk over Plantation, Nursery. Father was little planted it with trees   |
| How many years have you used this path?   | Parents 40 yrs<br>60 years to date visiting parents  |
| What is your primary purpose for using this path? E.g. to get from a-b, leisure purposes, to go to work, visit someone etc. |  |
|   | Daughter to Bynnyrnach to school<br>Go to Nursery, Park in Ystrad or when a child leisure purposes to enjoy countryside<br>Retic fields. Swings in the field |
| On what days do you use this path?  |  |
|   | Any day School days regularly<br>Spring plants from nursery  |
| What is the frequency of your usage?  | 40 years Nursery there   |
|   | Various times 4-5 a week. School time<br>now not so much   |



How did you become aware of this path, when and how did you identify it as a path?

As a child my father took me over there quite wide at that time. Was quite obvious.

Is the path well defined? and what is the surface of the path?

Up & down but well defined  
Rocks in places & roots.  
When I was a little girl as a path

Does the surface of the path change? If so at what point?

Surfaced first part. Gressed. Drainage  
Father in law & Mr Smith used to clean out  
Brynnyrach flooding carniel did it once.

Are there any structures on the path, if so could you describe these please?

Only when Ellen Kidd put fencing in  
& Carniel put stile in

What width is the path?

Approx 1.5 m. but varies  
Two people can walk side by side in some  
places. Sometimes need to get overgrowth cut back

Can you recall any notices on the path demonstrating that it was private?

Ellen Kidd  
Signs put up. Never any until that time

Has this path ever been used to gain access to a place of work?

NO



Have you observed anyone using this path, and can you recall what they might have been doing?

walking their dogs. Coming back with plants from Nursery. Children playing in the woods. Sometimes they put up swings

Have you always followed the same route?

Have you ever overcome any obstructions on the path?

only climbed over fence & pulled away logs blocking the path  
Removal of fallen trees blocking path

Have you ever asked anyone for permission to walk along the path?

No never needed to

Could you please identify the route that the path takes and sign and date your diagram.

Finally, Have you any maps or deeds relating to this area that could be used as a form of evidence alongside this claim?

Name: Mr. L. A. Cantwell

Interview Date: 1<sup>st</sup> March 2017

**CLAIM 194**

**Interview Questions to be Asked Alongside Evidence Forms**

| Questions to be asked alongside Evidence form   |
|---|
| Why do you regard this path to be public?   |
| Because it has been used as public since I have lived here.   |
| How many years have you used this path?   |
| 45 years.   |
| What is your primary purpose for using this path? E.g. to get from a-b, leisure purposes, to go to work, visit someone etc. |
| Leisure. Dog-walking.   |
| On what days do you use this path?  |
| Most days   |
| What is the frequency of your usage?  |
| Daily   |

|  |
|--|
| How did you become aware of this path, when and how did you identify it as a path?   |
| These have <del>clear</del> been clear paths, but many have become overgrown over the years  |
| Is the path well defined? and what is the surface of the path?   |
| Yes. Mainly mud.   |
| Does the surface of the path change? If so at what point?  |
| Not significantly  |
| Are there any structures on the path, if so could you describe these please?   |
| No.  |
| What width is the path?  |
| Variable. Not wide enough for two abreast  |
| Can you recall any notices on the path demonstrating that it was private?  |
| Notices were erected (Private Property. Keep out) in (I think 2004). They have since collapsed (I think 2010 or so) and not been replaced. |
| Has this path ever been used to gain access to a place of work?  |
| Yes. For many years children from the Graddiffe School used it daily   |

|  |  |
|--|--|
| Have you observed anyone using this path, and can you recall what they might have been doing?                            | Yes - Mainly dog-walking.  |
| Have you always followed the same route?   | No. What was once a roughly circular route has now been limited to one reasonably usable path. |
| Have you ever overcome any obstructions on the path?   | No, though I have seen evidence of others doing so.  |
| Have you ever asked anyone for permission to walk along the path?  | No.  |
| Could you please identify the route that the path takes and sign and date your diagram.                                  |  |
| Finally, Have you any maps or deeds relating to this area that could be used as a form of evidence alongside this claim? | Yes  |

L. A. Cantwell,

Birchwood, Park Lane

Tredwern CF82 7BX

\* Mary Cantwell

Name: Brian Elliott

Interview Date: 24-2-18

### CLAIM 194

#### Interview Questions to be Asked Alongside Evidence Forms

| Questions to be asked alongside Evidence form  |
|--|
| Why do you regard this path to be public?  |
| Lived here over 30 years and always been in use. Prior to that neighbour used in 1930 passed away Ted. Still use it regularly Bluebell woods Rd referred to it. Allows people from here to walk down through to college visited Brynmorach |
| How many years have you used this path?  |
| 28 years lived here. Used it all the time  |
| What is your primary purpose for using this path? E.g. to get from a-b, leisure purposes, to go to work, visit someone etc.  |
| Use it to catch train to Cardiff Daily basis when working in Cardiff 1975-1996 28 years lived at address. Shortest route to station. Early mornings & night time peaceful & therapeutic  |
| On what days do you use this path?   |
| Not particularly. Work on scenery.   |
| What is the frequency of your usage?   |
| 20-30 times a year   |

Also links to the main stairs



How did you become aware of this path, when and how did you identify it as a path?

First moved to property with children  
look for walk. Neighbour told him. <sup>(Ted)</sup> He used  
to maintain the path by putting ashes on path  
did it for about 15 years. Sat under tree.  
Kids parties over there. Camp in the woods

Is the path well defined? and what is the surface of the path?

First section through the field isy playground  
you can see footprints in the mud. More  
defined in the summer. Hoop in the wood.  
Cross the brook - barb wire at one stage  
Turn right and come to bottom brook for a  
short walk 20 min walk. Longer walk  
until to Recreation. Sports Centre. School → Park  
Garden Centre

Does the surface of the path change? If so at what point?

Muddy first section. Firm through the  
woods. The bottom path is more defined  
than top paths latterly more defined. 100 yrs

Are there any structures on the path, if so could you describe these please?

Not until she tried to put barbed  
wire. to stop people using the path

What width is the path?

1st part open 1 metre to open ground  
even wider 1.5 metres wide or even 2m  
in place. Overgrown during summer.

Can you recall any notices on the path demonstrating that it was private?

Yes - hand painted sign nailed to tree both  
sides & they disappeared. An afford always  
used it. Ted moved in 1930 when houses were  
built. he would have been very upset. No signs of  
at the moment don't recall signs being replaced  
only there for a period of time. Unimittre

Has this path ever been used to gain access to a place of work?

~~Not as working~~ No.

Have you observed anyone using this path, and can you recall what they might have been doing?

People use it. Children / teenagers instances misusing it cans, etc which I wasn't happy with. now stopped sleeping in the woods - a couple in there one morning. A lot of dog walkers Dr. Joris at one time had a dog gate at the back of property. Others using it to go to work

Have you always followed the same route?

~~Mostly used top route going~~ Always used circular route & extended to link to footpath network either way

Have you ever overcome any obstructions on the path?

Blocked with branches / timber moved at of the way. landowner attempts to block the paths

Have you ever asked anyone for permission to walk along the path?

NO. Always been open until it started with barb wire & signs. 1930 onwards always open 50-60 yrs no problem

Could you please identify the route that the path takes and sign and date your diagram. ✓

Finally, Have you any maps or deeds relating to this area that could be used as a form of evidence alongside this claim?

Name: Gulliam Gadrat

Interview Date: 1/3/17

**CLAIM 194**

**Interview Questions to be Asked Alongside Evidence Forms**

| Questions to be asked alongside Evidence form   |
|---|
| Why do you regard this path to be public?   |
| Because it has always been there.   |
| How many years have you used this path?   |
| From 1972 onwards   |
| What is your primary purpose for using this path? E.g. to get from a-b, leisure purposes, to go to work, visit someone etc. |
| Leisure, to get to Blyn Myrach. My children played here & went to school in Lewis Boys for yrs 7 & 8 - 1984-86              |
| On what days do you use this path?  |
| most days.  |
| What is the frequency of your usage?  |
| Since 2005. Very little   |



How did you become aware of this path, when and how did you identify it as a path?

Everyone in the area used to it  
was quite clear.

Is the path well defined? and what is the surface of the path?

Yes. - uneven

Does the surface of the path change? If so at what point?

During the year - depending on the  
weather

Are there any structures on the path, if so could you describe these please?

Not when I used it

What width is the path?

Wide enough for 2 people to walk  
together

Can you recall any notices on the path demonstrating that it was private?

In 2005

Has this path ever been used to gain access to a place of work?

No

Have you observed anyone using this path, and can you recall what they might have been doing?

Many people mainly leisure, route  
to station & the Nurseries

Have you always followed the same route?

2 routes through

Have you ever overcome any obstructions on the path?

Yes

Have you ever asked anyone for permission to walk along the path?

No

Could you please identify the route that the path takes and sign and date your diagram.

Finally, Have you any maps or deeds relating to this area that could be used as a form of evidence alongside this claim?

Statement of Ken Idris Jones -14 Coed Y Haf Tredomen Ystrad Mynach, CF82 7DF.

DOB 29.03.50

I make this statement in relation to the Claimed right of way through Coed Y Twyn Woods and matters in connections with Ms Ellen Salton (ne Kidd ) of Tir Twyn Farm ,Tredomen ,Ystrad Mynach CF82 7BF.

I also wish to make comment concerning the Claimant and local woman known as Sue Smith of Maesycoed terrace Tredomen.

I have lived in Brynmynach for 64 years .I am very familiar with Tir Twyn farm and the occupants over time .When I was a teenager I frequently worked at the farm for the then farm manager or bailiff called Fred Bosley and the owners the Rees family.

This was on an ad hoc basis, haymaking and general farm labouring .Mr Bosley ran the farm well but was very strict when it came to visitors to the farm and in particular with trespassers .No areas of the farm were available for people to wander where they pleased and the only accepted route over the land was the public right of way i.e. footpath 39 as it now is .The woods known as Coed y Twyn woods were fenced off and were used as part of the farm. The historical deeds of the farm show that no other rights of way, permissive or otherwise were granted while the farm belonged to the Rees family and the farm has been in the Rees family for hundreds of years. The only way anyone would have been allowed to walk anywhere other than the footpath would have been with the express permission of the owners.

I have known Ellen Salton (Kidd) for many years and I am a visitor to her farm, I have kept Bees at her farm over the years previously .I have become aware over the last 13 to 14 years of difficulties Ellen has endured with trespassers and those trying to claim a right of way through her land, as well as the hostility, abuse and slander she has faced from some local people owing to her refusing access.

I am aware of her fences being cut deliberately over and over again to let her cattle out and cause worry, embarrassment and danger. I am also aware of continued trespass and harassment she and her family are enduring.

Ellen Has often been very distressed and frustrated with regard to the actions of Mrs Sue Smith in particular.

I have experienced first-hand the vitriol shown toward Mrs Salton by this woman .I was Vice chairman of the local community partnership and approximately two to two and a half years ago, following one of our meetings I clearly overheard Mrs Smith complain to local Councillor, Martin James that Ms Salton and her clients were damaging council property in the penallta park .Mrs Smith seemd hell bent on creating a terrible image of Ms Salton so

much so Martin James repeated the same to me about what Ms Salton was supposed to be doing .

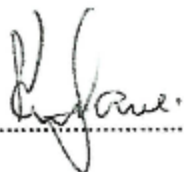
I know that up to this time Ellen hadn't ridden a horse in 5 year's owing to a serious back problem and I also know that Ellen would never condone such actions from anyone or do anything like this herself. Ellen runs a good and reputable business; this utterance was done to deliberately cause harm to Ms Saltons reputation and slander her name.

Mrs Smith's demeanour and body language was aggressive and her words vindictive.

I told Councillor James that the rumours were utter nonsense .I explained that horses are often seen in Parc Penallta as there is a legitimate bridle path there plus many people ride there not just people from Ms Saltons yard.

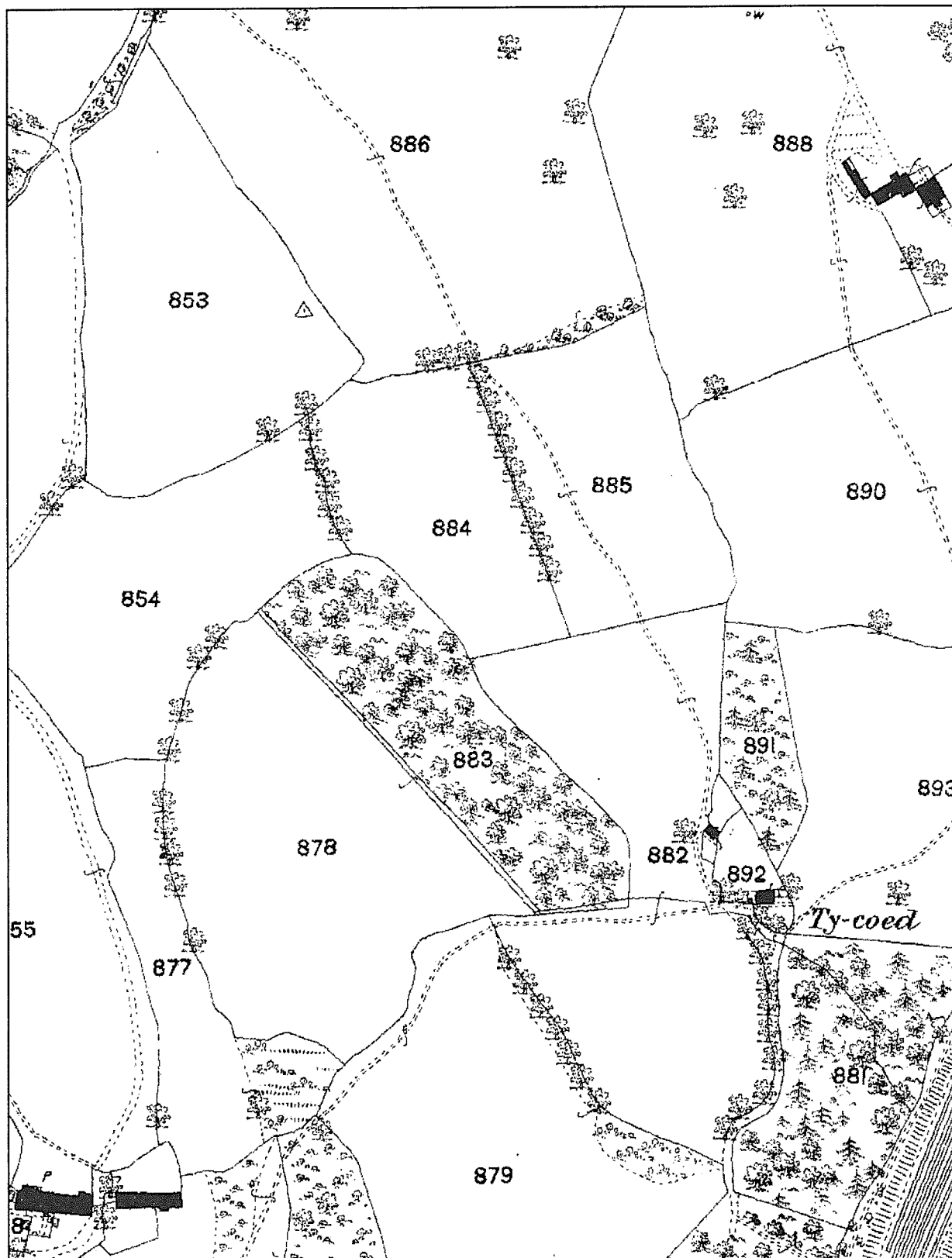
I have personally discussed with Mrs Smith the local rights of way and the previous existence of a path visible on all maps and indeed visible to the naked eye which abuts Ms Salton woods but does not traverse it, it follows behind the house known as Birch grove in Tredomen next to the play area enclose a map to show this path .It seems that this path was not adopted on the definitive map by previous Councils or Caerphilly Council, my view is it should have been and should be now .I Believe the fact in this statement are accurate and true to the best of my knowledge.

Signed .....

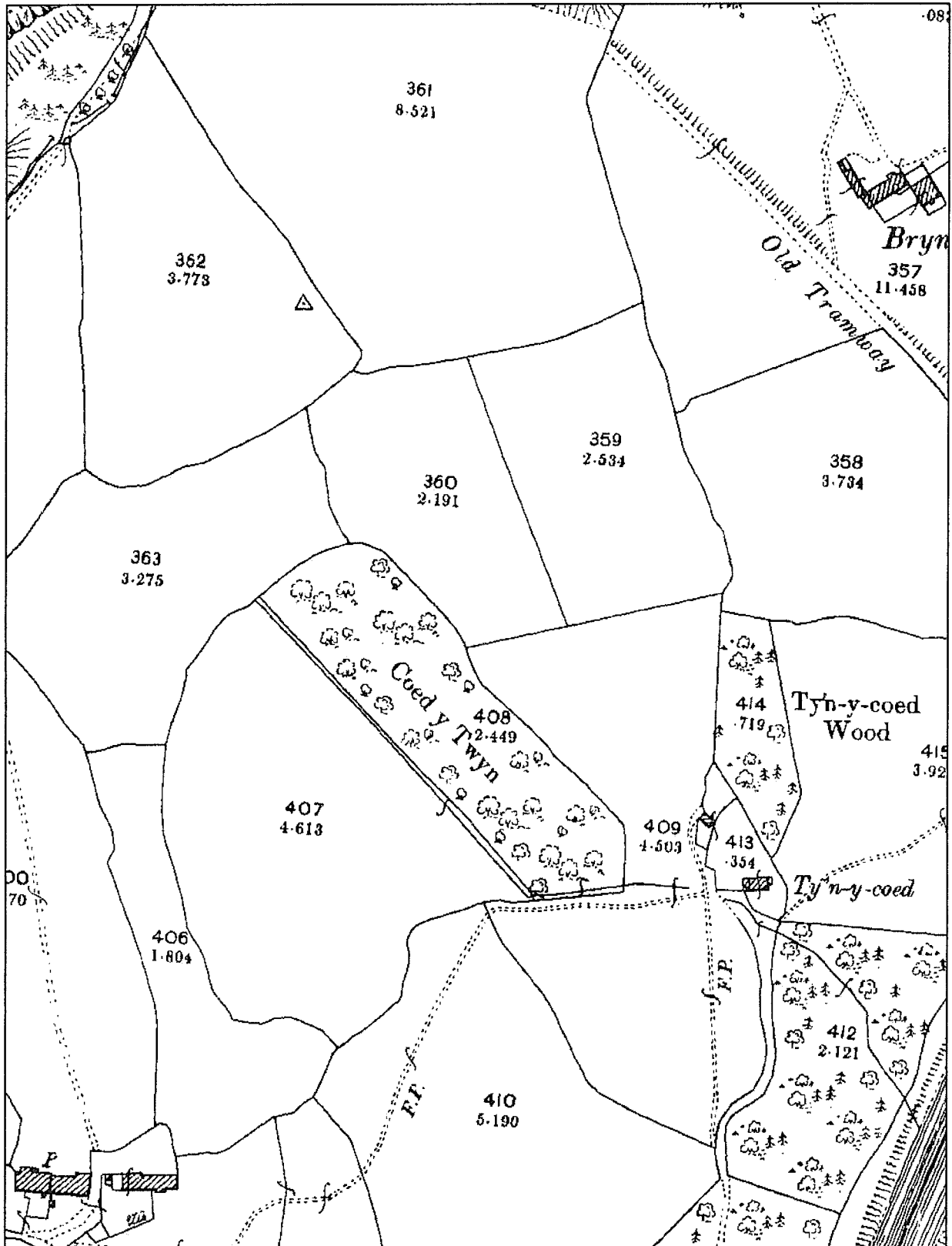


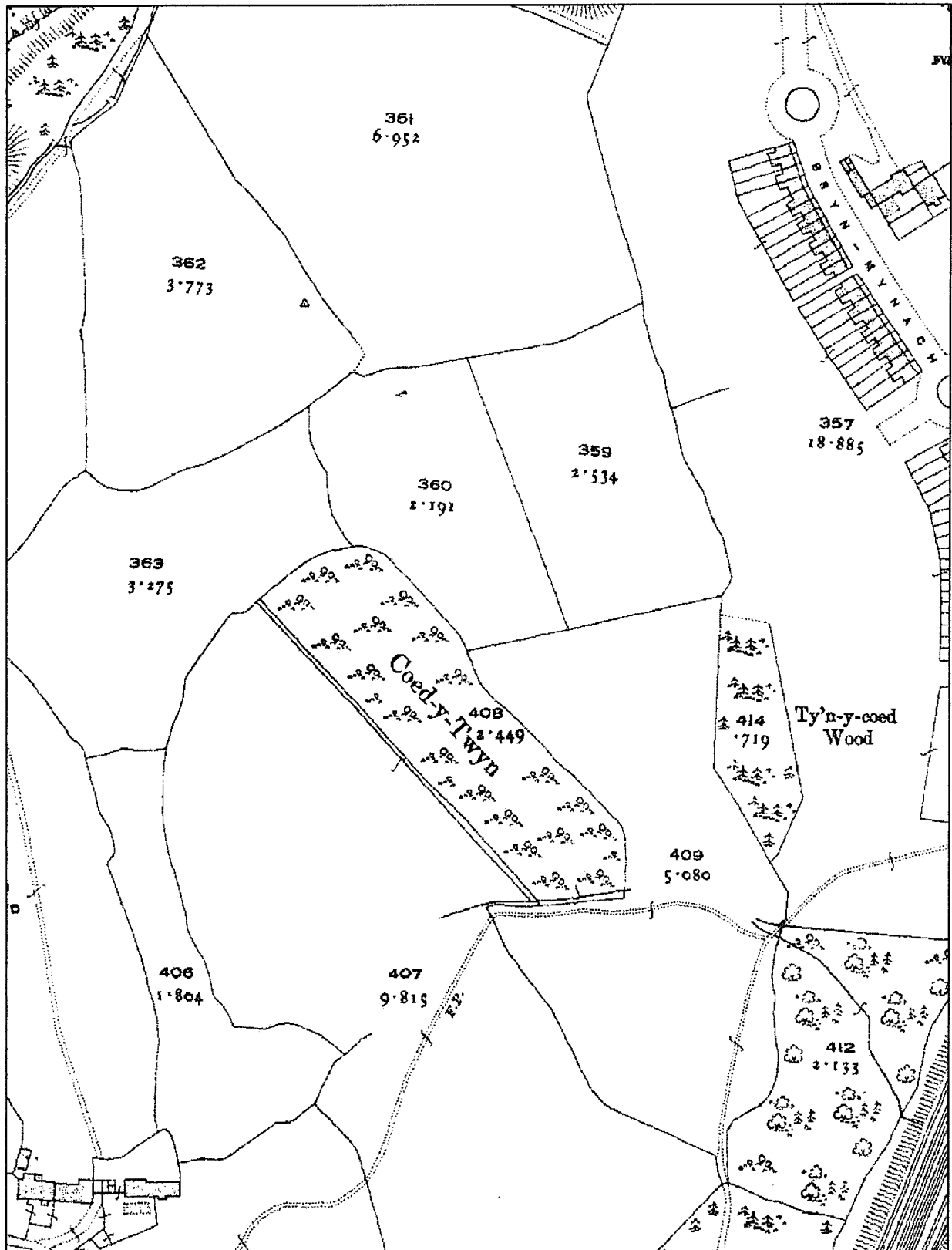
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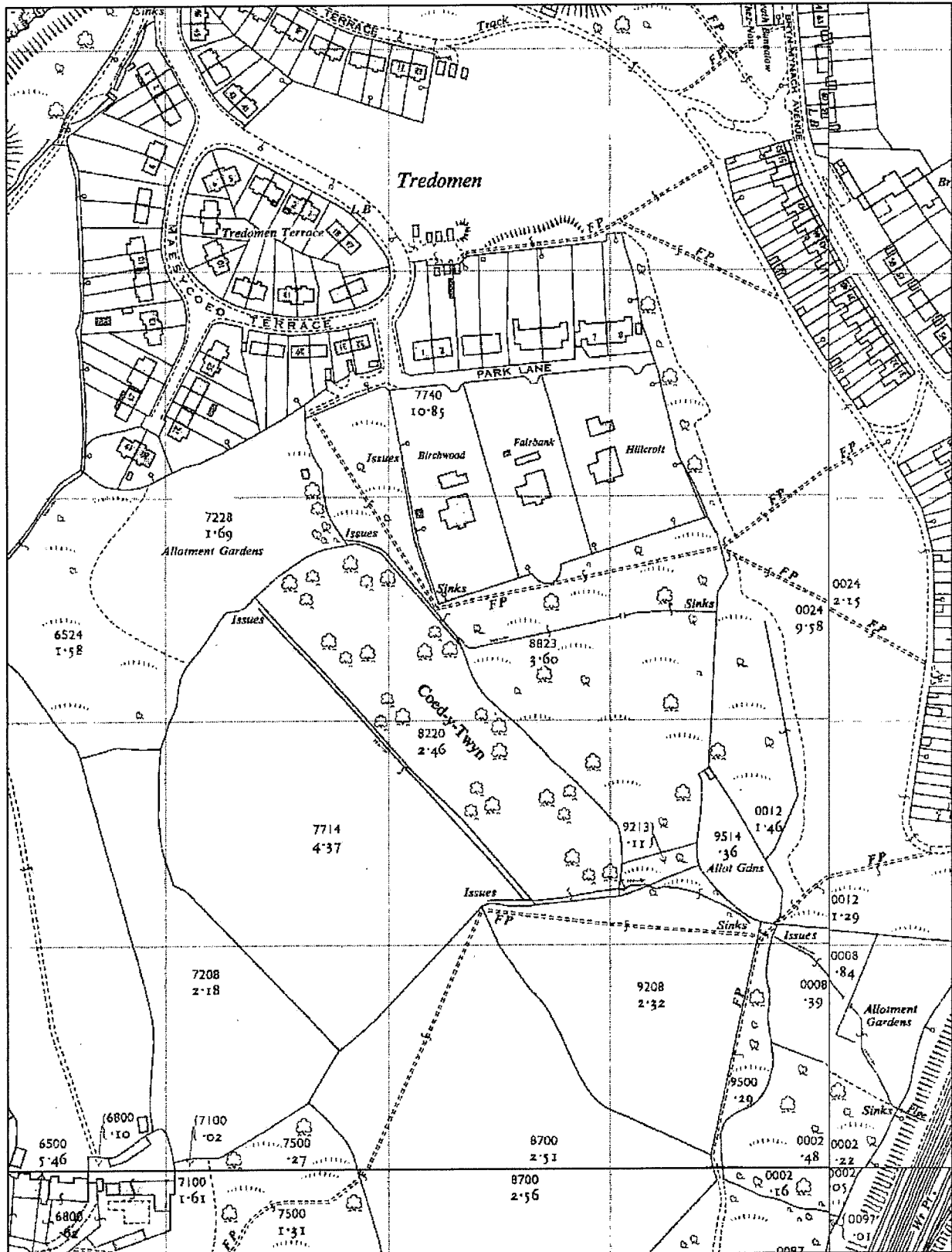
Feb 14th 2018







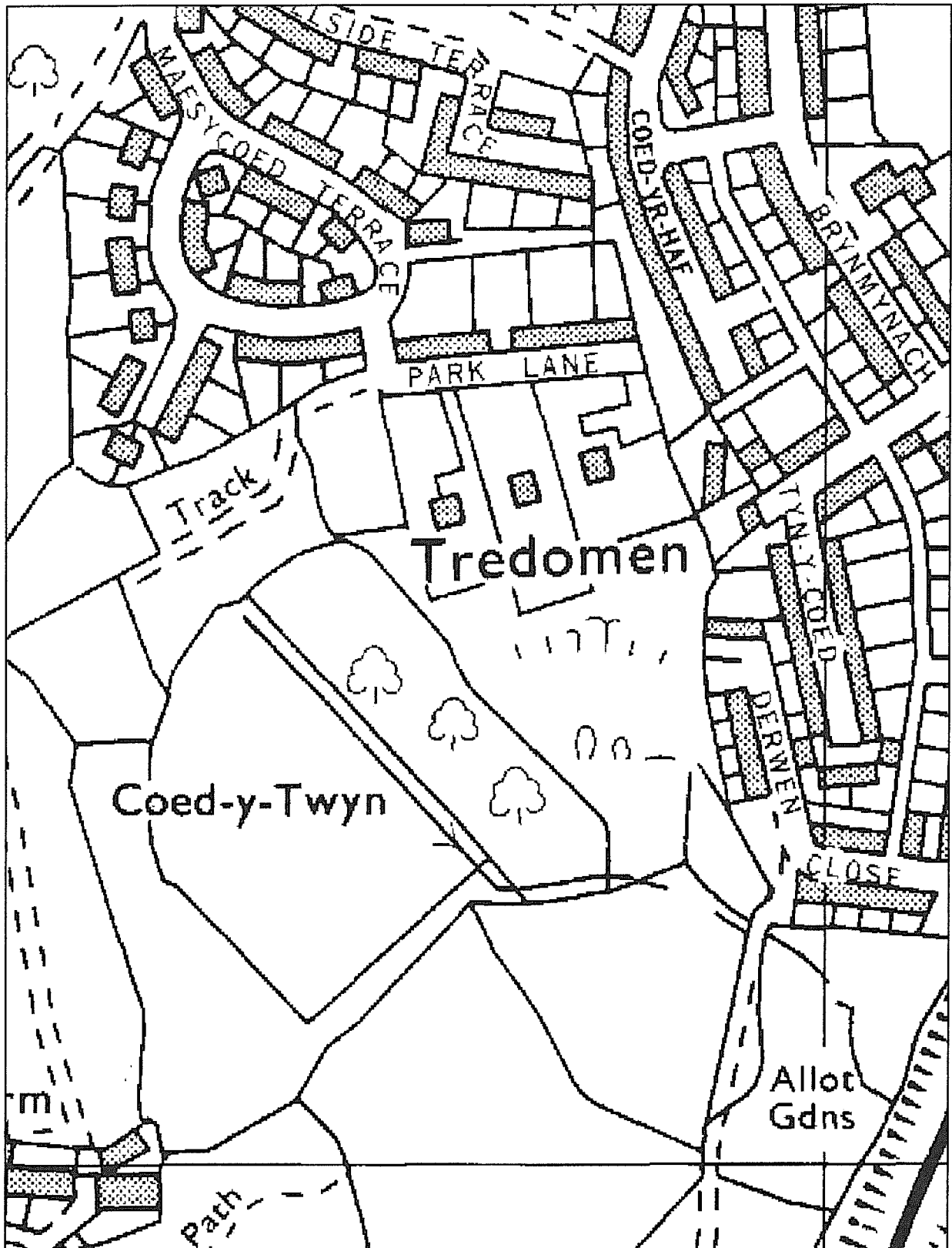




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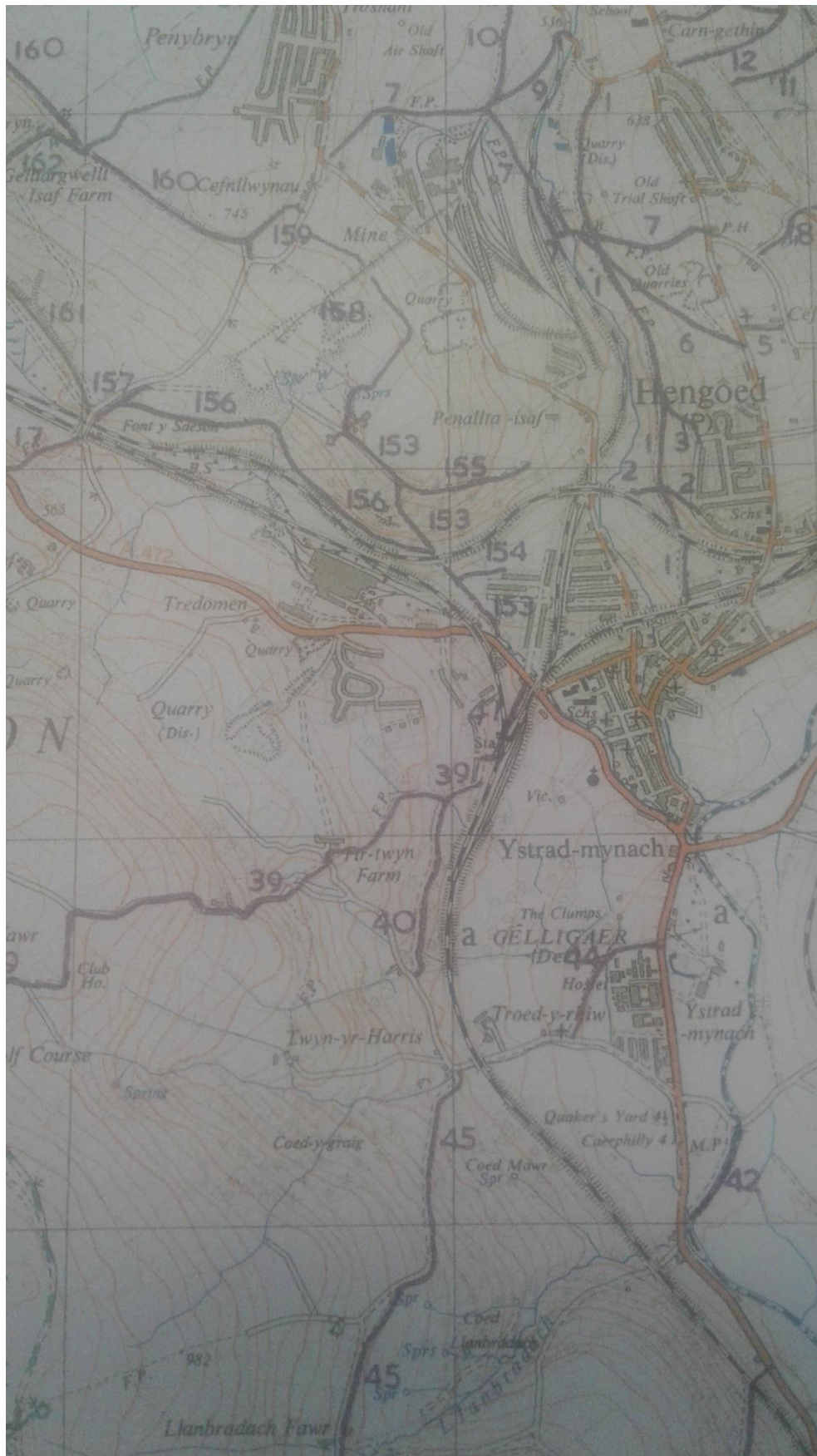








Extract of the Special Review Map



Aerial Photograph 1958



Aerial Photograph 1972





Aerial Photograph 1974



Aerial Photograph 1991





14 Coed y Haf

Tredomen

CF82 7DF

25<sup>th</sup> Nov 2018

Further statement regarding Claimed right of way Coed Y Twyn Woods  
Tredomen

I make this statement further to my original one of 14<sup>th</sup> Feb 2018

I wish to state further to reading a copy of the Final report by Phillip Griffiths of Countryside services and the inference that there is some evidence of a path in the photograph dated 22<sup>nd</sup> June 1974 .The boundaries of the Council owned recreation area were used to gain access to the mapped pathway that heads behind the Houses known as hillcrest Birch grove etc ,people did this because the route across the field was always boggy as it still is .There was no entrance into Coed y Twyn woods as this was fenced with council type chain-link fencing much of which is still evident today further back in time the woods was fenced off with heavy wire rope type fencing some of it still remains .

Signed Ken Jones .....  


Date ..... 25<sup>th</sup> Nov. 2018 .....

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