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Date: 1st October 2014

Dear Sir/Madam,

A meeting of the **Rights of Way Cabinet Committee** will be held in the **Sirhowy Room, Penallta House, Tredomen Park, Ystrad Mynach** on **Wednesday, 8th October, 2014** at **11.15 am** to consider the matters contained in the following agenda.

Prior to the meeting, a site inspection will be held at Wyllie at 10.10 am. Members of the Committee have delegated powers to determine the application 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 inspection and the reconvened meeting.

Yours faithfully,

A handwritten signature in blue ink that reads 'Chris Burns'.

Chris Burns
INTERIM CHIEF EXECUTIVE

AGENDA

- 1 To receive apologies for absence.
- 2 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.
- 3 Application for a Modification Order to amend the Monmouthshire County Council Definitive Map and Statement of Public Rights of Way in respect of deleting Footpath 147 in the Community of

A greener place Man gwyrddach



Mynyddislwyn.

Circulation:

Councillors K. James (Chair), Mrs B. A. Jones, D.V. Poole, T. J. Williams (Vice Chair) and R. Woodyatt,

Local Ward Members: Councillors Ms J. Jones, C. Durham.

And Appropriate Officers



RIGHTS OF WAY CABINET COMMITTEE - 8TH OCTOBER 2014

**SUBJECT: APPLICATION FOR A MODIFICATION ORDER TO AMEND THE
MONMOUTHSHIRE COUNTY COUNCIL DEFINITIVE MAP AND
STATEMENT OF PUBLIC RIGHTS OF WAY IN RESPECT OF DELETING
FOOTPATH 147 IN THE COMMUNITY OF MYNYDDISLWYN**

REPORT BY: ACTING DEPUTY CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 To consider and determine an application to DELETING the footpath shown on the Definitive Map and Statement.

2. SUMMARY

- 2.1 The report sets out the evidence regarding the applications to DELETING the footpath leading from Heolddu Lane to Tyla Gwyn Farm to Lane, Wyllie.

3. LINKS TO STRATEGY

- 3.1 The Wildlife and Countryside Act 1981 places a duty on the Council to maintain an up to date Definitive Map and Statement.
- 3.2 Keeping the Definitive Map and Statement under continuous review as detailed within the Rights of Way Improvement Plan.

4. THE REPORT

4.1 Background

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 DELETE a path identified on the definitive map and statement. Document No. 1 gives an explanation of the term “public rights of way”.

The application is being dealt with under the Wildlife and Countryside Act 1981, Section 53 (3) (c) (iii) to DELETE Footpath 147 in the Community of Mynyddislwyn.

4.2 Introduction

- 4.3 For identification purposes the location of the footpath is shown on Document No.2 which is an area just above Wyllie and reproduced from the ordnance survey mapping by use of the Authority’s Geographical Information System.

- 4.4 An application has been received under Section 53(3)(c)(iii) of the Wildlife and Countryside Act 1981 from Mr. John Thomas-Davies to modify the Definitive Map and Statement for the County of Monmouthshire by deleting the footpath from Heolddu Lane to Tyla Gwyn Farm. This path is registered on the definitive map and statement for the former County of Monmouthshire (relevant date 1st July 1952) as Footpath No. 147 in the Community of Mynyddislwyn and indicated on the plan marked Document No. 3 along the bold black lines A-B.
- 4.5 A copy of the Definitive map (scale 1:5,000) relevant date 1st July 1952 is included as Document No. 4
- 4.6 The path is described in the definitive statement, relevant date 1st July 1952, as follows:-
Footpath No. 147 Mynyddislwyn Right Not Disputed 1880 O.S.

Leave Heolddu Lane at gateway east of Penheolddu, east then south-east skirting Tyla Gwyn Farm to lane.

A copy of the Definitive Statement is included as Document No. 5
- 4.7 The footpath crosses land owned by three separate landowners, one is the applicant and the others are the owners of Tyle Gwyn Farm and Tyle Gwyn House.
- 4.8 Research has been undertaken to determine the validity of the application by collating, as far as possible, all **Documentary Evidence** available, together with the crucial **Evidence** provided by the applicant and the evidence from other those persons who have known the land in question, together with evidence supplied from local users of the use of the footpath in question.
- 4.9 The applicant has confirmed that he has served notice on the known landowners. The landowners are identified in Document No. 6, Mr. John Thomas-Davies's land edged in red, Mr. and Mrs. Down's is edged in blue and Mr and Mrs Tiley's is edged in green.
- 4.10 **Documentary Evidence**

Under Part VI of the "National Parks and Access to the Countryside" Act 1949, Section 27 of the act placed a duty on all County Councils to prepare Statutory Maps showing all the Public Rights of Way for their particular areas

The preparation of the definitive map and statement was processed through three specific stages, namely; Draft, Provisional and Definitive. The definitive map and statement for CCBC was partly prepared by Glamorgan and Monmouthshire County Councils. Document No. 7 provides details of how this was processed.

A copy of an enlarged copy of the Draft Map is attached as Document No. 8

A copy of the Provisional Map is attached as Document No. 9

A copy of the Definitive Statement is attached as Document No. 5.
- 4.11 **Definitive Map and Statement County of Monmouthshire**

The definitive map and statement for the Monmouthshire area has not been updated and accordingly only reveals information correct at the relevant date of the 1st July 1952
The justification of the Right of Way to be included on the Definitive Map and Statement for Footpath No. 147 in the Community of Mynyddislwyn is based on the Ordnance Survey 1st Edition for 1880, a copy of the 1880 map is shown in Document No. 10 which has been

obtained from the Gwent Archives Office. An enlarged copy of the area of Tyle-gwyn is attached as Document No. 11

Document No. 12 shows the area crossed by the footpath in 1873-1888. There is a double dashed line indicating a route through the fields which enters into the Tyle Gwyn area. There is a line across separating the field where there may have been an access point, near the well, but it is not clear whether or not it terminates on the lane.

Document No. 13 shows the area crossed by the footpath in 1900-1904. On this particular map the double dashed lines indicate a route through to Tyle-gwyn but it is not clear if the route goes down the drive or to the dairy mentioned by Mr. Thomas-Davies in his evidence.

Document No.14 shows the area crossed by the footpath in 1919-1921. Again this shows the dashed lines as mentioned above and shows the route through the field but it is not clear where the route terminates.

Document No. 15 shows the area crossed by the footpath in 1959-1973. This map now shows the route as a track through the fields but as in the previous documents it isn't clear where the route terminates.

Document No. 16 is an aerial photograph generated from the Authority's G.I.S. dated 1991, together with an enlargement of the area surrounding Tyle Gwyn Farm and House. The track leading across the field and down to the farm is quite clear and it can be seen that the ground is being well managed and this is probably due to farm machinery.

Document No.17 is an aerial photograph generated from the Authority's G.I.S. dated 2001, together with an enlargement of the area surrounding Tyle Gwyn Farm and House. On both aerial photographs it can be seen that there are many more tracks through the fields but that the track does not connect to the rear of Tyle Gwyn Farm where the definitive line joins.

Document No. 18 is an aerial photograph generated from the Authority's G.I.S. dated 2004-5, together with an enlargement of the area surrounding Tyle Gwyn Farm and House. The same comments apply as 2001.

Document No. 19 is an aerial photograph generated from the Authority's G.I.S. dated 2006, together with an enlargement of the area surrounding Tyle Gwyn Farm and House. The same comments apply as 2001 and 2004-5.

Document No. 20 is an aerial photograph generated from the Authority's G.I.S. dated 2010, together with an enlargement of the area surrounding Tyle Gwyn Farm and House. The same comments apply as 2001 and 2004-5.

Landowner and Applicant

4.12 Mr. John Anthony Thomas-Davies

Document No. 21 is a copy of the letter and application W.C.A. 5 received from Mr. Thomas-Davies dated 20th April, 2013. Document No. 22 is a copy of the letter received from Mr. Thomas-Davies dated 25th March, 2013. The enclosures are identified as Documents No. 22-40

Mr. Thomas-Davies has supplied a statutory declaration, dated 8th March, 2013, in respect of his application (Document No. 23) providing evidence to support his application to delete the footpath on the grounds that it has been included on the Definitive Map and Statement in error. The land surrounding Tyle Gwyn has always been used to graze livestock and the working farm track through the ground was used for farm machinery and not as a public right of way. Neither his father nor the tenant farmer, Mr. Watkins, raised any objection to the footpath being included on the Definitive Map and Statement at the appropriate time and he

wonders whether this was an oversight on their part or whether they were not aware of its inclusion.

Tyle-Gwyn has been owned by his family since 1865 and at that time the farm track run across the farmland to a milking shed and dairy. The track only went as far as the dairy, which is now a ruin. Local residents from Wyllie Village used to come up to the farm to collect milk and used a private footpath to gain access as identified in JAT-D-2 which is not on the line of the alleged footpath.

Mr. Thomas-Davies provides details of the farm tenants and occupiers of Tyle Gwyn Farm and Tyle Gwyn House. Mr. Thomas-Davies visited the property with his father from 1945 onwards and knew Mr. and Mrs. Watkins who were the farm tenants for many years. He lived at the property during the late 1980s and 1990s and became friends with many local residents. During that time no-one used the alleged footpath nor did anyone claim that a footpath existed through the ground.

Mr. Thomas-Davies first became aware of the alleged footpath when the former Gwent County Council contended that it must run down the front drive. This seemed improbable to Mr. Thomas-Davies that such a use of the drive had been permitted. However, since Caerphilly CBC took over responsibility the footpath is stated to be across the farm garden and onto the back lane. He is not aware of any evidence of an access onto the back lane and due the difference levels felt it was most unlikely.

Mr Thomas-Davies points out that footpaths across adjacent farms were marked with "F.P." but that the alleged footpath is marked with "TK" on ordnance survey maps and should not have been identified as a footpath to be included on the Definitive Map and Statement. He makes the point that many farms have tracks across them that are not public rights of way.

Evidence to Support Application

4.13 Mrs. Lorraine Ruff (Document No. 24)

Mrs. Ruff's statutory declaration, dated 17th May, 2009, is identified as Document No. 23. Mrs. Ruff moved to Heol Du Farm in 1957 and has lived there for over fifty-two years. She is well acquainted with neighbouring farms in the area and the footpaths crossing each. She believes that Footpath 147 Mynyddislwyn has been wrongly designated as a public footpath. She has always known the farm track used purely for the benefit of the owners and tenants of Tyle Gwyn Farm. From her farmhouse she has a clear view of the majority of this footpath and she states that she has never seen anyone using this footpath. She regularly sees ramblers using other footpaths in the area. She was aware of relatives of her late husband who lived in a neighbouring farm who used the path to get to services in a chapel in Wyllie but did so with the consent and knowledge of the owner of Tyle Gwyn Farm. She further states that there has never been any footpath signs or other indication of the existence of the footpath near the start of the footpath on Heolddu Road.

4.14 Reginald Ruff (deceased) Document No. 25

Mr. Ruff's statutory declaration, dated 17th May, 2009, is identified as Document No. 25. Mr. Ruff was born at Heolddu Farm and lived there all his life (87 years). He was well aware of the footpaths in the area and was familiar with the land surrounding his farm and that of his neighbours.

He was of the view that the footpath in question was wrongly designated as a public footpath. During his lifetime he only knew the footpath as a farm track, which was used purely for the benefit of the owners of the farm, Tyle Gwyn. He regularly saw ramblers using other footpaths in other areas but not the footpath in question.

4.15 Mr. Stephen Watkins (Document No. 26)

Mr. Watkins' statutory declaration, dated 21st December, 2012, and his signed statement dated 26th February, 2009, is identified as Document No.26 and Mr. Watkins was born at Tyle Gwyn Farm in 1942 and lived there for 23 years. He was familiar with the land which formed Tyle Gwyn Farm and also the neighbouring farms. He was aware of the footpaths in the area.

His parents moved to Tyle Gwyn farm in 1938 and remained there as tenants for about 50 years. He knew the farmland from childhood until the tenancy was terminated in 1988 and during this time he was never aware of members of the public using the footpath in question as a right. He believes the footpath in question has been wrongly designated as a public right of way. He only knew the footpath as a farm track for the benefits of Tyle Gwyn Farm.

4.16 Mr. D.J. Coonick (Document No.27)

Mr. Coonick's statutory declaration, dated 17th December, 2012, is identified as Document No.27. Mr. Coonick is the tenant of Tyle Gwyn Farm and has worked the land alongside his father ever since he took the tenancy in 1984.

Mr. Derek Oliver has permission to shoot vermin on the farmland to assist with the overall management of the farm and he is the only person he has seen walking across the land since 1984.

During the period of his tenancy he has never seen any other person walking on the footpath in question into Tyle Gwyn Farm.

4.17 Mr. J. Coonick (Document No. 28)

Mr. Coonick's statutory declaration, dated 17th December, 2012, is identified as Document No. 28. Mr. Coonick is the tenant of Tyla Gwyn Farm, Wyllie and has been since 1984 and his family have worked the land since then to the present day. As mentioned in Mr. Coonick's son's statutory declaration the only person who has been seen walking across the ground is Derek Oliver.

Mr. Coonick has never seen anyone during his tenancy walking on a footpath or otherwise across the land at Tyla Gwyn Farm.

4.18 Mr. A.E. Down of Tyle Gwyn Farm (Document No. 29)

Mr. Down's statutory declaration, dated 1st February, 2013, is identified as Document No. 29. Mr. Down moved into the property in December 2004, and is aware that the footpath in question runs across the farmland, enters his neighbours' land before crossing into his and running alongside of his house and through his garden.

He is a keen walker and cyclist and spends a lot of time exploring the land around where he lives. He has spoken to other local ramblers and cyclists and since he has lived there he has never seen anyone crossing the farmland using the footpath nor has anyone asked for access to use the footpath.

4.19 Mrs. J. Down of Tyle Gwyn Farm (Document No. 30)

Mrs. Down's signed statement, dated 18th March, 2009, is identified as Document No. 30. Mrs Down moved into the property in December 2004, and does not believe that the footpath in question rightfully exists. She has never known anyone using it and there is no evidence of any access having been established.

4.20 Mr. A. Beddoe (Document No. 31)

Mr. Beddoe's statutory declaration, dated 17th February, 2009, is identified as Document No. 30. Mr. Beddoe was born in 1946 and in 1961 when he was 14 years old his father was appointed as Under-Manager for Wyllie Colliery and his family moved to the above address. Mr. Beddoe recalls a footpath leading from the steep lane leading up to Tyle Gwyn to the farmyard. As a child he played with Mr. Watkins' children who lived in Tyle Gwyn Farm.

In 1962 his father was appointed Colliery Manager and his family moved to Tyle Gwyn that year. In 1965 the family left Tyle Gwyn and moved into the new Manager's House (now called Fernlea, The Avenue, Wyllie) which had been built by the National Coal Board.

In 1970 he married Gwynville Grant (maiden name). She was also born in 1946 and had lived in Wyllie all her life and also played with the children at Tyle Gwyn Farm. She also recalled local residents from Wyllie village collecting milk by using the footpath from the lane to the farmyard. Sadly his wife died in 2001 and a copy of her statement made in 1999 is included In Document No. ?

He joined the British Transport Police in 1970 and became a dog handler in 1979 and retired in 1998. During the period of 19 years as a dog handler he exercised his police dogs up the back lane past Tyle Gwyn. From 1961 to present time he has never seen or heard of anyone walking a footpath past Tyle Gwyn or across any part of Tyle Gwyn Farm,

He is of the opinion that the footpath has been registered as a public footpath in error.

4.21 Mr. C.K. and Mrs. C. Fletcher (Document No. 32)

Mr. Fletcher's statutory declaration, dated 19th February, 2013, is identified as Document No. 32. Mr. and Mrs. Fletcher moved into 22 Tir Bach Road, Wyllie in early 1967 shortly after they were married and moved to the above property in mid 1981. Their property abuts the access road leading to Tyle Gwyn House and Tyle Gwyn Farm. They have walked various paths in the area and the only time they have entered Tyle Gwyn property was for visiting the residents there.

They consider that there is no public footpath across any part of Tyle Gwyn property, neither the farm nor beside the two houses. The footpath in question has been wrongly designated as a public footpath.

They have never seen or heard of anyone using the said footpath at any time since 1967.

4.22 Mr. & Mrs. Marsh, Tyla Gwyn House, Wyllie (October 1995) (Document No. 33)

Mr. and Mrs. Marsh's signed statement, October 1995 and Mr. Marsh's statement dated 19th February, 2009 is identified as Document No. 33. Mr. and Mrs. Marsh lived at Tyla Gwyn House and at the time of their first statement and had never heard of a footpath through the property. Mrs. Marsh was born in the area in 1957 and to the best of her knowledge had never known of a footpath at Tyla Gwyn. The local residents they spoke to could not remember there being one.

Mr. Marsh lived at Tyla Gwyn for a period of 8 years from 1989-1997 as a tenant of Mr. Thomas-Davies. He is not aware of a footpath or right of way in the vicinity of the dwelling known as Tyla Gwyn. During his time at the premises he did not see anyone walk or ask if it was a right of way or footpath. The friends he made in the village never mentioned any sort of passageway through and he believed that it is private property.

4.22 Mr. E.F. Symons (Document No. 34)

Mr. Symons' statement, dated 10th March, 1996, is identified as Document No. 34. Mr. Symons used to live at Graig Farm, Mynyddislwyn. He confirms that he had known Tyl-y-Gwyn Farm for at least sixty years and there had never been a path or track over the land.

4.23 Mr. C. Tiley, Tyle Gwyn House (Document No. 35)

Mr. Tiley's signed statement, dated 2nd March, 2009, is identified as Document No. 35. Mr. Tiley has lived at the above property since December 2003 and during the whole period of residency has never been aware of people using or attempting to use the alleged footpath which is said to run across Tyle Gwyn Farm.

4.24 Mrs. J. Tiley, Tyle Gwyn House (Document No. 36)

Mrs. Tiley's statement, dated 2nd March, 2009, is identified as Document No. 36. Mrs. Tiley confirms her husband's statement as above.

4.25 Mr. Peter Watkins (Document No. 37)

Mr. Watkins' signed statement, dated 16th March, 1996 and 20th March, 2009, are identified as Document No. 37. Mr. Watkins states that his parents rented Tyla Gwyn Farm from 1939 to 1987. He moved to the farm with his family in 1940 where he spent his boyhood. His father died in 1983 and he took over managing the farm for his mother until 1987.

In his experience the track shown on the ordnance survey map was never used or regarded as a public path. This track was never regarded as a through-fare during this time. His father's aunt and uncle had rented the land from the early 19th century when at that time the abutters in the main house were members of the Thomas-Davies family. He does not recollect his father mentioning the existence of a public footpath.

4.26 Mrs. J.A. Gibbon (nee Watkins) (Document No. 38)

Mrs. Gibbon's letter, dated 17th March, 1996, and signed statement dated 10th February, 2009 are identified as Document No. 37. Mrs. Watkins confirms that there has never been a right of way through Tylas Gwyn Farm from the beginning of the 19th century up until 1986 when her mother vacated the farm. Mrs. Watkins was born at the farm in 1949 and left there in 1960. During the time her family lived at the farm she testifies that there was no public footpath across the farm.

4.27 Mr. S. Oliver (Document No. 39)

Mr. Oliver's letter dated 25th September, 1996, is identified as Document No. 39. Mr. Oliver confirms that he has lived in Wyllie all of his life and worked for the Forestry Commission and regularly walked all of the footpaths. To his knowledge FP147 was never walked by the public and was a cart track used only by the farmer, Mr. Watkins, now deceased, and his family. Mr. Oliver is referred to in Messrs. Coonick's statements and he has permission to shoot vermin on the ground.

However, there is a letter from Mr. Oliver dated 1st September, 1995, asking for stiles to be put in and the footpath cleared at Tyla-Gwyn Farm, Wyllie Village, path No. 147.

4.28 Mr. John Thomas-Davies (Document No. 40)

Mr. Thomas-Davies' letter, dated 19th January, 1997, is identified as Document No. 40. The letter enclosed original statements from four people (some of which are identified above) supporting his view that there was never a public right of way across his land.

4.29 Councillor Mrs. Janet Jones (Document No. 41)

Councillor Mrs Janet Jones' e-mail, dated 13th March, 2013, is indentified as Document No. 41). Cllr. Jones has lived in the area for over 30 years and has no knowledge of a right of way leading from Tyla Gwyn Farm. She spoke to several former residents, Mr. Beddoes who lived at the farm from 1961-1963 and never knew anyone enter the garden claiming to be on a right of way. She spoke to Robert and Tracy Williams who lived at the property (Cllr. Jones has confirmed that the dates referred to her in e-mail are incorrect and they lived there for 3 years rather than 10 years) and the only person they could recall in their garden trying to trace the right of way was a walker who had a copy of the definitive map and was trying to find his way through. She also discussed the footpath with Mr. and Mrs Downs who have lived at the farm for 10 years and they have never seen anyone attempt to use a footpath through their garden.

General information on Footpath

- 4.30 The issue of whether the footpath was incorrectly shown on the Definitive Map and Statement was first brought to the attention of Gwent County Council on 27th September, 1994, when Mr. Steve Young from Groundwork Trust attempted to install way markers on the footpath.
- 4.31 Mr. Thomas-Davies believed the footpath had been incorrectly added to the Definitive Map and Statement and wished to challenge this.
- 4.32 Three separate letters were received from local residents from Wyllie enquiring on the outcome of discussions with Mr. Thomas-Davies in respect to the footpath. They stated residents in Wyllie and the Ramblers Clubs needed FP147 signposted as soon as possible.
- 4.33 As Mr. Thomas-Davies' letter dated 12th October, 1995, included five statements from people stating that as far as they were concerned there were no public rights of way across Tyla Gwyn Farm, Gwent CC wrote to the three residents seeking further information on their knowledge of the footpath.
- 4.34 Council for a resolution. Mr. Thomas-Davies raised the matter again in January 1997 and was informed to complete an application under the Wildlife and Countryside Act 1981 to delete the footpath but this was not received.
- 4.35 In July 1998 the Ramblers Association Gelligaer Group reported that they were unable to use FP147 Mynyddislwyn due to a locked gate and unable to gain access through Tyle-Gwyn Farm. This issue was again raised by the Group in February 2000 and the Rights of Way Warden erected a new sign and the landowner/tenant opened the gate.
- 4.36 Access to the footpath was again raised in September 2004 by one of the local councillors. Following a meeting with the owner of Tyle Gwyn Farm House it was agreed that a stile would be constructed in the fence line to allow access but it is not clear from the file whether this was undertaken.
- 4.37 In August 2007 the padlock was again cut off the field gate at the beginning of the footpsth following a complaint.
- 4.38 Document No. 43 includes photographs taken of the footpath commencing at Heolddu Lane , which includes the field gates along the footpath, the obstructed fence line, Mr. and Mrs Downs' garden and the termination of the footpath.
- 4.39 Correspondence was then entered into with Mr. Thomas-Davies In 2008 where he again stated that he believed the footpath had been included on the Definitive Map and Statement in error.
- 4.40 Attempts were made to resolve access to the footpath by installing kissing gates and the possibility of a diversion of the right of way was also considered. However, as Mr. Thomas-

Davies believed that the footpath had been included on the Definitive Map and Statement in error he could not agree to the diversion.

- 4.41 Further correspondence between the Authority and Mr. Thomas-Davies led to the application to challenge the Definitive Map and Statement and seek the Authority's Rights of Way Cabinet's consideration of the evidence to conclude whether or not this is the case.

Summary

- 4.42 At the time the Draft Map, Provisional Map and Definitive Map and Statement were being prepared Mr. and Mrs Watkins were tenants of the farm and lived at Tyle Gwyn having lived there from 1938-1988. Footpath No. 147 Mynyddislwyn has a note 'Right not disputed' on the Definitive Statement and Mr. Thomas-Davies believes that his father and Mr. Watkins might not have been aware of the provisional registration to object. He is of the view that the farm track had wrongly been included on the Definitive Map and Statement as it was only used for agricultural purposes.
- 4.43 Mr. Thomas-Davies' family had owned Tyla Gwyn Farm since 1865. He accompanied his father to the property in 1945 and his family lived there until the 1950's.
- 4.44 In 1995 he became aware of Footpath No. 147 Mynyddislwyn when Groundwork Trust attempted to install signing on it. Since that date he has disputed its existence culminating in the application to challenge the inclusion of the footpath on the Definitive Map and Statement.
- 4.45 The statutory declarations provided with his application support the view that the footpath was not used by walkers and was solely for the use of the farm. The period covered by these declarations is from 1936 to 2012.
- 4.46 It is noted that the land has been used for livestock from 1938 to the current date and that the track was once used to gain access to the dairy shed.
- 4.47 As mentioned in Mr. Downs' statement there is no evidence on the ground of access through his garden and onto the lane and also no evidence of access in the fence line to Tyle Gwyn Farm. The Definitive Statement is very brief and does not provide any information in respect of gates/stiles along the footpath.
- 4.48 It is unclear from historical maps where the footpath crossed the land at Tyle Gwyn Farm before terminating on the lane.
- 4.49 Out of the three residents who wished the footpath open two of them have moved away and the other, Mr. Oliver, has permission to use the ground to shoot vermin.
- 4.50 As part of the Consultation Process Gelligaer Ramblers Association; Islwyn Ramblers Association and the Open Spaces Society will be provided with a copy of the draft report and any comments they submit will be appended to the report.
- 4.51 As Councillor Jan Jones is supporting Mr. Thomas-Davies' application only Councillor Colin Durham will be consulted on the draft report and any comments received from him will be appended to the report.

5. EQUALITIES IMPLICATIONS

- 5.1 There are no potential equalities implications on this report and its recommendations on groups or individuals who fall under the categories identified in Section 6 of the Council's Strategic Equality Plan. There is no requirement for an Equalities Impact Assessment Questionnaire to be completed for this report.

6. FINANCIAL IMPLICATIONS

- 6.1 The cost of Modification Orders and Confirmation Orders, in the region of £2,500, raised under the Wildlife and Countryside Act 1981 are met by the Authority, this includes adding a new path; Deleting a path and varying status/definition to the Definitive Map and Statement.
- 6.2 If Members support the application that Footpath 147 in the Community of Mynyddislwyn has been included on the Definitive Map and Statement in error objections to the Order could be received which if not withdrawn would not to be sent to the Welsh Ministers for determination. The Welsh Ministers could call a Public Inquiry to determine the Order.
- 6.3 However if Members do not support the application then the applicant can appeal to the Welsh Ministers and again could result in a Public Inquiry being called.
- 6.4 The cost of a Public Inquiry is difficult to determine as it depends on the complexity of the case and whether or not a barrister is required. However it could be up to £10,000 together with the cost of several members of staff involved in collating the information to be provided for the Welsh Ministers (Legal Services and Public Rights of Way).

7. PERSONNEL IMPLICATIONS

- 6.1 None.

8. CONSULTATIONS

- 7.1 For List of Consultees see Document No. 44. A copy of the draft report has been circulated and any comments received are appended to this report.

8. RECOMMENDATIONS

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 that the footpath be Deleted
- ii) Rejecting the claim.

9. REASONS FOR THE RECOMMENDATIONS

- 9.1 To comply with its duty to keep the definitive map and statement under continuous review

10. STATUTORY POWER

10.1 Wildlife and Countryside Act 1981. This is a Cabinet function delegated to this Committee.

Author: Mrs. June E. Piper, CROW Support Officer.

List of Documents

1. Explanation of the term “public rights of way” Document No. 1
2. Location Map Document No. 2
3. Map identifying Footpath No. 147 in the Community of Mynyddislwyn Document No. 3
4. Copy of Definitive Map Document No. 4
5. Copy of Definitive Statement Document No. 5
6. Map identifying landowners and confirming of serving of W.C.A. 6 on all other landowners Document No. 6
7. Documentary Evidence – explanation of Draft, Provisional and Definitive Maps Document No. 7
8. Draft Map Document No. 8
9. Provisional Map Document No. 9
10. Ordnance Survey Map dated 1880 Document No. 10
11. Enlarged copy of Ordnance Survey Map dated 1880 Document No. 11
12. Historical Map dated 1873-1888 Document No. 12
13. Historical Map dated 1900-1904 Document No. 13
14. Historical Map dated 1919-1921 Document No. 14
15. Historical Map dated 1959-1973 Document No. 15
16. Aerial Photograph dated 1991 and enlargement Document No. 16
17. Aerial Photograph dated 2001 and enlargement Document No. 17
18. Aerial Photograph dated 2004-5 and enlargement Document No. 18
19. Aerial Photograph dated 2006 and enlargement Document No. 19
20. Aerial Photograph dated 2010 and enlargement Document No. 20
21. Letter dated 20th April, 2013 from Mr. J. Thomas-Davies, the applicant and a copy of W.C.A. 5 Document No. 21
22. Letter dated 25th March, 2013, from Mr. J. Thomas-Davies enclosing documentation to support his application Documents No. 22 – 41.
23. Letter from the former Gwent County Council, dated 14th March, 1996, to Mr. Thomas-Davies Document No. 42
24. Photographs taken of Footpath No. 147 Mynyddislwyn Document No. 43
25. Consultee List Document No. 44

ETP/ROW/FP147 Mynyddislwyn held at Pontllanfraith Offices

LIST OF CONSULTEES

Mrs Pauline Elliott, Head of Regeneration and Planning
Mr Phil Griffiths, Manager, Countryside and Landscape Services
Mrs Gail Williams, Monitoring Officer/Principal Solicitor

Mr Richard Beaugie, Secretary and Programme Co-ordinator, Islwyn Ramblers, 76 Cefn Road, Rogerstone, NP10 9AS
Gelligaer Ramblers, Mr. Anthony Vallario, 19 Lon Pennant, Blackwood NP12 1EL
Mrs. J. Hyett, Woodlands Farm, Caerphilly Mountain, Caerphilly, Mid Glamorgan CF8 1NF
Countryside Council for Wales Unit 4, Castleton Court, Fortan Road, St.Mellons, Cardiff CF3 0LT
Open Spaces Society, Open Spaces Society, Ms M. Thomas, 15 Carlton Terrace, Crosskeys, Gwent NP11 7BU
The Ramblers Association, 2nd Floor, Camelford House, 87-90 Albert Embankment, LONDON SE1 7TW
Royal Mail Property Holdings West, Estates Surveying Division, Archway House, 77 Ty Glas Avenue, Llanishen, Cardiff CF4 5YG
Wales & West Utilities, Wales & 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
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.

Councillor C. Durham

CONSULTATION RESPONSES

Applicant

A letter has been received from the applicant, Mr. J. Thomas-Davies, dated 3rd August, 2014, apologising for his inability to attend the meeting. A copy is attached as Document No. 45

Open Spaces Society

A letter has been received from Ms. M. Thomas, local representative for the Open Spaces Society, dated 30th June, 2014, which is attached as Document No. 46, opposing the deletion of Footpath No. 147 in the Community of Mynyddislwyn.

There has been no further responses from Ms Thomas, or indeed any of the other consultees.

Comments on the Response

Ms Thomas calls into doubt the comments made in the witness statements that they had never seen anyone using the right of way and states that she and Liz Holland have used the footpath.

Ms. Thomas has asked for further time to visit the archives to view other maps and to investigate heresay that the Islwyn Running Club used the footpath.

She refers to the footpath linking in with other rights of way. The footpath ends terminates on a green lane but the Sirhowy Valley Walk is just a few metres down the lane. Although it can be agreed that it would be a useful link the evidence as to whether or not it should have been included on the Definitive Map and Statement should not consider this when making a decision.

She believes that a number of the witness statements should be withdrawn but they form part of the evidence submitted by the applicant so must be included. It is for the Cabinet Members to decide whether they consider the witness statements true records. It should be borne in mind that the witness statements are statutory declarations sworn before a solicitor.

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- ii) 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**: this means a highway 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.

- iii) 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.
- iv) 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.
- v) 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.
- vi) 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.
- vii) 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.**

- viii) 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.

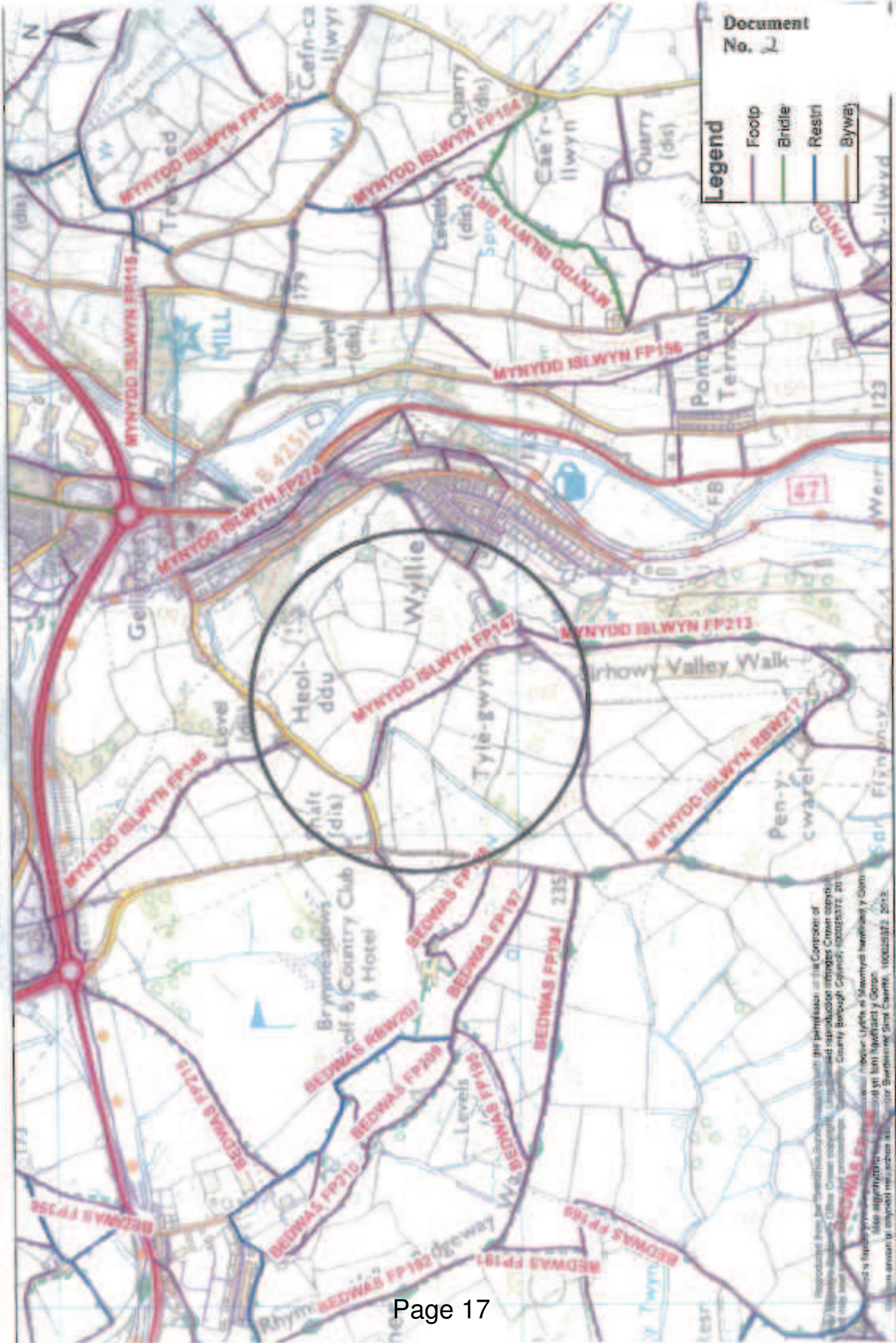
Section 31 of the Highways Act states:-

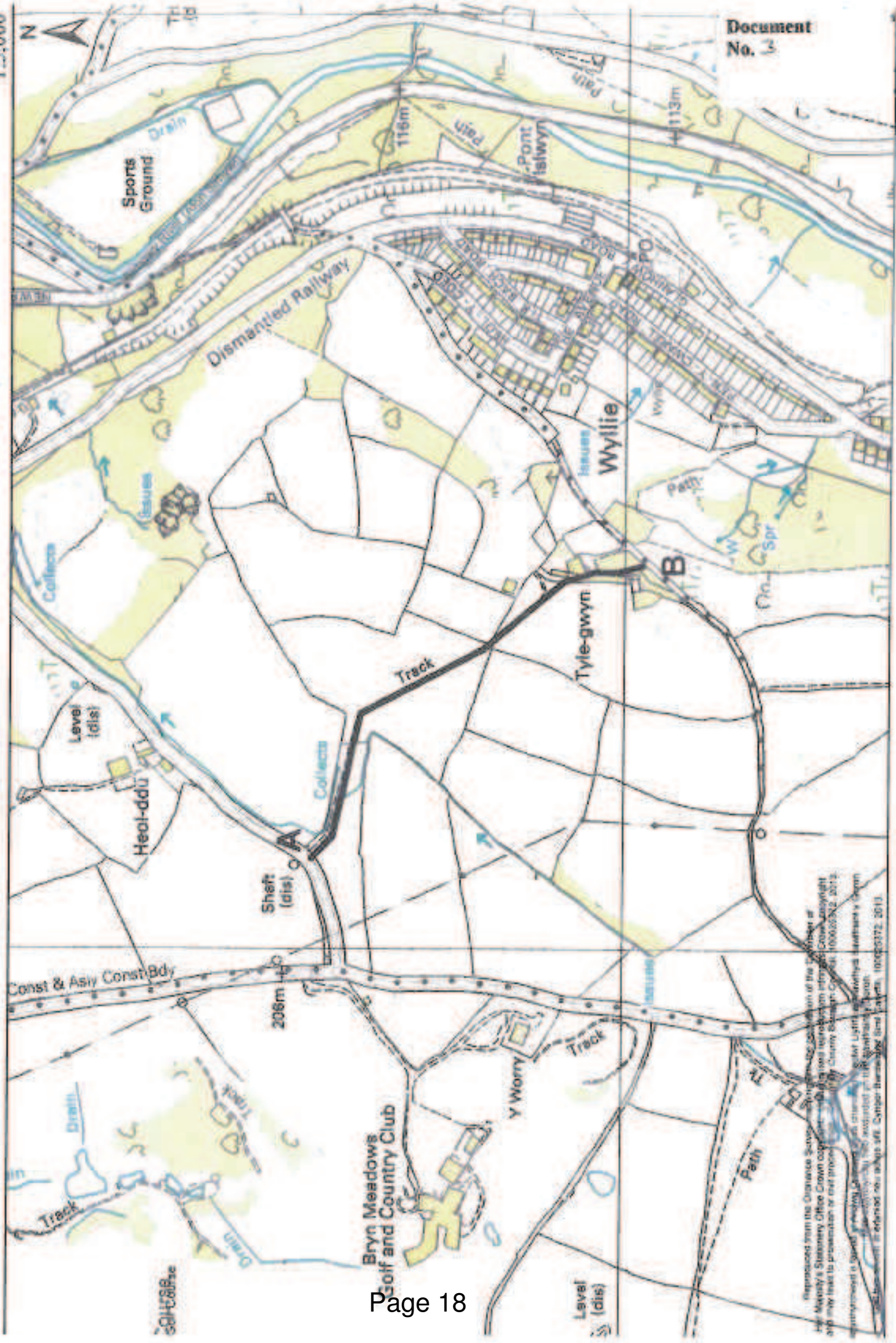
"where a way over any land other than a way of such a character that use of it by the public could not be given rise at common law to any presumption of dedication, has been actually enjoyed by the public as a right and without interruption for a full period of 20 years, the way is to be deemed to have 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.

- ix) 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 National Assembly for Wales. 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 National Assembly for Wales 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.





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District : ISLWYN BOROUGH
Community : HYNDDISLWYN

- 203144 144/3 Stiles by L.A.
203144 144/4
203144 144/5 A. 4048 foot of Gelli Lane E. to join Half Way Road
for the purpose of
- 203145 145/1 FP
203145 145/2 Maesycwmer
203145 145/3 Wicket gates by L.A.
203145 145/4
203145 145/5 Leaves A. 472 near Penybryn Terrace through wicket gate S.E. to wicket gate U.D.C. boundary road Bedwas. Hard surface 6' wide between fences.
for the purpose of 59
- 203146 146/1 FP
203146 146/2 Gelligroes
203146 146/3 Stile by L.A.
203146 146/4
203146 146/5 Stile in fence 145 skirting coppice across rough waste S.E. through woodland stile Heolddu Lane. N.B. Original route as shown on map diverted during war illegally. Stiles moved by tenant farmer.
for the purpose of 58
- 203147 147/1 FP
203147 147/2 Wyllic
203147 147/3 Right not disputed 1880 O.S.
203147 147/4
203147 147/5 Leave Heolddu Lane at gateway east of Penheolddu, east then south-east skirting Tyla Gwyn Farm to lane.
for the purpose of 57
- 203148 148/1 CRF
203148 148/2 Quarry etc.
203148 148/3 Well used path. 1879 O.S.
203148 148/4
203148 148/5 Approach road from Church Lane to Clawryplwf Farm, Cartroad - pedestrian access over
for the purpose of 47
the path is now used as a road
- 203149 149/1 FP
203149 149/2 Hynyddislwyn
203149 149/3 Maintained by L.A. 1899 O.S.
203149 149/4
203149 149/5 Clawryplwf Farm west to lane - stile and steps at entry to lane
for the purpose of 47

DOCUMENTARY EVIDENCE

Under Part VI of the "National Parks and Access to the Countryside" Act 1949, Section 27 of the act placed a duty on all County Councils to prepare Statutory Maps showing all the Public Rights of Way for their particular areas.

The preparation of the definitive map and statement was processed through three specific stages, namely: Draft, Provisional and Definitive. The definitive map and statement for CCBC was partly prepared by Glamorgan and Monmouthshire County Councils. Document No. 6 provides details of this process.

Map and Statement

Due to the geographical size of the county areas some highway authorities considered it appropriate that the draft maps and statements were prepared with the assistance of the Parish Councils where they undertook the initial survey work and preparation of draft statements.

Upon completion of the initial survey all the information was sent to the relevant highway authority who compiled the information onto one set of maps referred to as the Draft Definitive Map and Statement. This set of maps and accompanying statements were published and notice given in a local paper and the London Gazette. The maps and statements were open for public scrutiny and were liable to objection. An objection could be for the inclusion or omission of a particular route. All representations had to be received within the prescribed time period (minimum of four months). If any representation were received the authority had, under Section 29(3) to appoint a person to hear the objector and then determine whether any modification of the map and statement should be made. The result of this determination had to be notified to the person making the representation. If the authority determined to modify the map by deletion or addition of a path, notice of its determination had to be published in the London Gazette and local papers giving 28 days to object. If any representation was then made to the determination, the authority had, under Section 29(4), to notify the original objector, and, after hearing both parties, decide whether to maintain or revoke the determination. The authority had to serve notice of its decision on both parties.

A copy of an enlarged copy of the Draft Map is attached as Document No. 7.

Provisional Map and Statement

Following determination of any appeals to the Secretary of State the authority then prepared, under Section 30, a Provisional Map and Statement. This was the modified version of the draft map and statement. Notice of the preparation of this part of the act was given in the London Gazette and local paper as before. Section 31 gave the right to any owner, lessee or occupier of land over which the map showed a public right of way to apply to the Crown Court for a declaration that, at the relevant date of the map,

- there was no public right of way over the land

- the rights were those specified in the application and not those specified in the map and statement
- the position or width of the right of way were as indicated in the application and not as indicated in the map and statement
- the public right of way was subject to limitations or conditions other than those recorded in the statement or that those so recorded were incorrect

The public had no right to apply to the Crown Court.

A copy of the Provisional Map is attached as Document No. 8.

Once all representations and objections had been determined the authority was in a position to prepare the Definitive Map and Statement.

Definitive Map and Statement

The dates of the various stages of the definitive map and statement for Monmouthshire were:-

Draft published on the 16th December 1952,
 Provisional published on the 17th September 1965
 Definitive published 3rd December 1967

A copy of the Definitive Statement is attached as Document No. 5.

The original Definitive Map and Statement for the former Counties of Glamorgan and Monmouthshire had relevant dates of 14th September 1954 and 1st July 1952 respectively and included three classifications of paths, namely

footpath,
 bridleway and
 road used as a public path.

Definition of Status of Public Rights of Way which appeared on the original Definitive Map

Public Rights of Way shown on the Definitive Map and Statement for the Glamorgan and Monmouthshire County Councils fell within three categories, namely footpath, bridleway, and Road Used as Public Path.

These three types of path are described under Section 27 "National Parks and Access to the Countryside" Act 1949.

Footpath - a highway over which the public have a right of way on foot only - other than such a highway at the side of a public road.

Bridleway - a highway over which the public have the following, but no other rights of way, that is to say, a right of way on foot and a right of way on horseback or leading a horse with or without a right to drive animals of any description along the highway.

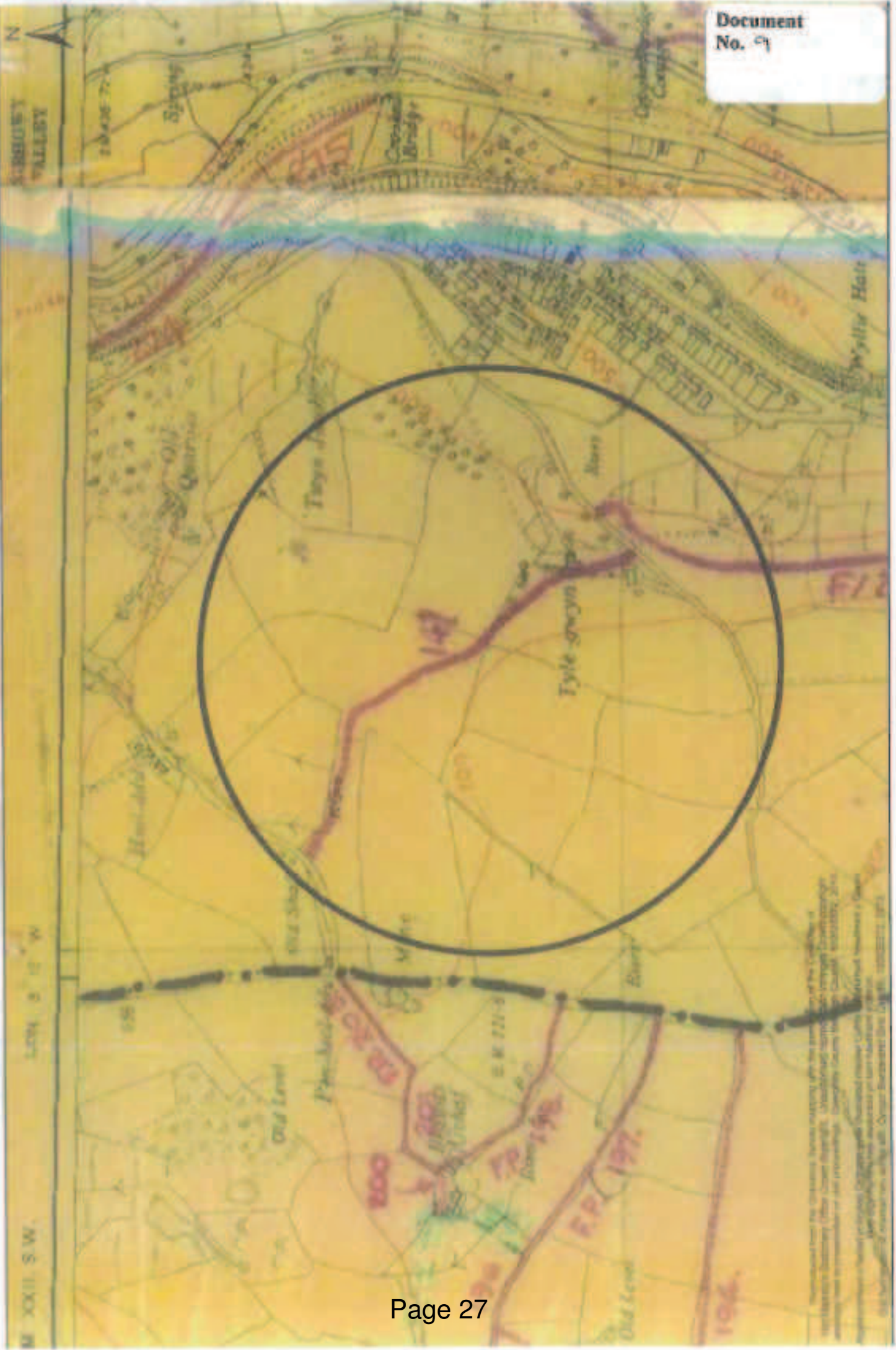
Road Used as a Public Path - a highway other than a public path used by the public mainly for the purposes for which footpaths and bridleways are so used

Monmouthshire CC identified Roads used as a Public Path as Cartroad Bridleways and Cartroad Footpaths.

A footpath shown on the map shall be conclusive evidence that such a footpath existed at the relevant date, as described in the statement.

The inclusion of a bridleway or road used as a public path (cartroad bridleway or cartroad footpath) is evidence only that there was a highway shown and that the public had there over a right of way on foot, on horseback, or leading a horse with or without the right to drive livestock. If a path was not shown on the map it was not conclusive evidence that it did not exist.

Document No. 9





Document
No. 11



1:2,679



Historical Mapping 1873-1888

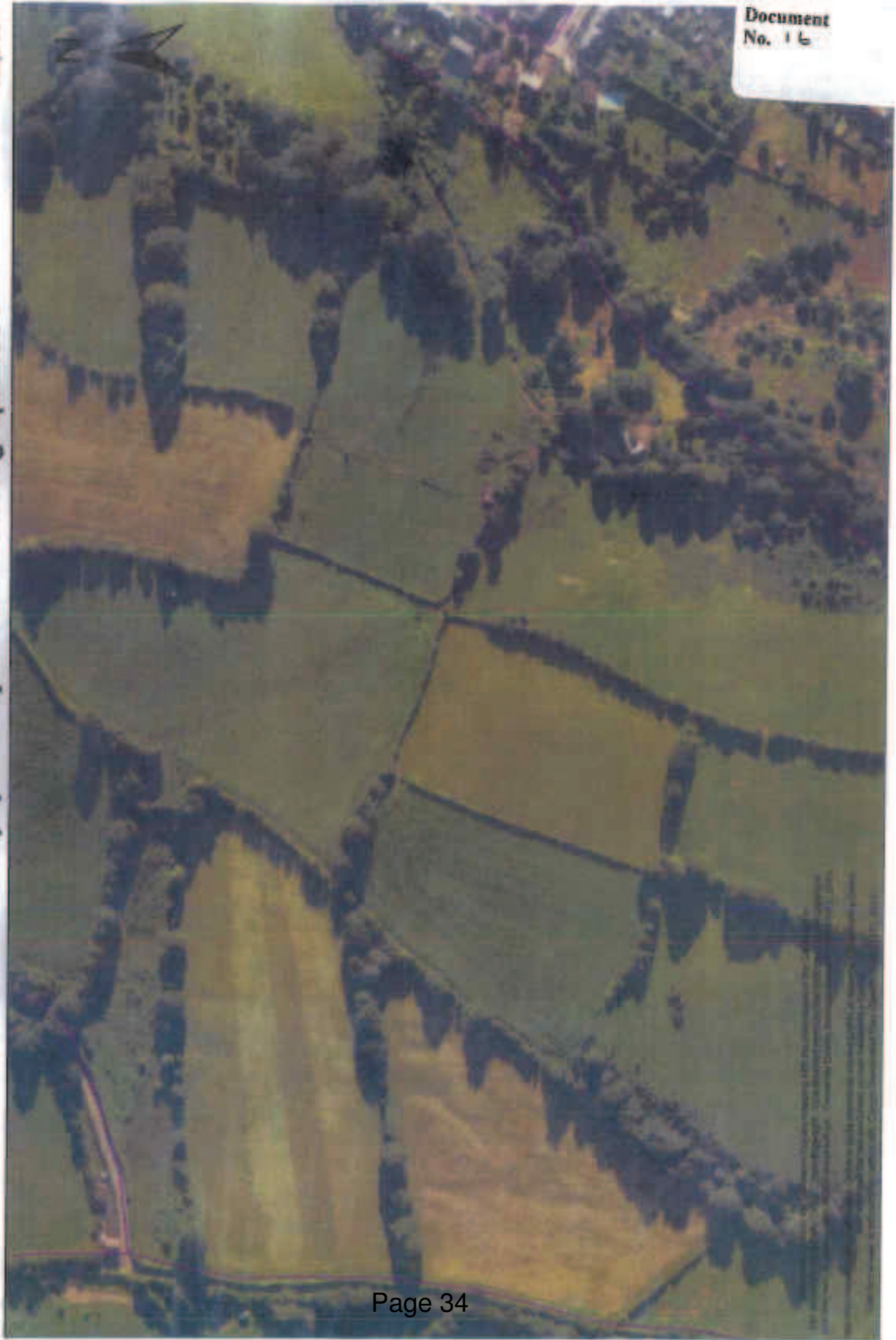
Caerphilly County Borough Council



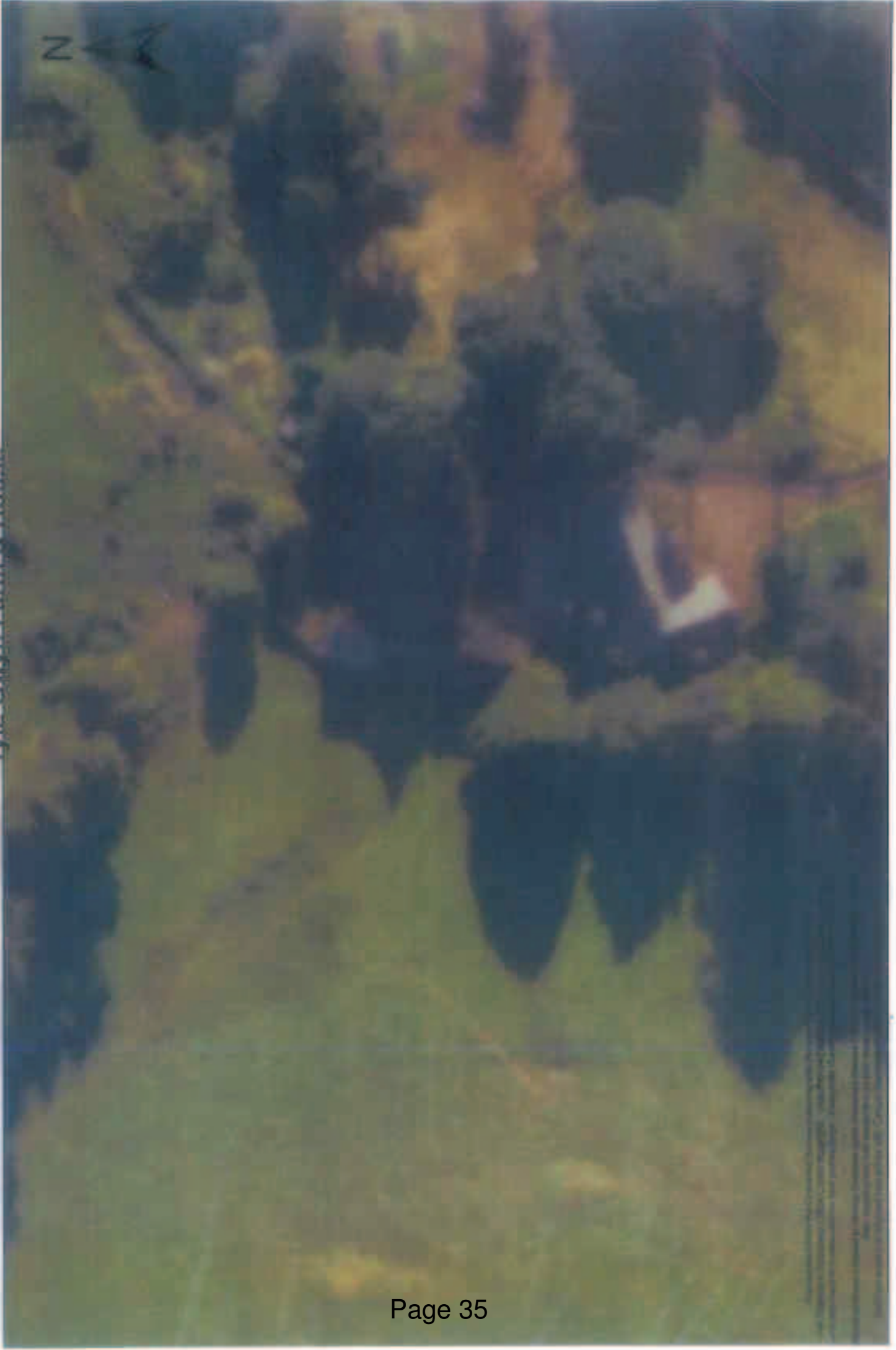
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FP147 Mynyddislwyn - Aerial Photograph 1991

1:2,500



Tyle Gwyn Farm & House



FP147 Mynyddislwyn - Aerial Photograph dated 2001

1:2,500

Document
No. 17







Document
No. 109



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FP147 Mynyddislwyn - Aerial Photograph dated 2010

1:2,500

Document No. 20



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20/4/13

J. A. Thomas-Davies

Document
No. 21

[Redacted]

Dear Madam,

Your Ref. FTP/ROW/FP147

I refer to the letter, dated 5th April, from
Mrs Pigeon. I have been away from home - hence
my slowness in reply, for which apologise.

I now return your form N.C.A. 5 duly
completed, together with copy of my letter to Mrs Pigeon
of 25th March which lists the documents sent to her.

Yours faithfully,

[Redacted Signature]

To Mrs P. & M. Hill

Head of Regeneration & Planning

Council Offices

Pontllanfairth

Blackwood NP12 2YN

PONTLLANFAIRTH
21 APR 1981
HOUSE

cc. Councillor Janet Jones

15, The Avenue

Hylke, Blackwood NP12 2HT



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J A Thomas-Davies

Document
No. 22

28 March 2013

HOUSE

25th March 2013

Dear Mrs Piper

Alleged Footpath 147

I refer to your letter dated 25th September 2012 and subsequent correspondence.

I now enclose the following documents all in duplicate:-

1. Statutory Declaration by me dated 8th March 2013.
2. Statutory Declaration by Mrs Lorraine Ruff J.P. dated 17th May 2009
3. Statutory Declaration by Mr Reginald Ruff dated 17th May 2009
4. Statutory Declaration by Mr Stephen Watkins dated 21st December 2012.
5. Signed Statement by Mr Stephen Watkins dated 26th February 2009 stating that he is a J.P.
6. Statutory Declaration by Mr David Coonick dated 17th December 2012.
7. Statutory Declaration by Mr John Coonick dated 17th December 2012
8. Statutory Declaration by Mr Andrew Down – Sergeant Gwent Police – dated 1st February 2013.
9. Signed Statement by Mrs Julie Down dated 18th March 2009.
10. Statutory Declaration by Mr Allan Beddoe - late of British Transport Police - dated 17th February 2013
11. Statutory Declaration by Mr and Mrs Fletcher dated 19th February 2013.
12. Signed Statement by Mr and Mrs Marsh dated October 1995.
13. Signed Statement by Mr Robert Marsh dated 19th February 2009.
14. Signed Statement by Mr Edgar Symons dated 10th March 1996.
15. Signed Statement by Mr Carl Tiley dated 2nd March 2009
16. Signed Statement by Mrs Jessica Tiley dated 2nd March 2009
17. Signed Statement by Mr Peter Watkins dated 16th March 1996
18. Signed Statement by Mr Peter Watkins dated 20th March 2009
19. Signed Statement by Mrs Jessie Gibbons dated 17th March 1996
20. Signed Statement by Mrs Jessie Gibbons dated 10th February 2009
21. Signed statement by Mr S Oliver dated 25th September 1996.

I have the originals of all statutory declarations and some original signed statements.

I enclose also a copy of my letter dated 19th January 1997 to your Authority which indicates that you probably have the originals of some other signed statements on your files.

I am aware of the procedure laid down by Parliament for the provisional registration of public footpaths. Interested parties (e.g. tenants and owners) were notified of the provisional registration and were given an opportunity to raise objection within a limited time-scale. In the absence of

objection the registration ceased to be provisional. It appears from the entry in the register that in the case of F.P. 147 neither Mr Matthew Watkins, the tenant, nor my father objected.

Mr Watkins was a good farmer and a careful man of business. He died in 1983 leaving a talented family. This is the extent of my knowledge of him.

My father was a diligent lawyer.

Beyond the assertion of one person who wrote to Gwent County Council on 5th November 1995 there is an absence of evidence that Mr Watkins admitted the existence (or registration) of a public footpath. His family certainly deny it.

As for my father, he never indicated any awareness of this. From 1945 until his death in 1984 I was often involved in his business.

I conclude that somehow the parliamentary safeguard of formal notification went awry.

An examination of your records running back to the times of Monmouthshire and Gwent County Councils may establish the contrary but I do not believe the issue surfaced until 1994, 10 years after I had assumed responsibility for my father's affairs. It seems that it had lain dormant for 40 years.

It may be said that I have been dilatory in addressing and challenging what I see as an injustice. I can only say that I have always had other pressing concerns and limited resources and the delay has not been mine alone. I refer again to the records in your keeping.

One of those who wrote to your predecessor in the Gwent County Council said that people who supported my contention (that there was no rightful public footpath across Tyle Gwyn Farm) must be my 'friends'. This is true in most cases though I utterly reject the inference that their testimony is therefore suspect. One, Stephen Watkins, I have never knowingly met and another might have had some justification for refusing co-operation since he and I had been in dispute some years ago. In general, one does not approach total strangers on such a matter.

Very few of those who have been willing to go to the trouble of making statutory declarations and signed statements have anything to gain from the outcome beyond the satisfaction of seeing a wrong rectified. These are people of marked integrity. I am proud to call them friends.

Please bring this matter to the attention of the County Borough Cabinet.

Yours sincerely



J A Thomas-Davies

cc. Councillor Janet Jones, 15 The Avenue, Wyllie, Blackwood, Gwent NP12 2HI

To: The Footpath Officer, Caerphilly County Borough Council, Pontilanyraith House,
Pontilanyraith, Blackwood, Gwent NP12 2YW

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: Myayddic Llyn

I/We (name of applicant) John G Thomas Jarvis

of (address of applicant) 

Telephone N° (Home)  (Business) 

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° 147

leading from Healdydd Lane east of Penleolddu

to lane in front of Tyle Gwyn House

OR

2. *Adding the *(footpath) *(bridleway) *(byway open to all traffic)

shown as N° _____

leading from _____

to _____

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

~~shown as N^o~~

~~leading from~~

~~to~~

OR

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

~~shown as N^o~~

~~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:-

*Ref my letter to V.P. Pipes of 25/3/13 (copy attached)
and document therein enclosed*

Dated *20th April* 20*13*
Signed 

* Please delete as appropriate

Dated

8th March

2013

Statutory Declaration

By

JOHN ANTHONY THOMAS-DAVIES

Relating to Footpath 147,

Tyle Gwyn Farm,

Wyllie,

Blackwood,

Gwent

Parrott & Coales LLP
14 Bourbon Street
Aylesbury
Buckinghamshire
HP20 2RS

11/48262

I, JOHN ANTHONY THOMAS-DAVIES of Culverton Farm, Princes Risborough, Buckinghamshire, HP27

DEU do solemnly and sincerely declare as follows :-

1. I make this declaration as part of my application to have the registration of footpath 147 across Tyle-Gwyn Farm, Wyllie, Blackwood, Gwent deleted from the register of public footpaths maintained by Caerphilly County Borough Council. That footpath is coloured red on the plan now produced and shown to me marked JAT-D1.
2. I am aged 78 and am a retired lecturer.
3. My grandfather, John Thomas-Davies was born at Tyle Gwyn in 1865.
4. At that time and I believe for many years before, there was a track running across the farm from the public road way to the north to a milking shed and dairy in the south. This track is marked in red on the 'Historical Map 1873 – 1888' a copy of which is shown to me and marked JAT-D2, furnished by Caerphilly County Borough Council. It will be noted that the track which must have been used for the movement of livestock, does not go beyond the dairy in a southerly direction. The dairy building is now a ruin and is marked on JAT-D3 with a blue ring. 3 photographs are annexed and marked JAT-D4.
5. Wyllie Colliery was established by Tredegar Southern Collieries in the early 20th Century. The village of Wyllie was built shortly after the First World War.
6. At about this time Tyle Gwyn House was subdivided. The western side became known as the farm house and was occupied by the farm tenant and his family. The eastern side, Tyle Gwyn House, was occupied by my family until the 1950s.

7. In the 1950s Tyle Gwyn House, the eastern end, was leased to the National Coal Board (successor of Tredegar Southern Collieries) and was occupied by the colliery manager and his family until 1965 when a new manger's house was built by the National Coal Board.
8. Mr Matthew Watkins was the farm tenant and lived in Tyle Gwyn Farm house from 1938 until his death in 1983. His widow remained there until 1988 and Mr Peter Watkins, her son, a veterinary surgeon, managed the farm until Mr Coonick took over the tenancy. Mr Coonick remains the farm tenant to this day.
9. When Mrs Watkins left Tyle Gwyn, Mr Robert Marsh took over the tenancy of the farm house and then Tyle Gwyn house.
10. During Mr Matthew Watkins' tenancy, Tyle Gwyn continued to be a dairy farm. By this time the old dairy (referred to in paragraph four above) was no longer used. Instead milking took place on the ground floor of the barn in the farmyard. People came up from the village to buy milk by way of a stile and private footpath skirting the old orchard and below the house drive. This private footpath is marked in green on exhibit JAT-D2.
11. I was born in 1934. My father was in the Army from 1939 – 1945. Both before and after the War he frequently visited Tyle Gwyn on business. From 1945 onwards I often accompanied him. I knew Mr and Mrs Watkins.
12. My father died in 1984. I then became the managing Trustee of his estate.
13. I became the owner of Tyle Gwyn in about 1988. During the late 1980s and early 1990s I spent much time living at Tyle Gwyn and working on the house.
14. In about 1996 I conveyed the farm house and the farm to my son Richard, retaining title to Tyle Gwyn House, the barn and the farmyard.

15. In 2004 the house, the farm house, the barn and the farmyard were sold. In the same year my son Richard moved to Australia and sold Tyle Gwyn farm to my wife and myself. The farm remains in our title.

16. During much of my boyhood and the whole of my adult life I have known Tyle Gwyn intimately. Many local residents have become my friends. Never, from 1945 to the present time have I known anyone using the alleged footpath across the farm, nor have I known anyone who claimed there was such a public footpath. It is therefore my sincere belief that footpath 147 was registered in error and should be deleted from the record. It is my conviction that the private footpath to the farmyard connected to the ancient working farm track was thought to be a public way, was put forward in error and no objection was raised either by my father or by Mr Watkins. It is possible that they were unaware of the provisional registration. It therefore remains on the register exhibit JAT-D5 to this day with the note 'Right not disputed'.

17. In 1995, when I first became aware of the alleged footpath 147, Gwent County Council, which was then the footpath authority, contended that it must run down the front drive. At that time it seemed to me utterly improbable that the farmer, or my family whilst they lived in the house or, after them, the colliery management would have permitted such a use of their drive. Since Caerphilly County Borough Council has taken over the responsibility for footpaths it has been argued that the footpath runs across the farm house garden and onto the back lane. There is not now, and never to my knowledge has been, any evidence of an access on to the back lane there. The considerable difference in land levels between the garden and the back lane makes this most unlikely.

18. Last year I spoke to the Footpath Officer about footpath 147. She told me that the problem was that it was marked on the Ordinance Survey maps. On examination, I found that the footpaths across adjacent farms were marked "F.P.". The dotted line across Tyle Gwyn was marked "TK". In consequence I wrote to the Ordinance Survey and asked them whether there was any significance in the discrepancy. I annex their reply dated 14th November 2012, marked JAT-D6, which I believe supports my view that this was a farm track used for the ordinary business of the farm rather than a footpath. I am a countryman, and a keen walker. I have lived on farms most of my life. I have never known a farm without tracks.

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

Declared at KIDD RAPINET in the County of
BUCKINGHAMSHIRE

this 8th day of March 2013



Before me SR Chubb.

A Commission for Oaths/Solicitor

Kidd Rapinet
Solicitors
Western House
14 Rickfords Hill
Aylesbury, Bucks HP20 9PX
Tel: 01296 432541

EXHIBIT MARKED 'JAT-D 1'

Referred to in the Declaration made by

JOHN ANTHONY THOMAS - DAVIES

Made this

8th

day of March

2013

Before me

SK Chubb

Commissioner of Oaths/Solicitor

Kidd Rapinet
Solicitors
Western House
14 Rickfords Hill
Aylesbury, Bucks HP20 2PX
Tel: 01296 432541

VATATA

ORDNANCE SURVEY

Scale 1:10,560 or 6 Inches to 1 Mile



EXHIBIT MARKED 'JAT-D 2'

Referred to in the Declaration made by

JOHN ANTHONY THOMAS - DAVIES

Made this 8th day of March 2013

Before me *SR Clumb*

Commissioner of Oaths/Solicitor

Kidd Rapinell
Solicitors
Western House
14 Rickfords Hill
Aylesbury, Bucks HP20 2RX
Tel: 01296 432541

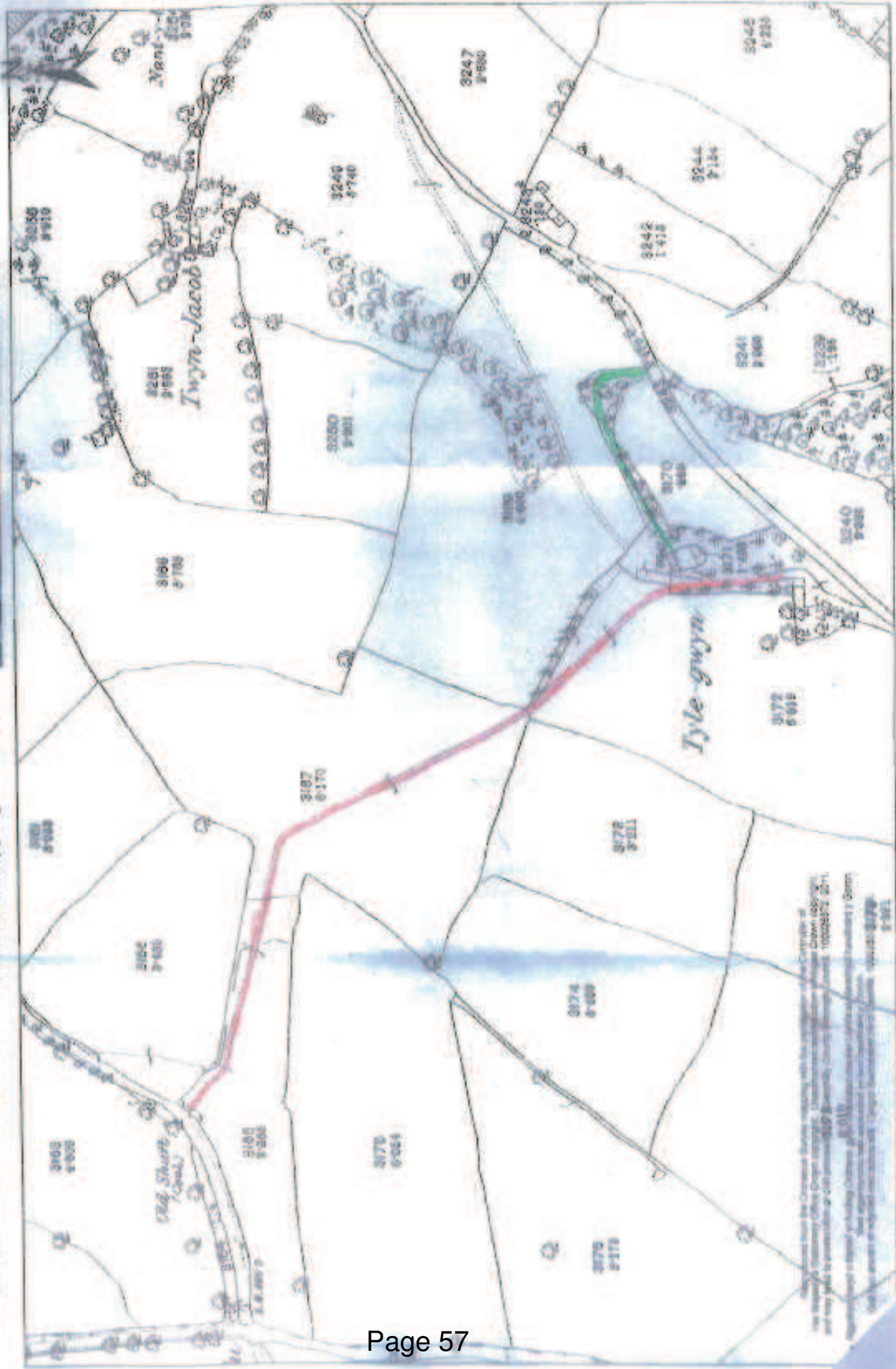
MTA 2

1:2,579



Historical Mapping 1873-1888

Caerphilly County Borough Council



This map was prepared by the Caerphilly County Borough Council in conjunction with the Ordnance Survey. The map is a reproduction of the original map and may not be used for any other purpose without the permission of the Ordnance Survey. The map is a reproduction of the original map and may not be used for any other purpose without the permission of the Ordnance Survey.

EXHIBIT MARKED 'JAT-D 3'

Referred to in the Declaration made by

JOHN ANTHONY THOMAS-DAVIES

Made this 8th day of March 2013

Before me *gr Chubb*

Commissioner of Oaths/Solicitor

Kidd Rapinet
Solicitors
Western House
14 Rickfords Hill
Aylesbury, Bucks HP20 2RX
Tel: 01296 432541

JAT-23

JAT-23

Part of subdivision
dated 1911



EXHIBIT MARKED 'JAT-D 4'

Referred to in the Declaration made by

JOHN ANTHONY THOMAS - DAVIES

Made this 8th day of March 2013

Before me JK Chubb

Commissioner of Oaths/Solicitor

Kidd Rapnet
Solicitors
Western House
14 Rickfords Hill
Aylesbury, Bucks HP20 2RX
Tel: 01296 432541



Jan 28

V. 9/1-84



7A.7.2.4



EXHIBIT MARKED 'JAT-D 5'

Referred to in the Declaration made by

JOHN ANTHONY THOMAS -DAVIES

Made this 8th day of March 2013

Before me *SRChubb*

Commissioner of Oaths/Solicitor

Kidd Rapner
Solicitors
Western House
14 Rickfords Hill
Aylesbury, Bucks HP20 2RX
Tel: 01296 432541



Mr J Thomas-Davies
Collins Farm
Loosley Row
AYLESBURY
Bucks
HP27 OPE

If telephoning, the person dealing
with this matter is :

Mrs Ruth Reid

Direct Line Tel: 01633 832681

Date : 4 January 1995

Your Ref :

Our Ref : BR/FP/FP147

Dear Mr Thomas-Davies

ISLWYN BOROUGH: Mynyddislwyn Community: Public Footpath No 147 at
Tyla Gwyn Farm

I refer to your telephone conversation with Mrs Fiona Ford in September this year.

A copy of the Definitive Map of Public Rights of Way, together with the statement were sent to you on 28 September 1994 and I understand that you wish to challenge the inclusion of the footpath.

The original survey of the area was carried out in the early 1950s and I enclose a photocopy of the original submission.

The onus is on you to prove that no right of way exists and it will be necessary for you to produce substantial evidence to that effect. The sort of evidence that would be needed would be statements from people who knew the area well in the early 1950s and could verify that it was not used by the public.

If you need any further details, please do not hesitate to contact me.

Yours sincerely

Ruth Reid
Rights of Way Officer

Enc



District : ISLWYN BOROUGH
Community : HYNDDISELWYN

203144	144/3	Stiles by L.A.
203144	144/4	
203144	144/5	A. 4048 foot of Gelli Lane E. to join Half Way Road
203145	145/1	FP
203145	145/2	Maerycwaner
203145	145/3	Wicket gates by L.A.
203145	145/4	
203145	145/5	Leaves A. 472 near Penybryn Terrace through wicket gate S.E. to wicket gate U.D.C. boundary road Sedwar. Hard surface 6' wide between fences.
203146	146/1	FP
203146	146/2	Gelligroes
203146	146/3	Stile by L.A.
203146	146/4	
203146	146/5	Stile in fence 145 skirting copse across rough waste S.E. through woodland stile Heolddu Lane. N.B. Original route as shown on map diverted during war illegally. Stiles moved by tenant farmer.
203147	147/1	FP
203147	147/2	Wicket
203147	147/3	Right not disputed 1889 O.S.
203147	147/4	
203147	147/5	Leaves Heolddu Lane at gateway east of Pannoddy, east then south-east skirting Fyla Gwyn Fara to lane.
203148	148/1	CRP
203148	148/2	Quarry etc.
203148	148/3	Well used path. 1879 O.S.
203148	148/4	
203148	148/5	Approach road from Church Lane to Clawryplaf Fara. Cartroad - pedestrian access over
203149	149/1	FP
203149	149/2	Byond. 111/20
203149	149/3	Maintained by L.A. 1899 O.S.
203149	149/4	
203149	149/5	Clawryplaf Fara west to lane - stile and steps at entry to lane

* 147 - Foot Path Number

147/1 - TYPE OF PATH i.e. Foot Path

/2 - NAME OF PATH

/3 - JUSTIFICATION OF RIGHT OF WAY

/5 - DESCRIPTION OF PATH

Sheet No.
17.
(5)

(4)

leaves Hoolich Lane at gateway east of Pambeliddu, east then south-east skirting Tylis Gwynn Farm to lane.

High not disputed.
1879 O.S.

Approach road from Church Lane to Caerlyplwyf Farm. Disturbed - pedestrian access over.

Well used path.
1879 O.S.

Caerlyplwyf Farm west to lane - staked and steps at entry to lane.

Obtained by L.A.
1899 O.S.

Caerlyplwyf south to Caerllwyn Colliery - disused.

1899 O.S.

Caerllwyn Colliery south-west over quarry tips then west to old road near Caerllwyn Bach.

1879 S.E.

Caerllwyn Colliery to Caerllwyn Farmhouse Class III road.

1879 O.S.

Caerlyplwyf to Caerllwyn Farm.

Maintained by L.A.

From lower Caerllwyn Road near Spring south west to old Ynyeddu Road.

1899 O.S.

Stone stile on old Ynyeddu Road south to St Coppl.

EXHIBIT MARKED 'JAT-D 6'

Referred to in the Declaration made by

JOHN ANTHONY THOMAS - DAVIES

Made this 8th day of March 2013

Before me *R. Chubb*

Commissioner of Oaths/Solicitor

Kidd Rapinet
Solicitors
Western House
14 Rickfords Hill
Aylesbury, Bucks HP20 2RX
Tel: 01296 432541

14 November 2012

General enquiries: +44 (0)8456 05 05 05
Textphone (deaf and hard of hearing users only please):
+44 (0)23 8005 6146

Mr J A Thomas-Davies
Culverton Farm
Wycombe Road
Princes Risborough
Buckinghamshire
HP27 0EU

www.ordnancesurvey.co.uk
customerservice@ordnancesurvey.co.uk

Our ref: OS1411TD
Your ref: GV-83373

Dear Mr Thomas-Davies

Re: OS sheet ST19SE 6" to 1 mile

Thank you for your letter dated 13th November 2012.

In regards to your enquiry during this time a surveyor would have visited the site and observed that the area in question was a track rather than a footpath and recorded it as such.

Unfortunately Ordnance Survey does not hold surveyor notes so we are unable to give you any more information than this.

A footpath would usually be associated with a path that is open to the public to walk and a track would represent a path without a specific use. All our mapping does carry the disclaimer that these are not necessarily rights of way.

I trust this information has been useful to you and thank you for contacting Ordnance Survey.

Yours sincerely



Tom Williams – Customer Service Advocate

STATUTORY DECLARATION

IN THE MATTER OF FOOTPATH 147 CAERPHILLY COUNTY BOROUGH COUNCIL

I, LORRAINE RUFF of [REDACTED] DO
SOLEMNLY AND SINCERELY DECLARE as follows :

1. I make this declaration in support of what I understand to be an application by Mr. J.A. Thomas-Davies for the cancellation of the registration of a footpath numbered 147 in the registers of Caerphilly County Borough Council. That footpath is shown coloured red on the plan now produced to me and marked "LR1" ("the Plan").
2. I am one of Her Majesty's Justices of the Peace. I am the wife of Reginald James Ruff; we married in 1957 and upon our marriage I moved into Heol Ddu Farm, Gellgroes, Blackwood, South Wales. I have therefore lived at Heol Ddu Farm for some fifty two years at the date I make this Declaration. The farmhouse of Heol Ddu Farm is shown coloured pink on the Plan.
3. I am well acquainted with not only the land which forms Heol Ddu Farm but also the land belonging to neighbouring farms. I am also well acquainted with the footpaths in this area.
4. It is my personal view that the footpath in question is wrongly designated as a public footpath. It is, and always has been while I have lived at Heol Ddu Farm, only a farm track which has been used purely for the benefit of the owners of the farm over which it runs, namely Tyle Gwyn Farm.
5. From the farmhouse of Heol Ddu Farm, there is a clear view of the footpath in

question over some two thirds of its length. I can categorically state that since I have lived at Heol Ddu Farm I have never seen anyone using it as a footpath. I regularly see ramblers and walkers using other footpaths in this area, but I have never seen anyone using this footpath. I am aware however that relatives of my husband, who lived at a neighbouring farm, at one time used the path to get to services in a chapel in Wylie, though I understand that they did so with the consent and knowledge of the owner of Tyle Gwyn Farm.

6. I can further state that since I have lived at Heol Ddu Farm no footpath signs or any other indication of the existence of a footpath has ever been placed on or near the start of the footpath in question (marked "A") on the Plan.

7. It is therefore my firm belief that the footpath in question has never been used by the public as a footpath in any shape or form.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

DECLARED at *Erminquies*

this 17th day of May 2009



Before me

Harriet Hodson

Solicitor/Gemist/one: for Oaths/Justice of the Peace

LR1

This is the plan referred to in the Statutory
Declaration of Lorraine Huff made before me
on 17th day of May 2004

Lorraine Huff
Director



FF
 Wellie
 Right not discont 1880 O.S.

Leave Hoolddu Lane at gateway east of Feuehiddu, east
 then south-east skirting into Gwyn Farm to line.

203147 147/1
 203147 147/2
 203147 147/3
 203147 147/4
 203147 147/5
 203147 147/6


5. Until 1936 my cousins, Glenys Ruff and Edith Ruff, farmed and lived at Bedwas Uchaf Farm, the approximate position of their farmhouse being coloured blue on the Plan. That farmhouse now forms the Ccubhouse of Bryn Meadows Golf Club. My said cousins used the footpath in question to walk to and from services in a chapel in Wyllie and it was well known in our family that they did so with the kind permission of the land owner – I.e. the owner of Tyle Gwyn Farm.

6. It has been suggested to me that the footpath in question may have been created for the benefit of colliers going to and from Wyllie Colliery. I can categorically state that that is not correct. The footpath at its southern end passes alongside the farmhouse of Tyle Gwyn Farm (which is coloured green on the Plan). For many years that house was occupied as a residence by the manager of the nearby colliery. In these days of equality it may now be thought an oddity but I can quite certain that the manager of a colliery would never have permitted working men and colliers to pass so close to his house.

7. I can further state that no footpath signs or any other indication of the existence of a footpath has ever been placed on or near the start of the footpath in question (marked "A") on the Plan.

8. It is therefore my firm belief that the footpath in question has never been used by the public as a footpath in any shape or form.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing it to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

DECLARED at *Littleton*
this *17th* day of *May* 

Before me,
Warren Hodson
Solicitor/Commissioner for Oaths/Justice of the Peace

A KJRI

This is the Plan referred to in the Statutory Declaration of Reginald James Ruff made before me this 17th day of May 2007

Warren Hudson
Solicitor



FP
 Wyllic
 Right not disputed 1890 O.S.
 Leave Heolddu Lane at gateway east of Penheolddu, east then south-east skirting Tyla Gwyn Farm to lane.

203147 147/1
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 203147 147/99
 203147 147/100

17th May 2009

IN THE MATTER OF FOOTPATH 147 - CAERPHILLY COUNTY BOROUGH COUNCIL

STATUTORY DECLARATION

BY

REGINALD JAMES RUFF

I STEPHEN WATKINS of ~~100, The Old Rectory, Wycombe, Bucks HP12 3JN~~

solemnly and sincerely declare as follows: -

1. I make this declaration in support of what I understand to be an application by Mr J A Thomas-Davies of Culverton Farm Wycombe Road Princes Risborough Buckinghamshire HP27 0EU for the cancellation of the registration of a footpath numbered 147 in the registers of Caerphilly County Borough Council. That footpath is shown coloured red on the plan now produced and shown to me and marked "SW1" ("the Plan").
2. At the date of this declaration I am aged 71 years of age. I was born at Tyle Gwyn Farm Wyllie Blackwood Monmouthshire and lived there for 23 years. The farmhouse of Tyle Gwyn Farm is marked on the attached map. I am very well acquainted with not only the land which forms Tyle Gwyn Farm but also the land belonging to neighbouring farms. I am also well acquainted with the footpaths in this area.
3. My parents moved to Tyle Gwyn Farm in 1938 and remained there as tenants for about 50 years. I was brought up at the farm. From earliest childhood until termination of the Tenancy in 1988 I knew the farm and the activities on it very well. During that time I was never aware of members of the public walking, as of right, across the land.
4. It is my personal view that the footpath in question is wrongly designated as a public footpath. It is, and always has been during my life, only a farm track which has been used purely for the benefit of the owners of the farm over which it runs, namely Tyle Gwyn Farm.
5. It has been suggested to me that the footpath in question may have been created for the benefit of colliers going to and from Wyllie Colliery. I can categorically state that this is not correct. The footpath at its southern end passes alongside the farmhouse of Tyle Gwyn Farm (which is coloured green on the Plan). For many years that house was occupied as a residence by the manager of the nearby colliery. In these days of equality it may now be thought an oddity but I am quite certain that the manager of a colliery would never have permitted working men and colliers to pass so close to his house.
6. I can further state that no footpath signs or any other indication of the existence of a footpath has ever been placed on or near the start of the footpath in question.

ORDNANCE

Scale 1:10,560 or t

SW1

THIS IS THE EXHIBIT MARKED "SW1" REFERRED TO IN THE STATUTORY DECLARATION GIVEN BY STEPHEN WATKINS THIS 21ST DAY OF DECEMBER 2012, BEFORE ME,

SHEET ST 19 SE 2012, BEFORE ME,

SUBJECT MATTER REFERRED TO ADMINISTER OR THIS



7. It is therefore my firm belief that the footpath in question has never at any time been used by the public as a footpath in any form.

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

Declared at *Fishguard Pembrokeshire*)
This *21st* day of *December* 2012)
Before me,)



A handwritten signature in black ink, appearing to be 'J. V. ...'.

Commissioner for Oaths/Solicitor empowered to administer Oaths

To Whom it may Concern

I, Stephen Watkins, of [REDACTED]
Pembrokeshire. SA41 3XE

am a farmer and Justice of the Peace aged 67 years.

I was brought up at Tylagwyn Farm, Wylie, Blackwood, Monmouthshire.
To where my parents moved in 1938, and where they remained as Tenants
for some 50 years.

From earliest child-hood until the termination of the Tenancy in 1988 I knew
the farm and the activities on it very well. During that time I was never
aware of Members of the Public walking, as of right, across the land.

Signed.....

[REDACTED SIGNATURE]

Dated.....

February 26th 2009

I, DAVID JOHN COONICK of [REDACTED]
Blackwood, NP24 0SA DO SOLEMNLY AND SINCERELY
DECLARE as follows:-

1. I am 50 years of age, and am a Farmer.
2. My father, John Coonick is the tenant of Tyle Gwyn Farm, Wyllie, Blackwood, and I have worked that land alongside my father ever since he took the tenancy in 1984.
3. Since 1984 the only person I have seen, and know of as having walked on or across the land at Tyle Gwyn Farm is an individual known to me as Derek Oliver. He has permission to shoot vermin on the land which helps to keep vermin under control to assist with the overall management of the farm.
4. I have never, throughout this entire period, seen any other person walking on a footpath, or otherwise, on or across the land at Tyle Gwyn Farm at any time.

AND I MAKE THIS SOLEMN DECLARATION conscientiously
believing the same to be true and by virtue of the Statutory Declarations
Act 1835

DECLARED at Usk in the
County of Monmouthshire [REDACTED]
this 17th day of December 2012

Before me



Solicitor / Commissioner for Oaths

Jonathan Stephens & Co Solicitors
Ty Cornet
11 Castle Parade
Usk

I, JOHN COONICK of [REDACTED] DO
SOLEMNLY AND SINCERELY DECLARE as follows:-

1. I am 73 years of age, and am a Farmer.
2. I am the tenant of [REDACTED] and have been since 1984.
3. My family and I have worked the land at Tyle Gwyn from the time I took up the tenancy up to the present day.
4. Since 1984 the only person I have seen, and know of as having walked on or across the land at Tyle Gwyn Farm is an individual known to me as Derek Oliver. He has permission to shoot vermin on the land which helps to keep vermin under control to assist with the overall management of the farm.
5. I have never, throughout this entire period, seen any other person walking on a footpath, or otherwise, on or across the land at Tyle Gwyn Farm at any time.

AND I MAKE THIS SOLEMN DECLARATION conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835

DECLARED at Usk in the
County of Monmouthshire
this 17th day of December 2012.



Before me

Solicitor / Commissioner for Oaths

Jonathan Stephens & Co Solicitors
Ty Cornel
11 Castle Parade
Usk
Monmouthshire
NP15 1AA

STATUTORY DECLARATION

I, Andrew Edward DOWN of Tyle Gwyn Farm, ~~Princes Risborough, Bucks~~,
~~Caerphilly, Wales~~ do solemnly & sincerely declare as follows:

- 1) I make this declaration in support of an application by Mr J. A. Thomas Davies of Culverton Farm, Wycombe Road, Princes Risborough, Buckinghamshire HP27 0EU for the cancellation of the registration of a footpath, number 147 from the registers of Caerphilly County Borough Council. This footpath is shown on the attached plan, highlighted in red, produced to me and marked AED/01 ("the plan").
- 2) At the time of making this declaration I am 49 years of age and I currently live at Tyle Gwyn Farm, where I have lived for over eight years, having moved here in December 2004. I have been in continuous residence at this address since that date.
- 3) I am aware that the claimed footpath 147 runs across farmland and enters onto my neighbours land before crossing onto mine and running along the side of my house and through my garden.
- 4) I am a keen walker & cyclist and spend much of my spare time exploring the land around where I live. I am familiar with the land around where I live, and the footpaths in the surrounding area. I speak with many other local residents, and see other groups of people walking & cycling locally. In the years I have lived here I have never seen anyone crossing the farmland via this route, nor has any person spoken to me asking for access in order to follow such a route.

5) I have on occasions met with a 'rights of way officer' for the local authority, and although I realise there is a claim that such a right of way exists, I also clearly remember that this officer was unable to definitely state where the route of this path was, especially with regard to the point at which it exited from my garden onto the track above what is known as Manager's Lane. There are also no signs of the existence, past or present, of any marker post, stile, gate or other access point along this lane into my garden.

6) It is therefore my firm belief that the footpath in question has never been used as a footpath by the public in any form.

AND I MAKE THIS SOLEMN DECLARATION, CONSCIENTIOUSLY BELIEVING THE ABOVE TO BE TRUE, AND BY VIRTUE OF THE PROVISIONS OF THE STATUTORY DECLARATIONS ACT 1835.

DECLARED AT: 183 High Street, Blackwood
NP12 1ZF

THIS 1st DAY OF February 2013

BEFORE


JAGID JAMES



~~Commissioner for Oaths / Solicitor empowered to administer Oaths~~

UNLINTED

Scale 1:10,560 or 1

SHEET ST 19 SE



Tyle Gwyn Farm,


18th March 2009.

To whom it may concern,

RE: Footpath 147,

I am Julie Down of the above address. I have lived here for over 4 years, since December 2004.

I am 44 years of age and I am a manager with Caerphilly County Borough Council Children's Services.

I have recently spoken with an officer of Caerphilly County Borough Council with a view to establishing the exact route of footpath no 147 across my property.

I do not believe that such a footpath rightfully exists, despite its registration. There is no evidence of any access having been established, I have never known anyone using it.



Julie Down
18.3.09

Statutory Declaration**In the matter of the footpath 147**

I Allan Beddoe of ~~Heol-y-Coed Villas, Wyllie Hill, Caerphilly~~
~~Caerphilly~~ do solemantly and sincerely declare as follows

1. I make the declaration in support of what I understand to be an application by Mr J A Thomas-Davies of Culverton Farm Wycombe Road Princes Risborough Bucks Hp27 OEU for the cancellation of the Registration of a footpath Numbered 147 in the register of Caerphilly County Borough Council, That footpath is shown coloured.... On the plan now produced and shown to me marked AB1.
2. I was born in 1946 and am now aged 66 years.
3. In 1961 when I was 14 Years old, My father was appointed Under-Manager for Wyllie Colliery.
4. My entire family, including myself moved to 4 Heol-y-coed villas in the year on his appointment
5. Heol-y-Coed is the name of the road on which my house fronts to the rear of my garden is a steep roadway which we have always called "The Back Lane."
6. About 300 yards beyond our garden up the back lane is the gateway of Tyle Gwyn or as we have always spelled it Tyla Gwyn.
7. Between our garden and the Tyle Gwyn gateway I remember an old stile, on the Tyle Gwyn farm Boundary. From the stile there were traces of a track which lead to the farm yard. This is shown coloured..... on the plan now produced and shown to me marked AB2

8. The house at Tyle Gwyn farm land long before my time has been subdivided. The left hand (uphill) side. The farmhouse was in 1961 occupied by the farmer Mr Mathew Watkins and his family. The right hand side Tyle Gwyn House or simply "Tyle Gwyn" was occupied by the colliery manager

9. As a boy I played with the children who lived there.

10. In 1962 my father was appointed Colliery manager consequently we moved to Tyle Gwyn in that year.

11. In 1965 we left Tyle Gwyn and moved into the new Managers House (Now called Fernlea, The Avenue Wyllie) which had been built by the National Coal Board

12. In 1970 I married Gwynville Grant (maiden name) she was born in 1946 and had lived in Wyllie all her life. She also spoke of playing throughout her childhood with the children from Tyle Gwyn. She also spoke of the people from the village collecting milk by way of the stile and track mentioned in paragraph above. A copy of statement and signed by her and made in 1999 is annexed and marked AB3.

13. My Wife Gwynville sadly died in 2001.

14. I joined the British Transport Police in 1970 and became a dog handler in 1979. I retired from the police force in 1998. Throughout the period of 19 years I kept police dogs at the back of the house in Wyllie, Almost every day for this entire period I exercised my dogs up the back Lane past Tyle Gwyn.

15. From 1961 until the present time I am able to say categorically that I have never seen or heard of anyone walking a public footpath past Tyle Gwyn or across any or across any part of Tyle Gwyn Farm. I believe that it

Was registered as a public footpath in error. And I make
This solemn Declaration conscientiously believing it to be
the truth and by virtue of the provisions of the Statutory
Declaration act 1835

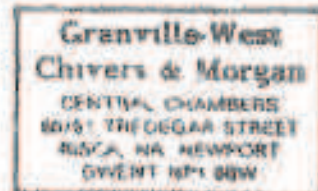
Declared at: *Granville-West, Chivers & Morgan*

This ^{7th}.....day of *FEB* 2013

Before me.....*D. M. M. M. M.*.....

Commissioner of Oaths/Solicitor

Empowered to Administer Oaths





STATEMENT

I Gwynville Beddoe state the following;

I was born in 1946 and I have lived in the village of Wyllie all of my life. During my childhood I visited "Tyla Gwyn House" frequently to play with the children of the colliery managers who lived there. At no time did I have any knowledge of a public footpath which ran alongside "Tyla Gwyn House" and down the main drive. The only path I can recall was one half way up the lane leading to "Tyla Gwyn House". There was a stile placed half way up the lane which led up to the farmyard at the rear of "Tyla Gwyn". I have marked this path on the map I have been shown in green. This path was used by many people in the village to collect milk from the farm. To my knowledge the section of the path marked 147 on the map, belonged to the farm. In this area Mr Watkins used to keep his livestock and I cannot recall seeing any people walking in this area.

G. Beddoe



(Mrs)

STATUTORY DECLARATION

In the matter of Footpath 147 – Caerphilly County Borough Council

We, **COLIN KEDWARD FLETCHER** (born 21st January 1943) and **CHRISTINE FLETCHER** (born 28th April 1944) both of [REDACTED] Wyllie Village Blackwood in the County Borough of Caerphilly NP12 2HJ Do Solemnly and Sincerely Declare as follows:-

1. We make this declaration in support of what we understand to be an application by Mr J.A. Thomas-Davies for the cancellation of the registration of a footpath numbered 147 in the registers of Caerphilly County Borough Council.
2. We moved to No.22 Tir Bach Road Wyllie Village in early 1967 shortly after we were married and subsequently moved to our present home Fernlea in mid 1981. The position of Fernlea is shown coloured orange on the plan annexed hereto and marked CKF1. The rear of our property abuts the access road to Tyle Gwyn House and Tyla Gwyn Farm.
3. We have regularly walked the various paths and roads around Wyllie Village and in particular have regularly walked the access road to the Tyle Gwyn property. The only times we have entered the Tyle Gwyn Property was if we were visiting people there.
4. It is our considered opinion that there is no public footpath across any part of Tyle Gwyn property; neither the farm nor beside the two houses named Tyle Gwyn House and Tyle Gwyn Farmhouse. The footpath in question is wrongly designated as a public footpath.
5. We have never seen or heard of any persons having walked the alleged footpath as a right of way or have seen any signs or any indication that there was such a right of way and therefore believe that the footpath in question has never at any time since 1967 been used by the public as a footpath in any form.

And we make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1935.

Declared by the Said
COLIN KEDWARD FLETCHER
and **CHRISTINE FLETCHER**

At *Blackwood*

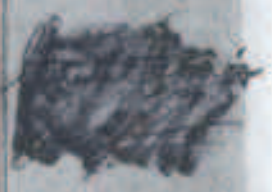
This *19th* day of *February* 2013.

Before me *NATHAN FEAR, The Gwyn Gorge Park, N. 1*
Solicitor/Commissioner for Oaths



THIS IS
THE PLAU
"CKFI"

N
North of
Selling



ORDNANCE SURVEY
Scale 1:10,560 or 6 Inches to 1 Mile

16

17

18

X. [unclear]

[unclear]

[unclear]

[unclear]

[unclear]

To Whom It May Concern

I live at Tyla Quinn's house along
with my wife and we have not heard of a footprint through the
property. My wife was born in the area in 1957 and to the best
of her knowledge has never known of a footprint at Tyla Quinn
we have spoken to other people who live locally and all have
said that they cannot ever remember of there being one
yours sincerely

1/1/95

Dear Mr Reed -

You Ref R.P.P.P.P. 147

Rm

Wagon Boro - Longditch - Llanwrthwl - Pella
Footpath No 147 at Tyle Gwynn Farm.

I refer to your helpful letter of 2/1/95.

I must apologise for being unable to
put together the evidence required to be
attributed to the presence of the commitments

I now enclose copies of statements made
by the following -

(1) Mr. Reginald James King of
Hooton Farm, Tyle Gwynn

(2) Mr. & Mrs. Smith of
Tyle Gwynn Farm, Tyle Gwynn

(3) Mr. John Thomas of
Hooton Farm, Tyle Gwynn

(4) Mr. George Thomas of
Hooton Farm, Tyle Gwynn

(5) Mr. & Mrs. Thomas of
Hooton Farm, Tyle Gwynn

ROBERT CHARLES MARSH



19 FEBRUARY 2009

TO WHOM IT MAY CONCERN

I the above lived at Tyla Gwyn for a period of eight years from 1989 until 1997. The house was rented from Mr. J. T. Davies, who was my landlord.

To the best of my knowledge there never was and never has been a footpath or right of way in the vicinity of the dwelling known as Tyla Gwyn. At the time of my stay there, I never saw any person walk or ask if it was a right of way or a footpath. I made many friends in the village and I cannot recall any person ever say to me that there was any sort of passageway and believe that it is private property.

ROBERT CHARLES MARSH





10-3-96.

To WHOM IT MAY CONCERN

I EDGAR FARRK SIMONS LATE
OF CRAIG FARM. Mynyddislwyn.

NOW LIVING AT GŵR BRITHDIR FARM
TIRPHIL. NEW TREDGAR.

I HAVE KNOWN, YEL-Y-GWYN FARM,
THE WYLLIO FOR AT LEAST, SIXTY YEARS,
AND THERE HAS NEVER BEEN A PATH
OR TRACK, OVER THIS LAND.

I REMAIN
YOURS TRULY



ORDNANCE SURVEY
Scale 1:10,560 or 6 Inches to 1 Mile



To Whom it may concern

Document

No. 35

1, Carl Tiley of Tyke Goya House,

aged N/A.

I am a Sales Consultant employed by Mercedes-Benz

I have lived here since December 2003.

During the whole period of my residence I have never been aware of people using or attempting to use the alleged footpath which is said to run across Tyke Goya Farm.

Signed



date

2/03/09

To W/om of my Concern

1. Jessica Tiley of Tyle Gwyn House. ~~██████████~~
am aged 41A

I am a Pensions Auditor employed by Xertivity

I have lived at Tyle Gwyn House since
December 2009


During the whole period of my residence I have
never known anyone attempt to walk the alleged
footpath past my house or on the adjacent land.

Signed ~~██████████~~

date 2 March 2009.

1. Peter Watkins of
an ex-Veterinary Surgeon aged (retired) 1/2 father
Matthew Watkins took the tenancy of Tyle Gwyn Farm.
1/2 in 1938. He died in 1983. 1/2 mother
left Tyle Gwyn in 1988. I was brought up there.
I left in 1975 (I think) but visited it as often as my
circumstances allowed until 1988.

Throughout the time that my family lived there,
I can testify to the fact that no one walked as if
right across the farm. (without permission)

Signed 
date. 20/3/09

P.S. This route was not
regarded as a throughfare,
during that time. T.H.

[Redacted]

[Redacted]

16/3/96

7

Dear John, As with the statement
as promised, I am sending the
original as I don't have access
to a photocopier
Yours sincerely,
[Redacted]

[Redacted]

ALLEGED PUBLIC FOOTPATH AT TYLAGWYN FARM

My parents Mr & Mrs M.C. Watkins created the above farm from 1939 until 1987. I moved to the farm with the family in 1940, where I spent my boyhood.

Following my father's death in 1983 I managed the farm for my mother until 1987. In my experience, the track shown on the Ordnance Survey map, was never used or regarded as a public footpath.

My father's connection with the farm dates from the early years of this century, when it was created by his aunt & uncle. At that time the abutters in the main house were members of the Thomas Davies family.

Since that time the main house has been rented, firstly by the Tredegar Iron & Coal Company, & subsequently by the National Coal Board for the use of managers of the Wyllic Colliery. I don't recollect my father mentioning the existence of a public footpath.


M.C.W.S.

1. Mrs Jessie Gibbons (née Watkins) of
 Massachusetts
 am now aged 70.

My parents, Mr. & Mrs Watkins moved to
 Tyle Gwyn Farm, Wylke in 1938

We lived in the farmhouse and my father
 farmed the land until his death in 1983

I was brought up there and left in 1960

My mother left Tyle Gwyn in 1988.

Throughout the time that my family lived there
 I can testify to the fact that there was no
 public footpath across the farm.

Signed



date. 10-2-09

Tel. (01443) 812562



17.3.1996

Attn. Mrs Ruth Reid,
Rights of Way Officer,
Gwent County Council,
Planning & Economic Development,
County Hall,
Cwmbran, Gwent NP44 2XF.

Dear Mrs Reid.

Re: Islwyn Borough: Mynydd Islwyn Community: Public Footpath No.147
at Tylagwyn Farm

I am writing to you at the request of Mr J A Thomas-Davies regarding the
above.

I would confirm that there has never been a right of way through
Tylagwyn Farm from the beginning of the century up until 1986, when my
mother vacated the farm.

If you have any queries please do not hesitate to contact me.

Yours sincerely,

A black redaction mark covering the signature of the sender.

JESSIE ANN GIBBON (NEE WATKINS)



Sept 25th 1996

~~_____~~

Wyllie
Brent

Whome it may concern

I have lived in the area all my
life and ^{worked} for the forestry Commission
and have reguarly walked all of
the footpaths footpath 147 was to my
knowledge never walked by the public
it was a Cart track used only by
the farmer Mr Watkins now deceased
and his family

Yours Faithfully

~~_____~~



19/1/97



Dear Sir,

Wynnstay Community - Public Footpath N:147
at Tyle Gwyn Farm

I refer to my correspondence with Mrs Ruth Reid of Great C.C. - particularly to her letter of 16/2/96. I enclose a copy of the letter in case returning letters of your predecessor authority presents difficulties.

I enclose also the following original documents -

1. statement of Mr Peter Watkins MR.C Vol. ~~5~~ 5c. of 12. Springfield Rd. Daresyresomer, Hengoes
2. statement of Mrs Jessie Gibbon (nee Watkins) of Green Lane Daresyresomer, Hengoes
3. statement of Mr S. J. Oliver of 6. The Avenue, Nylke
4. statement of Mr E. F. Symons of Cefn Brithdir Farm, Tighit, New Tredegar.

You will note that the statements of Mr Watkins & his sister Mrs Gibbon utterly refute what is alleged by the third local resident quoted by Mrs Reid with respect to the ^{approval} admission by Mr Watkins senior as to the existence of a public footpath.

It should be particularly noted that neither Mr

"Peter Wallins nor his sister Mrs Gibbons have any reason to support my contention since it was a great disappointment to them that I would not sell the farm to their widowed mother.

Mr S. J. Oliver is, I would estimate, a man of about 60 years old. He has lived in the Nyngedalwyn area all his life and knows my land intimately. His knowledge of the neighbourhood is unimpaired. Again, I have no business connection with him. His testimony is entirely independent.

Mr Symons is a local farmer, I would estimate his age at about 80. He rents the land from me and is certainly in a position to know whether walkers are using the alleged F.P. 147. He has, as he testifies, known my farm for at least 60 years and has been the tenant since 1986.

I repeat my words in my letter of 28/2/1966 to Mrs Reid - 'you mention that the 3 local residents claim to have used the job path. The first 2 claim to have used the 'job path' over my farm frequently.

I can only say that I find it strange that neither I, nor other closely associated with my land, have ever seen them doing so.

With regard to the 3rd, it is apparent that such the case of the late W^m Watkins is utterly contradicted by W^m Watkins' children. I am intrigued by his allegation that members of the Rambles Club have used the 'footpath' for a number of years and I can only say that neither I nor anyone to whom I have spoken has any knowledge of this.

I asked Mrs Reid to give me the names & addresses of the 3 local residents who claim to have used the footpath. She, quite properly, said that she needed the consent of the parties to do so. Since I have not received that information I can only infer that they refused consent. If that is the case I must assume that they know their evidence to be unreliable.

again, I submit that the track, ^{across my farm} was never a public ~~foot~~ footpath, should not have been

registered as one and shall now have the
erroneous registration deleted from the statutory
register.

Yours faithfully,



P.S. I enclose a photograph of your footpath
map with an asterisk at either end of the
footpath which I regard as wrongly marked.

To The Footpath Officer.

Casphilly County Borough Council
Civic Centre, Pool/Harpworth,
Blackwood, Wm

From: Cllr. Jones, Jan
Sent: 13 March 2013 13:12
To: Piper, June
Cc: Cllr. Durham, Colin
Subject: Footpath 203147

Dear Mrs Piper

I have been contacted by Mr John A Thomas-Davies, who is the Landowner of land around Wylle. He has told me of his contention that the footpath leading from Tyla Gwyn Farm to Heolddu Lane should not have been added to the Definitive Map as a Right of Way. The map shows the footpath running within the curtilage of the farm garden.

As a resident of Wylle for over 30 years, I have no knowledge of a right of way leading from the above farm. I also have spoken to other residents of the village and they also were unaware of this. I also took the action of speaking to two former residents of the above farm and the present incumbent and report the outcome of my conversations below.

Alan Beddoes lived in the farm from 1961 - 1963 when his father was Manager of Wylle Colliery. In all that time he never knew anyone enter the garden claiming to be on a right of way.

Robert and Tracy Williams lived in the farm for 10 years from 1999. In all that time only once did Mr Williams find a person walking in their garden uninvited. The person had a copy of a map and said he was tracking a right of way from Heolddu Lane to the farm. He had no prior knowledge of a footpath and was merely following the map. Mr Williams made him aware that he did not consider it to be a right of way. At no other time during the whole 10 years did anyone attempt to enter their garden to use a footpath.

Julie and Andy Down have lived in the farm for 10 years. They have never had anyone attempt to use a footpath through their garden.

I would like to point out that I have always been very supportive of protecting rights of way. In fact in the past I have been instrumental in gathering evidence to be able to add two other rights of way to the definitive map. However, from my own local knowledge and by speaking to others in the village I feel confident in supporting Mr Thomas-Davies in his efforts to have Footpath 147 deleted from the definitive map.

Regards
Cllr Jan Jones

Mr J A Thomas-Davies
Collins Farm
Lousley Row
AYLESBURY
Bucks
HP27 0PE

If telephoning, the person dealing
with this matter is :

Mrs Ruth Reid

Direct Line Tel: 01633 832661

Date : 14 March 1996

Your Ref :

Our Ref : RR/FP/FP147 (5)

Dear Mr Thomas-Davies

ISLWYN BOROUGH: MYNYDDISLWYN COMMUNITY: PUBLIC FOOTPATH NO 147 AT
TYLA GWYN FARM

Thank you for your letter of 9 March 1996 and for your good wishes.

The address of the new Caerphilly County Borough Council will be Civic Centre, Pontllanfraith,
Blackwood.

The relevant legislation is as follows:-

- a) National Parks & Access to the Countryside Act 1949 - Section 27 - 32. Preparation etc of Definitive Maps ie registration of rights of way.
- b) Wildlife & Countryside Act 1981 - Section 53(3)(c)(iii) provides for the modification of the Definitive Map and Statement where a route has been registered in error.
- c) Highways Act 1980 - Section 118 - Extinguishment of footpaths and bridleways.
- d) Highways Act 1980 - Section 119 - Diversion of footpaths and bridleways.

After 1 April 1996, the person dealing with this case will probably be Mr Adrian Sander. However, if you need further clarification prior to that date, do not hesitate to contact me again.

Yours sincerely

Ruth Reid
Rights of Way Officer

FOOTPATH 147 MYNYDDISLWYN
PHOTOGRAPHS



Entrance Gate at Heolddu Lane



Track from field gate.



First gateway



Track



Second field gate



Fencing obstructing access into Tyle Gwyn Farm



Obstruction preventing access onto Mr. and Mrs Tiley's ground where the right of way crosses and then enters into field through fenceline.



The fenceline next to the tree is where it was proposed to install a stile/kissing gate.



Section through Mr. and Mrs Downs' garden



Location of termination of footpath.

LIST OF CONSULTEES

Mrs Pauline Elliott, Head of Regeneration and Planning
Mr Phil Griffiths, Manager, Countryside and Landscape Services
Mrs Gail Williams, Monitoring Officer/Principal Solicitor

Mr Richard Beaugie, Secretary and Programme Co-ordinator, Islwyn Ramblers, 76 Cefn Road, Rogerstone, NP10 9AS
Gelligaer Ramblers, Mr. Anthony Vallario, 19 Lon Pennant, Blackwood NP12 1EL
Mrs. J. Hyett, Woodlands Farm, Caerphilly Mountain, Caerphilly, Mid Glamorgan CF8 1NF
Countryside Council for Wales Unit 4, Castleton Court, Fortan Road, St.Mellons, Cardiff CF3 0LT
Open Spaces Society, Open Spaces Society, Ms M. Thomas, 15 Carlton Terrace, Crosskeys, Gwent NP11 7BU
The Ramblers Association, 2nd Floor, Camelford House, 87-90 Albert Embankment, LONDON SE1 7TW
Royal Mail Property Holdings West, Estates Surveying Division, Archway House, 77 Ty Glas Avenue, Llanishen, Cardiff CF4 5YG
Wales & West Utilities, Wales & 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
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.

Councillor C. Durham

3/8/14

John and Frances Thomas-Davies
Rose Cottage, Boyton End, Stoke-by-Clare, Sudbury, Suffolk. CO10 8TB
Telephone: (01440 768728)

PONTLLANFRAITH

- 7 AUG 2014

HOUSE

Dear Mr Pigg,

Alleged Footpath 147 - Application
to delete

Thank you for your letter of 3rd & 4th June and for the very bulky enclosure.

My apologies for being slow to reply. We seem to be seldom at home - family pressures, old age etc.

I appreciate the invitation to attend the meeting on 15th Sept. but am unable to accept - in any case I think that the documents now in your possession state the whole case. I have nothing to add beyond thanking you & your committee for the time & trouble which everyone has devoted to this.

The whole procedure seems to strike a remarkably fair balance between private rights & public interest.

To Caerphilly County Bori Council
c.c. Mr & Mrs Davies @ Mr Jones
Yours sincerely,
John T. Davies

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Maggie Thomas
15, Carlton Terrace
Crosskeys
Newport
NP11 7BU
Tel: 01495273057
Email: maggie.sian@btinternet.com



TEL 01491 573535
EMAIL hq@oss.org.uk
WEB www.oss.org.uk

28/6/14

Dear Mrs. Piper,

Re: Application to Delete Footpath 147 in the community of Mynyddislwyn.

The Open Space Society opposes the extinguishment of the Footpath 147 in the Community of Mynyddislwyn. Although the evidence may suggest that the footpath was included on the Definitive Map in error, I am unhappy with some of the witness statements. It is not possible for a statement “.... she states that she has never seem anyone using this footpath “ to be taken seriously. I have used the footpath as has Elizabeth Holland. If the person who gave this witness statement missed us, who knows how many other walkers have been missed. Statements such as “During that time on-one used the alleged footpath nor did anyone claim that a footpath existed through the ground.” should be ignored. It is impossible for anyone to say that no-one used a footpath during a long period of time and whilst no-one claimed that a footpath existed to the witness, that is not to say that the footpath did not exist. Many walkers may well have claimed that a footpath existed, just not to the person making that statement. I am concerned about the witness statement made by Councillor Janet Jones. I contacted her in the past regarding rights of way in her area and she maintained that she knows little about such matters and directed me to Don Cullen, because he was the person in the area who had a great deal of knowledge about rights of way. I duly contacted Mr. Cullen and he was most helpful. I am surprised that Councillor Janet Jones has not suggested that Mr. Cullen might be helpful in this instance. Unless he is unavailable I am surprised that Mr.

CAMPAGNING
SINCE 1865

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



Charity no 1144840 Registered in England and Wales Limited company no 7846516

Cullen's local knowledge has not been sought on this issue. He may well no longer be a councilor but his local knowledge and expertise on this particular subject is outstanding.

Although the evidence from at least one map might suggest that the right of way or track stops at the farmhouse which is now Tylè Gwyn, I would like more time to visit the archives to view other maps to see if there are clearer or older maps which show the route, to see if the "Once a highway, always a highway" line of reasoning can be used with this matter, especially as it was claimed before local government reorganization in 1995, that the footpath "must run down the front drive." There is mapping evidence that this could well be the true line of the right of way. Indeed there is hearsay evidence that I would like to follow up that, amongst others the Islwyn Running Club have used this footpath and exited down the driveway. It is peculiar that such a large number of people using the footpath could be missed by so many of the witnesses and it must bring their evidence into question.

That this footpath links in with other rights of way at both ends is usually one of the tests that it exists. If this footpath were to be deleted there would be a missing link in an obvious chain. That is another reason why I believe that this footpath should stay on the Definitive Map.

If my research does not bring any clarification to this issue, I will withdraw the opposition. However, I believe that a number of witness statements should be withdrawn as the assertions in many of them are quite ludicrous.

Yours sincerely,

Maggie Thomas ~ correspondent for the Open Spaces Society for Caerphilly County Borough