

List of Documents in respect of an Application under Section 53 of the Wildlife and Countryside Act 1981 to DELETE Footpath Nos.78, 78A and 79 in the Community of Bedwas and Machen from the Definitive Map and Statement for Monmouthshire prepared by Monmouthshire County Council

Document No.	Name of Document	Location of Document
1	No Document No.1	Caerphilly County Borough Council Offices, Pontllanfraith, Blackwood NP12 2YW
2	Location Plan	Ditto
3	Copy of Definitive Map relevant date 1 st July 1952 Scale 1:10,560	Ditto
3A	Copy of Definitive Map relevant date 1 st July 1952 Scale 1:10,560 Passed to MGCC 1974	Ditto
4	Plan indicating routes of footpaths 78, 78A and 79	Ditto
5	No Document	Ditto
6	Statement by Mrs Lewis dated 4 th February 2002	Ditto
7	2 nd Statement by Mrs Lewis dated 24 th October 2002	Ditto
8	Photograph showing lock on gate at Ty-Melin, Mountain Road, Bedwas	Ditto
9	Statement by Mr. B. Trantor dated 25 th October 2002	Ditto
10	Photographs of stile at Colliery Road end of footpath No.78A	Mrs. G.D. Hutchinson, Triacre, Mountain Road, Bedwas
11	Statement by Mrs. G.D. Hutchinson attached to application	Caerphilly County Borough Council Offices, Pontllanfraith, Blackwood NP12 2YW
12	Map offered by Mr and Mrs Prosser dated 1880	Ditto
13	Map offered by Mr and Mrs Prosser dated 1900	Ditto
14	Map offered by Mr and Mrs Prosser dated 1920	Ditto
15	Copy of Definitive Statement	Ditto
16	Copy of typed Draft Statement	Ditto
17	Hand written statement of Mr. L. Richards received 28 February 2003	Ditto
18	Statement by Mr. L. Richards received on 28 th February 2003	Ditto
19	Aerial photograph dated 13 th May 1946	Ditto
20	Aerial photograph dated 30 th May 1950	Ditto
21	Aerial photograph dated 5 th June 1951	Ditto
22	Aerial photograph dated 1 st June 1962	Ditto

23	Aerial photograph dated 11 th June 1967	Ditto
24	Aerial photograph dated 4 th June 1971	Ditto
25	Aerial photograph dated 14 th May 1979	Ditto
26	Aerial photograph dated 25 th April 1989	Ditto
27	Aerial photograph dated 8 th August 1991	Ditto
28	Plan provided with Section 130A HA 1980 application	Ditto
29	Letter seeking views of parties identified by Mr. Prosser	Ditto
30	Letter received from Mr. K. Williams dated 26 th November 2004	Ditto
31	CCBC letter requesting clarification of points raised in letter dated 26 th November 2004	Ditto
32	Letter received from Mr. K. Williams dated 16 th December 2004	Ditto

Chief Engineer,
Caerphilly County Borough Council,
Civic Offices,
Pontllanfraith,
Blackwood
NP12 2YW

Replies to Report

A copy of the report together with all Documentation was sent to the persons identified in paragraphs 7.1 and 10.1 above on the 5th July 2005, and comments were requested by the 9th August 2005.

Replies were received from;

Mr and Mrs Tranter,	Document No.33
Mr K. Donovan, Ramblers Association Representative ,	Document No.34
Mr and Mrs Prosser,	Document No.35
Mrs G.D. Hutchinson,	Document No.36

Mr and Mrs Tranter Document No.33 express their concern at the attempts of other parties to establish a footpath through their property. They explain the reasons for the hole in the wall and its use over the years for property owners to walk to collect their water from the well. They explain that the previous owner was Mr. Poore, whose name appears on the draft definitive statements, as the person who surveyed the path on behalf of the highway authority in July 1951. They identify a planning permission that was granted for a garage which partially blocks the gap in the wall where the path is supposed to run. A further permission was granted for a residence within Sunny Bank Cottage, but at no time was a right of way identified.

Mr K. Donovan, Ramblers Association Representative Document No.34 The main points are identified on the second page of the letter in the final paragraph. He believes that the paths have been blocked over a long period. And that the construction of the water tank must have been a significant factor although there appears to be a discrepancy between Document No.11 which states the water tank was constructed in 1928 as opposed 1948 as indicated in paragraph 4.56. He continues that the details of the three paths recorded as part of the Survey of Rights of Way 1949, show previous use as 20 years. He believes that the passage of time does not change the status of the paths and that the paths remain rights of way.

The discrepancy raised by Mr Donovan is probably a typing error having regard to the evidence of Mrs Lewis, Ty Melin, paragraph 4.16

Mr and Mrs Prosser, Document No.35, base their objection to the application of these paths on the registration in the definitive map and statement. They believe that it was the 1920 OS map which was used as part of the Survey of Rights of Way 1949 and wish to object to the deletion of these paths. The recognition of the paths by their inclusion on the definitive map and statement and the 1920 OS map is they believe, sufficient evidence to indicate a public right of way. They believe that the paths were walked by Mr. L. Poore and Mr. L. Richards, the draft statement indicates initial survey by Mr. L. Poore whereas later statements suggest the path was walked by Mr L. Richards. It further appears that Mr and Mrs Prosser accept that there is an error in the line of paths and have indicated that they will rely on officers to determine the correct routes. They do however remain steadfast with their objection to the deletion application.

In response it is officers opinion through previous reports that a path shown on an Ordnance Survey map is not conclusive evidence that a public right existed at the date of the map, only that there was a route of some description at the date of the map. As regards to the surveyor of the path, it is officers belief that the initial survey was carried out by Mr. L. Poore. Subsequent statements indicate the survey by Mr. L. Richards but this may be as a result of a typing error.

Paragraphs 4.24 and 4.25 are of particular importance in respect of Mr and Mrs Prosser` use and knowledge of the paths.

In addition paragraphs 4.31 through 4.33 appear to be in conflict with the information provided by Mr. L. Richards and through document No. 18/1 and No.18/2.

Mrs. G.D. Hutchinson hand delivered her comments on the 1st August 2005, copy attached.

Mrs Hutchinson raises a query in regard to the route Mrs Prosser` mother used to collect water from the well. Mrs Hutchinson directs us to the interview on the 5th February 2003 when it was stated that Mrs Prosser` mother crossed by the door of Ty Melin then in the statement of the 20th July 2004 it was via a footpath through the grounds of Brynheulog. In addition Mrs Hutchinson queries why go that way to the well when there is a spring on Cwm Road and another at Llwyn Lyn Fa which are both more convenient if carrying water home than from the well described previously in this report.

In her comments Mrs Hutchinson identifies a Mr Dunn who having lived in the village all his life does not recall anyone using the path from Colliery Road to Mountain Road.

Mrs Hutchinson challenges the statement of Mr. Prosser in paragraph 4.22 in that if he had walked the route described then he would come to a saw mill and quarry face.

Further challenges are made to the comments in respect to the construction of the pigeon cote, and the conversations between Mr. Prosser and Mr Greenhaf Senior. In addition the history of the stone face which is not in the museum in Cardiff but at Sunnyside Cottage, Mountain Road. See document No.37 for clarification.

Mrs Hutchinson comments on Mr. Williams letter dated 26th November 2004 describing the position of the gate on Mountain Road as she recalls it. This does appear to differ from other peoples recollections.

Mrs. Hutchinson does not believe that Mrs Williams could have acquired a right of way through crossing the field to feed the horses.

Mrs Hutchinson explains what Mr. Williams observed was probably Mrs Hutchinsons family walking across the field from Colliery Road to Mountain Road and not the general public.

Mrs Hutchinson encloses copies of letters from other residents of the area which appear to support her position in respect of the modification order application for deletion.

The letter Doc No.37 signed by L. Fletcher explains the history of the stone face. In addition it states that the author has not seen anyone using the paths across the fields, and gives additional information as to the possible location of the field gate.

The letter from Mrs Rosser Doc No.38 indicates that she has never seen anyone using the path although they did play in the quarry when younger.

The letter from Mr. J.A. Fear Doc No. 39 indicates that although living at the current address nearly all his life he does not recall seeing anyone using the paths. He had permission from the landowner Mr. Greenhaf to play in the field.

As mentioned earlier in the report, Mrs Hutchinson` father rented and finally purchased the land from Monmouthshire County Council in 1955. Attached as Document No.40 is a copy of the plan used during the sale of the land. This plan clearly identifies the location of a gate, which is assumed to be the one mentioned by many of the parties identified in this report

List of Documents in respect of the Draft Report in regard to an Application under Section 53 of the Wildlife and Countryside Act 1981 to DELETE Footpath Nos.78, 78A and 79 in the Community of Bedwas and Machen from the Definitive Map and Statement for Monmouthshire prepared by Monmouthshire County Council

Document No.	Name of Document	Location of Document
33	Copy of comments received from Mr And Mrs Tranter	Caerphilly County Borough Council Offices, Pontllanfraith, Blackwood NP12 2YW
34	Copy of reply received from Mr. K. Donovan, Ramblers Association Representative	Ditto
35	Reply received from Mr and Mrs Prosser dated 27 th July 2005	Ditto
36	Reply received from Mrs Hutchinson on the 1 st August 2005	Ditto
37	Copy of letter from L. Fletcher dated 18 th July 2005 attached to reply received from Mrs Hutchinson on 1 st August 2005	Ditto
38	Copy of letter from Mrs Rosser dated 24 th July 2005 attached to reply received from Mrs Hutchinson on 1 st August 2005	Ditto
39	Copy of letter from J.A. Fear dated 18 th July 2005 attached to reply received from Mrs Hutchinson on 1 st August 2005	Ditto
40	Copy of plan used in connection with land sale in 1955	Ditto