

**Document
No. 20****Piper, June**

From: Julian Derrick [julianabercarn@aol.com]
Sent: 17 August 2014 23:20
To: Piper, June
Cc: Powell, Andrew; islwynsec@virginmedia.com; maggie.sian@btinternet.com
Subject: Re: APPLICATION TO RECLASIFY RBW367 ABERCARN AND APPLICATION FOR DIVERSION AT CEFN PENNAR FARM

Follow Up Flag: Follow up

Flag Status: Red

Dear Mrs Piper,

Unfortunately I was on holidays I when I received your email regarding the proposed diversion to RoW 367, so its only now I'm able to respond but yes I would like to included in the consultation list and provide comments. I've included pass emails to yourself dated 22/12/09 regarding this issue and a further email dated 14/05/12 with my strong objections to any proposed diversion.

Regards

Julian Derrick

From: julianabercarn@aol.com [mailto:julianabercarn@aol.com]
Sent: 16 March 2010 14:21
To: Piper, June
Subject: Re: Blocked right of way

Hello June,
Please can you update me as regards to the locked right of way. Up to last weekend the gate is still padlocked and barbed wire wrapped around the top of the gate, as enclosed pictures will illustrate and the bottom entry of the R O W is still fence off.

Regards

Julian Derrick

-----Original Message-----

From: Piper, June <PIPERJ@CAERPHILLY.GOV.UK>
To: julianabercarn@aol.com
Sent: Wed, 23 Dec 2009 8:32
Subject: RE: Blocked right of way

Dear Julian,

Thank you for your e-mail in respect of the padlocked gate on public right of way - Restricted By Way No. 367 Abercarn.

I have written to the farmer who I believed owned the land but received no response. I have since undertaken a land search to make sure that I have identified the correct landowner.

Whilst walking the route I identified large bales of feed and wooden pallets blocking the right of way which I will also seek removal.

The farmer at Lower Pantyresk Farm owns the land where the gate is padlocked and I intend writing to

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him again to seek removal of the padlock and other obstructions. If no action is taken within 14 days of the letter the matter will be referred to our Legal Department to take legal action for the removal of the the padlock and obstructions.

Part of the right of way crosses land owned by another land owner who I have now identified from the land search. I will be writing to this person to seek a meeting to discuss opening up the right of way over their land which is so heavily overgrown that I couldn't compete the route.

When I have further information on the foregoing I will let you know.

Yours sincerely,

June Piper
CROW Support Officer
Tel: 01495 235195
Fax: 01495 235045

From: julianabercarn@aol.com [<mailto:julianabercarn@aol.com>]
Sent: 22 December 2009 18:47
To: Piper, June
Subject: Blocked right of way

Hello June,

Its been a few weeks since I reported to you that there is gate padlocked shut and with barbed wire wrapped around the top of it which is preventing the use a right of way. I've walked past the gate regularly since I first reported the issue and as recently as Monday afternoon and the padlock and chain have remained on the gate.

The last time we spoke you said that you would be sending a letter to the offending farmer, but obviously this has had no effect. Please can you update me on a date when this issue can be resolved.

Regards

Julian Derrick

Dear Mr. Derrick,

Thank you for your e-mail in respect of the above.

This particular right of way is shown on the historical mapping 1873-1888.

Your comments in respect of the obstructions to the right of way and your view on health and safety issues are noted .

The Authority is aware of the landownership of Cefn Pennar and this area has been inspected previously. The landowner has suggested the route she wishes to divert the restricted byway to so we are currently investigating the proposed line.

I also note your further e-mail in respect of re-commencing the works to open up the Definitive line of the right of way and your e mail re: one of Oxfordshire County Councils criteria for considering diversions being the state of maintenance of existing rights of way. This criteria is not in place in CCBC but we are reviewing how we deal with diversions and will bear this in mind.

I can confirm that an application has now been received from Dr. McGregor to divert the public right of way and as mentioned above the Authority is investigating the proposed line as to its suitability for all eligible users.

Once this has been undertaken a report will be prepared to the Head of Regeneration and Planning to consider whether or not to support the application.

Your comments in respect of the proposed diversion are noted and if and when the Authority makes a Diversion Order a copy will be forwarded to you to give you an opportunity to make an

official objection at that time.

Yours sincerely,

June Piper
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Tel: 01495 235195

From: Julian Derrick [mailto:julianabercarn@aol.com]
Sent: 14 May 2012 20:59
To: Piper, June; Richards, Gareth
Cc: Powell, Andrew; Liversuch, Norman
Subject: Diversion of RBW367

Dear Mrs Piper/Mr Richards

Over the weekend I have been able to walk the proposed diversion of the RBW367 and after doing so I have to **strongly object** to the proposed diversion. The diversion is totally against the character and nature of the original route. Out of interest please can you tell me the age of this RBW because by walking as much of the route as you can it seems to have been established a very long time ago?

Regarding the issues you found while clearing the RBW, I must remind you that it wasn't members of public who installed a cesspit in the line of the path nor did the public erect a garden wall or let the undergrowth and trees envelop the path making impossible to negotiate. Whether these were construction by the present or previous owners Cefn Pennar, this is irrelevant, the RBW would have been present on the deeds of the property. The substantial change in ground levels at the top of the property - by the nature of walking the Welsh countryside you are always going to get changing ground levels, but this only appears to be like this, you were not able to confirm this because of the amount of overgrowth. Please do not use health and safety excuse as a reason to do nothing, the activity of walking, riding a horse, riding a bike have their risks by the nature of the activity. If you are concerned for the council workers, clearing the path, they should be suitably experienced, trained and qualified for that type of work, if they are not, then you do have Health and safety issues.

This is not a vendetta against the owner of Cefn Pennar, its about reopening of the RBW367, **(which is the responsibility of CROW support dept whose job it is to maintain RoW, RBW's etc and to ensure that landowners adhere to the Highways act)** which passes over two different properties, the one landowner has complied and one hasn't. It's apparent why the landowner of Cefn Pennar has been obstructive and reluctant to cooperate with the councils demands because they don't want anyone passing in close proximity of their property, I can sympathise with this because I wouldn't purchase a property with a RBW or RoW passing close my house, but now in hindsight it wouldn't deter me in the future after my experience with this issue I'd just do what this landowner has done.

In all disputes there has to be compromises and I suggest an alternate diversion which will be more in keeping with the present route but still give the landowner their privacy. The landowner owns further land to the east of the house and by utilising this it would mean that the diversion would be minimal. Please find attached the land registry map of Cefn Pennar.

I look forward to your response.

Yours sincerely

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-----Original Message-----

29/08/2014

From: Piper, June <PIPERJ@CAERPHILLY.GOV.UK>
 To: julianabercarn <julianabercarn@aol.com>
 Sent: Tue, 29 Jul 2014 17:29
 Subject: FW: APPLICATION TO RECLASIFY RBW367 ABERCARN AND APPLICATION FOR DIVERSION AT CEFN PENNAR FARM

Dear Mr. Derek,

I believe I may have omitted to send you a copy of the draft report for comments and please accept my apologies for this oversight. The draft report is only usually sent out to interested parties such as local ramblers, etc and utilities, together with landowners and councillors.

Please see e-mail below, together with attachments. Could you confirm whether or not you wish your name to be included on the consultation list please and whether you wish to provide comments on the report.

The report is due to be considered by the Rights of Way Cabinet on the 15th September, 2014.

Yours sincerely,

June Piper
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 Tel: 01495 235195

From: Piper, June
Sent: 08 July 2014 11:55
To: Interested Parties - BHS Representative, Open Spaces Society and Islwyn Ramblers
Subject: FW: APPLICATION TO RECLASIFY RBW367 ABERCARN AND APPLICATION FOR DIVERSION AT CEFN PENNAR FARM

Dear Sir/Madam,

Please find attached self explanatory letter in respect of the above, together with a copy of the draft report. Can you please confirm receipt of this e-mail.

There are quite a number of documents attached to the report so I would recommend not printing them out as quite a number are in colour. If you have any problems viewing the documents and wish to receive a paper copy please do not hesitate to contact me. Alternatively if anyone wishes to attend the office to view the documents please give me a call.

I look forward to hearing from you within the timescale mentioned.

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<<Draft Modification Report - RBW367 Abecarn.doc>> <<Scanned Documents 1-18.pdf>> <<Signed letter to interested parties 8-7-14.pdf>> <<Guidance Notes.doc>>

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'Mae'r e-bost yma ag unrhyw ffeiliau trosglwyddwyd ynnddi yn gyfrinachol ar gyfer defnydd yr unigolyn neu'r sefydliad cyfeiriwyd ati yn unig. Os ydych wedi derbyn yr e-bost yma mewn camgymeriad rhowch wybod i reolwr eich system. Nodwch taw unrhyw sylwadau neu farn soniwyd amdanynt yn yr e-bost yma ydi sylwadau a barn yr awdur ac nid yn angenrheidiol yn cynrychioli rhai'r Cyngor. I orffen, dylid y person sy'n derbyn yr e-bost sicrhau nad oes firws ynnddi nac mewn unrhyw ddogfen sydd ynghlwm i'r e-bost. Nid yw'r Cyngor yn derbyn unrhyw gyfrifoldeb am unrhyw ddifrod achoswyd gan unrhyw firws trosglwyddwyd gan yr e-bost yma.'

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