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24/6/14

Re: Application to delete BR 152 and BR 153 in the community of Mynyddislwyn

Dear Mrs Piper,

The Open Spaces Society opposes the extinguishment of BR 152 and BR 153 in the community of Mynyddislwyn.

Section 53 of the Wildlife and Countryside Act 1981 allows changes to the Definitive Map and Statement, but where there is an application to delete a right of way the onus is on the applicant to prove that the right of way was put on the Definitive Map in error. An application to **delete** a route from the Definitive Map alleges that no public rights at all exist, or have ever existed, over that route. If, during investigation of such a claim, there is evidence that **on a balance of probability** public rights of some sort do exist, then the application must fail. Mr. Robinson did not provide any proof in his application and the evidence provided by Mr. Purnell to prove that the bridleway was included in the Definitive Map in error is unconvincing.



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

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Of the witness statements submitted by the applicant Mr Purnell

- Some witness statements failed to mention BR 152, only referring to FP 183. These statements can be ignored completely.
- Other witness statements refer to BR 152 as a footpath. As this is an application to delete, not to downgrade, these too can be disregarded.

This is hardly compelling evidence that “..... there is no public right of way over the land shown in the map and statement as a highway of any description”. Furthermore, CCBC has a letter from Mr. Lloyd a volunteer countryside warden written in 1979 as a result of a complaint by Mr. Purnell, in which he refers to the track as a bridleway.

I had intended referring to all the evidence and discussing why the order should not be made, but the excellent report by the Acting Director of the Environment has already done the job. In it he explains which witness statements are not relevant, he points out the discrepancy between some witness statements and the statements given by same people when questioned by CCBC staff and he fully explains that Ordnance Survey maps carry a disclaimer. Even so, as I have already pointed out, this is an application to delete and not downgrade, so providing “evidence” that the track is a footpath and not a bridleway is irrelevant to the application. After studying the evidence and the report, it would be a travesty of justice if the cabinet were to agree to make an order to delete the two bridleways.

The Open Spaces Society urges the committee to refuse to make the order and to ensure through the legal department of CCBC, if necessary that the bridleway is open and easy to use as soon as possible.

Yours sincerely,

Maggie Thomas



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