

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.

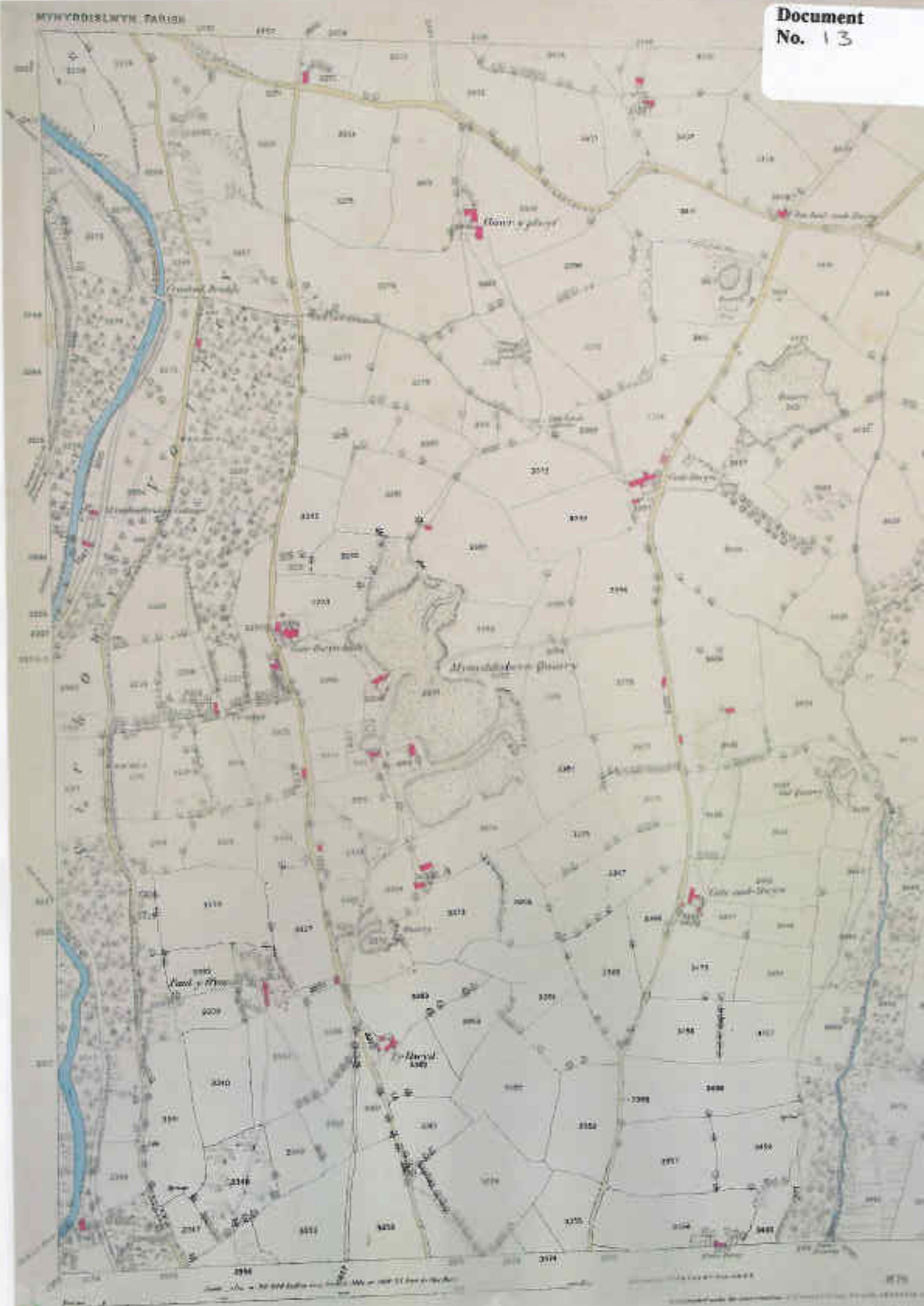
A footpath shown on the map shall be conclusive evidence that such a footpath existed at the relevant date, as described in the statement.

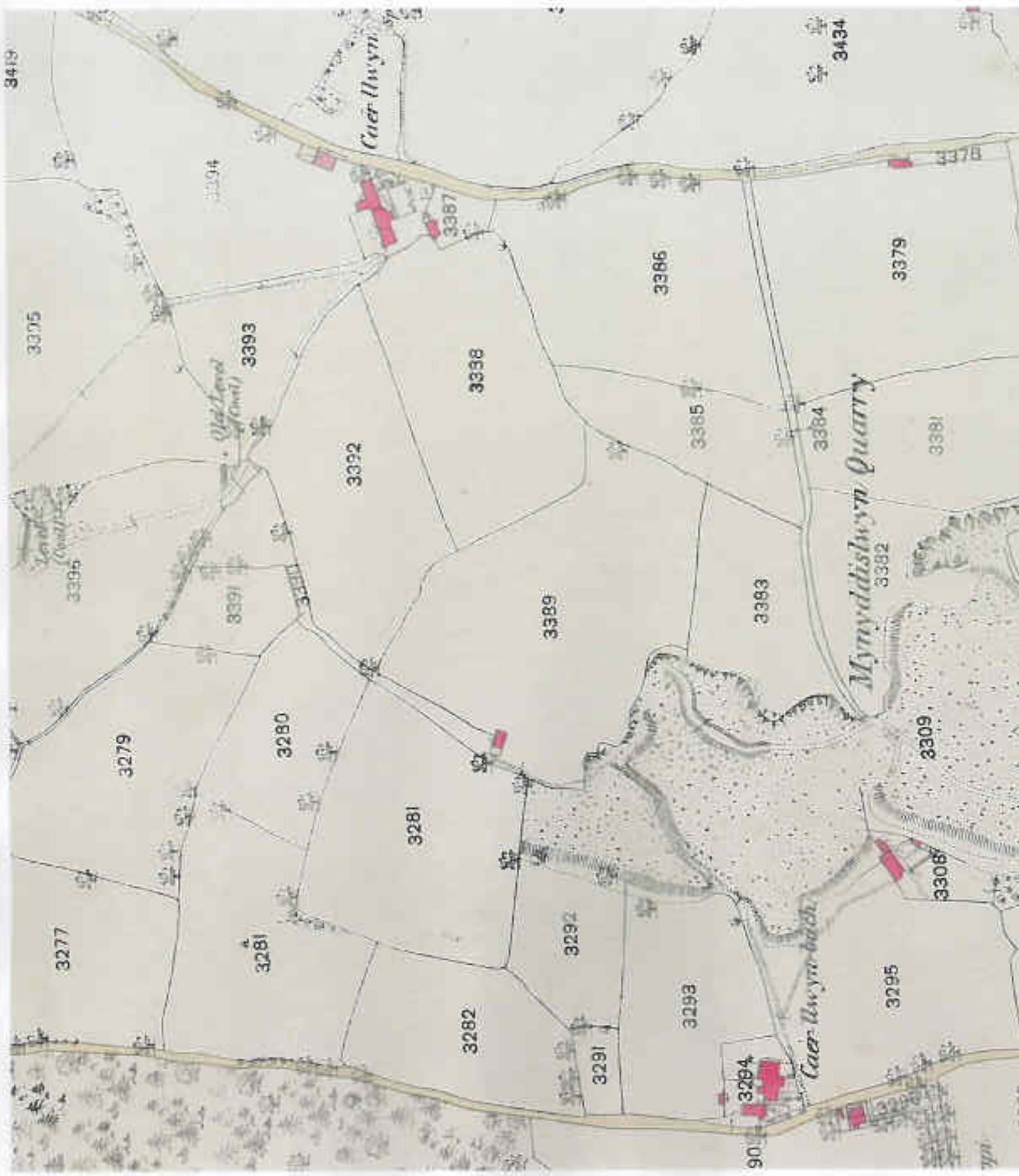
The inclusion of a bridleway or road used as a public path (cartroad bridleway or cartroad footpath) is evidence only that there was a highway shown and that the public had there over a right of way on foot, on horseback, or leading a horse with or without the right to drive livestock. If a path was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

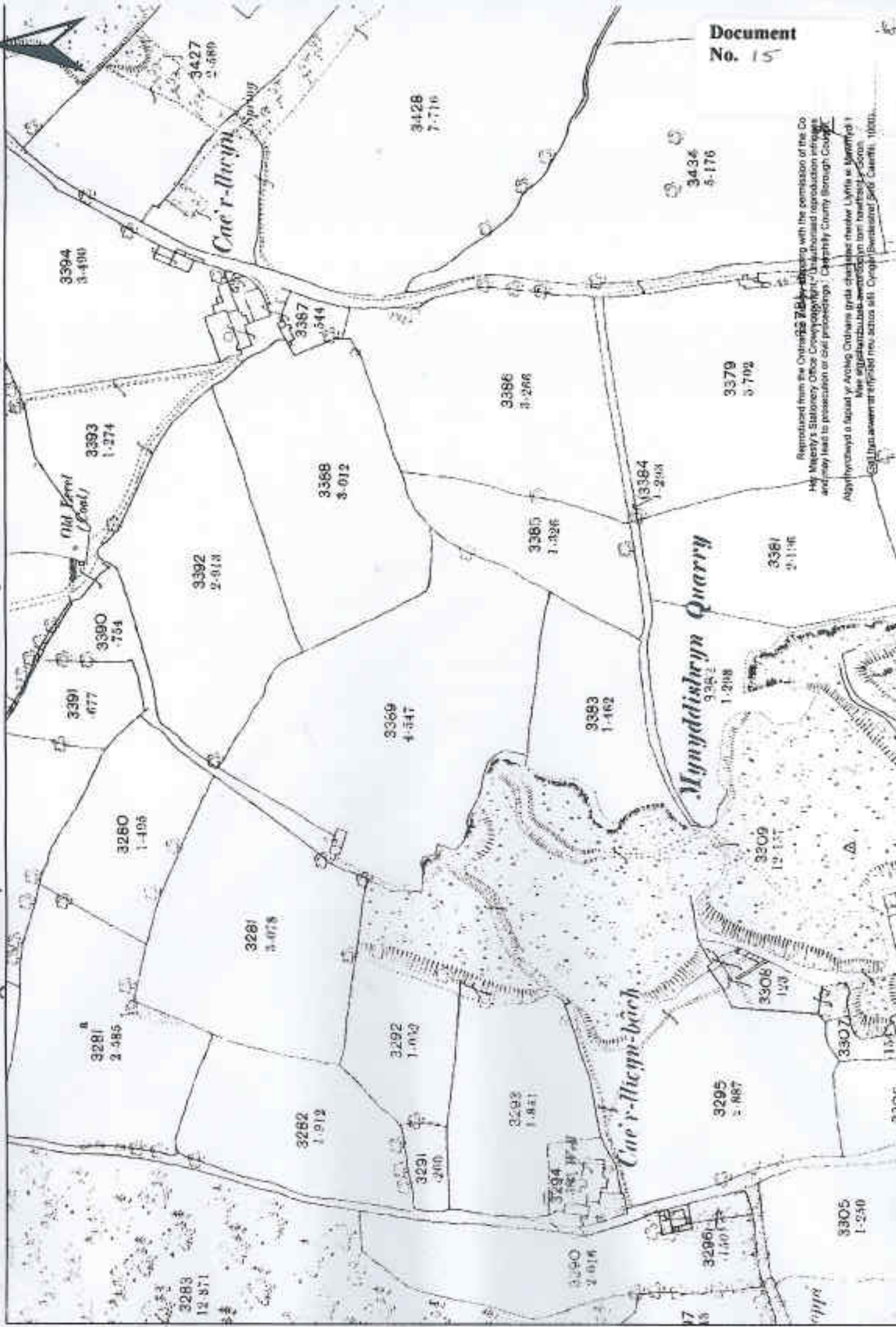


Document
No. 12

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Mynyddisiwyn & Rises & Caer-llwyn
Map of Mynyddisiwyn and Rises & Caer-llwyn
Old level of the River Caer-llwyn



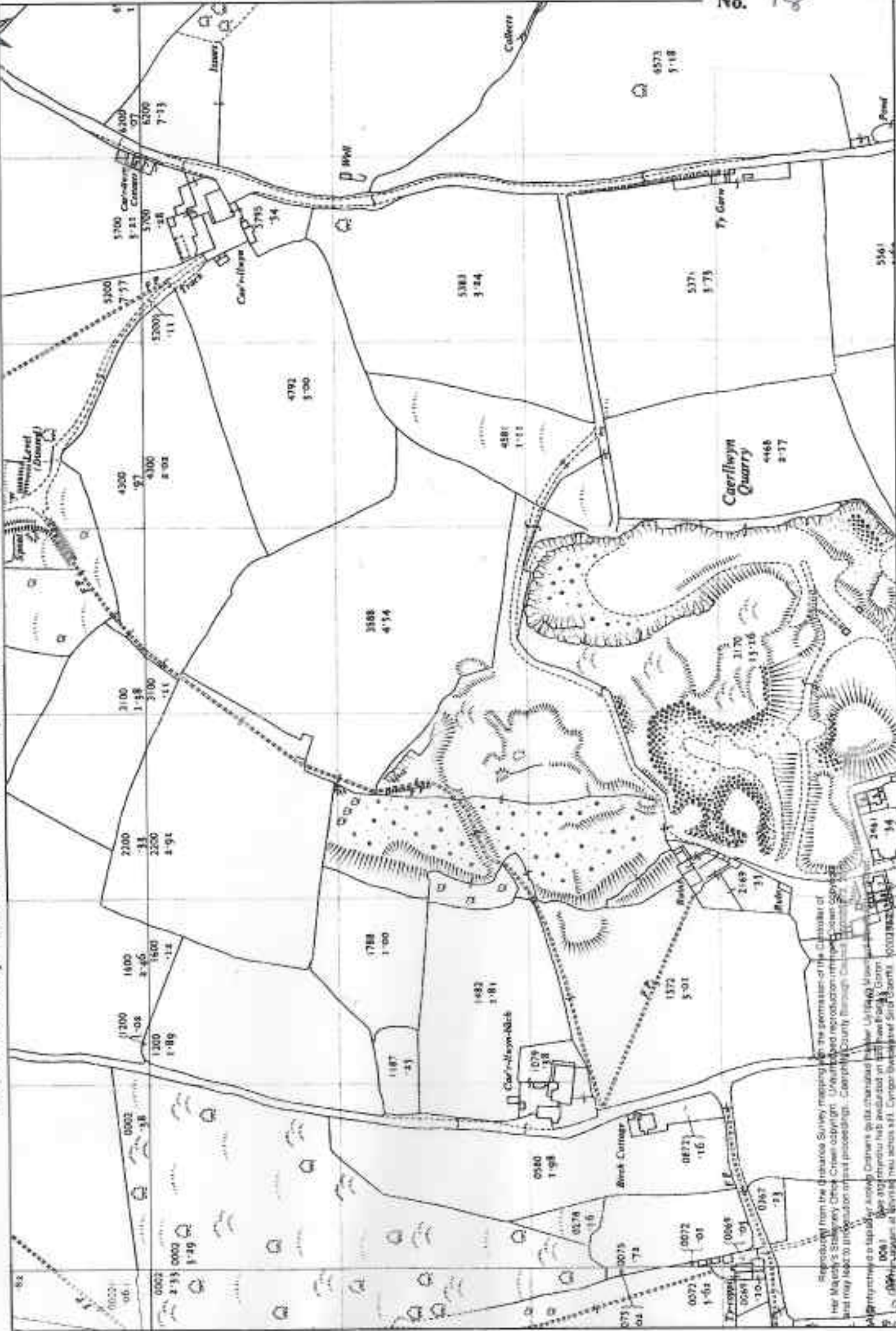




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Caerphilly County Borough Council
Historical Map 1959 - 1973 Cae'r-llwyn Bach and Cae'r-llwyn Mawr Farms



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1999

EMPIRE CENSUS

DATE

AMGL

SCALE



Caerphilly County Borough Council

1991 Aerial Photograph of bridleways 152 & 153 Mynyddislwyn

1:2,500

N

Document
No. 20





Caerphilly County Borough Council
Enlarged 1991 Aerial Photograph of Cae'r-llwyn-bach
1:500
N

Caerphilly County Borough Council

2001 Aerial Photograph of bridleways 152 & 153 Mynyddislwyn

1:2,500



Document
No. 21



1:2,500
N

Caerphilly County Borough Council
2004-5 Aerial Photograph of bridleways 152 & 153 Mynyddislwyn





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Gaerphilly County Borough Council
2006 Aerial Photograph of bridleways 152 & 153 Mynyddislwyn





Caerphilly County Borough Council

2010 Aerial Photograph of bridleways 152 & 153 Mynyddislwyn

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Document
No. 24



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c.c.

Mr. C. Barber
Mr. G. Tucker
Mr. J. Purnell.

152

11 Cherry Tree Road,
The Bryn,
Pontllanfraith,
BLACKWOOD,
Gwent.

8th January, 1979.

Dear Sirs,

Re: Countryside Warden Service - West Gwent
Area.

While on routine patrol of farms in Mynyddislwyn area, I was approached by Mr. J. Purnell of Caerllwyn Farm who reported a dangerous situation at Caerllwyn Quarry which is next to his property.

It seems that the fence between the public bridle path which runs along the edge of the quarry-face has been allowed to fall into disrepair to the state where only the posts are left and are not fit for re-use.

It is along this path that his children and neighbours have to go to visit friends and vice versa, and thus this being of extreme danger especially during the dark evenings.

Following this report, I visited the area and found that the situation was as Mr. Purnell had described. In fact along-side the bridle path was a sheer drop of about 35 feet.

It is understood that the owners of the quarry are U.T.C. Quarries of Penhow, and it would be assumed to be their responsibility to make good the fence.

The popularity of this area for horse riding is well known and greater safety standards are expected by those who participate in this pastime.

Bearing this in mind, I would suggest that this repair work be undertaken as soon as possible.

If the materials can be supplied for 75 yards of agricultural type fence or similar, then I will undertake to rebuild it on a voluntary basis.

A copy of this letter has been sent to Mr. Purnell of Caerllwyn Farm to help maintain the goodwill that exists between the farming community and the Warden Service in West Gwent.

Yours faithfully,


H. Lloyd.

VOLUNTARY COUNTRYSIDE WARDEN

21st January, 1979.

RJB/MRH/WR.25/5

Dear Mr. Lloyd,

DANGEROUS BRIDLEPATH IN WEST GWENT

Thank you for your report on the dangerous bridlepath at Caerllwyn Quarry.

I have passed on your information to Mr. Willis the County Footpath Officer who will inspect the path and assess the work required to put the matter right.

Your offer of assistance to erect a new fence is much appreciated and I will be in touch with you when the materials are available.

Yours sincerely,

County Planning Officer S.J.

Mr. H. Lloyd,
11, Cherry Tree Road,
The Bryn,
Pontllanfraith,
BLACKWOOD,
Gwent.

Mr. H.J. Barber

c.c. J. Willis,
County Footpaths Officer,
County Hall,
Cwmbran, Gwent.

Islwyn
Borough Council

BR 152



47
38
FILE

F. BEATON,
D.M.S., C.Eng., M.I.Mun.E., A.M.B.I.M.

Chief Technical Officer

TECHNICAL DEPARTMENT,
Civic Centre,
Blackwood Road,
Pontllantraith,
Blackwood, Gwent.
NP2 2YW
Blackwood 226622

Our ref: PJJ/CB/ 01.16.01.

Your ref:

Date: 2nd February, 1979.

Dear Sirs,


CAERLIWYN QUARRY, YNYSDDU

A report has been received from a Mr. H. Lloyd, a voluntary Countryside Warden, that the fence along the edge of your Quarry at Caerllwyn, Ynyddu, is in a state of disrepair.

As you are no doubt aware under Section 144(1) of the Highways Act 1959, dangerous land adjoining the highway must be adequately fenced. This matter is also covered by Section 154 of the Mines and Quarries Act 1954.

Would you therefore please take immediate action to carry out the repairs necessary.

Yours faithfully,


On behalf of F. BEATON
Chief Technical Officer

U.T.C. Quarry Holdings Ltd.,
Penhow,
Nr. Newport,
Gwent.

If telephoning, the person
dealing with this matter is

Mr. P.J. James.
Tel. Ext. 342.

All communication to be addressed to the Chief Technical Officer

Islwyn Borough Council



*With the Compliments of
the
Chief Technical Officer*

Civic Centre,
Blackwood Road,
Pontllanfraith,
Blackwood, Gwent.
NP2 2YW

Tel: Blackwood 226622

Photo 2



Photo 4



Photo 1



Photo 3



PHOTO 5



PHOTO 6



PHOTO 7

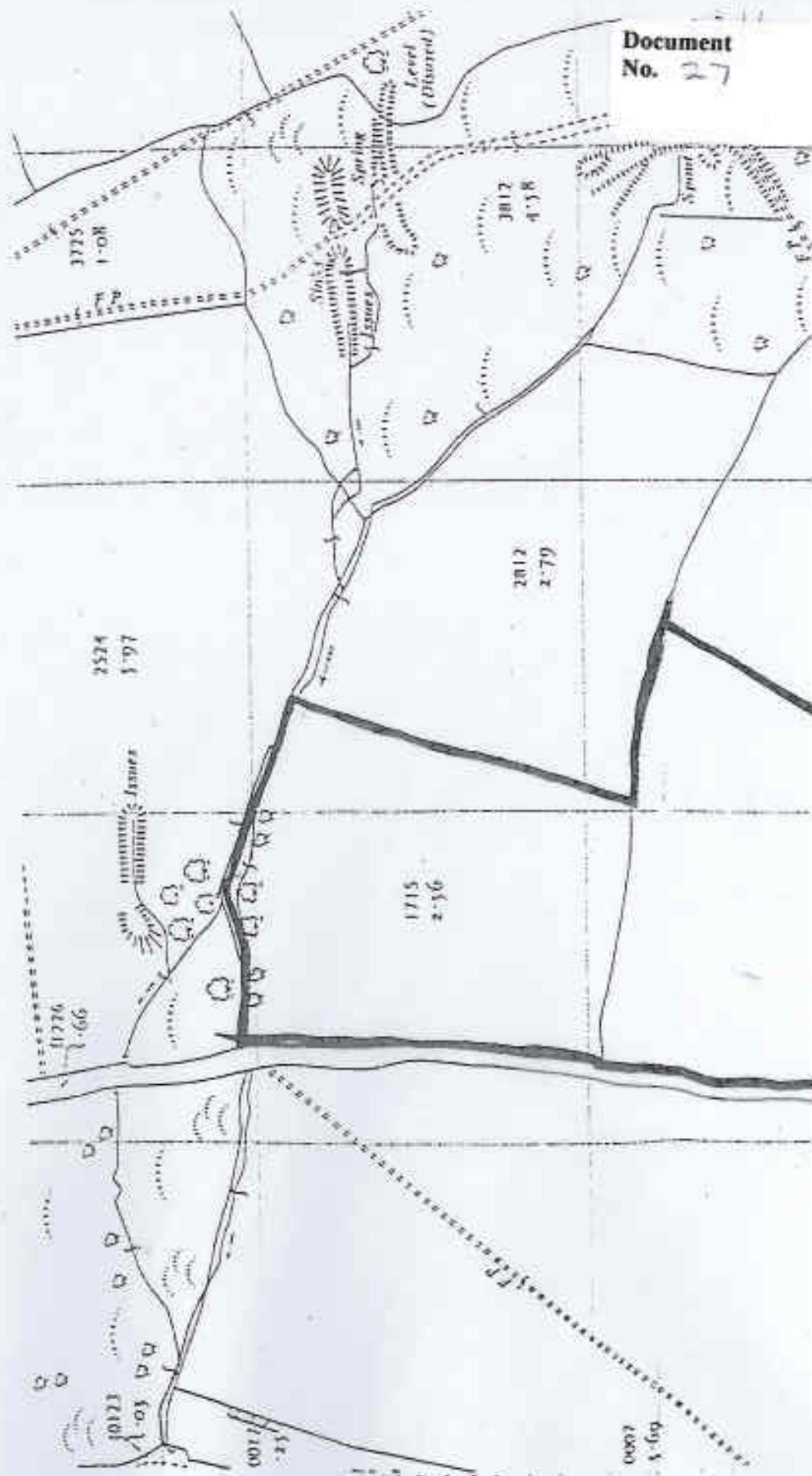


ORDNANCE SURVEY
PLAN REFERENCE

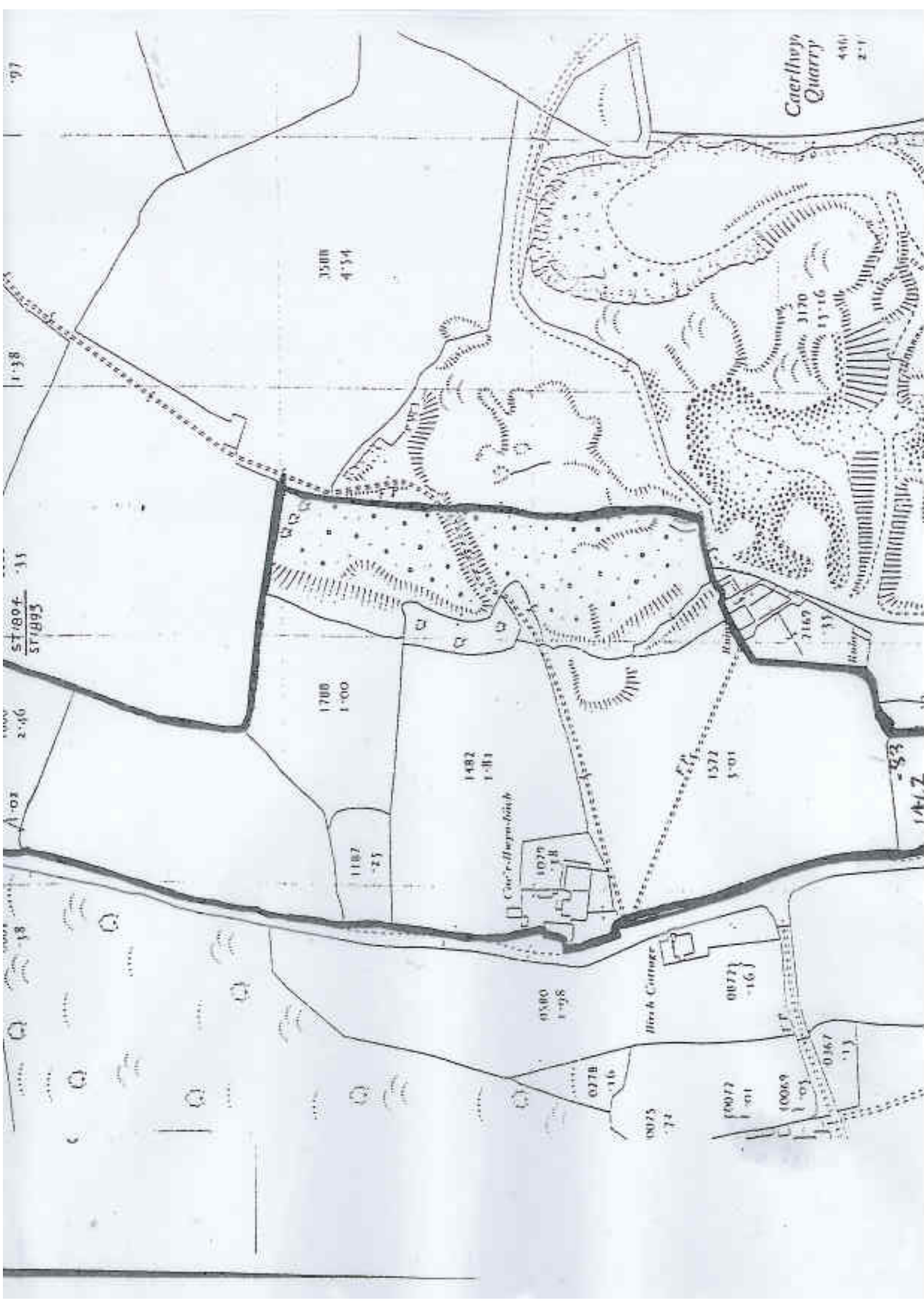
ST1893 ST1894

COUNTY GWENT

DISTRICT ISLWYN



Document
No. 27





2013/11/05



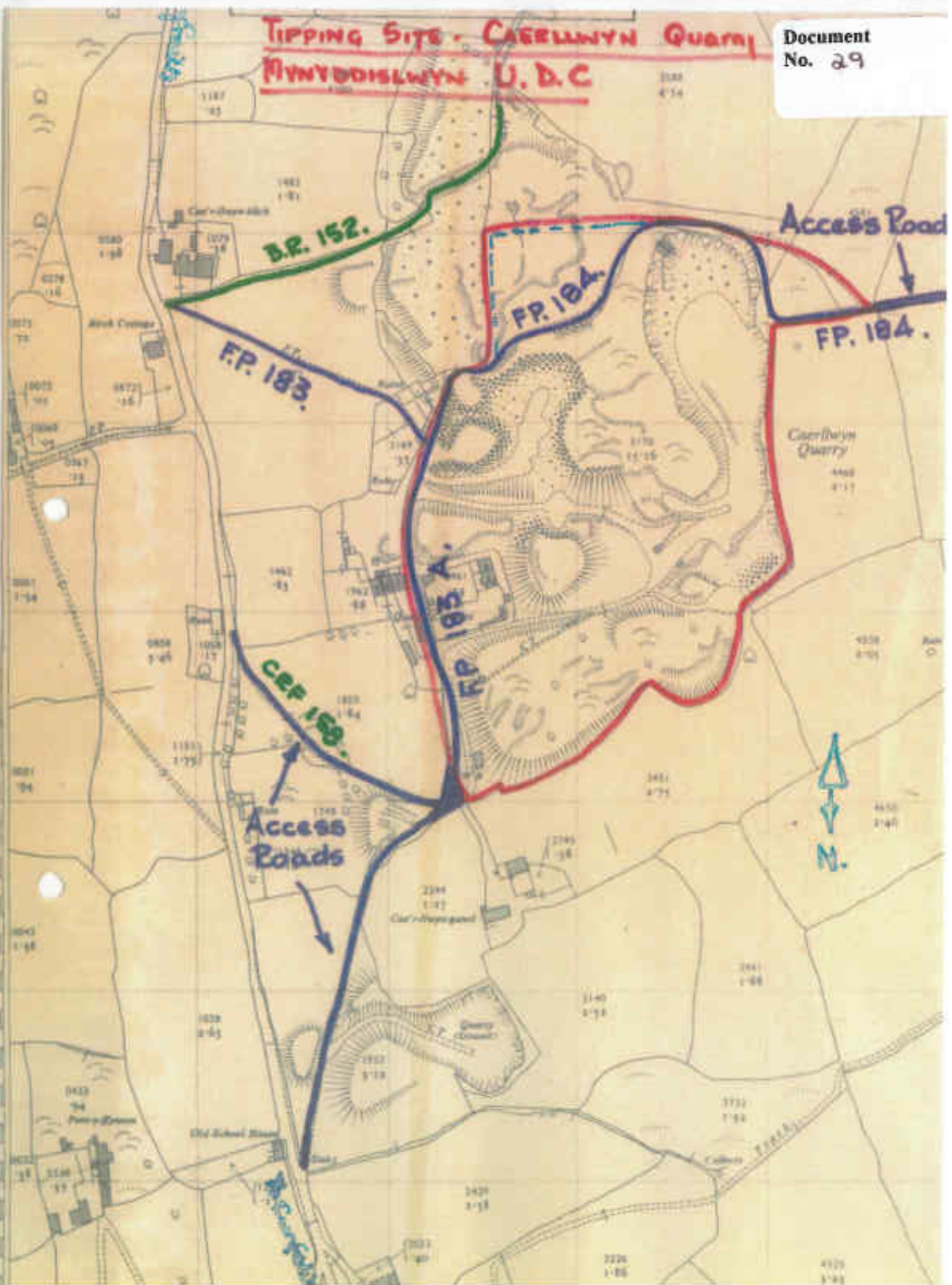
2013/11/05





TIPPING SITE - CAERLWYN QUARRY
MYNYDDISLWYN U.D.C.

Document
No. 29



B.R. 152.

F.P. 183.

F.P. 184.

F.P. 184.

F.P. 185 A.

CEF 189.

Access Roads

Access Road

Caerlwyn Quarry



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

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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 Mrs. J. Jones
Councillor C. Durham