



## **RIGHTS OF WAY CABINET COMMITTEE - 15TH SEPTEMBER 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  
A PATH IN THE COMMUNITY OF MYNYDDISLWYN**

**REPORT BY: ACTING DEPUTY CHIEF EXECUTIVE**

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### **1. PURPOSE OF REPORT**

- 1.1 To consider and determine two applications to DELETE the bridleways, shown on the Definitive Map and Statement.

### **2. SUMMARY**

- 2.1 The report sets out the evidence regarding the applications to DELETE the bridleways from Cae'r-llwyn-bach Farm to Cae'r-llwyn Mawr Farms from the Definitive Map and Statement.

### **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 Bridleways 152 and 153 in the Community of Mynyddislwyn.

## 4.2 Introduction

- 4.3 For identification purposes the location of the paths are shown on Document No.2 within the black circle, which is an area south of Springfield and south east of Wyllie and reproduced from the Ordnance Survey mapping by use of the Authority's Geographical Information System.
- 4.4 Two separate applications have been received under Section 53(3)(c)(iii) of the Wildlife and Countryside Act 1981 from Mr. J.E. Purnell, Cae'r llwyn bach, Ynysddu and Mr. C.G. Robinson, Cae'r llwyn Mawr, Ynysddu to modify the Definitive Map and Statement for the County of Monmouthshire by deleting 2 paths from Cae'r llwyn bach to Cae'r llwyn Mawr. These paths are registered on the definitive map and statement for the former County of Monmouthshire (relevant date 1st July 1952) as bridleway No.152 and No.153 in the community of Mynyddislwyn and indicated on the plan marked Document No. 3 along the bold black lines A-B (BR152) and B-C (BR153)
- 4.5 A copy of the Definitive map (scale 1:2,500) relevant date 1<sup>st</sup> July 1952 is included as Document No. 4
- 4.6 The paths are described in the definitive statement, relevant date 1<sup>st</sup> July 1952, as follows:-
- 152 BR. Mynyddislwyn 1878 O.S.  
Caer llwyn Colliery southwest over quarry tips then west to old road near Caer llwyn Bach
- 153 BR. Mynyddislwyn 1879 O.S.  
Caer llwyn Colliery to Caer llwyn Farm and Class III road
- It should be noted that Footpath 151 and 154 Mynyddislwyn join Bridleway 153 Mynyddislwyn at two separate locations. However, they each begin at Restricted Byway 148 (previously Cart road Footpath 148 prior to the Natural Environment and Rural Communities Act 2006). A copy of the Definitive Map (scale 1:5,000) shows the foregoing connecting rights of way as Document No. 5
- The paths are described in the definitive statement, relevant date 1<sup>st</sup> July 1952, as follows:-
- 148 CRF Well used path. 1879 O.S.  
Approach road from Church Lane to Clawryplwf Farm, Cart road – pedestrian access over.
- 151 FP Mynyddislwyn 1899 O.S.  
Clawryplwf south to Caerllwyn Colliery – disused.
- 154 FP Mynyddislwyn Maintained by L.A.  
Clawryplwf to Caerllwyn Farm
- 4.7 The bridleways cross land owned by three separate landowners, two are the applicants in this case and the other an adjoining landowner.
- 4.8 Research has been undertaken to determine the validity of the claim by collating, as far as possible, all **Documentary Evidence** available, together with the crucial **User Evidence** provided by the applicant of the claim and evidence from other users of the Rights of Way Network in this area.
- 4.9 The applicants have confirmed that they have served notice on the known landowners. The landowners are identified in Document No. 6, Mr. and Mrs. Purnell own the land edged in red, Mr. and Mrs. Robinson own the land edged in blue and Mr and Mrs Thomas of Caerllwyn Ganol Farm owns the land edged in green.
- 4.10 The application has been made by two separate parties but will be dealt with together.

Mr. Robinson's application is dated 27<sup>th</sup> March 2003, attached as Document No. 7 which has no supporting information.

Mr. J.E. Purnell's application is attached as Document No. 8, which includes 7 No. Evidence Statements (one provided following submission of the application) an index map; plan attached to his Land Certificate; Plan provided by Western Power; Sketch of Transformer; Photographs, an extract from 'A Historical Tour around Mynyddislwyn Mountain' by Mr. Len Burland.

In 2005 Mr. Purnell was discontented with the length of time being taken to progress his application and took the matter up with the Planning Inspectorate in 2005 seeking a direction to the Authority to proceed with the application. The Planning Inspectorate decided not to issue a direction on this occasion.

As Notice W.C.A. 6 had not been served on the third landowner the application was put on hold until this had been undertaken. Mr. Purnell submitted W.C.A. 7 confirming that the notices had been served on the two landowners on 21<sup>st</sup> September 2009.

#### 4.11 **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. 9 provides details of how this was processed.

4.12 A copy of the Draft Map is attached as Document No. 10. An enlarged copy is attached as Document No. 11.

4.13 A copy of the Provisional Map is attached as Document No. 12.

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

4.15 A copy of the Definitive Statement is attached as Document No. 4.

#### 4.16 **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 1<sup>st</sup> July 1952. The justification of the Right of Way to be included on the Definitive Map and Statement for Bridleway 152 and 153 in the Community of Mynyddislwyn is based on the Ordnance Survey 1st Edition for 1878 and 1879, a copy of the 1879 map is shown in Document No. 13 which has been obtained from the Gwent Archives Office. An enlarged copy is attached as Document No. 14

4.17 From the book written by Mr. Len Burland "A Historical Tour around Mynyddislwyn Mountain" the following was included on Cae'rllwyn Bach Farm and Caerllwyn Quarry:-

"In the late 1950s and early 1960s the ground was being prepared for the massive Llanwern Steelworks on marshland. Millions of tons of hardcore were needed. Some of that came from Mynyddislwyn Quarry and the upper ground of Caerllwyn Bach Farm ,where two pillars of rock are left standing. The land would have gone up to the top of these pillars, and there was a style on the top of one of them, so the footpath has had to

be diverted.”

There is no record of the diversion referred to above.

4.18 Maps have been reproduced from the Historical Mapping System and shows the area at various stages: -

Document No. 15 shows the area crossed by the bridleway in 1873-1888. There is a double dashed line along the bridleway alongside Cae'r'llwyn-bach leading up into the shale area and it continues along the line of the bridleway to a gateway alongside the old barn (field No. 3389) where it opens up into a corridor between two field boundaries. It continues as two dashed lines where it enters into Cae'r'llwyn. The line of the footpath leading to Quarry Cottages spurs off the line of the bridleway.

Document No. 16 shows the area crossed by the bridleway in 1900-1904. On this particular map additional double dashed lines are now shown in the corridor and continue through to the Coal Level to join a track. It is noted that the bridleway is identified as “F.P.” where it joins the field where the old barn once stood. The path leading to Quarry Cottages is also identified as “F.P.” However, as mentioned previously Ordnance Survey has a disclaimer in respect of the annotations on their maps.

Document No. 17 shows the area crossed by the bridleway in 1919-1921. Again this shows the additional dashed lines as mentioned above and refers to the bridleway as “F.P.” and the path leading to Quarry Cottages as “F.P.”

Document No. 18 shows the area crossed by the bridleway in 1959-1973. Again it is noted that the bridleway is identified as “F.P.” but the location of the footpath leading to Quarry Cottages has now changed and commences at the same location as the bridleway and is the same as that shown on the Definitive Map.

Document No. 19 is an aerial photograph dated 1971, together with an enlargement of the area, which was obtained from the Gwent Archives office.

Document No. 20 is an aerial photograph generated from the Authority's G.I.S. dated 1991, together with an enlargement showing the bridleway at the side of Cae'r'llwyn bach Farm.

Document No. 21 is an aerial photograph generated from the Authority's G.I.S. dated 2001, together with an enlargement showing the bridleway at the side of Cae'r'llwyn bach Farm.

Document No. 22 is an aerial photograph generated from the Authority's G.I.S. dated 2004-5, together with an enlargement showing the bridleway at the side of Cae'r'llwyn bach Farm.

Document No. 23 is an aerial photograph generated from the Authority's G.I.S. dated 2006, together with an enlargement showing the bridleway at the side of Cae'r'llwyn bach Farm.

Document No. 24 is an aerial photograph generated from the Authority's G.I.S. dated 2010, together with an enlargement showing the bridleway at the side of Cae'r'llwyn bach Farm.

4.19 Survey undertaken by Rights of Way Staff

A survey of the bridleway through Mr. Purnell's ground and a section of Mr. Robinson's ground was undertaken on 5<sup>th</sup> November 2013 by Mr. Stefan Denbury and Mrs June Piper of the Rights of Way Section. Document No. 27 shows photographs of the bridleway on the line shown on the definitive map and identified on the ground using GPS (global positioning system). A map showing the line of the GPS is attached. It is clear from the GPS that the bridleway shown on the Definitive Map goes through the gap in the quarry pillars and not on the top as believed by Mr. Purnell. Whilst on site a search was made for the remains of the stile mentioned by Mr. Cobley but this could not be located.

Aerial Photo 1991 (Document No. 20 and enlarged aerial photograph of Caer'llwyn Bach). On this particular aerial photograph it can be seen the difference in the ground where the old shale had been removed and a dip in the ground can be seen as mentioned by Ron Davies. By this time the shale had been removed from the field above Cae'r-llwyn-bach and a gap can be seen between the pillars. Although Mr. Cobley states that the old stile was on top of one of the pillars it may well be that the bridleway gateway was a little further away and that the gap was deliberately left for the right of way.

#### 4.20 **Landowners**

4.21 Mr. and Mrs. Purnell moved into Caerllwyn Bach Farm in 1967.

Mr. and Mrs. Purnell's land is shown on Document No. 6 as edged in red.

Included in the file for Bridleway 152 Mynyddislwyn is a letter from Mr. H. Lloyd, Voluntary Countryside Warden, dated 8<sup>th</sup> January, 1979, to the Countryside Wardens referring to a danger to users of the bridleway in that the fencing alongside the quarry had fallen into disrepair and there was a sheer drop of about 35 foot. Mr. Purnell who was concerned for the safety of his children and neighbours, who used it to visit friends, especially in the dark evenings, had reported the matter to him. Mr. Lloyd stated that the popularity of this area for horse riding is well known.

Document No. 24 is a copy of the letter and the acknowledgement letter from Gwent County Council. Islwyn Borough Council then wrote to the owners of the Quarry – U.T.C. Quarry Holdings Ltd., in Penhow on 2<sup>nd</sup> February 1979, seeking action to carry out repairs to the fence in this area in 1979

On the 24<sup>th</sup> March 1994, a call was received seeking information in respect of access to Bridleway 152 as only a stile was available.

This was followed up by a letter stating that the bridleway through Caerllwyn Bach Farm was impossible to use on horseback dated the 14<sup>th</sup> September 1995. Mr. Mark Gibbings and Mr. Brian Arthur, Field Wardens, were instructed to install a bridleway gate next to the stone stile and install fingerpost.

Mr. Mark Gibbings and Mr. Brian Arthur were interviewed on 31<sup>st</sup> October, 2013, to seek their recollections in respect of installing the bridleway gate.

They installed a five foot bridleway gate and surveyed the bridleway through Mr. Purnell's land. Mr. Gibbings used a compass to identify the route of the bridleway shown on the Definitive Map. Document No. 25 includes the photographs taken prior to the bridleway gate being installed. Photos 1 and 4 are at the side of Cae'r llwyn bach Farm. Photos 5 shows the corner post which was used to identify the line between the rock pillars. Photo 7 shows the field gate at the rear of the pillars and part of the stile which leads into Mr. and Mrs. Robinson's land. Photo 2 shows the field gate at Cae'r llwyn Mawr Farm where the bridleway terminates. They installed a five foot bridleway gate and put fencing back with half rounds on top. The gate was located in the centre of the fencing shown in Photo No. 4. They recall it being a very hard dig to install the gateposts.

Mr. Purnell had not been at home when they installed the bridleway gate and the following day he contacted Mr. John Willis, the Rights of Way Officer in the former Gwent County Council, demanding that it be removed. Mr. Purnell did not believe it was a bridleway and felt it was too dangerous for horse riders to enter onto the lane (Twyngwyn Road) at this location due to the bend giving poor visibility and the speed of the traffic. Messrs. Gibbings' and Arthur then went back the following day and removed the bridleway gate and reinstated the fencing. They did not install the fingerposts for the bridleway and footpath which they were intending to do that day. There is a note on their work sheet that the matter had been referred to the Legal Section to pursue.

On the 26<sup>th</sup> March, 1996, prior to local government reorganisation, there is a note on the file to investigate the installation of a bridleway gate as Mr. Purnell had stopped the Field Wardens doing this.

On the 23<sup>rd</sup> August 2002, a complaint was received that there was a locked gate on the path. The right of way was inspected on 10<sup>th</sup> October 2002, and it was found that the path was obstructed by a fence. A letter was then sent to the owner-occupier of Caerllwyn Bach Farm seeking confirmation of the action to be taken to open the path to the public. Several letters were sent seeking a resolution to this matter.

On the 12<sup>th</sup> May 2003, a letter was received, dated 6<sup>th</sup> May 2003, stating that Mr. Purnell intended to make an application to change the status of the bridleway to a footpath.

Mr. Purnell then made an application to delete the bridleway not change the status.

#### 4.22 **Interviewed Mr. and Mrs. Purnell on 7<sup>th</sup> October 2013.**

It was explained to Mr and Mrs. Purnell that the onus was on them to provide evidence to show that the Bridleway No. 152 in the Community of Mynyddislwyn has been included on the Definitive Map and Statement in error.

Mr. Purnell produced a number of old maps and one from the Land Registry which indicated the land held under Title No. WA732675 as shown in Document No. 27. This identified the bridleway in question as a footpath this is referred to in point 1 of his accompanying letter. However, all ordnance survey maps carry a disclaimer "The representation on this plan of a road, track or footpath is no evidence of the existence of a public right of way"

The points raised in his accompanying letter to the application were discussed.

#### **Letter submitted by Mr. Purnell, dated 30<sup>th</sup> June 2003**

1. Deeds of Caerllwyn Bach Farm – the fact that the Land Registry Map shows path 183 and path 152 as paths as no relevance to the status shown on the Definitive Map. There is a standard statement on most Ordnance Survey Maps “
2. Form 1 and Photograph No. 1 - Although Mr. Cobley refers to two stiles in existence in respect of path No. 152 he does confirm in his interview that there was in fact a field gate at the side of the old stone stile at the commencement of the bridleway. Mr. Cobley confirmed in his interview that land changes took place due to material being taken to Llanwern but states that access was still able to be gained through the site. Mr. Cobley does not mention in his statement that the stile was located as shown in photograph 1

Form No. 2 - Mr. Lewis only walked FP183 Mynyddislwyn and he confirms that there were two stiles on this particular path and does not refer to Bridleway 152 Mynyddislwyn.

Form No. 3 - Mr. Roberts only refers to FP183 Mynyddislwyn and there is no reference to BR152 Mynyddislwyn in his statement. He confirmed in his interview that he was aware of the existence of the bridleway but never used it nor saw anyone else using it.

Form No. 4 – Mr. Booth was not aware of the bridleway and only ever used FP183 Mynyddislwyn.

Form No. 5 – Mr. Burland refers to 1846 Tithe Map but a copy of this was not provided but is irrelevant as the Definitive Map and Statement refers to Ordnance Survey Map

of 1878 and 1879. The information relating to the path from Caerllwyn Bach to an old tram road refers to FP183 which connects to FP184.

In the fourth paragraph, page 212, of Mr. Burland's Book "A Historical Tour around Mynyddislwyn Mountain", published in November 2002, reference is made to hardcore being removed from the upper ground of Caerllwyn Bach and a stile being on the top of the pillars so that the footpath had to be diverted. Mr. Cobley refers to this in his interview and states that a diversion did not take place and that he had managed to still gain access to the bridleway

Form No. 6 – Mr. Chivers refers to using FP183 and that it had a stile. However, when he was interviewed he confirmed that he had in fact used BR152 and 153 Mynyddislwyn as part of the scouts' hikes.

### 3. Western Power Distribution

The map shows path No. 183 as a footpath and also BR152 as a footpath and refers to historical map dated 1919-1921 (Document No. 16) as identified by the field numbers. The sketch identifies the stile. However, nothing can be drawn from this as it does not reflect the extent of the wall, which exists at this location.

### 4. Reasons

Mr. Purnell's application is being dealt with under the Wildlife and Countryside Act 1981 to Delete Bridleway 152 in the Community of Mynyddislwyn due to an error in showing it on the Definitive Map and Statement. The reasons he has identified could be considered if he wished to make an application under the Highways Act 1980, Section 118B and 119A where the area has to be designated for the purpose of crime prevention to close or divert rights of way which are facilitating offences such as robbery.

The points raised in respect of the impossibility to walk the route and the fact that he has not seen anyone using it will be covered in the report elsewhere.

The mention of an alternative route is also covered in the report as previous users of the bridleway used it in conjunction with the bridleway.

- 4.23 The map supplied by Western Power shows FP183 Mynyddislwyn as a footpath and Bridleway 152 as a footpath on the map. Mr. Purnell believes that as a copper earth mat had been laid next to the electricity pole then WPD would not have done this if they believed it to be a bridleway as he felt it could be dangerous to horses. However, horses are grazed in this field.

Crime prevention cannot be used to show that the bridleway was added to the definitive map and statement in error.

The path is no longer required as it cannot be accessed – this again cannot be used to show that the bridleway was added to the definitive map and statement in error.

Mr. Cobley's aunt lived at the farm until the 1950's and the farm was then owned by a Mr. Thomas who lived there until 1965. Mr. Thomas drove a track down in front of Caer llwyn Bach Farm so that the lorries could go past his farm and he could count them as they went past with the shale from his land. PC Ginger Lewis, stationed at Ynysddu, ensured lorries weren't able to use it. When Mr. and Mrs Purnell first moved in they couldn't use the front gate as Mr. Thomas had pushed all the earth up against the front wall of their property. Mr. Thomas had slashed a couple of small iron gates together next to the stile. Mr. Brynmor Jenkins lived at the property for 2 years and then moved to Argoed Ganol Farm, Bedwellty in 1967. Pat and Harold had the property for a while and no one would have come through

when they lived there.

A lot of farmers didn't have very good fences so a few farmers used to push their animals onto other people's land during the night for grazing and bring them back before it got light. When Mr. and Mrs Purnell moved into Cae'r llwn Bach Farm in 1967 they decided to keep sheep so in 1968 they repaired all the fences. Mr. Purnell could remember how difficult it was to put fencing in the gap between the old quarry pillars to keep the sheep in.

Mr. and Mrs Purnell could remember Mrs O. Williams and Miss S. Davies growing up and their daughter and son were friends. They could not recall either of them riding up the bridleway on their ground.

4.24 **Mr. and Mrs Robinson, Caer Iwyn Mawr Farm, Mynyddislwyn interviewed on 3<sup>rd</sup> October 2013**

Mr. and Mrs. Robinson's land is shown on Document No. 6 as edged in blue.

Mr. Robinson has lived at the property 70 years and has never seen any horse riders using the bridleway through his ground. Mr. Robinson' mother died at the age of 95 years and never mentioned a bridleway nor did his Uncle Ted who lived there.

He could not recall anyone using the bridleway but he appreciates that his uncle (Mr. Cobley) could, his uncle being 14 years older than he, and it may be that it had used it at that time but had stopped being used later on.

Mr. Robinson had mentioned the bridleway to Mr. Cobley's sister, Jean, and she could not recall the bridleway at all. Mrs Robinson said that it may well be that Mr. Cobley's sister would have walked down the lane into Gelligroes rather than going down through the fields as it would have been quicker for her.

Mrs Robinson could recall the Cooke sons walking down through the bridleway down to Wyllie pit but that had been before there had been many vehicles on the road and when everyone walked everywhere as it would be their only way to visit friends and go to work. This may well have been before the Definitive Map and Statement had been prepared.

Mr. Robinson said that he left school in 1959 and started work on the farm. He said that millions of tonnes of material was taken out of the quarries on Mynyddislwyn mountain, stone was taken out of the quarry on this farm for Llanwern Steelworks.

Llanwern Steelworks was built around 55 years ago (1958)

Llanwern Steelworks and Cae'r-Llwyn Quarry

Llanwern Steelworks were built on a bog. Building started in 1958/9

Mr. Robinson has seen walkers going through the farmyard from time to time but he is not sure which paths they have used to get there.

4.25 **Mr. and Mrs. Peter and Jenny Thomas, Cae'r-Llwyn Ganol Farm, Mynyddislwyn**

Mr. and Mrs. Thomas' land is shown on Document No. 6 as edged in green.

Mr. and Mrs Thomas own the area of ground at the rear of the pillars on Bridleway No. 152 Mynyddislwyn as shown in Document No. 6 which is included in the Deletion and are quite happy for the bridleway to remain and be used by horse riders and other users. They own horses and their daughters ride and would use the bridleways if they were open.



**4.26 Mr. Lawrence Williams, previously owner of 1 Quarry Cottages, Mynyddislwyn – interviewed on 9<sup>th</sup> October 2013**

Mr. Williams was born in the cottages in 1931 and is now 82 years old. When he left school he went to work in Cae'r-Llwyn Quarry. He recalled that there were around 240 people living on the mountain at one time. Around 76 Italians worked in the quarry and they lived in Maesycwmmmer and Oakdale Hostels. The stone from the quarry was very good but hard and they used a grinder to get the best stone, which resulted in a lot of shale. A lot of the stone was used for crazy paving. He recalled the stile, which Mr. Cobley mentioned is on top of one of the pillars and said that there may have been a gate alongside it.

He remembered the lorries used to drive up the quarry road, fill up with shale and then come back down a lane and back down Twyn Road.

A map showing the routes used by the lorries when the quarry area was used for tipping by Johnson and Johnson is shown in Document No. 29.

**Evidence of Supporters of Application to Delete Bridleways 152 and 153 Mynyddislwyn**

Where possible those persons who had submitted statements to be used by Mr. Purnell in support of his application were interviewed.

**4.27 John Cobley – interviewed on 26/9/13 (Document No.8a)**

From the evidence form Mr. Cobley has known path since the 1930`s which he used on foot to Chapel on Sunday and visiting an aunt who lived at Cae`r llwyn Bach. Recalls stiles and numerous gates separating fields. His grandfather and descendants have occupied Cae`r llwyn Mawr since 1924 and his aunt occupied Cae`r llwyn Bach up to 1950`s. He identifies a landform change when “hard core” was taken to Llanwern in the 1950`s.

Mr. Cobley lived at Ty Pentre for many years and knew the area very well. As there was hardly any vehicular transport on the mountain when he grew up people walked everywhere so the footpaths connecting to farms were very well used. He recalled an iron 5 bar field gate at the side of the stile at Twyngwyn Road at the beginning of Bridleway 152 Mynyddislwyn and the stile next to it provided access to the footpath which led across to Quarry Cottages. The area next to the stile is now fencing and he recalled the gateway was around 8-10 foot wide.

Caer Llwyn Quarry formed part of the Ynysddu Quarry, which was owned previously by the Jenkins family. This area is now owned by Mr. and Mrs. Thomas of Caerllwyn Ganol Farm, 9 Quarry Cottages.

Mr. Cobley recalls using the bridleway when visiting his aunt who lived at Cae`rllwyn Bach and also visiting his uncle at Cae`r llwyn Mawr. His nephew Gwyn Robinson now lives at Cae`r llwyn Mawr.

He recalled an old wooden gate, which lead into the Barn field above the quarry. It was called the Barn field as there used to be a barn in it in the early nineties. He recalled a track which was wide enough to take a horse and cart down and wheel tracks which had a stone wall on one side. This track had a surface on it at one time.

In the early nineties the horse and cart would come up the entrance to the quarry and pick up materials at the quarry which would then be taken across the then road through the wooden gate and into the barn field up the bridleway and then down a track leading to Ty Cerrig, out onto to the mountain road past Triscoed and down onto the tram road. (see route shown on map)

He recalled that the Cook's family had a large family and the boys worked in Wyllie Pit. They lived at Cwm-Cae-singrug Farm and they used to walk down through the fields, past the reservoir, up to Cae'r llwyn Mawr along the bridleway to Cae'r llwyn Bach, across the road, take the path next to Birch Cottage, past Tir Coppi down onto Pontgam Road, down the fields and across the footbridge to the pit.

Mr. Copley confirmed that the area behind the quarry pillars was a gently sloping field which was owned by the Jenkins' family and was part of the quarry. He recalls the stile mentioned in Mr. Purnell's statement and can recall using this. The ground here was the same level as the Barn field. When the hard core was taken away from here it left a large hole and it removed the ground from in front of the pillars.

Mr. Copley could not recall the right of way being moved following the removal of the ground and said that people still managed to find their way through the ground.

**4.28 John George Thomas Lewis (deceased) (Document No. 8b)**

Mr. Thomas refers to footpath No.183 Mynyddislwyn as Twyn Road to Quarry Cottages which he had known from 1934. During this time he used the path weekly until 1936 and only once in 1941. Recalls witnessing path being used by locals and strangers on foot only. Mr Thomas indicated that the path was used by his mother to collect "Club" money from three families in Quarry Cottages 1934-36. He himself delivered books in 1941.

**4.29 Alexander John Roberts – interviewed by phone 2/10/13 (Document No.8c)**

Mr. Roberts in the evidence form refers to footpath No.183 Mynyddislwyn as Twyn Road to Caerllwyn Quarry path which he has known since the early 1950's which he used an average of once a month for leisure purposes. Recalls stiles at the top and bottom of field.

Mr. Roberts confirmed that he used Footpath No. 183 and used the stile at the top of the field leading onto the footpath around the quarry. He used to live in Wyllie and walked many paths on Mynyddislwyn but has since moved to Blackwood and hasn't walked in the area for the last seven years. Although he was aware that there was a bridleway through the field next to Cae'r llwyn Bach he never used and never witnessed anyone else using it.

**4.30 Thomas Alun Booth Interviewed by phone 25/9/13 (Document No.8d)**

Mr Booth was born in Pant y Ffynon Farm, Mynyddislwyn and states that he has known Footpath No. 183 Mynyddislwyn since 1938.

He moved from Pant-y-Ffynnon when he was 1 year old but lived in Cwmfelinfach so still visited the area. He is aware of a stile where path terminates on Class III road and recalls it being improved by the council. Has not seen anyone else using path and states the path is not accessible to horses. He confirms that he has not been employed by the owner at anytime.

He was not aware of the bridleway in question and there was no evidence of it on the ground. He recalled that a lot of stone was removed from Caerllwyn Quarry for Llanwern Steelworks which affected the line of Footpath No. 184 Mynyddislwyn. Material was also removed from the top of the field of Caerllwyn Bach Farm and there was a dip in the ground where it was taken away. Indeed he said that the stone there is blue pennant.

**4.31 Len Burland -Interviewed by phone 25/9/13 and 1/10/13 (Document No.8e)**

The evidence provided on the forms states he has known paths referred to as 152 and 183 since before 1973 as footpaths which he used regularly for leisure. Recalls stiles along the route which was he witnessed on occasions being used by locals and strangers alike. Has used the same route on occasions of use and spoke to the landowners through courtesy but

has never sought their permission to use the path. Says that path is shown on O.S. maps but not shown on 1846 Tithe Map. Suggests that the path is over 100 years old and links up to an old tramway that ran on an adjacent farmers land.

Mr. Burland confirmed that the information he provided in the evidence form was accurate to the best of his knowledge. He did a lot of research when writing the book on Mynyddislwyn but has since shredded this information. The route he described in the evidence form referred to Footpath No. 183 Mynyddislwyn, which linked to Footpath 184 Mynyddislwyn.

#### 4.32 **Henry Chivers - Interviewed by phone 3/10/13 (Document No. 8f)**

Mr. Chivers only refers to Footpath No. 183 which he has known since 1968 which he used in the summer months for scout training hikes. He has used the same route and not sought the owner's permission or worked for him in the past.

Mr. Chivers confirmed that his evidence form referred to Footpath No. 183 Mynyddislwyn but he also used Bridleway 152 and 153 Mynyddislwyn as part of his scout training hikes and quite a number of other footpaths in the area. He recalled that the bridleway run up the side of Caer'llwyn Bach Farm but that Mr. Purnell has now built a wall across it preventing access. In respect of the access between the quarry pillars he recalls old fencing in this area which they managed to scramble through. He said it provided a good circular route and they sometimes came out by Caer'llwyn Mawr farm, down the mountain road and then back down Footpath 184 the track leading around the quarry and then onto Footpath No. 183 back to Caer'llwyn Bach Farm. They also used the lane near Glebe Farm. He last used the bridleway around 8 years ago but mostly uses Footpath No. 183 now.

When asked about whether or not he saw any horse riders he commented that as there was only a stile next to Caerllwyn Bach Farm there was no access for horse riders to use it although there are horses in the field. He has never seen any horse riders using the bridleway during the time he used it.

#### 4.33 **Margaret Cheshire (deceased) (Document No. 8g)**

The evidence provided by Mrs. Chivers is submitted as per claim form but only refers to footpath No.183.

She lived at Cae`r llwyn fawr between 1933 and 1960 and used the path to visit her friends by walking to Cae` llwyn bach. Refers to stiles at either end of the path which were used by locals from Quarry Cottages. The description from Quarry Cottages to Quarry Lane and west down Quarry Lane to Quarry Cottages refers to footpath No.184 Mynyddislwyn.

#### 4.34 **Mr. Lawrence Williams, previously of 1 Quarry Cottages, Mynyddislwyn – interviewed on 9<sup>th</sup> October, 2013**

Mr. Williams was born in the cottages in 1931 and is now 82 years old. When he left school he went to work in Caerllwyn Quarry. He recalled that there were around 240 people living on the mountain at one time. Around 76 Italians worked in the quarry and they lived in Maesycwmmmer and Oakdale Hostels. The stone from the quarry was very good but hard and they used a grinder to get the best stone, which resulted in a lot of shale. A lot of the stone was used for crazy paving. He recalled the stile, which Mr. Cobley mentioned is on top of one of the pillars and said that there may have been a gate alongside it.

He remembered the lorries used to drive up the quarry road, fill up with shale and then come back down a lane and back down Twyn Road.

A map showing the routes used by the lorries when the quarry area was used for tipping by Johnson and Johnson is shown in Document No. 29.

## **Evidence of use of both Bridleways from Horse Riders**

### **4.35 Mr. Ron Davies, Mynyddislwyn (interviewed 17-10-13)**

Mr. Davies was born in Ty Coppi Farm in 1939 and is now 73 years old. He could recall using the bridleway to take his horse to be shod. His Aunt and Uncle lived in Caerllwyn Bach Farm and he said all buildings, etc were kept to the left of the farm because of the right of way running alongside the front of their garden. He could remember dragging a chicken cote (which was on wheels) with the horse through the gate on the bridleway down to Ty Coppi. Then he went off to market and bought 100 chickens. He recalled a big Holly tree, which he used to ride up to and went to the left of it.

He recalled the footpath leading to Quarry Cottages and could remember riding up the bridleway in front of Caerllwyn Bach and alongside the fenceline and then cutting across the field to a rusty old gate in the fenceline. From there he would ride up the quarry lane and up through the gates. He could recall there being 4 gates along the quarry road.

He used to take his horse up the bridleway and then around quarry lane and eventually cutting across the land up by the Church and down into Abercarn to get it shod.

Mr. Davies went to work in the quarry and he could recall the material being taken away for Llanwern Steelworks. He recalled an old tramline through the shale at the back of where the pillars now stand. This was used to take the trams over to tip the shale material left from grinding the stone.

Mr. Davies recalled a wooden field gate next to the stone stile at the start of the bridleway next to Caerllwyn Bach Farm in the 1940's.

When asked if he could recall a track being built to take the lorries down past Caerllwyn Bach Farm he stated that he could not recall this and that no lorries had gone down the bridleway.

### **4.36 Mrs. Olwen Williams, Mynyddislwyn (interviewed 17-10-13)**

Mrs. Williams used the bridleway in 1969 with her sister and friends. They lived at Tir Coppi Farm. A letter confirming her use of the bridleway is attached as Document No. 30.

Mrs Williams could recall going through the gate at the side of the stile on the road and riding up past Caerllwyn Bach Farm following the fence line. She then road across to the rusty gates to gain access onto the quarry lane. Quite often the old rusty gate was on the ground and the fencing was often down. She used to ride this way more often than the bridleway leading to Caerllwyn Mawr Farm as there were so many gates through the fields so it was easier to use the quarry lane. She also mentioned that the owners of Caerllwyn Mawr Farm didn't like her using the bridleway through their land. By the time she was using it the gates mentioned by Ron Davies on the quarry lane were no longer there.

Mrs Williams recalled using the definitive line of the bridleway from Caerllwyn Bach to the quarry lane up until around 1970 when Johnson and Johnson tipping ceased and she was able to ride up through the quarry to rejoin the quarry lane at the gateway on Mr. Purnell's land where she had previously ridden. She preferred this route as it meant she didn't have to get off the horse to open gates. The access roads to the tip are shown in Document No. 28.

Mrs Williams and other riders in the area wish to use the bridleway as the amount and speed of traffic on the lanes makes them extremely difficult and dangerous to use. She has permission from Mrs. J. Thomas to use the quarry lane and was surprised that this was included on the Definitive Map and Statement as a footpath rather than a bridleway.

#### 4.37 **Miss Sylvia Davies (deceased) Pentwynmawr (interviewed 17-10-13)**

Miss S. Davies used the bridleway in 1969 with her sister (Mrs. O. Williams) and friends. They lived at Tir Coppi Farm. A letter confirming her use of the bridleway is attached as Document No. 31.

Miss Davies recalled using the bridleway alongside Caerllwyn Bach Farm and up to Caerllwyn Mawr Farm. She could recall riding through the gap between the pillars until Mr. Purnell put a wire fence across which prevented her using it. When this happened she used the gateway to gain access onto the quarry lane and then came around the land at the back of the pillars and back onto the bridleway. She and her sister used it quite regularly. She recalled a large group of riders going through it together and then riding down through the fields into Springfield Estate. Mr. D. Burles was one of them.

#### 4.39 **Mr. David Burles, Manmoel (E-mail Response)**

Mr. Burles can recall using the bridleway and used it quite a lot as a young boy when living in Springfield, Pontllanfraith, and can recall coming through the farmyard at Cae'rllwyn Mawr Farm. It was a regular route for a number of the horse riders to Mynyddislwyn and back and from memory it would have been 1967- to early 1970. He recalls some of the horse riders who used it around the same time included his sister, Miss Georgina Burles; Miss Wendy Bluck, Mr. Neil Turley, Mr. Stephen Hopkins (June Piper's brother) on his coloured horse, a girl from Wyllie and a girl from Pentwynmawr whose names he can't recall.

#### 4.40 **Ms. Georgina Burles (E-mail Response)**

Ms. Burles states that having looked at the map she is certain that she would have gone riding along that trail and it would most probably have been with Carol Tovey (now Diamond) in the early days. She would have been riding Tiptoes at that time and then from about 1968-1974 it would have been on Prince. She also rode with Ms. Paula Brooks and Ms. Susan Brown but has lost touch with them now so not sure of their whereabouts.

#### 4.41 **Mrs June Piper, CROW Support Officer, Rights of Way**

Mrs Piper and her brother kept their horses in Springfield and rode quite a lot in the Mynyddislwyn area. Her brother died some time ago so is not able to verify where he rode. However, Mr. D. Burles can recall riding with him on the bridleway, together with a group of other horse riders. She had her first horse when she was 10 years old (1967) and started riding him in 1968. She and her brother had their own group of horse riding friends and she can't recall riding the bridleways at Caerllwyn Bach and Caerllwyn Mawr with him.

Her main recollection of the bridleway is coming out through the farmyard at Caerllwyn Mawr Farm. She can recall riding along the quarry lane many times and the area at the rear of the pillars is familiar so she believes they may have rode onto the quarry lane and then gained access to the rear of the pillars and then onto the bridleway leading up to Caerllwyn Mawr Farm. She rode with Miss O. Williams (nee Davies), her sister, Ms. S. Davies, Ms. P. Boobyer and Ms. R. Bower. There were a few other horse riders she rode with such as Ms. C. Tovey and Ms. G. Burles also but she is not sure if she rode these particular bridleways with them.

She recalls riding along the lane (Twyngwyn Road) leading up past Caerllwyn Bach being met by one of the huge lorries that were going back and fore the quarry at the time and having a near escape as they took up the whole lane.

#### **Evidence of Other users of the Bridleways**

#### 4.42 **Mrs. Liz Holland, Ynysddu (Interviewed December 2013)**

Whilst living in the Ynysddu area as a child she used to use the footpaths around Ty Llwyd

and Caerllwyn Ganol Farm and then walk around the quarry road. As a child she never used the bridleway. She moved to New Zealand around 1976 and returned to live in Pontgam in 1984. She then started to use the bridleway at the side of Caerllwyn Bach Farm and used to walk up past the property alongside the fenceline until she reached the corner post and then she took a right turn to where there was an old iron gate which was situated at the top of the field within the fence line. She remembered the old iron gate had a shepherd's crook on the gate and she couldn't open it so she used to climb over it. She hadn't realised that there was a footpath leading diagonally to the old cottages but discovered it when the old iron gate was removed from the fence line and she was unable to use this route any more.

**4.43 Mrs. Jenkins, Mynyddislwyn (Interviewed by phone 18-10-13)**

Mrs. Jenkins who is 82 years old could recall the stone stile with a large metal gate at the roadway leading to the footpath to Quarry Cottages and the bridleway to Caerllwyn Mawr Farm. She only knew the bridleway as a footpath but used to use it go up to Caerllwyn Mawr. She used to live at Tir Coppi many years ago. She used to use the bridleway to go up to the well to collect water as there was no water at her property at that time. She recalled the tramline and she used to use the bridleway to go up to the well to collect their water. She remembered Ms Ivy Gibbs living in one of the cottages at the quarry who is still living in the area who may be able to share her memories of the area.

Mrs. Jenkins could recall the lorries taking the material down to Llanwern came from Springfield and then up Restricted Byway 158 into the quarry and then down the road leading from the quarry and join Twyn Road and then go straight down to Cwmfelinfach.

**4.44 Survey of Section of Bridleway 152 Mynyddislwyn**

A survey of the bridleway through Mr. Purnell's ground and a section of Mr. Robinson's ground was undertaken on 5<sup>th</sup> November 2013. Document No. 28 shows photographs of the bridleway on the line shown on the definitive map and identified on the ground using GPS (global positioning system). A map showing the line of the GPS is attached. It is clear from the GPS that the bridleway shown on the Definitive Map goes through the gap in the quarry pillars and not on the top as believed by Mr. Purnell. Whilst on site a search was made for the remains of the stile mentioned by Mr. Cobley but this could not be located.

**Summary**

4.46 The bridleways and the connecting footpaths were included on the Definitive Map and Statement following the initial survey of rights of way under the National Parks and Access to the Countryside Act 1949. There being no objections received to their inclusion they were therefore published as part of the Monmouthshire County Council's Definitive Map and Statement with a relevant date of 1<sup>st</sup> July, 1952.

4.47 The information provided by both applicants and some of the evidence users indicates that they were not aware of the bridleways running from Cae'r Ilwyn Bach Farm to Cae'r Ilwyn Mawr Farm. Mr. Purnell's application and letter provides evidence to support his application that the bridleway has been incorrectly shown on the Definitive Map and Statement in that its inclusion was based on the Ordnance Survey Map dated 1878 and 1879. A copy of the Ordnance Survey Map dated 1879 is included as Document No. 13. However, it should be noted that Mr. Purnell raised the query in respect of danger to users of the bridleway at the rear of the quarry in 1979 (4.21), Mrs Robinson can recall the bridleway being used by the Cooke brothers and Mr. Robinson mentions that walkers still come through his farmyard.

4.48 Some of the evidence users have confirmed that they have used the bridleways in the past and Mr. Cobley can recall a metal field gate next to the stone stile at Cae'r Ilwyn Bach Farm (Mrs. Jenkins also mention this gate).

- 4.49 Although the ground in front of the pillars was removed the definitive line was confirmed on the ground by GPS as passing between the two pillars. The Field Wardens when using a compass back in 1995 also identified this route.
- 4.50 Documents numbered 13 to 18 indicate that there was a route shown on the ground, which was identified when the Ordnance Survey maps were produced from 1879 onwards. Evidence from Mr. Cobley refers to use of the bridleway at the rear of the pillars by horse and cart.
- 4.51 Evidence from horse riders state that they could recall using the bridleways from 1969 into the 1970s. However it is not clear when the old metal gate in the fenceline was removed, together with the metal field gate referred to by Mr. Cobley and the bridleway became obstructed.
- 4.52 From the evidence supplied the bridleway was available in the late 1960s, 1980s and the metal gate in the fence line at the top of the field was removed some time after 1984 when Mrs. Holland returned from New Zealand. The bridleway was therefore obstructed from mid 1980s and was reported to the former Gwent County Council in 1994.

## **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 the Members supports the application that the Bridleways 152 and 153 in the Community of Mynyddislwyn were included on the Definitive Map and Statement in error objections to the Order could be received which if not withdrawn would need 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 this 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**

- 7.1 None.

## **8. CONSULTATIONS**

- 8.1 For List of Consultees see Document No. 32. A copy of the draft report has been circulated and any comments received are appended to this report

## **9. 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 bridleways be Deleted
- ii) Rejecting the claim.

## **10. REASONS FOR THE RECOMMENDATIONS**

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

## **11. STATUTORY POWER**

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

Author: Mr. Andrew Powell, Countryside Access and Rights of Way Officer

### **List of Documents**

- 1. Explanation of the term "public rights of way" Document No. 1
- 2. Location Map Document No. 2
- 3. Location Map - Bridleway 152 and 153 in the Community of Mynyddislwyn Document No. 3
- 4. Copy of Definitive Map Document No. 4
- 5. Copy of Definitive Map showing footpaths joining the bridleway network Document No. 5
- 6. Copy of Definitive Map identifying landowners Document No. 6
- 7. Application from Mr. Robinson, Caer'llwyn Mawr Farm Document No. 7
- 8. Application from Mr. Purnell, Caer'llwyn Bach Farm together with attachments Document No. 8
- 9. Documentary Evidence – explanation of Draft, Provisional and Definitive Maps Document No. 9
- 10. Draft Map Document No. 10
- 11. Enlarged Draft Map Document No. 11
- 12. Provisional Map Document No. 12
- 13. Ordnance Survey Map dated 1879 Document No. 13
- 14. Enlarged copy of Ordnance Survey Map dated 1879 Document No. 14
- 15. Historical Map dated 1873-1888 Document No. 15
- 16. Historical Map dated 1900-1904 Document No. 16
- 17. Historical Map dated 1919-1921 Document No. 17
- 18. Historical Map dated 1959-1973 Document No. 18
- 19. Aerial Photograph dated 1971 and enlargement Document No. 19
- 20. Aerial Photograph dated 1991 and enlargement Document No. 20
- 21. Aerial Photograph dated 2001 and enlargement Document No. 21
- 22. Aerial Photograph dated 2204-5 and enlargement Document No. 22
- 23. Aerial Photograph dated 2006 and enlargement Document No. 23
- 24. Aerial Photograph dated 2010 and enlargement Document No. 24



25. Correspondence in respect of fencing at the rear of the quarry pillars Document No. 25
26. Photographs taken by Field Wardens in 1995 Document No. 26
27. Land Registry details for Caer'llwyn Bach Farm Document No. 27
28. Photographs taken of GPS Survey Document No. 28
29. Map showing the access roads for the Tipping Site Document No. 29
30. Letter from Mrs. O. Davies Document No. 30
31. Letter from Ms. S. Davies Document No. 31
32. Consultee List Document No. 32

ETP/ROW/BR152 & 153 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  
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 Mrs. J. Jones  
Councillor C. Durham

## Consultations

### Applicant's Comments

A folder has been received from Mr. J. Purnell in support of his application to delete Bridleways 152 and 153 in the Community of Mynyddislwyn. A copy of the contents of the folder is attached as Document No. 33.

Comments on the contents of the folder are listed below.

On the first page a red box highlights the following wording and part of it has been underlined in red:-

The Definitive Map is a minimum record of public rights of way. There may also exist additional public rights of way, which have not been formally recorded on the Definitive Map, or there may be rights which have been incorrectly recorded

*I concur with the above statement.*

Page 2 - reference to the CROW Act 200 – reference rights to apply for diversion or extinguishment in the interests of agriculture, forestry or the breeding or keeping of horses and diversion or extinguishment in the interest o crime prevention.

*It is agreed that the above Act allows applications to be made. However, the application before the Rights of Way Cabinet is being considered under the Wildlife and Countryside Act 1981 and is making a challenge against the definitive map and statement as to whether or not the bridleway was included in error. This Act is irrelevant in respect of the application being made.*

Mr. Purnell refers to the restriction of view at the bend in the road where the bridleway terminates.

A letter, dated 12<sup>th</sup> August 2014, from Gwent Police enclosing correspondence between themselves and Mr. Purnell in respect of road safety issues. (Document No. 34)

*At the time of the production of the definitive map and statement there were very few cars so it is believed that road safety would not have been an issue at that time. However, the suggestions in the correspondence regarding signage and possible diversion could be considered if the application is rejected.*

Mrs Holland's Statement – Mr. Purnell states that he installed the iron gate in the fenceline at the quarry to move Mrs James' sheep back out of his field and that when she moved he removed the gate. The gate was removed in about 2001.

*Mrs. Holland mentions the gate being removed but doesn't indicate when this occurred.*

Page 5A - identification of location of old iron gate together with the stile (referred to as rogue stile) which it is believed was installed by Groundwork.

Page 7 – Mrs Olwen Williams' Statement – Mr. Purnell is of the view that when Mrs Williams was teaching his children to ride she used the iron gate onto the quarry lane so wouldn't have used bridleway 153 to Caerllwyn Mawr. She states she had used bridleway 153 and her sister confirmed this when discussing their evidence but she preferred to use the quarry lane as there were fewer gates.

Page 7 – Ron Davies – Mr. Purnell points out that the route used by Mr. Davies is now impassible and that he referred to a wooden gate where Mr. Cobley referred to an iron gate. Mr. Purnell refers to the track put in for the lorries and the blind bend by his property.

The reason the route is impassible is due to it being obstructed by a fenceline.

Page 8 – Statement by Mark Gibbings and Brian Arthur states that they installed a five foot bridleway gate not a five bar gate. Mrs Purnell is refuting their evidence.

Page 9 – Wildlife and Countryside Rights of Way Act 2000 – making changes to the rights of way network. The application has been made under the Wildlife and Countryside Act 1981 so this is irrelevant. However, if Mr. Purnell wishes to pursue an application under the 2000 Act then he needs to make an application to do so.

Page 10 – Air Imagery Analysis – the contents of the letter are noted - the information as to how Bridleways 152 and 153 Mynyddislwyn were added to the Definitive Map and Statement is included within the report.

Page 11 – Making Changes to Network in respect of breeding of horses. As in page 9 the reference to this Act is irrelevant but Mr. Purnell could make an application under this Act if he so wishes.

Page 11, 12 and 12A – maps from the Gwent Records Office identify the bridleway as a F.P. and this has already been referred to within the report.

### **British Horse Society's comments**

A letter opposing the deletion of the bridleways has been received from Mrs. Jeanne Hyett, the local BHS representative, dated 24<sup>th</sup> June 2014, is attached as Document No. 35.

After reading the report she is of the view that there is no valid reason to delete these two bridleways and believes that there is evidence of their use over the years by both horse riders and walkers.

She refers to the percentage of bridleways in the Borough compared to footpaths and how these off road bridleways are so needed by the many horse riders who keep ponies in the Mynyddislwyn area.

She refers to accidents on country lanes and how the horse riders have quite an input to the local economy.

She points out that there are many instances where stiles are in place alongside field gates.

### **Open Spaces Society's comments**

A letter opposing the deletion of the bridleways has been received from the Mrs M. Thomas, the local representative of the Open Spaces Society, dated 28<sup>th</sup> June, 2014, which is attached as Document No. 36.

She believes that the evidence provided by the applicant is unconvincing and that the applicant has not proved that the right of way was put on the Definitive Map in error.

She requests that the Cabinet refuses to make the order and action be taken to ensure that the bridleway is open and easy to use as soon as possible.

### **Dwr Cymru Welsh Water**

A letter of objection has been received from Dwr Cymru Welsh Water, dated 10<sup>th</sup> June 2014, on the basis that they have water apparatus in the area which is attached as Document No. 37. A map has been sent to but to date they have not withdrawn their objection.